



***Inspector
of the
Police Integrity Commission***

12 March 2014

Our Ref: G1 2014 03

The Hon Catherine Cusack MLC
Committee Chair
Committee on the Office of the Ombudsman,
the Police Integrity Commission and the Crime Commission
Parliament of NSW
Macquarie Street
SYDNEY NSW 2000

Via email: catherine.cusack@parliament.nsw.gov.au

Dear Ms Cusack,

**Re: 2014 General Meeting with the Inspector of the Police Integrity Commission
– Questions on Notice**

I refer to your letter of 27 February 2014, which enclosed a proof copy of my oral evidence given on 17 February 2014 before the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission.

Attached please find my response to the question on notice as highlighted in the proof copy of the transcript and to the further questions for my consideration which were attached to your letter.



The Hon David Levine AO RFD QC
Inspector: PIC

Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission: 2014 General Meeting with the Inspector of the Police Integrity Commission.

Question on Notice:

Chair: How many complaints did you inherit altogether?

Answer:

When I commenced my role as Inspector of the Police Integrity Commission on 1 February 2012, there were 14 outstanding complaints, 8 of which comprised complaints from the Crime Commission arising from the Police Integrity Commission's Operation Winjana. I have yet to finalise my report into these 8 complaints.

The remaining complaints have all been dealt with and are closed. For statistical purposes I note that 2 were not within my jurisdiction; I took no further action in 2; I found no basis for the complaint in 1 and I partly upheld the complaint in 1.

Further Questions:

1. In your correspondence to the Committee of 25 January 2013, you answered some question *[sic]* on notice. In particular, question five asked whether you were satisfied that your review of the Strike Force Emblems matter was within your statutory functions. Your response included the following comments:

Thus it can be said that I would be recommending consideration of the amendment of the Police Act 1990 and any consequential amendments to the Police Integrity Commission Act 1996 and any other legislation that would prevent the reference by the Minister for Police to the Inspector of the Police Integrity Commission of a matter in the nature of 'Strike Force Emblems'.

Could you please update the Committee on any progress in relation the legislative amendments that you have proposed?

Answer:

By letter dated 17 April 2013, a copy of which is attached, the Premier gave an undertaking that no further referrals under section 217 of the *Police Act 1900* would be made to the Inspector of the Police Integrity Commission. Given this undertaking, I see no need for specific legislative amendments at this time.

Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission: 2014 General Meeting with the Inspector of the Police Integrity Commission.

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2. Have you introduced any new methods for measuring the Inspectorate's performance in the last twelve months or are there any plans to do so in the near future?

Answer:

No.

3. Which PIC operations are you currently auditing or planning to audit in 2014.

Answer:

In the 2014 reporting period, I have audited Operation Anafi and Operation Montecristo. I propose to also audit further operations, which I do not consider desirable to publicly identify at this time. However, aside from specific auditing of an operation, I also have regard to the PIC's Operational Activity Group ("OAG") Reports provided to me every month which provide a summary and update of all new investigations, preliminary investigations and current operations. On a monthly basis, the PIC also provides me with a document entitled "For audit by Inspector of the PIC", which sets out all the section 25, 26, 29 and 38 Notices issued by the PIC; surveillance device and search warrants obtained by the PIC and controlled operations.

4. How do you choose which PIC operations to audit?

Answer:

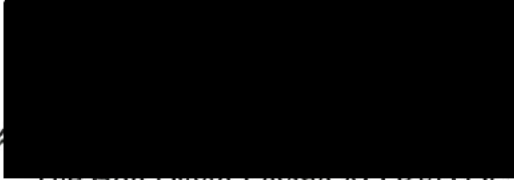
I have regard to matters of public interest. For example, operations involving critical incidents or other allegations relating to police physical misconduct. I also have regard to operations that point to there having been a real risk of actual corruption by a Police officer or officers. I also consider the question of management by the PIC of its investigations, progress of an investigation and the use of surveillance by the PIC.

5. What processes do you follow when auditing PIC operations?

Answer:

I have regard to the information provided in the OAG reports referred to above in my response to question 3. If I determine there is a matter in which I propose to conduct a detailed audit, I inform the PIC Commissioner that I am to conduct an audit. As the Inspector of the PIC, I have access to all material/documents in the possession of the PIC. In particular, I analyse the affidavits in support of all the surveillance and search warrants, the actual warrants obtained and the execution of the warrants.

If the operation is at hearing stage, I also read the transcripts of the hearing and any submissions provided during the course of the hearing. My audits are conducted for the purpose of monitoring the PIC's compliance with the law of the State (s. 89(1)(a) the PIC Act 1996). In addition, I use the audit process to assess the effectiveness and appropriateness of the procedures of the Commission relating to legality or propriety of its activities. (s. 89(1)(c)).



The Hon David Levine AO RFD QC

Inspector: PIC

12 March 2014

RECEIVED

23 APR 2013

INSPECTOR, PIC

DPC11/02904
2013-29833

17 APR 2013

The Hon. David Levine, AO RFD QC
Inspector of the Police Integrity Commission
GPO Box 5215
SYDNEY NSW 2001

Dear Mr Levine

Thank you for your letter of 4 February 2013 concerning the referral of the Strike Force 'Emblems' Report under section 217 of the *Police Act 1990*.

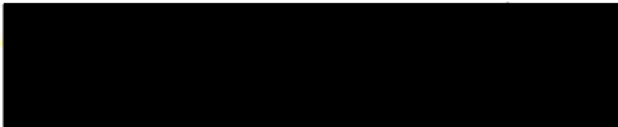
The matters raised by you in your attached memorandum have been carefully considered.

I am advised that the Ministry for Police and Emergency Services discussed the referral of the 'Emblems' Report with you prior to it being made and additional resources were also offered. Notwithstanding this, I advise that no further referrals under section 217 of the *Police Act 1990* will be made to the Inspector of the Police Integrity Commission. This will ensure that public confidence in the Inspectorate is maintained.

I note that the Strike Force 'Emblems' matter is now being considered by the Ombudsman.

Thank you for bringing these matters to my attention.

Yours sincerely



Barry O'Farrell MP
Premier

cc: Minister for Police and Emergency Services