Police Integrity Commission

Project Mobula

Review of NSW Police Force strategies to identify & manage misconduct risks at the command level



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Project Mobula: Review of NSW Police Force strategies to identify & manage misconduct risks at the command level

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Address:
Level 3, 111 Elizabeth Street
Sydney NSW 2000

Postal Address:
GPO Box 3380
Sydney NSW 2001

Website:
www.pic.nsw.gov.au

Telephone Enquiries:
Telephone: (612) 9321 6700
Freecall: 1800 657 079
Facsimile: (612) 9321 6799

Office Hours:
8:30am - 5:00pm

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Dr Angela Gorta

Research & Prevention Publication

August 2015

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CONTENTS

Abbreviations v

SUMMARY vii

Part 1: BACKGROUND .....

1. PREVENTING POLICE MISCONDUCT BY FOCUSSING ON RISKS RATHER THAN INDIVIDUALS 1
   - 1.1 Overview 1
   - 1.2 The role of the Police Integrity Commission in preventing police misconduct 1
   - 1.3 What is police misconduct? 2
   - 1.4 PIC's ongoing interest in integrity hazard and misconduct risk identification, communication and treatment 2
   - 1.5 Corruption resistance planning in the NSW Police Force 6
   - 1.6 Project Mobula 20
   - 1.7 Consultation with NSW Police Force following data collection and analysis – the NSW Police Force responses to draft reports 24
   - 1.8 Changes in guidance and support following collection of information for Project Mobula 25
   - 1.9 Limitations 30
   - 1.10 Structure of this report 31

Part 2: RESULTS AND ANALYSIS 33

2. NATURE OF CORRUPTION RESISTANCE PLANS BEING PRODUCED ... 35
   - 2.1 Overview 35
   - 2.2 How many commands had corruption resistance plans? 38
   - 2.3 How old were these corruption resistance plans? 39
   - 2.4 Structure of most recent plan 40
   - 2.5 Did commands prepare separate management and staff versions of their corruption resistance plan? 45

3. MISCONDUCT RISKS DOCUMENTED IN CORRUPTION RESISTANCE PLANS 51
   - 3.1 Overview 51
   - 3.2 Number and nature of the misconduct risks documented in the most recent plan 53
   - 3.3 Were the risks well-described? 60
   - 3.4 Did commands identify different risks for officers undertaking different types of work or working in different locations? 64

4. PROCESSES USED TO DEVELOP COMMAND CORRUPTION RESISTANCE PLANS 67
4.1 Overview 67
4.2 Perceptions of whether shared or different processes were used 71
4.3 Changes in the way commands undertook their corruption resistance planning 73
4.4 Who was involved in developing the command corruption resistance plan? 74
4.5 Documents consulted 79
4.6 Officers' tips for those preparing a corruption resistance plan for the first time 80

5. IDENTIFICATION OF MISCONDUCT RISKS 85
5.1 Overview 85
5.2 Processes used to identify misconduct risks 87
5.3 Identifying the missing misconduct risks 90
5.4 Misconduct risks identified but not documented in corruption resistance plan 93
5.5 Officers' suggestions for improving the process of identifying misconduct risks 95

6. DETERMINING BEST TREATMENT STRATEGIES 97
6.1 Overview 97
6.2 Determining the best treatment strategies to address each misconduct risk 98
6.3 Were the treatment strategies well-described? 103

7. MONITORING AND REVIEW OF CORRUPTION RESISTANCE PLANS . 109
7.1 Overview 109
7.2 How often were the corruption resistance plans reviewed? 111
7.3 What acted as a trigger to review the corruption resistance plan? 113
7.4 Methods of monitoring and reviewing treatment strategies 114
7.5 Officers' suggestions for improving the process of reviewing treatment strategies 117

8. DOCUMENTATION 119
8.1 Overview 119
8.2 Strategies to ensure that information is not lost 121

9. COMMUNICATION OF MISCONDUCT RISKS AND STRATEGIES TO STAFF 127
9.1 Overview 127
9.2 Aspects of the plan communicated to staff 129
9.3 How the plan was communicated 131
9.4 Informing officers of the procedures to protect them and reduce the possibility of their integrity being compromised 133
9.5 Informing officers about the specific misconduct risks they are likely to face 135

10. TRAINING AND SHARING IDEAS 141
10.1 Overview 141
10.2 Training and support received 142
10.3 Did commands share strategies? 145
10.4 Officers' suggestions for additional training or support 147

11. PURPOSE AND EFFECTIVENESS OF PLANS 149
11.1 Overview 149
11.2 Perceived purpose of plans 150
11.3 Perceived effectiveness of plans 153
11.4 Use of corruption resistance plans 156

Part 3: ASSESSMENT AND RECOMMENDATIONS 159

12. ASSESSMENT AND DISCUSSION 161
12.1 Overview 161
12.2 Positive developments between 2007 and 2012 161
12.3 Identifying and managing misconduct risks 162
12.4 Better equipping staff to recognise and respond appropriately to the misconduct risks they may face in their work 177
12.5 Assisting commands undertake corruption resistance planning 183
12.6 Where to from here? 188

GLOSSARY 207

REFERENCES 211

APPENDIX 1: ADDITIONAL INFORMATION ON 'BEHAVIOURAL INSIGHTS' 213

ABBREVIATIONS

Act	*Police Integrity Commission Act 1996*
BI	Behavioural Insights
BIT	Behavioural Insights Team (UK)
CMF	Command Management Framework (NSW Police Force self-assessment audit tool)
CMT	Complaint Management Team (NSW Police Force)
COMPASS	Command Performance Accountability System
COPS	Computerised Operational Policing System (NSW Police Force data system)
CRAF	Corruption Risk Assessment Form (template used in NSW Police Force 2008 Guidelines)
DPC	Department of Premier and Cabinet (NSW)
EDO	Education and Development Officer (NSW Police Force)
HR	Human Resources
HWP	Highway patrol (NSW Police Force)
ICAC	Independent Commission Against Corruption (NSW)
ICV	In car video
LAC	Local Area Command (NSW Police Force)
MPU	Misconduct Prevention Unit (a unit within the NSW Police Force Professional Standards Command)
NSW	New South Wales
NSWPF	NSW Police Force
OHS	Occupational Health and Safety
PIC	Police Integrity Commission (NSW)
PSC	Professional Standards Command (unit of NSW Police Force)
PSDO	Professional Standards Duty Officer (NSW Police Force)
PSM	Professional Standards Manager (NSW Police Force)
QSARP	Qualitative and Strategic Audit of the Reform Process
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
TI-USA	Transparency International-USA
UK	United Kingdom
WHS	Work Health and Safety
XO	Executive officer

SUMMARY

Consistent with the first of its principal functions, the Police Integrity Commission seeks to prevent police corruption and other forms of officer misconduct. Unlike detecting and investigating misconduct, preventing misconduct requires intervening *before* the misconduct occurs.

This report describes Project Mobula which continues the Police Integrity Commission's focus on how NSW Police Force work units (or 'commands') identify, communicate, and manage integrity hazards and their associated misconduct risks.

BACKGROUND

PREVENTING OFFICER MISCONDUCT BY FOCUSSING ON INTEGRITY HAZARDS AND THEIR ASSOCIATED MISCONDUCT RISKS

The Police Integrity Commission uses the term 'integrity hazard' to refer to anything that has the potential to harm or compromise the integrity of an employee.

One of the approaches to preventing corruption promoted by the Police Integrity Commission is to focus on identifying and managing workplace integrity hazards and their associated misconduct risks, and on assisting officers to recognise and respond appropriately when they encounter such risks. This approach, which is modelled on the way organisations go about preventing workplace deaths and injuries, is based on the reasoning that:

i. there are misconduct risks that arise from workplace integrity hazards associated with the nature of the work police undertake, work practices and procedures, staffing profiles and other aspects of the policing environment which may increase the likelihood of officers' integrity being compromised

ii. these work-related hazards and their associated misconduct risks exist irrespective of the particular individual employee assigned to undertake the work

iii. integrity hazards and misconduct risks can be identified and managed prior to the misconduct occurring.

Project Manta

In an earlier project, codenamed 'Project Manta', the Police Integrity Commission sought to develop a better understanding of how integrity hazards and their associated misconduct risks differed depending upon the nature of the commands and the communities they serve, as well as the work being undertaken. It also examined how NSW Police Force commands identified, managed and communicated the misconduct risks that their officers may face (Police Integrity Commission 2009, 2011a).

CORRUPTION RESISTANCE PLANNING

The term 'corruption resistance planning' is used by the NSW Police Force to refer to identifying, communicating and treating misconduct risks at the command level. Commands are required to record their significant corruption and misconduct risks, and their strategies for managing these risks, in documents known as 'corruption resistance plans'. The 2012 version of the NSW Police Force guidelines for corruption resistance planning advised that a 'staff version' of the command corruption resistance plan should be used to inform staff of the misconduct risks identified for their particular position or location and to provide advice to assist staff protect their integrity in relation to identified risks.

Changes in NSW Police Force guidance and support to commands

During the period in which Project Mobula was undertaken the NSW Police Force, and the Misconduct Prevention Unit of its Professional Standards Command in particular, has changed the ways it has worked with commands to assist them with their corruption resistance planning. For example, the NSW Police Force advised that during 2013 staff from its Professional Standards Command commenced a program of field visits to assist commands with their corruption resistance planning. It has further advised that since 2013 its Misconduct Prevention Unit has continued to take a proactive approach to assist commands tailor the corruption resistance planning process to meet their individual needs. In January 2015 the Professional Standards Command published a revised set of *Local Corruption Resistance Planning Guidelines*. (See Section 1.8 of Chapter 1 for further information on change in NSW Police Force guidance and support following data collection for Project Mobula.)

WHY DID THE POLICE INTEGRITY COMMISSION UNDERTAKE PROJECT MOBULA?

The Police Integrity Commission undertook Project Mobula to contribute to the prevention of serious officer misconduct. Project Mobula is a five-year follow-up to Project Manta. Project Mobula sought to look at changes in NSW Police Force practices as well as to act as a catalyst for the NSW Police Force to continue to see corruption resistance planning as a focus for its own corruption resistance activities. More specifically, the purpose of Project Mobula was to examine:

- the nature of the corruption resistance plans being developed by commands five years after information was first collected for Project Manta
- the processes that command representatives reported using to develop their corruption resistance plans and officers' suggestions for improving those processes
- the use command representatives reported making of their corruption resistance plans
- the information provided to officers within the command about the nature of the misconduct risks that they may face and how best to respond to these risks.

From a misconduct prevention perspective, Project Mobula sought to answer three broad questions:

1. How well do commands identify and manage their misconduct risks?
2. How well do commands provide practical advice to their officers to help them recognise the misconduct risks they may face and to help them respond appropriately when they encounter such risks?
3. Are commands provided with adequate assistance to help them identify, communicate and manage their misconduct risks?

HOW DID THE POLICE INTEGRITY COMMISSION UNDERTAKE PROJECT MOBULA?

Using a process similar to that used in Project Manta, the Police Integrity Commission sought to consult with approximately one-quarter of all NSW Police Force commands in order to obtain information for Project Mobula. Information was collected in two stages:

1. Firstly, in early 2012 the Police Integrity Commission selected and contacted a random sample of 20 local area commands to obtain a copy of their most recent and their previous corruption resistance plans, as well as the name of a contact officer who would be available to answer questions about corruption resistance planning in that command. It also contacted specialist commands to determine the role of their subordinate units in the corruption resistance planning process. Subsequently, five specialist commands were sampled and asked for copies of their current corruption resistance plans, as well as the name of a contact officer.

2. The second stage involved interviewing representatives from each of the 25 sampled commands. Interviews included questions common to all commands about: the processes they used, what was done with the plan after it was produced, and strategies the command used to inform its staff of misconduct risks they might face and how they should respond when they encounter such risks. Interviews also included questions that were specific to the command, based on the examination of their corruption resistance plan(s).

Built into the project methodology was consultation with the NSW Police Force on the research findings and the direction of any possible recommendations prior to finalising any report on Project Mobula. Following data collection, analysis and the preparation of a draft report, in late 2013 the Police Integrity Commission sought the NSW Police Force's comments on the 'results and analyses' chapters as well as its suggestions for practical steps that the NSW Police Force could take to address the opportunities to improve practices to minimise officer misconduct identified in the draft report. In late 2014 the NSW Police Force was asked for its feedback regarding any variations that it thought might 'strengthen or in any other ways improve' the draft recommendations proposed by the Police Integrity Commission at that time. The NSW Police Force also outlined recent or proposed changes to its practices in relation to corruption resistance planning in its 2013 and 2014 responses, as well as in further information it provided in March and May 2015.

The results and observations in this report are based on:

- the review of 55 sets of corruption resistance plans (19 plans were provided by the 20 local area commands and 36 plans were provided by the five specialist commands)
- interviews with 25 command representatives
- analysis of the contents of the three sets of guidelines on corruption resistance planning that the NSW Police Force had prepared and issued to commands between January 2008 and January 2012, that is, since the time information had been collected for Project Manta.

KEY RESEARCH FINDINGS AND IMPLICATIONS

This summary highlights what the Police Integrity Commission considers to be some positive developments between 2007 and 2012, as well as strategies to increase the benefits that commands can obtain from their corruption resistance planning efforts. More detailed summaries of results can be found in the Summary and Observations sections found at the beginning of each of the results chapters (Chapters 2 to 11) of this report.

POSITIVE DEVELOPMENTS BETWEEN 2007 AND 2012

The Police Integrity Commission's review of command corruption resistance plans in 2012 found that the concept and practice of corruption resistance planning seemed to be widely accepted as part of command practices. Most local area commands had a corruption resistance plan and specialist commands commonly had a separate plan for each of their subordinate units.

While their responses varied considerably, none of the command representatives had any apparent difficulty in describing what they considered to be the purpose of corruption resistance planning. Some mentioned broad aims such as strengthening their ability to resist corruption; while others focussed on identifying the corruption risks, determining treatment strategies and providing information to officers and managers. Some commands gave particular examples of how their corruption resistance plan had led to changed practices within their command.

The NSW Police Force issued three sets of Guidelines between January 2008 and January 2012 to assist officers undertake corruption resistance planning at the command level: in January 2008, 2010 and 2012. Each set of guidelines provided a standardised process to be used by each command, as well as a standard format in which to prepare the command's corruption resistance plan(s). The 2012 Guidelines, in particular, provided a lot of useful information to assist commands understand how to undertake corruption resistance planning, as well as the types of information to include in these plans.

In its 2012 Guidelines the NSW Police Force recognised the importance of informing officers of the misconduct risks they were likely to face and providing them with practical advice about how to avoid or manage such risks. These Guidelines provided a mechanism (referred to as the 'staff version' of the command corruption resistance plan) for providing such information for staff.

OPPORTUNITIES FOR IMPROVEMENT

Two recurring themes were apparent from the information collected in Project Mobula:

- firstly, although the 2012 NSW Police Force Guidelines provided a good description of strategies for commands to use, relatively few command representatives reported using strategies outlined in any of the Guidelines as part of their corruption resistance planning processes to identify and manage their misconduct risks

- secondly, while corruption resistance planning seemed to be well-accepted within the NSW Police Force and commands were producing corruption resistance plans, the practices that command representatives advised using left many commands vulnerable to a number of risks (such as failing to identify (all of) their significant misconduct risks or failing to develop effective strategies to manage their risks) which in turn may lead them to maintain a false belief that what they had done was sufficient to manage their risks.

Areas of vulnerability in corruption resistance planning, the related Project Mobula findings and why these vulnerabilities are important are outlined below, grouped under the following subheadings:

- Improving the processes commands use to identify and manage misconduct risks
- Better equipping staff to recognise and respond appropriately to the misconduct risks they may face
- Assisting commands undertake corruption resistance planning.

IMPROVING THE PROCESSES COMMANDS USE TO IDENTIFY AND MANAGE MISCONDUCT RISKS

1. When identifying its risks, each command needs to incorporate strategies to ensure that it does not overlook any significant misconduct risks

What we found in 2012: Relatively few command representatives reported using strategies outlined in any of the sets of Guidelines (beyond looking at complaints) to identify their misconduct risks. In particular, none of the command representatives referred to using strategies outlined in the Guidelines to ensure they did not overlook their significant misconduct risks. (For further information about the way command representatives advised that they identified their misconduct risks, refer to Chapter 5.)

Why it matters: The processes that command representatives reported using may result in some of their significant misconduct risks being overlooked. Where significant misconduct risks are not identified, they are unlikely to be managed by the command or recognised by its officers. If significant misconduct risks are overlooked, commands may focus their efforts in areas other than those that are the most critical.

2. Each command needs to provide a clear description of each of its misconduct risks

What we found in 2012: In its 2010 and 2012 Guidelines, the NSW Police Force provided a structure to assist commands better understand and describe their risks. While it was encouraging to observe that many of the sampled commands provided clear descriptions of each of its misconduct risks, over half of the plans examined (29 out of 55 plans) included some labels which did not clearly describe the misconduct risk, such as: 'Motor vehicles', 'Media Policy', 'Case management'. For these examples, there was no detail provided on the command corruption resistance plans to provide further insight into the nature of the risk. (For information about the nature of the misconduct risks identified and the way they were described, refer to Chapter 3.)

Why it matters: The value in identifying misconduct risks is so that they can be communicated, recognised and managed. Where brief unelaborated descriptions leave the nature of a risk unclear, it is more difficult to communicate, recognise and manage the risk. The more clearly a risk is described, the better equipped an officer may be to recognise the risk when faced with it. Also the better one understands the nature of a misconduct risk, the better placed he or she is to tailor a treatment strategy to address the risk.

3. Each command needs to tailor treatment strategies to address the specific misconduct risks that it has identified

What we found in 2012: Most command representatives did not appear to tailor their treatment strategy(s) to address the specific misconduct risk. Only two of the 25 command representatives mentioned understanding the nature of the risk as part of their process to determine the best treatment strategy(s) for the risk.

While the 2012 Guidelines provided a good description of processes for commands to use, most command representatives did not describe any specific processes or considerations that they used to determine their treatment strategy(s). When determining treatment strategies, commands tended to look at the tools or strategies available to them (such as existing policies and what others are doing) rather than first understanding the risk and tailoring the strategy to fit the risk. (For further information on how command representatives advised the Police Integrity Commission that they determine the best treatment strategies for each of their misconduct risks, see Chapter 6.)

Why it matters: The processes that command representatives reported may result in their treatment strategies not addressing, and hence not effectively managing, the specific misconduct risk identified. Commands may also miss opportunities to prevent misconduct by not considering the potential range of treatment strategies available to them (as identified in the 2012 Guidelines).

4. Each risk treatment strategy needs to be clearly described

What we found in 2012: Almost half of the plans examined (25 out of 55 plans) included some treatment strategies (such as 'effective supervision', 'guidelines, media policy, induction package, audits', and 'develop/maintain an ethical culture'), which did not appear to be specific or clearly described. (See Section 6.3 of Chapter 6 for further information on the way command representatives described their treatment strategies.)

Why it matters: Little detail in the description of treatment strategies may lead to confusion about the intended treatment strategy, resulting in the treatment strategy not being adequately executed.

5. Commands need a clear trigger to prompt them to review their risks and treatment strategies

What we found in 2012: There was no one method that was recognised by all commands as a trigger for commands to review their corruption resistance plan. About one-third of command representatives (9 out of 25 representatives) referred to using a trend in complaints or the detection of a new risk as a trigger for the command to review its corruption resistance plan. Some command representatives said they expected to receive a prompt from either the Professional Standards Command or their superintendent.

While the vast majority of command representatives (22 of the 25) knew that their corruption resistance plan should be reviewed annually, this did not mean that these commands actually reviewed their plans each 12 months. (See Sections 7.2 and 7.3 of Chapter 7 for further information on how often command representatives advised that they reviewed their corruption resistance plans and what they described they used as a trigger for the review.)

Why it matters: Unless there is a clearly understood trigger to initiate a review, reviews may not occur. For example, where a Professional Standards Duty Officer is waiting to hear from either their superintendent or from the Professional Standards Command before they conduct their review, then they may not conduct a review without an explicit instruction to do so. Where command representatives said that they relied on trends in complaints or the detection of a new risk as a trigger to review their corruption resistance plan, there is the danger that they may not monitor and review their plan if there was not a change in complaints or a new risk was not identified.

6. Each command needs to monitor the implementation of each of its treatment strategies and use an appropriate methodology to review its plan, risks and treatment strategies

What we found in 2012: When describing the processes that they used to monitor and review their treatment strategies, 13 of the 25 command representatives mentioned monitoring complaint trends. While complaint trends are one mechanism against which to review the corruption resistance plan, there was little reference to other mechanisms provided in the 2012 Guidelines such as checking to see if strategies had been properly implemented, or using information from misconduct complaints and investigations to better understand the mechanism and nature of corrupt conduct.

Suggestions by two commands to trial incorporating systems to monitor the implementation of strategies and to keep the corruption resistance plan foremost in the minds of Senior Management Team members, may be of interest and use to additional commands beyond the two that made these suggestions. (For additional information about how command representatives advised that they monitored and reviewed their treatment strategies, see Section 7.4 of Chapter 7.)

Why it matters: The processes that command representatives described using may not assist them to effectively monitor and review their plans and treatment strategies.

Hence they may miss opportunities to improve the effectiveness of the ways they identify and manage their significant misconduct risks. Some who rely on complaint trends as their only strategy may misjudge the effectiveness of their misconduct risk treatment strategies.

7. Each command needs to record and maintain appropriate documentation of the decisions made during the corruption resistance planning process and of their risks and treatment strategies

What we found in 2012: Almost one-third of the sampled commands described being unable to locate relevant information in the preceding year. Some command representatives said that they had been unable to find copies of their current or their previous corruption resistance plans. (Refer to Chapter 8 for additional information about the documentation command representatives advised that they prepared and maintained and about some of the problems that they reported experiencing.)

Why it matters: Where a plan cannot be located, it cannot be used as a tool to manage misconduct risks or to equip officers to recognise and respond appropriately to the misconduct risks they may encounter in their work. Also, the lack of documentation retained within some commands resulted in some representatives being unaware of the processes that their command had used to develop its most recent corruption resistance plan. This, in turn, results in these commands being unable to learn from and build upon the work undertaken in previous years.

BETTER EQUIPPING STAFF TO RECOGNISE AND RESPOND APPROPRIATELY TO THE MISCONDUCT RISKS THEY MAY FACE

8. Each command needs to inform staff of the misconduct risks specific to their work or location

What we found in 2012: The NSW Police Force Guidelines recognised the importance of informing its staff about the misconduct risks they may face. The 2012 Guidelines specified that the staff version of the corruption resistance plan was the mechanism for informing staff of the misconduct risks identified for their particular position or location.

Most commands did not identify different misconduct risks for officers who undertake different types of duties or who work in different locations. Commands did not use their plans to inform officers of the misconduct risks relating to their role, duty type, location or years of service, as suggested in the 2012 Guidelines. Nor did they seem to have any other mechanism for tailoring such information. (For additional information on staff versions of the corruption resistance plan see Chapter 2. For information about the information communicated to officers, see Chapter 9.)

Why it matters: Officers are not necessarily being provided with information to assist them to recognise the specific misconduct risks they may face associated with the work they undertake.

9. Each command needs to provide staff with practical advice to assist them to recognise, avoid and manage their misconduct risks, even if their risks are discussed in corporate policies

What we found in 2012: One of the roles of the staff version of the corruption resistance plan, as described in the 2012 Guidelines, is to give staff advice and assist them protect their integrity in relation to identified risks. However, most commands did not incorporate practical advice in the staff versions of their plans to help staff avoid or manage the misconduct risks that they might face. Only about one-quarter of the plans examined (14 of 55 plans) incorporated practical advice to assist officers respond appropriately and protect their integrity in relation to the identified misconduct risks that they might face in their work.

The majority of contact officers interviewed believed that staff of their command were unlikely to make much use of their corruption resistance plan. One way of potentially changing this would be by providing officers with a version of their command's plan that is clearly relevant to them and that provides useful advice to them.

The 2010 and 2012 Guidelines allowed for commands to omit misconduct risks that are fully managed by corporate procedures and also allowed for commands not to produce a corruption resistance plan at all. However, the Guidelines did not discuss the implications of this for informing staff of the misconduct risks specific to their work or their location. (For additional information on staff versions of the corruption resistance plan see Chapter 2. For information about how command representatives described using their corruption resistance plans, see Chapter 11.)

Why it matters: Officers may not be provided with information to equip them to avoid or respond appropriately to the specific misconduct risks they may face. Where significant misconduct risks are considered to be adequately managed by corporate policies, one might suggest that officers would know what to do by simply following corporate policies and procedures. However, keeping up-to-date on all NSW Police Force corporate policies and procedures is not straightforward. In addition to the relevant legislation and the NSW Police Force Handbook, the work of NSW police officers is guided by a large number of corporate policies, procedures and guidelines. When the Police Integrity Commission counted the corporate guidance documents provided on the 'Policy & Procedures' section of the NSW Police Force intranet it found that there were over 400 policy, procedural or guideline documents as well as more than 1300 'Commissioner's Policy Notices'. The fact that these policies and procedures are frequently under review adds to the difficulties an officer might experience in any attempt to keep up-to-date with the available corporate guidance provided.

10. Each command needs to have an effective way of communicating the information to staff

What we found in 2012: While email was the most commonly reported method of communicating and disseminating corruption resistance plans to staff, some officers interviewed expressed reservations about the efficacy of using emails to convey information to their officers in a culture where officers are overloaded with emails and hence tended to delete their emails. (For additional information about how command representatives advised communicating information to staff, see Chapter 9.)

Why it matters: Where the communication method is ineffective the message will not be received by the officers and much of the effort undertaken to identify the misconduct risks and produce a corruption resistance plan will be wasted. Officers will not be provided with information to equip them to avoid or respond appropriately to the specific misconduct risks they may face.

ASSISTING COMMANDS UNDERTAKE CORRUPTION RESISTANCE PLANNING

11. Key command staff need to be aware of how best to undertake corruption resistance planning

What we found in 2012: Not all commands consulted the Guidelines when preparing their corruption resistance plans. Only 60% of command representatives said that they had looked at any version of the Guidelines when developing their corruption resistance plan. The practices used by those who reported referring to the 2012 Guidelines tended to be similar to those used by command representatives who referred to earlier guidelines or by those who did not refer to any guidelines.

Also, more than half of the contact officers responsible for preparing corruption resistance plans said they had not received any formal training on how to undertake corruption resistance planning. About two-thirds of those interviewed thought that some additional training and support would be useful.

It was apparent from command representatives' responses that much of the information from the Guidelines was not being absorbed and used by these officers when preparing their corruption resistance plans. It is not known to what extent this was the result of the NSW Police Force producing and disseminating three sets of guidelines in a short period of time. (For additional information about the training and support regarding corruption resistance planning that command representatives reported receiving, see Chapter 10.)

Why it matters: The NSW Police Force has put considerable effort in preparing its guidelines on corruption resistance planning. However, guidelines which are not used cannot assist commands to better identify, communicate and manage their misconduct risks. Putting new guidelines on the intranet may not, by itself, be an effective way of communicating to commands the corporately preferred process and any changes to that process.

WHERE TO FROM HERE?

The NSW Police Force response to Project Mobula and its findings has been positive. In its response, the NSW Police Force offered the opinion that:

> the report is valuable and that cumulatively the Manta reports have been a catalyst assisting the Police Force to reinvigorate its command level misconduct prevention work.

One of the fundamental challenges identified in Project Mobula is that while the NSW Police Force has developed informative Guidelines which have the potential to usefully assist staff undertaking corruption resistance planning, the information in these Guidelines was not being used by officers when preparing their command corruption resistance plans.

The Project Mobula research has helped the Police Integrity Commission and the NSW Police Force recognise the nature of the vulnerabilities in command practices and identify areas for improvement required to produce useful and practical advice to assist minimise future officer misconduct. The Police Integrity Commission is of the view that improvements should include:

- changing the focus of corruption resistance planning to going beyond completing a document to producing practical advice for commands and officers that is both useful and used
- addressing the specific vulnerabilities in command corruption resistance planning practices that have been identified in Project Mobula
- informing staff of the misconduct risks specific to their work and location
- providing staff with practical advice as to how to either avoid these misconduct risks or respond appropriately when they encounter such risks.

The Police Integrity Commission has proposed five recommendations to improve practices to minimise future officer misconduct. These recommendations were informed by the following observations:

1. some changes to corruption resistance planning practices are necessary because the corruption resistance planning practices described as being used by command representatives may fall short of identifying their command's significant misconduct risks and managing these risks effectively, that is to say, these practices expose their corruption resistance planning to a number of vulnerabilities
2. amending the Guidelines, in isolation, is not the answer to changing the way officers responsible for corruption resistance planning go about identifying, managing and communicating their command's misconduct risks
3. NSW Police Force corruption resistance planning practices have changed since 2012 when the information was collected from the commands for Project Mobula. The Police Integrity Commission recognises that future work should build upon the work undertaken by the Professional Standards Command since information was collected for Project Mobula in mid-2012

4. the NSW Police Force is not alone in having problems encouraging employees to comply with corporate guidelines. However, lessons can be learnt from the local and international efforts underway to address this problem.

5. future work in this area should seek to provide a self-sustaining and ongoing means to ensure that local (or command-level) corruption resistance planning is effective and that its output is both useful and is used.

The Police Integrity Commission will retain an ongoing interest in the ways that the NSW Police Force and individual commands identify, communicate and manage their corruption and serious misconduct risks. (For further information about the Police Integrity Commission's proposed direction of 'where to from here' and the recommendations that it has made, see Section 12.6 of Chapter 12.)

Part 1:
BACKGROUND

1. PREVENTING POLICE MISCONDUCT BY FOCUSSING ON RISKS RATHER THAN INDIVIDUALS

1.1 OVERVIEW

This report describes Project Mobula which continues the Police Integrity Commission's (PIC's) focus on New South Wales Police Force (NSWPF)[1] corruption resistance planning at the command level. The NSWPF uses the term 'corruption resistance planning' as its shorthand way of referring to identifying, communicating and treating misconduct risks.

1.2 THE ROLE OF THE POLICE INTEGRITY COMMISSION IN PREVENTING POLICE MISCONDUCT

The PIC 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 officer misconduct. The PIC, which became fully operational on 1 January 1997, is separate from the NSWPF which it oversights.

The principal functions of the PIC are provided in Section 13 of the Act and other PIC functions regarding police activities and education programs are provided in Section 14. Those functions most relevant to Project Mobula and to the PIC's corruption prevention and other misconduct prevention work include:

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

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

1.3 WHAT IS POLICE MISCONDUCT?

While the Act does not define 'police corruption' or 'police integrity', it does describe and provide examples of '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*.

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

1.4 PIC'S ONGOING INTEREST IN INTEGRITY HAZARD AND MISCONDUCT RISK IDENTIFICATION, COMMUNICATION AND TREATMENT

As part of its role to prevent officer misconduct, the PIC has had an active interest in the identification, communication and the treatment (or management) of integrity hazards and associated misconduct risks by NSWPF commands since 2006 when it assessed the management of misconduct risks by the then NSW Police Counter Terrorist Coordination Command (Police Integrity Commission 2006). In its report of that assessment, the PIC commented:

> The Commission is of the view that all commands should have effective and documented processes in place for identifying, assessing and responding to potential misconduct risks. Such a documented misconduct risk management plan could be part of a broader risk management plan or it could take the form of a separate corruption resistance plan (Police Integrity Commission 2006, p. 110).

INTEGRITY HAZARDS AND MISCONDUCT RISKS

The PIC uses the term 'integrity hazard' to refer to anything that has the potential to harm or compromise the integrity of an employee (Gorta 2011, p. 7). Integrity hazards can result from the nature of the work, work practices or procedures and are associated with risks of corruption or other forms of misconduct occurring (or 'misconduct risks'). For example police highway patrol officers may encounter drivers, particularly where the driver's employment is at risk, who might try to avoid traffic infringement notices. Encountering such drivers is an integrity hazard associated with the nature of highway patrol work, irrespective of the particular individual who carries out the work. A potential misconduct risk associated with this hazard would be a motorist offering a bribe (Police Integrity Commission 2011b, p. 1).

Unlike detecting and investigating misconduct, preventing police misconduct requires intervening *before* the misconduct occurs. Identifying 'integrity hazards' is a fundamental step in minimising corruption because these hazards reveal areas or opportunities to intervene to prevent corrupt conduct or serious misconduct, before it occurs (Police Integrity Commission 2011b, p. 1).

The PIC considers that identifying and managing integrity hazards and associated misconduct risks, and assisting officers to recognise and respond appropriately when they encounter such risks, are significant and practical steps that NSWPF commands can take to minimise future police misconduct and help protect the integrity of their officers.

In its December 2013 response to a draft of this report, the NSWPF offered the following comment in relation to what it referred to as 'the integrity hazard model':

> It is noteworthy too that the integrity hazard model the Commission has adopted in the draft Mobula Report has previously featured in both the Manta Reports. It is useful and has been referred to in our own misconduct prevention guidelines. My observation however is that there will always be a difference between risks of death or injury employees may face from workplace hazards, and risks to police integrity. Police misconduct involves deliberate acts of wrongdoing, whereas workplace safety incidents may be accidental or the result or negligence, which is not the same thing.

The PIC is of the view that employee deaths, injuries and misconduct can each occur as the result of deliberate acts, be accidental or result from negligence. However, the PIC would disagree that misconduct always involves *deliberate* acts of wrongdoing. It has been recognised for some time that people have ways of classifying actions to explain why a behaviour should not be considered to be corrupt. Chibnall and Saunders (1977), for example, argue whether a person considers their behaviour to be corrupt may depend on their purposes at the time:

> It seems that it is not just that different people will define the same act in different ways, but that the actor himself has a choice of definitions (that is if he chooses to define the act at all), and in the final analysis, his choice of definition is likely to be dependent on both his practical purposes at the time, and his assumptions about the social world and his place within it (p. 144).

In a paper discussing why managers commit fraud, Cressey (1986) has argued that the existence of 'multiple moralities' enables an individual to rationalise his or her conduct:

> … when multiple moralities abound, people disobey the law because they have learned that from … many points of view, one can be both moral and criminal at the same time (p. 208).

More recently Bazerman and his colleagues from Harvard University have discussed the concepts of 'bounded ethicality', 'ethical fading' and 'blind spots'. They have argued that ordinary people engage in unethical behaviour without noticing it and frequently do not see the ethical implications of any decisions they may make. For example, in relation to 'bounded ethicality' he has stated:

> In contrast to the search for the few "bad apples", my colleagues and I argue that the majority of unethical events occur as the result of ordinary and predictable psychological processes. As a result, even good people engage in unethical behavior, without their own awareness, on a regular basis.[2]

and

> Bounded ethicality refers to the systematic and predictable ways in which people engage in unethical acts without their own awareness that they are doing anything wrong. Chugh, Bazerman and Banaji (2005; Banaji, Bazerman, and Chugh 2003) argue that all of us engage in behaviours that are inconsistent with our actual ethical preferences. The goal of the bounded ethicality approach is not to preach to people about how we should behave, but rather to help raise us to the ethical level we would endorse upon greater reflection about our own behaviour.[3]

Bazerman has said that 'the human decision-making system – like the human visual system – has blind spots'.[4] He has described 'ethical fading' as where ethical concerns are not taken into account when making a decision:

> Ethical fading refers to the process whereby ethics are removed from the decisions we face, a process that contributes to bounded ethicality. When I don't see the ethical implications of a decision, ethical considerations aren't part of the decision criteria. As a result, I behave unethically and in a way that is against my values and yet I am not aware of this inconsistency.[5]

Bazerman observes that people have difficulty recognising their own ethical failures as clearly as they recognise those of others. He suggests that when predicting how they would behave in some given future circumstances people tend to predict that they would behave ethically, 'however, at the time of the decision [their] "want" self wins out and [they] behave unethically. Yet when [they] recall that behaviour, [people] see it through [their] "should" self and believe [they] behaved more ethically than [they] actually did. As a result, our long record of unethical behavior remains hidden to us'.[6]

---

2 Downloaded from http://www.hbs.edu/faculty/Pages/profile.aspx?facId=6420&facInfo=res on 8/10/2014.

3 Downloaded from http://www.ethicalsystems.org/content/decision-making on 10/12/2014.

4 Downloaded from http://www.ethicalsystems.org/content/decision-making on 10/12/2014.

5 Downloaded from http://www.ethicalsystems.org/content/decision-making on 10/12/2014.

6 Downloaded from http://www.ethicalsystems.org/content/decision-making on 10/12/2014.

PROJECT MANTA

In its Project Manta, the PIC drew an analogy between Work Health and Safety (WHS) (formerly called Occupational Health and Safety (OHS)) and misconduct prevention. WHS 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. Using WHS risk management principles as a model, Project Manta sought to inform strategies to minimise police misconduct by examining how NSWPF 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.

Table 1.1: Understanding the differences between integrity hazards and misconduct risks by comparing Work Health & Safety strategies with misconduct prevention strategies

	Work Health & Safety Strategies	Misconduct Prevention Strategies
Examples of hazards	*Workplace hazards*: Tears in carpet Use of chemicals	*Integrity hazards*: Opportunities that put officers in a position of accepting a bribe or showing favour to friends such as when their duties involve issuing infringement notices Receipt and management of exhibits
Examples of risks	*Safety risks*: Employee trips and falls Employee is burnt	*Misconduct risks*: Member of community offers a bribe and officer accepts bribe Theft of exhibits

(Taken from Gorta 2011, p. 7.)

The fundamental aim of Project Manta was to obtain a better understanding of the nature of the misconduct risks facing the NSWPF and of how commands identify, communicate and manage (or treat) their significant misconduct risks. Rather than focussing on the conduct of specific police officers, Project Manta focused more broadly on the prevention of future misconduct in individual commands of the NSWPF, independent of the particular persons undertaking the work. It concentrated on activities at the command level because the NSWPF assigns responsibility for misconduct risk management and misconduct prevention to the individual commands.

Given the large amount of material that was collected and analysed, Project Manta results were presented in two separate but related reports:

1. *Project Manta Report 1: Identification and Communication of Command Misconduct Risks*, released in November 2009, 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.

2. *Project Manta Report 2: Managing Command Misconduct Risks*, released in March 2011, examined 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 processes used at the time. It also attempted to identify examples of good practice in misconduct risk management and misconduct prevention employed by individual commands that could be disseminated to other commands.

Both of the Project Manta reports can be found on the PIC's website: <www.pic.nsw.gov.au>

Project Manta Report 1 foreshadowed the PIC's continuing interest in this area:

> … the Commission will retain an ongoing interest in the ways that the NSW Police Force and individual commands identify, communicate and manage their corruption and serious misconduct risks. This may involve undertaking future research to monitor changes in the ways that commands identify, communicate and manage their misconduct risks (Police Integrity Commission 2009, p. 210).

1.5 CORRUPTION RESISTANCE PLANNING IN THE NSW POLICE FORCE

THE NSW POLICE FORCE

The NSWPF 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.[7] As at the end of June 2012, the NSWPF employed 15,977 police officers and 3,902 administrative, ministerial and other employees (NSW Police Force 2012c, p. 79).

At the time this project was undertaken, the NSWPF was subdivided into 80 local area commands on the basis of their geographical location. NSWPF 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 NSWPF 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'.

7 <http://www.police.nsw.gov.au/about_us> downloaded 8 October 2012.

CORRUPTION RESISTANCE PLANNING

Early work following the Royal Commission into the NSW Police Force

In March 1999, the Hay Consulting Consortium (also referred to as the 'Hay Group'), was engaged to conduct a qualitative and strategic audit of the reform process (QSARP) within the NSWPF in accordance with Recommendation 174 of the Royal Commission into the NSW Police Service (Police Integrity Commission 2001, p. 30). As part of that work the Hay Group documented NSWPF efforts in relation to what was then referred to as 'corruption prevention strategies'. The Hay Group noted that the findings from an Audit Group survey conducted in 2001 across 76 local area commands and numerous specialist commands found that corruption prevention planning was not being implemented well at that time (Hay Group 2002, p. 166).

Assessments provided by the Hay Group included that:

- the documents that were produced became 'shelf documents' and were largely unused:

> In the early months of the Reform process (1996/1997), Internal Affairs provided advice to Field Operations and Crime Agencies in the development of Corruption Prevention Strategies. In the opinion of the Commander, these have largely become 'shelf documents'. Similarly, Internal Affairs has developed a pro-forma Risk Identification Model for use by operational Commanders in developing risk profiles of individual officers. This pro-forma also appears largely unused (Hay Group 2001, p. 70)

- the guidance provided was difficult to work with:

> One commander claims Internal Affairs' 'thick book' on corruption prevention was too detailed and difficult to work with (Hay Group 2001, p. 70)

- the strategy developed by an individual command was vague:

> The command has developed its own corruption prevention strategy. We received a copy of the new, shorter (1½ page) document; it does not appear to have identified risks which may be particular to this command; it contains vague and general statements rather than a strategy. For example, the corruption plan states that *Officers are not to become involved in any conduct which may be perceived as unethical or corrupt.* The commander told us that every staff member received a copy of the plan *in their pigeon hole* (Hay Group 2001, pp. 70-71)

- there were also examples of more consultative processes and more targeted strategies:

> In contrast, another command claimed to have a corruption prevention plan that was built up consultatively with a number of staff from all ranks. This group looked at the complaints for the command over the last twelve months and selected three objectives on this basis. For each objective, a sponsor has been appointed who has to report to the commander on a monthly basis on the 'outcome performance indicators'. Examples of these performance indicators are: the number of education programs delivered, the number of complaints received, the number of issues raised by the

> Professional Standards Council, and the number of officers detected for unethical behaviour (Hay Group 2001, p. 71)

- commands should be held responsible for the development and implementation of corruption prevention strategies and plans:

> The responsibility for ongoing corruption prevention and the development of an ethical culture, to shift from a culture of blame, should however, more effectively be devolved to operational levels. This in our view, has not taken place effectively, as evidenced by:
>
> - Our finding that operational commanders are not being held accountable via performance management, for the development and implementation of corruption prevention strategies and plans. Where corruption prevention plans do exist, they are of an inconsistent standard. Risk assessment models are either not used at all, or are applied inconsistently (Hay Group 2001, pp. 72-73).
>
> Corporate effort should be placed on reviewing the preparation of Corruption Prevention Plans, and increasing accountability rather than downgrading this practice. Due to the vulnerabilities inherent in the business of policing, the Executive must ensure that corruption prevention planning remains a vital ongoing part of management accountability (Hay Group 2002, p. 301)

- all local area commands interviewed had developed corruption resistance plans but these plans did not contain details of performance or evaluation measures (Hay Group 2002, p. 151).

Professional Standards Command review of corruption resistance planning in 2007

The Professional Standards Command (PSC) assumed responsibility for 'corruption resistance' for the NSWPF in mid-2006. After updating the NSWPF *Code of Conduct and Ethics* and following the release of the PIC's assessment of the management of misconduct risks by the then NSW Police Counter Terrorist Coordination Command (CTCC), in 2007 PSC commenced a review of NSWPF corruption prevention or corruption resistance planning. This included examining the available documentation: the then most recent resource for corruption resistance planning – a 1996 Corruption Prevention Planning Manual, available command corruption prevention plans, and the report of the PIC's assessment of the management of misconduct risks by the then CTCC (Police Integrity Commission 2006). It also involved discussions with a sample of commands that had approached PSC for advice.

From this review, PSC observed that:

- the 1996 Corruption Prevention Manual was dated, not widely available and not practical given the workload of commands
- there was no training available and limited resources available to assist commands
- while plans at the command level did exist, they:

  - often overlapped heavily or duplicated other processes, particularly the Command Management Framework (CMF)
  - appeared to copy the plans of other commands
  - focussed heavily on corporate strategies
  - most frequently did not examine individual command characteristics
- documentation of the development of the plan, the considerations made and who was involved was not occurring
- there was no central record keeping or monitoring of the plans produced by commands.

Reviving corruption resistance planning from 2008

The NSWPF uses the term 'corruption resistance planning' as its shorthand way to refer to identifying, communicating and treating misconduct risks. For example, in its 2008 *Corruption Resistance Planning Guidelines* the NSWPF described corruption resistance planning as:

> a risk management exercise designed to identify corruption risks and the appropriate resources and responses to employ to ensure that they are managed well (NSW Police Force 2008, p. 2).

In its 2012 *Guidelines for Local Corruption Resistance Planning*, the NSWPF described corruption resistance planning as follows:

> Corruption resistance planning in the NSW Police Force is an ongoing command level risk management exercise designed to identify, assess and treat serious misconduct and corruption risks that may have a significant impact on a command.
>
> NSW Police Force corruption resistance planning is similar to occupational health and safety risk management in that, occupational health and safety planning and strategies seek to minimise employee accidents and protect employee safety, while corruption resistance planning and strategies seek to minimise corrupt conduct and protect employee integrity.
>
> In the same way that occupational health and safety planning concerns safe work environments, corruption resistance planning is about focussing on broad issues that can give rise to corruption within a command, not the conduct of specific individuals.
>
> While the NSW Police Force operates under specific legislation, many policies and guidelines have been implemented to affirm corporate standards in relation to identified serious misconduct and corruption risks. These policies and guidelines cannot cover all the risks that may confront the NSW Police Force. There are some risks that may require further localised treatment outside of a policy or that are not covered by a current corporate policy or guideline. This does not mean that those risks can be ignored … (NSW Police Force 2012a, pp. 6-7).

NSW POLICE FORCE CORRUPTION RESISTANCE PLANNING GUIDANCE

The NSWPF has produced four sets of guidelines for local (or command-based) corruption resistance planning. (There may also have been minor modifications made within some of these documents which did not result in the release of a new set of guidelines.[8]) The first three sets of guidelines are of particular relevance to Project Mobula. In this report, these guidelines are referred to and distinguished by the year in which they were issued: 2008, 2010 and 2012. A fourth set of guidelines was published in January 2015, after PSC had received and commented on drafts of this Project Mobula report, including draft recommendations.

Each of 2008 Guidelines, 2010 Guidelines and 2012 Guidelines, which are outlined in more detail below, can be seen as providing a standard process to be used by each command as well as a standard format in which to prepare the command's corruption resistance plan(s).

2008 Corruption Resistance Planning Guidelines

In January 2008, the NSWPF released its *Corruption Resistance Planning Guidelines* (now superseded). These were described as:

> explaining the NSW Police Force standard for corruption resistance planning, the process that needs to take place to create a Corruption Resistance Plan and the obligations each command has in developing and implementing a plan. The objective of the document is to ensure quality and consistency in corruption resistance planning across the NSW Police Force (NSW Police Force 2008, p. 1).

The 2008 Guidelines described a detailed two-stage process in which a list of corruption risks is developed with information about each risk being recorded on what was referred to as a 'Corruption Risk Assessment Form' (CRAF). Existing treatment strategies were documented on the CRAF and the requirement for any additional strategies (if existing strategies were considered inadequate) was also documented on the CRAF. The corruption risks 'selected for treatment' and agreed upon by the Corruption Resistance Planning Team were the ones that were to be documented in the command's corruption resistance plan. The 2008 Guidelines also required that all plans be registered with the NSWPF Professional Standards Command (PSC) and that the PSC could also require commands to provide any other background or working material associated with their corruption resistance planning for review.

In addition to providing templates for a Corruption Risk Assessment Form and for a Corruption Resistance Plan, these Guidelines provided a step-by-step guide to managing corruption risks under the following headings:

1. Communicate and Consult
2. Establish the context
3. Identify risks
4. Analyse risks

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8 In December 2013, when commenting on the accuracy of a draft version of this report, the NSWPF advised that the January 2010 Guidelines were amended and republished in December 2010.

5. Evaluate risks
6. Treat risks
7. Monitor and Review (NSW Police Force 2008, pp. 7-12).

This seven-step process was based on the 2004 Australian/New Zealand Standard for Risk Management (AS/NZS 4360:2004) (NSW Police Force 2008, p. 6).

These Guidelines stated that effective corruption resistance planning is built on two key foundations: (1) adequate resources and (2) transparent and accountable documentation. They also stated that corruption resistance planning involved two distinct stages: (1) an assessment stage which leads to the creation of Corruption Risk Assessment Forms and (2) the treatment stage which involves the creation, implementation and management of a Corruption Resistance Plan. These Guidelines cautioned that:

> The effectiveness of a Corruption Resistance Plan will be severely compromised without adequate resources and transparent and accountable documentation (NSW Police Force 2008, p. 4).

In February and March 2008, staff of the NSWPF Professional Standards Command conducted training sessions for commands on the use of these Guidelines.

