



PROJECT APEX

*A strategic assessment of
corruption risk factors
in ACT Policing*

**Project Report to
the Integrity Commissioner
and
the Chief Police Officer of the ACT**

28 June 2013

[updated 6 February 2014]

Acknowledgements

The Project Apex Team comprised experienced corruption prevention, intelligence and operational staff from the Australian Federal Police and the Australian Commission for Law Enforcement Integrity.

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Updates

With the agreement of the Integrity Commissioner and Chief Police Officer for ACT Policing, a small number of minor updates were made in February 2014. These updates do not affect the substance or conclusions of the report in any way.

TABLE OF CONTENTS

	PAGE
Executive Summary	ii
Part 1—Project Apex	1
Background	1
Project objectives	1
Methodology	2
Part 2—Environment	4
Police corruption overview	4
ACT Policing’s operating environment	6
Corruption risk management in ACT Policing	7
Part 3—Assessment	12
Summary of ACT Policing integrity workshop outcomes	12
‘Traditional’ areas of corruption risk, as applied to ACT Policing	15
Emerging issues and anti-corruption measures	27
Conclusion	30
Part 4—Appendices	32
A Summaries of ACLEI investigations referenced in this report	32
B List of organisations consulted	35
C ACLEI Corruption Risk Approach Framework—indicative analysis	36
D Risk typology of law enforcement corruption	40
E Themes arising from ACLEI investigations	42
F Internal corruption controls used by law enforcement agencies	45
G AFP Integrity Framework	47
H AFP e-mail to all staff, regarding PIEDs	50
Figures	
1 ACLEI Corruption Probability Model	2
2 ACLEI Corruption Risk Approach Framework	3
3 Complaints submitted about ACT Policing 2007–08 to 2011–12	9
Tables	
1 Areas of corruption risk, as identified by ACT Policing integrity workshop participants	13
2 Drivers of integrity in ACT Policing, as viewed by workshop participants	14

Executive Summary

This report presents the outcomes of Project Apex—a joint integrity initiative of the Chief Police Officer of ACT Policing and the Integrity Commissioner, involving also the Professional Standards team of the Australian Federal Police (AFP).

Any investigation of corrupt conduct should involve questioning whether particular observed conduct is a ‘one-off’ or indicative of a wider problem. For instance, external drivers (such as the economy, organised crime, price of illicit drugs, changes in societal behaviours) or internal factors (such as workplace culture or shortcomings in the integrity framework) are issues to consider. Accordingly, Project Apex sought to establish what is in the ACT Policing ‘basket of risks’, and which (if any) of these issues might be a cause for concern. It also sought to identify how resilient (or ‘pressure-sensitive’) the AFP’s integrity framework is in withstanding the identified risks.

This Project Apex report is a point-in-time picture of ACT Policing’s exposure to corruption risk factors, having regard to past, current and emerging issues. A key issue was to find ways to ‘read the prevailing culture on the ground’. Accordingly, the report also sets out various risk analysis methods and tools, developed during the project.

The Project Apex Team comprised experienced corruption prevention, intelligence and operational staff from the AFP and the Australian Commission for Law Enforcement Integrity. It found that ACT Policing is professional and ethical, and aims to have a high level of corruption awareness and a strong commitment to professional standards. In addition, the AFP’s integrity framework and anti-corruption measures provide a robust platform to assist ACT Policing in managing the integrity risks that arise from its law enforcement functions.

However, corruption risk—like organised crime—is dynamic and changes in response to the environment. Drivers for corrupt conduct will continue to emerge, and must be anticipated and dealt with. As with comparable police forces, ACT Policing needs to maintain its vigilance against corruption, and continue to be adaptable in identifying and responding to corruption risks.

The Project Apex Team found that, presently, the main integrity risk in ACT Policing concerns opportunistic corruption (individual susceptibility) and situational corruption (misplaced loyalties). This finding implies that the best defences will be:

- supervisors (the ‘front-line of corruption control’) who are alert to the signs that corrupt conduct may be occurring and well-placed to exercise control over the working environment;
- heightening staff awareness of risk-taking behaviour which may be an ‘early warning’ sign of susceptibility to corruption or other misconduct; and
- fair processes and robust checking mechanisms.

Part 1—Project Apex

Background

1. Between 2009 and 2011, the Integrity Commissioner, Mr Philip Moss, conducted two investigations that concerned the conduct of Australian Capital Territory Policing (ACT Policing) officers, who are appointees of the Australian Federal Police (AFP).¹ The investigations drew attention to various risks to law enforcement integrity that may arise in the community policing context.
2. At a meeting in June 2010, the then Chief Police Officer (CPO) of ACT Policing, Mr Roman Quaedvlieg APM, discussed with the Integrity Commissioner the operational and demographic challenges then facing ACT Policing, and the possible management of associated integrity risks.
3. In March 2011, the Integrity Commissioner and the CPO agreed to conduct a strategic assessment of corruption threats and vulnerabilities in ACT Policing, to be known as Project Apex. Project Apex would aim to provide a point-in-time picture of ACT Policing's exposure to corruption risk and provide a basis for any further action, if required.
4. This report presents the Project Apex outcomes to the Integrity Commissioner and the CPO and makes a number of suggestions that may inform the further development of the AFP's anti-corruption and integrity framework, as it applies to ACT Policing and more broadly, if appropriate.
5. Since a key challenge was to find ways to 'read the prevailing culture on the ground', the report also sets out various risk analysis methods and tools, developed during the project.

Project objectives

6. Project Apex aimed to:
 - supplement the AFP Fraud and Corruption Control Plan process; and
 - inform priority-setting processes for the Integrity Commissioner and ACLEI.
7. Accordingly, the project:
 - surveyed the main contemporary and emerging threats to ACT Policing's integrity, and considered their implications for the next five years;
 - scanned ACT Policing's existing and planned corruption prevention strategies; and
 - considered ways in which ACT Policing could further strengthen its resistance to corruption and respond to changes in its operating environment.

¹ Investigation Reports 01/2011 *An investigation into the actions of an Australian Federal Police (ACT Policing) appointee concerning the handling of controlled substances, and other integrity issues* and 02/2011 *An investigation into the conduct of an Australian Federal Police (ACT Policing) appointee concerning his association with the manager of a prostitution enterprise* were provided to the Minister in June 2011, and are summarised at Appendix A. No finding of corrupt conduct was made in either investigation.

Methodology

8. ACLEI regards corruption risk as an interaction between the underlying susceptibility of an individual to corruption at a particular time, and exposure encountered in the work environment. This interaction is expressed in the following formula:

Figure 1: ACLEI Corruption Probability Model

$p(C) = E \times S$		
whereby (p) is the probability that any individual would act corruptly (C), depending on his or her susceptibility (S) to corruption at a particular time, and any positive or negative exposure (E) factors that may be encountered in the work environment.		
Exposure (E)		Susceptibility (S)
Presence or absence of exposure	<ul style="list-style-type: none"> > opportunity (dependent on tasking and deployment of an individual employee) > proximity to corrupting agents or influences 	(examples) <ul style="list-style-type: none"> > age (generational values) > experience or background > debt > drug or alcohol dependency > underlying pathology > intervening psychological factors (eg depression)
Incentive and deterrence factors (what an individual is exposed to)	<ul style="list-style-type: none"> > bribery or other potential reward > extortion > perceived mistreatment (of self or others) in the workplace that may trigger deviant behaviour > perceived effectiveness of detection and deterrence measures 	

9. Project Apex focussed on the nature of ACT Policing’s work and operating environment, rather than on the actions of individual appointees. In addition, for comparative purposes, the project took into account contextual information such as the history of police corruption in other Australian jurisdictions, for example, *The Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (the Fitzgerald Inquiry) (1987), *The Royal Commission into the New South Wales Police Service* (the Wood Royal Commission) (1997), and more-recent reports from various State anti-corruption agencies.
10. Research methods included the collection and analysis of AFP Professional Standards (PRS) information and other ACT Policing data between 2009 to 2012, and involved consultations with the Justice and Community Safety Directorate of the ACT Government and a small sample of industry and community stakeholders. A list of organisations consulted is at Appendix B of this report.

11. ACLEI, AFP PRS and ACT Policing also conducted a one-day workshop to discuss contemporary and emerging corruption risk factors and the effectiveness of management strategies. Participants were drawn from a representative cross-section of sworn and unsworn members of ACT Policing, across a range of portfolios and geographic areas, and with differing levels of experience and rank. The workshop provided an indication of how integrity messages are being interpreted 'on the ground'.
12. The ACLEI Corruption Risk Approach Framework,² shown at Figure 2, has been used to collate and categorise corruption risk factors identified through these processes. The result of this analysis is shown at Appendix C.

Figure 2: ACLEI Corruption Risk Approach Framework

Approach	Key questions (examples)
Commodity approach	<p>What asset(s) are you protecting from corrupt use? What in your control is of value to a corruptor?</p> <ul style="list-style-type: none"> > sensitive information, such as planned law enforcement activity, or law enforcement methods (and how to counter them) > decision-making (eg manipulating law enforcement interventions, such as searches) > seized property
Location approach	<p>Where are the geographical areas or activities of highest corruption risk?</p> <ul style="list-style-type: none"> > movement of goods or passengers > intelligence-based investigation (eg human source handling) > drug law enforcement > shared environments, where the risk of detection can be lessened > high discretionary power, low supervision, low rotation <p>What other environments might be less protected from corrupt activity, and be a weakness in the system?</p>
Corruptor approach	<p>Who may want to corrupt your staff, and why?</p> <ul style="list-style-type: none"> > How does their business model work? (bribery, subornation, infiltration, family ties) > What profits are involved? > What are the law enforcement barriers they need to defeat, in order to conduct illicit activity?
Susceptibility approach	<p>Who of your staff may be vulnerable to corruption, if the circumstances allowed?</p> <ul style="list-style-type: none"> > attitudes to integrity > workplace dysfunction > personal susceptibilities <p>Who, beyond known individuals, may be involved or recruited?</p>
Vulnerability approach	<p>What are the strengths of your systems (that a corrupt officer may need to circumvent)?</p> <p>What are the weaknesses in your systems (that a corrupt officer could exploit)?</p>

² First published in *Annual Report of the Integrity Commissioner 2011–12*, page 84.

Part 2—Environment

Police corruption overview

13. Corruption is an enduring challenge for law enforcement agencies. Police corruption may:
 - undermine public confidence in police and the broader criminal justice system;
 - harm the morale of honest police officers;
 - facilitate organised crime or hamper its discovery;
 - place safety at risk; and
 - damage the reputation of the affected police agency, including eroding the trust between domestic and international agencies at a time when increased cooperation is required to combat transnational organised crime and national security threats.
14. In some countries, police corruption is part of a wider problem of political, government and judicial corruption. This form of widespread systemic and endemic corruption works to distort economic development and markets, and, in some instances, to allow the ongoing abuse of human rights.
15. In Australia, corruption in law enforcement tends to involve conduct that may undermine or misuse the legitimate functions of a law enforcement agency—or a position within that agency—for criminal, partisan or personal purposes. A list of examples of how corrupt conduct may manifest in law enforcement operating environments is at Appendix D of this report.³
16. As a result of its investigations into corrupt conduct in law enforcement agencies, ACLEI has also observed a number of ‘themes’ relating to corruption risk in that environment. A summary of these themes is at Appendix E.
17. The 2011 *Commonwealth Organised Crime Strategic Framework* recognises that corruption of public officials and infiltration of government agencies—including law enforcement agencies—are tactics used by organised crime groups to establish, further or conceal illicit enterprises and activities.
18. The Integrity Commissioner uses the term ‘corruption handshake’ to describe this potential relationship between corrupt law enforcement officials and organised crime groups. The term encapsulates the idea that, in most cases, corrupt conduct will involve a dishonest transaction between two parties which, to bystanders, may be invisible or appear normal.

