

STATEMENT

I, Peter John MARTIN state:-

I am an Assistant Commissioner in the Queensland Police Service (QPS). I have approximately 31 years policing experience having joined the Queensland Police Service in January 1980. After being inducted as a Constable in July 1981, I served in a number of uniformed positions within Brisbane before being transferred to Mareeba, Queensland. I served for a number of years in relieving positions in single-officer stations in rural and remote locations before being appointed to Plain Clothes duty in Brisbane in 1986. I have served as a Detective in various locations for approximately 10 years and have worked in education and training roles both at a District and Academy level.

I have a broad range of experience as a Commissioned Officer undertaking duties in areas such as: Drug and Alcohol Coordination Unit and Staff Officer to the Assistant Commissioner, Operations Support Command. I was promoted to the rank of Superintendent, in the position of Chief of Staff, Commissioner's Office and performed duty as: District Officer at Brisbane West District; Chief Superintendent, Metropolitan North Region; and relieving as the Acting Assistant Commissioner of that Region. After being promoted to Assistant Commissioner, I have relieved on a number of occasions as the Assistant Commissioner at Operations Support Command and Metropolitan North Region and have relieved previously as the Acting Deputy Commissioner (Specialist Operations).

I was appointed to the position of Assistant Commissioner, Ethical Standards Command (ESC) in April 2008. The ESC is one of five specialist Commands within the Service and the primary responsibilities of this Command are:-

- Review, determine compliance with, and report on issues including:
 - the reliability and integrity of financial and operational information and the means used to identify, measure, classify and report such information;
 - the systems established to ensure compliance with QPS policies, plans, procedures, laws, regulations, and delegations of authority that have a significant impact on operations and reports;

- the means of safeguarding assets from loss, theft and/or fraud and where appropriate, the existence of QPS assets;
 - the economy and efficiency with which resources are managed and used; and
 - operations and programs to ascertain whether results are consistent with established objectives and goals, and whether operations are being carried out as planned.
- Investigate allegations of corruption, misconduct and serious breaches of discipline, including suspected unethical conduct.
- Develop educational strategies to promote, reinforce and engender in all employees a full understanding of the expected standards of ethical behaviour.
- Enhance ethical standards for employees of the QPS, including development of corporate policies, practices and strategies that prevent, minimise and discourage unethical conduct.
- Actively oversight and investigate specified 'Police Related Incidents' (Police-related incidents include deaths in custody – pursuant to s.1.17 of the Operational Procedures Manual).
- Administer the discipline system of the QPS.
- Ensure procedural fairness, quality and timeliness in all disciplinary processes.
- Encourage reporting by internal sources of suspect behaviour.
- Identify, investigate and disseminate best practice procedures across all functions of the QPS.
- Co-ordinate risk management within the Service.
- To maintain the confidence of all QPS members in respect to the proper and efficient management of the QPS discipline system.

The Commissioner has the legislated responsibilities for 'the efficient and proper administration, management and functioning of the police service in accordance with the law. (s.4.8(1) of the *Police Service Administration Act 1990* (PSAA)). Without limiting the Commissioner's responsibilities, he is responsible for amongst other things, 'discipline of members of the service' (s.4.8(2)(l) of the PSAA).

The Commissioner has the authority to delegate powers of the Commissioner under the PSAA to any other police officer or staff member (s.4.10(1) of the PSAA). With respect to responsibility for the 'discipline of members of the service', the Commissioner has delegated these responsibilities to me, as the Assistant

Commissioner, Ethical Standards Command. I therefore, on the Commissioner's behalf and with his authority, assist the Commissioner's in meeting his obligations under the *Crime and Misconduct Act 2001* (Chapter 2, Part 3 CM Act).

Discipline arrangements in large western policing agencies are complex and dynamic environments within which to operate. In comparison with other western policing agencies, the Queensland Police Service is large in terms of size. It is currently approximately equal 2nd largest police agency in Australia and has around 14,500 employees. Naturally with such a large workforce there is likely to be some members who do not meet organisational or community expectations in terms of behaviour or performance.

There are significant community interest issues associated with police discipline. It is right to expect that Police Officers are subject to a different and higher expectation than others operating in other units of public administration (government departments and instrumentalities). The community expect and demand police to subscribe to higher standards of behaviour and the QPS disciplinary system, which is consistent with the objects of the CM Act, aims to maintain and maximise community confidence. It accepts that some misconduct is inevitable in large policing jurisdictions but is premised on the belief that community confidence and legitimacy is dependent upon the Service having both the capability to deal with matters and moreover the willingness to set standards, implement preventive measures and address issues when they arise.