Sometime in 2009, these Guidelines were suspended.[9]

The PIC commented on these 2008 Guidelines in its *Project Manta Report 1: Identification and Communication of Command Misconduct Risks*, which was released in November 2009, with informal feedback being provided to the NSWPF earlier. In this report, the PIC observed that it considered the following aspects of these guidelines to be beneficial and merit special attention:

- the focus on identifying command-based misconduct risks which exist irrespective of the particular officers who perform the work
- the examination of features particular to the commands in identifying misconduct risks
- the requirement that associated documentation is sufficiently detailed to allow for handover in response to staff changes
- the distinction drawn between the corruption resistance plan and the command management framework
- the provision of a central area to assist commands in the production of their plans (Police Integrity Commission 2009, p. xvi).

In terms of areas for improvement, the PIC stated that it was of the view that commands would benefit from further guidance in five areas:

- what constitutes a misconduct risk and how it should be expressed
- which misconduct risks need to be included in the corruption resistance plan

9 The date in 2009 that Guidelines were suspended is not known to the PIC.

- who is the intended audience for the corruption resistance plan
- how these planning guidelines are intended to relate to other NSWPF documents that specify responsibilities and expectations in relation to corruption resistance planning
- Complaint Management Team responsibilities in relation to identifying complaint trends and misconduct risks (Police Integrity Commission 2009, p. xvi).

The PIC advised that the NSWPF could further enhance commands' ability to identify misconduct risks through:

- looking beyond the risks associated with individual officers to explicitly attempt to identify foreseeable integrity hazards
- approaching the task from several different perspectives to minimise the likelihood of significant misconduct risks being overlooked and consequently not being recognised or managed
- developing a clear and specific description of the nature of each misconduct risk
- matching each misconduct risk to the group of officers to which it applies so that misconduct risks can be classified into those that are:
    - shared by all officers working in the command
    - specific to officers working in particular locations
    - specific to officers undertaking particular types of duties (such as licensing duties)
    - specific to officers with particular levels of experience (such as probationary constables) (Police Integrity Commission 2009, p. xvii).

The PIC also advised that the NSWPF could further enhance commands' ability to communicate misconduct risks through ensuring that:

- the nature of the misconduct risks are clearly expressed
- the most important misconduct risks, command-level strategies and officer-level strategies for managing each are documented
- tailored guidance and support is provided for officers on how to recognise the particular misconduct risks they are likely to face and how to respond to these risks (Police Integrity Commission 2009, p. xvii).

These areas for improvement and advice were presented as a set of recommendations made to the NSWPF in the first of the PIC's Project Manta reports (Police Integrity Commission 2009, pp. 190-193, 202-214). These recommendations were considered by the NSWPF when preparing its 2010 Guidelines.

2010 Guidelines for Local Corruption Resistance Planning

On 1 January 2010, the NSWPF released its new *Corruption Resistance Policy* and *Guidelines for Local Corruption Resistance Planning*, the latter replacing the January 2008 Guidelines. An article in the *Police Weekly* of 25 January 2010, sought to draw

the attention of commands to these updated guidelines. In this article, the NSWPF described these new Guidelines as 'streamlined' and stated:

> The new process gives simple guidance on how to identify and treat corruption risks, and, most importantly, a framework on how to communicate those messages to all staff.
>
> Corruption resistance is addressed in two ways – through corporate guidance and local planning.
>
> - The Corruption Resistance Policy articulates that the majority of corruption risks apply across the organisation and are managed through relevant legislation, policies and procedures and are supported by technology.
>
> - The Guidelines for Local Corruption Resistance Planning provide a step by step process for the identification of risks which are unique to individual commands. Local plans should not simply be a repetition of measures already in place.
>
> PSC has trialled the new streamlined process in a number of commands with overwhelmingly positive feedback. The streamlined guidelines are quick and easy to use, and have minimal process (*NSW Police Weekly*, 25 January 2010, p. 7).

In line with the streamlined process, the Guidelines stated that the corruption risk management process 'should take no more than two to three hours' (p. 2).

The 2010 Guidelines removed any reference to the use of Corruption Resistance Assessment Forms. They also changed the focus from all the corruption risks facing the command to only those risks that were unique or significant enough to require additional treatment strategies, with the implication that if the command determined that it did not have unique or sufficiently significant risks it did not require a corruption resistance plan. While providing additional guidance on how to identify and describe the corruption risks facing the command, the 2010 Guidelines did not contain a definition of 'corruption resistance' nor a description of what is meant by corruption resistance planning. Also the responsibility for registering the plans with a central area and reference to any auditing of the plans was removed. Responsibility for corruption resistance planning within the command was allocated to the Professional Standards Duty Officer (PSDO). Unlike the 2008 Guidelines, the 2010 Guidelines provided templates and examples for two separate versions of the corruption resistance plan: a management version and a staff version.

The PIC commented on these 2010 Guidelines in its *Project Manta Report 2: Managing Command Misconduct Risks*, which was released in March 2011, with informal feedback being provided to the NSWPF earlier. In this report, the PIC observed that:

> - 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 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 (Police Integrity Commission 2011a, p. xi).

The PIC 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 (Police Integrity Commission 2011a, p. xi).

Some of this advice was incorporated by the NSWPF when preparing its 2012 Guidelines.

2012 Guidelines for Local Corruption Resistance Planning

On 1 January 2012 the NSWPF released a further updated version of the Guidelines. In February 2012, the NSWPF promoted these Guidelines through a 'Commissioner's Policy Notice' in the *Police Monthly* where it announced that:

> Following the release of Project Manta 1 and 2 by the Police Integrity Commission, the Professional Standards Command has revised the NSWPF Guidelines for Local Corruption Resistance Planning.
>
> …
>
> Corruption resistance planning is an ongoing process that must be completed annually to comply with the Command Management Framework (CMF).
>
> All NSWPF employees are expected to participate in maintaining an ethical workplace with zero tolerance to corruption in all its forms. Command level corruption resistance planning is one of the ways in which this is achieved.
>
> Corruption resistance plans highlight the specific corruption risks relating to roles, duty types, locations and years of service within a command that are not fully managed by corporate policies and guidelines or locally managed processes.

> Your command will communicate any staff version of the plan to you. This staff version will give sworn and unsworn officers advice on the risks associated with the particular command and practical advice on how to avoid or manage those risks.
>
> Any inquiries concerning corruption resistance planning should be directed to Strategic Coordination & Response, Professional Standards Command … (NSW Police Force 2012b, p. 36).

These guidelines focussed on risks that are significant to the command or that require additional treatment strategies to manage. Like the 2010 Guidelines, the 2012 Guidelines provided guidance on how to identify and describe the corruption risks facing the command and templates for two separate versions of the corruption resistance plan: a management version and a staff version. Unlike the 2008 and 2010 Guidelines, the 2012 Guidelines also provided guidance on *how* to determine appropriate misconduct risk treatment strategies and *how* to review their misconduct risk treatment strategies.

The 2012 Guidelines also alerted commands to the fact that the PSC would request a copy of all corruption resistance plans at the end of the year and may also call for minutes of planning meetings for review.

Given that the 2012 Guidelines were released in January 2012, some commands would not have had the opportunity to apply them by the time the PIC collected information for Project Mobula.

Table 1.2 provides a comparison of the contents of these three sets of guidelines.

2015 Local Corruption Resistance Planning Guidelines

PSC produced revised *Local Corruption Resistance Planning Guidelines* that came into effect in January 2015. These guidelines were published after PSC had received and commented on drafts of this Project Mobula report, including draft recommendations.

Table 1.2: Comparison of the contents of the 2008, 2010 and 2012 corruption resistance planning guidelines

Contents of Guidelines	2008 Guidelines	2010 Guidelines	2012 Guidelines
Date of document	January 2008	January 2010	January 2012
Objective, audience, discussion of what is corruption	Included		
Definition of 'corruption resistance'	Included	None	Included
Description of 'what is corruption resistance planning'	Included	None	Included
Is corruption resistance planning mandatory for commands?	Yes	?* – 'CMF requires a Yes/No answer that corruption resistance planning has been conducted annually'	Yes – requirement of CMF
Is production of a corruption resistance plan mandatory?	Yes - requirement of CMF	??* – 'CMF requires a Yes/No answer that corruption resistance planning has been conducted annually'	No - The results of the planning exercise will determine if a command needs to have a local plan
Who is to undertake corruption resistance planning?	Corruption Resistance Planning Team	Should be owned and co-ordinated by the PSDO Other than PSDO, the team many include any or all of a range of staff members	
Responsibilities of Commanders	• Create a Corruption Resistance Planning Team • Endorse plan • Ensure that a formal review of Corruption Resistance Plans by the Corruption Resistance Planning Team occurs at least annually	• Must sign off and comment on plan • Must be satisfied that the team have considered that corporate risks are adequately managed, that any unique local issues have been identified and treatment strategies implemented • Endorse minutes of the meeting, including the profile and plan • Once the plan is complete, the commander has responsibility to determine which	• To identify, assess and treat significant misconduct and corruption risks to their command • Communicate to staff their responsibilities concerning corruption resistance • Sponsor corruption resistance planning • Endorse minutes of the meeting, including the profile and plan

Contents of Guidelines	2008 Guidelines	2010 Guidelines	2012 Guidelines
		risk management strategies require communication to their staff	
Steps in the corruption resistance planning process	1. Communicate and consult 2. Establish the context 3. Identify risks 4. Analyse risks 5. Evaluate risks 6. Treat risks 7. Monitor and review	1. Establish the context 2. Identify 3. Assess 4. Evaluate 5. Treat 6. Document 7. Communicate 8. Monitor and review	1. Establish the context 2. Identify 3. Assess 4. Treat 5. Document 6. Communicate 7. Monitor and review
How often should the plan be reviewed?	At least annually	Corruption resistance planning is an ongoing process … A full review of the plan should be conducted every 12 months	Corruption resistance planning is an ongoing process … A full review of the plan should be conducted every 12 months in a structured process
Which risks need to be included in the corruption resistance plan?	Only those agreed upon by the Corruption Resistance Planning Team	Only risks that are unique to your command or are significant enough to require additional treatment strategies	Only risks that are significant to your command or require additional treatment strategies to manage
Is guidance provided on *how* to determine appropriate misconduct risk treatment strategies?	No		Yes
Is guidance provided on *how* to review their misconduct risk treatment strategies?	No		Yes
What guidance is provided regarding documentation of process required?	Effective corruption resistance planning is built on two key foundations: (1) adequate resources (2) transparent and accountable documentation. All commands must maintain dedicated file for corruption resistance documentation. This file needs to … include all documentation relevant to the	The Corruption Resistance Plan must be adequately documented. This is to: track the success of treatment strategies, provide induction for all new staff, provide handover to commanders and managers. A description was also provided of what should be included in the minutes	The Corruption Resistance Plan must be adequately documented to allow the commander to: track the success of treatment strategies, provide induction for all new staff, provide handover to commanders and managers, show the decision making process. A description was also provided of what should be included in

Contents of Guidelines	2008 Guidelines	2010 Guidelines	2012 Guidelines
	planning, implementation and review of the command's Corruption Resistance Plan …		the minutes
What guidance is provided regarding handover between different staff?	The information must be detailed enough to allow for a handover	Must be accurately documented to allow the commander to provide handover to commanders and managers Guidance was provided as to what should be included in minutes	
Registration and audit/review	All plans must be registered with PSC[10]	No registration required; no reference to audit	PSC will request a copy of all corruption resistance plans at the end of the calendar year to undertake an analysis. … PSC may also call for the minutes of planning meetings for review, particularly if no plans have been implemented
Required format of plan	• The NSWPF requires a consistent format for corruption resistance planning. There are two key documents that are central to the corruption risk management process: the Corruption Risk Assessment Form and the Corruption Resistance Plan • Template provided (see below)	Templates provided (see below)	

10 The 2008 Guidelines included a section titled 'Registration and audit' on p. 12. These Guidelines did not include any further reference to 'audit'.

Contents of Guidelines	2008 Guidelines	2010 Guidelines	2012 Guidelines
Templates provided	• Corruption Risk Assessment Form (CRAF) • Corruption Risk Assessment Matrix • Corruption Resistance Plan	• Corruption Resistance Plan (Cover sheet) • Local Corruption Resistance Plan – Management Version (+ example) • Local Corruption Resistance Plan – Staff Version (+ example)	
Structure/headings in Corruption Resistance Plan template	• Issue • Treatment strategies • Resources • Responsibility • Target & timeframe • Notes • Monitoring & review	*Management Version* • Broad risk • What could happen – specific local risk • Who is at risk • Location of risk • Risk level • Local strategy to be implemented • Responsibility (Position) • Action/Report/ Review period *Staff Version* • Broad risk • What could happen – specific local risk • Who is at risk • Location of risk • Risk level • Advice	*Management Version* • Broad risk • What could happen – specific local risk • Who is at risk • Location of risk • Local strategy to be implemented • Responsibility (Position) • Action/Report/ Review period *Staff Version* • Broad risk • Specific local risk • Who is at risk • Location of risk • Advice/strategy • Purpose of the strategy
Checklists and Matrices provided	• Corruption Risk Assessment Matrix	• Profiling checklist: Command Corruption Risk Identification Guide • Corruption Risk Assessment Matrix	• Profiling checklist: Command Corruption Risk Identification Guide
How/Where to get assistance	Corruption Resistance and Education Unit, PSC	Corporate Advice and Policy, PSC	

* The PIC was unclear as to the requirements in these areas that were imposed by the 2010 Guidelines. For this reason, the wording from the 2010 Guidelines has been reproduced in this table for the information of the reader.

1.6 PROJECT MOBULA

'Project Mobula', continues the PIC's focus on NSWPF misconduct risk identification, communication and treatment at the command level. This research commenced in 2012. This was five years after the initial data collection for Project Manta (in 2007), four years after the NSWPF produced its initial *Corruption Resistance Planning Guidelines* and two years after the release of its *Guidelines for Local Corruption Resistance Planning* (NSW Police Force 2010a) and after the release of the PIC's *Project Manta Report 1.*

WHY DID THE PIC UNDERTAKE PROJECT MOBULA?

The PIC undertook Project Mobula to contribute to the prevention of serious officer misconduct. By alerting the NSWPF that the identification, management and communication of misconduct risks at the command level remains an area of ongoing interest to the PIC, Project Mobula sought to act as a catalyst for the NSWPF to continue to see corruption resistance planning as a focus for its own corruption resistance activities. More specifically, in Project Mobula the PIC sought to examine:

- the nature of the corruption resistance plans being developed by commands five years after information was first collected for Project Manta
- the processes that commands report using to develop their corruption resistance plans (including among other things which if any NSWPF policy, guidelines or other resources that they use to prepare their corruption resistance plans) and suggestions that they might have for improving those processes
- the use commands make of their corruption resistance plans, that is:
    - what commands do with these plans once they have prepared them
    - what information is provided to officers within the command about the nature of the misconduct risks that they may face and how best to respond to these risks.

From a misconduct prevention perspective, the main questions of interest in Project Mobula were:

1. How well do commands identify and manage their misconduct risks?

2. How well do commands provide practical advice to their officers to help them recognise the misconduct risks they may face and to help them respond appropriately when they encounter such risks?

3. Are commands provided with adequate assistance to help them identify, communicate and manage their misconduct risks?

It should be noted that Project Mobula is a research and prevention project. The project does not seek to examine the conduct of individual officers.

HOW DID THE PIC UNDERTAKE PROJECT MOBULA?

Using a process similar to that used in Project Manta, the PIC sought to consult with approximately one-quarter of all NSWPF commands to obtain information for Project Mobula. (Refer to Table 1.3.) After writing to the NSWPF Commissioner of Police and Assistant Commissioner in charge of the Professional Standards Command to inform them of the new project and its proposed methodology, information collection was undertaken in two stages:

1. **Stage 1** - During February 2012, the PIC selected and contacted a random sample of 20 local area commands to seek a copy of their most recent and their previous corruption resistance plans as well as the name of a contact officer, who would be available to answer questions about corruption resistance planning in that command. It also contacted specialist commands that were composed of more than one subordinate unit to determine the role of their subordinate units in the corruption resistance planning process. Subsequently five specialist commands were sampled and asked for copies of their current corruption resistance plans as well as the name of a contact officer.
2. **Stage 2**, which was undertaken after examining the information provided by the sampled commands as part of Stage 1, involved telephone or face-to-face interviews with the nominated command contact person. The interviews included questions common to all commands as well as questions that were specific to the command, based on the examination of their corruption resistance plan(s). In broad terms, information was sought from each of the 25 sampled commands about:
    - the processes used to derive the corruption resistance plan, and suggestions that they might have for improving those processes
    - what is done with the plan after it is produced, i.e. how is it used
    - any strategies that the command uses to inform its staff of the misconduct risks they might face and how staff should best respond when they encounter such risks.

Built into the project methodology was consultation with the NSWPF on research findings and the direction of any possible recommendations prior to finalising this report on Project Mobula.

In this and subsequent chapters, the description of information provided tends 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 is consistent with that used in Project Manta and was chosen to allow some detail in the results reported without linking specific comments to individual commands. The PIC 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.

Table 1.3: Number of local area commands sampled compared to total number of commands in each region

NSW Police Force Region	Number of Local Area Commands	
	No. in sample	Total in region
Central Metropolitan	4	16
South West Metropolitan	4	14
North West Metropolitan	4	16
(Metropolitan regions subtotal)	(12)	(46)
Southern	2	11
Northern	3	12
Western	3	11
(Rural regions subtotal)	(8)	(34)
Total	**20**	**80**

Data collection and contact officers

Data collection was protracted. Information collection for this project was delayed by almost three months following a change in process by the NSWPF. Rather than the previous process of commands responding directly to the PIC, on this occasion the NSWPF initially required its commands to channel their responses to the PIC through their 'chain of command'. Commands differed in their understanding of what this meant. Commands were also instructed to hold any responses to the PIC until they received further advice from Professional Standards Command (PSC). Protocols for the PIC's collection of information for research projects were subsequently formalised with the NSWPF to facilitate a shared understanding of processes for providing information to the PIC and to facilitate the provision of information for future research and prevention projects.

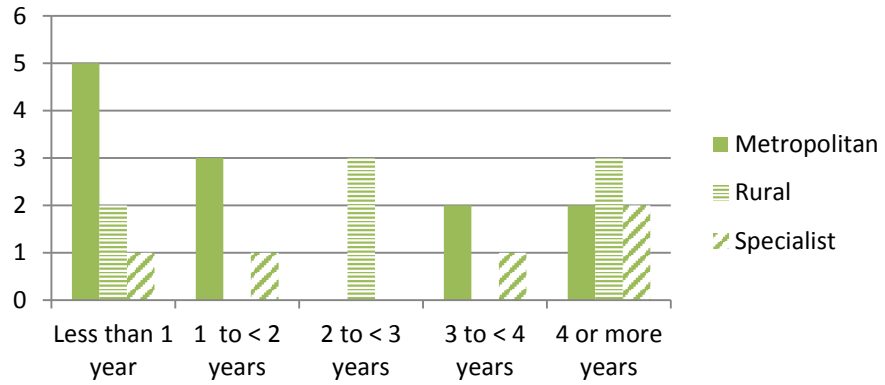
Initial documentation was received from the sampled NSWPF commands between February and June 2012. However, collection of information that formed the basis for the findings of this report did not commence until Stage 2. During the interviews, commands were asked when they had last updated their corruption resistance plans, and it was information from the interviews and the updated plans that was used as the basis for the Project Mobula findings.

Scheduling of interviews with nominated contact officers from each of the sampled commands proved to be a protracted process to fit in with officers' shifts. The majority of the interviews (19) were conducted over the phone. The remaining six interviews were conducted face-to-face at the officer's command. The initial interview was conducted in early July and the final interview was conducted in mid-December 2012.

The majority of the nominated contact officers for local area commands were Professional Standards Duty Officers (PSDOs). They had undertaken the role of PSDO

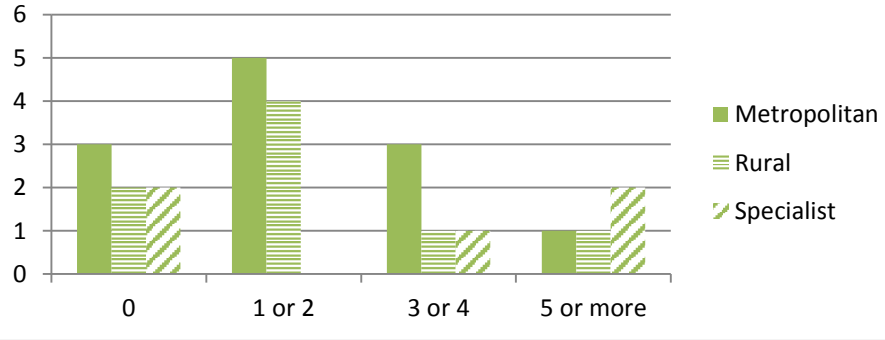
from between 3 weeks to about 5 years; occupying the role for an average of 26 months (22 months for metropolitan commands; 32 months for rural commands). The majority of nominated contact officers for specialist commands were Professional Standards Managers (PSMs), occupying the role for an average of 52 months. (See Figure 1.1.)

Figure 1.1: Length of experience as a PSDO/PSM

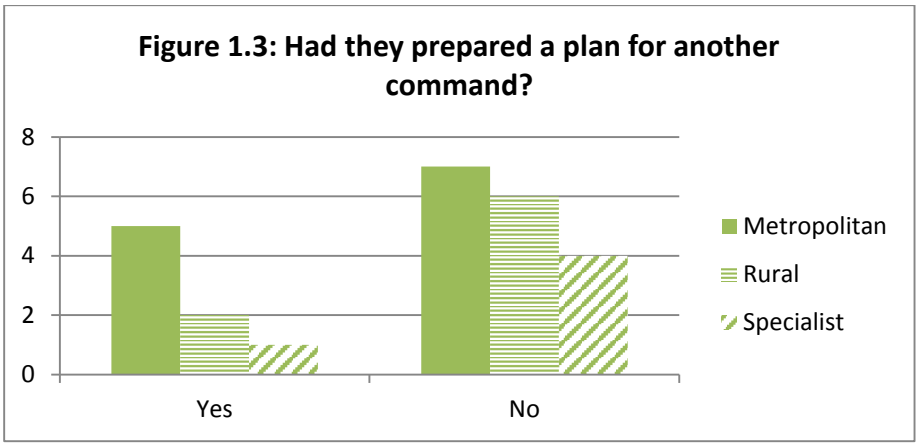


The majority of the contact officers from the local area commands (9 of 12 metropolitan commands and 6 of 8 rural commands) had personally played a role in developing their command's corruption resistance plan. (See Figure 1.2.)

Figure 1.2: No. of years prepared this command's corruption resistance plan



About one-third of the contact officers had prepared a plan for another command (see Figure 1.3).



1.7 CONSULTATION WITH NSWPF FOLLOWING DATA COLLECTION AND ANALYSIS - THE NSW POLICE FORCE RESPONSES TO DRAFT REPORTS

Consultation with the NSWPF is a feature of the PIC's research and prevention work. One aspect of this consultation was that the PIC conferred with a representative sample of commands to collect the information for Project Mobula. It did this to understand: how commands undertook their corruption resistance planning, the use they made of the plans that they produced, and how they informed their staff of the misconduct risks staff might face and how best to respond to these risks.

Consultation with the NSWPF continued after the collection and analysis of the data:

- In early November 2013, the PIC provided a briefing to NSWPF representatives on the findings and a copy of a draft of the report, and sought a written response from the NSWPF prior to the PIC drafting any recommendations based on Project Mobula findings. The NSWPF provided its response to this draft report in December 2013.
- In late 2014, the PIC provided the NSWPF with a further draft of the report, complete with recommendations. The purpose of consultation at this point was to obtain the NSWPF comments and views on the draft recommendations. In particular, the PIC sought NSWPF feedback regarding any variations that the NSWPF thought might 'strengthen or in any other ways improve' the draft recommendations. Once again a briefing was provided to NSWPF representatives on the amendments to the report as well as on the background and rationale underlying the draft recommendations. The NSWPF provided its response to the second draft report in December 2014.
- Further consultation occurred between the PIC and the NSWPF in December 2014 and January 2015. In March 2015 the NSWPF provided an additional response to the draft Project Mobula recommendations and in May 2015 it provided some additional information on the work of the Misconduct Prevention Unit in relation to corruption resistance planning.

Extracts from these NSWPF responses have been incorporated throughout this Project Mobula report.

The PIC regards consultation with the NSWPF as a vital stage in the preparation of its research and prevention reports. In effect, it allows the PIC to strengthen its advice and findings prior to publication. For the NSWPF, it represents an opportunity to provide input on a range of matters such as the interpretation of findings and the strategies, recommendations and accuracy of the data presented.

1.8 CHANGES IN GUIDANCE AND SUPPORT FOLLOWING COLLECTION OF INFORMATION FOR PROJECT MOBULA

Guidance provided by NSWPF following collection of Project Mobula information

In February 2013, the Professional Standards Command (PSC) sent an email to all commanders reminding them that all commands are required to complete a corruption resistance planning exercise annually and that they can obtain assistance with their plan development from the Misconduct Prevention Unit within PSC. The email also requested commands that had completed their corruption resistance plans to forward their plans with the associated minutes to PSC. To further assist commands, this email included a one-page advice outlining considerations when reviewing existing plans and a brief description of the differences between the staff version and management version of the command corruption resistance plan. PSC staff subsequently made a number of field visits to assist commands with their corruption resistance planning.

Additional information provided to the PIC by the NSWPF in December 2013

As part of the Project Mobula consultation process, the NSWPF was asked to comment on the accuracy of the information provided in a draft of this report and on the observations made in that draft (see Section 1.7 for further information). In December 2013, the PSC (on behalf of NSWPF) advised that:

> … the time that has elapsed since the Commission captured the data and prepared the draft report necessarily means the information is in some cases almost two years old.
>
> As such, the work undertaken by commands in consultation with PSC during 2013 has not been able to be considered for the draft report. The guidance now provided by PSC's Misconduct Prevention Unit has used a number of the Project Manta recommendations and so may have already addressed a number of the concerns contained in the draft report.

It further advised:

> The Misconduct Prevention Unit now assists commands with annual corruption resistance planning. During 2012 PSC recognised that there was a level of non-compliance and misunderstanding with this process. In February 2013 PSC decided to assist commands with this process. PSC has trained over 50 commands about the corruption resistance planning process as a whole with a particular focus on the following three areas;
>
> 1. Profiling. This exercise involves a detailed review of each command's people, operations, and environment with the goal of identifying corruption risks that are unique to the command. This process also identifies risks covered by corporate policy, but given a command's context, may require additional local treatment strategies. A profiling checklist template was developed to assist this work.

2. Detailed instruction on how to complete both the Management and Staff Plans once the risks have been identified. Examples of both effective and deficient plans were included to demonstrate the necessary levels of detail required; to explain to staff the risks and treatment strategies to ensure a greater depth of understanding of these areas.

3. Communication of the Plans. While the plan will detail the framework of corruption resistance within the command, PSC informs commands that it is also important to have a communication strategy in place to drive corruption resistance activities across the command, at periodic intervals that relate directly to the risk identified. A corruption resistance training calendar is under development for 2014 to aid communication and education and training activities.

In addition to training, feedback has been provided to over 70 commands who have sought advice.

Outside of the corruption resistance process, other initiatives developed include the completion of a mandatory training package, effectively relaunching the Code of Conduct and Ethics, and the Statement of Values. We have also introduced the core public sector values of *integrity*, *trust*, *service* and *accountability* contained in the new Government Sector Employment Act 2013. The code of conduct course is a mandatory training requirement in the current training year for all police and administrative employees.

Additional information provided to the PIC by the NSWPF in December 2014

In its response to draft recommendations in the Project Mobula report in December 2014, PSC expressed concern that the work that its staff had done since information had been collected for Project Mobula had not been reported in the then draft Project Mobula report. In terms of the work undertaken and its perception of the effectiveness and value of the work undertaken, PSC advised:

> The Misconduct Prevention Unit has now spent a further year working with commands in a manner that is directly relevant to the report's recommendations, yet the draft report does not report on the amount of work and education that has been undertaken that potentially addresses the vulnerabilities identified and tabled by the Commission in section 12.1 of the report.
>
> …
>
> **Develop standards for command corruption resistance planning to clarify the NSW Police Force expectations of those responsible**.
>
> The Commission has acknowledged the ongoing role of the Professional Standards Command in consulting with, and assisting commands with the corruption planning process. This work involves conducting visits to local area commands, business units and making presentations and conducting workshops at region meetings. During 2013/14, in addition to field based training, the Misconduct Prevention Unit has conducted in-house training to over 90 police officers who are directly involved in corruption resistance planning work at their local commands. It is expected that our current and future training commitments will address the vulnerabilities identified by the Commission;

1. ***Identification of misconduct risks***
   The Misconduct Prevention Unit has emphasised the importance to commands of completing the risk profiling exercise to 'tease' out the risks and potential risks a command may face. A template has been developed that once completed, is signed by the relevant officers as minutes of their discussions. Doing so demonstrates the decision making process, particularly why an identified risk has, or has not, been included in the associated plan.

2. ***Understanding and communicating misconduct risks***
   During the consultation process PSC promotes the importance of "drilling down" and clearly describing the risks that are identified. Additional information is provided in the form of feedback to commands, advising them how to better describe the misconduct risks.

3. ***Informing staff of the misconduct risks specific to their work or location***
   Communicating corruption resistance plans to staff using the email system has proven problematic so commands are now advised to use a wider range of training and educational activities to embed the plan and discuss the identified risks.

   Strategies that PSC promotes include referencing the plan in inductions to new staff, utilising applicable SMITs during musters and team meetings, utilising case studies at training days and having the senior management team refer to the risks identified in the plan and discuss their treatment strategies periodically throughout the year. Requiring this range of activities is key to ensuring that corruption prevention becomes a part of a command's culture. As stated in December 2013, a calendar has been developed to assist commands to schedule these activities.

4. ***Determining treatment strategies***
   Commands are now developing a range of effective treatment strategies based on their identified risks. The profiling activity and the collective knowledge of the command representatives who are part of this activity provide a solid foundation for identifying risks and developing practical treatment strategies that are likely to be adopted by staff. These strategies are communicated during the consultation process and a best practice corruption risk register has been developed to complement the advice provided in the guidelines.

5. ***Communicating treatment strategies***
   Commands have been informed of the importance of clear communication when profiling their risks and when developing the associated treatment strategies. The Misconduct Prevention Unit has provided feedback on all plans submitted to date, to help ensure that command risk identification and treatment strategies are well understood.

6. ***Providing practical advice to staff***
   Providing practical and sound advice assists commands to understand vulnerabilities and ensures they are equipped to react to a corruption or integrity risk. Verbal, written and electronic means of communicating this advice all contribute to achieving this. Over the past year commands have developed individual resources, such as unique wall posters, and have conducted role

plays using hypothetical scenarios. This is done in the expectation that command staff may better avoid potential corruption/misconduct risks if using relevant resources and specifically tailored activities. PSC observes these initiatives and they are shared with other commands.

7. Monitoring and review

Since February 2013, PSC has informed all commands that they are to treat the corruption resistance planning process as an ongoing obligation. As new information from complaints, reviews, audits and other sources emerge, commands are expected to self assess for any new risks, and implement treatment strategies for communication to staff. The Misconduct Prevention Unit has been consulting with commands on a rolling basis to ensure plans are revised at least annually and that this action is recorded in the command management framework.

8. Documentation

All commands are now required to send their profiling checklist and plans to the Misconduct Prevention Unit for review. Feedback is provided and a copy of each plan is filed at PSC. During the consultation phases, commands are advised of the importance of having their plan readily available to staff, with an increasing number of commands now opting to have their plans accessible via their command intranet page.[11]

… the Misconduct Prevention Unit is resourced to provide ongoing support and guidance to commands in their corruption resistance planning activities such that there is no need for a further compliance standard … Furthermore the Misconduct Prevention Unit also provides a telephone advisory service that is well supported by commands.

…

Through the Professional Standards Command, the NSW Police Force already provides assistance to, and offers a review function for commands engaged in the annual corruption resistance planning process. As advised in December 2013, and demonstrated above, strong emphasis has been placed on the following three areas;

1. Profiling to identify any risks that may require local treatment strategies
2. Instruction on how to complete both management and staff plans
3. Communication of the corruption resistance plans.

11 While the information provided by PSC advised that an increasing number of commands are now opting to have their corruption resistance plans accessible via their command intranet page, PSC did not seek to quantify how many commands placed copies on their intranet page. In late April 2015, the PIC did a check of local area command (LAC) intranet pages to see whether a copy of the command's corruption resistance plan was available on its intranet page. Of the 76 LACs at that time, the PIC accessed copies of corruption resistance plans on 23 of the command intranet sites (30%). A further eight command intranet sites made reference to a possible link to a corruption resistance plan where the PIC was unable to access the copy of the corruption resistance plan. Where command intranet sites included a copy of the command corruption resistance plan, in most cases the plan was not the most recent. Of the 23 command corruption resistance plans accessed by the PIC in late April 2015, eight were dated between 2006 and 2009 (35%), seven were dated between 2011 and 2013 (30%), six were dated either 2013-2014 or 2014 (26%) and only two were dated 2014-2015 (9%).

2015 Guidelines

The Professional Standards Command produced revised *Local Corruption Resistance Planning Guidelines* that came into effect in January 2015. These Guidelines were described as follows:

> These guidelines have been designed as a practical and useful guide for commands when undertaking local Corruption Resistance Planning. Compliance with the guidelines will be met when commands undertake the Corruption Resistance planning process and compliance will be measured through Command Management Framework (NSW Police Force 2015, p. 2).

Additional information provided to the PIC by the NSWPF in March and May 2015

In March 2015, PSC provided the following advice in relation to the amount of work and education that had been undertaken by its Misconduct Prevention Unit:

> The Misconduct Prevention Unit of the Professional Standards Command has collected monthly data for 2014 in regards to how many contacts/visits have been made to Local Area Commands, how many products have been reviewed and how many plans have been finalised. This information, together with a three year plan has now been developed to ensure all Local Area Commands are visited.

It provided the following statistics for the amount of work undertaken during the 2014 calendar year:

- 183 contacts[12]
- 42 visits
- 75 reviews of product(s)[13]
- 98 finalisations of product(s) [14].

PSC described the work of the MPU as being beyond an audit function:

> The Misconduct Prevention Unit focuses upon quality interaction with Local Area Commands and Commanders in their discussions concerning

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12 The NSWPF subsequently explained that this 'contact' number represents the initial contact to organise a visit or assist with the planning process. While this may involve several calls and emails it was counted as one initial contact. The NSWPF further advised that it is possible that Professional Standard Duty Officer (PSDO) forums and training days where Misconduct Prevention Unit staff offer their services may have generated some contacts included in these figures.

13 The NSWPF subsequently explained that this 'review of product' number refers to draft plans and profiling minutes (that is, a record of the profiling sessions or meetings).

14 The NSWPF subsequently explained that this 'finalisation of product' number refers to the commands' finalised plans received by the Misconduct Prevention Unit (MPU). The NSWPF further advised that the finalisation of the plan occurs after the MPU has provided feedback on the draft plan and profiling minutes. It is a matter for commands as to whether or not they incorporate the feedback provided by the MPU. After commands have sent their finalised plans to the MPU, the MPU identifies any good ideas/good practice contained within them that may be of relevance to other commands in the NSWPF and places them on the PSC website. The update of the PSC website was ad hoc and being reviewed on a yearly basis. At the time the advice was provided the most recent review had been in January 2015.

> corruption resistance. This is a process far beyond an audit function. The interaction by the Unit focuses upon embedding plans and strategies within Command's everyday business. Plans received in 2014 and discussions with Commanders and other staff have indicated a heightened awareness of the importance of corruption resistance. This is a qualitative assessment of the members of the Unit. The Misconduct Prevention Unit has a long-term focus in this area. At the same time however, whenever the Unit is attending a Command, reviewing a plan, or providing advice, they are also 'auditing' although in a very supportive manner. Our aim is to add value.

In subsequent communication received in May 2015, PSC described the work of its Misconduct Prevention Unit as follows:

> The Misconduct Prevention Unit (MPU) provides support, advice and guidance for all Local Area Commands and the various business units that are attached to both the Specialist and Corporate areas. Since 2013 the MPU has continued to take a proactive approach, by engaging on a local level, to assist the field in tailoring the corruption resistance planning process, to meet their individual needs.
>
> In 2014 the MPU assigned each of its staff members to specific regions to further encourage a more personal and consistent approach to corruption resistance planning.
>
> In 2015 the corruption resistance process is being further enhanced to ensure that each command is equipped to identify and manage their misconduct risks. To assist in this process the corporate documentation has been reviewed, updated and made available to all commands. Additionally, a number of resources have been developed to value add in the corruption resistance process. These products are promoted by the MPU and are available via the MPU intranet site.
>
> Further support is provided through a variety of different communication means, including visiting individual commands and providing advice and feedback through phone and email contacts. Detailed feedback is provided on all draft documentation submitted to the MPU and the finalised plans are reviewed and kept on file at the Professional Standards Command. Any risk mitigating strategies considered to be of benefit to the field as a whole are promoted by the MPU and included within the Corruption Resistance intranet platform.

1.9 LIMITATIONS

Like Project Manta, Project Mobula examined misconduct risks. It did not examine other risks such as operational risks or financial risks. Nor did it include matters that would be captured in a standard financial audit.

Project Mobula primarily relied on the interviews with the contact officers, the material provided by 25 NSWPF commands and subsequent information provided by the Professional Standards Command.

1.10 STRUCTURE OF THIS REPORT

This report consists of 12 chapters.

Following this introductory chapter there are 10 chapters which comprise the *Results and Analysis* segment of this report. These chapters describe the reviews of the corruption resistance planning documents provided by the sampled commands and results of the interviews conducted with command representatives. These results chapters deliberately include a number of extracts from what the officers said when interviewed, to enable the officers' views and experiences to be available to the reader. In the NSWPF's response to an earlier draft of this report, it expressed concern that:

> Some of the information provided by the respondents included in the draft report is inaccurate. Some interviewees' comments reported are wrong and there are no comments in the report that indicate that the Commission is aware of the inaccuracies.

The PIC acknowledges that some officers' comments and descriptions of the processes they used do not reflect the procedures outlined in the various NSWPF Guidelines. However, the PIC accepts that the responses reflect the officers' views and experiences at that time. The PIC recognises and thanks the command representatives for providing their perspectives and the insight that they have given into how their commands understood and undertook corruption resistance planning.

The *Results and Analysis* segment of this report is divided into the following chapters:

- *Chapter 2 - Nature of corruption plans being produced* incorporating information about how many commands had corruption resistance plans, the ages of these corruption resistance plans, the structure of the most recent plan, and whether commands prepared separate management and staff versions of their corruption resistance plan
- *Chapter 3 - Nature of misconduct risks documented in corruption resistance plans* incorporating information about the number and nature of the risks identified in the most recent plan, whether the risks were well-described, and whether commands identified different risks for officers undertaking different types of work or working in different locations
- *Chapter 4 - Processes commands reported using to develop their corruption resistance plans* incorporating information about perceptions of whether shared or different processes were used to develop corruption resistance plans across the commands, reported changes in the ways commands undertook their corruption resistance planning, who was involved in developing the corruption resistance plan, documents consulted, and command representatives' tips for those preparing a corruption resistance plan for the first time
- *Chapter 5 - Identification of misconduct risks* incorporating information about the processes commands reported using to identify their misconduct risks, how they ensured that they did not miss any significant risks, misconduct risks identified but not documented in the corruption resistance plan, as well as command representatives' suggestions for improving the process of identifying misconduct risks

- *Chapter 6 - Determining best treatment strategies for each misconduct risk* incorporating information about methods commands used to determine the best treatment strategies to address each misconduct risk and whether the treatment strategies were well-described in the command corruption resistance plan
- *Chapter 7 - Monitoring and review of corruption resistance plans* incorporating information about how often the plans were reviewed, what acted as a trigger to review the corruption resistance plan, and command representatives' suggestions for improving the process of reviewing treatment strategies
- *Chapter 8 - Documentation* incorporating information about the strategies commands reported using so that information was not lost and the problems identified
- *Chapter 9 - Communication of misconduct risks to staff* incorporating information about which aspects of the plan were communicated to staff, how the plan was communicated, information about the procedures to protect staff and to reduce the possibility of their integrity being compromised, information to help staff recognise the integrity hazards they may face in their work and how to respond appropriately
- *Chapter 10 - Training and sharing ideas* incorporating information about the training and support officers had received in relation to corruption resistance planning, whether they talked to staff in other commands about what works, or had other ways of sharing strategies about preparing corruption resistance plans, and command representatives' suggestions for additional training or support.
- *Chapter 11 - Purpose and effectiveness of plans* incorporating information about the perceived purpose of the plans, whether command representatives thought the plans were effective and how they thought that the command corruption resistance plans were used.

Each of these chapters consists of:

- a brief *Overview* of the topics discussed within the chapter
- *Summary* and *Observations* to assist the reader absorb key points presented in the chapter and
- *Extracts from the NSWPF response* to the findings and observations
- a *Background* section which outlines Project Manta findings and relevant NSWPF corporate guidance as a context in which to consider the findings of the current study
- a description of *What we found*.

The final chapter of the report, Chapter 12, provides an assessment and discussion of key Project Mobula findings and the implications of these findings for minimising future serious officer misconduct within the NSWPF. The chapter ends with a discussion of 'Where to from here' which amongst other things proposes five recommendations to improve the NSWPF's capacity to minimise future officer misconduct.

A Glossary of terms used throughout the report is provided before the list of References for the reader's convenience.

Part 2:
RESULTS AND ANALYSIS

2. NATURE OF CORRUPTION RESISTANCE PLANS BEING PRODUCED

A question commonly asked by command representatives when doing the interviews for Project Mobula was 'how do our plans compare to the plans of other commands?'

2.1 OVERVIEW

One of the aims of Project Mobula was to examine the nature of the corruption resistance plans being developed by commands five years after information was originally collected for Project Manta. This largely descriptive chapter provides information on:

- how many commands had corruption resistance plans
- the age of the most recent corruption resistance plan
- the structure of the most recent corruption resistance plan
- whether commands prepare separate management and staff versions of their corruption resistance plan.

Findings for local area commands are described separately from findings of specialist commands in this and the next chapter, given the differences between these two types of commands and the relatively large number of corruption resistance plans (36) collected from the specialist commands.

Summary

- All except for one of the 20 local area commands had a corruption resistance plan. One metropolitan command said that it had determined that it did not need to have a local corruption resistance plan because all of its misconduct risks were managed through corporate policies and procedures.
- Specialist commands differed amongst themselves in the number and types of plans they produced. The five specialist commands in the sample produced a total of 36 corruption resistance plans amongst them.
- Most plans had been produced in the previous 12 months. Five of the 36 plans from specialist commands were more than two years old.
- Corruption resistance plans varied in length from one to 19 pages, with an average (median) length of three pages. Plans for local area commands tended to be a little shorter than plans for specialist commands.
- Plans examined for Project Mobula also varied in their structure. For

the local area commands, 10 plans used the 2010 template, two used 2012 template, five used the 2008 template and two used something different. For specialist commands, 19 used the 2010 template, ten used 2012 the template, two used the 2008 template and five used other formats.

- Approximately one-quarter of the plans incorporated a staff version of the corruption resistance plan that provided staff with specific practical advice to help them avoid or manage their misconduct risks. Many commands either did not produce staff versions or the versions that were produced did not provide such advice.
- None of the commands had prepared more than one staff version of their plan for dissemination to staff carrying out different duties or for staff working in different locations.
- Only three of the 25 contact officers interviewed seemed to have an understanding of the distinction that was intended between the staff and management versions of the corruption resistance plan.

Observations

- Command representatives seemed to have little knowledge about corruption resistance plans from other commands. A question that the PIC researcher was commonly asked when conducting the interviews for this project was 'how do our plans compare to the plans of other commands?'
- The 2010 and 2012 Guidelines allowed for commands to decide that they did not need to produce a corruption resistance plan where all of their corruption risks are managed by corporate policies. However, the implications for its corruption resistance activities of a command not producing a corruption resistance plan are not discussed within these Guidelines.
- That most plans were produced in the previous 12 months is consistent with the NSWPF corporate guidance that says that command corruption resistance plans should be reviewed annually.
- Given that commands differ in the nature and number of corruption risks they face and identify, it is neither surprising nor inappropriate that their corruption resistance plans differ in length.
- The NSWPF issued three sets of guidelines between 2008 and 2012 on corruption resistance planning at the command level. Not all commands appeared to have kept up with the variation in the procedures in the different guidelines.
- While the NSWPF guidelines aim to ensure quality and consistency in corruption resistance planning across the NSWPF and provide a standardised framework for local corruption resistance plans, the plans reviewed for Project Mobula were not consistent in their structure.
- More important than the structure of the corruption resistance plans is how they are used (discussed in Chapter 11.)

- The relevance and value of the staff version of the corruption resistance plan was not well understood by commands. Hence an opportunity was lost to advise staff of the risks that they are likely to face in their work and provide practical advice to assist staff in protecting their integrity in relation to identified corruption or serious misconduct risks.

Extracts from the NSWPF Response

In its response in December 2013, the NSWPF advised:

> The report states that command representatives seemed to have little knowledge of corruption plans from other commands. That interviewees were interested in comparative data is interesting, but is not indicative of deficient practice. It is important that commands prepare their own plans not slavishly copy those from elsewhere. Copying was rife when PSC [the Professional Standards Command] first gathered all the plans in 2006. While there is nothing to stop a command 'shopping' for good ideas or treatment options the risks they identify must be tailored to their own commands.
>
> The report observes that the guidelines do not require commands to prepare a plan where their risks are managed by corporate policies. PSC is of the view that there is little utility in conducting a planning exercise and not preparing a plan and will make the plan a mandatory requirement.[15]
>
> Regarding the recency of the plans, it is PSC practice to ensure that all commands do a planning exercise each year, and this practice will continue in 2014.
>
> The observation that the length of plans varies is noted and the comments are endorsed.
>
> The observation that the commands may be using different versions of the plans is at odds with the directives made on the PSC website. The Commission's observations are agreed and the need to use the current guidelines will be reinforced.
>
> The Commission has observed that the plans reviewed are inconsistent in their structure. PSC takes this comment on notice and will take steps to improve this aspect of planning.
>
> PSC agrees that the structure of the plans is less important than their utility however suggests that a consistent approach is still desirable.
>
> The comments on the relevance and the value of the staff version of the plan are noted and might be extended to the attitude towards the

15 It is of noteworthy that the preparation of a plan is not a mandatory requirement in the 2015 Guidelines. Under the heading of 'Do all commands need to have a corruption resistance plan?" the 2015 Guidelines state: 'It is a requirement of CMF that every NSW Police Force command undertakes corruption resistance planning. The results of that exercise will determine if a command needs to have a local plan'. The next paragraph of the 2015 Guidelines commences with: '*Where necessary* [emphasis added] implementing a Corruption Resistance Plan is a succinct means for ensuring that a command has …' (NSW Police Force, 2015, pp. 7-8).

planning exercise that has been adopted by some commands. A staff version of the plan is essential and the comments that staff versions need to contain practical advice to maximise their usefulness is sound advice. PSC will focus on this element when assisting commands with the planning process in 2014.

2.2 HOW MANY COMMANDS HAD CORRUPTION RESISTANCE PLANS?

BACKGROUND

When information was collected in 2007 for Project Manta, all except for one of the 25 sampled commands had a corruption resistance plan. The rural commander who had said that his command did not have a corruption resistance plan at that time made it clear that he had made a deliberate choice not to have such a plan. He said that he had seen a lot of plans that had been developed with only lip service paid to them and he thought that his command could manage with other existing systems (Police Integrity Commission 2009, p. 168).

Since that time, NSWPF corporate guidance on corruption resistance planning had been issued to commands in January 2008, 2010 and 2012. The nature of this guidance changed between 2008 and 2012. In 2008 all commands were required to produce a corruption resistance plan. In 2010 and 2012 there was a requirement to undertake an annual corruption resistance planning exercise focussing on risks that were unique, significant or required additional treatment strategies. The 2012 Guidelines clarified that while undertaking the planning exercise was a requirement, the results of the planning exercise would determine whether a command needed to produce a local corruption resistance plan.

WHAT WE FOUND

Nineteen of the 20 local area commands provided copies to their most recent corruption resistance plan. One metropolitan command said that it had determined that it did not need to have a local corruption resistance plan because all of its corruption risks were managed through corporate policies and procedures.

