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VICTORIA POLICE

Introduction

In March 2012, Assistant Commissioner Jeff Pope of the Intelligence and Covert Support Department commissioned a review into the Covert Services Division. The Review was to examine the structure of the Covert Services Division to ensure that the Division was best placed for future challenges within the operational environment.

An additional component of the Review was to assess the efficiency of the current intelligence flow from the Covert Services Division to the wider intelligence holdings of Victoria Police, particularly those within the Intelligence and Covert Support Department.

Terms of Reference

The terms of reference for the Review were:

Review the structure of the Covert Services Division to ensure that it is best placed to respond to customer needs, organisational objectives and priorities

Review Position Descriptions with a view to ensure currency and consistency

Examine the Health and Wellbeing implications for long term deployment in the covert policing environment with regard to business continuity and succession planning

Examine the current intelligence structures in place within the Covert Services Division and the State Surveillance Division to enhance efficiency and provide support to investigations in a timely manner.

Steering Committee

The Review steering committee was chaired by Assistant Commissioner Pope and comprised of Detective Superintendents Biggin, Sheridan, and Paterson all from Intelligence and Covert Support Department. Human Resource Department representation was Stuart Ensor and Brigitte Santucci of workplace relations. Dr. [REDACTED] of the Force Psychology Unit was a committee member providing advice pertaining to health and wellbeing issues within covert policing.

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Additional support regarding the assessment of the Intelligence phase of the Review was provided by Detective Inspector Paul Millett and Senior Sergeant [REDACTED] of the State Surveillance Unit and VPS Kirsten Williams of the State Intelligence Division.

Police Association notification

The Police Association, the only union representing effected staff, were advised of the review in writing on 28 March 2012.

Further correspondence was sent to the Police Association on 4 May 2012 advising that in accordance with the Victoria Police Enterprise Agreement 2011 clause 20.7 (a) (b) & (c) maximum time in position would be considered for all positions within the Covert Services Division.

A meeting was held with representatives from the Association on 4 June 2012.

Further correspondence was forwarded to the Police Association on 23 July 2012 in response to a letter received following an informal staff briefing to members of the undercover unit. The staff briefing was intended as an informal update however the material discussed was taken out of context, the matter has not been the subject of further discussion or correspondence.

On 31 August 2012, the Police Association was advised that based upon a '*critical need*' a [REDACTED] Controllers position within the Undercover Unit would be advertised. This new position would include amongst other changes, maximum time in position.

On 14 September 2012, the Police Association responded objecting to the imposition of the maximum time in position clause. Acting Assistant Commissioner Fryer agreed to not impose the clause during the review and advised the Police Association in writing on 21 September 2012.

Staff Consultation

Covert Services Division staff was advised of the Review in person by their unit managers and via email. Submissions pertaining to the position description review were invited.

The Source Development Unit provided a few email responses which largely dealt with the intelligence phase of the review and some matters outside scope such as staffing.

The Undercover Unit provided a single email submitted on behalf of all personnel stating they saw no deficiencies within their position descriptions, however expressed their commitment to effective consultation if changes were identified. The Undercover Unit maintained that they would co-operate with the Review but strongly emphasised their resistance to the imposition of maximum time in position.

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Informally they supported maximum time in position if it were to be applied to future members excluding all current unit personnel.

The Special Project Unit personnel submitted a pre-existing report and file which requested consideration for commuted overtime allowance for their Senior Sergeant and Sergeant positions. They did not think that maximum time in position would apply to their unit given the routine office and administrative nature of the work undertaken.

Appendix

The Source Development and Undercover Unit were independently updated by Detective Superintendent Sheridan on 19 July 2012. A degree of tension had been reported by their unit managers within the personnel therein and this briefing was intended to continue transparent communication and alleviate any unnecessary concerns. (See paragraph above under Police Association notification.)

All CSD unit managers provided timely updates as to the progress of the review in the course of the normal operational and administrative meeting process.

