

STRATEGIC PLAN 2009–13

CRIME AND
MISCONDUCT COMMISSION

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COMMISSION



QUEENSLAND



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Our vision

That the CMC make a unique contribution to protecting Queenslanders from major crime and to promoting a trustworthy public sector.


Our mission

To combat crime and promote public sector integrity.

Our values

- Integrity
- Accountability
- Respect
- Excellence and innovation

We will:

- Act with independence, impartiality and fairness in the public interest.
 - Show commitment to the rule of law.
 - Embrace excellence, professionalism and teamwork.
 - Be responsive and work collaboratively with our stakeholders.
 - Demonstrate respect between and for staff.
 - Value our staff.
 - Demonstrate leadership, innovation and flexibility.
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Context for the Strategic Plan 2009–13

A major review of the CMC

Introduction

The Crime and Misconduct Commission (CMC) foreshadowed in its Strategic Plan 2008–12 the intention to conduct a major review of its functions and strategic direction during 2008. Our review, supported by an independent facilitator, included consultation with external agencies including the Queensland Police Service (QPS), a selection of public sector agencies in Queensland, partner law enforcement agencies in other jurisdictions, and community and civil liberties groups. CMC staff also had the opportunity to contribute to the review and to subsequent planning meetings.

Our review confirmed the continuing essential role of the CMC in respect to its core functions: to combat major crime, to provide Queensland's witness protection service, and to strengthen integrity in public sector institutions and the QPS through its misconduct oversight, prevention and investigative roles. The review also confirmed the continuing value and relevance of the CMC's support activities which include research and prevention, proceeds of crime confiscation, intelligence, operations support and corporate support.

Our review also identified social trends and future challenges relevant to the CMC's strategic direction. These trends, and review conclusions, suggest that the CMC should adjust some of its strategies to best continue to meet its objectives. As an organisation we must provide services so as to achieve our objectives efficiently and effectively, and contribute to the state government's ambition of a fair Queensland, a safe and caring community.

The Queensland environment

The capacity of the QPS to deal with major crime has improved significantly over the last 20 years, partly through its ongoing collaboration with the former Criminal Justice Commission and, since 2002, with the CMC. Today the CMC works closely with the QPS and other national law enforcement agencies.

Through its intelligence and research functions, and intelligence sharing with other law enforcement agencies including the QPS, the CMC is able to prioritise and target its efforts to combat major crime including its proceeds of crime confiscation activity. This ensures that its activities add value to the overall law enforcement effort in Queensland.

As well, since the time of the Fitzgerald Inquiry in the late 1980s, we have seen a greater awareness in the public sector of the community's requirement for integrity and accountability.

Despite these improvements Queensland faces a range of risks and challenges that could impact on the ability of the CMC to achieve its objectives.

Risks and challenges and our responses

The primary risks that we have identified within this environment, and our intended responses, are discussed below.

1 Crime and corruption and technology

Rapidly evolving technologies and the impacts of globalisation pose new challenges for crime and corruption detection, prevention and investigation.

What we will do:

Recently acquired telecommunications interception powers will significantly improve the CMC's ability to respond efficiently and effectively to crime and corruption threats.

The CMC will therefore develop its capability for telecommunications interception and enhance its forensic computing and proceeds of crime confiscation activities. We will ensure our officers are equipped with the highly specialised technological and computer-based skills required to prevent and combat major crime and corruption.

2 Frontline policing environment

The context of frontline policing has become more challenging with the increasing prevalence of civil disobedience, substance abuse, and violence including the use of weapons.

What we will do:

The CMC, in partnership with the QPS, will be increasingly proactive in research, prevention and capacity building, to ensure that frontline police practice is effective and appropriate. This includes monitoring the impact of police powers and police responses to street violence and the use of emerging enforcement technology such as Tasers and, where appropriate, reporting on these matters.

3 Working with national and interstate agencies

Criminals and those engaged in official misconduct increasingly disregard state and national boundaries.

What we will do:

The CMC, along with the QPS, will continue to investigate opportunities identified in intelligence material from national and interstate agencies involved in the detection of high-level organised crime and corruption.

4 Major crime priorities

The CMC is experiencing an increasing demand for the allocation of its limited resources, which impacts on its capacity to deliver on priorities. These priorities include confiscating criminal proceeds, investigating organised criminal activity (for example, drugs and money laundering) and paedophilia, and conducting coercive hearings (both in support of the CMC's own operations and to assist other law enforcement agencies).

What we will do:

The CMC will explore the avenues available to it to meet these resourcing challenges.

5 Dealing with allegations in respect to misconduct

Currently, the CMC receives or is advised of complaints alleging 'misconduct' in the QPS and the broader public sector. However, the CMC does not have the resources to investigate every complaint and it is not appropriate that it should.