Specialist commands differ in size, structure and diversity of functions. The five specialist commands that were selected to participate, and participated, in Project Mobula ranged in number of employees from approximately 400 staff to more than 1300 staff. The ratio of sworn to unsworn officers also differed amongst these five specialist commands. Each of these specialist commands was comprised of a number of subordinate units. The way these specialist commands went about preparing their corruption resistance plans also differed:

- one of the specialist commands prepared an overall plan in early 2012, using the 2012 Guidelines. Each of the subordinate units within that specialist command then prepared its own plan based on the content and using the format of that ‘master plan’

- another specialist command prepared one corruption resistance plan for the entire specialist command, covering all of its subordinate units
- the remaining three specialist commands included in the sample had a separate plan for each of the subordinate units within the command.

Altogether these five specialist commands had prepared a total of 36 corruption resistance plans.

2.3 HOW OLD WERE THESE CORRUPTION RESISTANCE PLANS?

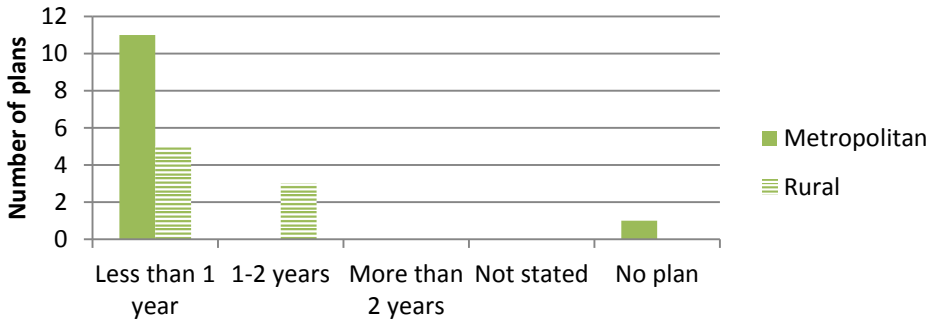
BACKGROUND

There is agreement amongst the 2008, 2010 and 2012 NSWPF guidance on corruption resistance planning that command corruption resistance plans should be reviewed (at least) annually. Hence one would expect that the majority of current corruption resistance plans examined for Project Mobula would have been prepared within the previous 12 months. Information on age of the corruption resistance plans was not collected in 2007 for Project Manta, so no comparison is possible from that time.

WHAT WE FOUND

In 2012, the corruption resistance plans for the majority of local areas commands had been prepared within the previous 12 months, with only 3 of the 19 plans being older than 12 months and none being more than two years old. (See Figure 2.1.) The most recent plans provided by local area commands were dated between July 2010 and May 2012. Four of the local area command plans were dated after the PIC's initial correspondence was sent requesting copies of the plans.

Figure 2.1: Age of most recent plan for local area commands



Thirty-five of the plans provided by specialist commands were dated between January 2010 and May 2012. (See Figure 2.2.) No information was available on when one of the plans was prepared. One of the specialist command plans was dated after the PIC's initial correspondence was sent requesting copies of the plans.



2.4 STRUCTURE OF MOST RECENT PLAN

BACKGROUND

There was a lot of variation in the structure and content of the corruption resistance plans supplied by the sampled commands in 2007. While more than half of the plans examined for Project Manta were one page long, the plans that were provided to the PIC at that time varied in length from one page to 16 pages (Police Integrity Commission 2009, pp. 168-171).

The 2008 Guidelines stated that 'The NSW Police Force requires a consistent format for corruption resistance planning' (p. 5). Although the 2008, 2010 and 2012 NSWPF Guidelines did not impose any length restrictions on the corruption resistance plans, the sample plans appended to the 2010 and 2012 Guidelines were each of a single page in length. Each of the NSWPF Guidelines has provided a different tabular template for the format of the command corruption resistance plan. By examining the number of columns and column headings used in individual plans it was possible to check on which, if any, of the NSWPF Guidelines the structure of a command's plan was based. The column headings for each of the templates is listed in Table 2.1. The 2008 template called for a single version of the command corruption resistance plan. The first column of this plan listed 'Issues' (rather than 'risks'). In contrast, both the 2010 Guidelines and the 2012 Guidelines provided templates for a management version and a staff version of the command corruption resistance plan. The headings in the 2012 template differed slightly from the headings in the 2010 template (see Table 2.1).

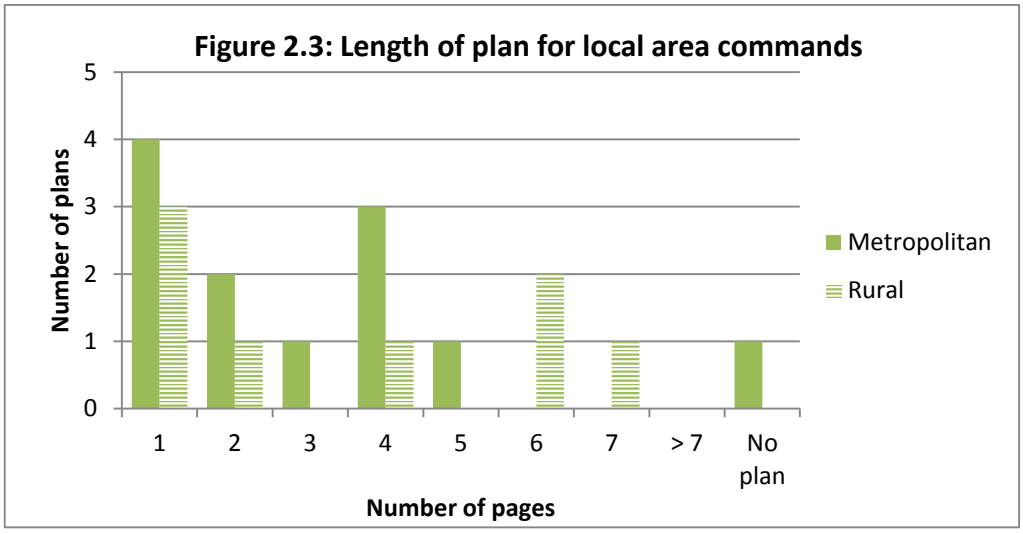
Table 2.1: Comparison of the column headings provided in the templates from different NSWPF Guidelines

2008 Guidelines	2010 Guidelines	2012 Guidelines
• Issue • Treatment strategies • Resources • Responsibility • Target & timeframe • Notes • Monitoring & Review	***Management Version*** • Broad risk • What could happen – specific local risk • Who is at risk • Location of risk • Risk level • Local strategy to be implemented • Responsibility (Position) • Action/Report/ Review period	***Management Version*** • Broad risk • What could happen – specific local risk • Who is at risk • Location of risk • Local strategy to be implemented • Responsibility (Position) • Action/Report/ Review period
	Staff Version • Broad risk • What could happen – specific local risk • Who is at risk • Location of risk • Risk level • Advice	***Staff Version*** • Broad risk • Specific local risk • Who is at risk • Location of risk • Advice/strategy • Purpose of the strategy

WHAT WE FOUND

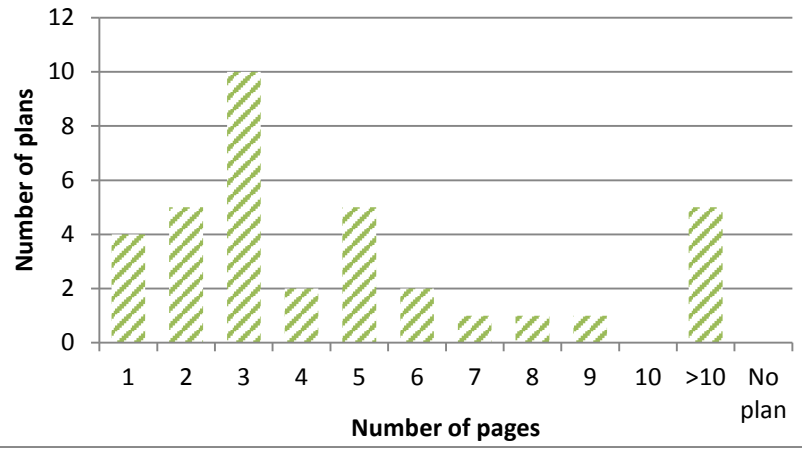
Length

In 2012, the plans (or management versions of the plans where commands had more than one version) for local area commands ranged from one to seven pages excluding any cover sheet, with an average (median) length of two pages for metropolitan commands and three pages for rural commands. (See Figure 2.3.)



Excluding any coversheet, corruption resistance plans for subordinate units of specialist commands ranged from one page in length to 19 pages, with an average (median) length of three pages. (See Figure 2.4.)

Figure 2.4: Length of plan for specialist commands

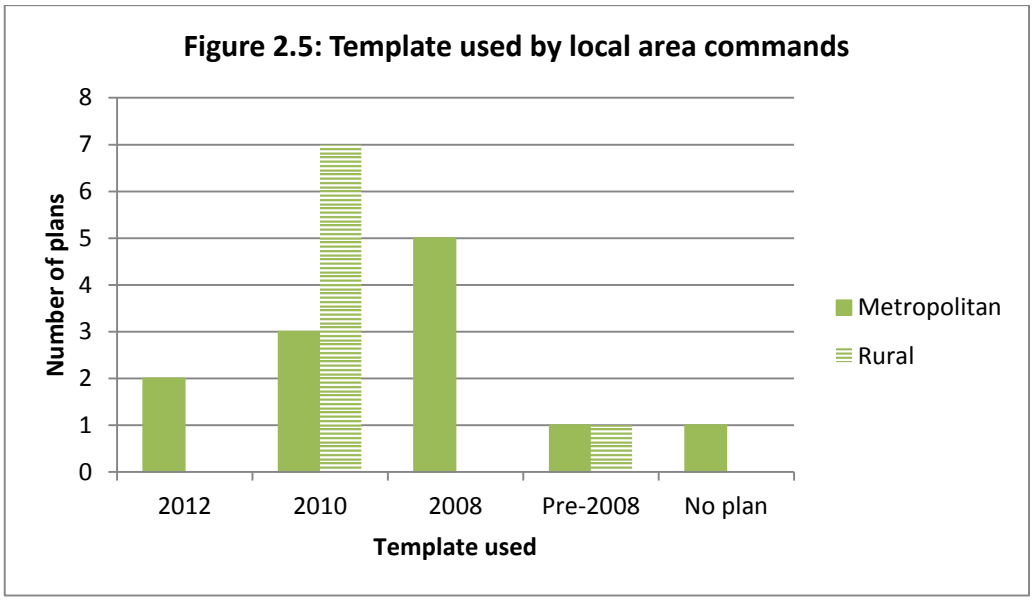


Structure

Information for Project Mobula, including copies of commands' most recent corruption resistance plans was collected in 2012. Hence it could be expected that commands would have prepared their most recent corruption resistance plans in 2011 or 2012 using the 2010 or the 2012 Guidelines with the resulting corruption resistance plans using the format prescribed in the 2010 or 2012 Guidelines. It was somewhat of a surprise to find that seven of the 20 local area command plans followed the 2008 or an earlier format: five metropolitan command plans, which were advised as being prepared between June 2011 and January 2012, followed the format provided in the 2008 guidelines, while two other local area commands' plans followed an even earlier format.

Local area command plans examined for Project Mobula varied in their structure. Half used the template from the 2010 Guidelines, two used the 2012 template, and five used the 2008 template or modifications of it. (See Figure 2.5.) For example, one metropolitan command modified the 2008 template by providing additional information on the nature of the risks. When the contact officer from the command was asked why his command used that structure, he responded that he thought that it was the most recent structure advocated by the NSWPF. Two local area commands used other formats.[16]

16 One rural command prepared a 'Corruption Prevention Plan' that included a three-page introduction (including 'objectives', 'definition of corruption', 'description of process' and 'references') followed by a three-page table with three columns headed 'Corruption Target', 'Risk Factor' and 'Strategy'. Another metropolitan command used a single-page tabular format with three columns headed: 'Risk', 'RMS' and 'Responsibility'.



One command advised that there was no flexibility available in the structure it was required to use for its corruption resistance plan. During the interviews this contact officer from a metropolitan command commented that he had found the column for 'Strategy' on the template for the management version not to be wide enough. He said that he had been told not to alter the form.

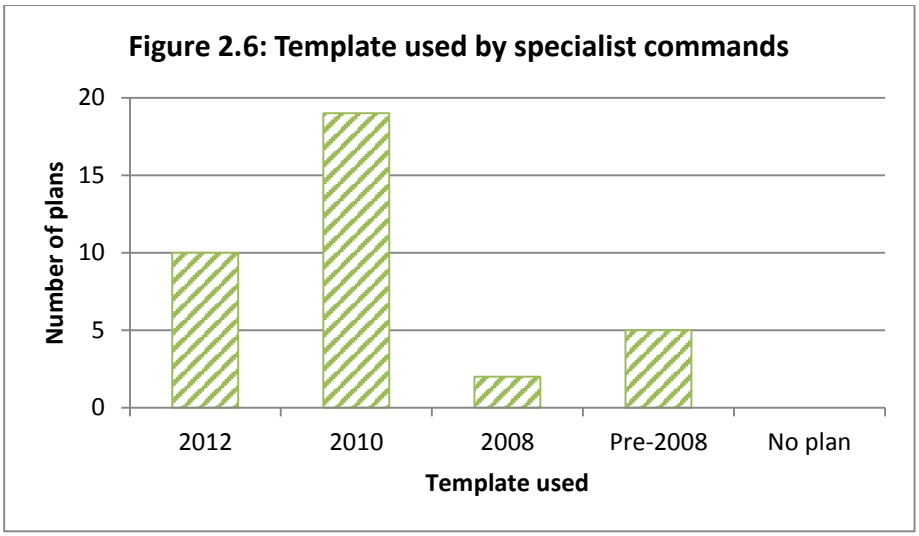
Plans for the subordinate units within specialist commands also varied in their structure. Nineteen used the template from the 2010 Guidelines, ten used the 2012 template, two used the 2008 template and five used other formats. (See Figure 2.6.) Within one specialist command which had prepared a master plan based on the 2012 template, there was consistency in the structure of the plans of each of its subordinate units. By comparison within another specialist command that had seven subordinate units there was less consistency. While four of its subordinate units used the 2010 template, one used a variation of the 2010 template, another unit used the 2008 template and the remaining unit prepared a 'Corruption Prevention Plan', a structure that pre-dated the 2008 Guidelines. The structures used by the five subordinate units that did not follow any of the 2008, 2010 or 2012 templates were:

- two subordinate units of different specialist commands each prepared what they called a 'Corruption Prevention Plan'.[17]
- one portrayed its information under the headings: 'Identified Risk', 'Potential Impact of Risk' and 'Strategy Responsibility'
- another portrayed its information under the headings: 'Risk Factors', 'Strategy', 'CMF[18] Area or Responsibility'

17 These two plans took different formats. One portrayed its information under the headings: 'Introduction', 'Objective One - Professionalism and Standards of Performance', 'Objective Two - Skills of Centre Managers', 'Objective Three - Workplace', 'Objective Four - Operational Risks', 'Objective Five - Management Risks', 'Objective Six - Recognition and Reward', 'Objective Seven - Strategy Information Collection'. The other portrayed its information under the following column headings: 'Identified High Risk Factors Pertaining to Corruption', 'Employee/Complaint Management', 'Risk Assessment', 'Performance Management/Team Reporting', and 'Employee Management'.

18 Command Management Framework.

- another portrayed its information under the headings: 'Issue', 'Corruption Risks', 'Likelihood and Consequence', 'Existing Strategies', 'Required Strategies', 'Notes and Decisions'.



Officers' comments

When discussing their role in the development of the command corruption resistance plan, a number of the contact officers had mentioned that they saw it as part of their responsibility to ensure that commands put their plans into the corporate format, for example:

> When I took up the PSDO role … they were still running with the old format. My role has been to move to develop plan in the format that is currently required. (Metropolitan Command)

> I see my role as being in an advisory capacity. I'm there to make sure that it is in the format that PSC wanted and that they hit the right spots. (Specialist Command)

2.5 DID COMMANDS PREPARE SEPARATE MANAGEMENT AND STAFF VERSIONS OF THEIR CORRUPTION RESISTANCE PLAN?

BACKGROUND

In 2007, while most commands had one corruption resistance plan that was made available to all staff, one command had a separate corruption resistance plan for a high risk area of work and another command had separate plans for supervisors and more junior officers. Most commonly where strategies were linked to risks within corruption resistance plans, they were command-wide activities for checking compliance with policy rather than strategies to be adopted by individual officers when faced with specific risks. In contrast, one command provided lists of actions that officers could take as a 'means to avoid complaints' within its corruption resistance plan.

Project Manta recommended that the NSWPF:

> provides guidance in relation to how and where to document:
>
> - …
> - 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 they may face (Police Integrity Commission 2009, p. 208).

Following from this, the NSWPF 2010 and 2012 Guidelines incorporated reference to producing separate management versions and staff versions of the local corruption resistance plan. The 'management version' of the command corruption resistance plan became the place to document command-level strategies for managing each misconduct risk and the 'staff version' of the plan became the place to document officer-level strategies for managing each misconduct risk. Both the 2010 and 2012 Guidelines advocated having separate management versions and staff versions of command corruption resistance plans and provided a template for the different versions as well as examples of what these versions might contain. However, there was no specific guidance in the 2010 Guidelines as to the role of the staff version or when a command would require a staff version of a corruption resistance plan. The information that was provided in the 2010 Guidelines included:

> Once the plan is complete, the commander has responsibility for determining which risk management strategies require communication to their staff (NSW Police Force 2010a, p. 2)
>
> The minutes should include the following … Staff Plan (where required) at Annexure D (NSW Police Force 2010a, p. 2).

Greater direction was given in the 2012 Guidelines that included the following information:

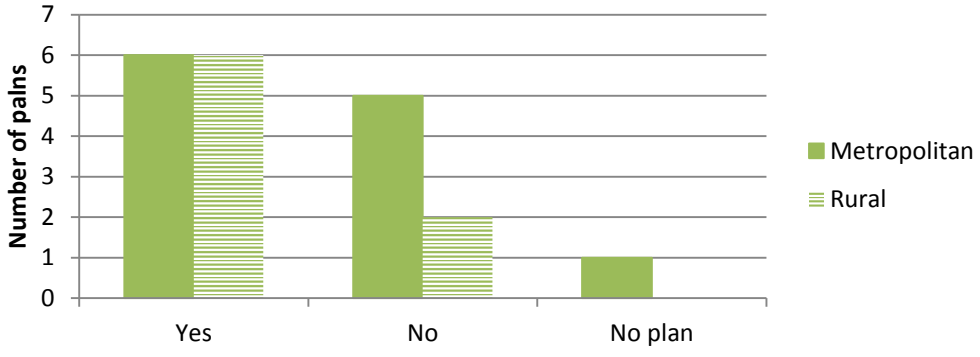
> The Guidelines will assist those responsible for the planning process to identify and treat corruption risks and, most importantly, provide a framework on how to communicate the results of the planning process to all staff (NSW Police Force 2012a, p. 5).
>
> When formulating treatment strategies consider the risks from two perspectives: first, what management needs to do to eliminate or minimise the risk and if necessary, secondly what practical advice should be given to staff to help them to avoid or manage the risk (NSW Police Force 2012a, p. 13).
>
> The minutes should include the following … Staff Plan (where required) at Annexure D (NSW Police Force 2012a, p. 16).
>
> The staff version(s) of the plan is to be used to:
>
> - inform staff of the risks identified for their particular position/location
> - give staff advice concerning their responsibilities and to assist staff in protecting their integrity in relation to identified risks (NSW Police Force 2012a, p. 17).

WHAT WE FOUND

Was there a separate staff version of the corruption resistance plan?

Twelve of the local area commands in the Project Mobula sample had prepared separate management versions and staff versions of their command corruption resistance plans (see Figure 2.7). One metropolitan command that did not have a staff version reported that it had intended to, but the idea was lost with staff changeover.

Figure 2.7: Are there separate management and staff versions of the plan for local area commands?

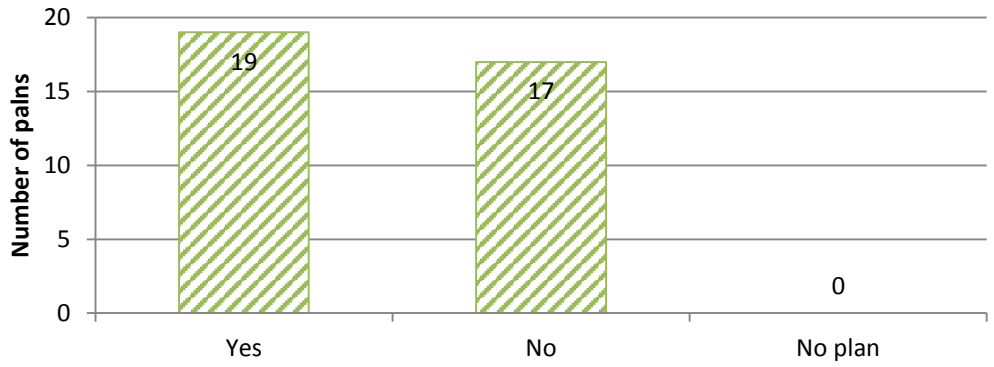


Of the 12 commands that did have a separate staff version, two commands (one metropolitan and one rural command) simply rephrased command-level management strategies rather than providing practical advice that could be used by officers (or officer-level strategies) for managing misconduct risks. The advice provided by one rural command in its staff version of the plan was fairly general, for example: ‘Act appropriately in licensed premises and abide by all of the rules of the venue’.

Hence only nine of the local area commands produced staff versions of their corruption resistance plan that provided staff with specific officer-level strategies that might help them to avoid or manage their misconduct risks.

Nineteen of the 36 specialist command plans prepared separate management versions and staff versions of their command corruption resistance plans (see Figure 2.8). Another specialist unit produced the one version of its corruption resistance plan which it labelled 'Management and Staff Version'. While another specialist unit provided a 'Staff Version' of its plan that was blank other than the heading.

Figure 2.8: Are there separate management and staff versions of the plan for specialist commands?



For four of the nineteen subordinate units of specialist commands that produced separate documents, the management version was identical to the staff version, with the exception of the heading. A further ten subordinate units prepared staff versions that provided general advice of the form: 'All staff are required to read and comply with corporate policies and SOPs …'

Hence only five of the 36 specialist command subordinate unit plans incorporated staff versions that provided staff with specific officer-level strategies to help them to avoid or manage their misconduct risks.

None of the commands had prepared more than one staff version of their plan for dissemination to staff carrying out different duties or for staff working in different locations.

Understanding the purpose of the staff version of the corruption resistance plan

Each contact officer was asked: *Some commands have separate management versions of the corruption resistance plan and staff versions of the corruption resistance plan. What do you think is the purpose of having two versions of the plan?*

Only three of the 25 contact officers interviewed seemed to have an understanding of the distinction that was intended between the staff and management versions of the plan. These officers responded:

> Probably around communicating to the different audiences. I suppose some treatment strategies useful to communicate to management and

> staff. Staff need to know what the risks are and what is expected of them regarding the risks. Management needs to know risks and specific treatment strategies. (Metropolitan Command)

> Constable downstairs doesn't need to know who is to be checking, just needs to know the risk and what he is meant to do. (Rural Command)

> Staff version gives staff a simple guide of how not to land themselves in corruption. Management version provides command strategies for [Complaint Management Team/Senior Management Team] to monitor implementation. (Rural Command)

Some contact officers answered that they did not understand the distinction, for example:

> I don't know, that is what we are told to do. (Rural Command)

> That's the way they set it up. That is what we are told to do. (Specialist Command)

> I've seen the version. That's not something that is initiated here as I don't see the purpose of doing two. (Metropolitan Command)

> That's in the new procedures. We will do it. It's a new one and [haven't paid attention to it yet]. In management one could highlight certain people/areas are more prone to corruption. Staff version is one for all of them. But everyone knows where this is an issue. (Metropolitan Command)

Some contact officers suggested that the distinction could be that the staff version should be shorter or worded more simply, for example:

> I think maybe the staff version is basically a simplistic version for staff. If I put the whole thing up there, no one would look at it. Just a simplistic model for staff. I don't really know the difference – no one has explained it. (Metropolitan Command)

> It did make sense to me when I looked at it. I think that the staff version was a little more simplified and did not include all of the measuring information. Management version outlines who is responsible. (Metropolitan Command)

> I don't see any purpose in it at all. [With] management plan simplicity is important. With staff version try to make it even simpler but don't think that is necessary. [This PSDO then asked the PIC officer why they did have two versions.] (Rural Command)

> I don't think that the staff really need to be privy to the whole corruption resistance process. I think that a summarised version that is easier to read is more appropriate. A more concise version. Slightly easier version on the eyes. (Specialist Command)

> I can only imagine that the management one might be a bit more detailed. Staff short & sharp. Not sure why issued. (Specialist Command)

While some contact officers suggested that the reason behind the two versions might have been that managers and junior officers faced different risks, they were not supportive of this distinction:

> I have no idea. I think the same plan should apply to everyone. Plenty of superintendents and inspectors have complaints against them. (Rural Command)

> The only thing I can see is supervisors have risks for them, staff have risks for them. I think this is wrong. It should not be broken up to a management-type thing and a plebs-type thing. If it is a risk, it is a risk. (Specialist Command)

> Yes, I've seen those on the intranet. Perhaps some commands have seen that there are some risks that only apply to managers and some risks for staff. (Specialist Command)

Other contact officers suggested that the management of some commands might be secretive about their corruption risk management strategies:

> I don't know. Maybe they are a bit secretive about their strategies. I want to be open and above board. I don't see the point of having separate command and staff versions. (Metropolitan Command)

> Well, the management version obviously gives ability for Leadership Team to look at what we see as its strategies to manage corruption risks. They (staff) don't see the management version – that is, they don't see this is how we build our radars, then they could attempt to come up with strategies to defeat management strategies. (Rural Command)

For those who had not understood the purpose or the distinction between the management and staff versions of the command corruption resistance plan, the PIC interviewer explained the distinction towards the end of the Project Mobula interview. The PSDO and PSMs said that they thought that the distinction made sense and that they then better understood it. When subsequently asked *Are there any aspects of corruption resistance planning that you would like to do differently?,* some command representatives referred to preparing or changing the staff version of their command's corruption resistance plan:

> I'd like to adjust my staff version. (Will do it now.) (Rural Command)

> Only thing I see I would do differently is dissemination of staff version (Rural Command)

> Just the stuff I was talking about before. I would like to make the language appropriate. I think that the idea of a staff version is a good one. (Specialist Command)

3. MISCONDUCT RISKS DOCUMENTED IN CORRUPTION RESISTANCE PLANS

> *Well, it's a bit hard to know what other commands have as risks as we do not see their corruption resistance plans. (Metropolitan Command)*

3.1 OVERVIEW

This chapter outlines:

- the number and nature of the risks identified in the corruption resistance plans provided to the PIC
- an assessment of whether the risks were well-described
- whether commands identified different risks for officers undertaking different types of work or working in different locations.

Summary

- The number of risks identified and documented in the corruption resistance plans ranged from zero to 22 risks for local area commands and from zero to 20 risks for specialist commands.
- The most common categories of risk documented by metropolitan commands were:
  - Inappropriate computer access
  - Misconduct associated with secondary employment
  - Improper use of social networking sites
  - Off-duty misconduct
  - Poor customer service
  - Inappropriate behaviour in relation to user pays policing.
- The most common categories of risk documented by rural commands were:
  - Improper association/conflict of interest
  - Misconduct associated with exhibit management and miscellaneous property
  - Off-duty misconduct.
- The most common categories of risk documented by subordinate units of specialist commands were:
  - Misuse of confidential information

    - Misuse of police resources (including vehicles)
    - Misconduct associated with secondary employment
    - Improper associations
    - Inappropriate use of social networking sites
    - Misuse of flex time/overtime/sick leave and recall to duty.
- Nine of 19 plans from local area commands and 17 of the 36 plans from specialist commands clearly specified each of their documented misconduct risks.
- By contrast, at least some of the risk descriptions in the plans of the other 10 local area commands and of the remaining 19 of the plans from specialist commands were not sufficiently detailed to assist in understanding the specific nature of the risk.
- The majority of commands did not identify different misconduct risks for officers who undertake different types of duties, who work in different locations or officers with different amounts of experience. Only four local area commands (three metropolitan commands and one rural command) did distinguish one or more risks for some subgroup of staff.

Observations

- The better one understands the nature of a misconduct risk, the better placed he or she is to tailor a treatment strategy to address the risk. The brief unelaborated descriptions used in some corruption resistance plans leave the nature of the misconduct risks to be managed unclear.
- The more clearly a risk is described, the better equipped an officer may be to recognise the risk when faced with it.
- The way in which corruption resistance plans were being used at the time of this research suggests that either commands did not see that different subgroups of officers faced different misconduct risks in their work or that commands did not understand that the risks faced by different subgroups of officers should be documented in their corruption resistance plans.

Extracts from the NSWPF Response

In its response in December 2013, the NSWPF advised:

> It is agreed that the better a risk is appreciated the better placed a command is to adopt a treatment strategy. PSC regards these comments as constructive criticism and worthy of including in planning and training materials.
>
> It is not clear however whether better descriptions of risks will always promote risk recognition by police officers in real time. Suffice to say that it would be a sensible strategy for planners to drill

into risks as deeply as possible before compiling a plan.

It is probable that the commands interviewed did not conduct the planning exercise in sufficient detail to look at subgroups. Since that time PSC has commenced providing resources to enable commands to look at these risks and will be promoting this in 2014.

3.2 NUMBER AND NATURE OF THE MISCONDUCT RISKS DOCUMENTED IN THE MOST RECENT PLAN

BACKGROUND

In 2007, 19 of the 24 commands that provided corruption resistance plans (or related documents such as corruption prevention plans, professional standards plans or business plans) identified some form of 'risks'. Some of these were labelled 'risks', other labels used included: 'corruption targets', 'high risk systems', 'risk types', or 'identified areas of risk'. The number of such risks ranged from two to 27. Some of these risks (such as 'Annual Leave') did not pertain to corruption or other forms of misconduct.

To summarise the nature of the misconduct risks identified in the documents, the risks were grouped into 33 broad categories. The most common categories of misconduct risk documented in corruption resistance plans at that time were:

- misuse and security of information and information systems
- customer service
- abuse of leave provisions
- property in police possession (exhibits, drugs, money, property)
- misuse of police resources (Police Integrity Commission 2009, pp. 108-111).

A number of the misconduct risks contained in corruption resistance plans and related documents closely resembled Command Management Framework (CMF) portfolios, for example:

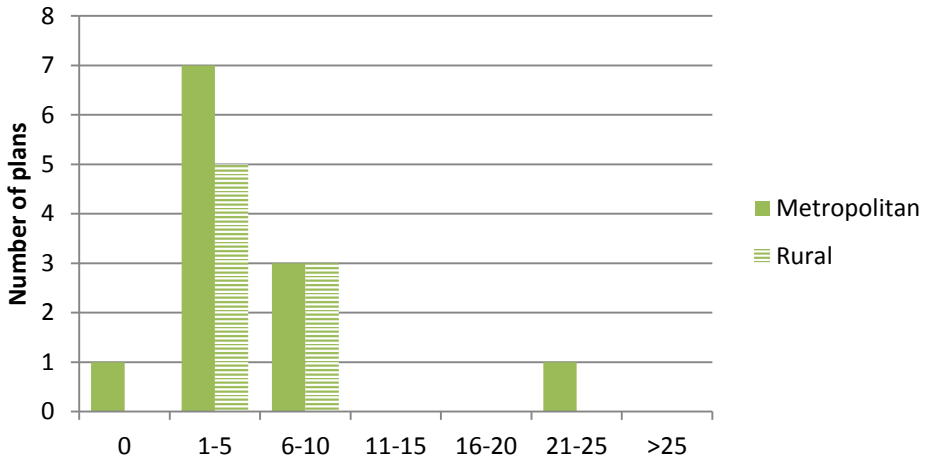
- Arms and Appointments
- Assets Management
- Exhibits
- Miscellaneous Property (Police Integrity Commission 2009, p. 108).

WHAT WE FOUND

Local area commands

In 2012, the number of risks identified and documented in the corruption resistance plans of local area commands ranged from zero (for the metropolitan command that determined that it did not need to have a local corruption resistance plan because all of its misconduct risks were managed through corporate policies and procedures) to 22 risks. The 11 metropolitan commands that had corruption resistance plans documented between two to 22 risks per command. All eight rural commands sampled for this research had corruption resistance plans. These eight rural commands documented a from two risks to 10 risks per command. (See Figure 3.1.) On average (median), metropolitan commands documented five and rural commands documented four risks in their corruption resistance plans.

Figure 3.1: Number of risks listed on plan for local area commands



The most common categories of risk documented by metropolitan commands were:

- inappropriate computer access
- misconduct associated with secondary employment
- improper use of social networking sites
- off-duty misconduct
- poor customer service
- inappropriate behaviour in relation to user pays policing.

The most common categories of risk documented by rural commands were:

- improper association/conflict of interest
- misconduct associated with exhibit management and miscellaneous property
- off-duty misconduct. (See Table 3.1 for more information.)

Table 3.1: Comparison of most frequently mentioned broad categories of misconduct risks in the corruption resistance plans of metropolitan and rural commands

Metropolitan Commands (n=11)[a]			Rural Commands (n=8)		
Summary of risk category	**Frequency[b]**	**No. of commands mentioning risk[b]**	**Summary of risk category**	**Frequency[b]**	**No. of commands mentioning risk[b]**
Inappropriate computer access	6	4	Improper association/conflict of interest	5	5
Misconduct associated with secondary employment	6	2	Misconduct associated with exhibit management and miscellaneous property	4	4
Inappropriate use of social networking sites	5	5	Off-duty misconduct	4	3
Off-duty misconduct	5	4	Inappropriate disclosure of information	2	2
Poor customer service	5	4	Misconduct associated with search warrants	2	2
Inappropriate behaviour in relation to user pays policing	5	3	Conflict of interest associated with tow truck companies	2	2
Bullying	4	4	Misconduct associated with wideload escorts	2	2
Misuse of sick leave	4	4	Inappropriate use of police motor vehicles	1	1
Inappropriate exhibit/miscellaneous property handling	4	4	Misconduct associated with workplace attendance	1	1
Improper associations	3	3	Inappropriate material on Police memo system	1	1
Misuse of overtime and recall to duty	3	3	Inappropriate computer access	1	1
Inadequate supervision	3	3	Misuse of staff travel, finance, allowances, higher duties relieving	1	1

Table 3.1: Comparison of most frequently mentioned broad categories of misconduct risks in the corruption resistance plans of metropolitan and rural commands (cont'd)

Metropolitan Commands (n=11)[a]			Rural Commands (n=8)		
Summary of risk category	**Frequency[b]**	**No. of commands mentioning risk[b]**	**Summary of risk category**	**Frequency[b]**	**No. of commands mentioning risk[b]**
High percentage of junior staff	3	2	Failed prosecutions	1	1
Inappropriate relationships with licensed premises	3	1	Internal complaints	1	1
Performance and conduct mismanagement	1	1	Misconduct associated with accountable books and station records	1	1
Misconduct pertaining to brief preparation	1	1	Misconduct associated with monies	1	1
Misconduct pertaining to custody practices	1	1	Statute-barred motor vehicle accidents	1	1
Misconduct pertaining to rostering	1	1	Lack of knowledge of variation in laws of neighbouring states	1	1
Misconduct pertaining to court attendance	1	1	Many staff work without direct supervision	1	1
Misconduct pertaining to case management	1	1	Off-duty misconduct of seconded officers	1	1
Misconduct pertaining to culturally competent policing	1	1	Poor customer service	1	1
Misconduct pertaining to police response to unlawful behaviour by off-duty staff	1	1	Inadequate investigations	1	1
Misconduct pertaining to search warrants	1	1	Inequitable allocation of overtime shifts	1	1

Table 3.1: Comparison of most frequently mentioned broad categories of misconduct risks in the corruption resistance plans of metropolitan and rural commands (cont'd)

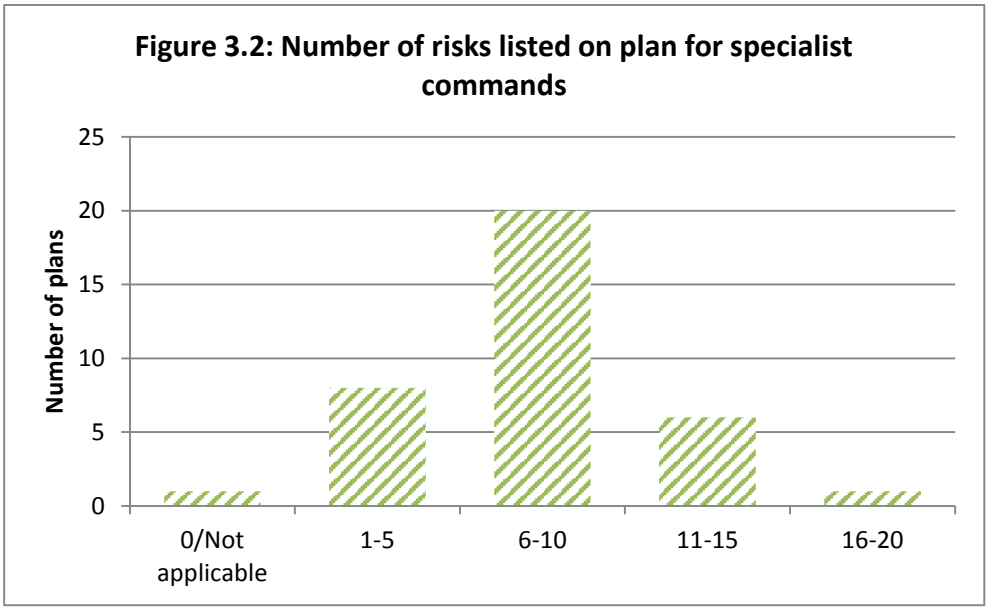
Metropolitan Commands (n=11)[a]			Rural Commands (n=8)		
Summary of risk category	**Frequency[b]**	**No. of commands mentioning risk[b]**	**Summary of risk category**	**Frequency[b]**	**No. of commands mentioning risk[b]**
Supply, buy or use illegal drugs	1	1	Misconduct associated with user pays events	1	1
Conflicts of interest	1	1	Misuse of police resources	1	1
Misconduct associated with motor vehicles	1	1	Misconduct associated with social media	1	1
Misconduct associated with leave time	1	1	Making false claims	1	1
Misconduct associated with media policy	1	1	Poor supervision	1	1
Abuse of authority	1	1	Misuse of sick leave	1	1

a One of the 12 metropolitan commands did not produce a corruption resistance plan.

b Frequency' exceeds 'No. of commands mentioning risk' where the one command has identified and documented more than one risk in this category in their corruption resistance plan.

Specialist commands

Subordinate units of specialist commands listed between zero and 20 risks, with an average (median) of seven risks per corruption resistance plan. (See Figure 3.2.)



As can be seen from Table 3.2, the most common categories of risk documented by subordinate units of specialist commands were:

- misuse of confidential information
- misuse of police resources (including vehicles)
- misconduct associated with secondary employment
- improper associations
- inappropriate use of social networking sites
- misuse of flex time/overtime/sick leave and recall to duty.

Table 3.2: Comparison of most frequently mentioned broad categories of misconduct risks in the corruption resistance plans of specialist commands

Specialist Commands (n=36 subordinate unit plans)		
Summary of risk category	**Frequency[a]**	**No. of commands mentioning risk[a]**
Misuse of confidential information	48	27
Misuse of police resources (including vehicles)	36	18
Misconduct associated with secondary employment	12	12
Improper associations	12	12
Inappropriate use of social networking sites	11	11

Table 3.2: Comparison of most frequently mentioned broad categories of misconduct risks in the corruption resistance plans of specialist commands (cont'd)

Specialist Commands (n=36 subordinate unit plans)		
Summary of risk category	**Frequency[a]**	**No. of commands mentioning risk[a]**
Misuse of flex time/overtime/sick leave and recall to duty	11	9
Misconduct associated with financial management	10	10
Misconduct associated with the use of assumed identities	8	8
Inappropriate exhibit management / miscellaneous property handling	7	6
Failure to declare conflict of interest	6	6
Inappropriate allocation of security licences	6	1
Abuse of legal process	5	5
Unauthorised absence of staff from duty	5	4
Inappropriate behaviour in relation to source management	5	3
Inappropriate or a lack of supervision and/or training	5	3
Harassment, discrimination and bullying	4	4
Off-duty misconduct	4	3
Misconduct associated with search warrants	3	3
Misconduct associated with gifts and benefits	3	3
Misconduct associated with Intellectual Property and Copyright	3	3
Misconduct associated with the use of interpreting services	3	1
Improper behaviour in licensed premises	2	2
Failed prosecutions	2	1
Loss of public confidence in police integrity	1	1
Lack of compliance with Corruption Plans	1	1
Increase in customer service complaints	1	1
Misconduct associated with records management	1	1
Misconduct associated with recruitment processes	1	1
Failure to report misconduct	1	1
Noble cause corruption	1	1
Misconduct associated with prosecutions	1	1

[a] 'Frequency' exceeds 'No. of commands mentioning risk' where the one command has identified and documented more than one risk in this category in their corruption resistance plan.

3.3 WERE THE RISKS WELL-DESCRIBED?

BACKGROUND

The value in identifying misconduct risks is so that they can be communicated, recognised and managed.

In 2007, where misconduct risks were included in corruption resistance plans the brief description provided in the plan often left the nature of the risk unclear. Unelaborated risk labels such as 'arms and appointments' or 'motor vehicles', which appeared in some plans, did not provide a clear description of the misconduct risk that these officers face. What is it, for example, about 'arms and appointments' that poses a misconduct risk for the officers at these commands?

In its Project Manta Report 1, the PIC observed that the clearer the description of the risk the better it can be understood, communicated and managed. For this reason the PIC advocated that the NSWPF should develop and promote a standardised method for commands to use when describing and communicating their misconduct risks. To assist in more clearly describing the risk, the PIC suggested that commands include the following information in their misconduct risk descriptions:

- the nature of the risk to the officer(s), that is what is it that puts the officer at risk (e.g. it may be the complexity of a policy that puts the officer at risk, the opportunity for theft or the frustrations with a process)
- at risk of what, that is what type of misconduct might the individual officer engage in (e.g. taking short cuts, show bias in applying the law)
- the types of officers or roles that might face the risk, for example, whether it is a risk that may be encountered by all officers in the command or only those undertaking a particular type of police work (e.g. detectives or officers working in a particular location) or only those with a particular length of service (Police Integrity Commission 2009, p. 204).

In response to Project Manta, in its 2010 Guidelines the NSWPF directed commands to ask the following questions of each risk and record the answers directly onto their corruption resistance plan:

> - What is the broad risk? (e.g. Bribery)
> - What is it that may put staff at risk? (e.g. new communications technology might result in tow truck drivers approaching police for information concerning motor vehicle accidents)
> - What is the corrupt activity that staff might engage in? (e.g. police might accept bribes from tow truck drivers in exchange for information)
> - Who is at risk? (e.g. general duty officers and highway patrol) (NSW Police Force 2010a, p. 4).

The corruption resistance plan templates included columns with the following headings:

- Broad risk
- What could happen – specific local risk
- Who is at risk (NSW Police Force 2010a, pp. 8, 9).

The 2012 Guidelines required the same format but provided slightly more explanation about the information required (NSW Police Force 2012a, p. 12).

WHAT WE FOUND

Local area commands

Of the 19 local area commands sampled in 2012 for Project Mobula that had corruption resistance plans, the plans of nine commands (five metropolitan commands and four rural commands) were rated by the PIC as providing descriptions that had sufficient detail to communicate the nature of the each of their risks clearly to others.

The following risks, listed on command corruption resistance plans, are examples of descriptions that the PIC considers to be sufficiently detailed to provide a clear picture of the risks. These descriptions are taken from the 'Broad Risk' and 'What could happen – specific local risk' columns of the corruption resistance plans:

> User pays – Staff may be undertaking user charges duties at expense of their substantive duties (Metropolitan Command)
>
> Improper handling of property – Property is lost, stolen or converted to inappropriate uses (Metropolitan Command)
>
> Misuse of social media e.g. Facebook – Police being identified and located by criminal entities, police uploading inappropriate photographs and making inappropriate comments about colleagues (Metropolitan Command)
>
> Supply, buy or use illegal drugs – off duty LAC staff may buy sell or use illicit drugs due to the culture in which they socialise (Metropolitan Command)
>
> Release of information – Staff inappropriately releasing information on social networking sites and through other electronic media, bringing the NSW Police Force into disrepute (Metropolitan Command)
>
> User charges – Unauthorised changes to roster. Fatigue management and abuse of sick leave entitlements as a result of increased work hours. Inequitable allocation of User Charge shifts (Metropolitan Command)
>
> Improper association/conflict of interest – Staff in small town are related or friends with offenders or victims. Staff pressure not to act or to take preferential treatment (Rural Command)
>
> Due to the geographic expanses between sectors in the [command] many staff work without direct supervision. This risk extends to specialist sections

> such as the Drug Unit and Target Action Group who travel to remote parts of the command performing covert and overt duties with a minimum of supervision. A lack of supervision can lead to staff misusing resources, poor off duty behaviour, misuse of sick leave, drug and alcohol abuse and other forms of corrupt conduct (Rural Command)
>
> Inadequate investigations – analysis of complaint records indicates a significant rise during [the previous year] in complaints relating to inadequate investigations within the [Command]. The failure of these investigations may be due to negligence, deliberate or unintentional on behalf of officers involved (Rural Command)
>
> Misuse of office – Officers using Police ID to influence staff in permitting entry to local clubs/hotels after 'lock-out' times (Rural Command)
>
> Theft of money, exhibits, property – Risk of miscellaneous property, drug and other exhibits not being accounted for and the risks of them being retained for too long. Risk of continuity compromised. (Rural Command)

By contrast, at least some of the risk descriptions in the plans of the other 10 local area commands were not sufficiently detailed to provide a clear picture of the risk. The following are examples of descriptions which do not appear to clearly describe the specific nature of the risks:

> Motor vehicles (Metropolitan Command)
>
> Media Policy (Metropolitan Command)
>
> Exhibits/Misc Property (Metropolitan Command)
>
> Staff accountability – Court attendance (Metropolitan Command)
>
> Case management (Metropolitan Command)
>
> Culturally competent policing (Metropolitan Command)
>
> Search warrants (Rural Command)
>
> Accountable Books and Station Records. (Rural Command)

For these examples, there was no additional detail provided on the command corruption resistance plans to provide further insight into the nature of the risk.

Specialist commands

Of the 36 corruption resistance plans pertaining to the five specialist commands sampled for this research, the plans of 17 subordinate units were rated by the PIC as providing descriptions that had sufficient detail to communicate the nature of each of their risks to others.

The following risks, listed on command corruption resistance plans, are examples of descriptions that the PIC considers to be sufficiently detailed to provide a clear picture

of the risks. These descriptions are taken from the 'Broad Risk' and 'What could happen – specific local risk' columns of the corruption resistance plans:

> Source Management – Retaining cash rewards meant for registered sources (Specialist Command)
>
> Interpreters – False or incorrect billing details by contractors (Specialist Command)
>
> Conflict of interest - Involvement and/or knowledge in investigations regarding family, friends or associates leading to a perception or actual disclosure or bias resulting in embarrassment to civil action against the officers or NSWPF (Specialist Command)
>
> Money, drugs and valuables mishandled or stolen during search warrants or other seizures – theft of drugs, cash or valuables; seized items not being properly accounted for in exhibit books (Specialist Command)
>
> Abuse of legal process – laying of charges without sufficient evidence, inaccuracies or embellishments of information in affidavits to obtain warrants, fabrication or tampering with evidence, perjury. (Specialist Command)

By contrast, at least some of the risk descriptions in the plans of the other 19 specialist commands were not sufficiently detailed to assist in understanding the nature of the risk. Examples of such descriptions include:

> Sources (Specialist Command)
>
> Failure to comply with corporate or legislative requirements (Specialist Command)
>
> Misconduct – unprofessional behaviour (Specialist Command)
>
> Misconduct – dishonesty (Specialist Command)
>
> Unprofessional behaviour (Specialist Command)
>
> Abuse of office (Specialist Command)
>
> Rosters (Specialist Command)
>
> Communication (Specialist Command)
>
> Travel (Specialist Command)
>
> Improper handling of exhibits (Specialist Command)
>
> Unethical culture (Specialist Command)

3.4 DID COMMANDS IDENTIFY DIFFERENT RISKS FOR OFFICERS UNDERTAKING DIFFERENT TYPES OF WORK OR WORKING IN DIFFERENT LOCATIONS?