As the Assistant Commissioner, ESC I have a significant leadership role, together with other Senior Executive Members, to promote the 'purpose of discipline', which is to:

- Maintain public confidence in the QPS;
- Maintain the self esteem of members of the Service;
- Maintain confidence in the ability of the Service to fulfil its statutory functions;
- proper standards of conduct for members of the Service ;
- Maintain the efficiency of the Service; and
- Protect the reputation of the Service (s.18.1.1. Human Resource Management Manual (HRMM))

To support the Services strategic policy on discipline and complaint management, I have specific responsibilities which are outlined in Service policy. These are:

- Reviewing and reporting on issues such as the reliability and integrity of financial and operational information of the Service;
- Investigation of allegations of corruption, misconduct and serious breaches of discipline in the Service;
- Development of educational strategies to promote, reinforce and engender in members a full understanding of the expected standards of ethical behaviour;
- Enhancement of ethical standards for members of the Service by developing practices and strategies which prevent, minimise and discourage unethical conduct; and
- Encouraging members to report suspect behaviour (s.1.4.3 of the OPM)

In this leadership role, I also contribute to a national examination of issues around 'Ethics and Integrity Issues in Policing'. The Australia New Zealand Policing Advisory Agency (ANZPAA) facilitates regular meetings with all policing jurisdictions in Australia and New Zealand, to examine issues relating to ethics and integrity systems. At the ANZPAA Board Meeting of June 2008, ANZPAA was tasked with ensuring 'professionalisation' of policing is monitored and progressed and that a 'professional standards' agenda is pursued to ensure issues of ethics and integrity continue to be anticipated, understood and addressed. ANZPAA is progressing this work, with jurisdictional input, through the ANZPAA Integrity Forum (AIF) and a committee which reports to the AIF which is the ANZPAA Integrity Testing Practitioners Committee (AITPC). Work to date, which has involved QPS input, has centred around eight strategic priorities, which are:

1. Drug and Alcohol Use
2. Declarable Associations
3. Use of Force
4. Early Intervention Strategies
5. Information Security
6. Falsifying and Misleading Information
7. Social Networking Sites
8. Ethical Health Index.

It should be recognised that ESC on behalf of the QPS has taken lead responsibility for the 'Use of Force' strategic priority.

I am supported in meeting my responsibilities within ESC through the work of a Chief Superintendent (Operations Coordinator) and various work units. The role of the Chief Superintendent, ESC is to provide quality advice to me as the Assistant Commissioner ESC on all operational and support activities of the Command. The Chief Superintendent ensures policing operations within ESC, at the branch level, are effective and efficient and are actively contributing to the achievement of the ESC and the QPS goals. The Chief Superintendent liaises and negotiates with members of the Service, government, community groups and the private sector at state, national and international level to achieve effective policing outcomes.

I am further supported by the work of three Superintendents (or Acting Superintendents) in roles such as Internal Investigations Branch, Ethical Practices Branch, and Inspectorate and Evaluation Branch. I am also responsible for the work that occurs within Internal Audit which is managed by a senior staff member.

The primary work units within ESC and their roles are:

Internal Investigation Branch (IIB)– Conducting significant internal investigations and the management of complaints generally, is the responsibility of the Internal Investigations Branch. The Branch provides the organisational capability in terms of resources and expertise to centrally manage complaints and provide an interface with oversight agencies such as the CMC. The Branch provides the capability to independently investigate the most serious police related incidents, ‘deaths in custody’, and does so in conjunction with the State Coroner and CMC. It is of note that since mid-2008 when the current MOU was signed between the Commissioner of Police and the State Coroner, ESC has conducted 25 death in custody-related investigations. Internal Investigations Branch engages with Professional Practice Managers in each Region, Division and Command to ensure matters are resolved satisfactorily. The Branch also has the oversight role for matters assigned externally for investigation.