What we will do:

The CMC will continue to formally investigate the most serious allegations of misconduct in the QPS and the public sector, monitor the way that public sector agencies deal with misconduct, and build the capacity of agencies to prevent and deal with misconduct.

Risks and challenges and our responses

Continued

6 Complaints resolution

Dealing with complaints is not just about identifying and responding to the inappropriate conduct of an employee. Equally, it is about identifying and addressing any systemic problems, control deficiencies or other workplace issues such as organisational culture and client service standards. The overall focus is on the agency learning from complaints that arise.

Traditional investigative approaches to resolving complaints of misconduct may be expensive, inefficient and ineffective. The substantiation rate of formal investigations is very low and such investigations do not necessarily deal effectively with all the issues.

Many complaints can be resolved in ways other than investigation. Management action can be taken to deal with less serious inappropriate staff behaviour, address underlying systemic or workplace issues, and resolve the concerns of complainants and whistleblowers.

Giving responsibility for managing complaints to managers at the appropriate local level within an agency facilitates a more effective outcome.

What we will do:

The CMC will continue to work with certain agencies including the QPS to implement revised approaches that focus on resolving complaints more effectively and ensuring that integrity is strengthened as a consequence. These approaches now need to be incorporated into routine practice.

The public sector. *The CMC will base its approach on further devolving to, and within, public sector agencies (when they demonstrate the required capability) the responsibility to register, assess, monitor and deal with their own misconduct complaints. Already, many public sector agencies, including state government departments, statutory authorities and local governments, have developed the internal capacity to deal effectively with complaints alleging serious misconduct. The CMC will continue to assist this development.*

The police service. *In conjunction with the CMC, the QPS is implementing a localised complaint resolution process through the direct contact of supervising police officers with complainants and subject officers. The process is being trialled within two police regions and will be implemented across the state as each region and command demonstrates the required capability. Adopting this process is intended to deliver swift and effective resolution for the parties involved, and improved outcomes for the community and the QPS.*

Addressing the public interest. *A fundamental purpose of the CMC is to reassure the community about the integrity of Queensland's public institutions, through its strong oversight and investigation roles. Fulfilling this purpose requires public sector agencies to be ultimately responsible and accountable for the standards of integrity and conduct that they promote and maintain. The CMC's observation, supported by the experience of other jurisdictions, is that a strong integrity-driven culture is best achieved when managers at every level accept the responsibility to deal with instances of misconduct in their immediate work unit.*

The CMC will promote public confidence and manage any public concerns associated with the devolution model by enhancing its oversight and monitoring role, strengthening its misconduct prevention and capacity-building work with agencies, and using its multidisciplinary resources to support agencies in their own endeavours to manage complaints, resolve and prevent misconduct and build capacity. This evidence-based approach will promote both integrity and professional practice within public sector agencies.

We will continue to report publicly on standards of integrity being achieved by the state's public institutions and, as mentioned earlier, will continue to formally investigate the most serious forms of criminality and misconduct in the QPS and public sector.

7 Higher risk areas within the public sector

Local government. Recent council amalgamations and foreshadowed changes to the *Local Government Act 1993* will provide a larger financial base and greater autonomy to certain local councils, exposing them to greater risks of misconduct.

What we will do:

The CMC will continue to work with local governments generally to build capacity and strengthen integrity within the sector in areas of greatest need. Smaller remote councils may require special support as they continue to face the challenge of retaining skilled personnel.

Corporatised entities. Governments have increasingly corporatised, privatised or outsourced, in partnership with the private sector, significant areas of activity including major expenditure on capital and infrastructure projects. The resulting entities are often placed beyond the jurisdiction of the CMC, which may limit systemic improvement opportunities known to enhance integrity and probity in the public sector. The sharing of such opportunities is in the public's interest.

What we will do:

The CMC will continue to trial integrity-strengthening initiatives in the public sector through its research, prevention and capacity-building role. It may commend initiatives seen as relevant to shareholding Ministers of government-owned corporations for adoption or consideration by the corporatised entities in their portfolios.

Misconduct in senior positions. The CMC is aware that the community's confidence is most seriously eroded when those in the most senior positions of trust fail to act with impartiality and integrity.

What we will do:

To maintain public confidence the CMC will continue to investigate allegations of official misconduct involving senior officials, elected representatives and their staff and,

where misconduct is confirmed, recommend appropriate individual or systemic solutions.

8 Whistleblowing

Laws and processes have been adopted in recent years aimed at protecting those who, in the public interest, report instances of serious problems and/or misconduct in public agencies.

