Implementation of Recommendations in Tink

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Introduction

This report seeks to look into the success in the implementation of some of the recommendations contained in the Tink report on the Review of police oversight by the Law Enforcement Conduct Commission (LECC). Some of the key recommendations assessed in this report highlight the extent of success in the application of changes proposed by the Crime Commission about police oversight duties. In the report, we assess the success of the implementation of recommendations 1, 44 and 45 as suggested in the Tink report. Recommendation 1 proposes the formation of a single civilian police oversight commission to replace the existing oversight bodies. Recommendations 44 and 45 provide guidelines for the monitoring of the investigatory activities undertaken by the new commission over NSW Police to ensure the maintenance of good public confidence.

Main Context

#1. Recommendation 1: The government successfully implemented the first recommendation in the Tink report that proposes the creation of a single civilian police oversight commission that should replace the pre-existing bodies.

The government established the Law Enforcement Conduct Commission as the new single commission mandated to perform the oversight duties on the work done by the police force in New South Wales. The new Commission replaced the incumbent oversight bodies, including the commission tasked with checking the integrity of the police, PIC, and the police division of the Ombudsman's office, as well as other oversight bodies that existed before its establishment (NSW Government Justice 2017, pp. 1). LECC took over the functions undertaken by the different oversight bodies and now serves as the central body through which the public can report any issue concerning the conduct of police officers (Tink 2015, pp. 4).

This has eliminated the duplication of roles that previously existed when separate bodies tasked with oversight duties were functional. This makes it easier for the public to report issues related to police activities within the community in New South Wales and follow the progress of the case from a central point. The merging of pre-existing bodies to form a single civilian entity known as the Law

Enforcement Conduct Commission eliminates the overlapping of roles that existed when several oversight bodies were in existence, thereby complicating the process of solving police-civilian disputes (McGowan 2018, pp.1).

Through the Law Enforcement Conduct Commission, the process of dispute resolution between police officers and the public has become more elaborate, which enhances harmony and peaceful coexistence between the two. The creation of a single civilian oversight body also increases the cost of operations of the oversight body due to the reduced budget (NSW Government Justice 2017, pp. 1). The excess resources regarding personnel and operating costs that were allocated to the different bodies that were in existence for the performance of similar functions are now allocated to LECC, which requires minimal resources as it is centrally placed.

The Law Enforcement Conduct Commission is now tasked with conducting investigations into alleged lack of proper conduct and poor administration of laws and policies by law enforcement officers or police, whether currently employed or previously employed by the police force and the Crime Commission in New South Wales (NSW Government 2015, pp. 1). In accordance with the recommendations outlined in the Tink report on a review of police oversight, the LECC is tasked with the oversight role of ensuring the New South Wales police force, together with the Crime Commission, conducts proper investigations into the alleged misconduct of their employees.

#2. Successful implementation of Recommendations 44 and 45 in the Tink Report: The commission was tasked with monitoring investigations done by the NSW Police Force. Concurrently, it should also observe complete non-interference in the conduct of the investigations to maintain a high level of confidence.

The government, in accordance with the recommendations proposed in the Tink report, has mandated the Law Enforcement Conduct Commission to play an oversight role over the New South Wales Crime Commission, which is tasked with the role of conducting investigations into serious cases that are related to crime as well as organized crime (Tink 2015, pp. 3). The Law Enforcement Conduct Commission also plays an oversight role for the New South Wales police force, which is still mandated under the recommendations in the Tink report to conduct investigations into critical incidents that occur within the community. It is necessary to ensure the new commission oversees the activities of the police force due to concerns raised by the public concerning the integrity of the exercise.

The NSW police force notifies the Law Enforcement Conduct Commission before the commencement of an investigative activity concerning a critical incident. After notification, the officers working for the commission will assume the oversight duties, including visiting the scene of the crime, receiving investigation reports and participating in the interviews of witnesses to the incident being investigated. However, this does not mean that the commission may interfere with the process of the investigation through direct control (McGowan 2018, pp.1).

The New South Wales government ensures that the Law Enforcement Conduct Commission does not overstep its mandate according to the constitution by appointing an inspector who monitors the operations of the commission. The inspector conducts an audit exercise on the commission regularly to assess how it uses its secret powers (NSW Government 2015, pp. 1). The inspector also carries out an investigation into the conduct of the commission to make sure it follows the law in the execution of its constitutional mandates while at the same time maintaining good public confidence. The inspector, on the other hand, is answerable to the parliament in New South Wales.

The implementation of the recommendations contained in the Tink report has, however, been accompanied by a lot of challenges that have prevented the new commission from effectively performing its oversight role. The cases that the commission is currently handling are continually increasing while the commission is inadequately funded by the government. This challenge, coupled with a lack of enough personnel in its ranks, makes it unable to fulfil the recommendations. In a recent assessment of the overhaul of police oversight by the New South Wales government, it noted that more than fifty complaints concerning the integrity of the police had been ignored in the last seven months due to a lack of sufficient funds to follow them up (McGowan 2018, pp.1).

Conclusion

The approach recommended by the Tink report, if fully implemented by the government, presents an opportunity to oversee the activities of the police force to make sure they are accountable for the execution of their duties. Although major gaps are still present in the model proposed by Mr Tink, it has great potential to improve the effectiveness of the performance of the oversight bodies. At the same time, it minimizes the costs of operations and eliminates the confusion and uncertainty experienced by the public when reporting incidents.

References

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