



Procedural fairness when managing police officers

Sack them or save them

Assistant Commissioner P Carey
Chief Superintendent M Fitzgerald
Professional Standards Command
New South Wales Police Force

- Detective Chief Superintendent
Michael Fitzgerald
- Director of Investigations and Field
Services

New South Wales Police Force

- 19500 employees
- 16,000 sworn police officers
- 3,500 administrative officers
- Providing services from 500 locations to over 7 million people

Two Acts

- Police Act 1990
- Public Sector Employment & Management Act 2002

Professional Standards Command

- Established in 2002, combining the traditional functions of Internal Affairs and HR components
- 240 staff headed by Assistant Commissioner
- Oversighted by NSW Ombudsman and the NSW Police Integrity Commission

A presumption exists that having expended considerable resources in recruiting and training police officers, the *first recourse will be to remedial rather than punitive action*, but that in return those whose behaviour has grossly offended against proper standards of integrity and honesty should not expect anything other than an early exit from the NSW Police Force

Justice James Wood

Could it be us?

It was us!

&

Project Lancaster

was born

Sack them or save them test

- If they are to be sacked, the process needs to be quick, and the information placed before the Commissioner needs to be clear, concise, factually correct, and free from opinion and speculation
- If they are to be saved, remedial (non-reviewable) techniques are the preferred approach. Reviewable action should only be taken in rare circumstances

How does procedural fairness apply during a Part 8A complaint investigation?

The key features of procedural fairness are:

- Disclosure to the subject officer of the allegations (evidence adverse to the officer) and at least the substance of any proposed adverse comment or finding, ***before making*** a decision
- Giving the subject officer the ***opportunity to respond*** to and comment on allegations (evidence adverse to the officer) and any proposed adverse comment or finding

- Decisions adverse to the subject officer may only be made on the basis of *relevant and logically probative evidence*
- Investigations must be impartial and decisions must be made without bias
- Investigations must be completed and decisions made without undue delay

2009

v's

2011

Panels	300	26
Officers Suspended	75	38
181D's	73	14.

Future

“There’s no map to human
behaviour” Bjork