Ethical Practices Branch (EPB) – The primary focus of the Ethical Practice Branch is on corruption prevention and it does this by implementing a number of key initiatives designed to prevent or deter unethical behaviour. These initiatives are through the provision of:

- state-wide skills training and ethics awareness
- an internal witness support program

- corruption prevention research and data analysis
- corporate risk management and business continuity
- early intervention through risk analysis and intelligence
- vetting services for promotions and transfers
- an effective honours and awards system and
- special projects such as Project Verity

Inspectorate and Evaluation Branch (IEB)- provides an independent State-wide assessment of managerial, administrative and operational functions and programs. The aim of these is to promote professionalism, strategic thinking and best management practice; direct managerial action towards areas of greatest risk; and add value to management efforts to improve performance, accountability and integrity. The IEB inspection program is guided by an operational plan which is presented to the QPS Audit Committee (Independent Chair and Queensland Audit Office representation) and approved by the Commissioner of Police. The plan is developed after detailed research and planning with input from senior management Statewide and is structured to facilitate audits of regions, command and divisions on a regular basis according to identified issues and operational contingencies. The work of Review and Evaluation (R&E) Unit also occurs under IEB, and includes the: independent evaluations of projects that are being delivered in other QPS work units; coordination of external research; and assistance for QPS staff conducting in-house reviews or evaluations. R&E operates independently from the regions to provide objective assessments of QPS operational programs and procedures. Reports and recommendations are used by QPS personnel to make strategic decisions and to improve services.

Internal Audit – Internal Audit is an independent appraisal function established within the QPS to examine and evaluate the Services activities and to report to the Commissioner on the adequacy of administration and effectiveness in fulfilling the responsibilities imposed on the Commissioner by the *Financial Accountability Act 2009*. The role of Internal Audit is to assist the Commissioner to achieve the Services corporate objectives through the provision of information and independent professional advice which is timely, relevant and accurate, in accordance with the Act.

As well as having portfolio responsibilities for discipline and complaint management, internal investigations, ethical practices training and audit and inspection functions, I have responsibilities for a range of ancillary areas. These include but are not limited to the following:-

- **Representation on QPS strategic and decision-making committees** – As a member of the senior executive, I have a range of corporate responsibilities such as: member of the Board of Management; Senior Executive Conference and Assistant Commissioner's Conference; Co-chair of the Strategic Risk Management Conference; Chair of the QPS Research Committee. I also represent the Commissioner of Police and Deputy Commissioner's on a range of strategic and operational meetings as the need arises.
- **Airport Unified Policing** – The Australian Government determined that the Australian Federal Police (AFP) is responsible for the management and coordination of airport policing at each of the 11 designated Counter Terrorist First Response airports across Australia. In order to fulfil its obligations the AFP sought assistance from various State and/or Territory Police jurisdictions to provide personnel to assist with airport policing functions. The AFP has entered a Memorandum of Understanding with the QPS to provide personnel to assist with airport policing. Officers selected for this duty are granted leave without pay from QPS for the term deployment and are Special Members of the AFP. The QPS currently has deployed 102 officers situated at three international airports in Queensland, in support of AUP operations. I manage this on behalf of the Commissioner and the Queensland Government.
- **International Deployment Group (IDG)**– The QPS has been associated with the IDG since its inception in 2004. The IDG was established to manage the deployment of Australian and Pacific Island police overseas. The lead agency within the IDG is the Australian Federal Police. The IDG comprises staff drawn from Australian State jurisdictions and the AFP with State police personnel appointed as Special Members of the AFP for the duration of their IDG service. In September 2009, the Minister for Police, Corrective Services and Emergency Services committed to a deployment of 10 QPS officers during 2010 – 2011 to the Solomon Islands as part of the Regional Assistance Mission to the Solomon Islands (RAMSI). These officers are currently deployed to the Solomon Islands. I also manage the IDG deployment on behalf of the Commissioner and Queensland Government.

- **Research** – As well as Chairing the QPS Research Committee, I am responsible for coordinating external research relevant to the QPS. I have a key role in identifying and promulgating QPS research priorities and negotiate on behalf of the Service with external research agencies and institutions to develop methodological approaches for research, develop funding submissions and negotiate release of resources including data for research. A priority for the QPS Research Committee is to ensure that research mirrors the Service's values and that ethical considerations and values are embedded in strategies which examine future service delivery models and is cognisant of the need for community engagement.