BACKGROUND

The PIC has observed that officers undertaking different types of police work (such as detective work or highway patrol work) or working in different locations (such as large versus small stations within the one command) are likely to face different integrity hazards and misconduct risks (Police Integrity Commission 2009, p. 209). In its Project Manta, the PIC found that in 2007 very few commands stated that they provided different information for officers undertaking different types of police work or for officers working in different stations. Overall the communication strategies reported by commanders tended not to communicate different messages to officers who face different misconduct risks.

The PIC advised that the NSWPF should identify the types of officers who are subject to particular misconduct risks and provide tailored guidance and support for officers on how to recognise and respond to misconduct risks that may be specific to a particular policing role such as conducting investigations, to working in a particular area such as a remote geographical area and to work where there is little supervision (Police Integrity Commission 2009, p. 209). The PIC also advised:

> Just as occupational health and safety risks can differ with the type of work an employee undertakes and the location in which they undertake the work, so can officer misconduct risks. The Commission considered that commands should identify the types of officers to which a misconduct risk applies, so that the misconduct risks can be classified into those that are:
>
> - shared by all officers working in the command
> - specific to officers working in particular locations
> - specific to officers undertaking particular types of duties
> - specific to officers with particular levels of experience.
>
> This would enable commands, as part of their risk misconduct risk identification process, to better understand and then communicate and tailor appropriate strategies to manage their risks (Police Integrity Commission 2009, pp. 203-204).

Following from the information in Project Manta Report 1, the NSWPF 2010 Guidelines provided an additional column in its corruption resistance plan template labelled 'Who is at risk'. In the 2010 Guidelines commands were advised:

> Once corruption risks unique to your command have been identified, ask the following questions and record the answers directly into the plan (see Annexure B).
>
> - …
> - Who is at risk? (e.g. general duty officers and highway patrol) (NSW Police Force 2010a, p. 4)

The 2012 Guidelines provided the following additional guidance:

> Who is at risk? Consider the role, duty, location or length of service of staff that might place them at risk (e.g. general duty officers of more than 10 years of service in a command may be well known to tow truck operators) (NSW Police Force 2012a, p. 12).
>
> The staff version(s) of the plan is to be used to:
>
> - inform staff of the risks identified for their particular position/location (NSW Police Force 2012a, p. 17).

WHAT WE FOUND

The majority of commands did not identify different misconduct risks for officers who undertake particular types of duties, who work in particular locations or officers with particular levels of experience in the corruption resistance plans that they provided to the PIC in 2012. The six local area commands that used the 2008 or an earlier template did not seek to differentiate who was at risk, that is to say, they did not differentiate whether any particular risks were associated with particular duty types or locations. The majority (nine) of the (thirteen) commands that used more recent (2010 or 2012) templates similarly did not seek to differentiate their risks by duty type or location. For example in the column labelled 'Who is at risk', these commands noted for each of their risks descriptions such as 'All staff' or 'All police' or 'All officers within [command]'. Only four local area commands did distinguish one or more risks for some subgroup of staff. Specifically:

- one metropolitan command described a risk that it considered was specific to 'Staff from various cultural/religious backgrounds'. That risk was the risk of: 'Harassment, discrimination and bullying – Staff from non-English Speaking backgrounds being subjected to inappropriate comments/jokes'.
- a second metropolitan command associated one risk with 'command detectives and the proactive team'. That risk was the risk of 'Search warrants – search warrant/crime scene integrity'
- a third metropolitan command associated one risk with Detectives, Crime Management Unit and 'Alpha' units. That risk was the risk of 'Supervision of high trust positions – limited field supervision of junior staff high trust positions'
- a rural command described a risk as being specific to 'Highway Patrol'. That was the risk which it described as: 'Misuse of police resources – funding allocation being managed by staff within the HWP unit. Some staff being allocated more overtime shifts that others'.

Three commands identified that some risks applied more broadly than to all of the officers working within the command, for example:

> Off duty officers – internal and external to LAC (Metropolitan Command)
>
> All command staff and the chosen police seconded (Rural Command)
>
> All police in the LAC. Also police from outside the LAC who may reside in or visit the area (Rural Command).

Three commands, while suggesting that the risk applied to all officers within the command, mentioned some specific subgroups for particular attention:

> All LAC staff particularly [command] exhibit centre personnel (Metropolitan Command)
>
> All officers/members of Command working in remote areas (Rural Command)
>
> All sworn staff, particularly probationary constables (Rural Command).

4. PROCESSES USED TO DEVELOP COMMAND CORRUPTION RESISTANCE PLANS

> *I don't know how other specialist commands go about doing their plans.*
> *(Specialist Command)*

4.1 OVERVIEW

One of the aims of Project Mobula was to examine the processes that commands report using to develop their corruption resistance plans. This includes which if any NSWPF policy, guidelines or other resources that they used to prepare their corruption resistance plans and suggestions that they might have had for improving those processes. This chapter provides an overview of these processes by describing officer responses concerning:

- whether they thought that they used the same or different processes from those used by other commands to develop their corruption resistance plans
- reported changes in the ways commands undertake their corruption resistance planning
- who was involved in developing the corruption resistance plan
- documents consulted
- tips for those preparing a corruption resistance plan for the first time.

Information about more specific processes can be found in subsequent chapters. Specifically, processes to:

- identify misconduct risks are described in Chapter 5
- determine the best treatment strategies for each misconduct risk are described in Chapter 6
- monitor and review corruption resistance plans are described in Chapter 7
- document the plans and the planning process are described in Chapter 8
- communicate misconduct risks to staff are described in Chapter 9.

Summary

- The vast majority of command representatives suggested that they thought that all commands used the same processes to develop their corruption resistance plans.
- Officers from three commands said that they could not compare the way their command went about corruption resistance planning with the processes used by other commands because they did not know how other commands go about corruption resistance planning.
- While command representatives thought that all commands used the same processes to develop their corruption resistance plans, officers' responses revealed that commands differed in their approaches to:
    - whether they used a team to develop their corruption resistance plan (11 said they used a team, 7 said the Professional Standards Duty Officer (PSDO) developed the plan either alone or in consultation with the superintendent, 5 said that they had not been involved in the most recent corruption resistance planning exercise and did not know who else had been involved)
    - the level of involvement of their superintendent
    - seeking help from outside the command (13 had sought help, 9 had not sought help and 3 were unsure whether or not help had been sought)
        - 7 advised they had sought help from the Professional Standards Command (PSC)
        - 7 advised they had contacted neighbouring or similar commands
        - 2 advised that they had contacted their region
        - 2 advised that they had sought specialist help in creating an online survey or in the design and layout of their plan
    - referring to documents on the NSWPF intranet (19 said they had referred to documents, 2 said they had not referred to any documents and 4 were unsure whether or not they had referred to any documents)
        - 15 said they looked at some version of PSC guidelines
        - 5 said they referred to templates or forms from the PSC website
        - 2 said they referred to Corruption Resistance Profiling checklists
    - referring to their previous corruption resistance plan (19 said that they did make some use of it, 3 said they did not refer to it and 3 did not know whether or not any use had been made of it).

- Twelve of the 25 officers who were interviewed said that they had been involved in developing more than one corruption resistance plan. The eight officers who said they changed the way they went about corruption resistance planning differed in the changes they made: for example one command decreased the amount of consultation and two commands increased the amount of consultation.
- Command representatives were divided in their views about the role of PSC. Ten thought that PSC did have a role in corruption resistance planning in their command, ten thought that it did not have a role and five were unsure.
- When asked what tips they had for officers who might be preparing a corruption resistance plan for the first time, the suggestions most frequently mentioned by command representatives concerned:
    - consulting widely
    - familiarising themselves with the guidelines
    - undertaking a complaint trend analysis
    - referring to the PSC website and liaising with PSC
    - keeping it local and manageable
    - putting in the time and making the effort, and
    - conducting a staff survey.

Observations

- Only 60% of command representatives said that they had looked at some version of PSC guidelines when developing their corruption resistance plan. This suggests that putting new guidelines on the intranet may not, by itself, be an effective way of communicating the corporately preferred process and any changes in the process to commands.
- Some command representatives commented that they did not know the processes other commands used to develop their corruption resistance plans.
- Lack of documentation retained within the command meant that some contact officers were unaware of the processes that their command had used to develop its most recent corruption resistance plan.
- There were different views as to whether or not PSC held copies of command corruption resistance plans.
- Many thought that PSC did not give feedback on corruption resistance plans that had been prepared.
- Professional Standards Managers (PSMs) perform a slightly different role in specialist commands than their Professional Standards Duty Officer (PSDO) counterparts perform in local area commands. While PSDOs take a lead role in corruption resistance planning within local area commands, PSMs take more of an advisory and coordinating

role in the corruption resistance planning of the subordinate units of specialist commands.

Extracts from the NSWPF Response

In its response in December 2013, the NSWPF advised:

> It is of concern that 40% of commands contacted had not consulted PSC guidelines when compiling plans. In 2013 PSC commenced an active program of field visits that draws attention to the available resources. This observation raises important issues about the value that commands place on having a corruption prevention plan. PSC is considering whether it can measure command level compliance with the misconduct prevention planning process at a corporate level.
>
> The observation that commands did not know the processes that other commands follow when developing their plans follows closely on the above point that they are not following the guidelines. PSC has always expected commands to prepare discrete plans based on locally identified risks. Provided they follow the guidelines it should be mostly irrelevant what other commands are doing.
>
> As regards the lack of documentation within commands, PSC has always expected commands to maintain a general records file that provides an audit trail of the planning processes they have conducted each year. Perhaps inconsistent record keeping has contributed to the inability to report on their planning processes. This will be addressed in 2014.
>
> PSC now requires all plans to be copied to PSC. This will enable examples of good practice to be identified and shared.
>
> PSC has in the past assisted with the planning exercise but it is not its role to provide feedback as to whether commands have accurately identified all their risks.
>
> The comments about the roles of Region PSMs are noted, however regions also require misconduct prevention planning exercises to be conducted and the role of PSMs there should also emulate that of PSDOs in local area commands.

4.2 PERCEPTIONS OF WHETHER SHARED OR DIFFERENT PROCESSES WERE USED

BACKGROUND

As outlined in Section 1.5 of Chapter 1, the NSWPF issued three sets of guidelines for how commands should undertake its corruption resistance planning between January 2008 and January 2012. There have been notable differences in some of the advice expressed in the different sets of guidelines. For example, the guidelines issued in 2008 emphasised the importance of process:

> Effective corruption resistance planning is built on two key foundations:
>
> 1. Adequate resources.
>
> 2. Transparent and accountable documentation.
>
> …
>
> The effectiveness of a Corruption Resistance Plan will be severely compromised without adequate resources and transparent and accountable documentation (NSW Police Force 2008, p. 4).

In contrast the guidelines issued in 2010 were described in the *Police Weekly* as streamlined and having minimal process:

> The streamlined guidelines are quick and easy to use, and have minimal process (NSW Police Force 2010b, p. 7).
>
> [The corruption risk management process comprising establishing the context, identify, assess, evaluate, treat, document, communicate, monitor and review] should take no more than two or three hours (NSW Police Force 2010a, p. 2).

The different guidelines also provide different formats for the preparation of the command's corruption resistance plan. However, each of the three sets of guidelines shared the objective of providing a standardised or consistent framework for corruption resistance planning across the NSWPF.

WHAT WE FOUND

Do officers think that they use the same processes as other commands?

Each command representative was asked: *Is there anything special about [this command] that would mean that the way it goes about producing a corruption resistance plan would be different from the way other commands go about their corruption resistance planning?*

In 2012, the vast majority of representatives from local area commands suggested that they did not think that there was anything about their command that would mean that the way it went about producing a corruption resistance plan would be different from the way other commands go about their corruption resistance planning. They stated that while they would be likely to identify different risks, they thought that commands went through the same process to produce their plans.

The only exception to this was the representative from one rural command who said that the distances involved led to that command using different consultation and communication strategies (such as telephone link up and sector meetings) from those used by many commands.

Three of the officers interviewed commented that they could not compare the way their command went about corruption resistance planning with the way that other commands went about corruption resistance planning because they did not know how other commands produced their corruption resistance plans:

> I don't know how other commands do theirs – think it is a cut and paste. Here we took it seriously. (Metropolitan Command)
>
> Wouldn't think so – but don't know. (Rural Command)
>
> I don't know how other specialist commands go about doing their plans. (Specialist Command)

Do specialist commands use the same processes as local area commands?

When asked how they saw that the process of preparing one or more corruption resistance plans for a specialist command differed from the process of preparing corruption resistance plans for local area commands, three of the five representatives from specialist commands said that they thought that the process should be the same, although the risks might be different. One of the two other specialist commands considered that the work undertaken by the different subunits within their specialist command was far more diverse than the work undertaken in a local area command:

> I think with the LAC it is a lot more generic – except for some geographical issues. [The units within this command are] totally different – it is the uniqueness. We have had to come up with local SOPs to bridge the gap between corporate policy and how [we are] working. (Specialist Command)

On the other hand, the representative from the fifth of the sampled specialist commands thought that the work of local area commands was more diverse than the work his specialist command undertook:

> LAC is completely different. It's just totally different. In LAC have general duties, DVLO, YLO … looking at least 4 or 5 different corruption resistance plans. Different because 90%+ here are doing [a particular type of work].
>
> In LAC looking at a lot of different work. My main answer is … depending on how diverse the duties are, determines whether can sit with umbrella plan or need to develop different ones. (Specialist Command)

4.3 CHANGES IN THE WAY COMMANDS UNDERTOOK THEIR CORRUPTION RESISTANCE PLANNING

BACKGROUND

As mentioned in the previous section, there have been notable differences in some of the advice expressed in the different guidelines issued by the NSWPF between January 2008 and January 2012.

WHAT WE FOUND

Each of the contact officers was asked whether they had been involved in developing more than one corruption resistance plan. If they had, they were then asked: did the way that the most recent plan was developed differ from the way the previous plan was developed?

Approximately half of the officers interviewed (12 out of 25) said that they had been involved in developing more than one corruption resistance plan. Four of these officers said that they followed the same process each time, while eight officers said that they had changed the way they went about corruption resistance planning. Although one officer did not describe the way in which his command changed its corruption resistance planning process, the remaining seven officers described the following types of changes:

- increased the amount of consultation (2 commands):

> Thought the process was a bit top heavy, wanted to incorporate constables and unsworn employees (who are involved in a lot of the financial decisions of the command). (Metropolitan Command)
>
> Previously did not entail the whole office, this time it did, which is good for ownership. (Specialist Command)

- decreased the amount of consultation (1 command):

> Now we just have PSDO and Superintendent reviewing it – no committee. (Metropolitan Command)

- simplified the process in other ways (2 commands):

> simplified the process – had a look at 2008 plan, looked at 5 risks from that. Region said [it did not want] War & Peace, [it wanted] things [that we could do] something about. (Metropolitan Command)
>
> Did not have survey, basically because it became so involved. Whole process a lot more streamlined. (Rural Command)

- excluded risks that were covered by a policy (2 commands):

> PSC position has changed. After identifying risk, need to decide whether risk is already covered by a policy. No need to include risks in plan if it is already covered. (Rural Command)

It is only this last example, of excluding risks that were covered by a NSWPF policy, that directly reflected a change that had been made in the guidelines over this period.

Two other officers discussed what they understood to be the changing advice provided by the Professional Standards Command (PSC). One metropolitan command PSDO stated that in 2010 PSC directed commands not to renew their plan but to stay with their existing plan and in 2011 PSC directed that unless a command has local risks that are not adequately addressed corporately, commands were not required to formulate a new corruption resistance plan. The contact officer from a specialist command described changes from being required to identify *the most important risks* to being required to identify *risks that are not being managed by corporate policy*:

> They followed the processes that PSC had laid out. PSC initially required the [subordinate unit] to sit down with managers to identify what were the most important areas, and then have staff identify their risks. Tried to identify the most important risks. Did have a representative of management (e.g. Superintendent or some inspectors) and representative of troops (e.g. three officers of rank of senior constables).
>
> Later on PSC saw that could be a little unruly, some areas were identifying 100 risks – PSC changed process to identifying risks that aren't being managed by corporate policy. (Specialist Command)

4.4 WHO WAS INVOLVED IN DEVELOPING THE COMMAND CORRUPTION RESISTANCE PLAN?

BACKGROUND

Advice concerning who should take responsibility for corruption resistance planning within the command has changed over the years. In 2008 the focus was on creating a team to enable broad consultation about the nature of the risks while subsequent guidelines have stated that the planning exercise is the responsibility of the Professional Standards Duty Officer (PSDO), with considerable discretion concerning who (if anyone) might assist the PSDO in this task:

- the 2008 Guidelines advised that commands were responsible for creating a 'Corruption Resistance Planning Team' which *should* comprise [emphasis added] senior command staff and supervisors as well as considering the inclusion of lower ranked staff and an independent person (such as Professional Standards Manager) whose outside perspective could add value (NSW Police Force 2008, p. 4)
- the 2010 Guidelines 'suggested that professional standards duty officers (PSDOs) or equivalent "own" corruption resistance planning', while the 2012 Guidelines stated that the PSDO 'should be accountable for coordinating corruption resistance planning in their command'. The 2010 and the 2012 Guidelines each provided that other than the PSDO, the team *may* include [emphasis added] any or all members of the Complaint Management Team,

region Professional Standards Manager and operational staff (NSW Police Force 2010a, p. 2; NSW Police Force 2012a, pp. 5, 10).

WHAT WE FOUND

In 2012 when asked *Who else was involved in developing the most recent corruption resistance plan?*, five command representatives said that they had not been involved in the most recent corruption resistance planning exercise and they did not know who else had been involved. More than half (11) of the remaining commands had used a team approach. For seven commands the planning had been undertaken either by the PSDO alone or in consultation with the superintendent (see Table 4.1).

Table 4.1: Who was involved in developing most recent corruption resistance plan?

	Metropolitan Commands (n=12)	Rural Commands (n=8)	Specialist Commands (n=5)	All Commands Sampled (n=25)
Team	5	4	2	11
PSDO or PSDO + Superintendent/ Professional Standards Manager	4	2	1	7
Senior Management Team	1	1	0	2
Don't know, wasn't involved	2	1	2	5

Role of superintendents

Each command representative was asked: *Does the Superintendent [or Assistant Commissioner in relation to Specialist Commands] have any specific role in corruption resistance planning in this command?*

Each of the officers interviewed said that the superintendent does have a role, with the most common response being that the superintendent was responsible for reviewing and endorsing the final draft of the plan (mentioned by 14 out of 25 commands):

> Certainly – whilst technically it's a level playing field – everyone has to agree. But they look to the Commander to verify the final product. At the end of the day he signs off and ultimate responsibility falls to him. (Metropolitan Command)

> Apart from formalising and endorsing the plan, there is nothing that he would probably do. (Metropolitan Command)

Officers' responses suggested that superintendents differ in their level of involvement in corruption resistance planning. For example, two commands described their superintendent having an active and leading role in the process:

> He oversaw the whole process. From when I was first promoted, Commander identified that development of a plan was to be a priority.

> Commander chaired meetings and went through the Guidelines. He had the ultimate say of what went into the plan. (Metropolitan Command)

> Boss would be leading the consultation and should have a knowledge of the business and know where the risks are. (Specialist Command)

Another command described the superintendent as having a similar role to other officers in the command:

> He has as much input as anyone else. In his role he also has right of veto. If he thinks we are off the track he will tell us. (Rural Command)

Another command described its superintendent having a more minimal role in corruption resistance planning:

> Got him to do a covering sheet and sent it out under his name. (Rural Command)

Two commands mentioned the superintendent's role being primarily in the implementation or in the selling of the plan:

> He's responsible for everything. He has the main role in implementation. [Current] Superintendent is new to role and pretty enthusiastic. (Metropolitan Command)

> After a plan is developed, his role will be to sell the plan. (Metropolitan Command)

Two commands suggested that the role the superintendent plays differs with the individual superintendent, for example:

> Last year, reviewed it and signed off. Likely to be different this year. Different commanders have different rules. (Metropolitan Command)

Assistance from beyond the command

When asked whether they had sought help for their corruption resistance planning from anyone outside their command, representatives from 13 commands said that they had sought help, nine said that they had not sought help and three said that they did not know whether or not help had been sought. The most commonly mentioned sources of help were:

- Professional Standards Command (PSC) – seven command representatives said that they contacted an officer at PSC, while another two said that a PSC representative visited the command that year but they had not contacted PSC previously
- neighbouring or other commands – seven command representatives said that they contacted neighbouring commands or other commands that might be similar to their current command, the command where the officer previously worked, or in the case of specialist commands, contacted other specialist commands

- region – two representatives of metropolitan local area commands said that they contacted their region
- other specialist units – one officer said that his command contacted 'Business and Technology Services' to create an online survey, while another said that his command contacted 'Corporate Publications' for assistance in the design and layout of the plan.

Role of PSC

The sampled commands were divided in their views of whether or not PSC had a role in corruption resistance planning in their command. Ten command representatives said that PSC does have a role, 10 said that PSC does not have a role and five were unsure whether PSC had a role in corruption resistance planning in their command or not.

The majority of command representatives who said that PSC did have a role (eight of the 10 officers) saw that role as one of providing advice and being available for consultation. Another command representative said that he obtained information on the command's complaints from PSC. One command representative said that, although it had not consulted with PSC previously, PSC had visited that command some three or four months earlier. Some examples of these officers' comments include:

> Absolutely. PSC itself is the unit that guides corruption resistance in the NSWPF. (Rural Command)

> Consulted them to see how they wanted it presented and how to put it together. Sent them a draft and they provided comments – led to a few minor changes. (Metropolitan Command)

> Sent copy of last corruption resistance plan to them - but have not received any feedback from them. (Metropolitan Command)

> Yes – consultation. They used to, once upon a time, they used to hold copies of corruption resistance plans. Now they don't do this. (Rural Command)

> Their role is one of deciding structure – deciding what the corporation requires. My understanding was they had taken all plans for review – but have not received any feedback. (Specialist Command)

Examples of comments from command representatives who said that PSC did not have a role in corruption resistance planning in their command include:

> Not as such. Not with planning. Our final plan is sent to them and they are made aware of it. We did not get any real feedback. (Metropolitan Command)

> Apart from being available to provide advice and guidelines – nothing else. Don't need/request advice. Do give copy to PSC. Have not had any feedback. (Rural Command)

> Only if they review the plan … [have] never received feedback from PSC on plan that has been developed. (Rural Command)

> Not at all. Send a copy of plan to PSC. Don't get any feedback from PSC. (Specialist Command)

> [Not since] training in 2009. They review plans. Haven't sent plans to them. (Specialist Command)

Role of professional standards managers in specialist commands

Professional Standards Managers (PSMs) perform a slightly different role in specialist commands than do their Professional Standards Duty Officer (PSDO) counterparts in local area commands. While PSDOs are seen as having ownership of and taking a lead role in corruption resistance planning within local area commands, PSMs take more of an advisory and coordinating role in the corruption resistance planning of the subordinate units of specialist commands. The PSMs interviewed described their role as follows:

> My role has been to say try not to be a carbon copy of another [subordinate unit]. PSC's role has been to get some conformity across the State. My role has been to say this is the process you need to follow, but you need to look at your specific risks. (Specialist Command)

> … coordinating [command] overall corruption resistance plan and organising and storing plans of individual units. (Specialist Command)

> Sat down as a command and developed one for [overall command]. Disseminated this to all [subordinate] units. Told them what's most important, retain in their plans. (Specialist Command)

> Looked at them [plans from individual subordinate units]. Did not interrogate them. (Specialist Command)

> My role as being in an advisory capacity. I'm there to make sure that it is in the format that PSC wanted and that they hit the right spots. (Specialist Command)

4.5 DOCUMENTS CONSULTED

BACKGROUND

Each of the sets of NSWPF guidelines has suggested that those undertaking corruption resistance planning would need to have access to and knowledge of a variety of command resources and documentation. The specific documents and the Guidelines in which they were referenced are as follows:

- the Command Management Framework, local complaint trends, working documents and previous corruption resistance plans were referred to in each of the 2008, 2010 and 2012 Guidelines
- the Local Assessment Guidelines (as part of Business Planning) as a tool for forming the basis of the command's profile, the profiling checklist, 'Command Corruption Risk Identification Guide', any staff surveys, and risks identified by other commands that may be relevant to the command were referred to in both the 2010 and the 2012 Guidelines
- any oversight or review agency reports referring to the command were referred to in the 2008 Guidelines.

WHAT WE FOUND

When asked whether or not their command referred to any documents on the NSWPF intranet, in 2012 a large majority of command representatives said that they did refer to documents (19 of the 25 commands). Four officers said they were not sure whether or not they had referred to any documents and two said that they did not refer to any documents.

The documents most commonly mentioned as being referred to were:

- PSC Guidelines – 15 command representatives said that their command looked at some version of the PSC Guidelines on the NSWPF intranet, eight were not sure which version they looked at, four said that they referred to the 2010 Guidelines and three said they referred to the 2012 Guidelines
- Templates or forms – five command representatives said that they referred to templates or forms from the PSC intranet page
- Checklists – two said they referred to using the Corruption Resistance Profiling Checklist.

Other individual command representatives mentioned referring to:

- examples on the PSC intranet page
- policy documents 'in relation to Code of Conduct, Secondary Employment and those sorts of documents'
- complaint practice notes put out by PSC
- the PIC's Project Manta document

- PIC and ICAC internet sites
- other local area commands.

Use of command's previous corruption resistance plan

Most of the command representatives (19 of 25), said that they did make some use of their command's previous corruption resistance plan. Three commands said that they did not refer to it and a further three commands did not know whether or not any use had been made or it.

Fourteen of the 19 command representatives who said that they did make some use of it, said that they reviewed it or used it as the basis of their current plan. A further three commands said that while they referred to it, they thought that they could now do a better job. Two commands said that they used it as 'a bit of a reference tool'.

The three officers who said that they did not make much use of the previous plan gave different reasons for this. One said that they could not find a copy of the previous plan. Another said that they did not look too closely at it because of its age. The third command said that they did not make much use of their previous plan because it did not seem to be in the same format as that which was required now and also that it dealt with some things that are covered in corporate policies.

4.6 OFFICERS' TIPS FOR THOSE PREPARING A CORRUPTION RESISTANCE PLAN FOR THE FIRST TIME

WHAT WE FOUND

Command representatives were asked *What have you found works best? What tips do you have for others who might be preparing a corruption resistance plan for the first time?* The suggestions provided most frequently involved:

- consulting widely
- becoming familiar with the guidelines
- undertaking a complaint trend analysis
- referring to PSC page on NSWPF intranet
- keeping the plan local and manageable
- putting in the time and the effort
- conducting a staff survey.

Examples of suggestions made by officers are provided below.

Broad consultation

The most common 'tip' was to get input from a wide range of sources (suggested by 10 command representatives). Examples of comments made by these officers include:

> Think the team approach is good. Getting input from different levels. (Metropolitan Command)

> Have a group of people including probationers and unsworn employees. (Metropolitan Command)

> Consult widely from LAC. Don't exclude anyone from input. Don't discount anyone's input. (Rural Command)

> Don't attempt to do it in isolation. Consult broadly. Use local knowledge – talk to people who have been here for ages. (Rural Command)

> I would be generally getting advice from as many experienced officers from within that type of role. (Specialist Command)

On the other hand the representative from one command suggested that too much consultation can lead to an unwieldy process. The PSDO from that command commented:

> I think it is a fairly unwieldy process. In an ideal world consult all staff, all managers then come up with a long list of risks and then weed them down. I think the more practical way is doing it in the [Senior Management Team]. Publicise it – put it out for feedback. (Metropolitan Command)

Familiarise yourself with the guidelines

Five command representatives commented:

> Keep in step with what is expected corporately. (Metropolitan Command)

> Read policy document – get the right policy document first. (Metropolitan Command)

> Matter of sticking to the Guidelines. (Rural Command)

> Would familiarise myself with policy and PSC Guidelines. (Specialist Command)

> Look at guidelines, SOPs in place for risks. (Specialist Command)

Complaint analysis

Five command representatives suggested undertaking a complaint trend analysis. Some examples of these officers' comments are:

> Undertake complaint trend analysis. Speak with your [Executive Officer] – can give information on current complaint trends. (Metropolitan Command)

> Go back over last two years of your own complaints and look for areas where there have been consistencies. (Metropolitan Command)

> Also know that PSC can produce a Complaint Management Pack for you. (Rural Command)

> Think about the complaints that you've had in the last 6-12 months. (Specialist Command)

Refer to PSC intranet page and liaise with PSC

Five command representatives mentioned the importance of referring to the PSC page on the NSWPF intranet as well as liaising with PSC staff, as illustrated by the following comments:

> Liaise closely with PSC. (Metropolitan Command)

> Only thing of benefit is PSC website. Matter of sticking to the Guidelines. (Rural Command)

Keep it local and manageable

Four command representatives suggested that the plan needed to be local and manageable:

> Keep it local, local risk. (Metropolitan Command)

> Don't get bogged down with generic risks that are addressed in corporate policies. Keep it local and something you can manage. Have treatment options that you can actually do. (Rural Command)

> Develop a plan that is relevant to their command. (Rural Command)

> Make it relevant to here and now. (Specialist Command)

Put the time in and make the effort

Three command representatives commented on the need to spend the required time and effort:

> Put the work in. (Metropolitan Command)

> It is a valuable process, don't just pay it lip service. (Rural Command)

> Most important, you can't rush it. I like to monitor it over a period. (Specialist Command)

Conduct a staff survey

Three command representatives recommended the value of conducting a staff survey, for example:

> Certainly recommend the survey (Metropolitan Command)

> Also had the benefit of doing that workplace survey. So would suggest should do a survey once every five years. Don't need to do it more often [in this command]. In [this command] tend to retain staff for a long time – vast number of people have been here for 10 years. (Rural Command)

Other tips

Other tips made by individual command representatives included:

- in relation to implementation – 'really need to embed the plan in different activities. Breathing life into it. Why it is here, why it is important. What's its use' (Metropolitan Command)
- 'don't assume there is no corruption, need to think laterally about what could be going on that you are not aware of' (Rural Command)
- 'look at things like trends which PSC might identify e.g. social networking and social networking sites' (Metropolitan Command)
- 'need to look at the complaints that everyone else is getting' (Metropolitan Command)
- 'consult with person who has done it before' (Metropolitan Command)
- 'should consult with other commands of similar size and with PSC' (Specialist Command)
- 'read that PIC Manta document' (Rural Command)
- 'have a look around and see if can get hands on an existing plan' (Specialist Command)
- 'needs to be actionable' (Metropolitan Command)
- 'needs to be measurable – need to be able to measure it' (Metropolitan Command)
- 'needs to be auditable' (Metropolitan Command)
- 'know your subject' (Specialist Command)
- 'needs to be easy to read … needs to be written in a language that is easily digestible at all levels of the command' (Specialist Command)
- 'make someone responsible for checking the strategy' (Specialist Command).

5. IDENTIFICATION OF MISCONDUCT RISKS

Looked at the 2008 plan and picked the two good risks – the ones that were local to the command. Added a risk that stemmed from last year's major complaint and personal knowledge of the command. Have worked here for 10 years on and off. (Metropolitan Command)

5.1 OVERVIEW

This chapter outlines:

- how commands identified their misconduct risks
- how they ensured that they did not miss any significant risks
- misconduct risks identified but not documented in the corruption resistance plan
- officers' suggestions for improving the process of identifying misconduct risks.

Summary

- Command representatives reported using a number of different methods to identify their command's misconduct risks. The most commonly mentioned methods were:
    - looking at complaints and complaint trends (16 commands)
    - reviewing previous corruption resistance plan (5 commands)
    - talking to other members of the Senior Management Team (5 commands)
    - conducting what they referred to as an 'environmental scan' or 'environmental analysis' of the command and looking at some of the unique operating environments, that is to say, developing a profile of their commands (5 commands)
    - using their personal knowledge of the command (4 commands)
    - conducting a survey (3 commands)
    - having a group discussion (3 commands)
    - focussing on local risks and excluding those covered by corporate policy (3 commands)
    - consulting with staff (2 commands).
- There was no one strategy that command representatives referred to using to ensure that they did not overlook any significant misconduct risks:
    - eight command representatives referred to checks they

imposed at the end of the process
    - seven referred to the nature of the input they used
    - four said that they did not have any processes in place to ensure that they did not overlook significant risks
    - five gave a range of other responses and
    - one command representative said he was unsure.
- Nine of the 25 command representatives reported identifying misconduct risks that they decided not to include in their corruption resistance plans and a further nine were not sure whether or not they had identified any risks that were subsequently excluded.
- 14 command representatives offered suggestions for improving the process of identifying misconduct risks. These suggestions ranged from having PSC 'give a picture of state-wide complaint trends, including "big ticket items" where officers have "come unstuck" in the previous 12 months' to 'providing training similar to the seminar that was provided in 2008'.

Observations

- Relatively few command representatives reported using strategies outlined in any of the NSWPF guidelines (beyond looking at their complaints) to identify their misconduct risks.
- Few command representatives referred to using their command profile (as advised in the 2008, 2010 and 2012 Guidelines) as a means to identify their misconduct risks. None actually referred to their command 'profile', though five referred to conducting an 'environmental scan' or 'environmental analysis'.
- When describing strategies that they used to ensure that they did not overlook any significant misconduct risks, none of the command representatives referred to the 'Command Corruption Risk Identification Guide' which was included in the 2010 Guidelines and the 2012 Guidelines for this purpose. Though it is worth noting that its use as a tool for not overlooking significant misconduct risks was flagged in the 2012 Guidelines but not in the 2010 Guidelines.
- None of the command representatives described using as broad a variety of input to develop their corruption resistance plan as that outlined in the 'Command Misconduct Risk Identification Guide' appended to the 2010 and 2012 Guidelines.
- Where command representatives said that they referred their draft corruption resistance plan to others (such as members of the Senior Management Team, all managers, all staff, a PSDO in a neighbouring command or PSC) to ensure that they had not missed any significant misconduct risks, such a process only works if the person (or persons) to whom it is sent:
    - knows that it has been sent to them for the purpose of checking whether any significant risks have been overlooked
    - accepts the role of checking whether any significant risks

have been overlooked

- has sufficient information and understanding of the work of the command and the role of the corruption resistance plan to effectively undertake that role.

It is possible that any officer, to whom the plan is sent, may see that the role of checking the comprehensiveness of the risks listed on the plan is the responsibility of others and not their own responsibility.

Extracts from the NSWPF Response

In its response in December 2013, the NSWPF advised:

> The fact that few command representatives reported looking at PSC guidelines is disappointing and may highlight the lack of importance some commands have placed on the exercise. PSC has adopted a more expert consulting role with commands to assist the planning exercise over the past year.
>
> It may be that some commands are using their previous plans as a template without checking whether newer information is available.
>
> It was interesting to read that some commands were sending their plans out for peer review, however as the report notes, this is only a beneficial exercise if they are reviewed by a person who is expert in the task, and is of little value if it is done solely as a compliance exercise, or in a manner akin to a CMF check. Commands must be confident that their plans identify all their own risks, even if seeking reviews by others.

5.2 PROCESSES USED TO IDENTIFY MISCONDUCT RISKS

BACKGROUND

When asked what processes and sources of information they used to identify misconduct risks, in 2007 most commands reported that they combined a variety of processes and sources. Individual commands advised that they used between two and 15 separate information sources and processes. The most commonly reported sources were the use of complaints, systems audits, officer performance-related data and information about officer leave. It was not clear from the responses provided by commands at that time (such as those relating to the use of complaints, officer performance, leave data and staff risk assessments) how many were describing processes that they used to identify individual officers whom they considered to be at risk of some misconduct versus how many were describing processes that they used to identify broader command integrity hazards and vulnerabilities or misconduct risks.

Although the most commonly reported source of information to identify misconduct risks were complaints, in most cases the specific risks that commands identified in 2007 did not reflect recurring or extraordinary issues from the complaints that they had

received in the previous two years (Police Integrity Commission 2009, pp. xii, 119-121, 192).

The various NSWPF Guidelines have provided advice to commands concerning how they should go about identifying their corruption risks. The tools or strategies for commands to use to identify their corruption risks and the version of the guidelines in which they are mentioned are as follows:

- their command profile:

> Use the profile you have developed of your command to create a list of corruption risks. To do this, consider the profile in terms of which attributes (alone or in combination) might provide the opportunity or motivation for corruption. Put simply, what, when and where are the risks? How and why do they exist? (NSW Police Force 2008, p. 9)
>
> The profiling exercise will identify untreated risks that are unique to your command. (NSW Police Force 2010a, p. 3)
>
> Consider the corruption risks identified in the profiling exercise. (NSW Police Force 2012a, p.11)

- command management framework:

> Consider CMF to determine if there are corruption related risks that have not been treated. (NSW Police Force 2010a, p. 3; 2012a, p.11)

- local complaint trends:

> Consider local complaint trends. Are there any trends which suggest a corruption risk? This could include consideration of whether:
>
> - individual incidents are indicative of a risk that may be faced by others in the command
> - there are recurrent complaint issues (ie of a certain type)
> - certain locations or duty types tend to be associated with certain complaint issues. (NSW Police Force 2010a, p. 3; 2012a, p. 11)

- current corruption resistance plan:

> Consider the risks raised in the current Corruption Resistance Plan. (NSW Police Force 2012a, p. 11).

WHAT WE FOUND

When asked, *How did you choose which risks to include in your command's plan?*, command representatives reported using a number of different methods to identify their misconduct risks. The most commonly mentioned methods were:

- looking at complaints and complaint trends (16 commands)
- reviewing old corruption resistance plan (5 commands)
- talking to other members of the Senior Management Team (5 commands)
- environmental scan of command and looked at some of the unique operating environments (5 commands)
- personal knowledge of the command (4 commands)
- conducting a survey (3 commands)
- group discussion (3 commands)
- focussing on local risks and excluding those covered by corporate policy (3 commands)
- consultation with staff (2 commands).

Methods mentioned by individual command representatives included:

- met with PSC three years ago to see what they were looking for
- looked at mandatory training, information from EDO
- held meetings with sergeants
- used regional audit tool kit which identified exhibits and miscellaneous property to be a risk
- looked at examples provided by PSC e.g. tow trucks and decided that that was a risk here
- basically the ones most people thought were of concern and something we could manage locally
- benchmarking with other isolated rural commands
- looked at CMF which identified whether some of the systems might need greater inspections
- went through SAP system[19] looked at sick leave, HOD[20] etc[21]
- also looked at corporate concerns e.g. off-duty alcohol issues and new emerging environmental issues e.g. social networking, which while this has not caused any problems in this command yet, need to recognise that have a younger set of officers.

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19 The SAP system is a 'human resource and finance application for NSW Police Force staff' (Downloaded from the NSWPF intranet 4 March 2013).

20 Hurt on Duty.

21 It is not clear whether the command representative who mentioned this strategy had been seeking to identify officers at risk of engaging in misconduct or to identify broader command integrity hazards and misconduct risks.

5.3 IDENTIFYING THE MISSING MISCONDUCT RISKS

BACKGROUND

As noted previously, a large number of identified risks does not necessarily result in more misconduct occurring. It is important that misconduct risks are identified both so that they can be managed at a command level and so that officers can be made aware of these risks to help them recognise the risks and know how to respond to them. One of the dangers associated with identifying and managing misconduct risks is that some significant ones may be overlooked.

In its Project Manta Report 1, the PIC advised that the NSWPF could further enhance the ability of commands to identify misconduct risks through approaching the task from several different perspectives to minimise the likelihood of significant misconduct risks being overlooked and consequently not being recognised or managed. The PIC recommended:

> … that the NSW Police Force incorporates and promotes the use of a standardised structured process as part of the risk identification phase of the command corruption resistance planning process.
>
> The Commission has provided a prototype 'Command Misconduct Risk Identification Guide', based on collating the types of information mentioned as being used by different commands into a single resource, for possible use by commands. The Commission is of the view that whether this prototype is used in its current form or developed further is a matter for the NSW Police Force (Police Integrity Commission 2009, p. 200).

The NSWPF incorporated a profiling checklist 'Command Corruption Risk Identification Guide' as Annexure A in its 2010 Guidelines. This checklist was referred to in that part of the guidelines that described establishing a context and developing a profile of the command's people, environment and operations:

> This profile can be taken from your Local Environmental Assessment Guidelines (as part of Business Planning). In addition, consider the profiling checklist attached at annexure A (NSW Police Force 2010a, p. 3).

It was also referred to in the section on establishing a context in the 2012 Guidelines:

> To minimise the risk of overlooking significant corruption risks, consider each of the prompts on the Command Corruption Risk Identification Guide attached as Annexure A (NSW Police Force 2012a, p. 10).

WHAT WE FOUND

There was no one strategy that command representatives referred to using to ensure that they did not overlook any significant misconduct risks. When describing their strategies:

- eight command representatives referred to the checks that they imposed at the end of the process, for example:

> The control check is the review by the [Senior Management Team (SMT)]. (Metropolitan Command)
>
> Put it out to SMT for command and had a number of discussions with the Commander to come to final outcome. (Metropolitan Command)
>
> Sent it out to SMT and to PSC to see we didn't miss anything. (Rural Command)
>
> Disseminated proposed plan to all staff and asked them whether we had missed any. Liaised with PSDO at neighbouring command. Not every command is the same. Asked him whether there was anything else. (Rural Command)
>
> Copy of draft sent to all Managers, did not receive any feedback. (Specialist Command)
>
> A matter for the panel. Ultimately the plan is produced and signed off by commanders and provided to PSM. Effectively it is up to the Panel, Commander and Assistant Commissioner to make sure no significant risks are missed. (Specialist Command)

- seven command representatives referred to the nature of the input that they used, for example:

> Surveyed staff, used group with a broad range of people from constables and inspectors from different areas of LAC. (Metropolitan Command)
>
> Environmental scanning and complaint trends – what are the risks in this command? What are people walking in to? (Metropolitan Command)
>
> There is no answer to that. Discussion at CMT, looking at what's on the internet. Looking at everything that is available. (Metropolitan Command)
>
> An assessment of all of the available records and assessment of the nature of the business. Examining historical records made sure previous risks were considered and no potential risks were missed. (Specialist Command)
>
> Hopefully through consultation they pick up the significant risks. Hoping they know their business well enough to pick up [all the risks]. (Specialist Command)

- four command representatives said that their commands did not have any processes in place to ensure that they did not overlook significant risks, for example:

> That's a good question. I don't honestly know how to answer that. We look at our risks ... But I don't know how to answer it … I suppose just by talking about what our issues are, what are trends in our command's complaints. (Metropolitan Command)

> Guidelines say don't make it too cumbersome. Didn't do anything to check if missed anything significant. (Specialist Command)

- five gave a range of other responses:

> This is my biggest fear – that we haven't found anything. So have shortened the review period. That is, we are having more regular meetings. (Metropolitan Command)

> We can only do what we can do. I think we have exhausted what we can do to identify issues. I believe that we have done all that we can do. (Metropolitan Command)

> Basically just reviewed the data that was available from survey, complaint history. There was nothing that came forward or anything that replaced these issues. And these issues are areas that we can monitor. (Rural Command)

> How would you know? Can only go through the environmental analysis. When I think of corruption I think of coping quids, noble cause etc. There is no evidence of that here. (Rural Command)

- one command representative said he was unsure.

When subsequently suggesting additional training or support that he considered would be useful for himself or for others involved in corruption resistance planning, an officer from a metropolitan command suggested that it would be useful to 'have a checklist of things could do to assist in identifying problems in the command'. He was not aware that such a checklist already existed in the Guidelines.

As discussed earlier (see section 2.2 in Chapter 2), one specialist command prepared an overall plan in early 2012, using the 2012 Guidelines. Each of the subordinate units within that specialist command then prepared its own plan based on the content and using the format of that 'master plan'. It was clear from the nature of the work undertaken that at least one of those subordinate units would have additional misconduct risks that were different from those of other subordinate units of that command. When asked why those additional misconduct risks had not been included within that unit's corruption resistance plan, the command representative responded that they:

> looked at them [plans from individual branches], did not interrogate them. (Specialist Command)

5.4 MISCONDUCT RISKS IDENTIFIED BUT NOT DOCUMENTED IN CORRUPTION RESISTANCE PLAN

BACKGROUND

The different corporate guidelines provided different advice as to which risks should be documented on the command's corruption resistance plan:

- the 2008 Guidelines stated that only those risks 'agreed upon by the Corruption Resistance Planning Team' would warrant inclusion in the command's corruption resistance plan (NSW Police Force 2008, p. 7)
- the 2010 Guidelines advised that the command's corruption resistance plan 'should only include risks which are unique to your command or are significant enough to require additional treatment strategies' (NSW Police Force 2010a, p. 3)
- the 2012 Guidelines advised:

> Identify what risks will go into the Corruption Resistance Plan by consulting relevant corporate policies and/or guidelines to determine if the risk is fully managed under the corporate policy and/or guidelines or if it requires further treatment.
>
> Your plan need only include risks that are significant to your command or require additional treatment strategies to manage (NSW Police Force 2012, p. 11).

WHAT WE FOUND

When asked, *Were there any risks that you identified that you decided not to document in your corruption resistance plan?,* nine of the 25 command representatives reported identifying risks which they decided not to include in their corruption resistance plan. Seven command representatives advised that they did not identify any risks that were subsequently excluded from their plan and a further nine command representatives were not sure whether they had excluded any risks that had been identified.

Some examples of the responses from command representatives who said that they did exclude some of the risks which they had identified include:

> Yes, because we want plan to fit on one page. Omitted the ones that we knocked off last year's plan. Another one was 'police not starting and finishing in accordance with their roster' – left this off because this command is pretty much on top of this risk. (Metropolitan Command)
>
> Off-duty behaviour in licensed premises – but found that it had not been a problem in last 18 months. (Metropolitan Command)
>
> Prisoner escorts and everything else that was on previous plan. Not included because there were already SOPs and other principles to try to reduce the risks. Inappropriate associations was another one that he had been going to include because they have a couple of OMCG[22] in

[22] Outlaw Motorcycle Gang

> command. However, did not include them because corporate guidance is available about this. (Rural Command)
>
> There would have been. If risks are being adequately managed by a policy, process or management strategy, would not have been included in the plan. (Specialist Command).

Some examples of the responses from command representatives who said that they did not exclude any of the risks which they had identified include:

> PSDO thought that 'search warrants' did not need to be incorporated because it is not a local risk, there are corporate guidelines available on search warrants. But Superintendent decided to include it because she wanted it included. (Metropolitan Command)
>
> Anything I thought was relevant I put in. (Specialist Command)

Some examples of the responses of command representatives, who said they were not sure if any risks had been excluded, include:

> Can't put my hand on risks assessment document – so don't know. [This PSDO was on leave when latest plan was prepared so he delegated it to another officer.] (Rural Command)
>
> I don't know whether this was the case or not. I would hate to think that it [a risk that had been identified] would not be included. (Specialist Command)

5.5 OFFICERS' SUGGESTIONS FOR IMPROVING THE PROCESS OF IDENTIFYING MISCONDUCT RISKS

WHAT WE FOUND

Command representatives were asked: *Do you have any suggestions for improving the process of identifying misconduct risks?* Eleven of the 25 command representatives said that they did not have any suggestions for improving the process of identifying their risks. The other 14 officers offered a variety of suggestions during the Project Mobula interviews, including:

- PSC to give a picture of state-wide complaint trends, including the 'big ticket items' where officers have 'come unstuck' in the previous 12 months (3 commands)
- use of a staff survey for internal environmental scanning (3 commands)
- provide training similar to the seminar that was provided in 2008 (1 command)
- having someone in PSC coordinate all the plans, provide more feedback and assist develop consistency in approach across commands (1 command)
- refer to the PIC's Manta document because it is broad ranging and covers things might not otherwise think of (1 command)
- erring on the side of including risks for which corporate treatments or policies are available (1 command)
- change the composition of the [corruption resistance planning team] from time-to-time since having fresh eyes can be useful (1 command)
- possibly having the branch commanders [of subordinate units of the specialist command] participate (1 specialist command)
- pay more attention rather than cut and pasting, the more attention one pays to assessing the risks the better the outcome (1 command)
- encouraging people to report corruption could be improved (1 command).

6. DETERMINING BEST TREATMENT STRATEGIES

> *Needs to be actionable. Got to be something you can do within your resources. (Metropolitan Command)*

6.1 OVERVIEW

This chapter provides information on:

- methods commands used to determine best treatment strategies, and
- whether treatment strategies were well-described in the command corruption resistance plan.