Position Description phase

Detective Superintendent Sheridan of the Covert Services Division chaired several meetings with managers from the respective units within the Division which focused upon the review of the various position descriptions. Initially, the focus was upon consistency of wording regarding duties and specific requirements such as security clearances, contemporary policing experience etc.

The merger of the [REDACTED] into the [REDACTED] had led to differences in position descriptions. The [REDACTED] has maximum time in position within its handler and controller positions whereas the undercover unit does not. Members performing the same role within the unit are doing so under differing position descriptions.

The Source Development unit was developed following the 2003 Pilot Project. Despite maximum time in position within its position descriptions and a recommendation of the project team at the time, this was omitted. There is no rationale or explanation for the omission. It appears to be an oversight.

An additional focus point was the work unit experience regarding the long term deployment of personnel within the covert policing environment, with particular emphasis upon the health and wellbeing of the personnel and their co-workers. Each unit manager provided a submission of their observations and experience concerning the impact upon their personnel. It should be noted that the managers' assessment also considered the risk to peers, subordinates and the organisation. Specifically within the Undercover and Source Development Unit the committee considered the high responsibility and duty of care to the undercover operatives and the covert human intelligence sources being managed by the [REDACTED]

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Health and Wellbeing assessment of covert policing positions

Dr. [REDACTED] identified the value of introducing maximum time in position for positions with the Undercover Unit and Source Development Unit. Dr [REDACTED] commented that the implementation of maximum time in position would have to be one of a range of tools in the support of the members within the covert policing environment. (AWp1)

Dr [REDACTED] highlighted that the risk of not implementing maximum time in position could lead to a long term disconnection from police identity and the organisation. Dr [REDACTED] cited this as of particular importance within the Source Development Unit where source handlers were in frequent contact with career criminals within high pressure situations and were often at significant risk.

Management had identified the development of rigidity in thinking and resistance to change within both the Undercover and Source Development Unit with significant health and safety consequences to the members and those under their control.

The steering committee accepted Dr [REDACTED] advice and noted that implementation of maximum time in position should be balanced with the maintenance of stability within the workplace. In consultation with the Police Association, discussions around enforcing maximum time in position have been focussed upon a sensitive transition phase for effected personal.

The psychology unit is required to maintain a relationship of trust and mutual respect with the personnel within the Undercover Unit and the Source Development Unit. Informal access to the psychology unit is not only a necessary safeguard to prevent workplace injury it acts as an early warning to management in critical cases. Whilst every endeavour is currently being made by the Psychology Unit to maintain the health and wellbeing of the personnel within the respective Units it is unable to have positive influence upon the day to day judgement and planning of the personnel.

Complacency borne of long term exposure to covert policing would not always be as evident to the psychology unit as it would be to management. Some of the specific cases in which the safety of undercover operatives and human sources were at risk due to complacency were identified in routine operations separate and isolated from psychological assessments or contacts.

Health and Wellbeing risks aside from complacency include the reluctance to embrace contemporary safety measures such as intelligence checks, carrying of operational safety equipment and an aversion to intrusive supervision over operational strategy decisions.

In summary the Review found that the Undercover and Source Development Units [REDACTED] exhibited sufficient risks to themselves, their subordinates, covert human intelligence sources and the organisation to justify the inclusion of a maximum time in position clause within their position descriptions. In accordance with the Occupational Health and Safety Act [s21] the provision of a safe work environment to all personnel, particularly within such high risk areas of covert policing is of paramount importance to management.

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Intelligence Assessment Phase

The Intelligence Assessment Phase team were tasked with the examination of the existing work practices and information flow within the existing units of Covert Services and State Surveillance Divisions.

The team conducted an analysis of the efficiency and effectiveness of the existing systems within both Divisions. The key focus was the transmission of information and intelligence to the wider Victoria Police intelligence holdings through the State Intelligence Division intelligence process.

Each work unit prepared a written summary of their existing work practice and provided a submission as to the information/intelligence flow to the wider holdings.

The Intelligence assessment phase team examined the respective analytical position descriptions to confirm accuracy with actual duties performed. Some position descriptions required amendment to conform with the actual duties undertaken.