Staffing and resources at ESC are determined by operational need as assessed and monitored by the QPS Board of Management through a corporate governance framework. These finite resources are split between the four work areas within ESC to provide the appropriate structure needed to achieve ESC outcomes and goals. The staffing model within ESC is largely comprised of senior sworn officers at the ranks of Inspector and Senior Sergeant with administrative support functions being performed by sworn officers at Sergeant/Senior Constable rank and unsworn staff at varying administrative levels. The effective administration and utilisation of the allocated staff and resources in ESC is a constant challenge due to competing interests that arise between corporate need and Command and Regional demands for service.

All ESC personnel operate from Police Headquarters, 200 Roma Street, Brisbane. The total permanent number of staff is 107 (comprising 73 sworn & 34 unsworn) and total staff including temporary staff is 123 (comprising 83 sworn & 40 unsworn). The total number of staff (permanent and temporary) is divided within the following work units: Internal Investigations Branch - 49 total (42 sworn & 7 unsworn); Ethical Practices Branch – 30 total (16 sworn & 14 unsworn); Inspectorate & Evaluation Branch – 29 total (19 sworn & 10 unsworn); Internal Audit (5 unsworn); with the balance (10 in total) being Command personnel. The ESC could be described as having adequate resources. Having said this, there are times when the resources particularly within Internal Investigations Branch are stretched to capacity. This can occur in situations where there are demands for Internal Investigations personnel as a result of a death in custody or death in police operation situation or some other critical investigations such as a 'police-related incident' (S.1.17 of OPM).

A number of incidents occurring contemporaneously or separated by a short time period and geographically dispersed across Queensland can pose significant challenges for ESC. On this basis, ESC utilises resources, where appropriate, from other Regions and Commands in Queensland. In each Region and in some corporate areas of the Service there is a senior officer (usually at Inspector level) who performs the Professional Practices Manager (PPM) role. The PPM is ultimately responsible to the Senior Executive Officer of the Region, Command or Division in which that officer works. These PPM's have a reporting line, however, to ESC for the purposes of administering the disciplinary process. The PPM is responsible for ensuring that complaints are recorded appropriately; are assessed in line with Service policy and that action is taken in terms of investigation/resolution and subsequent finalisation. PPM's are an important part of the disciplinary 'system' but they do not directly answer to me, in a supervisory sense, as the Assistant Commissioner, ESC.

As part of the suite of initiatives that have been introduced in the wake of the Operation Tesco revelations, the Commissioner has agreed to the significant expansion of staffing for ESC. This will particularly enhance the investigative domain of the ESC function as well as increase the intelligence gathering and analysis capability. Administrative function within the Command will also be enhanced and is therefore likely to work towards truncating the length of time taken to finalise investigations. Increases will also occur within the research capability of the Command, which is another key ESC function. This increase has also occurred at a time when increased demands have been identified potentially as a result of increased capability within the context of telephone interception product.

The QPS disciplinary processes are an essential part of ensuring the Queensland Police Service remains professional and ethical. There are two types of processes used for complaints namely 'Investigation' and 'Management Process'. In cases where a matter is dealt with through 'management processes' then a full investigation is not undertaken.

Members have an obligation to report complaints under s.7.2(2) of the *Police Service Administration Act 1990*. Complaints are recorded on a form commonly referred to as a QP 466. Complaints are centrally received within the State Coordinators Office of Ethical Standards Command and subjected to a triaging process. Matters that relate to Category A (a complaint raising a suspicion of official misconduct or police

misconduct) misconduct complaints are forwarded immediately to the CMC while Category B (allegation of misconduct which is not a category A matter) misconduct complaints are considered through weekly CMC/QPS Liaison Meeting. Breaches of Discipline are forwarded to the relevant Region or Command to resolve. Most complaints are managed centrally through Ethical Standards Command.

Complaints relating to Metropolitan North Region and North Coast Region are subject to Project Verity processes. Project Verity is a joint project between the QPS and CMC to refine the way in which complaints are managed by the QPS. There are a number of sub-projects under the Verity umbrella dealing with:

1. Decision making – the devolution of greater authority and responsibility for the management of some types of complaints from the ESC to appropriate managerial levels within the regions and commands;
2. Monitoring – the implementation of an appropriate regime to ensure managerial accountability through the development of a framework for how the CMC will monitor the QPS and how the ESC will monitor the regions; and
3. Discipline and sanctions – the Administrative Consensual Disciplinary Process (ACDP) is a new disciplinary option for the management of complaints that enables a subject officer to 'plead guilty' to misconduct or a breach of discipline without a full investigation or disciplinary hearing being conducted.