Summary

- When asked how they determine the best treatment strategies to address each misconduct risk, officers from only two of the 25 commands mentioned working out how best to minimise the risk by understanding and analysing the nature of the risk.
- Most officers did not describe any specific processes or considerations that they used to determine their treatment strategies. The majority referred to using existing policies and strategies, brainstorming ideas in the Senior Management Team, looking at what others were doing or basing it on their own experience.
- The NSWPF provided guidance to commands on *how* to determine treatment strategies for their misconduct risks in its 2012 Guidelines. Guidance on this was not available in the earlier NSWPF guidelines.
- The responses from those who reported using the 2012 Guidelines did not appear to differ from those who reported using earlier guidelines. That is to say, the strategies provided in the 2012 Guidelines were not reflected in the responses of command representatives who used these Guidelines.
- Eleven of the 19 local area command corruption resistance plans and 19 of the 36 specialist command corruption resistance plans reviewed were considered to provide clear descriptions of their treatment strategies. However, overall there were 25 plans where at least some of the treatment strategies did not appear to be clearly described.

Observations

- When determining treatment strategies, commands tended to look at the tools or strategies available to them (existing policies and what others are doing) rather than first understanding the risk and tailoring

the strategy to address the risk.

- It is understandable that many of the commands had not had the opportunity to familiarise themselves with or use the NSWPF 2012 Guidelines at the time information was collected for Project Mobula. However, the approach to developing treatment strategies appeared similar for those who reported using the 2012 Guidelines to those who reported using earlier guidelines.

Extract from the NSWPF Response

In its response in December 2013, the NSWPF advised:

> The observations made in this chapter indicate that many commands are treating the planning process as a compliance exercise rather than a part of risk management. The annual planning exercise is intended to enable commands to take 'time out' to focus on misconduct risks that are unique to their commands. Given that the draft report has found that commands appear to be ignoring the guidelines, in 2014 PSC will ensure that commands are informed that the 2012 version of the guidelines is to be used, when assisting them with the planning process.

6.2 DETERMINING THE BEST TREATMENT STRATEGIES TO ADDRESS EACH MISCONDUCT RISK

BACKGROUND

Possible treatment responses to misconduct risks 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 (Police Integrity Commission 2011a, p. 131).

The better a command understands the nature of the misconduct risk and its causes, the better able it is to develop effective misconduct risk treatment strategies. Such an understanding 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 (Police Integrity Commission 2011a, p. 108).

When information was collected for the PIC's Project Manta in 2007, most (20) of the sampled commands did not describe *how* they approached 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 considered when determining their misconduct risk treatment strategies.

Areas for improvement identified in Project Manta

Three broad areas for improvement in determining misconduct risk treatment strategies were identified in the Project Manta research. Each of these areas is described below.

1. Tailor the treatment strategies to the risk

In 2007 some commands described strategies to minimise one aspect of a misconduct risk and appeared to make the assumption that this one strategy would treat all aspects of the risk (such as assuming that audits of computer accesses would detect and deter the unauthorised release of information to which an officer had legitimate access). While audits of access to computer systems provide 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 PIC observed that where only one aspect of a misconduct risk is treated, important aspects of the misconduct risk remain unaddressed (Police Integrity Commission 2011a, p. 131). The PIC recommended that those responsible for developing treatment strategies for significant misconduct risks should check that their strategies do address their significant risks by checking that each proposed strategy:

- *addresses the specific aspects that may put an officer at risk* (such as the complexity of a policy, the opportunity for theft, 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 those undertaking a particular type of police work (e.g. detective), or only officers working in a particular location, or only those with a particular length of service) (Police Integrity Commission 2011a, p. 130).

The NSWPF incorporated this advice in its 2012 Guidelines (p. 14).

2. Focus on prevention – look beyond audits and inspections

In 2007 the majority of misconduct risk treatment strategies mentioned by commands involved conducting audits, compliance checks or other forms of inspections. However, while necessary, compliance checks alone will not always be sufficient to prevent police misconduct. This has been acknowledged in the past by some NSWPF superintendents. In interviews reported in 2002, almost all superintendents interviewed at that time saw the need for efforts additional to compliance checks to prevent corruption (Hay Group 2002, p. 297). The PIC's review of command documentation for Project Manta revealed instances where commanders were critical of the diligence and accuracy with which officers conducted compliance checks (Police Integrity Commission 2011a, pp. 108-109). Also checks which focus on compliance with legislation and policy tend to overlook some potential misconduct risks such as those which are related to officer experience, community demographics, inappropriate relationships with community members, off-duty conduct and risks specific to some

particular policing roles or particular sectors within a command (Police Integrity Commission 2011a, pp. 131-132).

The PIC observed that commands may miss opportunities to prevent corruption and other forms of misconduct by focussing on compliance rather than on prevention (Police Integrity Commission 2011a, p. 131). Hence the PIC recommended that the process used by the NSWPF to develop treatment strategies for significant misconduct risks should involve systematically considering different ways of preventing possible police misconduct by working through a series of prompts which covered the wide range of different strategies. The PIC provided a checklist of eight such prompts:

> 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 the 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? (Police Integrity Commission 2011a, p. 132).

The NSWPF incorporated this checklist into its 2012 Guidelines (pp. 13-14).

3. Provide advice to commands on how to determine appropriate treatment strategies

In 2011, at the time of drafting the PIC's second Project Manta report, the PIC observed that while NSWPF documents provided advice to the effect that commands should identify and develop misconduct risk treatment strategies, these documents did not provide any guidance on *how* to choose the most appropriate strategies to treat misconduct risks. The main guidance available at that time was that provided in the 2010 Guidelines that stated that:

> Record treatment strategies directly into the Corruption Resistance Plan (2010a, p. 4).

The PIC observed that, without guidance, some commands may miss opportunities to develop effective misconduct treatment strategies (Police Integrity Commission 2011, p. 135). The PIC recommended that the NSWPF should provide guidance on *how* to determine the most appropriate strategies to treat each of their significant misconduct risks. The PIC provided advice as to a range of methods that commands could consider using to assist them to improve their strategies to treat their significant misconduct risks (Police Integrity Commission 2011a, p. 137).

The NSWPF incorporated this guidance in its 2012 Guidelines (pp. 13-15).

WHAT WE FOUND

When asked how they would choose or determine the best treatment strategies to address each misconduct risk, command representatives tended not to talk about strategies presented in the 2012 Guidelines. Instead the majority of commands referred to using existing policies and strategies, brainstorming ideas in the Senior Management Team, looking at what others were doing or basing it on their own experience. The responses of those who reported using the 2012 Guidelines did not appear to differ from those who reported using earlier guidelines. Examples of such comments include:

> The working group is actually more useful for identifying the risks [than identifying the strategies]. The SMT identified the strategies. Using policies, systems in place and guidelines are the best treatment strategies. (Metropolitan Command that said that it had used the 2012 Guidelines)

> Dealing with experience. Discussing it with other members of SMT and commander – brainstorming with SMT to achieve an outcome that works. (Metropolitan Command)

> Comes back to experience of Superintendent and self. Let's look at what we can do. (Metropolitan Command that said that it had used the 2012 Guidelines)

> I went on my own personal experience. Having been an investigator for [almost 20] years, I have done many serious investigations including corruption investigations. My experience and the experience of other inspectors when I sent it to them and my experience managing people. (Metropolitan Command)

> In particular with miscellaneous property – looked at what we had in [the previous] plan. Tow trucks – used the example provided by PSC. Wide loads – had to develop a new Form 8a. (Rural Command)

> To be honest, I'm not real sure. I'd look for examples from other areas to see how they have treated it. Otherwise look to what to do, e.g. if it is an educational issue – use education. Would keep the strategies practical: that is, not simply deliver education but educate, test and then review. (Metropolitan Command)

> Using previous plans and experience. It is fairly clear how to deal with them. There is also the CMF and the Police Force Handbook. (Rural Command)

> I guess that was fairly obvious. Did it in consultation process. Common sense I guess. There is already the corporate responsibilities. Empowering

> team leaders to appropriately manage their staff as well. Common sense. (Rural Command)

> Did it through group discussion, throwing up ideas, past experience. Include SOPs in induction process. This command has many SOPs that are specific to the command. Officers need to be aware of these SOPs. (Specialist Command)

> I guess it goes back to discussion, consultation in management team and all the policies, guidelines, SOPs e.g. secondary employment – risks have policy. Experience of business unit manager and managers. Can't really think of much else. (Specialist Command)

Only two commands mentioned analysing the nature of the risk to work out how to best prevent it:

> That's a good question. Analyse the risk, think why the risk has been identified, what led to it. Need to think how to prevent it. (Rural Command)

> What they looked at was the outcomes and resolutions arising from many of the complaint matters, how those matters came about, how we can, how could we minimise opportunity for it to happen again. Used standard risk management principles. What needs to be put in place immediately, feasibility of proposed treatment strategies, the need for some and not others. (Specialist Command)

Other types of comments made included:

> Needs to be actionable. Got to be something you can do within your resources. It's got to be something you can measure – monitoring complaints. Got to be able to audit it. (Metropolitan Command)

> Used Manta document for best practice with other commands. (Rural Command)

> Review what's available to us. Reviewing what we can do, actually can do, rather than just saying what we can do. (Rural Command)

6.3 WERE THE TREATMENT STRATEGIES WELL-DESCRIBED?

BACKGROUND

In 2007 some commands provided very little detail when describing their misconduct risk treatment strategies. It was not clear from some descriptions what the treatment strategies were 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'. Similarly, some corruption resistance plans that referred to strict compliance with standard operating procedures did not specify which standard operating procedures. While the meaning and relevance of these strategies may have been clear to those officers who drafted the corruption resistance plan, the wording and brevity of such descriptions indicated neither what the treatment strategy involved nor how it sought to minimise the risk of misconduct (Police Integrity Commission 2011a, p. 133).

The PIC observed that the absence of sufficient 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 such misconduct (Police Integrity Commission 2011a, p. 131).

The PIC was of the view that including a statement of intent of the strategy would assist focussing on prevention when developing treatment strategies for significant misconduct risks. Hence it recommended that the misconduct risk treatment strategies be described in sufficient detail so that the intended treatment strategy is clearly stated and the purpose of the strategy (e.g. to deter, to reduce opportunities, or to clarify expectations of what is appropriate behaviour) is clearly stated (Police Integrity Commission 2011a, p. 134).

The NSWPF incorporated these processes in its 2012 Guidelines (p. 15).

WHAT WE FOUND

Eleven of the 19 local area command corruption resistance plans and 19 of the 36 specialist command corruption resistance plans reviewed were considered by the PIC to provide clear descriptions of their treatment strategies. It was difficult to evaluate some descriptions of treatment strategies, because the descriptions of the risks that they were to mitigate were not sufficiently clear to someone who had not been involved in the planning process. However, overall there were 25 plans (from both local area and specialist commands) where at least some of the treatment strategies did not appear to be clearly described.

One specialist command, for example, proposed the following strategies to address the risk of 'Improper access to COPS and other corporate systems':

- Develop and maintain an ethical workplace culture
- Effective supervision
- Conduct regular, random and targeted auditing of records relative to source management, management, secondary employment, gift register and other corporate systems
- Continued reinforcement of corporate policies and procedures. (Specialist Command)

This command described using identical sets of strategies for five other of its documented misconduct risks: 'Failure to secure information', 'Improper release of information', 'Sources', 'Improper receipt of gifts/benefits' and 'Failure to declare conflict of interest'.

Each of these strategies (developing and maintaining an ethical workplace culture, providing effective supervision, conducting a program of audits, and reinforcement of corporate policies and procedures) are useful processes to minimise corruption and other serious officer misconduct. However, the description leaves the specific actions to be taken and who is to undertake them unstated. For example, it is unclear from the description *who* is intended to take *what actions* within the command to develop and maintain an ethical workplace culture and *how* these actions will address the risk of 'Improper access to COPS and other corporate systems'.

Also where the same set of strategies is documented for six different misconduct risks is an example of where the treatment strategies have not been tailored to the particular risk.

Table 6.1 provides some additional examples of descriptions of treatment strategies which do not appear to clearly specify the nature of the actions to be taken.

Table 6.1 Additional examples of treatment strategies where the action required to execute the strategy is not clearly stated

Risk*	Treatment strategy*
User Pay Deployment	• Allocation of Non Commissioned and Commissioned Officer to oversight operations • Selection of staff to conduct User Pay duties is conducted by a Commissioned Officer (Metropolitan Command)
Improper release of information – compromise investigations, police methodology	• [Command] guidelines, media policy, induction package, audits (Specialist Command)
Source management, improper associations – compromise investigations, police methodology	• Source Management Guidelines, NSW Police Information Policies and Guidelines (Specialist Command)
Misconduct – Personnel may act corruptly through criminal conduct, neglect of duty, dishonesty, unprofessional behaviour and misuse of physical assets	• Effective supervision • Develop/maintain an ethical workplace culture • Review of officers on secondary employment • Review work performance to ensure no conflict of interest • Continued reinforcement of corporate requirements (Specialist Command)
Misuse of travel allowance/Overtime/ travel time – Officers claiming for travel/overtime when they have not completed the extra duties claimed or travelled the time/distance claimed	• Reinforcement of Corporate Policy and Code of Conduct and Ethics • Supervision (Specialist Command)
Exhibits go missing – Item 'lost' – loss of identity evidence	• SOPs, dip sampling, reinforcing clear desk policy (Specialist Command)
Improper conduct off duty – Improper conduct on licensed premises	• The members believe the NSWP Code of Conduct, Statement of Values and Drug and Alcohol Policy provide a sufficient level of risk reduction management and processes to ensure a high level of compliance (Specialist Command)
Unprofessional standards of behaviour and performance while off duty – Unethical behaviour off duty may negatively impact the	• Develop and maintain an ethical culture within the Command in respect of off-duty behaviour • Continued reinforcement of corporate and [work unit] requirements, policies and procedures in relation to off duty

Risk*	Treatment strategy*
reputation of the NSW Police Force and cause embarrassment for the [work unit]; unethical behaviour may result in the suspension & or prosecution of staff	behaviour • Target activities which may encourage unprofessional behaviour off duty (including staff social functions, secondary employment) • Regular auditing of records relating to secondary employment (Specialist Command)

* As described on command corruption resistance plan.

On the other hand, Table 6.2 provides several examples of more detailed and clearer descriptions of the intended strategy.

Table 6.2: Examples of treatments strategies that appear to be clearly stated

Risk*	Treatment strategy*
Improper association conflict of interest - staff in small towns who are related or friends with offenders or victims; staff pressure not to act or to take preferential treatment; disclosure of information to family and friends	• Specific command advice reinforces what to do if a victim or offender is known to the staff member • SMIT training re conflict and improper associations for all staff • Develop local step by step instruction for what to do if offender or victim is known to staff member • COPS audit prioritised for long term staff *Strategies provided for officers on staff version of plan*: • Avoid all interactions with police related matters that involve family or friends • Where it cannot be avoided, immediately inform your supervisor. Work with your supervisor in the management of the risks • Advise friends and family you cannot be involved in matters that involve them • Step by step instructions will be posted in your work area • Staff who have worked in a location for more than five years will be prioritised in COPS audits • Do not discuss work matters or boast about work matters outside work (Rural Command)
Wide Loads – Obtaining Unfair benefit (Perceived) - [command] staff members may perceive that some staff of the [command] are obtaining a benefit by being favoured to take part in Wide Load Escorts	• High level auditing of practices and procedures by Crime Co-ordinator • Strict adherence to local SOPs in relation to wide loads • Transparent database to be maintained to show ALL wide loads conducted and which officers took part. • Fatigue management to be factored into allocation of wide loads • Conduct an annual review of all Systems and SOPs in respect of User Pays

Risk*	Treatment strategy*
	• Review to be carried out (Rural Command)
Miscellaneous Property – Property unaccounted for, property misappropriated by officers, complaints regarding handling of property and customer service issues	• Reductions of Miscellaneous Property on hand • Immediate action to return Misc. Property to owners by the [command] • Money to be banked ASAP. Recorded on Station Pad. • Weekly Dip Sample of Property by Duty Officer & Supervisors using CMF • Annual 100% Audit of Miscellaneous Property • Supervisors to remind staff of best practice and quality assure entries in Miscellaneous Property Book to satisfy audit purposes. (Metropolitan Command)
Abuse of legal process – laying of charges without sufficient evidence; inaccuracies or embellishments of information in affidavits to obtain warrants; fabrication or tampering with evidence; perjury.	• Ensure investigators liaise or consult with [command] Legal Officer • Arrest operation planning includes appropriate evidence review and consultation by Detective Inspector/Detective Sergeant • Examination of affidavits/applications by relevant Detective Inspectors prior to submission • Consultation with officers from Special Advice Section by Detective Inspectors with regard to any issues encountered with applications or affidavits • Monitor feedback from DPP and Police Prosecutors • Ensure compliance with brief handling procedures (Specialist Command)

* As described on command corruption resistance plan.

7. MONITORING AND REVIEW OF CORRUPTION RESISTANCE PLANS

It's a work in progress for us. (Metropolitan Command)

7.1 OVERVIEW

This chapter provides information on:

- how often commands review their corruption resistance plans
- what acts as a trigger to review the corruption resistance plan
- officers' suggestions for improving the process of reviewing treatment strategies.

Summary

- The vast majority of command representatives (22 of the 25) knew that their corruption resistance plan should be reviewed at least annually. This, however, did not necessarily mean that these commands reviewed their plans each 12 months.
- There was no clear trigger for commands to review their corruption resistance plan that was shared across all commands. About one-third of the command representatives (9 of the 25 commands) referred to using a trend in complaints or detection of a new risk as a trigger for the command to review its corruption resistance plan. Others referred to it being noted in a calendar or expecting to receive a prompt from either the Professional Standards Command or their superintendent.
- The NSWPF provided guidance to commands on *how* to monitor and review treatment strategies in its 2012 Guidelines. Guidance on this was not available in the earlier NSWPF guidelines.
- There was no single method that all commands reported using to monitor and review their treatment strategies. The methods most commonly mentioned (by 13 command representatives) were to examine complaint trends, discuss issues that arise in Complaint Management Team meetings or Senior Management Team meetings or a combination of these.
- Two command representatives described their intentions to trial new systems. One described his intention to establish a log to assist monitoring the implementation of strategies. The other spoke about using monthly presentations to keep the corruption resistance plan foremost in the minds of SMT members.

- The responses from those who reported using the 2012 Guidelines did not appear to differ from those who reported using the earlier guidelines. That is to say, the strategies provided in the 2012 Guidelines were not reflected in the responses of command representatives who used these Guidelines.
- The nine command representatives, who suggested improvements to the process for reviewing treatment strategies, offered a range of suggestions involving training, more regular consultation, establishing a system for checking on the implementation of strategies, and ongoing review.

Observations

- Some commands are not complying with the NSWPF Guidelines to review their plan annually.
- Unless there is a clearly understood trigger for the review of the corruption resistance plan, reviews may not occur. For example, where the PSDO is waiting to hear either from their superintendent or from PSC before they conduct their review, they may not conduct their review without an explicit instruction to do so.
- Where command representatives said that they relied on trends in complaints or the detection of a new risk as a trigger to review their corruption resistance plan, there is the danger that they may not monitor and review their corruption resistance plan if there is not a change in complaints or a new risk is not identified.
- While complaint trends are one mechanism against which to review the corruption resistance plan, there was little reference to other mechanisms such as checking to see if strategies had been properly implemented, or using information from misconduct complaints and investigations to better understand the mechanism and nature of the corrupt conduct.
- Just because there are no complaints, does not mean that a treatment strategy is working. Not all corrupt conduct is going to be the subject of a complaint. At best, complaints received are a biased subset of the types of officer misconduct that occur. Some types of corrupt activities tend to be carried out in secret with few witnesses. That which is not witnessed cannot be reported and hence, will not be the subject of a complaint. Even corrupt conduct that is witnessed may not be reported for a wide range of reasons.
- As observed in the previous chapter, it is understandable that many of the commands had not had the opportunity to familiarise themselves with or use the NSWPF 2012 Guidelines at the time information was collected for Project Mobula. However, that the approach to monitoring and reviewing the plan appeared similar for those who reported using the 2012 Guidelines to those who reported using earlier guidelines suggests that the availability of the additional information in the 2012 Guidelines did not influence the methods some commands used to monitor and review their misconduct risk treatment strategies.

Extracts from the NSWPF Response

In its response in December 2013, the NSWPF advised:

> In 2014 PSC will 'reset the clock' and require commands to conduct a review.
>
> PSC will discuss with Performance Improvement and Planning Command if it can include misconduct prevention planning in COMPASS[23] to ensure that commands are aware of the importance of the planning exercise.
>
> PSC agrees with the Commission's observations that overreliance on complaints data is an insufficient yardstick to measure misconduct risks.
>
> It is also true that relying on a lack of complaints to indicate a lack of misconduct or corruption may give rise to a false sense of security that all is well in a command.
>
> Noting the observation that commands did not appear to be adopting the guidelines to monitor and review their misconduct strategies, this matter will be addressed directly with commands during the 2014 reviews.

7.2 HOW OFTEN WERE THE CORRUPTION RESISTANCE PLANS REVIEWED?

BACKGROUND

In 2007, 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. Where these commands spoke of reviewing their corruption resistance plans, there were differences in the timeframes in which they said 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 (Police Integrity Commission 2011a, p. 35).

The importance of monitoring, reviewing and evaluating misconduct risks and their treatment strategies is well recognised in the NSWPF guidance provided to commands. The guidance provided since 2008 has consistently stated that a formal review should occur 'annually' or 'at least annually'.

23 COMPASS is the NSWPF 'Command Performance Accountability System'. It is an intranet based corporate performance management system and features two distinct modules: *Accountability* and *Assessment*. Accountability Monthly Reporting - uses and displays data from a range of corporate systems (e.g. SAP, COPS, CAD, CPM) that enables comparison of actual results against State Plan, Corporate Plan and command business plan targets for key performance indicators … Assessment COMPASS Forums – 70% of the data used in a COMPASS forum is drawn from corporate systems … The remainder is obtained manually from the corporate owners or from the command under assessment via self-report. (Downloaded from NSWPF Intranet 9 December 2013.)

WHAT WE FOUND

The vast majority of command representatives (22 of the 25) knew that their corruption resistance plan should be reviewed at least annually. This, however, did not necessarily mean that these commands review their plans each 12 months, as illustrated in the following quotations:

> As to why the plan wasn't done [for three years] – something I cannot answer. (Metropolitan Command)

> Should be done yearly … This command does its plans 2-yearly. (Rural Command)

> Not often enough. The thing is they should be done every 12 months. I know that that has not happened. Largely because of advice from PSC that they were conducting a review of corruption resistance planning and they called for all of our plans. [When asked whether they have now been given the go ahead to proceed with their corruption resistance planning this officer said: Haven't been told to go ahead.] (Specialist Command)

> Should be a living document, reviewed as needed. (Specialist Command)

Comments from the three rural command representatives who were not aware that the plan should be reviewed annually included:

> The issues we have are discussed at each SMT. Discussed monthly. Plan reviewed 4-yearly (2008-2012). (Rural Command)

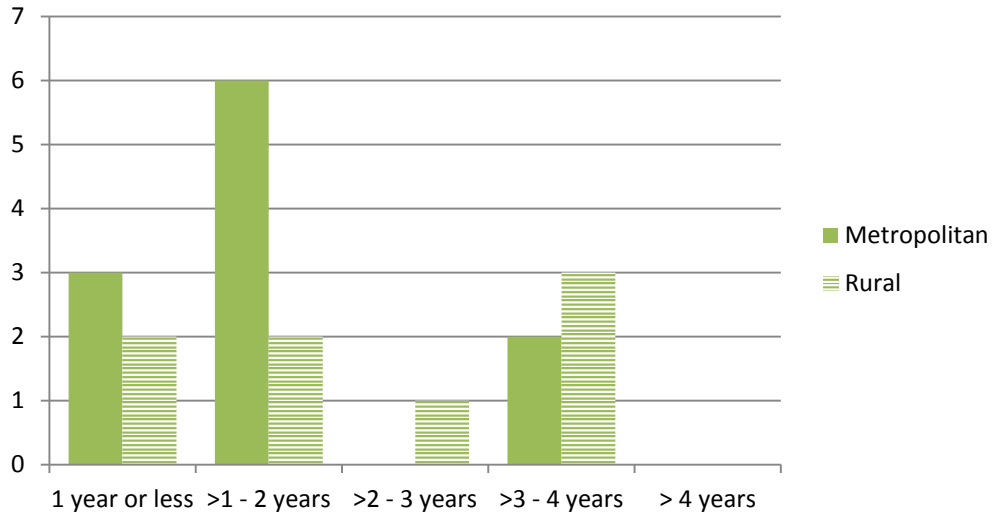
> Review in 12 months' time. Last one was done in 2008.[24] (Rural Command)

> We don't necessarily review the corruption resistance plan per se. We have complaint trends as an agenda item. There have not been any changes in complaint trends that have necessitated change of plan. [PIC officer asked were there any plans between September 2008 plan and the March 2011 plan?] PSDO did a search on computer and said 'no'. He explained that that was probably when PSC was reviewing plans and said if command has not already done a new plan, to hold off. (Rural Command)

The length of time between the preparation of the current corruption resistance plan and the preparation of the previous corruption resistance plan for local area commands is illustrated in Figure 7.1.

[24] In an email following the interview, the PSDO from this command stated he was unable to find a copy of the previous plan.

Figure 7.1: Length of time between current and previous plans



Information on when the previous plan was prepared was not collected from specialist commands[25], hence there is no comparative information about the lapsed time between the preparation of the most recent and the preceding corruption resistance plans for subordinate units of specialist commands.

7.3 WHAT ACTED AS A TRIGGER TO REVIEW THE CORRUPTION RESISTANCE PLAN?

BACKGROUND

In 2007, commands that said that they did review their risks and strategies were asked what had triggered such a review in the past. 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 (Police Integrity Commission 2011a, pp. 34-35).

While the guidelines provided since 2008 have consistently stated that a formal review should occur 'annually' or 'at least annually', these guidelines have not identified what should trigger this formal review, for example:

> 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 (NSW Police Force 2008, p. 12).
>
> A full review of the plan should be conducted every 12 months … The CMF requires a Yes/No answer that corruption resistance planning has been conducted annually (NSW Police Force 2010a, p. 5).

25 This information was not collected form specialist commands because of the large number of plans produced by specialist commands and the fluidity of the structures with subordinate units moving between specialist commands.

WHAT WE FOUND

There was no one method that acted as a trigger for commands to review their corruption resistance plan that was shared across all commands. When asked what acts as a trigger for the command to review its corruption resistance plan, about one-third of the command representatives (9 of the 25 commands) referred to a trend in complaints or detection of a new risk through the Complaint Management Team (CMT). It was not clear what, if anything, would act as a catalyst for these commands to review their corruption resistance plan if there was no change in their complaints or a new risk was not identified.

Another third of the officers interviewed (8 of the 25 commands) referred to it being noted in a calendar or the PSDO having it in their diary.

Other responses were more diverse. Three command representatives thought that their review would be triggered by Professional Standards Command sending a memo or some other prompt. Two other command representatives suggested that the superintendent would say something. Other responses given by individual officers include:

> It's a requirement of command electronic CMF. So there is a trigger. It's also something that the PSM should have on their radar to do. (Specialist Command)

> What should spark a review is the 'use by' dates, directives that come out of CMTs and leadership meetings. (Specialist Command)

> Because I took the role and knew it had to be reviewed. (Metropolitan Command)

7.4 METHODS OF MONITORING AND REVIEWING TREATMENT STRATEGIES

BACKGROUND

In 2007, the majority of commands (18 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.

While, as mentioned earlier in this chapter, the importance of monitoring, reviewing and evaluating misconduct risks and their treatment strategies is well recognised in the NSWPF guidance provided to commands; this guidance did not provide advice on *how* commands should review or evaluate the effectiveness of their misconduct risk treatment strategies. In 2011, at the time the second of the PIC's Project Manta reports was drafted, the 2010 Guidelines stated that:

> Corruption resistance planning is an ongoing process …

> A full review of the plan should be conducted every 12 months. At this time the success of treatment strategies can be evaluated (NSW Police Force 2010a, p. 5).

The PIC observed that without guidance some commands may miss opportunities to improve their misconduct treatment strategies (Police Integrity Commission 2011a, p. 138). The PIC recommended that the NSWPF should provide commands with a range of methods that they could consider using to assist them monitor, review and improve their misconduct risk treatment strategies. The PIC provided examples of four such methods (Police Integrity Commission 2011a, p. 139).

The NSWPF incorporated this guidance into its 2012 Guidelines, which states amongst other things:

> A full review of the plan should be conducted every 12 months in a structured process. At this time the success of treatment strategies can be evaluated.
>
> When monitoring and reviewing treatment strategies:
>
> - examine reports/reviews from those responsible for implementing treatment strategies. Ascertain if strategies were properly implemented and consider the impact on the risk of any treatment strategies that were not fully or properly implemented
> - consider any internal feedback e.g. staff surveys. What did the feedback reveal?
> - examine complaint information/investigations in relation to the command's identified corruption risks. What did the information/investigation reveal about the effectiveness of the treatment strategy?
> - examine information from compliance audits. What did the audits reveal about the effectiveness of the treatment strategy? (NSW Police Force 2012, p. 18).

WHAT WE FOUND

When asked *How does this command go about monitoring and reviewing its treatment strategies?*, there was no agreed method that all commands used to monitor and review their treatment strategies. The methods most commonly mentioned (by 13 command representatives) were to examine complaint trends, discuss issues that arise in Complaint Management Team meetings or Senior Management Team meetings or a combination of these. For example:

> By [observing], if there's no complaints or issues identified, then the treatment options are working. If suddenly we find that people are still accessing COPS unlawfully then our treatment options aren't working. (Metropolitan Command)
>
> Trend analysis of complaints is a big way. (Metropolitan Command)
>
> Once again it is through complaints that come through and what they are about. Have a SMT every six weeks and these issues are discussed here. (Metropolitan Command)

> Gets reviewed with the corruption resistance plan once a year or if something comes up or there is a trend during the year, we need to adjust our strategies. (Metropolitan Command)

> Good question. The monitoring is generally included in plan. Do a trend analysis re complaints, identifying emerging issues and a review process of actual plan every 12 months. (Rural Command)

> Would look at trends after 12 months to see if there had been any effect. (Rural Command)

> Suppose we review each of the areas at monthly SMT meetings. If there is something that needs to be done, it is identified at this meeting. (Rural Command)

> By monitoring complaint trends and seeing if it is working. There has been a huge decrease in alcohol issues since we have had it in the plan. (Rural Command)

Those that said that they discussed it in meetings did not necessarily have a specific structure for doing this:

> [When asked how is it done in SMT and HR committees?] Very general, if anything has come up [it] is discussed at these meetings. (Metropolitan Command)

Two command representatives said that they monitored which strategies were implemented rather than monitoring the effectiveness of the strategies:

> In quarterly SMT have item on corruption resistance on agenda and discuss how much training has been given, how frequently SMITs asked etc at that meeting. (Metropolitan Command)

> We monitor the implementation of these strategies (e.g. delivery of SMITs) not the strategies themselves. (Rural Command)

Some suggested that their command did not have a strategy for doing this, for example:

> I think that in the past, corruption resistance plans have been done, parked on the computer. (Rural Command)

> Did the risk occur in the past year? Did strategy actually happen? Most managers wouldn't do this. (Specialist Command)

Two command representatives described their plans to trial new systems:

> [Plan] to set up a log to help in monitoring implementation of strategies. Log will be stored in shared Duty Officer area of P-drive. (Metropolitan Command)

> We are starting a new system in our [SMT]. Each Duty Officer is to do a PowerPoint presentation of their portfolio once a month, identifying issues in their portfolio. The purpose of the monthly presentations is trying to keep

> Duty Officers focussed on whole command rather than just their silo. These monthly presentations will provide a way of keeping corruption resistance plan foremost in the minds of [SMT] members. (Rural Command)

Other comments included strategies such as:

> By looking at the issues and whether the actions are resolving it. How we measure this is in a fiscal sense. (Metropolitan Command)

> I suppose we could always be doing things a little bit better. Comes back to yearly audit: What can we do better? Have we had an example and what did we do about it? (Metropolitan Command)

7.5 OFFICERS' SUGGESTIONS FOR IMPROVING THE PROCESS OF REVIEWING TREATMENT STRATEGIES

WHAT WE FOUND

When asked whether their command had any strategies for improving the process of reviewing treatment strategies, approximately half of the command representatives (13 out of 25) said that they did not have any suggestions and the contact officers from another three commands said that because they had not yet prepared a corruption resistance plan, they did not know whether there were ways to improve this process.

The nine command representatives who were able to suggest improvements, offered a range of suggestions involving training, more regular consultation, establishing a system for checking on the implementation of strategies and ongoing review. Examples of these suggestions include:

> I think that the key lies in the operatives on the ground. Could they look at it through a blind survey? Is the corruption resistance plan effective in reducing this? … Are people abusing overtime? (Metropolitan Command)

> Training of PSDOs and/or Commanders and those involved in the process. (Metropolitan Command)

> Probably a more consultative process on a six-monthly basis, members of CMT, supervisors, team leaders. (Rural Command)

> Need to have a system of checking on implementation of strategies e.g. need to make sure that EDO has done what is required. At the most recent CMT they recognised that they need to put a system in place to monitor and record implementation of strategies. They decided to have a spreadsheet attached to the CMT minutes that could be reviewed at each meeting. (Rural Command)

> Not really, apart from what I've said. Sometimes accountability is given to some people who don't know what they are doing. The person who has accountability should be properly trained in what they are accountable for. Half of the NSWPF are acting in higher duties. (Specialist Command)

> I would like to see that the review is ongoing – not just annually ... Think should be reviewing as complaints come up. (Specialist Command)

8. DOCUMENTATION

Well, it was lost last year. (Metropolitan Command)

8.1 OVERVIEW

Unless the relevant information about command integrity hazards and related considerations is documented and easy to locate; the transfer, promotion or retirement of key staff may result in the corruption resistance planning process becoming more time-consuming, less effective and simply more difficult. This chapter outlines:

- strategies officers reported using so that information is not lost, and
- problems command representatives reported experiencing.

Summary

- Representatives from nine commands reported storing the information about corruption resistance planning in an electronic folder in a shared group drive (usually the 'P-drive') on the command's computer system. A further two said that they maintained a hard copy version as well as storing information on the P-drive, while another said that there is a handover between officers (before one leaves) as well as storing the information on the P-drive.
- Other strategies included: maintaining some continuity with the staff involved in corruption resistance planning from year to year and having the Executive Officer maintain the records.
- Representatives from commands that store information on the P-drive differed in what they consider should be stored there, ranging from the 'bulk of information', to draft versions as well as final versions, to only storing the 'final (signed off) plan' there.
- Two command representatives did not consider the P-drive to be the appropriate place to store the information. As one officer stated, 'the P-drive is a nightmare to negotiate'.
- Three command representatives said that they either had not experienced or did not expect to experience a problem with staff turnover and another two representatives said that when there has been staff turnover there is always a handover from the former to the new PSDO. In contrast, other commands described problems they had experienced in locating information or provided examples where a handover had not been possible because, for example, the previous PSDO had been medically retired six months before his successor was appointed.

- Eight of the 25 command representatives described having been unable to locate relevant information in the past year. Five of these officers were from metropolitan commands, two were from a rural command and the other was from a specialist command. (The problems in locating information experienced by these commands are outlined in the final section of this chapter.)

Observations

- Almost one-third of the sampled command representatives reported experiencing problems in locating relevant information.
- While the Guidelines outline NSWPF expectations of the information to be documented, it would seem that not all commands retain the type of documentation listed in the Guidelines.
- Commands differ in their understanding of what information should be stored on the electronic folder in the shared group drive.
- One command suggested that it would be better to store an electronic copy of the command's corruption resistance plan on the command intranet page, rather than in the shared group drive.
- Some command practices - such as PSDOs storing information about corruption resistance planning on their personal drive or on a personal thumb drive, or not knowing where the Executive Officer keeps a copy of the information – may lead to information being lost in the future.
- The PIC officer who conducted the interviews for this project, observed the difficulties that some command representatives had when they tried to locate information on the command P-drive during the interview.

Extracts from the NSWPF Response

In its response in December 2013, the NSWPF advised:

> The fact that around one third of commands interviewed were unable to locate planning material strongly suggests that commands have ignored a longstanding request to maintain a file on these activities. Doing so would have assisted commands greatly on the handover of responsibilities to new portfolio holders; provided a valuable audit trail of the risks identified, the treatment strategies adopted and left a history of what has worked and what did not.
>
> Noting the observations about storage of plans and related information PSC will work on modelling a consistent system for commands to ensure that the information is appropriately stored by commands and is retrievable.

8.2 STRATEGIES TO ENSURE THAT INFORMATION IS NOT LOST

BACKGROUND

The importance of documentation has been acknowledged in each of the 2008, 2010 and 2012 Guidelines. The 2008 Guidelines identified 'transparent and accountable documentation' as one of two 'foundations' of an effective corruption resistance plan, the other being adequate resources (NSW Police Force 2008, p. 4). The 2010 Guidelines and the 2012 Guidelines each listed the following reasons for requiring adequate documentation:

> The Corruption Resistance Plan must be accurately documented. This is to:
>
> - track the success of treatment strategies
> - provide induction for all new staff
> - provide handover to commanders and managers (NSW Police Force 2010a, p 4; 2012a, p. 16).

To this list, the 2012 Guidelines added a fourth reason for requiring adequate documentation:

> - [to] show the decision making process (NSW Police Force 2012a, p. 16).

The 2008 Guidelines stated that 'all commands must maintain a dedicated file for corruption resistance documentation' and that this file needed to 'include all documentation relevant to the planning, implementation and review of the command's Corruption Resistance Plan' (NSW Police Force 2008, p. 5).

The 2010 and the 2012 Guidelines were similar in their advice to commands that the following information should be documented:

> Minutes of the meeting, including the profile and the plan should be endorsed by the commander and recorded on TRIM.
>
> The minutes should cover the following.
>
> 1. Coversheet as attached at Annexure B.
> 2. Profile
> 3. Management Plan as attached at Annexure C
> 4. Staff Plan (where required) at Annexure D.
> 5. Any other issues arising (NSW Police Force 2010a, pp. 4-5).

WHAT WE FOUND

After prefacing the question with: *Given that there can be a fair amount of staff turnover within a command in a 12 month period and hence the individuals involved in preparing the command's corruption resistance plan may differ from year to year*, command representatives were asked: *What does this command do to ensure that valuable*

information is not lost and to facilitate the following year's corruption resistance planning?

Strategies reported as being used by commands

Representatives from nine commands reported storing the information on an electronic folder in a shared group drive on the command's computer system, for example:

> Bulk of information is on Command's P-drive, under PSDO folder. (Metropolitan Command)

> All the documentation is filed on P-drive. This is both a good and bad thing. Would probably prefer to have a new person look at it with fresh eyes. (Rural Command)

> Archived on the computer. Don't destroy previous years. (Rural Command)

> There is a group drive … Other areas in police call it P-drive. PSM has access to Professional Standards folder - previous versions and draft versions of plan would be there. We document track changes. (Specialist Command)

Representatives from two other commands said that they had a hard copy folder as well as storing the information in an electronic folder on the command's 'P-drive', for example:

> Keep accurate minutes of the meetings we have. Also have a specific folder on the P-drive. Have both an electronic folder and a hard copy folder. (Metropolitan Command)

One command representative described there being a handover as well storing the information on the command's P-drive:

> Give him [officer who takes over the task] hard copy folder which contains processes, notes, copies of old plans and steer them to PSC website. Post it on P-drive. [NB only copy of final (signed off) plan is put on P-drive. None of the stored papers are placed there.] (Metropolitan Command)

A representative from a specialist command said that his command keeps some continuity with staff involved in the planning exercise:

> For a start – the rotating of staff. Generally from one year to another, there will be one or two new members of panel [corruption resistance planning team] but also some panel members who will have participated in previous year's planning. Each [subordinate unit] has coordinator. (Specialist Command).

Two command representatives knew that the information was kept by the Executive Officer, but one was not sure where that was:

> Everything is recorded with XO. She has a copy on her external hard drive. There would be a comprehensive handover. When I go on leave, I do handover. (Metropolitan Command)

> XO keeps and files the documents. Not sure where they are kept. I keep a set on my personal drive. (Rural Command)

Six command representatives spoke of their recent problems with a lack of handover between the PSDO leaving the command and his or her replacement, or an inability to locate relevant information. These officers said that they intended to take steps so that the problem would not recur, for example:

> Something I intend to do something about. Last PSDO here has not put it on P-drive. Perhaps he put it on personal drive. It will start with me – I shall document the process. Store it in duty officer folder on P-drive. (Metropolitan Command)

> Previous PSDO [who prepared the command's previous corruption resistance plan] went on sick leave in January and was medically retired recently. I can't find data from previous year. I know minutes need to be kept. Minutes will be filed. I have a lot of data on personal thumb drive that I will transfer. (Metropolitan Command)

> This is the issue I had. I had a two-week handover. I didn't really get any help with this. I really think you need to be educated before you do the job. I asked around. (Specialist Command)

Three other command representatives said that they either had not experienced or did not expect to experience any problems. These officers did not offer any documentation strategies:

> Alright, from our point of view, that [staff turnover] hasn't happened yet. The fact that you can go to PSC and they can give you an overview of your LAC - gives the idea these are the areas and officers need to be concerned with. I think experience level – I think the danger of 12 month rotation is that you need the experience level. (Metropolitan Command)

> Has not been a problem here. XO has been here for 14 years. PSDO has been here for over 5 years. (Rural Command)

> Don't have the same staff turnover as other commands. Though have high turnover in superintendents. (Rural Command)

Two command representatives said that there is always a handover between the PSDO leaving the command and the officer replacing him or her, for example:

> It's part of changeover of PSDO. There is always a PSDO handover. Theoretically should be in changeover packages. (Metropolitan Command)

Problems with storing information on the P-drive

While the strategy most commonly reported was storing the information in an electronic folder on the command's P-drive, not all commands considered this to be a useful strategy:

> The P-drive is a nightmare to negotiate. There is so much garbage in there. The place it should be is the intranet – and I have seen that there is only an outdated copy there. (Metropolitan Command)

> At this command not stored on P-drive, stored on external hard drive instead. (Because don't want some complaint matters on P-drive.) (Metropolitan Command)

Problems experienced

Some commands described the problems that they experienced when answering the question, *What does this command do to ensure that valuable information is not lost and to facilitate the following year's corruption resistance planning?* Other commands described the problems they had faced, when during the Project Mobula interview, they searched the computer files available to them in an attempt to locate relevant information. Still others described the problems that they had experienced locating information in answer to other questions for the Project Mobula research.

As mentioned above, six command representatives spoke of the problems with a lack of handover or an inability to locate relevant information that they had recently experienced within their command. Additional examples to those listed above are:

> There was no handover to the current PSDO. The previous PSDO had left six months earlier and the Commander was filing the role while waiting for a new PSDO. (Metropolitan Command)

> Well it was lost last year. (Metropolitan Command)

> All previous planning documents are supposed to be kept in the one spot [on the computer]. This is not currently done. [This became apparent when command representative had been looking for documents during the Project Mobula interview]. Will have this fixed in the next couple of days. (Rural Command)

One of the representatives from a metropolitan command had said that when preparing the current plan, he did not refer to the command's previous plan because he was unable to find a copy. (This was previously mentioned in Chapter 4, Section 4.5 of this report.)

The representative from a rural command, who sought to confirm whether or not a two-page version of the plan was the full version of the plan or whether some pages had been lost or misplaced, subsequently emailed the PIC with the following information:

> The document was only a two page document however I can't be certain if that was the complete plan. The author of the document medically retired prior to my transfer to [the command] and the third attachment is the only record I managed to locate for that period. I believe that a more comprehensive document existed but I could not locate it. The one in this attachment appears to be the abbreviated version circulated to General Duty Staff. Since that time period both the Commander and most of the Senior Management Team are new staff. (Rural Command)

During the interview with the representative of another metropolitan command, who is not listed amongst those mentioned above, considerable time was spent searching the command's P-drive and not finding the most recent version of the plan and there being some uncertainty of the status of various versions of plans stored on the P-drive. This officer followed up on this issue and subsequently emailed the PIC stating that the management version had been lost in the Commander's email box awaiting final

confirmation. That problem was rectified and a copy of the finalised version of the new management version was provided to the PIC.

A representative from a different rural command who said that his command's previous corruption resistance plan had been prepared in 2008, informed the PIC that:

> Unfortunately I am unable to locate a copy of the 2008 corruption plan. I believe I have sighted the document some time ago however it appears that a copy was not retained when replaced by the current plan. I am not aware of either the creation of another plan or a review on the old plan conducted since this date. In stating this is a period prior to my appointment to this current role and prior to the appointment of the current Commander. (Rural Command)

9. COMMUNICATION OF MISCONDUCT RISKS AND STRATEGIES TO STAFF

Officers suffer from information overload – come in and have 30 emails every morning. (Metropolitan Command)

9.1 OVERVIEW

This chapter looks at how commands communicate the information in their corruption resistance plans and the extent to which they tailor information to assist officers recognise the particular misconduct risks they may face in their work and how best to manage these risks. More specifically, this chapter outlines:

- which aspects of the plan are communicated to staff
- how the plan is communicated
- information about the procedures to reduce the possibility of officers' integrity being compromised
- information to help staff recognise the misconduct risks they may face in their work and how to respond appropriately.

Summary

- Of the 12 commands that had prepared both a management version and a staff version of their corruption resistance plan, 10 said that they gave only the staff version to their staff, while two said that they provided both the management and the staff version to their staff.
- No command prepared more than one staff version of their corruption resistance plan; that is to say, they did not prepare different versions for staff carrying out different duties or for staff working in different locations.
- The most common means of disseminating and communicating corruption resistance plans to staff were reported to be:
  - by email (17 out of 25 commands)
  - placement on noticeboards (13 commands)
  - mention or discussion at musters, training days or station meetings (13 commands)
  - during induction (6 commands).
- Command representatives advised that they provided the following types of information to officers to reduce the possibility of officers' integrity being compromised when carrying out their duties:

  - guidelines and SOPs (5 commands)
  - a focus on accountability and documenting officers' actions (3 commands)
  - support for officers who report misconduct (3 commands)
  - ongoing training (3 commands).

  Three command representatives suggested that they did not provide information to staff about procedures to reduce the possibility of their integrity being compromised.

- Nine of the 20 local area command representatives said that they did not provide information about misconduct risks specific to their officers' roles. Seven thought that someone else within the command (such as the Crime Manager or supervisor) might take some responsibility for providing such information. Only four of the command representatives described information that their command gave to staff about risks that might be specific to a particular policing role. However, it is unclear to what extent this information was tailored to specific policing roles.
- Most commands did not disseminate information about misconduct risks specific to a particular sector. While nine command representatives said that they provided some information about misconduct risks through the induction process, information from supervisors, in the corruption resistance plan or in locally produced SOPs, the extent to which this information described misconduct risks specific to a particular sector is not clear.

Observations

- While email was the most commonly used method of communicating and disseminating corruption resistance plans to staff, some officers interviewed expressed reservations of the efficacy of using emails to convey information to their officers in a culture where officers are overloaded with emails and hence tend to delete their emails.
- Commands did not use their plans to inform officers of the misconduct risks relating to their role, duty type, location or years of service, as suggested in the 2012 Guidelines. Nor did they seem to have other mechanisms for tailoring such information.
- One officer commented that he thought the officers undertaking police work, which involved a high level of officer discretion within his command, were a 'good bunch' and he relied on trust rather than specific corruption resistance strategies. Reliance on trust alone fails to recognise the integrity hazards and related misconduct risks that may be associated with the nature of the officers' work and community members' motivations for influencing police officers use of their discretion. A far more sound strategy to minimise officer misconduct is to assist officers recognise the misconduct risks they are likely to face in their work and how to respond if they encounter such risks.
- Those who did use the 2012 Guidelines were no more likely to provide information about misconduct risks specific to officers' roles

than were command representatives who referred to earlier guidelines or did not refer to any guidelines.

Extracts from the NSWPF Response

In its response in December 2013, the NSWPF advised:

> Emails are probably a poor means of communicating plans to staff given the amount of information that is sent every day. Many officers who need access to the plans are not office based and have limited time to deal with emails. It is easy to see why such emails would be deleted due to pressure of other work.
>
> The report states that commands do not use their plans to apprise staff of risks that various duty types face. This may be a training issue that can be addressed through our direct contact with the field.
>
> The draft report notes that some commands have relied heavily on trusting their staff to do the right thing. PSC would not support those interviewees' comments and endorses the approach outlined by the Commission.

9.2 ASPECTS OF THE PLAN COMMUNICATED TO STAFF

BACKGROUND

The NSWPF has provided guidance to commands about the nature of information to be communicated to staff, for example, the 2008 Guidelines stated:

> [Your staff] should be made aware of the purpose of corruption planning (sic) and management, the outcomes that eventuate, and the avenues available to them to inform this process (NSW Police Force 2008, p. 8).