³ Typology based on ACLEI submission to the Parliamentary Joint Committee on ACLEI *Inquiry into the operation of the Law Enforcement Integrity Commissioner Act 2006*, Annexure One – *Examples of potentially corrupt conduct in a law enforcement context*, and the *Annual Report of the Integrity Commissioner 2008–09*, pages 68-72.

19. The potential for corrupt conduct in law enforcement agencies is not confined to ‘sworn’ police appointees who have powers to enforce laws and arrest citizens. Unsworn staff may also have access to commodities that are attractive to organised crime, such as information about law enforcement methods or activities, and may work in environments where there is more autonomy and discretion.
20. Law enforcement agencies—including the AFP—expend considerable resources to manage corruption risk. In summary, the strategies used may include:
- internal controls and systems (such as audit and approval processes) to detect corrupt conduct, and discourage its occurrence;
 - mandatory internal reporting of misconduct or integrity concerns;
 - pre-employment screening and ongoing security vetting;
 - compulsory drug and alcohol testing;
 - ongoing anti-corruption training and awareness-raising;
 - systems to report and assist staff to deal with issues that may affect integrity, such as conflicts of interest or inappropriate associations;
 - ensuring complaints from members of the public and integrity reports from staff members are handled properly;
 - promoting appropriate behaviours, values and a corruption-resistant ‘professional’ culture within the agency;
 - promoting effective supervision, management and leadership within the agency; and
 - ensuring appropriate employment powers are in place to respond if a staff member were found to be engaging in corrupt activity.
21. A more detailed list of corruption controls frequently used by Australian law enforcement agencies is at Appendix F.⁴

⁴ Originally published in the ACLEI submission to the Parliamentary Joint Committee on ACLEI *Inquiry into law enforcement integrity models*, Annexure One, June 2008.

ACT Policing's operating environment

22. Changes in the operating environment of law enforcement agencies affect corruption risk, by altering the context in which compromise may occur. Accordingly, the Project Team reviewed the operating environment for ACT Policing to see what factors may influence—positively or negatively—its vulnerability to corruption risk.

Demographic context

23. Although having a small population (approximately 360,000),⁵ the ACT is the seat of the Commonwealth Government, and hosts most Commonwealth public service head offices, defence facilities, national cultural institutions, and diplomatic missions. While a third of the ACT's working population are Commonwealth or ACT Government public servants, the ACT's economic base is diversifying, in line with general population growth.
24. The ACT population is wealthier than the Australian average, but living costs such as average rent and mortgage payments are higher.⁶ While the ACT has a low rate of unemployment,⁷ this figure is sensitive to changes in Commonwealth expenditure, including initiatives to increase or decrease, and centralise or decentralise, the public service.
25. The ACT population is more highly educated than the Australian average. Around 25% of adults have a university degree, compared to 14% overall for the Australian population. The ACT population is also younger, with a median age of 34 years compared to the national median of 37.⁸
26. The population is forecast to grow by 7% by 2017, with the major areas of growth in Gungahlin (expected to increase by 29%) and the new development of Molonglo, which is predicted to reach 13,000.⁹ In the longer term, population growth in the Canberra-Sydney corridor may drive significant growth in the ACT, and result in considerable demographic change.
27. Recorded crime rates in the ACT are generally lower than the rates for other States and Territories.¹⁰ This trend is also reflected in the recorded rate of illicit drug use.¹¹

⁵ The 2011 Census lists the ACT population at 357,218. www.abs.gov.au.

⁶ Australian Demographic Statistics, 2011 Census. www.abs.gov.au.

⁷ ABS Labour Force report, July 2012: <http://www.abs.gov.au/ausstats/abs%40.nsf/mf/6202.0>.

⁸ 2011 Census, Australian Bureau of Statistics, www.abs.gov.au.

⁹ Population statistics from ACT Chief Minister and Cabinet Directorate, June 2011, accessed at www.cmd.act.gov.au/policystrategic/actstats/projections/suburbs, 17 May 2012.

¹⁰ Productivity Commission *Report on Government Services 2012, Chapter 6 – Police services*.

¹¹ Australian Institute of Health and Welfare, *2010 National Drug Strategy Household Survey Report*.

Policing model

28. The AFP provides community policing services to the ACT Government on a contractual basis. This arrangement enables the broader operational and administrative regime that supports the AFP national and international mandate to also support delivery of a community policing role in the ACT. The contractual arrangement allows the ACT Minister for Police and Emergency Services to provide general directions on ACT Policing policy, priorities and goals.¹²
29. ACT Policing's operational budget for 2011–12 was \$148.5 million. Over the past five years—reflecting increases in staffing costs—the budget has increased by 21%, while total staff numbers have decreased by 3.2%.¹³ As at 30 June 2012, ACT Policing had 905 personnel,¹⁴ of which:
 - sworn members accounted for 78% of the total, with 79% of sworn members at the rank of constable;
 - 75% of sworn members were male, and 62% of unsworn members were female.
 - 46% of sworn and unsworn officers combined were aged less than 35; and
 - 70% had 10 years or less of service, and 49% had six years or less of service.
30. It is inevitable that conflict of interest situations will arise in community policing. The Project Team considered whether the geographic concentration of the ACT Policing jurisdiction might increase corruption risk—for instance, due to conflicts of interest that may arise from past associations and social networks, or from an officer working in the neighbourhood in which he or she also lives. It was noted that the AFP purposefully draws its recruits from across Australia, as well as locally. There is also a healthy interchange of staff with AFP National (including International Deployment operations), which broadens the experience base of ACT Policing. The Project Team noted also that the practice of ACT Policing is, as far as possible, to deploy operational staff to districts away from their homes.

Corruption risk management in ACT Policing

31. The AFP Commissioner's command and control powers for establishing professional standards—which apply also to ACT Policing—are established by the *Australian Federal Police Act 1979* (Cth). Accordingly, the AFP Integrity Framework (Appendix G) underpins the whole of the AFP, including ACT Policing.
32. A discussion follows of some of the strategies used by the AFP to manage corruption risk in ACT Policing.

¹² ACT Policing website, www.police.act.gov.au, accessed 4 June 2012.

¹³ ACT Policing *Annual Reports* 2007-2008 to 2011-2012.

¹⁴ ACT Policing Annual Report 2011-2012, pp 129-131; figures are headcounts.

Mandatory integrity reporting

33. Each ACT Policing appointee is required to report to the AFP's Professional Standards (AFP PRS) any issues or associations that could compromise his or her integrity. In 2010–11, some 116 ACT Policing appointees (approximately 10% of the workforce) submitted 150 reports, as follows:
- 82 self-reports were submitted about a 'declarable association'¹⁵ at varying levels of significance—which can also present an information disclosure risk—ranging from, for example (at the lower end), a friend or relative working in the media to (more significantly) a friend or relative with a criminal history;
 - 46 self-reports were submitted about another potential integrity issue, for example, being involved in a legal dispute outside his or her AFP duties; and
 - 22 reports were submitted about a suspicion that a colleague may have an integrity issue.¹⁶

Complaints management

34. Complaints about ACT Policing members can be generated internally (by other appointees) or externally (by members of the public). There are four complaint categories:¹⁷
- Category 1 - minor management matters or customer service matters, for example, discourtesy, or an unreasonable delay in dealing with an issue.
 - Category 2 – minor misconduct or inappropriate conduct, for example, failure to comply with a direction or procedure.
 - Category 3 – serious misconduct, for example, a breach of the criminal law, or serious neglect of duty. Category 3 includes excessive use of force on a person.
 - Category 4 - conduct that gives rise to a corruption issue.
35. Category 1 and 2 issues are assigned by PRS to the ACT Police Complaints Management Team (CMT), which consists of Band 8 members (for example, Officers-in-Charge, Station Sergeants) or above—who assign investigators as required to complaints and conduct reviews at the completion of an investigation. In the event a complaint relates to a CMT member, the CMT can assign the investigation and investigation review to another CMT or to PRS. Prior to finalising any complaint, all CMTs must forward complaint matters to PRS which conducts a quality assurance review to ensure accountability and transparency. Category 3 investigations are conducted by AFP PRS and reviewed by an independent adjudicator at the Senior Executive level.

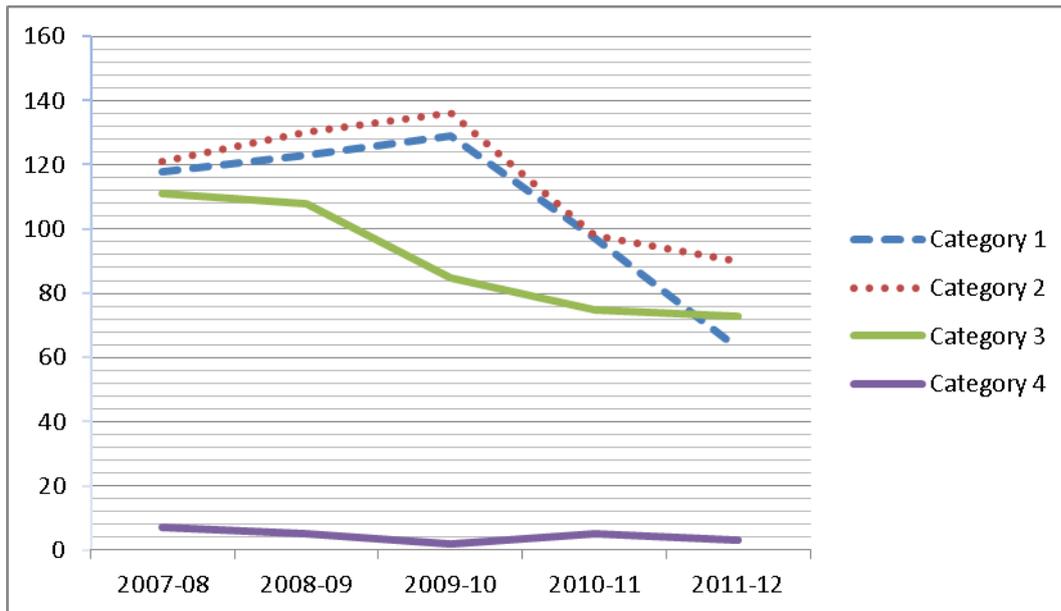
¹⁵ A 'declarable association' is a relationship or personal or business association which may cause a real or perceived conflict of interests with official duties.

¹⁶ Comparative data from other areas of the AFP was not analysed as part of the project. At the time of writing (May 2013), the AFP was implementing a strategy to remind staff of their obligations to report conflicts of interest.

¹⁷ *Australian Federal Police Categories of Conduct Determination 2006*, Explanatory notes, as viewed at www.comlaw.gov.au/Details/F2006L04145/Explanatory%20Statement/Text, on 21 February 2012. *Note*: a replacement Determination, following consultation with the Commonwealth Ombudsman and ACLEI, is scheduled to be made in July 2013. The new Determination will not alter the framework cited.

36. Generally, a member of the public who is not satisfied with the internal handling of a complaint may raise his or her concern with the Commonwealth Ombudsman, whose office may review the handling of the issue or investigate further. The Commonwealth Ombudsman also makes annual reports to Parliament on the AFP's handling of complaints.
37. Category 4 issues are notified to the Integrity Commissioner, in accordance with the *Law Enforcement Integrity Commissioner Act 2006*.
38. The number of complaints relating to ACT Policing has declined over the past five years, from 366 in 2007–08, to 229 in 2011–12. Figure 3 shows this trend, by Category:

Figure 3: Complaints submitted about ACT Policing 2007–08 to 2011–12¹⁸



39. In 2009–10, approximately 14% of the issues raised in complaints were found to be ‘established’—that is, the investigators determined that some form of customer service matter or misconduct had occurred—dropping to 12% in 2010–11. At the time of the analysis, none of the matters classified as Category 4 (corruption) had been found to be established, although a few had resulted in adverse findings of lesser categories of conduct. Over the last five financial years, over 50% of complaints received and finalised from internal sources were established.
40. The reasons for an overall drop in complaints received over the last few years could be attributable to a number of reasons, including an intentional management focus on ensuring performance issues, which are not misconduct, are dealt with in the workplace and not as a misconduct issue.