The most recent analysis of data from the Complaint Management System has identified a total of 2935 complaints were received across the Service for the period 2009/2010 an increase of about 20% (number) or when expressed as a rate 21% (rate per 100 officers) from the previous year. For the same period (2009/10) South Eastern Region received 504 complaints which was an increase of about 29% (number) expressed as a rate 30% (rate per 100 officers). The top 3 allegation types across the QPS are: Official Conduct (18.3%); Assault/excessive force without a weapon (15.7%); and Demeanour/attitude (15%). Overall the rate of complaints per 100 members fluctuates each year but has not changed significantly since the 2004/2005 period.

During the period 1 July 2009 to 31 May 2010, 'Investigations' accounted for 667 files (23% of all complaints). Management Process accounted for 2215 files (77%) in 2009/10. A recent audit of all management process files closed for the State over the last three months has shown the average period to finalise the matters has been 122 days.

Complaints are resolved through a number of categories including for the period 2009/2010 approximately:

- 5% (approx.) of all allegations were substantiated
- 12% Managerial Response/Action
- 13% Exonerated
- 18% no further action (NFA) which includes matters interwoven with court, frivolous/vexatious complaints, and no misconduct identified and
- 52% of complaints not substantiated.

A mature and proficient integrity system is one that encourages individuals who wish to make a complaint and actively supports that person when they do complain. It also acknowledges that there can be both individual and systemic obstacles to individuals coming forward with their complaints. The Internal Witness Support Unit was established within the Ethical Standards Command in 1998 to provide guidance and support to members who report misconduct by another member of the Service or who are witnesses in these matters. This Unit is committed to providing a specialist support service in compliance with the *Whistleblowers Protection Act 1994*. This Service is directed toward:

- a 24 hour contact point where members can ring/email for advice and guidance (anonymously if they choose);
- the provision of support and networks for both sworn and unsworn members who report or who are witnesses in complaints involving: breach of discipline; misconduct; official misconduct; or have made a public interest disclosure;
- guidance in reporting processes and where applicable receipt of complaints; and
- liaison point between a complainant/witnesses and professional services including Human Services Officer's, health specialists and reporting agencies.

The number of public interest disclosures has increased significantly throughout 2010. For the period 2009/2010 there were 68 public interest disclosures registered. During the same period a total of 15 members entered as internal witnesses. In comparison there were 2 public interest disclosures and 6 internal witnesses for the period 2008/2009. A total of 118 members (as at 15 September 2010) are currently being supported through the Unit.

The preventative and proactive work of the Command specifically, and the Service generally is reflected in the *Corruption Prevention Plan 2009-13*. The purpose of the Plan is to ensure that 'the QPS remains a corruption resistant organisation by establishing a framework that promotes a culture of professionalism and integrity'. The QPS has adopted a strategic approach to corruption prevention, encouraging all levels of the service to identify corruption risks within the workplace and developing strategies and treatments using risk management principles. In this way the Plan is facilitated using 'four pillars', which are:

1. The QPS corporate governance framework for corruption prevention;
2. A strategic framework to ensure the QPS remains a corruption resistant organisation
 - strengthening the ethical culture
 - targeting of corruption risks
 - the QPS framework for corruption prevention plans at district/station/work unit level
3. Individual commitment: 'Integrity is everyone's business'
 - QPS Statement of Ethics
 - ethical decision making tool 'SELF Test' (explained below)
4. Education and ethical awareness

The QPS Corruption Prevention Plan places an expectation on officers to maintain the highest standards of conduct and places a responsibility on individuals for them to take responsibility for their own personal conduct (consistent with the Code of Conduct). Determining if an individual's conduct is right and proper, whether on or off duty, requires examination of the nature of the conduct exhibited and the context in which the conduct takes place. The Service has for over a decade promoted a simple test, known throughout the organisation as the 'SELF Test' to enable individuals to self-assess the appropriateness of their personal conduct and the conduct of others. This uses the following mnemonic to describe this simple process, as:

- S**crutiny – Would your decision withstand scrutiny by the community or the Service?
- E**nure – Compliance with your Oath of Service, Code of Conduct and Service policy?
- L**awful – Does your decision comply with all laws, regulations and rules?
- F**air – Is your decision fair to the community, your family and colleagues?