In relation to communicating the corruption resistance plan to staff, the 2008 Guidelines advised only that all corruption resistance plans must include 'a communication strategy to ensure awareness across the command' and the final row in the tabular 2008 template for the corruption resistance plan was labelled 'Communication Plan' (NSW Police Force 2008, p. 11). These Guidelines did not provide any additional information on what should be included in this communication strategy or communication plan.

An article in the *Police Weekly* promoting the then new 2010 Guidelines stated that these Guidelines provided a framework on how to communicate messages for staff:

> The new process gives simple guidance on how to identify and treat corruption risks and, most importantly, a framework on how to communicate those messages to all staff (NSW Police Force 2010b, p. 7).

The 2010 Guidelines also stated that commands should consider the information that specific staff require:

> Consider your audience and the information that specific staff require. Some treatment strategies will require implementation by specific individuals (e.g. roster officer, duty officers), while others may require communication to the whole command (NSW Police Force 2010a, p. 5).

The 2012 Guidelines were also described as providing a framework on how to communicate the results of the planning process to staff:

> The Guidelines will assist those responsible for the planning process to identify and treat corruption risks and, most importantly, provide a framework on how to communicate the results of the planning process to all staff (NSW Police Force 2012a, p. 5).

> It is the responsibility of each commander / manager to … communicate to staff their responsibilities concerning corruption resistance (NSW Police Force 2012a, p. 7).

WHAT WE FOUND

Approximately half (10) of the command representatives said they only had one version of their corruption resistance plan and so it was that version that was disseminated to staff. Of the 12 command representatives who said that they had prepared a management version and a staff version of their plan, 10 said that they gave only the staff version to their staff, while two commands said that they provided both the management and the staff versions to their staff. Two of the officers were unsure what was provided as they said that they had yet to prepare a command corruption resistance plan. One representative reported that their command had chosen not to prepare a plan.

As noted previously in Section 2.5, none of the commands included in the sample had prepared more than one staff version of their corruption resistance plan for dissemination to staff carrying out different duties or for staff working in different locations.

9.3 HOW THE PLAN WAS COMMUNICATED

BACKGROUND

In 2007, commanders differed in the ways that they said they communicated information to their officers about misconduct risks and strategies to manage these risks. For example, a greater proportion of metropolitan commands than rural commands mentioned using oral briefings; while rural commands and specialist commands were more likely than metropolitan commands to report using induction sessions or induction packages. Given the different sizes of the commands and different geographical dispersions of their officers, it is to be expected that the most appropriate communication methods would not be the same for all commands.

The 2010 Guidelines provided the following examples of how commands might communicate information in their corruption resistance plans:

> Where relevant, specify how the Corruption Resistance Plan will be communicated to staff and management, e.g. risks discussed during induction of new staff members, displayed on noticeboard, provided at a training day, distributed to management via email (NSW Police Force 2010a, p. 5).

The 2012 Guidelines provided similar examples (NSW Police Force 2012a, p. 17).

WHAT WE FOUND

The most common means of disseminating and communicating corruption resistance plans to staff were reported to be:

- email (17 out of 25 commands)
- placement on noticeboards (13 commands)
- mention or discussion at musters, training days or station meetings (13 commands)
- during induction or as part of the induction package (6 commands)
- other strategies including:
    - placement on command intranet (3 commands)
    - delegating portfolio actions (or treatment strategies) to the portfolio holder (1 command)
    - tabling in Complaint Management Team or Senior Management Team (1 command).

Some command representatives described using a large variety of communication strategies to disseminate their corruption resistance plans to staff, for example:

> Communicated out through memos/internal mail (each officer gets staff version). Gets brought up at meetings, training days, gets included in induction packages. Gets put up throughout the station - can't see them at

> the moment because the station was repainted a few weeks ago. (Metropolitan Command)

> Laminated. Posted in two main stations. Put up in strategic locations: muster room, posted on command P-drive. Notification sent to everyone that new plan has been ratified, copy attached, ask for feedback. Use at induction. Use at training days. (Metropolitan Command)

> Training days, morning meetings and probably the occasional email. They would know where they can find it. It would be put up on a couple of bulletin boards. (Metropolitan Command)

Others mentioned fewer separate strategies, for example:

> On intranet. Managers ask supervisors to highlight it with staff. (Specialist Command)

> Induction. PSM would use corruption resistance plan to tell them about risks. Would also be available to them by email. (Specialist Command)

Command representatives expressed different views about the value of emailing information to officers, as illustrated below:

> Plan is emailed to them. (Metropolitan Command)

> They delete most emails. (Metropolitan Command)

> Printed, laminated, placed on walls. Email provides summary and where they can find it. Pointless to give them a copy attached to email. (Rural Command)

> Unfortunately the organisation just about kills its staff with emails. (Rural Command)

9.4 INFORMING OFFICERS OF THE PROCEDURES TO REDUCE THE POSSIBILITY OF THEIR INTEGRITY BEING COMPROMISED

BACKGROUND

The PIC's Project Manta drew a comparison between Work Health and Safety (previously referred to as 'Occupational Health and Safety') and making the NSWPF more resistant to corruption:

> 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 (Police Integrity Commission 2011a, p. v).

This comparison has also been reflected in some of the NSWPF guidelines, for example the 2010 Guidelines state:

> Corruption resistance planning is similar to the Occupational Health and Safety model in that it addresses environmental hazards, risks and/or opportunities for corruption, rather than the conduct of individuals (NSW Police Force 2010a, p. 1).

WHAT WE FOUND

After explaining the analogy, representatives from all 25 sampled commands were asked: *What information is given to staff here about what procedures there are to protect them and to reduce the possibility of their integrity being compromised when carrying out their duties?* Command representatives provided a diverse range of responses to this question.

Five officers referred to the numerous guidelines and SOPs that are available to officers, for example:

> Numerous guidelines and SOPs throughout the intranet and here at the station for their access for attending the billions of jobs they need to do. (Metropolitan Command)

> Their initial training, e.g. procedures relevant to search warrants. Briefings about policies and reinforcement of policies. (Rural Command)

> Across the board, each and every risk has a policy attached to it. These are reinforced. (Specialist Command)

Three officers described their commands' focus on accountability and documenting officers' actions:

> It's about being accountable at all times and documenting their actions and decisions. Always reinforced that you document your decisions and actions. If you are not sure, call your supervisor. Discretion has to be exercised responsibly. (Metropolitan Command)

> Record everything! Police know that there is less likelihood of issues being raised if have corroborative officer with them. Record contemporaneous notes. (Rural Command)

> Probably one of the first things I have tried to instil with staff: if out there and have an incident with member of the public or use a power, need to make a COPS entry. I have sold it to them: I can't protect you if there is no record. 'The no surprise thing', need to tell someone and make a record. If you have a problem or a drama, come and speak to a supervisor. (Metropolitan Command)

Three officers referred to the support provided for officers who report misconduct:

> Always told there is support from command, Employee Assistance Program and Internal Witness Protection. (Metropolitan Command)

> Those who report are offered internal reporting witness protection. Have normal amount of posters. (Rural Command)

> Police Association provide them with a booklet that provides information regarding the complaints process … Anyone involved in the complaints process is given information and also given access to a support person or mentor. Reams of information on the intranet. (Rural Command)

Three officers referred to ongoing training and training days, for example:

> I guess it's about the ongoing training of them and also about acceptance of standards – zero tolerance to corruption. (Metropolitan Command)

> I think they have the basic knowledge from their training and what they have seen over the years. Have education, SMITs, EDO lectures once or twice a year, backed up by local corruption resistance plan. (Specialist Command)

Other types of information that was reported included:

- the Code of Conduct and Ethics (mentioned by 2 commands)
- the corruption resistance plan (2 commands)
- briefing about off-duty alcohol-related behaviour (1 command)
- it goes back to them understanding their work and acting professionally (1 command)
- it's all about their ethical health and the ethical health of the organisation. If that is strong, it makes it easier for staff (1 command)

- staff are encouraged to ask before they do things they are not sure of (1 command)
- have a very stringent induction process (1 command).

Three command representatives suggested that they did not provide information to staff about procedures to protect them and to reduce the possibility of their integrity being compromised:

> We have regular training days with staff where different aspects of policing are spoken about in a broad sense, have SOPs that are set up to protect them. But saying that, don't necessarily talk about integrity. (Metropolitan Command)

> Probably, directly from us, probably none. (Rural Command)

> Framed that way, I don't think there is any. I talk to them about what they might do to get into trouble. Arguably made aware of all the SOPs, procedures. [Officers] don't come to specialist commands off the streets. They come with knowledge and experience. (Specialist Command)

9.5 INFORMING OFFICERS ABOUT THE SPECIFIC MISCONDUCT RISKS THEY ARE LIKELY TO FACE

BACKGROUND

As noted in Section 1.4 in Chapter 1, the PIC considers that identifying and managing integrity hazards and associated misconduct risks, and assisting officers to recognise and respond appropriately when they encounter such risks are significant and practical steps that NSWPF commands can take to minimise future police misconduct and help protect the integrity of their officers.

The PIC recognises that officers undertaking different types of police work are likely to face different integrity hazards and misconduct risks. Hence the PIC considers that officers should receive guidance and support on how to recognise and manage misconduct risks that may be specific, for instance to a particular policing role such as conducting investigations, to working in a particular area such as a remote geographical area and to work where there is little supervision.

Other than some commanders referring to their communication with probationary constables, the communication strategies reported by commanders in 2007 tended not to tailor messages to officers undertaking different types of duties or working in different locations. In 2007, when asked about the information given to staff of the command about the misconduct risks they are likely to face in their work and how best to manage these risks, commanders' responses were broadly consistent with the corporate guidance that they had been provided at that time in so much as they referred to promoting their corruption resistance plans, conducting training days and briefings, and promoting the NSWPF *Code of Conduct and Ethics*. The approach to 'corruption resistance training', as it was described in corporate documentation, did not specifically include assisting officers to recognise the specific misconduct risks that they may face in their work within their command and how best to respond in such circumstances.

In 2007, most commands had one corruption resistance plan that was made available to all staff. Exceptions to this were one command that had a separate corruption resistance plan for a high risk area of work (its Drug Team and Proactive Team) and another command that had separate plans for supervisors and more junior officers. Some commanders' responses suggested while a copy of the corruption resistance plan was made available to all officers (such as on the intranet or on notice boards within the command), they left it up to the officers to work out the misconduct risks for themselves.

More recent corporate guidance has provided information on the role of the management version and the staff version of the corruption resistance plan. In relation to the staff version of the plan, the 2012 Guidelines stated:

> The staff version(s) of the plan is to be used to:
>
> - Inform staff of the risks identified for their particular position / location
> - Give staff advice concerning their responsibilities and to assist staff in protecting their integrity in relation to identified risks (NSW Police Force 2012a, p. 17).

A 'Commissioner's Policy Notice' published in the *Police Monthly* in February 2012 to promote the revised 2012 'Local Corruption Resistance Guidelines' described that plans were intended to highlight specific corruption risks that may differ depending on the officer's role, location, duty type and length of service:

> Corruption resistance plans highlight the specific corruption risks relating to roles, duty types, locations and years of service within a command that are not fully managed by corporate policies and guidelines or locally managed processes.
>
> Your command will communicate any staff version of the plan to you. This staff version will give sworn and unsworn officers advice on the risks associated with the particular command and practical advice on how to avoid or manage those risks (NSW Police Force 2012b, p. 36).

WHAT WE FOUND

Information about risks specific to particular policing role

Representatives from the twenty local area commands were asked: *What information are staff given about risks that may be specific to their particular policing role such as licensing work?* Officers from specialist commands were not asked this question.

Nine of the local area command representatives said that they did <u>not</u> provide officers with information about misconduct risks specific to their role, for example:

> I really can't answer this, I don't give different information to different sections. I don't say give them specific information about their roles. It's always been general. (Metropolitan Command)
>
> Talk about operational safety risks rather than corruption risks. (Metropolitan Command)

> I'm stumped on that. I couldn't answer that. Licensing comes under Crime Manager. Don't know what they do. Don't have highway patrol here. Detectives, call me naïve, they're a good bunch. I just have trust. (Metropolitan Command)

> Couldn't tell you. (Metropolitan Command)

> I don't think there is anything going out specific like that. But if there is an area of concern, e.g. a complaint issue, usually send out an email. For example, in car video with highway patrol, found out that a lot did not turn on the ICV. (Rural Command)

> Not anything we do specifically with any unit. (Rural Command)

Seven command representatives said that they thought that someone else within their command, such as the Crime Manager or a supervisor, might take some responsibility for this. Examples of such comments include:

> I suppose again, Crime Manager and Local Area Manager have charge of the Crime Unit. It is the Crime Manager's role to see that the risks of particular staff – licensing staff, detectives – are addressed. All staff get the [Professional Standards Command] education case studies and Code of Conduct. The PSDO gave [Professional Standards Command] 'Duty Guides' to the Crime Manager. (Metropolitan Command)

> It is not broken down in regards to that. During recruitment for these roles the risks are discussed. For example, the Highway Patrol Sergeant would discuss risks associated with highway patrol work. The Crime Manager would discuss risks associated with licensing work. (Rural Command)

> I think that it comes down to their supervisors being aware of the risks of these certain units. Fall back on supervisor to monitor. Supervisors are there to answer any questions and reinforce the right way to do things. (Metropolitan Command)

> Again, I come back to that thing of if our supervisors are doing their job properly, if those things are in place (e.g. for licensing police, for detectives) and done properly, that's the main thing. We've never really gone into the issues of corruption with specific things – like telling officers to suck eggs. (Metropolitan Command)

Only four command representatives were able to describe any strategies used to inform staff about the risks that may be specific to their policing roles. One command referred to using SMITs (six-minute intensive training scenarios), two commands said that the Professional Standards Duty Officer discusses some risks with the officers and two other commands referred to job-specific training. However, it is unclear to what extent this information is tailored to specific policing roles, such as to what extent the SMITs that are used are specific to a particular policing role. Examples of the comments made by these five officers include:

> We have a process where we use a different SMIT every day at changeover meetings. EDO randomly chooses a SMIT. Leadership Team can ask EDO to produce a SMIT on a specific topic. Myriad of different things raised at different shifts. (Rural Command)

> Well, that's an interesting point. Highway patrol historically attract most consumer complaints. Work as a single unit. Reduced complaints through ICV [in care video]. Highway patrol is now in Traffic Command. Licensing – largest risks are about relationships, favouritism, off-duty behaviour. I discuss it with them. Detectives – comes back to supervisor. Have two detective sergeants here. All work from one station. [There is] now greater supervision available. (Metropolitan Command)

> Training process for specific roles, e.g. licensing course run out of Goulburn. If anything raises a flag it is generally communicated, e.g. off-duty behaviour. Examples are provided in the *Police Monthly*. (Rural Command)

Information about risks specific to a particular sector

Representatives from the twenty local area commands were also asked: *What information are staff given about risks that may be specific to particular sector of their command?* Officers from specialist commands were not asked this question since they are not structured into sectors. This question was relevant to only 12 of the twenty local areas commands, as eight commands said that they were comprised of a single sector.

Of these 12 command representatives, nine suggested that they did provide some information about the risks that may be specific to a particular sector of their command. Their responses ranged from information covered by the induction process (4 commands), to information discussed by supervisors (3 commands), to information provided in the corruption resistance plan (1 command), to locally developed SOPs (1 command), for example:

> Covered in induction process. (Rural Command)

> Instructions of their supervisor. (Rural Command)

> They would be addressed as part of the command corruption resistance plan. (Metropolitan Command)

> Locally developed SOPs. Have two 24-hour stations. Smaller areas bring their drugs to one of these stations. PSDO starts and finishes his shifts at [this station]. (Rural Command)

However, while the metropolitan command representative who stated that it would be addressed in the corruption resistance plan may intend to address it there in the future, there was no evidence of this information being provided in this command's current corruption resistance plan.

One of these commands that said that information was provided in the command induction package, qualified his response with the following information:

> Don't know whether there is anything in these induction packages that deal with corruption risks specific to particular sectors. (Rural Command)

The other three command representatives said that they did <u>not</u> provide information about the misconduct risks specific to a particular sector of their command:

> Safety and operational risks are discussed rather than corruption risks. (Metropolitan Command)

> Don't know what they have done in the past. Don't get out to different sectors very often. If there is something developing at sector I would [talk to the sergeant]. Doesn't have the same effect as if it comes from the sergeant. Unfortunately the organisation just about kills its staff with emails. (Rural Command)

> No. Nothing. (Rural Command)

Information to help staff recognise the integrity hazards they may face in their work and how to respond appropriately

After the PIC interviewer explained the analogy between Work Health and Safety and building corruption resistance, representatives from all 25 sampled commands were asked: *What information is given to staff to help them to recognise the integrity hazards they may face in their work and how to respond appropriately to these integrity hazards and associated risks (that is, the corruption prevention equivalents of operator manuals, safety data sheets, etc.)?*

When answering this question, some command representatives referred to corporately provided information and some described information generated from within the command.

Information from beyond the command included corporate documents and correspondence, as well as formal training. The following corporate documents and correspondence were mentioned:

- updated policies, guidelines and SOPs such as those on conflicts of interest and inappropriate relationships (mentioned by 5 commands)
- the Code of Conduct and Ethics (4 commands)
- the Statement of Values (3 commands)
- *Police Monthly* case studies of unethical conduct (1 command).

The types of formal training that were mentioned included:

- mandatory and on-line training (or e-training) provided by the Education Command (3 commands)
- detectives are required to do training and there are systems in place (e.g. source management system) (1 command)
- what is drummed into them down at the Academy (1 command).

The information generated from within the command that was mentioned by command representatives included:

- the corruption resistance plan for local risks (5 commands)
- SMITs (5 commands)

- sitting down with officers in shift briefings and talking to them (5 commands), for example:

> Probationary constables [being told by PSDO] … going from civilian land to being a police officer. Some friendships will cease; some relationships will break up. [This area] is a focus of media attention, so families will be asking about their work. Need to be aware of previous problems in the command. (Metropolitan Command)

> 'War stories' are good way of explaining things. Some of the Duty Officers will talk of their experiences and of staff being arrested. (Metropolitan Command)

> When someone comes to the command, they have an open discussion with a member of the Senior Management Team. Unique in country commands, going to live and work in the community. New officer is told that they have a real opportunity to make a difference – either for good or bad. Might talk to them about sporting teams in which criminals play. Advised to pull their heads in. It's not like working in the city. They are in the spotlight, not anonymous anymore like they were in city commands. (Rural Command)

> You are an elite unit, behave in such a way. (Specialist Command)

- regular training provided by the command EDO (4 commands)
- induction package (4 commands)
- local SOPs (3 commands)
- emails from the PSDO (2 commands)
- guidance from supervisors (2 commands)
- education, training days once a week at morning meeting (1 command).

One officer spoke about the importance of communication:

> Comes back to having good communication. One of the places good cops can come unstuck is when they make a mistake. If have good communication [then a simple error can be admitted and accepted] rather than attempting a cover up. (Rural Command)

Four command representatives said that they were unable to think of any information that was provided to officers in their command that would help the officers recognise the integrity hazards they may face in their work. Comments from these officers included:

> I don't know. (Metropolitan Command)

> Probably no specific training in that, no. (Rural Command)

> No routine thing I do explicitly. (Rural Command)

> Trying to think of actual situation where there is focussed training for an individual – I can't imagine a situation. I don't think it is done like setting up a work station. (Specialist Command)

10. TRAINING AND SHARING IDEAS

> *I threw risk [about tow truck drivers] in. Same with Domestic Violence and Customer Service. Really had no idea what I was doing. (Metropolitan Command)*

10.1 OVERVIEW

This chapter outlines command representatives' descriptions of the training and support that they have received for corruption resistance planning. More specifically, this chapter summarises officers' responses concerning:

- the training and support they have received
- whether they talk to officers in other commands about what works or have other ways of sharing strategies about preparing corruption resistance plans
- their suggestions for additional training or support that would be useful to them or others in corruption resistance planning.

Summary

- More than half had not received any formal training about how to undertake corruption resistance planning. Fifteen of the 25 command representatives said that they had either received no training at all, were self-taught by reading the guidelines or they had had a handover from the previous PSDO or PSM with no further training. Of the ten who said that they had some training, four officers mentioned the PSC work placement, two referred to the 2008 workshop and four others referred to other sources of training.
- When asked whether or not they had done the PSC work placement, eleven command representatives said that they had done the placement while 14 said that they had not. Only five officers recalled the PSC work placement including any information on corruption resistance planning.
- Only five command representatives said that they had talked to officers from other commands about their corruption resistance plans.
- About two-thirds thought that some additional training and support would be useful.

Observations

- As a representative from a rural command expressed it, the approach to learning about corruption resistance planning has been a 'kind of jump in and paddle approach'.

Extracts from the NSWPF Response

In its response in December 2013, the NSWPF advised:

> Those interviewees who stated that their participation in the PSC work placement did not provide them with training to prepare plans may have misunderstood the nature of the program, which was to inform those officers generally of the work of the PSC and introduce them to team leaders. There have been opportunities for PSDOs to discuss their plans during this program.
>
> While the views of the officers about training is noted and in principle agreed, this must be balanced against the recurrent theme in the draft report that commands have not consulted or followed the guidelines. This raises the question of whether training would result in a better product.
>
> PSC has no objection to providing improved training to commands, but would prefer to work with them directly to help them conduct their planning exercises.

10.2 TRAINING AND SUPPORT RECEIVED

BACKGROUND

After finalising its *Corruption Resistance Planning Guidelines* in January 2008, the NSWPF Professional Standards Command ran training sessions on the use of these Guidelines in February and March 2008. While these are the only formal training sessions that have been run, each of the recent NSWPF Guidelines has advised that commands could obtain assistance with their corruption resistance planning process from various units within the Professional Standards Command, namely:

- the then Corruption Resistance and Education Unit (NSW Police Force 2008, p. 3)
- Corporate Advice and Policy (NSW Police Force 2010a, p. 5; 2012a, p. 18)
- Strategic Coordination & Response (NSW Police Force 2012b, p. 36)
- the Misconduct Prevention Unit (NSW Police Force 2015, p. 16).

In addition, in early 2010 the Professional Standards Command (PSC) commenced promoting 'a week long work placement program' for all local area command professional standards duty officers (PSDOs). It was described as a 'four-day familiarisation process for duty officers who have been allocated the LAC professional standards portfolio'. The program was further described as including exposure to the Internal Review Panel for a full day as well as an agenda of interaction with 19 units within the Professional Standards Command (NSW Police Force 2010c, pp. 6-7). While corruption resistance planning was not specifically mentioned, presumably the placement would include some contact with the PSC staff or section that provides advice on that topic.

The level of experience of those assigned to the role of 'owning' the corruption resistance planning process within the command varied significantly. As described in Section 1.6 of Chapter 1, the majority of the command representatives who were interviewed for this project were PSDOs. These officers had undertaken that role from between three weeks to five years at the time they were interviewed.

WHAT WE FOUND

When asked: *What training and support have you received for this work*?, the majority of command representatives said that they had received no training. Fifteen of the 25 contact officers had said that they had either no training at all, were self-taught by reading guidelines or that they had had a handover from the previous PSDO with no further training (see Table 10.1). Examples of comments from these officers include:

> Basically nil. Handover from previous PSDO. There is a section that assists with corruption resistance planning in PSC – didn't go back there – asked [a different officer instead because PSDO had had lots of contact with him regarding complaints]. (Metropolitan Command)

> Basically self-taught, through reading guidelines initially. (Metropolitan Command)

> None. I think in 1998 I did a Complaint Management Course [at a regional centre]. (Rural Command)

> None – other than reading the Guidelines on the PSC website. Don't know that the organisation offers any training. (Rural Command)

> Didn't receive any form of training. I received nothing. (Specialist Command)

> A handover from PSM & access to PSC resources. Wouldn't say have had any formal training. (Specialist Command)

A further two command representatives said that they had done the 2008 course:

> None – except workshop in 2008. (Metropolitan Command)

> Initial training day in 2008, which both PSDO and Executive Officer attended. (Metropolitan Command)

Table 10.1: Training and support received for corruption resistance planning

	Metropolitan Commands (n=12)	Rural Commands (n=8)	Specialist Commands (n=5)	All Commands Sampled (n=25)
No training:	**7**	**4**	**4**	**15**
None at all	2	2	1	5
None – self-taught, reading guidelines	4	2	2	8
None – other than handover from previous PSDO	1	0	1	2
Some training:	**5**	**4**	**1**	**10**
2008 workshop	2	0	0	2
PSC placement	2	2	0	4
Other	1	2	1	4

Four command representatives referred to their work placement at PSC, for example:

> Spent four days at PSC. A couple of hours of this was about corruption resistance planning. (Metropolitan Command)

> I guess in role, biggest training was week at PSC. Probably spent four hours with woman at PSC [regarding corruption resistance planning]. (Rural Command).

A further four command representatives referred to other forms of training including: lengthy experience working at PSC, PSC having sent out a couple of officers to give a lecture some years earlier, a PSDO conference several years earlier where the officers said that corruption resistance planning had been on the agenda, and having done the internal investigators course which this officer thought was relevant to corruption resistance planning.

Professional Standards Command Placement

Officers were asked whether they had done the Professional Standard Command work placement. In response:

- 14 of the 25 command representatives said that they had not done this placement (two of these officers had not considered that there was a need for them to do the placement because they had worked at PSC)
- of the 11 who said that they had done the placement:
    - five said that it had included information on corruption resistance planning

- two said that it did not include information on corruption resistance planning
- four did not remember whether it included information on corruption resistance planning.

In addition to the comments provided above, the following comments illustrate the range of opinions expressed by the officers who said that they had done the PSC work placement:

> Did do the PSC placement. Doesn't go into great depth and there is a bit of information overload. (Metropolitan Command)

> Information on corruption resistance planning was very brief. Officers in charge of different units talked about what their units did. There was no real training as such. (Metropolitan Command)

> Did have a presentation on corruption resistance planning, but it was early days and we were not sure how it would pan out. (Rural Command)

> I've done the PSDO Course [PSC placement] – it is basically 'meet and greet'. Walk round for 2 days, meet 300 people, head spinning. (Specialist Command)

10.3 DID COMMANDS SHARE STRATEGIES?

BACKGROUND

In 2011, the PIC observed that at that time there was no formal process for sharing corruption prevention strategies used by individual commands. It recommended that the NSWPF explore methods of identifying and promoting on an ongoing basis corruption prevention strategies found useful by one or more commands (Police Integrity Commission 2011, pp. 142-143).

WHAT WE FOUND

When asked whether they talk to other commands about what works or have other ways of sharing strategies about preparing corruption resistance plans, three command representatives said that they did not know because they had not yet prepared a corruption resistance plan. Seventeen command representatives said that they did not share strategies with other commands. Commands gave different reasons for this, including:

> Had suggested to PSM [at Region] that corruption resistance be an item on the agenda of the PSDO workshop. PSM thought that I would be a good idea. It did not happen. (Metropolitan Command)

> I look at [neighbouring commands]. I look at the types of complaints – quite different. Have different issues. (Metropolitan Command)

> Didn't do that [consult with other commands] because had enough material before me. (Metropolitan Command)

> There is no process whereby information from other commands is provided. (Rural Command)

> Have networks with other PSDOs, but don't talk to others about their corruption resistance plans. Only when their plans are registered with PSC, if PSC were to review them and disseminate information. This has not happened to date. (Rural Command)

> I don't know how effective that would be, especially with a specialist command. I don't know that talking to someone else in a specialist command would be helpful [given the large differences between specialist commands]. (Specialist Command)

Five command representatives said that they had talked to officers from other commands about their corruption resistance plans. These officers offered the following comments:

> Spoke to another command where he previously worked. Previous command shares some of the same environmental factors as current command and looked at some of their strategies. (Metropolitan Command)

> Yes, spoke to PSDOs at three commands as well as the regional PSM. Asked about: *What is the difference between the management version and the staff version of the plan? What was expected? How many risks do you want?* 3-5 is an acceptable number of risks. (Metropolitan Command)

> [Referring to PSC] They ring us. PSC quite often send people here. Have close relationships with PSC, interesting discussion. (Metropolitan Command)

> Yes. In [my region] there is a PSDO and XO Forum. Have them annually. Went to about three of them. Have regular contact with PSM at [my] Region. Quite often link in with PSM in CMT by teleconference. Corruption resistance planning did get discussed at last [regional] PSDO and XO Forum. Discussed PSC changes in that only need to document risks for which there is not corporate guidance. (Rural Command)

> Did consult a lot of them. There is no process whereby information from other commands is provided. (Rural Command)

10.4 OFFICERS' SUGGESTIONS FOR ADDITIONAL TRAINING OR SUPPORT

WHAT WE FOUND

When asked: *Is there any additional training or support that you consider would be useful for you or others involved in corruption resistance planning*, 15 of the command representatives considered that additional training or support would be useful. Seven officers thought that there would not be and three were unsure (see Table 10.2).

Table 10.2: Is there any additional training or support that you consider would be useful for you or others involved in corruption resistance planning?

	Metropolitan Commands (n=12)	Rural Commands (n=8)	Specialist Commands (n=5)	All Commands Sampled (n=25)
Yes	8	3	4	15
No	3	3	1	7
Not sure	1	2		3

The officers who considered additional training would be useful, suggested information sessions about:

- what is expected
- the Guidelines
- the risk management side of things
- setting up the corruption resistance plan
- the identification process (considered the hardest part)
- examples of the risks that have come up during the year and treatment strategies for these risks
- how to implement the plan.

One officer also spoke about the importance of having face-to-face discussions to supplement reading the guidelines:

> It's alright to read policies, however as adults would like to discuss it. Raise more awareness with face-to-face discussions. (Metropolitan Command)

Those who were not sure commented:

> I think it is difficult. What I knew at the beginning compared with 12 months later – really knew what I was doing after 18 months. Can waste training with people moving on and being rotated through different jobs and duty officer portfolios. (Metropolitan Command)

> It would not hurt. I wouldn't say it is vital. I don't know why each command has to have its own. I don't know why don't just have the one plan where we can add bits to it. Suggests once a year put Region by Region in a room and at the end of the day have produced a plan for the command. (Rural Command)

11. PURPOSE AND EFFECTIVENESS OF PLANS

> *We've always had a corruption resistance plan of sorts. Some of them have been unworkable and unwieldy. (Specialist Command)*

11.1 OVERVIEW

This chapter outlines:

- information about the perceived purpose of corruption resistance plans
- whether command representatives thought the plans were effective
- how commands use their corruption resistance plans.

Summary

- While their responses varied considerably, none of the command representatives had any apparent difficulty in describing what they considered to be the purpose of corruption resistance planning. Some mentioned broad aims such as strengthening their ability to resist corruption; while others focussed on identifying the corruption risks, determining treatment strategies and providing information to officers and managers.
- Command representatives were divided in terms of how effective they considered the plans to be:
  - 8 thought they were effective
  - 7 were undecided
  - 5 thought they were not effective and another 5 thought they were not as effective as they could be.
- When asked what did they think staff did with the plan:
  - 12 command representatives said they did not think staff did anything with it or provided another negative response
  - 5 said they thought staff probably read it once
  - 2 provided other positive comments
  - 3 said that they would not know.

Observations

- Given that officers had different views of the purpose of the plans, it is not surprising that they differed in their perceptions of its effectiveness.
- While significant steps are taken to disseminate the plan to staff, the

> majority of officers interviewed believed that staff were unlikely to make much use of the corruption resistance plan. One way of potentially changing this would be by providing officers with information that is clearly relevant to them and provides useful advice to them.

Extracts from the NSWPF Response

In its response in December 2013, the NSWPF advised:

> While it is pleasing that commands understand the purpose of corruption prevention planning it is not surprising that they held differing views of their effectiveness.
>
> Misconduct prevention plans are seen as a tool, not a panacea, and the challenge for all public sector agencies is to make staff aware of them and the value of the contents. They are usually not seen as a living document. For this reason PSC has focussed on working closely with commands to ensure that the annual review results in a useful plan that remains a command level focus.

11.2 PERCEIVED PURPOSE OF PLANS

BACKGROUND

In 2007, while the majority of commands surveyed appeared to accept the need for a command-specific corruption resistance plan, the differences in the information contained within corruption resistance plans as well as differences in the ways that the plans were used across commands suggested a lack of shared understanding of the purpose of the plan.

The NSWPF has offered several reasons for commands to have corruption resistance plans within their different guidelines. For example, the 2008 Guidelines offered the following answer to the question: *Why have a Corruption Resistance Plan?*:

> The Command Management Framework (CMF) requires that every NSW Police Force command has a Corruption Resistance Plan.
>
> Implementing a Corruption Resistance Plan ensures that a command has examined its unique risks in order to minimise the likelihood of corruption occurring, or going unnoticed or unreported. (New South Wales Police Force 2008, p. 2).

The 2008 Guidelines provided the following information under the heading *What is corruption resistance?*:

> The aim of corruption resistance is to change environments that allow corruption to occur, go unnoticed or unreported. This is achieved through strategies addressing issues such as accountability, efficiency and effective administration with a focus on:
>
> - improving systems and procedures
> - changing the attitudes of staff
> - improving the overall integrity and performance of the organisation (NSW Police Force 2008, p. 2).

Under the heading *What is corruption resistance planning and corruption resistance management?* the 2008 Guidelines state:

> Corruption resistance planning is a risk management exercise designed to identify corruption risks and the appropriate resources and responses to employ to ensure that they are managed well.
>
> Corruption resistance management is the application of appropriate corporate and/or local policies and procedures to identified risks to mitigate or remove the possibility of them occurring. In the context of this document, corruption resistance planning is about focussing on broad issues that can give rise to corruption within a command, not the conduct of specific individuals (NSW Police Force 2008, p. 2).

The 2010 Guidelines stated that the aim of the Guidelines was 'to reduce opportunities for corruption' and the objectives were:

- To identify and manage corruption risks specific to commands.
- To provide a standardised framework for local corruption resistance planning (NSW Police Force 2010a, p. 1).

While the 2010 Guidelines did not explicitly consider the purpose of the command corruption resistance plan, in answering the question *Do all commands need to have a corruption resistance plan?*, both the 2012 Guidelines and the 2015 Guidelines have stated:

> It is a requirement of the Command Management Framework (CMF) that every NSW Police Force command undertakes corruption resistance planning. The results of that exercise will determine if a command needs to have a local plan.
>
> Where necessary implementing a Corruption Resistance Plan is a succinct means of ensuring a command has:
>
> - identified and examined its significant misconduct and corruption risks
> - considered related corporate policies and guidelines

- implemented localised strategies and/or reinforced existing strategies to minimise serious misconduct and corruption risks
- communicated responsibilities, strategies and guidance to relevant staff (NSW Police Force 2012a, p. 7; NSW Police Force 2015, pp. 7-8).

Under the heading, *What is corruption resistance?*, the 2012 Guidelines stated:

> Corruption resistance is the outcome of the process of strengthening an agency's integrity and resistance to serious misconduct and corruption through the use of effective strategies designed to detect, deter and minimise opportunities for corruption. (NSW Police Force 2012a, p. 6).

WHAT WE FOUND

During the interviews, contact officers were asked: *What do you see as the purpose of corruption resistance planning?*

None of the officers interviewed had any hesitation or apparent difficulty in describing what they considered to be the purpose of corruption resistance planning. Some officers mentioned broad aims such as strengthening their command's ability to resist corruption; while others focussed on identifying the corruption risks, determining treatment strategies and providing information to staff and management; some referred to gauging effectiveness; some focussed on the formality of the plan as a resource that staff can refer to; and some focussed on the process rather than the product. The following examples illustrate the variety of views expressed:

> Basically just an exercise in strengthening our ability to resist corruption, reducing actual incidences of corruption or likelihood of corruption. (Metropolitan Command)

> To try to support police and give them information about areas identified as a concern that may lead to inappropriate behaviour. (Metropolitan Command)

> To make staff and management aware of the issues and risks pertinent to the LAC and provide advice and support on how to deal with such incidents and issues if they come across them. (Metropolitan Command)

> To focus the command, direction they are taking with respect to corruption risks and gauge effectiveness of what they are doing. (Rural Command)

> To highlight the main identified areas of concern in the LAC and to clearly give direction to police as to how to address those issues and setting the tasks for those identified with some area of responsibility in relation to it and being able to have something with which you can actually see some improvement and some achievement. (Rural Command)

> To provide a framework upon which sits processes by which to try to limit exposure to risks of corruption across the LAC. (Rural Command)

> To identify corruption risks within your command and prevent corruption and prevent temptation. (Rural Command)

> I think the main purpose apart from corporate responsibilities is an education for staff. These areas have been identified and for staff to be aware of issue. It's a bit of a warning for staff. Corporately, it meets our requirements to ensure corruption resistance is an important factor in regard to management of staff and the commands. (Rural Command)

> To identify to each individual what risks they are likely to encounter in the workplace, what they need to be mindful of with regards to that risk and what processes they need to be mindful of in managing that risk, so they are not fed to the wolves. (Specialist Command)

> I see the plans as an indicator of risk. We have identified risks, how are we going to communicate these risks and how are we going to prevent and treat them. Rather than commander just making a verbal statement in the meal room, this is a formal statement that people can refer to. (Specialist Command)

> I think probably helps command management team - what would be a risk and makes them think about what they are going to do. Process of getting them together is most important part, not the final product. (Specialist Command)

11.3 PERCEIVED EFFECTIVENESS OF PLANS

BACKGROUND

The 2008 Guidelines included the following quotation from the Standards Australia and Standards New Zealand 2004 Standard for Risk Management (AS/NZS 4360:2004):

> 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 (NSW Police Force 2008, p. 11).

While these Guidelines provided advice concerning the need to ensure that the plan remains relevant, the Guidelines did not provide any advice as to *how* to determine the effectiveness of the plan.

While it is not a problem that officers described different purposes for command corruption resistance plans, it is likely the differences in perceived purposes will result in officers assessing the effectiveness of their command's corruption resistance plan against different criteria.

WHAT WE FOUND

When asked: *Do you think the plans are effective? Why or why not?*, the command representatives were divided amongst those who thought that the plans were effective (eight command representatives), those who were undecided (seven), and those who either thought that they were not effective (five) or were not as effective as they could be (five). See Table 11.1.

Table 11.1: Do you think that the plans are effective?

	Metropolitan Commands (n=12)	Rural Commands (n=8)	Specialist Commands (n=5)	All Commands Sampled (n=25)
Yes	3	2	3	8
Undecided	3	3	1	7
Not as effective as they could be	2	2	1	5
No	4	1	0	5

Those who said that they believed that the plans were effective referred to:

- the usefulness of documenting the risks and strategies
- the plans drawing attention to the issues and being open to scrutiny
- people being prepared to implement it and having seen evidence of change in the complaints being reported from within the command
- its being effective because it is being communicated to staff
- their belief that because they have not had any major issues from topics covered in the plan, the treatment strategies must be working
- when the plans are done correctly, the corruption risks are easily identifiable and officers are not surprised by the risks and know how to manage them.

Some commands gave particular examples of how the corruption resistance plan had led to changed practices within their command, for example:

> … Evidence of this is perhaps change in complaints coming from within command. (Metropolitan Command)

> … Sick leave [one of the command's identified risk areas] has improved. Have had success at making supervisors responsible for their teams. (Rural Command)

> By monitoring complaint trends and seeing if it is working. There has been a huge decrease in alcohol issues since we have had it in the plan. (Rural Command)

> … We haven't had any major issues arising that are covered in the plan – then treatment strategies must be working. (Specialist Command)

Those who were undecided referred to the effectiveness of the plans depending upon how they were used within a command. One command representative observed that it was not possible to isolate the effects of corruption resistance plans as they were only one of several activities undertaken in relation to ethics and minimising police corruption. Examples of the comments of officers who were undecided include:

> In previous command [and different position], I knew it came out but did not think much about it. Now as a [Professional Standards Duty Officer] understand the value more than before. How to get that level of enthusiasm in others I don't know. There is always something else coming out in NSWPF, something else officers need to sign off. (Metropolitan Command)

> Only if they are used. If you refer to them in the right circumstances. They are effective in Senior Management knowing what the risks are, keeping an eye out for things. (Metropolitan Command)

> They are as effective as the Management Team behind them. They have to be targeting your local area command. Need to be supported by education. If not driven, [they are] just another sign on the wall. (Rural Command)

> They are effective in some terms; plastered over walls, circulated in emails, drive discussion of corruption risks in meetings, PSDO monitors particular risks on plan. How would anyone know if plans are effective? There's a lot more going on affecting ethics. I just could not say if the corruption resistance plan has any effect over the and above the corporate drive for ethics. (Rural Command)

> I think there is some use for them, because it makes them think about the risks. I know they get filed and buried (but I don't think that the final document is the most important part). (Specialist Command)

On the other hand, command representatives who thought that the plan was not effective or was not as effective as it could be referred to the plans being something that staff were not interested in, the plans not being communicated adequately and there being no obvious consequences of not implementing a corruption resistance plan. Examples of these officers' responses include:

> No. I guess it documents what our risks are and puts it out there. It's stuff we are doing anyway. I think we are doing it [preparing corruption resistance plans] better than before. We put them out there, people don't read them still. Seen as one of those things we have to do. Just documenting what we are already doing. (Metropolitan Command)

> Not as effective as they could be because they don't get communicated as much as they should. (Metropolitan Command)

> Because have lots of junior staff. They don't see corruption as an issue. They are just interested in going out there and doing their job. (Metropolitan Command)

> I don't think that the plans themselves are effective in reducing corruption. If officer wants to be corrupt, then will be. It's the systems and what you instil in the officer. Gave example of officer who had been charged with theft of miscellaneous property. Probably the systems failed but detected because reported by partner. (Metropolitan Command)

> I think that the plan is limited in its effectiveness. Only addressed by Senior Management Teams, not something staff are interested in. Staff are just worried about getting through the next shift … I think it is very limited, Sounds good when oversight agencies ring and ask for a copy. (Metropolitan Command)

> Plans in previous format, I don't think are effective at all. Have hopes for the future plans being effective. (Metropolitan Command)

> Document looks OK – why am I not referring to it? Why isn't commander asking where my plan is? Why aren't we having problems because we don't have an up-to-date plan? (Rural Command)

> I think that they are effective to a degree. But I think the language can act as a barrier to some staff. Also the way they are set out needs to look a bit interesting to get someone to start to read it. Need to have employees understand it. (Specialist Command)

11.4 USE OF CORRUPTION RESISTANCE PLANS

BACKGROUND

It is not simply the exercise of identifying misconduct risks and determining appropriate treatment strategies that manage or mitigate each of these risks that are important. What is important is how that information is used.

In the past the Hay Group (2001) found that the documents that were produced by the NSWPF became 'shelf documents' and were largely unused:

> In the early months of the Reform process (1996/1997), Internal Affairs provided advice to Field Operations and Crime Agencies in the development of Corruption Prevention Strategies. In the opinion of the Commander, these have largely become 'shelf documents'. Similarly, Internal Affairs has developed a pro-forma Risk Identification Model for use by operational Commanders in developing risk profiles of individual officers. This pro-forma also appears largely unused (Hay Group 2001, p. 70).

The Hay Group also found that the guidance that was provided was difficult to work with:

> One commander claims Internal Affairs' 'thick book' on corruption prevention was too detailed and difficult to work with (Hay Group 2001, p. 70).

WHAT WE FOUND

Contact officers were asked: *What is done with the plan after it is produced?* In answer to this question most commands described how the plans are disseminated and communicated. As outlined in Section 9.3 of Chapter 9, some used multiple methods to communicate and disseminate their plans. In summary:

- 17 command representatives said that they email one or more versions of their plan to staff
- 13 said that they put it on noticeboards
- 13 said that they discussed it at musters, training days and/or station meetings

- 9 said that they stored it on their command 'P-drive'[26]
- 6 said they used it as part of the induction or put it in induction packages
- 3 said they stored in on the command intranet page
- 1 said that it was circulated throughout the Senior Management Team
- 1 said they might table it in the Complaint Management Team or the Senior Management Team.

One command supplied the results of a staff survey that the command had conducted in late 2011. It is noteworthy that 35% of the staff sample for this command survey had said that they were not familiar with that command's corruption resistance plan.

Table 11.2: What do you think staff do with it?

	Metropolitan Commands (n=12)	Rural Commands (n=8)	Specialist Commands (n=5)	All Commands Sampled (n=25)
Nothing/negative quote	5	4	3	12
Probably read it once	4	1	0	5
Other positive	2	0	0	2
Other	0	2	1	3
Don't know; haven't done a plan	1	0	0	1
Wouldn't know	0	1	1	2

Command representatives were also asked: *What do you think that staff do with it?* When considering the contact officers' responses to this question it is important to recognise that these officers were asked to give their opinions about what they thought staff of their command were likely to do with the corruption resistance plan. To the extent that contact officers believed that one function of the corruption resistance plan is to communicate information to staff, this provides another way of examining the perceived effectiveness of the plans. It was outside the scope of Project Mobula for the PIC to interview other officers in the command about what, if any, use they actually made of their command's local corruption resistance plan.

When asked *What do you think that staff do with it?*:

- 12 command representatives either said that they did not think that staff did anything with it or provided a more negative response, for example:

> Staff member probably would not use it. (Metropolitan Command)
>
> Ignore it. Don't think they really care. It's another thing up on the wall. Probably see it as a negative. (Metropolitan Command)

26 Documents stored on the command P-drive are not necessarily accessible to all staff.

> To be honest with you, I don't think that a lot of them would know that it was there. I'm not concerned that they don't know it is there, as long as they know we take corruption and other issues seriously. (Metropolitan Command)

> Staff would not read it, even if it were more relevant. (Metropolitan Command)

> [Staff] delete most emails. (Metropolitan Command)

> Honestly, if could measure hits, would only get one or two hits as most officers think it is not relevant. Would like every single person to look at it once. Gives them so much information, they get snowballed with so much information. Don't think it gets as much airplay as it should. (Rural Command)

> Diligently read it every day. Take it home and read it to their kids. Generally aware have one. Ethical police behaving ethically don't need it. Unethical police don't care. (Rural Command)

> Don't think staff use it. It can be like drinking from a fire hydrant. Too much information has been given to them. In principle, they know what is required of them. (Rural Command)

> I don't think staff would do anything with it. I don't think staff would use it at all. Part of frustration with corruption resistance plan – we have to do it, so we do it. Think that the important part is the process itself, not the product. (Specialist Command)

> In all honesty, probably not a great deal, I don't know how they would view them – we have that many plans and policies. (Specialist Command)

- 5 said that they thought that staff probably read it once, for example:

> Reference tool for all staff to be made aware of the risks at [command]. Probably read it and forget until they need it. (Metropolitan Command)

> Probably read it once and that's the last time they think about it. That's why it is important to have a streamlined version [so that they can take it in easily when they do read it]. (Rural Command)

- 2 offered some other positive use by staff, for example:

> We actually had an audit done in the region a while ago. [At least one staff member was asked: *Do you know where your corruption resistance plan is and what's on it?*] They did! Hope it makes them think about corruption resistance. I don't think that the content is as important as making them think. (Metropolitan Command)

When the responses of officers who had reported consulting widely when preparing their command's corruption resistance plan were compared with those who did not use such a consultative approach, there was no obvious difference in how effective they considered the corruption resistance plans.

Part 3:
ASSESSMENT AND RECOMMENDATIONS

12. ASSESSMENT AND DISCUSSION

12.1 OVERVIEW

This chapter provides the PIC's assessment of key Project Mobula findings and their implications for minimising serious officer misconduct within the NSWPF. It commences with some general observations concerning what the PIC considers to be positive developments between 2007 and 2012 (see Section 12.2). It then brings together the key findings, the evidence supporting these findings and the implications of these findings organised as answers to the three main questions of interest in Project Mobula:

1. *How well did commands identify and manage their misconduct risks?* (see Section 12.3)

2. *How well did commands provide practical advice to their officers to help them recognise the misconduct risks they may face and to help them respond appropriately when they encounter such risks?* (see Section 12.4)

3. *Were commands provided with adequate assistance to help them identify, communicate and manage their misconduct risks?* (see Section 12.5).

As described earlier in this report, as part of the Project Mobula consultation process, the NSWPF was asked to provide suggestions for practical steps that it could take to address the opportunities to improve practices to minimise officer misconduct identified in this final chapter. Relevant comments from the NSWPF December 2013, December 2014 and March 2015 responses as well as from additional information provided by the NSWPF in May 2015 are incorporated into Sections 12.3, 12.4 and 12.5.

The chapter ends with a discussion of 'Where to from here' in Section 12.6.

