

LAW ENFORCEMENT CONDUCT COMMISSION

QUESTION (page 80)	RESPONSIBILITY
<p>Ms SUE HIGGINSON: In terms of the amount of complaints LECC receives, what proportion of those do you actually have the resources to investigate or deal with? This is obviously outside of the critical incidents.</p> <p>PETER JOHNSON: We are a relatively small agency. We've got about 112 people all up. Clearly, there are practical limits on what we could do as a primary investigatory agency. I make that observation, which is the starting point. It is a relatively small proportion that we investigate directly because of those limits, but at the same time there is a process – a process which involves the commissioners and senior officers and the commission in assessing, looking at matters, determining what should be considered for investigation. If it's not to be investigated by the commission – and the great bulk are not – what is the subject of our oversight function?</p> <p>We also have to bear in mind that there is a lengthy objects clause in the LECC Act, which actually makes one of the primary roles that the police and the Crime Commission, to the extent that they may have a problem in this area, investigate the matters themselves. That goes back to the Wood royal commission report in the sense where Justice Wood made clear that the police have to own the problem. If they don't own the problem then they just pass the problem to someone else – namely, an independent agency. It is that aspect, which has its tensions, that is played out from day to day in what the commission has to decide to investigate.</p> <p>Ms SUE HIGGINSON: Can I just ask one follow-up? Is it available, the proportion of complaints that LECC actually investigates to the complaints that it receives? Is that information available?</p> <p>PETER JOHNSON: Could I take that on notice? I'm conscious that there's an annual report that's come out recently, but there's some information.</p> <p>Ms SUE HIGGINSON: Thank you.</p>	LECC
<p>ANSWER:</p> <p>I am advised:</p> <p>Last financial year, the Commission assessed a total of 4,050 complaints that were made:</p> <ul style="list-style-type: none"> • directly to the Commission • to the NSW Police Force or NSW Crime Commission. <p>In 2022/23, the Commission:</p> <ul style="list-style-type: none"> • commenced 42 new investigations or preliminary enquiries and • completed 46 investigations or preliminary enquiries. <p>The Commission has therefore investigated approximately 1% of complaints in 2022/23.</p>	

The Commission is a small agency and carefully selects the matters which require investigation by us. These may be matters which require the Commission's specialist powers or capabilities or deal with systemic issues. The complexity and duration of these investigations can vary significantly.

It should be noted that s 3A(f) of the *Law Enforcement Conduct Commission Act 2016* places primary responsibility for the handling of allegations of misconduct on the NSW Police Force and the NSW Crime Commission. The Commission oversees the NSW Police Force and NSW Crime Commission handling of misconduct matters to ensure that they are taking appropriate action.

More information about some recent Commission investigations can be found in the Commission's Annual Report 2022-23 at pages 40-47.