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*Inspector
of the
Police Integrity Commission*

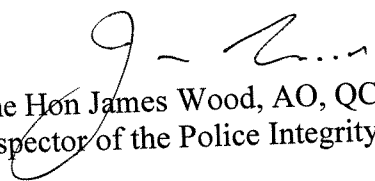
1 September 2006

Ms Helen Minnican
Committee Manager
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

Dear Ms Minnican,

Further to my facsimile of 29 August 2006 I enclose the Supplementary Submission which I was invited to provide at the Public Hearing of the Parliamentary Committee.

Yours faithfully


The Hon James Wood, AO, QC
Inspector of the Police Integrity Commission

SUPPLEMENTARY SUBMISSION

Following the invitation, which was extended to me during the Public Hearing of the Parliamentary Committee, to comment upon the submission of the NSW Police, I make the following brief observations:

1. Role and Function of the PIC

I would fully support the PIC performing a function that is directed at deterring and preventing Police misconduct and corruption. I doubt that any amendment of the legislation is necessary since the functions expressed in S13(1)(a) and S14(a), (c), and (d) of the Police Integrity Commission Act 1996 provide an adequate statutory authority for it to carry out that function.

The Commission has in the past undertaken studies of various matters that would fall within this general function. As the NSW Police submission notes several reports have either directly or indirectly drawn attention to areas to be redressed that might otherwise provide opportunities for corrupt or inappropriate behaviour.

Moreover, each and every investigation and report which deals with specific allegations of corruption or criminality, sends a clear message of general deterrence.

The only additional comment I would make in this context is that there are considerable investigative demands on the PIC, and it can only devote attention to general anti corruption/deterrence projects and strategies where its resources permit. Additional resources may be required if it is to engage in a broader form of educational or prevention programs.

2. Complaint Management

If it be the case that the present system, so far as the NSW Ombudsman's role is concerned, requires that minor service type complaints, not involving any form of

criminal conduct or violations of the Police Code of Conduct and Ethics, have to be dealt with formally subject to a rigid disciplinary system, then I would support amendment to that system.

My Royal Commission Report made it clear that I foresaw a comprehensive and effective system for the management of minor grievances and service type complaints by which they could be resolved informally and promptly at Local Area level, with an eye to improving standards and counselling Police who had fallen short of the conduct expected, so as to preserve and enhance their careers.

I can see a case for ensuring that these matters are dealt with on that basis although subject to:

- Appropriate recording for intelligence and promotion purposes; along with
- An opportunity for the PIC or Ombudsman to intervene in specific cases where there is a pattern of unacceptable conduct that is systematic or of a more serious or endemic problem; and on a random audit basis to ensure that the process is being managed effectively.

While I understand that the NSW Police have been concerned at the existence of an extensive level of oversight, it may well be that the fact of that oversight has been one factor along with other factors, such as a greater commitment by the NSW Police to the management of complaints, that has contributed to the low proportion of investigations that have been found wanting.

It would in my view be appropriate to retain a sufficient presence, through a capacity for some general oversight of the system for management of these complaints, to ensure that there is not a relaxation of standards. Otherwise I agree that the system should be able to accommodate, in a less formal way, the management of minor grievances, particularly those of a service kind. The challenge lies in establishing suitable boundaries, and in that regard I would similarly see merit in tripartite arrangements being made to which the NSW Police should be party, or otherwise at least consulted.

3. Single Agency

I maintain my view that, subject to the foregoing, it is better to maintain the status quo with

- The PIC performing an essentially investigative role in dealing with corruption and serious Police misconduct, but also maintaining its other functions including the development of prevention and educative programmes (subject to investigation demands and sufficient resources).
- The Ombudsman maintaining its role is overseeing the investigation by Police of those matters that appropriately qualify as complaints (other than minor grievances suitable for local management), assisting in the resolution of complaints, investigating matters that should have been but were ineffectively investigated by Police, keeping the Police complaints handling system and its system for management of minor grievances under scrutiny, and otherwise fulfilling its statutory audit functions (in relation for example to the use of Listening Devices and Telecommunication Interception).

If brought under one umbrella, there is a risk of the critical function now assigned to the PIC being swamped by that currently assigned to the Ombudsman. While it could be achieved, there would need to be a significant increase in PIC's resources, and possibly the creation of two divisions. That would require a very delicate readjustment of the relationship between the PIC and the Police, since the more direct law enforcement role required for corruption investigation, would not sit entirely happily with that required for the area of activity now consigned to the Ombudsman, which is better suited to encouraging or assisting longer term organisational change and improvement in the service provided by the NSW Police.