12.2 POSITIVE DEVELOPMENTS BETWEEN 2007 AND 2012

The PIC's review of command corruption resistance plans in 2012 found that the concept and practice of corruption resistance planning seemed to be widely accepted as part of command practices. Most local area commands had a corruption resistance plan and specialist commands commonly had a separate plan for each of their subordinate units.

While their responses varied considerably, none of the command representatives had any apparent difficulty in describing what they considered to be the purpose of corruption resistance planning. Some mentioned broad aims such as strengthening their ability to resist corruption; while others focussed on identifying the corruption risks, determining treatment strategies and providing information to officers and managers. Some commands gave particular examples of how their corruption resistance plan had led to changed practices within their command.

Since the time when information was collected for Project Manta in 2007, the NSWPF issued three sets of guidelines between January 2008 and January 2012 to assist

officers conduct corruption resistance planning at the command level. Each of these guidelines has provided a standardised process to be used by each command, as well as a standard format in which to prepare the command's corruption resistance plan(s). The 2010 Guidelines introduced a 'Profiling Checklist' (also referred to as the 'Command Corruption Risk Identification Guide') to assist commands identify their risks and to minimise the danger of overlooking any of their significant misconduct risks. The 2010 Guidelines also provided guidance to commands on how to better understand and describe their misconduct risks.

The 2012 Guidelines, in particular, provided a lot of useful information to assist commands understand how to undertake corruption resistance planning and the information to include in these plans. These 2012 Guidelines were current at the time information was collected for Project Mobula and remained current until January 2015. Unlike the 2008 and 2010 Guidelines, the 2012 Guidelines:

- provided guidance on *how* to determine appropriate misconduct risk treatment strategies
- provided guidance on *how* to review their misconduct risk treatment strategies
- described the purpose of the staff version(s) of the corruption resistance plan and how they are intended to be used.

The 2012 Guidelines also alerted commands to the fact that the Professional Standards Command (PSC) would request a copy of all corruption resistance plans at the end of the year and might also call for minutes of planning meetings for review.

12.3 IDENTIFYING AND MANAGING MISCONDUCT RISKS

From a misconduct prevention perspective, one of the main questions of interest in Project Mobula is: *How well did commands identify and manage their misconduct risks?* This question can be further broken down into:

- how well did command processes enable them to identify their significant risks?
- were misconduct risks described clearly?
- were the treatment strategies tailored to the risks?
- were the treatment strategies clearly described?
- how well did command processes enable them to monitor and review their plans and treatment strategies?
- was relevant information readily able to be located within the command?

The processes relevant to each of these six questions, that command representatives reported using are described in separate sections below. Each section commences with a summary of 'Key Points'.

Two recurring themes were apparent from the information collected concerning the processes commands reported using to identify and manage their misconduct risks:

1. Although the 2012 Guidelines provided a good description of strategies for commands to use, relatively few command representatives reported using strategies outlined in any of the NSWPF Guidelines as part of their corruption resistance planning processes to identify and manage their misconduct risks

2. While corruption resistance planning seemed to be well-accepted within the NSWPF and commands were producing corruption resistance plans, the practices that command representatives advised using left many commands vulnerable to a number of risks (such as failing to identify (all of) their significant misconduct risks or failing to develop effective strategies to manage their risks) which in turn may lead the NSWPF and individual commands to maintain a false belief that what they have done is sufficient to manage their risks.

The vulnerabilities in command practices to identify and manage their misconduct risks, apparent from the information collected for Project Mobula, as well as strategies for addressing these vulnerabilities, are summarised in Table 12.1.

PROCESSES FOR IDENTIFYING COMMAND MISCONDUCT RISKS

Key Points

Relatively few command representatives reported using strategies outlined in any of the NSWPF Guidelines (beyond looking at complaints) to identify their misconduct risks.

The processes that command representatives reported using left them in danger of overlooking some of their significant misconduct risks.

Recent NSWPF Guidelines have provided strategies for commands to follow to identify their misconduct risks and to manage the danger of overlooking any significant command risks (NSW Police Force 2012a, pp. 10-11, 19-20). However, relatively few command representatives reported using strategies outlined in any of the NSWPF Guidelines, beyond looking at complaints, to identify their misconduct risks. It is of interest that looking at complaints was the most commonly reported mechanism for identifying misconduct risks in 2007, prior to the NSWPF releasing any guidelines on this topic (Police Integrity Commission 2009, p. 137). No command representatives referred to using their command profile (as advised in each of the 2008, 2010 and 2012 Guidelines) as a means to identify their misconduct risks, though five of the 25 officers referred to what might be a similar process of conducting an ‘environmental scan’ or an ‘environmental analysis’.

There was no one strategy that command representatives reported using to ensure that they did not overlook any significant misconduct risks. None of the command representatives referred to the ‘Command Corruption Risk Identification Guide’ which was included in the 2010 Guidelines and the 2012 Guidelines for this purpose.

When describing strategies that they used to ensure that they did not overlook any significant misconduct risks, eight command representatives referred to checks they imposed at the end of the identification process. These command representatives said

that they referred their draft corruption resistance plan to others (such as members of the Senior Management Team, all managers, all staff, a Professional Standards Duty officer (PSDO) in a neighbouring command, or the Professional Standards Command). Such a process would be a useful check that significant risks had not been overlooked only if the person (or persons) to whom the plan is sent:

- knows that the corruption resistance plan has been sent to them for that purpose
- accepts the role of checking whether any significant risks have been overlooked
- has sufficient information and understanding of both the work of the command and the function of the corruption resistance plan to effectively undertake that role.

That is to say, an officer to whom the plan is sent may see that the role of checking the comprehensiveness of the risks listed on the plan to be the responsibility of others rather than their responsibility. For example, as noted in Section 5.3, although plans for each of the subordinate units within one particular specialist command were referred to the command's Professional Standards Manager, that officer said that she saw her responsibilities were to look at the plans from individual branches but that she did not check that all of the significant risks had been identified and documented.

Seven command representatives referred to the nature of the input they used (such as surveying a broad range of staff or an assessment of all the available records) as their strategy to ensure they had not missed any significant misconduct risks. None of these command representatives described using as broad a variety of input to develop their corruption resistance plan as that outlined in the 'Command Misconduct Risk Identification Guide'. The strategies reported by these commands would leave open the possibility that these commands may overlook some of their significant misconduct risks.

A further four command representatives said that they did not have any processes in place to ensure that they did not overlook significant risks. One said he was unsure what processes his command used. The remaining five command representatives gave a range of other responses.

During the Project Mobula interviews, 14 of the 25 command representatives offered suggestions for improving the process of identifying misconduct risks. Some of these suggestions concerned additional input from the Professional Standards Command (PSC), including having the PSC: give a picture of state-wide complaint trends including the 'big ticket items' where officers have 'come unstuck' in the previous 12 months; provide training similar to that provided in 2008; coordinate all the plans, provide more feedback and assist develop consistency in approach across commands.

Some other suggestions concerned tools that commands could use to identify their misconduct risks and who should contribute to the process, such as: a staff survey for internal environmental scanning; the PIC's Manta document because it is broad-ranging and covers things commands might not otherwise consider; changing the composition of the corruption resistance planning team from time-to-time since having fresh eyes can be useful; and having the branch commanders of subordinate units of specialist commands participate.

Others suggested erring on the side of including risks for which corporate treatments or policies are available and paying more attention, rather than cut and pasting on the basis that the more attention one pays to assessing the risks the better the outcome.

CLARITY OF DESCRIPTION OF MISCONDUCT RISKS

Key Points

Over half of the plans examined (29 out of 55 plans) included some misconduct risks which were not clearly described.

The value in identifying misconduct risks is so that they can be communicated, recognised and managed. While the nature of the misconduct risk may be clear to the officer who drafted the corruption resistance plan, the brief unelaborated descriptions used in some plans may result in the nature of the misconduct risk not being clear to others.

In response to the PIC's Project Manta Report 1, the NSWPF provided guidance to commands in its 2010 Guidelines on how to better understand and describe their risks. These and the 2012 Guidelines directed commands to ask the following questions of each risk and record the answers directly onto their corruption resistance plan:

> (a) What is the broad risk? (e.g. Bribery)
>
> (b) What is it that may put staff at risk? (e.g. new communications technology might result in tow truck drivers approaching police for information concerning motor vehicle accidents)
>
> (c) What is the corrupt activity that staff might engage in? (e.g. police might accept bribes from tow truck drivers in exchange for information)
>
> (d) Who is at risk? (e.g. general duty officers and highway patrol) (NSW Police Force 2010a, p. 4).

The corruption resistance plan templates included columns with the following headings: 'Broad risk', 'What could happen – specific local risk' and 'Who is at risk' (NSW Police Force 2010a, pp. 8, 9). The 2012 Guidelines required the same format but provided slightly more explanation about the material required (NSW Police Force 2012a, p. 12).

Nine of 19 plans from local area commands and 17 of the 36 plans from specialist commands clearly specified each of their documented misconduct risks. By contrast, at least some of the risk descriptions in the plans of the other 10 local area commands and in the remaining 19 of the plans from specialist commands were not sufficiently detailed to assist in understanding the specific nature of the risk. Some examples which do not appear to clearly describe the specific nature of the risks are unelaborated descriptions such as 'Motor vehicles', 'Media Policy', 'Case management'. For these examples, there was no detail provided on the command corruption resistance plans to provide further insight into the nature of the risk. (Additional examples can be found in Section 3.3 of this report.)

PROCESSES FOR DETERMINING TREATMENT STRATEGIES FOR COMMAND MISCONDUCT RISKS

Key Points

Most command representatives did not appear to tailor their treatment strategy(s) to address the specific misconduct risk. Only two of the 25 command representatives mentioned understanding the nature of the risk as part of their process to determine the best treatment strategy(s) for the risk.

The processes that command representatives reported may result in their treatment strategies not addressing the specific misconduct risks identified. Commands may miss opportunities to prevent misconduct by not considering the potential range of treatment strategies available to them (as identified in the 2012 Guidelines).

The NSWPF provided guidance to commands on *how* to determine treatment strategies for their misconduct risks in its 2012 Guidelines (NSW Police Force 2012a, pp. 13-15). Guidance on this topic was not available in the earlier NSWPF guidelines.

One aspect of the advice in the 2012 Guidelines was that commands should be mindful of the need to tailor the strategy to address each specific risk identified (NSW Police Force 2012a, p. 13). The better one understands the nature of a misconduct risk, the better placed he or she is to tailor a treatment strategy to address the risk. However, when asked how they determined the best treatment strategies to address each misconduct risk, officers from only two of the 25 commands mentioned working out how best to minimise the risk by understanding and analysing the nature of the risk. The responses of officers in 2012 were similar to responses given by commands in 2007, prior to any guidelines being issued (Police Integrity Commission 2011, p. 23).

CLARITY OF DESCRIPTION OF TREATMENT STRATEGIES

Key Points

Almost half of the plans examined (25 out of 55 plans) included some treatment strategies which were not clearly described.

Little detail in the description of treatment strategies may lead to confusion about the intended treatment strategy, resulting in the treatment strategy not being adequately executed.

The 2012 Guidelines stated that commands should provide a clear description of the intended treatment strategy (NSWPF 2012a, p. 15).

The PIC considered that eleven of the 19 local area command corruption resistance plans and 19 of the 36 specialist command corruption resistance plans reviewed did provide clear descriptions of each of their treatment strategies (see Table 6.2 for examples). However, overall there were 25 (of the 55) corruption resistance plans where at least some of the treatment strategies did not appear to be clearly described. (Examples of such treatment strategies are provided in Table 6.1.)

PROCESSES FOR REVIEWING THE PLAN AND ITS TREATMENT STRATEGIES

Key Points

There was no one method that was recognised by all commands as a trigger for commands to review their corruption resistance plan. Without a clearly recognised trigger, reviews may not occur.

When describing the processes that they used to monitor and review their treatment strategies, command representatives did not refer to the range of options provided in the 2012 Guidelines.

The processes that command representatives described using may not assist them to effectively monitor and review their plans and treatment strategies.

The NSWPF provided guidance to commands on *how* to monitor and review treatment strategies in its 2012 Guidelines (NSW Police Force 2012a, p. 18). Such guidance was not available in the earlier NSWPF guidelines.

Review methodology

There was no single method that all commands reported using to monitor and review their treatment strategies. The methods most commonly mentioned (by 13 command representatives) were to examine complaint trends, discuss issues that arise in Complaint Management Team meetings or Senior Management Team (SMT) meetings, or a combination of these. While complaint trends are one mechanism against which to review the corruption resistance plan, there was little reference to other mechanisms mentioned in the NSWPF Guidelines such as checking to see if strategies had been properly implemented.

Some command representatives did not seem to be aware that an absence of complaints does not necessarily mean that a treatment strategy is working. Not all misconduct is going to be the subject of a complaint. At best, complaints received are a biased subset of the types of officer misconduct that occur. Some types of misconduct tend to be carried out in secret with few witnesses. That which is not witnessed cannot be reported and hence, will not be the subject of a complaint. Even misconduct that is witnessed may not be reported for a wide range of reasons.

Two command representatives described their intentions to trial new systems. One described his intention to establish a log to assist monitor the implementation of strategies. The other spoke about using monthly presentations to keep the corruption resistance plan foremost in the minds of SMT members. Such systems may be of interest and use to other commands.

Frequency of review and trigger for review

Some commands were not complying with the NSWPF Guidelines to review their plan annually. While the vast majority of command representatives (22 of the 25) knew that their corruption resistance plan should be reviewed at least annually, this did not necessarily mean that these commands actually reviewed their plans each 12 months.

There was no one method that acted as a trigger for commands to review their corruption resistance plan that was shared across all commands. About one-third of the command representatives (9 of the 25 commands) referred to using a trend in complaints or detection of a new risk as a trigger for the command to review its corruption resistance plan. Others referred to it being noted in a calendar, or expecting to receive a prompt from either the Professional Standards Command (PSC) or their superintendent.

Where command representatives said that they relied on trends in complaints or the detection of a new risk as a trigger to review their corruption resistance plan, there is the danger that they may not review their corruption resistance plan and consider the effectiveness of their current treatment strategies, if there is not a change in complaints or if a new risk was not identified. Similarly, where the Professional Standards Duty Officer (PSDO) is waiting to hear either from their superintendent or from PSC before they conduct their review, then they may not conduct a review unless they receive such an instruction.

Officers' suggestions for improving the process of reviewing treatment strategies

The nine command representatives, who suggested improvements to the process for reviewing treatment strategies during the Project Mobula interviews, offered a range of suggestions including the training of PSDOs, Commanders and others involved in the process; more regular consultation with members of the Complaint Management Team, supervisors and team leaders; establishing a system for checking on the implementation of strategies, and ongoing review.

DOCUMENTATION PROCESSES

Key Points

Almost one-third of sampled commands described being unable to locate relevant information in the past year. Some command representatives could not find copies of their current or their previous corruption resistance plans.

Also, the lack of documentation retained within some commands meant that some representatives were unaware of the processes that their command had used to develop its most recent corruption resistance plan.

While each set of Guidelines outline NSWPF expectations of the information to be documented during the corruption resistance planning process (NSW Police Force 2008, p. 5; NSW Police Force 2010a, pp. 4-5; NSW Police Force 2012a p. 16), it would seem that not all commands retained the type of documentation listed in the Guidelines.

Eight of the 25 command representatives described being unable to locate relevant information in the past year. Some spoke about being unable to locate a copy of the command's previous corruption resistance plan. One, for example, said that he had not referred to the command's previous plan when preparing the current plan because he had not been able to find a copy of the earlier plan. Others spoke about not being sure of the status of versions of their plan that they had located. Some described problems

they had experienced where a handover of information had not been possible because, for example, the previous PSDO had been medically retired six months before his successor was appointed.

Command representatives differed in their understanding of what information should be stored on the electronic folder in the shared group drive of their computer system, ranging from the 'bulk of information', to draft versions as well as final versions, to only storing the 'final (signed off) plan' there. Two command representatives expressed reservations about storing information on the shared group drive. As one officer stated: 'the P-drive is a nightmare to negotiate'.

Some command practices - such as PSDOs storing information about corruption resistance planning on their personal drive or on a personal thumb drive, or not knowing where the Executive Officer kept a copy of the information – may lead to information being lost in the future.

Table 12.1: Vulnerabilities in command corruption resistance planning practices and how these vulnerabilities might be addressed

Part of process	Potential vulnerability and consequences	How vulnerability might be addressed
Identification of misconduct risks	1. Commands might overlook some of their significant misconduct risks, with the consequences that those significant misconduct risks that are not identified are unlikely to be: • managed by the command • recognised by its officers.	Incorporate strategies to ensure that the command does not overlook any significant misconduct risks when identifying its risks.[27]
	2. Commands might overlook how misconduct risks differ amongst officers undertaking different types of police work or working within different locations, with the consequences that: • commands might not be aware or might not have a shared understanding of how misconduct risks differ amongst subgroups of their officers • commands are unable to tailor information to equip subgroups of officers to recognise the specific misconduct risks they might face • such risks might not be recognised by its officers.	Consider different types of police work conducted within the command and different locations to identify specific misconduct risks associated with different types of work and different locations.[28]
Understanding and communicating misconduct risks	3. Commands might not provide a clear description, or perhaps have a clear understanding, of the nature of some of their misconduct risks. Brief unelaborated descriptions of the risk leave the nature of the specific misconduct risk unclear, with the consequences that: • it is more difficult to tailor a treatment strategy to address the specific risk • the misconduct risk might be misunderstood by officers (other than the officer	Ensure that each risk is specific and provide a clear and detailed description of each misconduct risk.[29]

27 By, for example, following the prompts in the 'Corruption Resistance Planning – Profiling Checklist' (also referred to as the 'Command corruption risk identification guide') appended after p. 18 in the 2012 Guidelines or as presented as Annexure B in the 2015 Guidelines.

28 This is addressed by some of the prompts in the 'Corruption Resistance Planning – Profiling Checklist' (also referred to as the 'Command corruption risk identification guide') appended after p. 18 in the 2012 Guidelines. Also, in its response to a draft report in December 2013, the NSWPF advised that '[[i]t is probable that the commands interviewed did not conduct the planning exercise in sufficient detail to look at subgroups. Since that time PSC has commenced providing resources to enable commands to look at these risks and will be promoting this in 2014'.

29 By, for example, answering the four questions listed on p. 12 of the 2012 Guidelines (and included as pp. 10-11 in the 2015 Guidelines) – *What is the broad corruption risk? What is it that may compromise an officer's integrity?, What is the corrupt activity staff might engage in?, Who is at risk?* - and expressing each risk in terms of the answers to these questions.

Part of process	Potential vulnerability and consequences	How vulnerability might be addressed
	who drafted the corruption resistance plan) and hence these officers might be less likely to recognise and respond appropriately to the risk when faced with it.	
Informing staff of the misconduct risks specific to their work or location	4. Commands may not have a practice or a process to effectively inform their staff of the significant misconduct risks specific to their work or their location, or they may consider that there is no need to inform them because they consider that all or some of these risks are satisfactorily managed by corporate policies, with the consequence that: • officers may not be equipped to recognise the misconduct risks they may face specific to their work or location.	Effectively inform staff of the significant misconduct risks likely to be associated with their particular policing duties and location, irrespective of whether the risks might be covered in broad terms by the NSWPF *Code of Conduct and Ethics* or by some other NSWPF corporate document.[30]
Determining treatment strategies	5. The processes that command representatives reported may result in their treatment strategies not addressing the specific misconduct risk identified, with the consequences that: • the treatment strategies may not effectively manage the misconduct risk • commands may miss opportunities to prevent misconduct by not considering the potential range of treatment strategies available to them (as identified in the 2012 Guidelines).	Tailor treatment strategies to address the specific misconduct risk that the command has identified.[31]
Communicating treatment strategies	6. Almost half of the plans examined included treatment strategies which did not appear to be specific or clearly described, with the consequence that: • there may be confusion over the intended treatment strategy, resulting in the treatment strategy not being adequately executed.	Provide clear descriptions of each risk treatment strategy.[32]

30 See for example p. 17 of the 2012 Guidelines. Also, in its response to a draft report in December 2013, the NSWPF advised that commands not using their plans to apprise staff of risks that various duty types face 'may be a training issue that can be addressed through the [PSC] direct contact with the field'. Furthermore the NSWPF advised that it was of the view that 'there is little utility in conducting a planning exercise and not preparing a plan and will make the plan a mandatory requirement'.

31 By, for example, considering the prompts listed on pp. 13-14 of the 2012 Guidelines (also included on pp. 12-13 of the 2015 Guidelines.

32 By, for example, clearly describing *who* is to do *what*, *when* and *the intent of the strategy* as outlined on p. 15 of the 2012 Guidelines (and on p. 13 of the 2015 Guidelines).

Part of process	Potential vulnerability and consequences	How vulnerability might be addressed
Providing practical advice to staff	7. Commands may not have a practice or a process for effectively providing practical advice to their staff as to how to either avoid the misconduct risks or respond appropriately when they encounter such risks associated with their work, with the consequences that: • officers may be ill-prepared to avoid or respond appropriately when they encounter the misconduct risks specific to their work or location • where the communication method is ineffective the advice will not be received by the officers and much of the effort taken to identify the significant misconduct risks and produce a corruption resistance plan may be wasted.	Provide staff with practical advice specific to their work to help them avoid allegations of misconduct and their integrity being compromised, by recognising and managing their misconduct risks, even if their risks are discussed in corporate policies.[33]
	8. Staff may not consider the information relevant and hence may not use it, with the consequences that: • officers may be ill-prepared to avoid or respond appropriately when they encounter the misconduct risks specific to their work or location • much of the effort taken to identify the significant misconduct risks and produce a corruption resistance plan may be wasted.	Consult with officers to determine the most accessible and useful corporate format to provide advice to officers about how to avoid allegations of corruption and avoid their integrity being compromised. [34]
Monitoring and review	9. Most command representatives did not mention checking to see whether the treatment strategies had actually been implemented, with the consequence that: • the existing treatment strategies may not have been effectively implemented and hence the risk may not have been effectively managed.	Introduce a system to check that each treatment strategy is actually being implemented and use an appropriate methodology to review the plan, risks and treatment strategies.[35]
	10. The processes that command representatives described using may not assist	

33 In its response to a draft report in December 2013, the NSWPF advised that 'a staff version of the plan is essential and the comments that staff versions need to contain practical advice to maximise their usefulness is sound advice. PSC will focus on this element when assisting commands with the planning process in 2014'.

34 In its response to a draft report in December 2013, the NSWPF advised that '[e]mails are probably a poor means of communicating plans to staff given the amount of information that is sent every day. Many officers who need access to the plans are not office based and have limited time to deal with emails. It is easy to see why emails would be deleted due to pressure of other work'.

35 By, for example, considering the prompts listed on p. 18 of the 2012 Guidelines (also included on pp. 15-16 of the 2015 Guidelines). Also, in its response to a draft report in December 2013, the NSWPF advised that 'this matter [adopting the guidelines to monitor and review command misconduct strategies] will be addressed directly with commands during the 2014 reviews'.

Part of process	Potential vulnerability and consequences	How vulnerability might be addressed
	them to effectively monitor and review their plans and treatment strategies, with the consequences that: • commands might miss opportunities to learn from and build upon work undertaken in previous years to improve the effectiveness of the way they identify, communicate and manage their significant misconduct risks • commands that rely on complaint trends as their only strategy to monitor and review their plan and treatment strategies may misjudge the effectiveness of their misconduct risk treatment strategies.	
	11. The absence of a recognised trigger for commands to review their corruption resistance plan, with a consequence that: • the review may not occur and hence commands might miss opportunities to learn from and build upon work undertaken in previous years to improve the effectiveness of the way they identify, communicate and manage their significant misconduct risks.	Have a clear and well-understood trigger to prompt commands to review their misconduct risks and treatment strategies.[36]
Documentation	12. Being unable to locate relevant information, including not being able to find copies of their current or previous corruption resistance plans or processes used to develop recent plans, with the consequences that: • where a plan cannot be located it cannot be used as a tool to manage misconduct risks or to equip officers to recognise and respond appropriately to the misconduct risks they may encounter in their work • officers responsible for undertaking corruption resistance planning may be less efficient and effective in their corruption resistance planning activities because they are unable to build upon or learn from the work undertaken in previous years.	Record and maintain appropriate documentation of: the decisions made during the corruption resistance planning process, the risks identified, and treatment strategies developed.[37]

36 In its response to a draft report in December 2013, the NSWPF advised that '[i]n 2014 PSC will "reset the clock" and require commands to conduct a review'.

37 In its response to a draft report in December 2013, the NSWPF advised that '[t]his will be addressed in 2014 … PSC will work on modelling a consistent system for commands to ensure that the information is appropriately stored by commands and is retrievable'. In its response to the draft recommendations in December 2014, the NSWPF advised that: 'A template has been developed that once completed, is signed by the relevant officers as minutes of their discussions. Doing so demonstrates the decision making process, particularly why an identified risks has, or has not, been included in the associated plan'.

EXTRACTS FROM THE NSWPF RESPONSES REGARDING IMPROVING THE PROCESSES COMMANDS USE TO IDENTIFY AND MANAGE MISCONDUCT RISKS

As part of the Project Mobula consultation process, in late 2013 the NSWPF was asked to comment on the 'results and analyses' chapters. At the same time it was also asked to provide suggestions for practical steps that the NSWPF could take to address the opportunities to improve practices to minimise officer misconduct identified in the PIC's draft report. In late 2014 the NSWPF was asked for its feedback regarding any variations that it thought might 'strengthen or in any other ways improve' the draft recommendations proposed by the PIC at that time. In its 2013 and 2014 responses, as well as in further information provided in March and May 2015, the NSWPF outlined recent or proposed changes to its practices in relation to corruption resistance planning.

Relevant verbatim extracts from the NSWPF responses are divided below into those the PIC has categorised as relevant 'NSWPF comments on the Project Mobula results' and those the PIC has categorised as 'Recent and proposed changes to NSWPF practices'.

Extracts from NSWPF comments on the Project Mobula results

> It was interesting to read that some commands were sending their plans out for peer review, however, as the report notes, this is only a beneficial exercise if they are reviewed by a person who is expert in the task, and is of little value if it is done solely as a compliance exercise, or in a manner akin to a [Command Management Framework] check. Commands must be confident that their plans identify all their own risks, even if seeking reviews by others.
>
> It is agreed that the better a risk is appreciated the better placed a command is to adopt a treatment strategy. PSC regards these comments as constructive criticism and worthy of including in planning and training materials … Suffice to say that it would be a sensible strategy for planners to drill into risks as deeply as possible before compiling a plan.
>
> Regarding the recency of the plans, it is PSC practice to ensure that all commands do a planning exercise each year, and this practice will continue in 2014.
>
> The fact that around one-third of commands interviewed were unable to locate planning material strongly suggests that commands have ignored a longstanding request to maintain a file on these activities.
>
> As regards the lack of documentation within commands, PSC has always expected commands to maintain a general record file that provides an audit trail of the planning processes they have conducted each year. Perhaps inconsistent record keeping has contributed to the inability to report on their planning processes. This will be addressed in 2014.

Recent and proposed changes to NSWPF practices

Increased assistance to commands:

In December 2013, the NSWPF advised that PSC had adopted a consultative role to assist commands with their corruption resistance planning:

> PSC has adopted a more expert consulting role with commands to assist the planning exercise over the past year.
>
> This has involved assistance with a profiling exercise which involves a detailed review of each command's people, operations, and environment with the goal of identifying corruption risks that are unique to the command. This process also identifies risks covered by corporate policy, but given a command's context, may require additional local treatment strategies. A profiling template was developed to assist this work.

In December 2014, the PSC outlined that it had provided messages to commands about using the risk profiling exercise to 'tease' out the risks, 'drilling down' and clearly describing the identified risks, the importance of having the plan readily available to staff and that the corruption resistance planning process is an ongoing obligation:

> The Misconduct Prevention Unit has emphasised the importance to commands of completing the risk profiling exercise to 'tease' out the risks and potential risks a command may face …
>
> During the consultation process PSC promotes the importance of 'drilling down' and clearly describing the risks that are identified. Additional information is provided in the form of feedback to commands, advising them how to better describe the misconduct risks.
>
> … [Treatment] strategies are communicated during the consultation process …
>
> Commands have been informed of the importance of clear communication when profiling their risks and when developing the associated treatment strategies …
>
> … During the consultation phases, commands are advised of the importance of having their plan readily available to staff, with an increasing number of commands now opting to have their plans accessible via their command intranet page.
>
> Since February 2013, PSC has informed all commands that they are to treat the corruption resistance planning process as an ongoing obligation. As new information from complaints, reviews, audits and other sources emerge, commands are expected to self assess for any new risks, and implement treatment strategies for communication to staff. The Misconduct Prevention Unit has been consulting with commands on a rolling basis to ensure plans are revised at least annually and that this action is recorded in the command management framework.

Referring commands to the appropriate NSWPF Guidelines:

In December 2013 the NSWPF proposed that in 2014 it would ensure that commands were informed that they should use the 2012 Guidelines:

> In 2014 PSC will ensure that commands are informed that the 2012 version of the guidelines is to be used, when assisting them with the planning process.
>
> …
>
> Noting the observation that commands did not appear to be adopting the guidelines to monitor and review their misconduct strategies, this matter will be addressed directly with commands during the 2014 reviews.

As observed earlier in this report, revised guidelines were published in January 2015.

Establishing a trigger for commands to review their corruption resistance plan:

In December 2013 the NSWPF also proposed that in 2014 it would 'reset the clock' as a trigger to require commands to review their corruption resistance plans:

> In 2014 PSC will 'reset the clock' and require commands to conduct a review.

Improving documentation, storage and retrieval of information:

> In December 2013 the NSWPF proposed modelling a consistent system to assist commands document relevant information from their corruption resistance planning exercises so that the information would be retrievable: Noting the observations about storage of plans and related information PSC will work on modelling a consistent system for commands to ensure that the information is appropriately stored by commands and is retrievable.

In December 2014, the NSWPF also referred to a template that PSC had developed for minutes of corruption resistance planning meetings:

> A template has been developed that once completed, is signed by the relevant officers as minutes of their discussions. Doing so demonstrates the decision making process, particularly why an identified risk has, or has not, been included in the associated plan.

Development of a 'best practice corruption resistance register':

In December 2014, the NSWPF advised that PSC had developed a 'best practice corruption risk register':

> … and a best practice corruption risk register has been developed to complement the advice provided in the guidelines.

In May 2015, PSC observed:

> Any risk mitigating strategies considered to be of benefit to the field as a whole are promoted by the MPU and included within the Corruption Resistance intranet platform.

Provision of feedback to commands:

In December 2014, the NSWPF advised that the Misconduct Prevention Unit of PSC was providing feedback to commands to ensure that misconduct risk identification and treatment strategies were well understood:

> The Misconduct Prevention Unit has provided feedback on all plans submitted to date, to help ensure that command risk identification and treatment strategies are well understood.
>
> …
>
> All commands are now required to send their profiling checklist and plans to the Misconduct Prevention Unit for review. Feedback is provided and a copy of each plan is filed at PSC.

In May 2015, PSC noted:

> Detailed feedback is provided on all draft documentation submitted to the MPU and the finalised plans are reviewed and kept on file at the Professional Standards Command.

12.4 BETTER EQUIPPING STAFF TO RECOGNISE AND RESPOND APPROPRIATELY TO THE MISCONDUCT RISKS THEY MAY FACE IN THEIR WORK

The second main question of interest in Project Mobula is: *How well did commands provide practical advice to their officers to help them recognise the misconduct risks they may face and to help them respond appropriately when they encounter such risks?* This question was subdivided into the following questions:

- were staff informed of the misconduct risks they may face that were specific to their work or their work location?
- were staff provided with practical advice as to how to either avoid the misconduct risks or respond appropriately when they encounter such risks?
- what aspects of corruption resistance plans were communicated and how effectively were they communicated to staff?

The processes command representatives reported using relevant to each of these three questions are described in separate sections below. Again, each section commences with a summary of ‘Key Points’.

WERE STAFF INFORMED OF THE MISCONDUCT RISKS SPECIFIC TO THEIR WORK OR LOCATION?

Key Points

The 2012 Guidelines specified that the staff version of the corruption resistance plan is the mechanism for informing staff of the misconduct risks identified for their particular position or location. However, only about half of the corruption resistance plans had staff versions.

The 2010 and 2012 Guidelines have allowed, and the 2015 Guidelines continue to allow, for commands not to produce a corruption resistance plan. The implications of this for informing staff of the misconduct risks specific to their work have not been discussed in these Guidelines.

Most commands did not identify different misconduct risks for officers doing different types of work or for officers working in different areas.

In summary, there was no evidence of commands having either a practice or a process to inform their staff of the misconduct risks specific to their work or their location. As a result, officers may not be equipped to recognise the specific misconduct risks they may face associated with the work they undertake.

The NSWPF recognises the importance of informing its staff of the misconduct risks that they may face. Amongst other things, the 2012 Guidelines specified that the staff version(s) of the plan was (were) to be used to 'inform staff of the risks identified for their particular position/location' (NSW Police Force 2012a, p. 17; 2015, p. 15).

Many (24 out of 55 (or 44%)) plans did not incorporate staff versions. Only three of the 25 command representatives recognised the distinction that had been intended between 'management version' and 'staff version(s)' of the corruption resistance plan pertained to providing different messages to different audiences. That is, only three of the 25 command representatives recognised that the management version is designed to document strategies that the command can use to manage the risk, while the staff version is designed to document actions individual officers can take when they encounter the misconduct risk. However, command representatives considered that having a staff version was a good idea, once the distinction between the two versions of the plan had been explained to them at the end of the Project Mobula interview.

The majority of corruption resistance plans did not identify different misconduct risks for officers who undertake different types of duties or who work in different locations. While the templates for the corruption resistance plans in the 2010 and 2012 Guidelines include columns for 'Who is at risk' and 'Location of Risk', most commands noted for each of their misconduct risks that 'all staff', 'all police' or 'all officers within [the command]' were at risk. Only four local area commands did distinguish one or more risks for some subgroup of staff (for example, risks pertaining to search warrants for command detectives and their proactive team, and risks pertaining to harassment, discrimination and bullying for officers from various cultural and religious backgrounds[38]).

38 'Officers from various cultural and religious backgrounds' may, perhaps, be more likely to be the targets of such misconduct rather than the perpetrators.

None of the commands sampled had prepared more than one staff version of their corruption resistance plan for dissemination to staff carrying out different duties or for staff working in different locations.

The 2010 and 2012 Guidelines allowed for commands to decide that they do not need to produce a corruption resistance plan where all of their misconduct risks are managed by corporate policies. Where there is no command corruption resistance plan, there will be no staff version of that plan. Even where a command considers that its significant misconduct risks are satisfactorily managed by corporate policies, officers will have misconduct risks specific to their work or their location. The process for informing staff of the misconduct risks specific to their work or location needs to be clarified for those commands that do not have a corruption resistance plan or for where misconduct risks that are significant to command staff are not listed on the command's corruption resistance plan because they are discussed in corporate policy documents.

WERE STAFF PROVIDED WITH PRACTICAL ADVICE TO HELP THEM MANAGE OR AVOID MISCONDUCT RISKS?

Key Points

One of the roles of the staff version of the corruption resistance plan, as described in the 2012 Guidelines, is to give staff advice and assist them protect their integrity in relation to identified risks. However, only about one-quarter of the corruption resistance plans examined for Project Mobula incorporated a staff version that provided practical advice to help staff avoid or manage the misconduct risks that they might face in their work.

The 2012 Guidelines identified the importance of considering treatment strategies from both the perspective of the practical advice to officers as well as the needs of command management:

> When formulating treatment strategies consider the risks from two perspectives: first, what management needs to do to eliminate or minimise the risk and if necessary, secondly what practical advice should be given to staff to help them to avoid or manage the risk (NSW Police Force 2012a, p. 13).

Furthermore the 2012 Guidelines specified that the staff version(s) of the plan was (were) to be used to give staff advice concerning their responsibilities and to assist staff in protecting their integrity in relation to identified risks (NSW Police Force 2012a, p. 17).

The concept of having a 'staff version' of the corruption resistance plan arose from a practice undertaken by one of the commands consulted for the earlier Project Manta. At that time, one metropolitan command provided a list of actions that its officers could take as a 'means to avoid complaints'. One of eight risks addressed in this way by this command was the risk of 'off-duty deviant behaviour'. Using this as an example, in relation to this risk, staff of this command were advised:

- Don't flash your badge while you are 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 NSW Police (Police Integrity Commission 2009, p. 176).

Much of the information about 'means to avoid complaints' provided by this command concerned risks that were addressed by corporate policies or procedures. Despite the fact that the risks were addressed by corporate policies, the PIC considers that providing such practical advice to staff in one short document is a useful way of letting officers know what the command considers to be their significant risk areas and what officers should do to manage those risks.

Only about one-quarter of the plans (14/55) examined for Project Mobula incorporated a staff version of the corruption resistance plan that provided staff with specific practical advice to help them avoid or manage their misconduct risks. Many commands either did not produce staff versions (24/55) or the versions that were produced did not provide such advice (17/31).

As observed previously, the 2010 and 2012 Guidelines allowed for commands to decide that they do not need to produce a corruption resistance plan where all of their misconduct risks are managed by corporate policies. The 2015 Guidelines also allow for commands to decide that they do not need to produce a corruption resistance plan. The Guidelines have not discussed the implications of a command not producing a corruption resistance plan for how it should give staff advice concerning their responsibilities and to assist staff protect their integrity in relation to identified risks.

Where some significant misconduct risks faced by a command are considered to be adequately managed by NSWPF corporate policies, one might suggest that officers would know what to do by simply following corporate policies and procedures. However, keeping up-to-date with all NSWPF corporate policies and procedures is not straightforward. In addition to the relevant legislation and the NSWPF Handbook, the work of NSW police officers is guided by a large number of corporate policies, procedures and guidelines. When the PIC counted the corporate guidance documents provided in the 'Policy & Procedures' section of the NSWPF intranet it found that there were 462 policy, procedural or guideline documents[39] as well as 1342 'Commissioner's Policy Notices' in late August 2013. NSWPF policies and procedures are frequently under review. Of the 462 identified policy, procedural or guideline documents, 193 documents (or 41%) were marked as being under review, requiring a review, had a warning that they were possibly out of date or that their status was unknown. A year later the PIC found that the numbers were similar. In late August 2014 there were 443 policy, procedural or guideline documents as well as 1357 'Commissioner's Policy Notices'. Of the 443 identified policy, procedural or guideline documents, 173 documents (or 39%) were marked as being under review, requiring a review, had a warning that they were possibly out of date or that their status was unknown. Also, not

[39] These documents were variously referred to on the NSWPF intranet as 'Policy', 'Procedure', 'Guidelines', 'Policy & Procedures', 'Policy & Guidelines', 'Code of Conduct', 'Code of Practice', 'Commissioner's Instruction', 'Direction', 'Guide', 'Information Guide', 'Information Package', 'Integrity Guide', 'Manual', 'Procedures & Guidelines', 'Protocol', 'SOPs' (Standard Operating Procedures), 'Strategy', or 'Strategic Direction'.
The following types of documents, which were also listed on the 'Policy & Procedures' section of the NSWPF intranet, were not included in this count: 'Agreement', 'Checklist', 'Fact Sheet', 'FAQs', 'Flowchart', 'Form', 'Framework', 'Handbook', 'Induction Checklist', 'Information Sheet', 'Intranet page', 'Legislation', 'Memorandum', 'Memorandum of Understanding', 'Nemesis Message', 'Plan', 'Poster', 'Ready reckoner', 'Register', 'Regulation', 'Risk Assessment', 'Statement', 'Toolkit', 'Training needs survey', 'User Guide' or 'Video.'

all of these policies and procedures will be of equal importance to each officer. The relevance of these different corporate documents will be related to the officer's duties and location.

Even where a command considers that all or some of its significant misconduct risks are satisfactorily managed by corporate policies, the Commission is of a view that commands should provide officers with practical advice to help them manage or avoid the misconduct risks they might face as part of their work.

WHAT ASPECTS OF CORRUPTION RESISTANCE PLANS WERE COMMUNICATED AND HOW WERE THEY COMMUNICATED TO STAFF?

Key Points

While email was the most commonly reported method of communicating and disseminating corruption resistance plans to staff, some officers interviewed expressed reservations about the efficacy of using emails to convey information to their officers in a culture where officers are overloaded with emails and hence tend to delete their emails.

Of the 12 (of the 25) commands that had prepared both a management version and a staff version of their corruption resistance plan, ten said that they gave only the staff version to their staff, while two said that they provided both the management and the staff version to their staff.

The most common means of disseminating and communicating corruption resistance plans to staff were reported to be:

- by email (17 out of 25 commands)
- placement on noticeboards (13 commands)
- mention or discussion at musters, training days or station meetings (13 commands)
- during induction (6 commands).

It was beyond the scope of Project Mobula to ask staff what use they made of their command's corruption resistance plan. However, the majority of command representatives interviewed believed that staff of their command were unlikely to make much use of the corruption resistance plan.

EXTRACTS FROM THE NSWPF RESPONSES REGARDING BETTER EQUIPPING STAFF TO RECOGNISE AND RESPOND APPROPRIATELY TO THE MISCONDUCT RISKS THEY MAY FACE

Once again, relevant verbatim extracts from the NSWPF responses are divided below into those the PIC has categorised as relevant 'NSWPF comments on the Project Mobula results' and those the PIC has categorised as 'Recent and proposed changes to NSWPF practices'.

Extracts from NSWPF comments on the Project Mobula results

> Emails are probably a poor means of communicating plans to staff given the amount of information that is sent every day. Many officers who need access to the plans are not office based and have limited time to deal with emails. It is easy to see why such emails would be deleted due to pressure of other work.
>
> The report states that commands do not use their plans to apprise staff of risks that various duty types face. This may be a training issue that can be addressed through our direct contact with the field.
>
> The draft report notes that some commands have relied heavily on trusting their staff to do the right thing. PSC would not support those interviewees' comments and endorses the approach outlined by the Commission.

Recent and proposed changes to NSWPF practices

Proposed requirement that commands produce a corruption resistance plan:

In December 2013, the NSWPF proposed making producing a corruption resistance plan a mandatory requirement of the command corruption resistance planning exercise:

> PSC is of the view that there is little utility in conducting a planning exercise and not preparing a plan and will make the plan a mandatory requirement.

It is noteworthy that the production of a corruption resistance plan was not made a mandatory requirement in the subsequent 2015 Guidelines.

PSC proposed to focus on the need for staff versions to contain practical advice in 2014:

In December 2013, the NSWPF noted that:

> A staff version of the plan is essential and the comments that staff versions need to contain practical advice to maximise their usefulness is sound advice. PSC will focus on this element when assisting commands with the planning process in 2014.

PSC proposed promoting the use a wide range of training and education activities to communicate command corruption resistance plans to staff:

In December 2014, the NSWPF advised:

> Communicating corruption resistance plans to staff using the email system has proven problematic so commands are now advised to use a wider range of training and educational activities to embed the plan and discuss the identified risks.
>
> Strategies that PSC promotes include referencing the plan in inductions to new staff, utilising applicable SMITS during musters and team meetings, utilising case studies at training days and having the senior management team refer to the risks identified in the plan and discuss their treatment strategies periodically throughout the year. Requiring this range of activities is key to ensuring that corruption prevention becomes a part of a command's culture. As stated in December 2013, a calendar has been developed to assist commands to schedule these activities.

Development of resources by individual commands:

In December 2014, the NSWPF observed that commands had commenced preparing their own resources and that PSC was to disseminate information about these resources to other commands:

> Over the past year commands have developed individual resources, such as unique wall posters, and have conducted role plays using hypothetical scenarios. This is done in the expectation that command staff may better avoid potential corruption/ misconduct risks if using relevant resources and specifically tailored activities. PSC observes these initiatives and they are shared with other commands.

12.5 ASSISTING COMMANDS UNDERTAKE CORRUPTION RESISTANCE PLANNING

The third main question of interest in Project Mobula is*: Were commands provided with adequate assistance to help them identify, communicate and manage their misconduct risks?*

There are many ways in which the NSWPF can convey messages to key command staff about how to undertake corruption resistance planning at the command level. In this section, two strategies are considered:

- the issue of written guidance or guidelines
- provision of training for those who undertake corruption resistance planning.

These strategies are not mutually exclusive.

GUIDELINES

As stated at the beginning of this chapter, one of the recurring themes emerging from the findings is that while recent NSWPF Guidelines provided a good description of strategies for commands to use, relatively few command representatives reported using strategies outlined in any of the NSWPF Guidelines as part of their corruption resistance planning processes to identify and manage their misconduct risks.

Key Points

The PIC considers that the contents of the 2012 Guidelines were informative and had the potential to assist staff undertaking corruption resistance planning.

Not all commands consulted the Guidelines when preparing their corruption resistance plans. Only 60% of command representatives said that they had looked at some version of the Guidelines when developing their corruption resistance plan.

It is apparent from command representatives' responses that much of the information from the Guidelines was not being absorbed and used by these officers when preparing their corruption resistance plans.

Between January 2008 and January 2012, the NSWPF placed three sets of guidelines on its intranet to assist commands identify their significant misconduct risks, determine treatment strategies to manage these and communicate the information to staff. The stated objectives of these NSWPF Guidelines have ranged from 'to ensure quality and consistency in corruption resistance planning across the [NSWPF]' (NSW Police Force 2008, p. 1), to 'provide a standard framework for local corruption resistance planning' (NSW Police Force 2010a, p.1), to 'be a useful and practical guide for commands when undertaking local corruption resistance planning ... [and] assist those responsible for the planning process to identify and treat corruption risks and, most importantly, provide a framework on how to communicate the results of the planning process to staff' (NSW Police Force 2012a, p. 5). However, the information collected for Project Mobula suggests that the NSWPF Guidelines were not achieving these objectives. That is to say, these Guidelines were not ensuring consistency nor were they being used by all commands to assist those responsible for the planning process. Evidence that the information from these Guidelines was not being absorbed and used by officers when preparing their local corruption resistance plans, includes:

- only 15 of the 25 (or 60%) of the officers interviewed said that they had referred to any of the NSWPF Guidelines when preparing their corruption resistance plans
- approximately one-quarter of the plans (14 of the 55 plans examined) were not based on the templates provided in either of the more recent (2010 or 2012) Guidelines
- no more than 5 of the 25 command representatives (who said that they undertook an environmental analysis) referred to developing a command profile and using the profile (as advised in the 2008, 2010 and 2012 Guidelines) to identify their misconduct risks

- when describing strategies that they used to ensure that they did not overlook identifying any of their significant misconduct risks, none of the command representatives referred to the 'Command Corruption Risk Identification Guide' which was included in the 2010 and the 2012 Guidelines for this purpose
- while templates for both management and staff versions of the corruption resistance plan were provided in both the 2010 and the 2012 Guidelines, 22 of the 25 officers interviewed did not understand the purpose of the 'staff version' of the corruption resistance plan
- command representatives did not distinguish risks related to officer roles or related to the location in which an officer works, as outlined in the 2012 Guidelines.

It is perhaps not surprising that not all commands appeared to have kept up with the variation in the three sets of guidelines that were issued over a four-year period. Given that the 2012 Guidelines were released in January 2012, it is also understandable that some commands would not have had the opportunity to apply the latest Guidelines by the time the PIC collected information for Project Mobula in the second half of 2012. However, the responses appeared similar for those who reported using the 2012 Guidelines to those who reported using earlier guidelines, or in fact did not refer to any guidelines. Overall, many of the responses provided about processes undertaken were similar to those provided by commands in 2007, prior to any guidelines being issued.

TRAINING

Key Points

More than half of the contact officers responsible for preparing corruption resistance plans stated that they had not received any formal training on how to undertake corruption resistance planning. As one command representative expressed it, the approach to learning about corruption resistance planning has been a 'kind of jump in and paddle' approach. About two-thirds of those interviewed thought that some additional training and support would be useful.

When planning training, the turnover of individual officers undertaking the PSDO role needs to be considered. Those interviewed for this project had held their roles from between 3 weeks to about 5 years.

Fifteen of the 25 command representatives said that they had either received no training at all, were self-taught by reading the guidelines, or they had been given a handover by the previous PSDO or PSM with no further training. Of the ten who said that they had some training, four officers mentioned the PSC work placement, two referred to the 2008 workshop and four others referred to other sources of training.

When asked whether or not they had done the PSC work placement, 11 command representatives said that they had done the placement while 14 said that they had not. Only five officers recalled the PSC work placement including any information on corruption resistance planning.

The 15 command representatives, who considered that additional training or support would be useful, suggested information sessions about: what is expected, the Guidelines, risk management as it applied to corruption resistance planning, setting up the corruption resistance plan, the identification process (considered by some to be the hardest part), examples of the risks that have come up during the year and treatment strategies for these risks, and how to implement the plan. One officer also spoke about the importance of having face-to-face discussions to supplement reading these Guidelines.