What we will do:

The CMC will participate with other agencies such as the Queensland Ombudsman and Public Service Commission in striving to implement these laws so as to achieve best practice protection for whistleblowers. Through its capacity-building role with public sector agencies, the CMC will contribute to developing more responsible workplaces where reporting of problems and continuous improvement become routine practice. In this the CMC will be guided by recent national research on the topic.

9 Resourcing issues

The CMC has specialist functions which demand personnel with particular skills and the highest standards of integrity. Staff need to understand the structure and culture of public sector agencies in which they are investigating official misconduct and/or supporting systemic prevention and integrity improvement.

What we will do:

The CMC will increasingly need to turn to secondments, partnerships and time-limited contractual appointments to attract and renew appropriately skilled personnel. This will complement existing tenured arrangements. When personnel seconded to the CMC return to their agencies, they will be in an enhanced position to contribute to integrity-strengthening endeavours.

STRATEGIC PLAN

2009–13

The CMC's priorities

Within the term of this plan, the CMC as a whole will address the following priorities:

- Develop telephone interception capability incorporating necessary public interest safeguards.
- Further devolve responsibility to public sector agencies to resolve complaints, subject to the CMC's ongoing oversight, and support the agencies through building their capacity.
- Address the CMC's recruitment and staff retention challenges.

Objective

Prevent and combat major crime

The CMC uses its specialist skills and unique powers to combat major criminal activity, complementing the work of other Commonwealth and state law enforcement agencies.

How we will achieve our objective

The CMC will:

- conduct longer term multidisciplinary investigations, both in its own right and in partnership with other law enforcement agencies, into criminal activities relating to organised crime and criminal paedophilia (including internet-based and networked recidivist offenders)
- utilise its intelligence function and intelligence from other law enforcement agencies to:
 - conduct risk assessments of Queensland crime markets
 - target major crime networks
 - provide strategic reporting on crime markets, trends and issues
- continue to use coercive hearings to further major crime investigations referred by the Crime Reference Committee
- secure the personnel and technology necessary to effectively combat technologically driven criminal activity, especially with regard to surveillance and forensic computing capability
- utilise and expand its proceeds of crime confiscation capability to contribute to disrupting and dismantling organised criminal networks
- explore opportunities to resource an increased use of coercive hearings
- use in-house research and prevention capability to:
 - inform the CMC's response to major and organised crime
 - undertake research to inform CMC crime operations and crime prevention initiatives
 - contribute to relevant government policy development, implementation and evaluation
- continue to develop and promote the efficiencies of the whole-of-government use of electronic briefs of evidence
- use witness protection services to ensure the safety of at-risk witnesses and secure key evidence for investigations and prosecutions.

Priorities

During the term of this strategic plan, the following priorities relevant to this objective have been adopted by the Commission:

- establish effective telephone interception capability and the necessary public interest safeguards
- enhance its technical capability generally in respect to intelligence, surveillance and forensic computing
- enhance its coercive hearings capability
- expand the use of the CMC's criminal proceeds confiscation function.

Indicators we are meeting our objective

- Effectiveness of the CMC contribution to the overall law enforcement effort in Queensland.
- Extent to which the CMC's use of its proceeds of crime capability disrupts and dismantles organised crime networks.

Cost

- Expenses incurred to achieve the objective to prevent and combat major crime.

Objective

Promote a trustworthy public sector

The CMC aims to promote integrity and reduce misconduct within the Queensland public service including public service departments, the police service, statutory authorities, universities, courts, prisons and local governments.

How we will achieve our objective

The CMC will:

- maintain a multidisciplinary work environment in its misconduct investigation and complaints management activities
- work with the QPS and other public sector agencies to help them develop effective and impartial complaints management processes and minimise the incidence of behaviour giving rise to complaints
- support further devolution of the responsibility for complaints resolution within public sector agencies
- maintain public confidence in a devolved complaints management system by:
 - using monitoring activities data to assess agency capacity to manage and resolve complaints
 - introducing a system of endorsing agencies to facilitate and guide further devolution
 - enhancing technology and systems to support devolution of complaints management
 - developing enhanced capacity-building programs, particularly to support smaller agencies in effectively addressing serious misconduct
 - enhancing our active oversight and monitoring (by way of review and audit) of the manner in which the QPS and public agencies resolve complaints, deal with misconduct and strengthen integrity
 - promoting community understanding about integrity and misconduct issues in the public sector
- encourage a risk management approach to integrity and misconduct within the QPS and the broader public sector to ensure an agency's primary focus remains on its core service delivery obligations
- use its monitoring, intelligence and other resources to identify areas of systemic risk in the broader public sector and take appropriate remedial, investigative, preventative or capacity-building action
- investigate the most serious official misconduct allegations within the QPS and the broader public sector, supported by the use of telephone interception, surveillance services and targeted integrity-testing procedures
- use its research and prevention capabilities to:
 - inform the CMC as it considers the direction of CMC investigations and capacity-building activities with the QPS and public agencies
 - research the impact of the CMC's activity in public agencies and as a basis for continuous practice improvement
 - respond to ministerial and legislative requests to assist in the development and implementation of public policy in Queensland
- progressively develop indicators to determine trends in levels of integrity/misconduct within public sector agencies and the QPS
- share capacity-building and other relevant material with corporatised agencies as appropriate.