¹⁸ Information sourced from ACT Policing Annual Reports 2007-2008 to 2011-2012, <http://www.police.act.gov.au/media-centre/publications/annual-reports.aspx>

Recruitment and induction

41. AFP PRS works closely with AFP Human Resources and AFP Security to ensure that there is a focus on integrity issues during the recruitment of AFP appointees, including those who will deploy to ACT Policing.
42. Recent changes to strengthen recruitment include the use of pre-employment screening methods applying to sworn and unsworn employees. For instance, applicants are required to complete an AFP employment suitability questionnaire which is assessed against AFP Employment Character Standards. The new practice aims to establish key messages—such as, that the AFP’s zero tolerance for illicit drugs and professional standards obligations apply both on and off duty—at the start of the recruitment process. This process enables a prospective applicant to identify early if there were any issues that may impact on his or her AFP career, such as prior convictions or close associations with criminals, and to declare those issues. In this way, awareness-raising about integrity risk is introduced as early as possible, and the AFP is able to exert greater control over its employment environment.
43. Successful applicants for sworn positions attend the Federal Police Development Program, a six-month residential course at the AFP College in Canberra. Integrity topics are integrated into many aspects of the Program and are championed by AFP PRS mentors, other recruit mentors, and the course co-ordinator. The Program includes presentations from AFP PRS, and a presentation from ACLEI. Towards the end of the Program, the recruits also undergo integrity scenario training. The graduates then attest as AFP sworn members and are placed on a 12-month probationary period that involves further on-the-job training and mentoring.
44. New, unsworn members attend the AFP Staff Induction Program, to ensure all staff understand their roles, responsibilities and obligations as an AFP appointee. The AFP also targets secondees and contractors with integrity messaging.

Training and awareness-raising

45. AFP PRS provides ACT Policing appointees with anti-corruption and integrity training, including targeted training to high risk work-groups, such as the ACT Policing Watchhouse. PRS also uses the AFP intranet to present ‘sanitised case studies’ to raise awareness of the causes and consequences of corrupt conduct or misconduct. PRS is presently developing an on-line training package to further enhance integrity awareness across the organisation.
46. Individual awareness-raising and counselling is also provided by PRS and supervisors to appointees who are considered at-risk, who may have displayed problematic behaviours, or who work in particularly high corruption-risk environments.
47. In addition, the AFP expends considerable effort to ensure that its policies and guidance on issues linked to integrity risks—such as, declarable associations, conflicts of interest, security of information, ethical decision-making, human source handling and secondary employment—are well understood throughout the organisation. The AFP reviews these policies and guidance regularly.

Mandatory drug testing

48. ACT Policing members are required to participate in random and targeted drug testing. Between 1 May 1997 and 31 June 2012, some 57,000 drug tests have been conducted across the AFP National and ACT Policing combined. Only one ACT Policing member has returned a positive result (in 2009).¹⁹ PRS works closely with the AFP's Health and Welfare area in relation to drug testing outcomes.
49. Testing for 'Performance and Image Enhancing Drugs' (PIEDs) occurs on a risk basis.

The Confidant Network

50. The AFP's Confidant Network, which has been in place for over a decade, is a network of over 200 trained appointees who provide a confidential support and advisory service to other appointees wishing to discuss a sensitive workplace issue, including an integrity issue. The joint workshop of ACT Policing members indicated that the Confidant Network is trusted and well-regarded.

Secondary employment policies

51. As with their counterparts in AFP National, ACT Policing appointees are required to seek approval before engaging in secondary employment.²⁰
52. Employment which may present a conflict with the duties of police officers—for example, in the private security, liquor, gaming, long-haul transport, and private investigation or debt collection industries—is prohibited. ACT Policing (and other AFP) appointees are also prevented from working for another police agency outside of formal secondment or taskforce arrangements, and cannot work as consultants if the fact of their employment with the AFP is used for marketing purposes.

¹⁹ The only other Australian jurisdictions that report drug-testing results are NSW Police (9 officers with positive results during 2011–12) and WA Police (2 officers with positive results for 2011–12). The difference in the workforce size prevents meaningful comparison with ACT Policing.

²⁰ AFP National Guideline on Secondary Employment.

Part 3—Assessment

Summary of ACT Policing integrity workshop outcomes

53. A key question for the project was how integrity messaging is translated and adhered to by ACT Policing members 'on the ground'. In April 2012, the Project Team and AFP PRS conducted a joint workshop with a representative cross-section of sworn and unsworn members of ACT Policing.
54. The objectives of the integrity workshop were to:
 - identify and categorise integrity risks—both contemporary and emerging—arising from the ACT Policing's functions and activities;
 - learn how integrity messaging is interpreted by staff, including their levels of risk-awareness and compliance; and
 - identify any gaps in the present ACT Policing integrity framework, and consider what measures may be put in place.
55. When opening the workshop, then ACT Policing Deputy Chief Police Officer – Response, Commander David McLean, commented on the unique factors of community policing that may lead to corruption risk. He noted that community policing is often intrusive or covert and that officers must exercise high levels of discretion, often with little direct scrutiny. Describing these 'pathways to corruption', he observed that the potential is always there for a corruption risk to manifest.
56. The Integrity Commissioner, Mr Moss, described the broader threat environment relating to corruption risk in law enforcement. He explained that corruption risk is dynamic and changes over time, and noted that the risk of infiltration by organised crime is a contemporary concern for law enforcement agencies. He commented also that officers can be 'trapped' or compromised by relatively small integrity issues, leaving them vulnerable to manipulation by others if the issue were not properly and fairly dealt with.

Workshop outcomes

57. Workshop participants agreed that there is always the prospect for corrupt conduct to happen, and identified and evaluated a number of areas of corruption risk, summarised at Table 1.

Table 1: Areas of corruption risk, as identified by ACT Policing integrity workshop participants

Areas of corruption risk	Risk sensitivity how the risk could occur, if at all (including individual occurrences)
Culture	<ul style="list-style-type: none"> • misplaced loyalties • subcultures or 'pockets' arising
Targeting by organised crime	<ul style="list-style-type: none"> • subornation, compromise, grooming (eg. through social media)
Liquor licencing	<ul style="list-style-type: none"> • kickbacks • inappropriate associations, grooming
Security industry	<ul style="list-style-type: none"> • inappropriate associations
Prostitution ²¹	<ul style="list-style-type: none"> • kickbacks • tip-offs relating to enforcement activity • inappropriate associations
Gaming and racing	<ul style="list-style-type: none"> • inappropriate associations • tip-offs relating to enforcement activity
Drug and property handling	<ul style="list-style-type: none"> • personal use • inappropriate associations
Human source handling	<ul style="list-style-type: none"> • lack of active supervision
Use of social media	<ul style="list-style-type: none"> • grooming
References or testimonials	<ul style="list-style-type: none"> • inappropriate associations
Disclosures to media	<ul style="list-style-type: none"> • disgruntled/disillusioned staff • grooming
Traffic policing / other forms of discretionary policing	<ul style="list-style-type: none"> • opportunistic • bribe • gratuities
Cover-up or ignoring of wrong-doing by other officers—'self-policing of professional standards' (eg. relating to inappropriate use of force)	<ul style="list-style-type: none"> • misplaced loyalties

²¹ It was noted that the role of ACT Policing is limited to a 'response model', and to joint operational activity with the Office of Regulatory Services (ACT) and the Department of Immigration and Citizenship.

58. Workshop participants also considered what pressures may drive or hamper corrupt conduct. These discussions are summarised at Table 2.

Table 2: Drivers of integrity in ACT Policing, as viewed by workshop participants

Positive drivers	Negative drivers
<ul style="list-style-type: none"> • key shared values (pride in professional standards and assisting the community) lead to a strong integrity culture • the AFP integrity framework is strong • Confidant Network is effective and tested • managers manage for integrity, not just outcomes • PRS delivers fair outcomes • circulation of case studies helps reinforce integrity messaging • strong controls against fraud help to reinforce high standards and combat 'self-entitlement' • recruitment screening and vetting set the correct tone • inculcation of AFP values for new recruits • freedom of information and social media drive transparency (making questionable conduct public) • mobility into and back from AFP National and IDG, where broader policing and managerial experience can be gained in other contexts 	<ul style="list-style-type: none"> • risk of corrupt 'pockets' developing, in which officers 'turn a blind eye', do not question each other's actions or unethical behaviour is normalised • relatively inexperienced workforce • 'recruitment surges', when many new recruits join at one time—makes the inculcation of values more difficult, and leads to concentrated groups of inexperienced members • 'private' use of social media: affects credibility and reputation, opens opportunities for grooming or compromise of individual appointee and friends • organised crime fostering relationships with officers' family members and knowing the badge numbers, names and ranks of officers • pressure for results (KPIs, conviction and resolution rates) may lead to shortcuts, which undermines integrity and commitment to professionalism • frequent contact with criminals or regulated sections of the community, leading to conflicts of interest, misplaced obligations or pressure to provide favours
Summary of suggested mitigation measures	
<ul style="list-style-type: none"> • protect the culture, instil our values into new appointees • continue to revise work practices to make them easier to comply with (eg. drug handling and lodgement) • educate members about the risk of grooming by organised crime groups and media • early intervention by PRS, linked to fairness in response • improve vetting • keep ACT Policing links to PRS, closer liaison to continue to build trust • avoid recruitment surges • engagement with AFP senior management to retain motivation in ACT Policing • retain or return experienced officers in ACT Policing, to mentor and guide new appointees • ensure continuity in senior ACT Policing leadership 	

59. In summary, the workshop consensus was that ACT Policing should continue to focus on keeping systems robust, to contain the prospect of any individual shortcomings or isolated transgressions becoming accepted or entrenched.

60. The workshop participants concurred that, overall, the ACT Policing culture is strong and conducive to high levels of integrity, that corruption-risk awareness is high and that the Confidant Network is highly regarded. It was apparent that ACT Policing members are aware of, and responsive to, deterrence factors, such as the severity of penalties. Participants described a perception that the AFP engages in systematic detection of corrupt conduct. They also agreed that most managers in ACT Policing manage their staff well, and that they manage for integrity, not just outcomes.
61. Some participants commented that certain integrity risks may relate more to members who have less on-the-job-experience.²² For instance, there was a concern that some recruits (with little prior experience of being held accountable to the AFP's standard) could take shortcuts, may lack awareness or experience of how to recognise and deal with ethical issues, or may be vulnerable to covert approaches from organised crime groups.
62. However, participants observed that the high-integrity culture in ACT Policing goes some distance to offsetting these risks. Participants also referred to the care taken with recruitment, and that inculcation of values for new recruits at induction is reinforced by other measures—including drug testing, the complaints system, the Confidant Network and mandatory reporting of integrity concerns.
63. The participants nonetheless suggested that it is important to maintain continuity in senior leadership in ACT Policing, and to find ways to retain officers with experience in community policing, so that they can guide and mentor less-experienced staff ('tone-setting').
64. Participants underscored in other ways the importance of leadership in aligning personal, professional and organisational values, so as to avoid disaffected staff or subcultures developing. For instance—while recognising that career opportunities in AFP National is a strength for the organisation and of benefit to individuals—participants noted that roles in AFP National are perceived to carry more prestige or are better paid (for example in the International Deployment Group) than in ACT Policing. Participants suggested that it is necessary in this situation for the AFP's leaders to affirm the validity of working in ACT Policing and to recognise, respect and appreciate members for their service to the community.

'Traditional' areas of corruption risk, as applied to ACT Policing

65. The project considered the findings of past police corruption inquiries, including the Fitzgerald Inquiry, the Wood Royal Commission and more-recent reports from State anti-corruption agencies. Since these reports provide some insights into the types of risk and threat that may lead to corrupt conduct in community policing, the Project Team considered how, in its contemporary setting, ACT Policing may be affected by these risks.

²² See paragraph 28 for demographic statistics.