EXTRACTS FROM THE NSWPF RESPONSES REGARDING ASSISTING COMMANDS UNDERTAKE CORRUPTION RESISTANCE PLANNING

Relevant verbatim extracts from the NSWPF responses are, again, divided below into those the PIC has categorised as relevant 'NSWPF comments on the Project Mobula results' and those the PIC has categorised as 'Recent and proposed changes to NSWPF practices'.

Extracts from NSWPF comments on the Project Mobula results

> It is clear from the research data obtained for Project Mobula that the successive changes made to the guidelines have caused some confusion about what is required of those involved in the misconduct prevention planning process. As is stated below however, a change in work practice by the Misconduct Prevention Unit during 2013 should help improve the role clarity.
>
> It is of concern that 40% of commands contacted had not consulted PSC guidelines when compiling plans … This observation raises an important issue about the value that commands place on having a corruption prevention plan. PSC is considering whether it can measure command level compliance with the misconduct prevention planning process at a corporate level.
>
> The fact that few command representatives reported looking at PSC guidelines is disappointing and may highlight the lack of importance some commands have placed on the exercise.
>
> While the views of officers about training is noted and in principle agreed, this must be balanced against the recurring theme in the draft report that commands have not consulted or followed the guidelines. This raises the question of whether training would result in a better product.
>
> PSC has no objection to providing training to commands, but would prefer to work with them directly to help them conduct their planning exercises.

Recent and proposed changes to practices reported by the NSWPF

PSC field visits and consultation:

In December 2013, the NSWPF advised that PSC has conducted field visits and had adopted a consultative role to assist commands:

> In 2013 PSC commenced an active program of field visits that draws attention to the available resources.
>
> PSC has adopted a more expert consulting role with commands to assist the planning exercise over the past year.

In May 2015, PSC described the Misconduct Prevention Unit as supporting commands 'through a variety of different communication means, including visiting individual commands and providing advice and feedback through phone and email contacts'.

Furthermore in May 2015, PSC stated that the Misconduct Prevention Unit provided:

> … support, advice and guidance for all Local Area Commands and the various business units that are attached to both the Specialist and Corporate areas. Since 2013 the MPU has continued to take a proactive approach, by engaging on a local level, to assist the field in tailoring the corruption resistance planning process, to meet their individual needs.
>
> In 2014 the MPU assigned each of its staff members to specific regions to further encourage a more personal and consistent approach to corruption resistance planning.

In-house training and telephone advisory service:

In December 2014, the NSWPF advised:

> During 2013/2014, in addition to field based training, the Misconduct Prevention Unit has conducted in-house training to over 90 police officers who are directly involved in corruption resistance planning work at their local commands.

In December 2014, the NSWPF also advised:

> … Furthermore the Misconduct Prevention Unit also provides a telephone advisory service that is well supported by commands.

Corporate documentation has been reviewed and made available to all commands:

In May 2015, PSC noted that:

> In 2015 … the corporate documentation has been reviewed, updated and made available to all commands. Additionally, a number of resources have been developed to value add in the corruption resistance process. These products are promoted by the MPU and are available via the MPU intranet site.

12.6 WHERE TO FROM HERE?

The overall goal of the PIC's work in its Projects Manta and Mobula, as well as of the NSWPF command corruption resistance planning process, is to prevent or minimise future officer misconduct by intervening before the misconduct occurs, instead of waiting to respond after it has occurred. The command corruption resistance planning process provides a tool to assist the NSWPF minimise future officer misconduct.

AREAS FOR ATTENTION

The information collected during Project Mobula has helped the PIC and the NSWPF recognise the nature of the vulnerabilities in command practices and identify areas for improvement required to produce useful and practical advice to assist minimise future officer misconduct. The practices command representatives advised using at that time exposed their corruption resistance planning to a number of vulnerabilities. For example, while commands were producing corruption resistance plans that might provide some focus on where and how to intervene to minimise future misconduct, unless all of a command's significant misconduct risks are identified and effective strategies are devised and implemented to manage these significant misconduct risks, producing such a plan might result in a command focussing its efforts in areas other than those that are the most critical.

The range of vulnerabilities identified has been outlined earlier in this chapter in Table 12.1. Unless command practices address each of these vulnerabilities, there is a danger that the NSWPF organisation as a whole, as well as individual commands, might incorrectly believe that what they have done by creating a corruption resistance plan (that is, by completing a document) is sufficient to manage their misconduct risks and minimise future officer misconduct.

From the information collected for Project Mobula it appeared that some commands considered that their corruption resistance planning exercise ended when a document had been produced that tabulated their risks, treatment strategies, and the position(s) responsible for addressing the risks. More specifically the PIC found evidence to suggest that, at that time, the corruption resistance planning exercise was not necessarily producing advice that was being used, for example:

- that some commands were not able to locate copies of their current plans, or were unsure of the status of versions they were able to locate, suggests that they might not have been making use of the documents that they had produced
- the majority of command representatives interviewed believed that their staff were unlikely to make much use of their corruption resistance plan.

The PIC is of the view that improvements should include:

- changing the focus of corruption resistance planning to going beyond completing a document to producing practical advice for commands and officers that is both useful and used
- addressing the specific vulnerabilities in command corruption resistance planning practices that have been identified in Project Mobula
- informing staff of the misconduct risks specific to their work and location

- providing staff with practical advice as to how to avoid these misconduct risks or respond appropriately when they encounter such risks.

SOME OBSERVATIONS TO GUIDE THE WAY FORWARD

When considering the implications of the Project Mobula results for improving the NSWPF's capacity to minimise future officer misconduct, the PIC is of the view that the direction of 'where to from here' and any recommendations should be informed by the following observations.

1. Some changes to command corruption resistance planning practices, as described as being undertaken in 2012, are necessary

This is because:

- the corruption resistance planning practices described as being used by command representatives in 2012 may fall short of identifying their command's significant misconduct risks and managing these risks effectively, that is to say, these practices expose their corruption resistance planning to a number of vulnerabilities
- there was no evidence of commands having either a practice or a process to inform their staff of the misconduct risks specific to their work and location
- three-quarters of the corruption resistance plans examined did not incorporate practical advice to help officers either avoid or respond appropriately when they encounter misconduct risks associated with their work.

2. Amending the Guidelines, in isolation, is not the answer to changing the way officers responsible for corruption resistance planning go about identifying, managing and communicating their command's misconduct risks

The NSWPF, like other organisations, uses corporate policies, procedures or other forms of guidance to encourage employees to behave in particular ways. For example, the 2012 Guidelines sought to encourage those responsible for corruption resistance planning to use specific strategies to assist them effectively identify their misconduct risks and to use particular practices to determine the most appropriate and effective treatment strategies.

As observed earlier in this report, one of the recurring Project Mobula findings has been that although the 2012 Guidelines provided a good description of strategies for commands to use, relatively few command representatives reported using strategies outlined in any of the NSWPF Guidelines as part of their corruption resistance planning processes to identify and manage their misconduct risks. That is to say, preparing or modifying versions of these Guidelines had not had an observable effect across commands on the way officers undertake corruption resistance planning. There is no reason to believe that issuing a further version of the Guidelines by itself would affect the way officers responsible for corruption resistance planning would go about the task.

3. Build upon existing NSWPF corporate processes and Professional Standards Command strategies

The NSWPF has advised that it has changed the way it works with commands to assist them with their corruption resistance planning since 2012. It has advised that during 2013 staff from its Professional Standards Command (PSC) commenced a program of field visits to assist commands with their corruption resistance planning. It has further advised that since 2013 its Misconduct Prevention Unit (MPU) has continued to take a proactive approach to assist commands tailor the corruption resistance planning process to meet their individual needs. While it does not have information to assess the effectiveness of this field visit program or other work undertaken recently by the MPU, the PIC commends this PSC initiative to work more closely with commands and their staff.

4. Trial strategies to improve the outcomes of corporate guidance such as *Guidelines for Local Corruption Resistance Planning*

The NSWPF is not alone in having problems encouraging employees to comply with corporate guidelines. Encouraging people to comply with corporate policies or guidelines is a problem that is faced by many agencies and governments. However, lessons can be learnt from the local and international efforts underway to address this problem.

5. Seek sustainable practices that can be maintained irrespective of changes of staff and changes of priorities

The PIC is of the view that future work in this area should seek to provide a self-sustaining and ongoing means to ensure that local (or command-level) corruption resistance planning is effective and that its output is both useful and is used.

MOVING FORWARD

This section presents five recommendations proposed to improve practices to minimise future officer misconduct. The rationale underlying these recommendations and the NSWPF comments on these, or drafts of these, recommendations are also provided.

1. Clarify that the NSWPF expectations are that the output of command corruption resistance planning is intended to be the production of practical advice for each command and its officers, where the advice is both useful and is used

Overview

Recommendations 1 and 2 are intended to assist the NSWPF:

- change the focus of corruption resistance planning from completing a document to producing practical advice for commands and officers that is both useful and is used
- address the specific vulnerabilities in command corruption resistance planning practices that have been identified in Project Mobula.

Recommendations 1 and 2 seek to clarify for commands NSWPF expectations about the quality and nature of the output of the command corruption resistance planning exercise. To assist with this, it is proposed that the NSWPF develops and documents a set of standards for command corruption resistance planning so that consistent information is available to all officers who undertake corruption resistance planning on behalf of their command, as well as available to all officers who provide advice on corruption resistance planning. The PIC considers that the intended outputs of the corruption resistance planning exercise (that is: advice that is both useful and is used) as well as that the command employs strategies to address each of the identified vulnerabilities would be the subject matter of the proposed standards.

Rationale

PIC's view of desired focus and output of corruption resistance planning

The PIC is of the view that to be most effective in minimising future officer misconduct, the output of the corruption resistance planning exercise should be the production of practical advice for commands and for officers that is both useful and used. The production of a command corruption resistance plan (i.e. a document) should not be intended to be an end in itself.

In broad terms, the PIC considers that the nature of the advice to be derived from the corruption resistance planning exercise should:

- provide commands with a focus on *where* and *how* to intervene to minimise future misconduct by identifying:
    - the command's significant misconduct risks (as *where* best to intervene)
    - effective strategies to manage or treat each of these significant misconduct risks (as *how* best to intervene)

- assist officers avoid allegations of misconduct and avoid their integrity being compromised in the specific types of work they do by:
    - identifying and communicating the misconduct risks specific to the work and/or location of subgroups of officers (as well as the misconduct risks common to officers across the command)
    - providing practical advice to help officers recognise and avoid or manage the significant misconduct risks they may face.

Available documentation identifies that few expectations appear to have been placed on command corruption resistance planning by the NSWPF and that any expectations tend not to focus on quality of the output or on the production of useful advice

At the time the PIC released its Project Manta Report 2, the expectations placed on commands appeared to be few. As part of their Command Management Framework (CMF) responsibilities, commands were required to provide (only) the date that the command undertook its annual corruption resistance planning exercise (Police Integrity Commission 2011a, p. 32). The recording of this date was, and possibly is, intended to be used as an indicator that a command has complied with its corruption resistance planning responsibilities. It is possible that the requirement for a command to record this date on its CMF may not have been being reinforced as some commands admitted that, while they knew that its corruption resistance plan should be reviewed at least annually, they were not doing this.

At the time of finalising this report in 2015, the recently revised *NSWPF Local Corruption Resistance Planning Guidelines* state that:

> Compliance with the guidelines will be met when commands undertake the Corruption Resistance planning process and compliance will be measured through Command Management Framework (CMF) (NSW Police Force 2015, p. 2).

In 2015, once again, the measure of compliance is that a date is entered on the command's CMF:

> the CMF only requires the date the corruption resistance plan was endorsed by the commander (NSW Police Force 2015, p. 16).[40]

It is also possible that additional expectations may have been provided within the Guidelines. However, officers undertaking corruption resistance planning might not have been aware of any expectations outlined in the Guidelines since the information collected for Project Mobula revealed that many of those who undertook corruption resistance planning: did not refer to the Guidelines; did not understand aspects of the Guidelines; and/or did not apply the detail described in the Guidelines.

Also, while one of the aims of the 2008 Guidelines referred to ensuring quality in corruption resistance planning, the other versions of the Guidelines have not specially mentioned 'quality'. The Guidelines, for those who did consider them, outline the following requirements:

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40 It is unclear from these Guidelines what, if any, information a command should enter into its CMF where it decides that it does not need to produce a corruption resistance plan.

- that commands undertake corruption resistance annually or at least annually (depending upon the version of the Guidelines)
- that commands produce a corruption resistance plan or alternatively they determine if the command needs to have a local plan (depending upon the version of the Guidelines)
- for those that decided that they needed to produce a local plan, they would produce one or more documents (depending upon the version of the Guidelines).

None of these requirements focuses on the quality of the output of the command's corruption resistance planning process or on going beyond the completion of a document to produce advice that is both useful and is used.

Building on the work undertaken by the Professional Standards Command (PSC) since the information was collected for Project Mobula from mid-2012

The PIC understands staff of the NSWPF PSC have changed the ways that they communicate advice to commands concerning corruption resistance planning since information was collected for Project Mobula. PSC has advised the PIC that during 2013 its staff commenced a program of field visits to assist commands with their corruption resistance planning in any particular year. The PIC understands that at the time of drafting this report, PSC encouraged commands to call their 'region contact officer' if they wanted help with their corruption resistance plan.

The PIC considers that it is possible that some of the advice that PSC has been providing to commands may cover aspects of the standards proposed in Recommendation 1. Hence the PIC acknowledges that the PSC may have already gone some way towards developing such standards (although not called 'standards' as such) in the advice and training that they have been giving to assist commands with their corruption resistance planning. Hence while the PIC has proposed that the purpose of the standards to address the vulnerabilities identified from the information collected for Project Mobula, it considers that the nature and wording of the standards should be determined by the NSWPF.

The PIC is of the view that Recommendation 1 complements the advice and training the PSC may currently be providing to commands.

The PIC considers that it is important to have a documented set of standards so that consistent information is available to all officers who undertake corruption resistance planning on behalf of their command, as well as available to all officers who provide advice on corruption resistance planning. The PIC holds this view because not all commands may seek advice from PSC nor may each command be the subject of a field visit from PSC staff advising on corruption resistance planning in any particular year. Also there may be turnover in staff responsible for undertaking corruption resistance planning or in staff providing advice to officers who undertake corruption resistance planning.

The PIC is of the view that PSC's role in assisting commands with their corruption resistance planning provides a good base from which to clarify NSWPF expectations regarding the quality to which corruption resistance planning is to be undertaken and the intended output of the exercise. It also provides a good foundation on which to

establish, promote and demonstrate standards, and check that these standards are being met.

NSWPF comments regarding Recommendations 1 and 2

In response to Recommendations 1 and 2[41], in March 2015 PSC advised:

> We agree with these recommendations and the New South Wales Police Force, with the assistance of the Misconduct Prevention Unit will continue to build upon the work done to date in this area (as outlined in your report).

Recommendation 1

Recommendation 1: DEVELOP STANDARDS TO CLARIFY NSWPF EXPECTATIONS OF THE QUALITY AND NATURE OF THE OUTPUT OF COMMAND CORRUPTION RESISTANCE PLANNING

That the NSWPF develops standards for command corruption resistance planning that:

i. address each of the vulnerabilities outlined in Table 12.1
ii. focus on the production of useful and practical advice for commands and for officers on where and how to intervene to minimise future officer misconduct.

Additional rationale for Recommendation 2

The standards developed in response to Recommendation 1 need to be both useful and used so that they successfully clarify NSWPF expectations about the focus and output of the command corruption resistance planning exercise

These standards are not to be confused with yet another set of guidelines. Rather they should be promoted as a tool to assist commands assess the adequacy of their own corruption resistance planning, prior to it being assessed by the PSC (or any other central work unit undertaking the role currently undertaken by PSC).

Recommendation 2 proposes that the standards (or a checklist derived from them) should be promoted as a tool to assist commands assess the adequacy of their own corruption resistance planning.

41 The wording of Recommendations 1 and 2 is unchanged from the drafts of these recommendations provided to PSC, on behalf of the NSWPF, for its comment.

Recommendation 2

> Recommendation 2: PROMOTE AND DEMONSTRATE THE STANDARDS AS A TOOL TO ASSIST COMMANDS
>
> That the NSWPF promotes and demonstrates to staff responsible for corruption resistance planning how the standards (developed in response to Recommendation 1) can help them prepare practical advice for their command and for their officers as output from their corruption resistance planning exercises.

2. Reinforce the importance of the quality of the corruption resistance planning practices and of the advice produced by checking commands' corruption resistance planning processes, the output of their planning and providing feedback to commands

Overview

Recommendations 3 and 4 are intended to provide a means of reinforcing the importance of the quality of the corruption resistance planning practices and of the advice produced, by checking or reviewing commands' corruption resistance planning processes, the output of their planning and providing feedback to commands.

These recommendations are also intended to provide a process to inform future refinements to NSWPF command corruption resistance planning processes.

Rationale

It has been recognised that it is important to not only have a process for minimising corruption but also to test that the process is being used, is effective and then refining the process based on experience

As Transparency International-USA (TI-USA) has observed, the adoption of policies and programs, by itself, is insufficient to minimise corruption. TI-USA has argued that any 'robust anti-corruption program must include a process for testing the program for effectiveness and refining the policies and procedures to reflect lessons learned from experience with the existing program as well as changes in the company's business and risk profile (TI-USA 2014, p. 14). It refers to such a process as 'verification' and has observed that the most critical part of verifying corporate anti-corruption compliance is a company's own internal reviews and that these internal reviews should be supplemented by independent external reviews on a regular, planned basis (TI-USA 2014, p. 7).

The CMF does not provide a check of the quality of a command's corruption resistance planning practices nor of its output

The PIC is aware that previously, as part of their CMF responsibilities, commands were required to provide only the date that the command undertook its annual corruption resistance planning exercise. More recently commands have been required to enter 'only … the date the corruption resistance plan was endorsed by the commander' (NSW Police Force 2015, p. 16).

Although entering a date on the command's CMF has been a requirement for some time, the PIC does not know whether the responsibility for checking that a new date was entered was assigned to any officer. Nor does the PIC know whether or not the dates were checked. However, it is apparent that the CMF requirement did not result in all commands undertaking a corruption resistance planning exercise annually.

Even if the information required by the CMF (i.e. a date) had been checked, it would not have focussed commands' attention on the quality of their processes or on the production of practical advice for commands and for officers that is both useful and used.

Building on the work undertaken by the PSC since the information was collected for Project Mobula from mid-2012

At the time information was collected for Project Mobula, the NSWPF was not routinely checking the quality of the corruption resistance plans that had been prepared by commands nor was it systematically providing commands with feedback on how they could improve the usefulness of the plans they produced. However, since that time, the PIC has been informed that PSC staff have adopted a more expert consulting role to assist commands with their corruption resistance planning and that the NSWPF now requires all corruption resistance plans to be copied to the PSC.

Unlike the situation in 2012, in December 2014 PSC advised the PIC that it has provided feedback on all of the plans submitted to date, to help ensure that command risk identification and treatment strategies are well understood.

The PIC is of the view that the PSC's role in assisting commands with their corruption resistance planning, requiring commands supply the PSC with a copy of their corruption resistance plans and giving feedback to commands provides a good foundation on which to reinforce the importance of the quality of command corruption resistance planning processes and the advice produced.

Additional advice provided by PSC concerning checks or audits of command corruption resistance planning that are made by a central NSWPF command other than PSC

In March 2015, in relation to formal auditing of the corruption resistance process, the PSC advised:

> Corruption resistance planning is formally audited through the Command Management Framework (CMF). The Performance Improvement and Planning Compliance Team [PIPC] conduct approximately 20 CMF verifications per year targeting contemporary issues. In the past 2 years the PIPC has not targeted corruption resistance planning.[42] The Professional Standards Command will work with the PIPC to ensure our auditing (either through the PIPC or the PSC) implements the agreed recommendations of the report.

[42] The PIC is not aware of whether Performance Improvement and Planning Command has targeted command-level corruption resistance planning in its verifications prior to this.

Future work proposed by PSC to evaluate the effectiveness of command corruption resistance planning

PSC has also foreshadowed future work to evaluate the effectiveness of the corruption resistance planning process:

> In respect of the effectiveness of this process, and the use of risk profiling to tease out our risks and drill down to the number of risks to be addressed, this will be examined by the newly established Professional Standards Command Research Unit as we continue to develop our processes and implement the recommendations of the Mobula report.

The nature of the proposed review

The PIC proposes that the NSWPF should conduct its own reviews of commands' corruption resistance planning processes and plans, using a methodology similar to that used by the PIC in Project Mobula. Such reviews would be undertaken by a central command, be qualitative in nature and would examine performance against the standards developed in response to Recommendation 1. That is to say, each review would not only look at a copy of the command's corruption resistance plan but would specifically consider the processes the command used, for example, the strategies that the command incorporated to ensure that it did not overlook any of its significant misconduct risks. The review methodology would require those undertaking the review to make an assessment of whether, for example, the strategies used would have been reasonable to ensure that significant misconduct risks were not overlooked.

Informing future refinements to command corruption resistance planning processes

The PIC proposes that a review of command-based corruption resistance planning, conducted by a central command, would provide a means for the NSWPF to better understand the strengths and weaknesses of individual command-level corruption resistance planning practices at the time the review was undertaken. It would enable the NSWPF to use this understanding to determine where and how to best assist commands in their future efforts to minimise misconduct.

Such reviews would also provide a methodology for the NSWPF to test the effectiveness of specific PSC initiatives, and where required, provide the opportunity to refine these strategies to reflect the lessons learned from the reviews (cf. TI-USA 2014, p. 14). For example, it could be used to assess the impact of specific initiatives that PSC has undertaken or proposed undertaking to address some of the issues identified in the Project Mobula findings in response to an earlier draft of this report.

NSWPF comments regarding Recommendation 3

In response to Recommendation 3[43], in March 2015 PSC advised:

> The New South Wales Police Force partly agrees with this recommendation. Further to the information provided above, the Misconduct Prevention Unit now has access to state-wide CMF information regarding Corruption Resistance Plans. We will now be able to examine, quantitatively, which commands have prepared a Corruption Resistance

43 The wording of Recommendation 3 is unchanged from the draft of this recommendation provided to PSC, on behalf of the NSWPF, for its comment.

Plan. However, our qualitative approach will be determined by the long-term focus of the Unit as outlined in Annexure 1[44] and the information provided above.

Recommendation 3

Recommendation 3: REVIEW CORRUPTION RESISTANCE PLANNING PROCESSES FROM BEYOND THE COMMAND

That the NSWPF:

- develops an review tool and review process to examine the compliance of command corruption resistance planning with the processes outlined in the standards developed in response to Recommendation 1
- requires that commands are reviewed at regular intervals by a central command to ensure that corruption resistance planning is:
    - undertaken in accordance with these standards
    - focused on providing practical advice to both the command and its officers to assist minimise future officer misconduct and protect officer integrity
- provides feedback to commands on the results of its reviews and any suggestions for improved practices.

Additional rationale for Recommendation 4

Recommendation 4, more specifically, is to provide a further use of the material collected and analysis undertaken by the NSWPF proposed in Recommendation 3, a means of reinforcing the importance of Recommendation 3, as well as supporting the PIC's functions outlined in s.13(1) (a) and s.13(5).

44 This Annexure to the March 2015 NSWPF response provided:
- a table indicating the numbers of: contacts, visits, reviews of product, and finalisations of product for each month in 2014
- [Corruption Resistance Planning] Visits: Strategic Plan 2015-2017 listing the various LACS in each region and the year in which each LAC and region would be visited.

NSWPF comments regarding draft Recommendation 4

In response to draft Recommendation 4[45], in March 2015 PSC advised:

> The New South Wales Police Force disagrees with this recommendation. The approach of the Police Force will be:
>
> 1. To examine quantitatively the number of corruption resistance plans submitted.
>
> 2. To work qualitatively to value add to corruption resistance plans over the long term, whilst implementing the agreed recommendations of Project Mobula.
>
> 3. For the Misconduct Prevention Unit to identify and focus upon common issues.
>
> 4. For the Professional Standards Command Research Unit to inquire into the effectiveness of Corruption Resistance Planning and to examine the Behavioural Insights approach (as outlined below).
>
> The work of the New South Wales Police Force with respect to corruption resistance will continue to develop. The matrix held by the Misconduct Prevention Unit in response of their field work, and the documents held by them, can be examined by the Police Integrity Commission at any time. As we continue to develop, including implementing the agreed recommendations of the Project Mobula report, the New South Wales Police Force believes a better approach would be to meet with the Police Integrity Commission in six months' time, to discuss how the recommendations and the work of the Misconduct Prevention Unit are progressing, to look at the evidence for that discussion, and to jointly discuss the way forward. Most importantly, we will be able to discuss the initial findings of the Research Unit, which will inquire into the effectiveness of what we are doing.

Recommendation 4

The wording of Recommendation 4 was amended following receipt of comments provided by PSC, cited above, to a draft of this recommendation. Rather than focussing on the NSWPF providing a report to the PIC each six months as was the case with the draft recommendation, the revised wording pertains to PSC or other staff who oversee

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45 The draft Recommendation 4 on which the NSWPF commented was worded as follows:

Recommendation 4: PROVIDE A SIX-MONTHLY REPORT TO THE PIC ON THE RESULTS OF NSWPF REVIEWS OF COMMAND CORRUPTION RESISTANCE PLANNING PROCESSES

That the NSWPF provides a report each six months to the PIC that describes:

- the review methodology
- the number of local area commands that had their corruption resistance planning exercise reviewed by a central command during the preceding six-month period
- the number of specialist commands that had their corruption resistance planning exercise reviewed by a central command during the preceding six-month period
- a description of the strengths of the planning processes that were identified in these reviews
- a description of the weaknesses of the planning processes that were identified in these reviews
- based on these findings, a description of where the NSWPF intends to place its efforts in the following six months to assist commands to minimise future misconduct
- an appendix containing copies of the corruption resistance planning documents that were examined as part of the review.

the reviews and provision of feedback to commands on their corruption resistance plans meeting every six months with PIC representatives and providing relevant documentation to the PIC representatives at or before the meeting.

Recommendation 4: MEET SIX-MONTHLY WITH PIC REPRESENTATIVES TO ADVISE ON THE RESULTS OF NSWPF REVIEWS OF COMMAND CORRUPTION RESISTANCE PLANS AND PLANNING PROCESSES

That the NSWPF staff who oversee the reviews and provision of feedback to commands on their corruption resistance plans and planning processes:

a. meet with PIC representatives each six months (for a period yet to be determined), to advise PIC representatives of:

- the methodology that the NSWPF is using to review and provide feedback to commands on their command corruption resistance plans
- the number of local area commands that had their corruption resistance planning exercise reviewed by a central command during the preceding six-month period
- the number of specialist commands that had their corruption resistance planning exercise reviewed by a central command during the preceding six-month period
- a description of the strengths of the planning processes that were identified in these reviews
- a description of the weaknesses of the planning processes that were identified in these reviews
- based on these findings, a description of where the NSWPF intends to place its efforts in the following six months to assist commands to minimise future misconduct
- progress and findings of the PSC project to inquire into the effectiveness of corruption resistance planning.

b. at or before the meeting, provide PIC representatives with copies of all relevant documents or evidence in support of the topics listed in (1) above (such as the command corruption resistance planning documents that were reviewed during the period, the feedback given, any amendments made by commands following the feedback provided, documents pertaining to the PSC project to inquire into the effectiveness of the PSC project to inquire into the effectiveness of corruption resistance planning).

3. Explore and test strategies to improve the outcomes of corporate guidance

Overview

Recommendation 5 is intended to provide a means to explore a strategy to improve the outcomes of NSWPF corporate guidance in relation to corruption resistance planning. The application of this work may also be useful in more broadly assisting the NSWPF in its provision of corporate guidance on other topics to its officers.

Rationale

Remaining up-to-date with all relevant NSWPF corporate guidelines would not be an easy task

The NSWPF, like other organisations, uses corporate policies, procedures or other forms of guidance to encourage employees to behave in particular ways. For example, the NSWPF has issued *Guidelines for Local Corruption Resistance Planning* to inform and encourage those officers who are given the responsibility of corruption resistance planning to use particular practices, procedures and methods to assist them more effectively identify, manage, communicate, document, monitor and review their misconduct risks.

Point 3 of the *NSWPF Code of Conduct and Ethics* requires that all employees of the NSWPF must 'know and comply with all policies, procedures and guidelines that relate to their duties'. The PIC accepts that not all officers would need to be familiar with every piece of corporate guidance.

Most, if not all, NSWPF corporate policies, procedures and guidelines are stored on the NSWPF intranet so that they can be accessed by officers as required. The PIC has counted the numbers of pieces of corporate guidance available to officers on the NSWPF intranet. In addition to relevant legislation and the NSWPF Handbook, the work of NSWPF officers is guided by approximately 450 policies, procedures and guidelines. Understandably the numbers of pieces of guidance change from time to time. These guidelines are subject to review. At the times that the PIC has counted these documents, it has found that approximately four out of every 10 documents were marked as either being under review, requiring a review, had a warning that they were possibly out of date or that their status was unknown.

The number and nature of the guidance with which officers would be required to be familiar would be related to an officer's duties and location. However, it is clear from the amount of available guidance and the amount undergoing review, keeping up-to-date with all relevant NSWPF corporate guidance would not be an easy task.

Strategies documented within corporate guidelines for corruption resistance planning tended not to be used

One of the recurring themes apparent from the information collected for Project Mobula was that relatively few command representatives reported using strategies outlined in any of the NSWPF Guidelines as part of their corruption resistance planning processes to identify and manage their misconduct risks. Only 60% of command representatives said that they had looked at some version of the Guidelines when developing their corruption resistance plan. The practices used by those who reported referring to the 2012 Guidelines tended to be similar to command representatives who referred to earlier guidelines or those who did not refer to any guidelines.

Why don't officers use information in the NSWPF Guidelines?

We do not know why officers who are responsible for undertaking corruption resistance planning did not make greater use of the relevant NSWPF Guidelines. However, we can offer a few hypotheses about what might hinder or deter officers from using the available Guidelines.

One possibility is that officers might be daunted by the number of policies, guidelines and other procedural documents on the NSWPF intranet. Some researchers have suggested that when people are overwhelmed by the amount of information presented to them, they 'filter out' or ignore large quantities of the information (Dolan, Hallsworth, Halpern, King, & Vlaev 2010, p. 23). Amongst other things, this suggests that in order to cope with the very large amount of material (policies, procedures, guidelines, legislation, Police Handbook, Commissioner's Policy Notices, Guidelines, Complaint Practice Notes, etc) with which they are expected to be familiar, officers (like anyone in a similar position) are likely to unconsciously filter out much of the information. It also highlights the difficulty of making documents stand out when they are part of such a large collection.

Some other possible reasons why officers might not use information in the NSWPF Guidelines include:

- officers who have been given responsibility for corruption resistance planning may be unaware, or may have forgotten, that they should use the Guidelines, for example, if instructions to use the Guidelines were provided through an email sent some time in the past, officers may have either missed or forgotten that instruction
- there were no consequences for not using the strategies outlined in the Guidelines; that is to say, the explicit organisational rewards and sanctions were no different for those who followed the Guidelines than for those who did not
- officers may have believed that they knew how to undertake corruption resistance planning, or at least know how to do it 'well enough', without reference to any guidelines
- officers may have considered reading and working through Guidelines to be a lower priority than the other tasks they were assigned
- the lack of information suggesting that corruption was an issue of immediate concern may also have resulted in officers giving corruption resistance planning a lower priority relative to some of their other activities.

The NSWPF is not alone in having problems encouraging employees to comply with corporate guidance

The NSWPF is not alone in having problems encouraging employees to comply with policies and guidelines. The University of Adelaide cites research by McKinsey & Co, Shaffer and Thomson, and by the Corporate Leadership Council about hundreds of companies that began significant programs to change employee behaviour. This research found that the majority of the programs failed to produce the desired change (University of Adelaide 2009, p. 6).

Lessons can be learnt from local and international efforts under way to address this problem

Research has been conducted in the United Kingdom (UK) to examine how to improve policy making so that it results in the desired outcomes. This research is also relevant to optimising the effectiveness of corporate guidance. Lessons from this research are being applied in NSW as well as in the UK. Some background to this research is outlined below.

In 2009, the UK Cabinet Office commissioned the Institute of Government to review the available behavioural research and its implications for policy making to build capacity and capability for senior public sector leaders and policy makers (Dolan et al 2010, p. 6). Dolan and his colleagues identified that the findings of research conducted in the fields of psychology and behavioural economics 'could lead to significantly improved policy outcomes, and at a lower cost, than the way many conventional policy tools are currently used' (Dolan et al 2010, p. 10). They described that their work 'focussed on "going with the grain" of human behaviour in ways that will bring about changes in behaviour that individuals may appreciate' (Dolan et al 2012, p. 274).

Making corporate guidance more effective by learning from why and when people make the choices they do – the application of 'Behavioural Insights'

The term 'Behavioural Insights' has been used to help 'bring together ideas from a range of inter-related academic disciplines (behavioural economics, psychology, and social anthropology)' to understand how individuals take decisions in practice and how they are likely to respond to options. These research findings are then applied to design policies or interventions that can encourage, support and enable people to make better choices for themselves and society.[46]

In 2010 the UK Cabinet Office established a government unit, known as the 'Behavioural Insights Team'[47] to apply behavioural science insights to social policy.

'Behavioural Insights' approach advocated by NSW Government

In November 2012 the NSW Department of Premier and Cabinet (DPC) established a partnership with the UK Behavioural Insights Team (The Behavioural Insights Team & NSW Government Premier & Cabinet Behavioural Insights Unit 2014, p. 2). As a result the DPC has established its own 'Behavioural Insights Unit'.

The NSW Government has advocated using a Behavioural Insights approach. In his foreword to a document entitled *Understanding People, Better Outcomes: Behavioural Insights in NSW*, the Premier of NSW has stated:

> The New South Wales Government strongly supports innovative approaches to policy development and delivery. We're looking to do things differently in our efforts to improve the quality and value of the services we provide for the people of New South Wales.

46 From <http://www.behaviouralinsights.co.uk/about-us> Downloaded 19/8/2014.

47 This Behavioural Insights Team has subsequently become a company with three owners: the employees, the UK government and the UK's leading innovation charity (NESTA). From <http://www.behaviouralinsights.co.uk/about-us> Downloaded 19/8/2014.

> Our use of Behavioural Insights supports our commitment to put people at the centre of government. By focusing on how, why and when people make the choices they do, we can design and deliver better services, with greater efficiency …
>
> New South Wales is now among the world leaders in the application of Behavioural Insights to public policy. We've set up a dedicated central team and work program – the first of its kind in Australia (The Behavioural Insights Team & NSW Government Premier & Cabinet Behavioural Insights Unit 2014).

The NSW Department of Premier and Cabinet states that NSW uses the Behavioural Insights approach because, amongst other things, it:

- provides a new way of looking at public policy challenges by grounding our thinking in the everyday realities of human behaviour
- …
- complements other – more traditional – government tools (e.g. regulation)
- helps reduce red tape
- …
- empowers frontline workers (The Behavioural Insights Team & NSW Government Premier & Cabinet Behavioural Insights Unit 2014, p. 2).

Additional information about some of the findings of the research, Behavioural Insights, and the Behavioural Insight Team can be found in Appendix 1.

The PIC is of the view that this recent 'Behavioural Insights' approach to policy development and implementation, as advocated by the NSW Department of Premier and Cabinet (DPC), can assist the NSWPF design processes to more effectively communicate and support the work of commands in identifying, managing and communicating their significant misconduct risks and the advice that results from this work. The PIC has discussed with the DPC the application and translation of these concepts to the NSWPF context.

The application of this work may also be useful in more broadly assisting the NSWPF in its provision of corporate guidance to its officers.

NSWPF comments regarding draft Recommendation 5

In response to draft Recommendation 5[48], in March 2015 PSC advised:

> We agree with this recommendation, however we are going to expand our exploration of behavioural insights to investigate whether or not such an approach can be of assistance across the many and varied activities of the Professional Standards Command, including, but not limited to, misconduct prevention. This work will be carried out by the Professional Standards Command Research Unit.

Recommendation 5

The draft wording of Recommendation 5, as provided to PSC for comment, has been amended. The nature of the change has been to remove the description of how NSWPF might undertake this exploration (that is, working 'with the Police Integrity Commission and NSW Department of Premier and Cabinet'). Instead it is proposed that the NSWPF will inform the PIC of its methodology and provide six-monthly reports on progress.

Recommendation 5:	Explore applying a 'Behavioural Insights' methodology to improve outcomes of corporate guidance pertaining to corruption resistance planning

That the NSWPF

i. explores how a Behavioural Insights approach can be applied to assist it more effectively communicate and support the work of commands in identifying, managing and communicating their significant misconduct risks and the advice that results from this work

ii. provides the PIC with its project plan for exploring the application of a Behavioural Insights approach to the provision of corporate guidance in relation to command corruption resistance planning and provides six-monthly reports to the PIC on its progress with this project.

4. Ongoing interest

As it has stated previously, the PIC will retain an ongoing interest in the ways that the NSWPF and individual commands identify, communicate and manage their corruption and serious misconduct risks. This may involve undertaking future research on this topic.

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48 The draft Recommendation 5, on which the NSWPF commented, was worded as follows:

Recommendation 5: EXPLORE APPLYING A 'BEHAVIOURAL INSIGHTS' METHODOLOGY TO IMPROVE OUTCOMES OF CORPORATE GUIDANCE PERTAINING TO CORRUPTION RESISTANCE PLANNING

That the NSWPF works with the Police Integrity Commission and NSW Department of Premier and Cabinet to explore how a Behavioural Insights approach can be applied to assist it more effectively communicate and support the work of commands in identifying, managing and communicating their significant misconduct risks and the advice that results from this work.

GLOSSARY

2008 Guidelines	*NSW Police Force Corruption Resistance Planning Guidelines*, January 2008.
2010 Guidelines	*NSW Police Force Guidelines for Local Corruption Resistance Planning*, January 2010.
2012 Guidelines	*NSW Police Force Guidelines for Local Corruption Resistance Planning*, January 2012.
2015 Guidelines	*NSW Police Force Local Corruption Resistance Planning Guidelines*, January 2015. (These guidelines were published after the Professional Standards Command had received and commented on drafts of the Project Mobula report, including draft recommendations.)
Behavioural Insights	Term used to 'bring together ideas from a range of inter-related academic disciplines (behavioural economics, psychology, and social anthropology)' to understand how individuals take decisions in practice and how they are likely to respond to options. (Downloaded from the Behavioural Insights Team website: http://www.behaviouralinsights.co.uk/about-us on 18/8/2014)
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').
Command representative	Officer nominated by the superintendent as someone in a position to answer PIC questions about corruption resistance planning in that command. Officer interviewed by PIC regarding command corruption resistance procedures and practices for Project Mobula.
Commission	Police Integrity Commission
Contact officer	See 'Command representative'.
Corruption	See 'Police Misconduct'.
Corruption Resistance	Term used by NSWPF to describe activities undertaken to minimise police corruption and other forms of police misconduct. The NSWPF defines it as: '… the outcome of the process of strengthening of an agency's integrity and resistance to serious misconduct and corruption through the use of effective strategies designed to detect, deter and minimise opportunities for corruption' (NSW Police Force 2012a, p. 6).
Corruption Resistance	'… an ongoing command level risk management exercise designed to identify, assess and treat serious misconduct and corruption risks that may have a significant impact on a

Planning	command' (NSW Police Force 2012a, p. 6).
Corruption risk	See 'Misconduct risk'
Integrity hazard	Anything that has the potential to harm or compromise the integrity of an employee. Integrity hazards can result from the nature of the work, work practices or procedures and are associated with risks of corruption occurring (or 'corruption risks'). For example police highway patrol officers may encounter drivers, particularly where the driver's employment is at risk, who might try to avoid traffic infringement notices. Encountering such drivers is an integrity hazard associated with the nature of highway patrol work, irrespective of the particular individual who carries out the work. A potential corruption risk associated with this hazard would be a motorist offering a bribe and an officer accepting it (Police Integrity Commission 2011b, p. 1).
Local Area Command	One of the geographical subdivisions or units of the NSWPF. At the time information was collected for Project Mobula, the NSWPF was subdivided into 80 local area commands on the basis of their geographical location. Local area commands include both metropolitan and rural commands.
Manta	See 'Project Manta'.
Median	Average or middle score when scores are ranked from lowest to highest.
Metropolitan Command	Used in this report to refer to a command from one of the three NSWPF 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. For example police highway patrol officers may encounter drivers, particularly where the driver's employment is at risk, who might try to avoid traffic infringement notices. Encountering such drivers is an integrity hazard associated with the nature of highway patrol work, irrespective of the particular individual who carries out the work. A potential misconduct risk or corruption risk associated with this hazard would be a motorist offering a bribe and an officer accepting it (Police Integrity Commission 2011b, p. 1).
NSWPF Guidelines	Used in this report as a generic term to refer to any or all of the guidelines that the NSWPF had produced and disseminated at the time of drafting this report to assist officers and commands conduct their corruption resistance planning exercise, i.e to any or all of: *NSW Police Force Corruption Resistance Planning Guidelines*, January 2008; *NSW Police Force Guidelines for*

Local Corruption Resistance Planning, January 2010; *NSW Police Force Guidelines for Local Corruption Resistance Planning*, January 2012. (NB *NSW Police Force Corruption Resistance Planning Guidelines* (January 2015) were drafted after the NSWPF had commented on drafts of this Project Mobula report including draft recommendations.)

NSWPF Response — Refers to any or all of the following written responses provided by the NSWPF to drafts of the Project Mobula report including:

- NSWPF written response to the results described in the draft Project Mobula Report, provided by Professional Standards Command in December 2013
- NSWPF written response to the recommendations proposed in the draft Project Mobula Report, provided by Professional Standards Command in December 2014
- NSWPF written response to the recommendations proposed in the draft Project Mobula Report, provided by Professional Standards Command in March 2015, with subsequent information clarifying the role of the NSWPF Misconduct Prevention Unit provided in May 2015.

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*.

Project Manta — A PIC research and prevention project which sought to provide a better understanding of the nature of the misconduct risks facing the NSWPF and how NSWPF commands identify, communication manage (or treat) their significant misconduct risks. Rather than focussing on the conduct of specific police officers, Project Manta focused more broadly on the prevention of future misconduct in individual commands of the NSWPF, independent on the particular persons undertaking the work. The work drew an analogy between Occupational Health and Safety strategies and corruption prevention strategies (Police Integrity Commission 2009 and 2011a).

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 2004, 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 treatment	Process of selection and implementation of measures to modify risk (Standards Australia & Standards New Zealand 2004, 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.
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.
Subordinate units	Used in this report to describe subsections of NSWPF specialist commands.
Treatment	See ‘Risk treatment’.

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APPENDIX 1: ADDITIONAL INFORMATION ON 'BEHAVIOURAL INSIGHTS'

As described in Chapter 12, the term 'Behavioural Insights' has been used to help 'bring together ideas from a range of inter-related academic disciplines (behavioural economics, psychology, and social anthropology)' to understand how individuals make decisions in practice and how they are likely to respond to options. These research findings are then applied to design policies or interventions that can encourage, support and enable people to make better choices for themselves and society.[49]

The UK Behavioural Insights Team has developed a four-part methodology to use to assist apply Behavioural Insights. In summary this methodology is:

1. Define the problem and the desired outcome
2. Understand the context from both the users' and the provider's perspectives
3. Build interventions by applying Behavioural Insights
4. Test, learn, adapt (The Behavioural Insights Team 2014, pp. 43-48; The Behavioural Insights Team & NSW Government Premier & Cabinet Behavioural Insights Unit 2014, p. 3).

Two mnemonics have been developed to summarise key research findings from behavioural economics, psychology and social anthropology research: 'MINDSPACE' and 'EAST'. 'MINDSPACE' summarises 'nine of the most robust (non-coercive) influences' on behaviour: Messenger, Incentives, Norms, Defaults, Salience, Priming, Affect, Commitments and Ego. Dolan and his colleagues suggested the 'MINDSPACE' mnemonic could be used 'as a quick checklist when making policy' (Dolan et al 2010, p. 8). For a little more information about these nine influences on behaviour, refer to Figure A1.1.

[49] From <http://www.behaviouralinsights.co.uk/about-us> Downloaded 19/8/2014.

Figure A1.1: 'MINDSPACE' Framework – A summary of 'nine of the most robust (non-coercive) influences on behaviour'	
MESSENGER	We are heavily influenced by who communicates the information (Dolan et al 2010, p. 8). There is evidence that people are more likely to act on information when it is provided by an expert or by someone who has similar characteristics to themselves. On the other hand, people are more likely to discard advice given by someone they do not like (Dolan et al 2012, p. 266).
INCENTIVES	Our responses to incentives are shaped by predictable mental shortcuts such as strongly avoiding losses (Dolan et al 2010, p. 8).
NORMS	We are strongly influenced by what others do (Dolan et al 2010, p. 8). The research indicates that people are influenced more by what they see or think others are doing, than by norms that refer to what they 'ought' to be doing (Dolan et al 2012, p. 269). Dolan et al describe four main ways of using norms to assist in behaviour change: • if the norm is desirable, let people know about it • relate the norm to the target audience as much as possible • norms may need reinforcing • descriptive norms can backfire when people hear that others are behaving worse than them (2012, p. 268).
DEFAULTS	We 'go with the flow' of pre-set options (Dolan et al 2010, p. 8).
SALIENCE	Our attention is drawn to what is novel and what seems relevant to us (Dolan et al 2010, p. 8). There is evidence that the more the message or signal is specific and salient to us as individuals, the more powerful it is likely to be (Dolan et al 2010, p. 33).
PRIMING	Our acts are often influenced by sub-conscious cues (Dolan et al 2010, p. 8).
AFFECT	Our emotional associations can powerfully shape our actions (Dolan et al 2010, p. 8).
COMMITMENTS	We seek to be consistent with our public promises, and reciprocate acts (Dolan et al 2010, p. 8). There is evidence that: • the very act of writing a commitment can increase the likelihood of it being fulfilled • commitments usually become more effective as the costs for failure increase and one common method for increasing such costs is to make commitments public, since breaking the commitment will lead to significant reputational damage (Dolan et al 2012, p. 271).
EGO	We act in ways that make us feel better about ourselves (Dolan et al 2010, p. 8). There is evidence that people tend to behave in a way that supports the impression of a positive and consistent self-image and that people tend to be biased to believe that they perform better than the average person in various ways. Moreover there is evidence that the greater the expectation placed on people, the better they perform (Dolan et al 2010, p. 28).

Because the Behavioural Insights Team subsequently found that the 'nine elements [of the MINDSPACE] framework were hard for busy policy makers to keep in mind', it further refined and simplified this work. As a result it has suggested that if one wants 'to encourage a behaviour, make it Easy, Attractive, Social and Timely (the 'EAST framework') (Behavioural Insights Team 2014, pp. 3, 4). More detail about what is meant by the 'EAST' framework is outlined in Figure A1.2.

Figure A1.2: 'EAST' Framework

Make it EASY	Make it ATTRACTIVE	Make it SOCIAL	Make it TIMELY
If you want someone to do something, start by making it easy for them to do the right thing. • Automate decision making processes, for example automatically enrol individuals into schemes that they can then opt out of • Reduce the 'hassle factor' of taking up a service • Simplify messages in letters, forms, emails, phone calls and text messages.	Making something more attractive is about attracting an individual's attention in the first place and then rewarding those desired behaviours appropriately. • Draw attention to what is important and relevant at that particular moment • Use personalised language and messages so that people know you are communicating with them • Reward desired behaviour using traditional rewards or alternative types of incentives such as lotteries.	We are heavily influenced by the beliefs and actions of those that we interact with. • Use social norms to emphasise that most people are already doing the desired behaviour • Use social commitment devices to encourage people to collaboratively set stretching goals • Draw on social capital and reciprocity to enable people to increase co-operation and help each other.	Timing is everything, but it is often an overlooked aspect of the policy making process. • Offset the up-front costs associated with decisions where the benefits are distant and the pain is felt immediately • Prompt people at the moment and place they are likely to be most receptive (including by emphasising that there is a last chance) • Build desired behaviours in people's daily routines and habits.

Source: NSW Government (2014) Behavioural Insights Community of Practice Flyer EAST Department of Premier and Cabinet April 2014. Downloaded from http://bi.dpc.nsw.gov.au/assets/Behavioural-Insights/Library/Behavioural-Insights-Community-of-Practice-Flyer-EAST.pdf on 19/8/2014.

