



Reporting allegations of misconduct by ACC Officers to Commonwealth Ombudsman & ACLEI

Instruction Number: 1
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This Practice Group Instruction sets out the procedures for reporting allegations of misconduct made against officers of the Australian Crime Commission ('ACC') to the Commonwealth Ombudsman and the Australian Commission for Law Enforcement Integrity ('ACLEI').

It implements Recommendation 8 of the **Parliamentary Report of the Review of the Australian Crime Commission Act 2002**, which was:

The Committee recommends that formal arrangements be put in place to require the Commonwealth Director of Public Prosecutions to notify the Commonwealth Ombudsman and the proposed Australian Commission for Law Enforcement Integrity of any allegations of misconduct by officers of the ACC.

Allegations to be notified to the Commonwealth Ombudsman

1. The CDPP will notify the Commonwealth Ombudsman of allegations which satisfy all of the following criteria:
 - allegations of misconduct (not constituting corruption);
 - made against ACC officers;
 - made in court; and
 - supported by evidence.

Allegations to be notified to ACLEI

2. The CDPP will notify ACLEI of allegations which satisfy all of the following criteria:
 - allegations of misconduct constituting corruption; and
 - made against ACC officers.
3. Section 23(1) of the *Law Enforcement Integrity Commissioner Act 2006* provides an avenue for any person or agency, including the CDPP, to provide information about corruption to ACLEI. Such matters need not be restricted to matters raised in court or for which clear evidence has been gathered.
4. Any potential corruption issues may also be raised with the Integrity Commissioner, irrespective of how the concern arises.

Protocol

5. If any prosecutor becomes aware of an allegation of misconduct that fits within either set of criteria outlined above, he/she should immediately inform his/her Deputy Director who should, in turn, inform the Deputy Director (Commercial, Financial & Corruption).
6. Whether or not an allegation is ultimately referred to either the Commonwealth Ombudsman or ACLEI is a decision for the Director. In each case, a detailed brief with a recommendation should be sent

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7. to the Director via the Deputy Director (Commercial, Financial & Corruption) and the Deputy Director of the relevant Practice Group, and marked as confidential.



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