Police culture

66. The Fitzgerald Inquiry and Wood Royal Commission observed that the culture of police agencies is similar to that of defence forces and other emergency services, in which members form close professional and social bonds through shared workplace experiences that often place them in difficult and dangerous situations.
67. Such a culture is characterised by behaviours and values that include ‘mateship’, trust, and loyalty. While these qualities are positive, they can be subverted to facilitate corruption. For instance, misplaced loyalties can lead police officers not to report suspicions or actual instances of corrupt conduct by their colleagues. This type of culture also imposes a ‘code of silence’ that requires police to passively resist, or actively hinder and manipulate, internal investigations. In these situations, police officers who report corruption or assist internal investigations can be informally ‘punished’ and ostracised by their colleagues.²³
68. The Project Team found that the culture within ACT Policing is positive and resistant to corruption. ACT Policing appointees are, in the main, alert to integrity issues and report concerns through proper channels. ACT Policing appointees identify strongly with their role, and reconcile well their ‘other identity’ as AFP appointees more generally.
69. The joint workshop outcomes indicate that AFP messaging about professional standards and positive workplace values appear to have been well understood, and that the AFP’s Confidant Network is also well regarded by ACT Policing members. However, workshop participants acknowledged that, even with a prevailing anti-corruption culture, corruption risk cannot be eliminated entirely.

Police Culture	
How the risk could occur	Existing counter-measures
<ul style="list-style-type: none"> • local sub-cultures in independent or isolated functional or geographic groups, leading to variation in work practices or difference of values with the wider organisation • corrupt ‘pockets’, in which officers ‘turn a blind eye’, do not question each other’s actions or unethical behaviour is normalised 	<ul style="list-style-type: none"> • Supervision • Risk-awareness training and ‘sunshine policies’, to reinforce a high-integrity culture • Mandatory integrity and security reporting (including in relation to conflicts of interest and declarable associations) • Proportionate responses to integrity breaches / promote confidence in management and reporting systems • Well established complaint management system • Security vetting • Governance (including Commissioner’s Orders, National Guidelines, Practical Guides) • Auditing

²³ Fitzgerald Inquiry (1989) p 362.

	<ul style="list-style-type: none"> • Confidant Network • Rotation management (through Team Leader Development System and the Work Management Committee)
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The liquor and hospitality industry

70. Improper or inappropriate relationships between police and the liquor and hospitality industry in Australia are extensively documented in findings of past reports.²⁴ Some of these reports recorded police soliciting and receiving bribes to allow licenced premises to:
- trade in excess of its set operating hours;
 - operate illegal gaming; and
 - host illicit starting-price (SP) bookmaking, prostitution and other forms of sexually explicit adult entertainment.
71. The reports also highlighted other forms of misconduct, often linked to broader corrupt activities including:
- police engaging in binge drinking while on and off duty;
 - police exploiting their relationship with venue owners (including not enforcing laws and imposing fines) in return for free entry and free drinks and food; and
 - licenced venues sponsoring police Christmas parties and other social events, and providing free or discounted alcohol to such events, which later resulted in conflicts of interest arising for police investigating matters associated with the licenced venues (such as drugs on premises or alleged assault by private security officers).
72. Comments made by ACT Policing members during the integrity workshop indicated that the heavy-drinking culture within police agencies has reduced over the last 10 years, in line with general public health awareness about the dangers of excessive alcohol consumption and a focus in policing on professional standards.
73. Across Australia, gambling and prostitution have largely been legalised and regulated, and have moved into their own premises. State and Territory governments have reviewed liquor licencing regulations and created separate regulatory agencies to work in partnership with the police.
74. ACT Policing is not solely responsible for liquor licencing in the ACT. Under the *Liquor Act 2010* (ACT) (the Liquor Act), the ACT Office of Regulatory Services (ORS) undertakes the assessment of liquor licence and permit applications, determines licensed venue fees, and sets occupancy loadings. ORS also monitors the volume of alcoholic beverages sold, drink pricing, and restricted discount periods ('happy hours').

²⁴ See Fitzgerald Inquiry Final Report (1989); Wood Royal Commission Final Report (Vol 1, p, 12, pp 76-87 1997); NSW Police Integrity Commission reports Operation Algiers (June 2000) and Operation Pelican (August 2001); CMC Operation Tesco (June 2011); and Office of Police Integrity – the Victorian Armed Offenders Squad (October 2008).

75. The Liquor Act assigns to ACT Policing the task of addressing problems associated with excessive alcohol consumption. ACT Policing members are empowered to issue ‘on-the-spot fines’ to persons engaging in a range of alcohol-related anti-social behaviours on licenced premises. The Liquor Act also allows a senior police officer (superintendent or above) to close a licenced premises for 24 hours in circumstances where a serious breach of the Liquor Act has happened, or is likely to happen, and the closure of the premises is necessary to prevent a significant threat or significant risk to the safety of the community.
76. Information received from hospitality industry representatives consulted as part of the project indicates a general view that—due to clubs’ management structures and accountability arrangements, and because of competition factors—there is little opportunity for ACT Policing members to engage in corrupt conduct through the partial or biased enforcement of the Liquor Act.
77. The Project Team notes that some drivers for corrupt conduct are perennial: owners or managers of highly-regulated industries such as nightclubs or licenced venues may seek corrupt means to bypass regulations, prevent closure of premises after a breach, minimise visible police presence in their venue, or otherwise obtain an advantage over their competitors. The situation could easily arise whereby AFP appointees are invited to accept gratuities.

Liquor & Hospitality Environment	
How the risk could occur	Existing counter-measures
<ul style="list-style-type: none"> • Kickbacks, bribery • Grooming – offering gratuities (such as drinks or entry off-duty) to create a sense of obligation • Fostering relationships (loss of objectivity) • Compromise • Seeking tip-offs, relating to law enforcement action 	<ul style="list-style-type: none"> • Supervision • Working in teams • Risk-awareness training, tailored to the topic • Mandatory integrity and security reporting (including in relation to conflicts of interest, secondary employment, and declarable associations) • Governance • Audits • Well established complaint management system • Security vetting • Record-keeping policy and practice, contact reporting • Regular staff rotation • ACT Policing engagement with stakeholders (via Multi Agency Liquor Task Force—MALT) to ensure opportunity to provide input into and cooperate with police activity.

The security industry

78. The Fitzgerald Inquiry and Wood Royal Commission recorded instances of police corruption associated with the security industry. A common theme identified was police performing security roles at licenced venues while not having approval to engage in secondary employment.²⁵ The AFP does not allow secondary employment of this type.
79. The contemporary risk is a different one. Private security guards are often the nightly 'front-line' of enforcement operations in adult entertainment venues. They come into contact with drug suppliers and are often the first on the scene to deal with violent confrontations. As police and private security guards are increasingly required to cooperate in order to ensure safety and security in entertainment precincts, there is a risk that these professional working relationships could become compromised for corrupt purposes. In addition, law enforcement agencies have expressed concern about the infiltration by organised crime into the private security industry, as part of drug distribution networks.
80. Security licencing in the ACT is governed by the *Security Industry Act 2003* (ACT) and is administered by ORS. The vetting of licence applicants includes the consideration of criminal records to determine suitability. Following amendments to the Act, from 27 September 2012, this process involves:
- requirements for mandatory fingerprinting and obtaining police certificates; consideration of mandatory disqualifying offences, including assault of a person and the unlawful possession of a firearm, if convicted in the last ten years or found guilty of an offence in the last five years; and
 - the ability for ACT Policing to provide criminal intelligence to ORS.
81. The project did not identify any current issues relating to corruption developing between ACT Policing and the local security industry. However, due to the financial interests involved, opportunistic corrupt conduct remains a risk to be guarded against.

Private Security Environment	
How the risk could occur	Existing counter-measures
<ul style="list-style-type: none"> • Fostering relationships (loss of objectivity) • Compromise • Bribery • Undeclared secondary employment 	<ul style="list-style-type: none"> • Supervision • Working in teams • Risk-awareness training, tailored to the topic • Regular staff rotation • Mandatory integrity and security reporting (including in relation to conflicts of interest, secondary employment and declarable associations) • Record-keeping policy and practice, contact reporting

²⁵ See also Police Integrity Commission Final Report, Operation Saigon (2001)

	<ul style="list-style-type: none"> • Audits • Complaint management system • Security vetting • Governance—National Guidelines on Secondary Employment , which prohibits employment in a private security role
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Prostitution

82. The Fitzgerald Inquiry and Wood Royal Commission identified that some police officers developed improper relationships with the owners of brothels, massage parlours and other adult entertainment venues, and allowed these businesses to operate in contravention of State laws then in place. There were also instances of police frequenting brothels under the false pretext of collecting criminal intelligence.²⁶
83. The regulation by government of the ACT sex industry has been a major factor in reducing the level of corruption risk. The industry is regulated by the *Prostitution Act 1992* (ACT) (the Prostitution Act), which is administered primarily by ORS. The Prostitution Act sets conditions:
- on the registration of brothels, escort agencies and sole operators;
 - prohibiting persons with certain criminal convictions from owning or operating a brothel; and
 - restricting the location of brothels to industrial precincts.
84. The project notes that ORS has no inspection or enforcement powers under the Prostitution Act, but undertakes inspections under the framework of the *Work Health and Safety Act 2011* (ACT).
85. ACT Policing’s role in this context is primarily one of law enforcement response, rather than regulation or routine inspection (although joint inspections with ORS or the Department of Immigration and Citizenship may take place). The Prostitution Act allows ACT Policing officers to enter a brothel or escort agency in relation to child prostitution offences. ACT Policing officers do not have the power under the Prostitution Act to demand the name, address or other identifying information from persons present at these locations.²⁷
86. ACLEI investigation 02/2011 *An investigation into the conduct of an Australian Federal Police (Australian Capital Territory Policing) appointee concerning his association with the manager of a prostitution enterprise* related to an undeclared relationship between an ACT Policing appointee and the owner of a brothel.

²⁶ See also *Part Patterns – Future Directions: Victoria Police and the Problem of Corruption* (Office of Police Integrity, March 2007)

²⁷ CPO Transcript of evidence to the ACT Legislative Assembly’s Standing Committee on Justice and Community Safety *Inquiry into the Prostitution Act 1992*, 23 March 2011, page 28. Police may be able to use other heads of power in appropriate circumstances.

87. The Integrity Commissioner did not find corrupt conduct, but recommended that the AFP Commissioner consider strengthening the training provided to appointees in support of integrity reporting and managing conflicts of interest. The aim was to ensure that appointees understand that they are required to declare any personal connection with businesses and occupations, even if nominally lawful, which a reasonable person would associate with incidental criminal conduct or with a corruption risk. The AFP Commissioner agreed with the Integrity Commissioner’s recommendations.

Policing the Prostitution Environment	
How the risk could occur	Existing counter-measures
<ul style="list-style-type: none"> • Kickbacks, bribery • Grooming – offering favours to create a sense of obligation • Fostering relationships (loss of objectivity, undeclared associations) • Compromise • Seeking tip-offs, relating to law enforcement action 	<ul style="list-style-type: none"> • Supervision • Working in teams • Risk-awareness training, tailored to the topic • Oversight by joint management body to monitor strategies adopted and impact upon industry. • Mandatory integrity and security reporting (including on conflicts of interests, secondary employment, and reportable associations) • Record-keeping policy and practice, contact reporting • Governance • Audits • Complaint management system • Security vetting • Regular staff rotation • Division of functions between a regulatory agency and police

The gaming and racing industries

88. The Fitzgerald Inquiry and Wood Royal Commission also showed links between police corruption and organised crime groups operating illegal gaming and race-betting ventures. These links included police soliciting or receiving bribes to allow illegal casinos and bookmakers to operate, to allow venues to sell alcoholic beverages while unlicensed, and to provide ‘tip-offs’ of pending police raids.²⁸
89. While gaming and racing are now closely regulated, these industries are still used by organised criminal groups to launder illicitly-obtained funds.
90. In the ACT, the gambling and racing industries are regulated by a range of legislation, including the *Gambling and Racing Control Act 1999*, the *Casino Control Act 2006*, the *Pool Betting Act 1964*, the *Race and Sports Bookmaking Act 2001*, and the *Unlawful Gambling Act 2009*.

