

HISTORY OF NEW SOUTH WALES POLICE INTEGRITY TESTING PROGRAM

Integrity Testing in the New South Wales Police Force commenced in 1996 as a result of the recommendation of the Wood Royal Commission in to the New South Wales Police. It was emphasised at the time by the Commission that targeted Integrity Testing is only one strategy to detect corruption and it should not:

- Replace other forms of investigation, particularly broader based intelligence gathering and proactive inquiries;
- Replace ethical training, it being far preferable for police to voluntarily elect for integrity than to do so out of fear;
- Be so contrived or unsophisticated as to readily alert the subject of the test;
- Be seen as anything more than a test, which might or might not prove that an officer is susceptible to corruption; or
- Be used in cases where strong suspicion exists, lest it lose its surprise value.

Random testing was not supported by the Royal Commission for a number of reasons including the reasoning that law enforcement which is filled with operational and ethical dilemmas that temptation should not be placed in the way of an officer, unless reasonable cause exists to test that person's integrity.

DEVOLMENT OF THE INTEGRITY TESTING UNIT TO THE COVERT INVESTIGATION UNIT

Integrity testing was adopted by the NSW Police Force as a strategic practice in the fight against corruption and unethical conduct. The program was based on the New York model with a major difference being that NSW police does not undertake random Integrity Testing, focusing on targeted testing only.

The Integrity Testing Unit operated from a covert site and the initial establishment required large expenditure for the lease of premises, computers, vehicles and surveillance equipment. Other initial costs included the training of operatives attached to this area.

During 2001, a review was undertaken of the Integrity Testing Units core functions where it was determined that external investigators would be able to request assistance of the unit to provide;

- Targeted tests
- Field intelligence; and
- Covert resources such as undercover officers.

In 2008 a restructure of the Professional Standards Command of the New South Wales Police Force resulted in the unit becoming the Covert Investigation Unit. This unit is now responsible for conducting all covert internal investigation across New South Wales and is responsible for the Integrity Testing Program.

In that regard the unit is managed by 2 Detective Inspectors and consists of a co-ordinator, Investigators and operatives. All staff are trained in an accredited surveillance course and are responsible for the assessment, planning and the conducting of the integrity test. This unit will also carry out the arrest and charging phase if an officer commits a criminal offence during the test which keeps the officers command separate from the process.

The subjects of these tests are not informed they have been tested unless they fail the test. Officers will not be told they have “passed” to protect the viability of the test. A subject officer is only tested once unless a new complaint is made.

Integrity testing in the NSW Police is now an accepted practise. The Covert Investigation Unit is heavily involved in the education phase with new students entering the New South Wales Police. Case studies are presented to a broad range of the New South Wales Police which highlights the role of the Covert investigation Unit and corruption issues that have been identified.

Integrity testing has also provided exculpatory evidence regarding an officer’s alleged involvement in corrupt activities. The Unit is required to report quarterly to the NSW Police Integrity Commission on tests conducted and those results.

Legislation regarding allowing the conducting of an integrity test is contained in Section 207A of the Police Act. This allows those involved in the conduct of a test to commit certain offences without prosecution. A signed authority by the Commissioner of Police under section 39RA of the drug misuse trafficking Act also approves the release of prohibited drugs to the Covert Investigation Unit for use in Integrity tests.

It should be noted that for integrity tests to be conducted effectively without compromise and provide realistic scenarios that don’t arise suspicion they need to be assessed, planned and effectively backstopped. This can result in significant costs especially in locations that are remote.