The detailed findings of the assessment team are attached at Appendix (...)

The assessment team recommended the following strategies be pursued;

1. Improved provision of intelligence and information from investigators to support the request and application process.
2. Enhanced intelligence support by intelligence practitioners to Covert and Surveillance Services Divisions.
3. Formalise and enhance the intelligence management processes of the Covert and Surveillance Services Divisions.
4. Enhanced intelligence sharing between covert units.
5. Improved dissemination to and use of covert intelligence by the organisation.

At the steering committee meeting of 7 August 2012 Assistant Commissioner Pope discussed his desire for consistency in process and in service delivery. Included within the focus was the dissemination points for intelligence, capacity and redundancy. Assistant Commissioner Pope requested that the assessment team undertake further research into other models which focused upon a more centralised approach.

The Intelligence phase review team members subsequently provided a number of further options for consideration. (Options 6 & 7).

The steering Committee met on 17 September 2012 to finalise the Intelligence phase. At that meeting Option 7 in which the State Surveillance Unit provided support to the undercover and technical support units was supported.

At this meeting it was *acknowledged that there may be some significant IR issues* involving the moving of personnel from their existing workplaces and that there would likely be a requirement for additional personnel and financial support.

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On 2 October 2012, Ms Jen Rebeiro the manager of Interpose advised that due to other pressing priorities the proposed State Surveillance intelligence model, option 7 could not be implemented prior to March 2013.

The steering committee agreed that whilst Option 7 had support and agreement in principle the practical implementation of it would be significantly hampered by the current budget pressures. The proposed movement of sworn personnel to a new external workplace will also present additional industrial relations issues.

A transition plan will be established in consultation with the Police Association and the three effected personnel.

Review findings

Covert Service Division position descriptions have been amended to establish consistency in wording and duties.

In accordance with the position description amendments, '*maximum time in position*' is incorporated into the Source Development and Undercover Unit(s) position descriptions.

Pertaining to the implementation of maximum time in position, where members have already been in position for longer than the maximum five year tenure a transition process be developed enabling personnel to progress their career post service within covert policing units.

That the transition plan be applied to enable individual members to plan in consultation with management as to career progression and the continued maintenance of service delivery and expertise from the unit.

The Intelligence phase findings are to be implemented in due course.

The application for the commuted overtime allowance for Senior Sergeants and Sergeants within the Special Projects Unit has been considered and that the allowance should be attached to the two Senior Sergeant positions currently not in receipt of same. It was noted that all of the Senior Sergeants performed after hours and call out functions and that an inconsistency existed with the other two Senior Sergeants positions within the unit who already received the allowance.

The committee did not support the overtime allowance for Sergeant positions within the Special Projects Unit given the nature of their duties.

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Conclusion

The Covert Services Division position descriptions have been rewritten, removing discrepancies between like positions. The Review has implemented consistent standards re security clearances, contemporary policing experience etc in all appropriate Covert Services Division position descriptions.

Maximum time in position has been incorporated in all positions within the Undercover and Source Development units. Maximum time in position has been set at 3 years with managerial discretion to extend tenure at one year options. Total service is not to exceed 5 years.

The Intelligence phase is to be implemented in due course when physical and financial resources are available. A transition of the TIO positions can progress in the interim period.

Recommendations

Assistant Commissioner ICSD accepts the findings of the CSD Review and advise the Police Association accordingly.

Divisional personnel are formally advised of the findings of the Review.

Victoria Police Human Resources assist in the transition of effected personnel to exit the covert policing units in due course.

The overtime allowance payments for the two Senior Sergeant positions within Evidence Preparation and Strategic Services are implemented at the first available opportunity.

Paul Sheridan.
Detective Superintendent – Covert Services Division.
12 October 2012

Appendices

Position Descriptions
Commuted Overtime Allowance claim (SPU & TIO)
Intelligence Phase –Options paper including additional options
Dr [REDACTED] report to the committee