²⁸ See also reference to Taskforce Zebra in *Past Patterns – Future Directions: Victoria Police and the problem of corruption and serious misconduct* (Office of Police Integrity, Victoria, 2007).

91. A 2010 Productivity Commission report estimated that the legal gambling industry in Australia was worth \$19 billion in 2008–09, while the ‘unofficial’ sector (online poker and online casinos) was worth \$790 million.²⁹ The report estimated that, for the ACT, the average expenditure per adult in 2008–09 was \$901, the second lowest figure in Australia (Australian average \$1147), and the average expenditure per gambling adult was \$1234, the lowest in Australia (Australian average \$1500).³⁰
92. Liberalisation of the regulated gambling industry, and the role of the ACT Gambling and Racing Commission (rather than ACT Policing) in enforcing gambling laws, and the emergence of on-line betting, suggest there is limited corruption risk for ACT Policing in this area. The project did not identify any emerging law enforcement corruption risks specifically relating to the local gaming and racing industry. The impact of match-fixing, sport-betting and the influence of drugs in sport is a risk area to keep under review.³¹

Gaming & Racing	
How the risk could occur	Existing counter-measures
<ul style="list-style-type: none"> • Grooming – offering gratuities to create a sense of obligation • Fostering relationships (loss of objectivity, undeclared associations) • Compromise (including through personal gambling) • Seeking tip-offs relating to law enforcement action 	<ul style="list-style-type: none"> • Supervision • Working in teams • Risk-awareness training, tailored to the topic • Mandatory integrity and security reporting (including conflicts of interest, secondary employment, declarable associations, and financial situation) • Complaint management system • ICT controls which block gambling sites • Record-keeping policy and practice, contact reporting • Regular staff rotation

²⁹ Productivity Commission Report No 50, *Gambling*, 2010, Volume 1, page 2.5

³⁰ *Ibid*, page 2.3

³¹ Australian Crime Commission, *Organised Crime and Drugs in Sport*, 2013.

Illicit drug supply and use

93. The illicit drug market remains the most profitable criminal market in Australia. The market is highly attractive to producers and suppliers, since Australians are among the world's highest per capita consumers, and local drug prices exceed prices overseas.³²
94. Past inquiries in Australia, including the Fitzgerald Inquiry and Wood Royal Commission, identified instances of police officers with improper relationships with criminals in the illicit drug trade.³³ Corrupt police solicited or received bribes to:
- allow certain drug dealers to conduct their activities without police interference;
 - provide drug dealers with 'tip-offs' about planned police activities, or to disclose confidential intelligence holdings about the dealers, their associates and competitors; and
 - tamper with exhibits and briefs of evidence to hinder prosecution.
95. These inquiries, as well as more-recent reports³⁴ from other jurisdictions, identified instances of police engaging in other forms of drug-related activity, including:
- stealing drugs from dealers, users and exhibit storage areas, and on-selling them to other dealers for profit, or using the stolen drugs as payment to informants; and
 - procuring illicit drugs for their own use.
96. The scale and extent of possible police corruption in this area is likely to be influenced by the broader community's attitude towards illicit drug use. Australia's National Drug Strategy also stresses harm minimisation as the fundamental element of Australia's approach to the problems associated with drug use. Accordingly, the Project sought further information about the ACT illicit 'drug scene' to better understand the risk environment.
97. A range of local non-government agencies offering drug rehabilitation and user support services provided the following opinions:
- illicit drugs are readily available in the ACT;
 - sizeable local and national seizures do not appear to affect illicit drug availability or price;
 - 80% of users seeking treatment have a mental illness;
 - illicit drug use is expected to increase and have more mainstream acceptance over the next five years; and
 - users can, and will continue to, source their drugs from interstate.

³² Australian Crime Commission, *Organised Crime in Australia*, 2011, page 54.

³³ See also Police Integrity Commission *Operation Florida* (2004) and *Operation Lantana* (2009), and Office of Police Integrity / Victoria Police *Ceja Task Force* (2007).

³⁴ See Police Integrity Commission *Operation Saigon* (2001) and *Operation Abelia* (2005). See also Crime and Misconduct Commission *Operation Tesco* (2011).

98. When asked, the non-government agencies consulted did not provide any instances or information suggesting there is corruption in ACT Policing.
99. The AFP is unambiguously aware that appointees who work in areas where they must handle drugs or deal with users or suppliers face significant corruption risks. In ACT Policing, any operational member may be called upon to respond to or investigate a drug-related incident (and therefore may be exposed to an opportunistic situation for corrupt conduct). In addition, a small, specialised team is assigned to gather intelligence about drug crimes and to plan interdiction activities. As a risk mitigation strategy, members of this team are usually rotated after only two years, rather than after three years as in most other areas of ACT Policing.
100. However, present operational circumstances mean that rotations are sometimes delayed. Due to the aggregation of corruption risks in this area of policing, ACLEI considers that this situation may require careful monitoring by ACT Policing.
101. A specific contemporary risk relates to the illicit use or distribution of Performance and Image-Enhancing Drugs (PIEDs), such as steroids. PIEDs have a broad user-base, which includes bodybuilders, athletes, security providers, the military and law enforcement personnel. Sportspeople and members of the broader community seeking to enhance their physique or lose weight may also take PIEDs.³⁵
102. Compared to other illicit drugs, PIEDs are inexpensive and easily available, including through legitimate sources ('doctor-shopping'). Although there are illicit distribution networks, the ready availability of PIEDs from a variety of sources reduces opportunities for organised crime groups in Australia to have significant influence in this drug market.³⁶
103. The non-government agencies consulted were of the opinion that the use of PIEDs is increasing, particularly among young educated males. They advised that the majority of users do not believe they have a 'drug problem', as they do not perceive that they are taking illegal drugs.
104. In Australia, there has been a concern in law enforcement that officers may be tempted to use PIEDs to enhance and maintain their level of fitness, particularly among those that perform front-line or specialist duties. Such a situation presents numerous risks, including physical and mental health risks to users and consequent risks to the wider public. The principal corruption risks are that law enforcement users of non-prescribed PIEDs—by engaging in illicit activity, and thereby compromising their integrity—expose themselves to possible subornation or blackmail.
105. The sampling methods that are currently available to detect PIED use are expensive when compared to testing for other substances. Accordingly, the AFP mandatory drug testing program targets PIEDs on an intelligence-led basis. The availability of and demand for PIEDs is an issue to watch, since many suppliers of these substances have links to organised crime groups. With this factor in mind, sampling methods are kept under review to ensure they are effective.

³⁵ Australian Crime Commission, *Organised Crime and Drugs in Sport*, 2013

³⁶ Australian Crime Commission, *Organised Crime in Australia*, 2011, pages 69-70

106. On 5 June 2013, Assistant Commissioner Leanne Close, who was at that time the AFP National Manager of Human Resources, issued an e-mail to all staff to highlight the dangers if an appointee were to become involved with PIEDs (Appendix H).

Illicit Drugs & PIEDs	
How the risk could occur	Existing counter-measures
<ul style="list-style-type: none"> • Compromise, subornation, blackmail (eg gym networks and Outlaw Motorcycle Gangs (OMCGs)) • Grooming – offering ‘free’ illicit drugs or PIEDs to create a sense of obligation or loyalty • Trading drugs for law enforcement information or influence 	<ul style="list-style-type: none"> • Supervision – attention to behavioural and physical changes • Risk-awareness training and messaging, tailored to the topic • Mandatory integrity and security reporting • Mandatory random and targeted drug-testing • Complaint management system • Record-keeping policy and practice, contact reporting

Human source management

107. Law enforcement’s use of human sources or informants to collect intelligence is recognised as a high corruption-risk activity. Inquiries in Australia, including the Fitzgerald Inquiry and Wood Royal Commission and the Crime and Misconduct Commission 2009 investigation report *Dangerous Liaisons*, have detailed instances where police officers developed inappropriate relationships with human sources resulting in, for example:
- sources being given a ‘green light’ to pursue criminal activity;
 - sources being paid with stolen drugs in return for information on their criminal associates and competitors;
 - in their efforts to elicit useful information, police officers providing confidential information, testimonials in court processes, or other benefits without proper authority; or
 - police officers forming the view that a human source was his or her exclusive resource, rather than a resource of the police agency.
108. ACLEI Investigation Report 01/2012 *An investigation into the actions of Australian Federal Police (Australian Capital Territory Policing) appointees concerning alleged ‘tip-offs’ to a criminal, and related integrity matters* concerned information suggesting that ACT Policing appointees had inappropriately provided information (‘tip-offs’) to a known criminal.³⁷

³⁷ A summary of investigation 01/2012 appears at Appendix A.

109. While the investigation did not reveal any evidence that law enforcement information had been provided to the criminal, the Integrity Commissioner noted in his report the importance of police officers keeping thorough and complete records of contact with ‘persons of interest’ generally.
110. It is important not to underestimate the risks arising from contact with human sources and ‘persons of interest’. If an integrity breach were to occur, it would be likely to remain undetected while the prospect for harm develops. The requirement of a secondary observer when contacting a human source aims to mitigate this risk.
111. Ensuring that complete records are kept provides a measure of assurance and accountability that such interactions are part of legitimate police business. Such records assist the ACT Policing to assess the validity of any information received, to coordinate law enforcement activities, and to supervise officer relationships with people who may pose a corruption risk
112. It is inherently difficult to gauge the level of compliance—or any absence of compliance—with record-keeping guidelines. Accordingly, close attention from line managers and supervisors to officers’ maintenance of official diaries is an important and existing measure to ensure AFP guidelines and standards are adhered to, and to guard against corruption risk.

Human Source Management	
How the risk could occur	Existing counter-measures
<ul style="list-style-type: none"> • Kickbacks, bribery • Grooming – offering information to create a sense of obligation • Fostering relationships (loss of objectivity, undeclared associations) • Tip-offs, relating to law enforcement action • Trading criminal intelligence for law enforcement information 	<ul style="list-style-type: none"> • Supervision • Working in teams • Risk-awareness training, tailored to the topic • Mandatory integrity and security reporting • Governance • Complaint management system • Regular and semi-independent audits of Human Source management by National Registrar • Limited operational discretion • Record-keeping policy and practice, contact reporting • Regular staff rotation

Emerging issues and anti-corruption measures

Corruption risks arising from social networking

113. Australia has a high take-up rate for new technology and social media. The popularity of social media also provides new opportunities for criminal activity, including identity crime, fraud and money-laundering.³⁸ In addition, organised crime groups can harvest information from social networking sites to assist them to infiltrate an organisation, or to groom or compromise its employees
114. The AFP National Policy on Online Social Networking highlights personal responsibility in using social networking sites and the need for compliance with AFP Governance. The AFP internal hub notes that criminals often use social networking sites to gather information on police employees and their friends, families and associates, in attempts to identify appointees who may be susceptible to corruption or intimidation.³⁹ AFP appointees are warned that careless use of social networking sites can compromise their personal safety, the safety of family, friends and colleagues, jeopardise future career opportunities in areas such as covert policing, or create the risk that their identity may be used for illicit purposes.
115. Sensitive to these risks, the policy encourages appointees to consider the operational and integrity consequences of information or images that they may place onto social networking sites, and to remain cognisant of their role in the AFP at all times.

Social Networking	
How the risk could occur	Existing counter-measures
<ul style="list-style-type: none"> • Grooming and fostering relationships (loss of objectivity, undeclared associations) • Compromise, intimidation, blackmail • Unauthorised releases of information (intended or otherwise) • Identity theft • Infiltration 	<ul style="list-style-type: none"> • Supervision of staff and IT usage • Risk-awareness training • Governance (including a National Policy on Social Networking) • Mandatory integrity and security reporting (including on declarable associations, conflicts of interest and secondary employment) • Confidant Network, or other means for officers to seek advice • Complaint management system • Security vetting • Auditing of AFP ICT system usage.