Priorities

During the term of this strategic plan, the following priorities relevant to this objective have been adopted by the Commission:

- advance the progressive rollout of a devolved and effective localised complaints management resolution process in police regions and commands (Project Verity)
- continue to further devolve responsibility for dealing with misconduct to public sector agencies including local governments
- focus on significant misconduct issues such as:
 - the inappropriate use of confidential information, conflict of interest issues, and purchasing and procurement irregularities
 - involvement of police officers in illegal drugs
 - excessive use of force in conjunction with frontline policing and inappropriate use of policing powers
 - serious offences involving elected representatives and senior officials.

Indicators we are meeting our objective

- Enhanced public sector integrity through investigations, monitoring, prevention and other capacity building.
- The number of agencies that have been endorsed by the CMC to determine themselves the appropriate way to deal with their complaints.
- Percentage of matters monitored dealt with satisfactorily.

Cost

- Expenses incurred to achieve the objective to promote a trustworthy public sector.

Objective

Provide an effective witness protection service

The CMC offers the witness protection service for the state of Queensland. To be eligible for protection, a person must be in danger as a result of helping a law enforcement agency fulfil its responsibilities or through association with a person who has provided such assistance. While the majority of people are referred to the CMC by the QPS, there are also referrals from national and interstate law enforcement agencies.

How we will achieve our objective

The CMC will:

- Provide quality, timely and cost-effective support to protected witnesses
- Develop new and innovative methods of providing effective witness protection
- Promote awareness of the witness protection function with client agencies
- Proactively develop working relationships with other law enforcement and referral agencies
- Continue to reflect our lead agency status in respect to the training of witness protection personnel
- Enhance opportunities for multiskilling officers.

Priorities

During the term of this strategic plan, the following priorities relevant to this objective have been adopted by the Commission:

- Recruit staff with the high-level skills and characteristics required to meet the demanding role of a witness protection officer
- As lead agency in relation to training, ensure all staff receive relevant training and ongoing maintenance
- Maintain cooperation with support agencies and like units within Australia and New Zealand
- Through liaison and research identify changing trends in technology and methodology that impact on witness protection
- Enhance awareness of witness protection services within referring agencies.

Indicators we are meeting our objective

- The safety of protected persons is maintained.
- The number of threat assessments undertaken.

Cost

- Expenses incurred to achieve the objective to provide an effective witness protection service.



Objective

Be an effective, respected and productive organisation serving all Queenslanders

The CMC is a public sector organisation which is obliged to maintain a broad range of government-prescribed governance and corporate support systems and arrangements. It must also maintain efficient and well-integrated corporate support services for each of its core functions.

How we will achieve our objective

The CMC will:

- ensure that the CMC's functions are closely aligned and integrated
- enhance IT capability and systems to ensure the effective support of its operational and corporate functions
- ensure that corporate services are well integrated and resourced to enable timely and effective support of the Commission and functional areas
- respond quickly in the public interest through the flexible allocation of resources
- recruit, develop and maintain a highly skilled, productive and flexible workforce through workforce planning, succession planning, and learning and development activities
- provide a modern and safe work environment conducive to the roles and functions of the organisation
- monitor and report performance against strategic priorities to track the organisation's achievement
- develop collaborative relationships with public sector agencies to enhance the achievement of joint projects
- inform the community about CMC functions and achievements to build public confidence in our role in respect to crime and misconduct.

Priorities

During the term of this strategic plan, the following priorities relevant to managing the organisation have been adopted by the Commission:

- broaden the recruitment and management strategies to ensure the ongoing renewal of its human resources
- enter into more partnership, secondment and joint project work with agencies within the public sector including the police service
- introduce more flexibility into its education, training and leadership development programs to ensure personnel have the opportunity for experience in different parts of the organisation
- establish appropriate recruitment, retention, tenure and separation policies so as to allow public servants and police officers to serve at the CMC for appropriate periods and to readily relocate at the conclusion of their tenure.

Indicators we are meeting our objective

- Staff turnover.
- The mix of staff skills and the variety in the forms of staff engagement.

