LECC
Law Enforcement Conduct Commission

Operation Bendoc: excessive use of force, destruction of evidence, and failure to report

What is Operation Bendoc?

The Commission investigated issues arising from a complaint about excessive use of force during the arrest of a young person.

The investigation, called Operation Bendoc, considered alleged use of excessive force by police, destruction of evidence, and failure to report reasonably suspected misconduct. Five officers were the subject of this investigation.

What were the issues?

The three main issues explored in the Commission's investigation were:

- excessive use of force by police.
- destruction of body worn video (BWV) devices containing incriminating evidence.
- failure of officers to report reasonably suspected misconduct.

The Commission found that 5 officers engaged in serious misconduct.

Excessive use of force

One officer was found to have committed serious misconduct for excessive use of force on 6 separate occasions

Use of force under LEPRA

The *Law Enforcement (Powers and Responsibilities) Act* 2002 (NSW) (*LEPRA*) allows police officers to use reasonably necessary force in the exercise of their functions generally (s 230) or in an arrest (s 231).

This requires an assessment of proportionality between the circumstances and level of force used in response.

If the force is not reasonably necessary, the officer may be liable to prosecution for assault.

Destruction of body worn videos

The Commission found that the same officer destroyed two BWV devices in an attempt to conceal their conduct.

Apart from potential criminal offences this conduct is contrary to the values of the NSW Police Force and the standards which the community expects of members of the NSW Police Force.

The report in Operation Bendoc highlights that that the destruction or manipulation of BWV devices by officers who have done the wrong thing is a real risk in contemporary policing, as demonstrated by cases in other jurisdictions.

Read the full report here

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Failure to report reasonably suspected misconduct

Four other officers were found to have engaged in serious misconduct for failing to report the suspected misconduct of the primary officer.

Statutory duty to report

Section 211F of the *Police Act 1990* (NSW) imposes a statutory duty for members of the NSW Police Force to report police misconduct when they have reasonable grounds to suspect it has occurred.

The statutory duty imposed by s 211F is an emphatic statement of a minimum requirement for police officers in NSW for modern day policing.

The Commission's investigation into the four officers' omission to report revealed a disturbing level of confusion over the threshold for reporting imposed by s 211F.

The Commission notes that training is provided on the s 211F duty in the Police Academy but found through Operation Bendoc that this training insufficiently prepared some of the 4 police officers (and likely many others) for compliance with s 211F.

Recommendations

In Operation Bendoc the Commission recommends:

- The NSW Police Force provide additional support to operational officers who may be experiencing excessive stressors and potential mental health concerns. The Commission also endorses the recommendations made by the Audit Office in its June 2025 performance audit report titled '*The mental health and wellbeing of NSW police*'.
- Enhanced training by the NSW Police Force of police officers concerning the duty to report reasonably suspected misconduct on the part of another police officer, the importance of complying with the duty and the potential for prosecution or disciplinary consequences for officers who fail to comply with this statutory duty.
- The extension of the limitation period for commencing a prosecution for an offence of neglect of duty under s 201 of the Police Act to at least 12 months.
- The Commission to have direct access to NSW Police Force BWV footage without the matter being the subject of a misconduct complaint.

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