³⁸ Australian Crime Commission, *Organised Crime in Australia*, 2011, pages 25-26.

³⁹ AFP Policy Statement – Online Social Networking.

Opportunities to ‘trade in influence’ or disclose information

116. The information and discretionary powers legitimately available to police officers can be seen as potential commodities for sale or trade with corrupt conspirators.
117. Incentives and opportunities for ‘trading in influence’ continue to emerge. Police officers or other staff members are sometimes asked by members of the public or businesses to use law enforcement influence in their favour, for example by:
- exercising discretions (for example, in traffic policing or in a regulatory context);
 - providing testimonials⁴⁰ or favourable information (for instance, to regulatory bodies or courts); or
 - accessing law enforcement information on their behalf (seeking help to find a relative, checking if a new partner has a criminal history).
118. Some requests may be benign in intent, while others may have a corrupt purpose. Regardless of the purpose, if AFP appointees were to accede to such requests without proper authority, they may—knowingly or unwittingly:
- subject themselves to corrupt manipulation;
 - facilitate criminal enterprises;
 - put inaccurate information onto law enforcement databases; or
 - release law enforcement or personal information to persons not authorised to receive it, who may then share it with others or use it for illicit purposes.
119. Security and accuracy of information is central to the delivery of the AFP’s functions—and those of ACT Policing. The AFP policies on the management of information, and the *Australian Federal Police Act 1979* (Cth) and the *Crimes Act 1914* (Cth) impose substantial penalties for unauthorised access to information, for release of information without approval, and for creating false information on law enforcement databases.
120. In addition, strict rules—developed in the context of the Wood Royal Commission—cover the provision of testimonials and ‘letters of comfort’ by AFP appointees. These rules reflect the need for due diligence before a testimonial is issued. Individual officers are prohibited from issuing AFP testimonials without proper authority. The relevant National Guideline sets out the factors that a Senior Executive manager should consider before approving a testimonial, including the purpose of the testimonial and the relationship between the subject and the AFP appointee.

⁴⁰ See ACLEI Investigation Report 03/2012—An investigation into the conduct of an Australian Federal Police appointee in relation to unauthorised disclosure of information and the giving of testimonials. In that instance, the Integrity Commissioner found that the appointee in question had acted corruptly.

121. The Integrity Commissioner’s Investigation Report 03/2012 *An investigation into the conduct of an Australian Federal Police appointee in relation to unauthorised disclosure of information and the giving of testimonials*⁴¹ concerned—in part—this type of ‘trading in influence’, although not in the ACT Policing context. In that instance, the Integrity Commissioner found that the appointee’s conduct was corrupt.
122. In his report, the Integrity Commissioner noted the measures in place in the AFP, and that a number of avenues are available—such as supervisors, AFP PRS or the Confidant Network—should an officer be in any doubt about his or her obligations or require advice.

‘Trading in influence’	
How the risk could occur	Existing counter-measures
<ul style="list-style-type: none"> • Bribery, compromise • Fostering relationships (loss of objectivity, undeclared associations) • Unauthorised releases of information: tip-offs, green-lighting • False information placed on databases • Improper use of legitimate discretions or powers 	<ul style="list-style-type: none"> • Supervision • Risk-awareness training • Mandatory integrity and security reporting • Complaint management system • Audits • Security vetting and investigations • Record-keeping policy and practice, contact reporting • ‘Letters of comfort’ policy

Organised crime

123. A number of organised crime groups have a presence in the ACT Region. Presently—largely due to the relatively small market for illicit commodities in the ACT, and a lack of direct access to international ports of arrival—their activities involve distribution of already-landed illicit goods (rather than importation), and are less likely to involve corrupt compromise as a tactic. However, it is possible that corruption risk to ACT Policing could escalate if these factors were to change, or if interdiction strategies were to intensify.

⁴¹ A summary of Investigation Report 03/2012 appears at Appendix A.

Organised Crime	
How the risk could occur	Existing counter-measures
<ul style="list-style-type: none"> • Offer of kickbacks, bribery • Grooming – to create a sense of obligation • Fostering relationships (loss of objectivity, undeclared associations) • Compromise • Infiltration 	<ul style="list-style-type: none"> • Supervision • Risk-awareness training • Mandatory integrity and security reporting (including on conflicts of interest and declarable associations) • Recruitment policy and practice • Security vetting • Complaint management system • Audits • Regular staff rotation, especially in high-risk areas

Integrity testing

124. On 12 December 2012, *Law Enforcement Integrity Legislation Amendment Act 2012* (Cth) received Royal Assent. The legislation enables the AFP, the Australian Crime Commission, and the Australian Customs and Border Protection Service to conduct covert integrity tests, when an officer or group of officers is suspected of engaging in corrupt conduct. The introduction of targeted integrity testing is expected to be an effective further measure to deter against corrupt conduct.

Conclusion

125. The project found that ACT Policing is a professional and ethical AFP business unit. It aims to have a high level of corruption awareness and has a strong commitment to professional standards. The AFP’s integrity framework and anti-corruption measures—which compare favourably with those in many other jurisdictions—provide a robust platform to assist ACT Policing in managing the integrity risks that arise from its law enforcement functions.

126. However, corruption risk, like organised crime, is dynamic and changes rapidly to take account of new barriers and changes in its environment. Drivers for corrupt conduct will continue to emerge, and must be dealt with. There will always be individuals who are more susceptible or motivated than others to take opportunities to engage in corrupt transactions, or to use their professional powers and discretions for personal gain.

127. Appendix C provides an indicative analysis of the areas of risk arising from ACT Policing's functions and activities, based on ACLEI's Corruption Risk Approach Framework.⁴² The Project Team suggests that this analytical tool could inform a deeper analysis of the anti-corruption measures in place, and identify any gaps.
128. As with other police forces, ACT Policing needs to maintain its vigilance against corruption, and continue to be adaptable in identifying and responding to corruption risks.
129. Presently, the main integrity risk in ACT Policing concerns opportunistic corruption ('individual susceptibility') and situational corruption ('misplaced loyalties'). This finding implies that the best defences will be:
- supervisors (the 'front-line of corruption control') who are alert to the signs that corrupt conduct may be occurring and well-placed to exercise control over the working environment;
 - heightening staff awareness of risk-taking behaviour which may be an 'early warning' sign of susceptibility to corruption or other misconduct; and
 - fair processes and robust checking mechanisms.
130. The Project Team also notes that, since December 2012, targeted integrity testing is available to be used within the AFP, thereby expanding the options open to investigators for collecting evidence.
131. The Project Team identified a number of opportunities to enhance the integrity framework already in place and suggests that ACT Policing, subject to other priorities:
- ensures attendance by all appointees (sworn and unsworn) at the mandatory induction program and introducing 'recall days' to provide refresher integrity training to new sworn recruits during their probationary period (AFP PRS is presently considering on-line delivery of integrity training modules);
 - reinforce a broad (rather than narrow or self-serving) interpretation of 'conflict of interest';
 - continue to develop early intervention systems (based on the 'right person, right job, right time'⁴³ principle);
 - strengthen the 'front-line of corruption control' elements delivered in the front-line leadership package; and
 - consider using the ACLEI Corruption Risk Approach Framework to supplement the existing fraud and corruption control plan process (see Appendix C).

⁴² Published in the *Annual Report of the Integrity Commissioner 2011–12*, page 84.

⁴³ After *The right person, in the right job, with the right skills, at the right time: A workforce-planning model that goes beyond metrics*, Judy Stokker, Gillian Hallam, (2009)

Appendix A

Summaries of ACLEI investigations referenced in this report

ACLEI Investigation Report 01/2011

An investigation into the actions of an Australian Federal Police (Australian Capital Territory Policing) appointee concerning the handling of controlled substances, and other integrity issues

This investigation concerned suggestions that an ACT Policing appointee had improperly disposed of illicit drugs (tablets which he had received in the course of his duties), apparently by flushing them down a police station toilet. The information raised the possibility that the appointee had not disposed of the tablets, but had kept them for his own use, or to sell or give them to another person.

Giving evidence to a hearing convened by the Integrity Commissioner, the appointee admitted to disposing of the tablets in an unapproved way. The investigation discovered no evidence that the appointee had kept the tablets. However, the appointee made other admissions, relating to retaining property improperly, misusing police vehicles and accepting gratuities from licensed premises.

In the Integrity Commissioner's view, the appointee's actions involved breaches of discipline. Accordingly, as required by section 146(1) of the LEIC Act, the Integrity Commissioner disseminated evidence concerning the appointee's actions to the AFP Commissioner, to allow him to take whatever action he considered appropriate. The AFP Commissioner later informed the Integrity Commissioner that he had dismissed the appointee, having taken this evidence into account.

Having regard to the appointee's admissions and the conduct engaged in, the Integrity Commissioner did not find that the appointee had engaged in corrupt conduct.

As more than one staff member had come forward to report aspects of the appointee's conduct through official channels, the Integrity Commissioner observed that this investigation did not reveal a wider integrity problem in ACT Policing.

Addressing corruption risk factors identified by the Integrity Commissioner during the investigation, the Chief Police Officer of ACT Policing has since put in place a revised arrangement for the lodgement of confiscated drugs and initiated a program to raise staff awareness of the need for stringent measures in relation to property management.

The full investigation report is available on available on ACLEI's website, www.aclei.gov.au under *Reports, Submissions and Speeches*.

ACLEI Investigation Report 02/2011

An investigation into the conduct of an Australian Federal Police (Australian Capital Territory Policing) appointee concerning his association with the manager of a prostitution enterprise

The AFP requires its appointees to disclose certain associations which may cause a conflict of interest. The AFP has this requirement in order to manage any risk so created, for example, by adjusting duties or by requiring an appointee to remove himself or herself from a potential conflict.

The subject of this investigation (the appointee) was in a relationship with a person who was managing a brothel, but the appointee did not disclose that relationship to the AFP. While prostitution is lawful in the Australian Capital Territory, it can be associated with criminal activity. The risks to the AFP from his association should have been apparent to the appointee.

The Integrity Commissioner found that the appointee did not engage in corrupt conduct, rather the Integrity Commissioner observed that the appointee's decision not to disclose his association was unwise and ill-judged.

The Integrity Commissioner recommended that the AFP Commissioner consider strengthening the existing training in support of the National Guideline relating to integrity reporting and the Practical Guide on dealing with conflicts of interest. The aim would be to ensure that appointees understand that they are required to declare any personal connection with businesses and occupations, even if nominally lawful, which a reasonable person would associate with incidental criminal conduct or with a corruption risk.

The AFP Commissioner has agreed to the Integrity Commissioner's recommendation.

In addition, the Chief Police Officer of ACT Policing has decided to apply remedial sanctions to the appointee who was the subject of this investigation.

The report into this investigation has not been made public. This summary was published in the Integrity Commissioner's 2010–11 Annual Report.

ACLEI Investigation Report 01/2012

An investigation into the actions of Australian Federal Police (Australian Capital Territory Policing) appointees concerning alleged 'tip-offs' to a criminal and related integrity matters

This investigation concerns two related corruption issues. The information received suggested that ACT Policing officers—who are appointees of the AFP—had inappropriately provided information (tip-offs) to a known criminal.

The investigation did not reveal any evidence that law enforcement information had been provided to the criminal.

Several corruption risks that were identified by the investigation—relating to variation in record-keeping practices of police officer contact with ‘persons of interest’ generally, and in the context of prison visits specifically—were raised with ACT Policing. Satisfied that the Chief Police Officer of ACT Policing is aware of these corruption risks and is considering their implications, the Integrity Commissioner made no recommendations.

During the course of the investigation, the Integrity Commissioner identified an additional corruption issue, as provided for by section 38 of the LEIC Act. The Integrity Commissioner referred the issue for investigation to the AFP under sub-section 26(1)(c)(iii) of the LEIC Act. No criminal or civil penalty proceedings were commenced as a result of this investigation.

