

## REVIEW OF POLICE OVERSIGHT

### TERMS OF REFERENCE

Police officers protect public safety and uphold the rule of law protecting our community. Police officers need to maintain the highest standards of ethical conduct and integrity, and effective oversight is required to achieve this. The purpose of police oversight is to prevent, detect and investigate corruption and misconduct by police officers and provide accountability for the exercise of police powers. However, the current system for doing this is out-dated, complex, and confusing with overlapping responsibilities amongst agencies.

The police oversight system, which is subject to this review, involves the NSW Police Force, the Ombudsman, the Police Integrity Commission, the Inspector of the Police Integrity Commission, the Parliamentary Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission (PJC), and in relation to police critical incident investigations the Coroner and WorkCover. Each agency operates under its own legislation.

A number of recent reports have highlighted the overlapping nature of police oversight system in NSW, including:

- a. The McClelland Review of the system for investigation and oversight of critical incidents (January 2014).
- b. The Parliamentary Joint Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission (the PJC) (August 2014).
- c. The Select Committee on Operation Prospect (February 2015).
- d. The 2011 Statutory Review of the *Police Integrity Commission Act 1996*.

Mr Andrew Tink AM is commissioned to consider and report to the Deputy Premier, the Hon. Troy Grant MP, by 31 August 2015 on:

1. Options for a single civilian oversight model for police in NSW, including identifying measures to improve efficiency and effectiveness of oversight.
2. Any gaps in the current police oversight system.
3. Functional overlap between oversight bodies and if that contributes to ineffectiveness, unnecessary complexity, inefficiencies, or impairs transparency or police accountability.
4. Best practice models from around the world, including the UK Independent Police Complaints Commission and their applicability and adaptability to NSW.
5. A recommended model for police oversight including guidance on its design, structure, cost and establishment. Consideration should be given to:
  - a. Eliminating unnecessary duplication, overlap and complexity.
  - b. Increasing transparency, efficiency and effectiveness of police oversight.

- c. Promoting public confidence in policing, police oversight, and the criminal justice system.
  - d. Providing accountability for the powers and discretion exercised by police.
  - e. Creating a user friendly system for complainants, police officers, and other affected parties.
  - f. The interaction of disciplinary decisions and performance management mechanisms (ie Part 9 of the *Police Act 1990*) with the recommended police oversight model, while ensuring the Commissioner of Police maintains responsibility and accountability for disciplinary decisions and performance management.
  - g. Ensuring the police oversight system does not create processes that would prejudice criminal or coronial processes.
6. Any implications for maintaining oversight of the NSW Crime Commission arising from the recommended model of police oversight, while aiming to minimise unnecessary duplication and overlap.
7. The Review will not consider:
- a. Matters relating to particular decisions to investigate, not to investigate, or to discontinue investigation of a particular complaint; or findings, recommendations, determinations or other decisions in relation to a particular investigation or complaint.
  - b. Issues relating to WorkCover that do not involve overlap with the police oversight system.

Consultation with existing police oversight and integrity agencies, law enforcement agencies, and other community members should be conducted to inform the review.