As a measure to protect the identity of witnesses, the report into this investigation has not been made public. This summary was published in the Integrity Commissioner’s 2011–12 Annual Report.

ACLEI Investigation Report 03/2012

An investigation into the conduct of an Australian Federal Police appointee in relation to unauthorised disclosure of information and the giving of testimonials

This investigation relates to the conduct of an Australian Federal Police (AFP) appointee, Federal Agent A.

Although since suspended from duty, Federal Agent A was at the relevant time employed in a community liaison role that brought him into contact with a wide range of people. He was asked by some of these people, and other acquaintances, to do favours for them, and the investigation focussed on how he responded to these requests.

The actions considered by this investigation were:

- improper access to and disclosure of information for reasons unrelated to Federal Agent A’s duties; and
- the giving of testimonials (official character references) contrary to AFP requirements.

The investigation found that Federal Agent A had taken these actions, without authority and without reasonable excuse. Accordingly, the Integrity Commissioner found that Federal Agent A had engaged in corrupt conduct.

The Integrity Commissioner has recommended that the AFP Commissioner consider terminating Federal Agent A’s employment in accordance with the procedures of the AFP.

The full investigation report is available on available on ACLEI’s website, www.aclei.gov.au under *Reports, Submissions and Speeches*.

Appendix B

List of organisations consulted

[Redacted]

Appendix C

ACLEI Corruption Risk Approach Framework— indicative analysis

Corruption risk potential is at its highest when risks aggregate. Accordingly, ACLEI’s Corruption Risk Approach Framework takes five complementary approaches—*Commodity, Location, Corruptor, Susceptibility* and *Vulnerability*—to discovering, assessing and describing corruption risk.

The Framework has been used to collate and categorise areas of potential risk for ACT Policing, as identified by the Project Team.

Commodity approach	
Key questions (examples)	Possible areas of risk for ACT Policing (as at 2012)
<p>What asset(s) are you protecting from corrupt use? What in your control is of value to a corruptor?</p> <ul style="list-style-type: none"> • <i>sensitive information, such as planned law enforcement activity, or law enforcement methods (and how to counter them)</i> • <i>decision-making (eg manipulating law enforcement interventions, such as searches)</i> • <i>seized property</i> • <i>law enforcement-specific assets</i> 	<ul style="list-style-type: none"> • Information about law enforcement activities, methods, investigations, informants (tip-offs, green-lighting, leaks) • Manipulating law enforcement interventions to advantage a criminal group or undermine law enforcement outcomes (ability to ignore, destroy or manipulate evidence) • Protection or support for illicit or questionable activity (or ‘using the uniform’ to imply support) • Seized drugs or other property (may be kept for own use or to give/sell to others) • Improper exercise of law enforcement discretions or influence or improper use of police assets

Location approach	
Key questions (examples)	Possible areas of risk for ACT Policing (as at 2012)
<p>Where are the geographical areas or activities of highest corruption risk?</p> <ul style="list-style-type: none"> • <i>movement of goods or passengers</i> • <i>intelligence-based investigation (eg human source handling)</i> • <i>drug law enforcement</i> • <i>shared environments, where the risk of detection can be lessened</i> • <i>high-discretionary power, low supervision, low rotation</i> <p>What other environments might be less protected from corrupt activity, and be a weakness in the system?</p>	<ul style="list-style-type: none"> • Community policing, involving frequent contact with criminals, 'persons of interest' or special interest groups • Human source handling • Drug law enforcement • Officers 'on the road' with little supervision and high levels of discretion • Isolated functional or geographic groups may develop variations in work practices or differences of values with the wider organisation

Corruptor approach	
Key questions (examples)	Possible areas of risk for ACT Policing (as at 2012)
<p>Who may want to corrupt your staff, and why?</p> <ul style="list-style-type: none"> • How does their business model work? (bribery, subornation, infiltration, family ties) • What profits are involved? • What are the law enforcement barriers they need to defeat, in order to conduct illicit activity? 	<ul style="list-style-type: none"> • Organised crime, especially in relation to drug-dealing, where profits may be high • Illicit businesses, or highly-regulated industries—nightclubs, prostitution, security • Members of the public who may wish officers to exercise law enforcement discretions or influence in their favour • Businesses (nightclubs, prostitution, gaming venues, security, gyms) for whom the absence or presence of uniformed officers may provide a competitive advantage or some other advantage <p>Methods:</p> <ul style="list-style-type: none"> • Kickbacks, bribery • Fostering relationships • Compromise • Subornation, grooming • Infiltration

Susceptibility approach	
Key questions (examples)	Possible areas of risk for ACT Policing (as at 2012)
<p>Who of your staff may be vulnerable to corruption, if the circumstances allowed?</p> <ul style="list-style-type: none"> • <i>attitudes to integrity</i> • <i>workplace dysfunction</i> • <i>personal susceptibilities</i> <p>Who, beyond known individuals, may be involved or recruited?</p>	<ul style="list-style-type: none"> • 'Pockets' of specialists forming sub-cultures • Disgruntled or disillusioned members • Less experienced officers • Officers operating without adequate supervision • Officers with conflicting obligations (eg. family or community ties, membership of organisations) • Officers whose loyalties are to colleagues, rather than to professional standards (misplaced loyalties) • Risk-taking individuals with a sense of entitlement, who may put private interests ahead of public interests • Officers may become desensitised to their access to law enforcement powers and discretions and put them to unauthorised use • High-performing officers for whom the end justifies the means • Officers taking illicit or performance-enhancing drugs, or who have gambling addictions may be vulnerable to blackmail or compromise by organised crime • Officers undergoing personal stress (divorce, financial stress), whose judgement may be impaired

Vulnerability approach	
Key questions (examples)	Possible areas of risk for ACT Policing (as at 2012)
<p>What are the strengths of your systems (that a corrupt officer may need to circumvent)?</p> <p>What are the weaknesses in your systems (that a corrupt officer could exploit)?</p>	<p>Strengths</p> <ul style="list-style-type: none"> • Strong integrity culture, in which officers are alert to risks and indications of corrupt conduct and report their suspicions • The Confidant Network—support for staff who have integrity concerns, and whistle-blowers • Mandatory integrity and security reporting • Detection mechanisms • Strong governance, addressing integrity issues • AFP attention to keeping integrity framework up to date • Good detection and investigation mechanisms: information technology audits, drug testing, complaints system, engagement with industry bodies <p>Weaknesses</p> <ul style="list-style-type: none"> • High levels of discretion in operational policing • High levels of stress and demand to achieve outcomes in a tightening fiscal environment • Potential for inexperienced or disaffected staff to do the wrong thing

Appendix D

Risk typology of law enforcement corruption

Activity	Examples of risk
Abuse of office	
Conduct that seeks to gain profit or benefit for self or others	<ul style="list-style-type: none"> • accepting, receiving or seeking illegitimate rewards, ‘kickbacks’ and/or bribes for any service (including services that would normally be provided free of charge in the course of normal duties); • providing preferential treatment in expectation of a reward; • accepting, receiving or seeking rewards on behalf of another person, with or without that person’s consent; • accepting, receiving or seeking payment for any corrupt act; • improperly selling services or information to any person; • extorting, or attempting to extort, benefits of any kind; or • stealing money, property or drugs during arrests, search warrants or other contact with the public.
Conduct that uses proper powers and discretions for an improper purpose	<ul style="list-style-type: none"> • misusing legitimate authority to apply discretion such as: <ul style="list-style-type: none"> ▪ ‘turning a blind eye’ to the criminal actions of friends, family or criminal associates; ▪ punishing or investigating other people without adequate cause; ▪ favouritism in the discharge of duties. • misusing detention powers, such as unwarranted arrest or misuse of bail procedures; • misusing surveillance, telephone interception or search powers; • knowingly providing incorrect information in an affidavit to obtain access to intrusive powers; • using powers to blackmail, extort or threaten individuals or organisations; • excessive use of force (or threats) to elicit information or prevent information from coming forward; or • using privileged access to information for personal purposes.
Conduct that uses law enforcement functions to support or assist criminal activity	<ul style="list-style-type: none"> • participating in criminal activity, including use of agency property— for example vehicles, uniforms, firearms or surveillance devices; • offering or providing protection to criminal activity; • offering or providing information to one or more criminal groups; • engaging in any activity that sabotages law enforcement efforts; • diverting law enforcement efforts or attention to advantage one criminal group over another; or • using poor investigation practices to evade scrutiny of criminal activity.
Conduct that misuses information to support or assist criminal activity	<ul style="list-style-type: none"> • seeking or obtaining classified, sensitive, confidential or personal information, for any improper purpose; • improperly seeking or obtaining information about law enforcement investigations, methods, processes or plans; • providing or leaking information to unauthorised persons about individuals, witnesses, investigations or any aspect of law enforcement; • providing or leaking information to unauthorised persons that may assist them in a criminal act or that may advantage one criminal group over another; or • making unauthorised public comments about law enforcement methods, practices or targets.

Activity	Examples of risk
Perversion of the course of justice	
Conduct that sabotages the impartial detection, investigation and prosecution of crimes	<ul style="list-style-type: none"> • agreeing to ‘look the other way’ when crime is committed; • interfering with evidence, including failure to collect or document evidence properly; • planting, falsifying evidence or ‘verballing’ to get a conviction or to ‘frame’ a person; • destroying evidence which could incriminate a suspect or clear another; • withholding criminal intelligence or information from an investigation; • laying false charges, not laying charges or laying lesser charges; • committing perjury; or • interfering with witness testimony or prosecution processes using bribery, extortion, blackmail or other promise, threat or inducement.
Corruption of other kinds, having regard to the duties and powers of the staff member	
Conduct that may assist infiltration of an agency by criminal or corrupt groups	<ul style="list-style-type: none"> • ‘grooming’ or introducing others to corruption opportunities; • forging qualifications or references to get a job or help place a person in an agency; • favouritism or nepotism in recruitment, promotion or transfer; • passing on information about recruitment or promotion practices; or • leaking information about individuals engaged in investigations, joint operations, taskforces, etc.
Conduct that places at risk the impartial function of an agency	<ul style="list-style-type: none"> • improperly associating with criminals; • engaging in criminal or suspect activity, such as illicit drug-taking or heavy gambling; • using the uniform to support private business, eg to imply law enforcement support for a questionable activity; or • using a police vehicle, firearm or other law enforcement-related property for private or illegitimate purposes.
Conduct that facilitates corruption	<ul style="list-style-type: none"> • failure to declare conflicts of interest or improper associations; • failure of supervisor to manage or treat conflicts of interest raised or declared by staff; • accepting a ‘share’ of profit or benefits from others’ corrupt activities; • failing to report corrupt activity or misconduct; • attempting to cover up or hide misconduct or corrupt behaviour of self or others; or • obstructing inquiries of the Integrity Commissioner and others responsible for investigating corruption and misconduct

Appendix E

Themes arising from ACLEI investigations

ACLEI has identified a number of 'themes' from the Integrity Commissioner's investigations between 2006 and 2012, across all three agencies in the Integrity Commissioner's jurisdiction.

These risks, and—if realised—their consequences, could be exploited by:

- external people (such as criminals) who may target law enforcement agencies for information;
- internal people (or former staff) who may misuse their own positions to assist others for private reward.

Corruption risks and precursors

- The management of law enforcement information poses a constant and difficult corruption risk. Inappropriate or unauthorised disclosure of law enforcement information, includes:
 - leaks—the unsanctioned disclosure of official or sensitive information to people who are not authorised to receive it;
 - green-lighting—when a corrupt or compromised official informs criminals when or where it would be safe to engage in illicit activity without fear of detection; and
 - tip-offs—when a corrupt or compromised official warns criminals of current or planned law enforcement activity.
- certain law enforcement activities, such as drug- and property- handling, covert operations, handling of human sources, or regular contact with criminals or members of the public present greater opportunities for some types of corrupt conduct, or place officers at a higher risk of corrupt approaches than other activities. In the course of their duties, AFP appointees involved in community policing or liaison roles interact with a wide range of people, including known and suspected criminals.
- Law enforcement officers may become desensitised to their operating environment, contributing to the unauthorised use of powers or equipment.
- Lack of understanding of the purpose of guidelines or a need to resolve competing work obligations may lead to 'work-arounds', 'short-cuts' or avoidance of proper procedure becoming accepted practice and not routinely reported. Such a situation opens the possibility that police officers could engage in corrupt conduct, without the prospect of detection.
- Variation in record-keeping practices, for example in recording contact with persons of interest, registered or unregistered informants, or other members of the public. Ensuring that complete records are kept provides a measure of assurance and accountability that such interactions are part of legitimate police business, and allows the law enforcement agency to supervise such activity properly.

- Law enforcement officers may develop misplaced loyalties, affecting their objectivity and judgement. Misplaced loyalties may include:
 - a culture of loyalty to colleagues rather than to professional standards, creating the possibility that colleagues would not recognise or report corrupt conduct or would undermine investigation efforts; or
 - local sub-cultures that may arise in independent or isolated functional or geographic groups, leading to variation in work practices or a dissonance of values with the wider organisation.
- Undeclared relationships or associations raising a real or perceived conflict of interest can compromise the impartial exercise of officers' duties, affect their objectivity or call their integrity into question. A failure to report declarable associations or make contact reports denies a law enforcement agency the opportunity to manage risk and may jeopardise investigations or the agency's reputation and effectiveness. Such associations may include:
 - personal relationships between serving and former law enforcement officers (which could lead to unauthorised disclosures of information);
 - personal associations or contact with criminals or criminal groups;
 - familial or cultural ties, or membership of organisations; and
 - personal associations with lawful businesses or occupations, where those businesses or occupations may obtain real or perceived advantages as a result of the associations.
- Disgruntled staff (or ex-staff) may be more willing to jump to conclusions based on partial information or hearsay—thereby damaging relationships and creating or reinforcing negative perceptions of their employer—may be susceptible to approaches for information by outside parties, or may actively seek to undermine the organisation for which they work.
- Self-serving interpretations of policies and guidelines, where officers ask themselves if an action or relationship is technically permissible or lawful, instead of if it would be wise. Not to take this step involves (consciously or otherwise) personal risk-taking that can erode professional standards and deprives the law enforcement agency of the opportunity to manage its risks effectively.
- Staff perceptions that the risk of detection of misconduct is low or that penalties are weak, reduce the deterrence value of professional reporting ('whistleblower') systems and may encourage risk-taking behaviour.
- Cultural acceptance of certain types of unethical behaviour, such as rumour-mongering, dulls the ability or preparedness of staff members to recognise and report indications of corruption.
- Lack of confidence in management systems undermines the detection and reporting of corruption and sets up a culture in which avoiding management intervention is acceptable behaviour.

ACLEI observations regarding management of corruption risk arising from investigations

- Managers and supervisors are the front-line of corruption control. They are well-placed to observe the signs that corrupt conduct may be occurring and to exercise control over the working environment. Accordingly, supervisors require a high awareness of corruption risk and of the indicators of corrupt conduct in order to consider and manage the integrity implications of staff performance issues, and to identify and report corrupt conduct.
- Management practices should build and maintain trust with staff. Responding consistently and proportionately to integrity breaches is one way for management to foster trust and encourage reporting of suspicions, including self-reporting of personal integrity issues.
- Instilling and supporting a culture based on professional values, to counter misplaced loyalties and sub-cultures, helps to ensure adherence to guidelines and encourage reporting.
- Clear and well-promulgated policies and guidelines, supported by training to assist staff members to identify and take into account ethical matters when making choices and decisions in the course of their work, and to consider, as a matter of routine, the relationship between their private interests and their law enforcement role.
- Detection and deterrence mechanisms affect the risk-calculation about unethical or corrupt conduct being discovered and the possible consequences. These mechanisms might include—among others—mandatory reporting, information technology security audits, auditable data logs, ‘red flag’ analyses, sunshine policies, risk-profiling, quality review programs in high-risk areas, integrity testing, dismissal powers and the ability to issue orders that are binding on the workforce.

Appendix F

Internal corruption controls used by law enforcement agencies

Ref: ACLEI submission to the Parliamentary Joint Committee on ACLEI *Inquiry into law enforcement integrity models*, Annexure One, June 2008

- Values-based organisation (to make corruption 'offensive', not just 'offensive')
- Process accountability in high risk activities
 - Eg, controlled operations, telecommunications and data interception, and surveillance devices
 - Access by warrant only
 - Strict accountability regime comprising, inspection of records by the Commonwealth Ombudsman, and annual reporting by agencies on the effectiveness of operations to the Attorney-General
 - Evidence Act requirements for fair interviews with police, such as the 'caution rules' or 'Judge's rules'
 - Strict internal controls for Covert Human Information Source (CHIS) Management
 - 'Letter of comfort' – strict internal controls
- Policy and practices
 - Formal 'release of information' protocol
 - Drug-handling policy and drug registry practices
 - Property handling controls
 - Video and audio taping of searches and seizures
 - Video and audio taping of interviews
 - 'Use of force' forms
 - Secondary work policy
 - Regular rotation of staff in high corruption risk task areas
 - Mobile phone usage auditing
- Detection/Deterrence/'Early Warning' program
 - IT security audits, data security standards, 'red flagging' analysis
 - Mandatory random alcohol and drug testing, and targeted testing following critical incidents;
 - Personnel financial assets declarations;
 - Personnel 'Conflict of Interest' declarations;
 - Personnel security and risk assessments;
 - A quality review program targeting high corruption risk investigations;
 - Officer profiling
- Risk-based supervision
 - Operational risk assessment and attentive management of corruption-vulnerable areas;
 - Reduce operational discretion in high corruption risk areas
- Recruitment
 - Pre-recruitment suitability testing;
 - Recruiting for diversity;

- Information-gathering
 - A ‘professional reporting’ internal whistleblower scheme;
 - Obligation for staff members to report misconduct and suspected misconduct.
- Internal investigation powers and practices
 - Coercive interview powers for internal investigators, including a disciplinary offence for failing to attend or answer questions;
 - ‘Sunshine’ policy (controlled, formal release of information about the outcome of corruption and misconduct investigations; investigation debriefs for affected staff; capturing of ‘lessons learned’)
 - Integrity testing program
- Commissioner’s employment power
 - A Commissioner’s ‘no-confidence’ or other power to dismiss, with limited appeal right in cases of serious misconduct.

Appendix G



AFP Integrity Framework

<p>1. Prevention</p>	<p>Recruitment – Integrity and Security Gateways</p> <ul style="list-style-type: none"> • Screen recruits for character and security issues.
	<p>Code of Conduct</p> <ul style="list-style-type: none"> • High standards apply to all employees – sworn or unsworn, on and off duty • Enabled through legislation – <i>Australian Federal Police Act 1979 (Cth)</i> (AFP Act) • Detailed in Commissioner’s Order (CO2) • Mandatory to report non-compliance.
	<p>Governance and Oversight</p> <ul style="list-style-type: none"> • AFP values feature in strategic and business planning processes • Part V of AFP Act, coercive powers for Professional Standards (PRS) investigators • Fraud and Corruption risk planning in consultation with the Australian Commission for Law Enforcement Integrity (ACLEI) • Commissioner’s Command Powers used to direct Professional Standards • Commissioner can suspend and terminate appointees for misconduct • Reporting obligations are made clear - guidance in conflict of interest, declarable associations and secondary employment • Complaints oversighted by Ombudsman • Corruption investigations oversighted by ACLEI • General oversight through Parliamentary Joint Committee (PJC) on Law Enforcement.
	<p>Education and Awareness</p> <ul style="list-style-type: none"> • Integrity awareness in all recruit, induction, overseas deployment and leadership programs • Use of case studies and complaint outcomes on the internal web page • AFP values on computer screen savers • AFP values prominently displayed throughout organisation • Values are the basis for leadership discussions • Application of values is an important consideration in promotions, deployments, issuing of awards, performance feedback and performance pay (SES only) decisions.

	<p>Early Intervention/Ethical Health</p> <ul style="list-style-type: none"> • Co-operation between relevant areas of AFP (i.e. operations, human resources, professional standards, health and welfare, security) to identify individuals who may warrant early intervention • Early Intervention System designed around proactive support and education for individual members • Metrics and indicators used to intervene prior to misconduct or corruption arising.
2. Detection	<p>Confidant Network</p> <ul style="list-style-type: none"> • Independent area reporting directly to Assistant Commissioner/SES2 • Over 200 trained Confidants • Provides independent and discreet information, advocacy and support to staff to deal with integrity dilemmas in the work environment.
	<p>Drug and Alcohol Testing in the AFP</p> <ul style="list-style-type: none"> • Supported by the AFP Act) • Applies to all employees – sworn and unsworn • Conducted by private provider on or off AFP premises • Random program • All new recruits • May be required as a result of PRS investigation or response to critical incident.
	<p>Integrity Testing</p> <ul style="list-style-type: none"> • Legislation enacted in December 2012 • AFP building capability.
	<p>Integrity Assurance and Intelligence</p> <ul style="list-style-type: none"> • Integrity reporting mandatory and centrally analysed to enable appropriate response/intervention/advice • Intelligence systems applied to proactively detect integrity risk behaviours of appointees or work areas.

<p>3. Response</p>	<p>Investigations/Employment Suitability</p> <ul style="list-style-type: none"> • Serious misconduct investigated by an independent team of experienced Police Officers • Manager has direct access to Commissioner as required • Able to apply coercive powers under the AFP Act Maintain a close relationship with HR to assist in managing suspensions, terminations, sanctions and other remedies • Proactive referrals to health and wellbeing services when appropriate • Strong support from AFPA (within their reasonableness test) • Corruption complaints MUST be referred to ACLEI • Minor misconduct and customer service complaints predominantly dealt with by supervisor/manager in workplace except in circumstances of conflict of interest • Investigators are rotated regularly through PRS.
	<p>Australian Commission Law Enforcement Integrity (ACLEI)</p> <ul style="list-style-type: none"> • All corruption complaints referred to external body - ACLEI • PRS may work jointly with ACLEI (who have coercive powers of direction).
<p>4. Continuous Improvement</p>	<p>Internal</p> <ul style="list-style-type: none"> • Dedicated PRS team continuously reviewing and improving the Integrity Framework • PRS governance is risk based and supported by national and international benchmarking • Continuous learning cycle applied to improve AFP systems, PRS prevention messages and investigations.
	<p>External</p> <ul style="list-style-type: none"> • Engagement with the Commonwealth Ombudsman's Office and reviews and the Australian New Zealand Policing Advisory Agency - Integrity Forum, for informing best practise improvements

Appendix H



5 June 2013

ALL AFP STAFF:

A healthy and safe workforce is important for maintaining the high standards expected by the AFP, government and the community.

In light of continuing media attention about performance enhancing drugs, supplements, over-the-counter stimulants and prescription products, it is appropriate to alert all staff of the potential health, safety and integrity risks arising from such use.

Supplements must meet Australian Standards with correctly labelled ingredients. However, contents are known to change over time and may not necessarily be consistently manufactured with quality assurance regimes, particularly if sourced internationally via the internet. Pharmaceutical products need to be used in accordance with instructions from qualified health professionals. Additionally, recent incidents highlight that organised crime elements have sought to target law enforcement personnel attending gyms, tattoo parlours and at social gatherings. This highlights the risk of compromise and corruption of individuals in the AFP.

If you are concerned about health risks contact Wellbeing Services or a health professional e.g. your general practitioner.

Personal responsibility in line with the AFP's Policy on Alcohol and Drugs is pivotal to upholding AFP integrity. If you have any information about the integrity risks highlighted please contact Professional Standards for advice or submit an Integrity Report via the AFP Hub.

Professional Standards are everyone's responsibility.

Regards

Leanne Close



ASSISTANT COMMISSIONER LEANNE CLOSE

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