The QPS has a significant commitment to promoting ethical behaviour through education and training programs. The QPS delivers specialist training courses and information sessions on ethics and discipline and complaint management. Ethics is also embedded in training conducted through the Police Service Academy including recruit training and specialist and in-service courses. Ethical Standards Command takes a lead role in conducting skills based discipline and complaint management training and ethics training and information sessions. Annually the Command delivers on average about 100 training and information sessions to around 2000 members. However, specific issues will be dealt with differently with significant resources applied from across the Service when necessary. An example is the Dangerous Liaisons Training, conducted since November 2009, to more than 4400 members, predominantly OICs, supervisors, and plain clothes officers.

Training is constantly evaluated as part of continuous improvement philosophy. For example, a 2009 training survey found a high response rate on how well prepared training participants were on ethics. In 2009, a 'Recruit Training Survey' was conducted by the Human Resources Development Branch as part of a comprehensive business review. A range of personnel including, First Year Constables, District Trainers and others such as Officer's in Charge personnel were asked how well prepared they were to '*Perform duties in a professional and ethical manner (includes applying the SELF Test, adhering to the Code of Conduct, and employing positive workplace behaviours)*'. The vast majority of respondents rated this item from 'adequately' to 'very well' prepared. ESC has contributed significantly to the training that occurs at pre-service and in-service courses. ESC also works closely with the Academy to ensure programs are generally more informed on ethics and integrity related issues. ESC also provides an important contribution with representation on the Police Education Advisory Committee, along with the CMC.

The Attendance Notice issued to me (dated 9th September 2010) identifies that there are a range of issues being examined at these proceedings relating to the outcomes of Operation Tesco. I have had a number of meetings with senior personnel from the CMC about the progress and potential outcomes of Operation Tesco. While acknowledging that these investigations occurred under the remit of the CMC, it is important to note that audit, inspection and investigation activities also occurred in support of Tesco with significant applications of resources from ESC.

This recent work of the ESC in terms of the audit of property systems on the Gold Coast has demonstrated that while improvements could be made to compliance with systems, there was no evidence of any missing exhibits with the exception of property related to one officer the subject of Operation Mason. The recent audit examined over 3000 separate high risk property exhibits (drugs, firearms and cash). Given the many thousands of items of property that are managed on the Gold Coast District each year (about 10,000 items annually), it is fair to say that the audit and inspection identified that the system works effectively and did not identify any evidence of systemic or dishonest behaviour of police across the District in terms of exhibit handling.

In the aforementioned Attendance Notice issued to me, there are a number of specific issues identified. I will comment on these within the context of the following headings: supervision, improper associations; gifts and benefits; organisational culture; workforce and human resource management issues.

Supervision

Although I have considerable responsibilities, which are delegated from the Commissioner, in terms of complaint management and discipline generally, I do not have supervisory or line control of officers and staff members other than those at ESC. Personnel within Regions, Commands and Divisions come under the ultimate control of senior executive members of the Service. Supervision of these personnel therefore is something that occurs independently of ESC. Despite this, supervisory aspects of complaints and their subsequent investigations are a source of great interest to me. For over a decade, all internal investigations that have been undertaken, have examined the role of the supervisor of a subject member (officer complained about). Investigation report proformas reflect this fact and investigations are overviewed specifically to identify issues and trends that impact upon supervision.

When investigations are finalised and are overviewed by ESC personnel, the institutional and individual learnings are examined, particularly from a supervisory perspective. In cases where the particular matter was exacerbated, or facilitated by poor supervision, then action is taken to address this. Such action can take the form of remedial action such as education and training, cautioning or reprimand and in some cases disciplinary action. Where systemic issues are identified then these are referred to the appropriate area to ensure that practice, policy or legislation is considered within the context of reforming an identified deficiency.

Supervision, within the context of a policing agency, is complex to conceptualise and to facilitate. Unlike other industry areas and vocational pursuits where supervisors have the means to supervise directly and unfettered, policing is often unique in terms of its supervisory processes. A police officer may work at different times of the day and indeed days of the week from their supervisor. They can also work in different geographical areas and in different contextual roles than their supervisor. This phenomena is not an excuse for supervisors to abrogate their responsibilities but highlights that there can be unique challenges presented for supervisors in policing organisations. A further issue that compounds the notion of supervision is a centuries old concept of the 'Office of Constable' in which an officer, irrespective of rank, is able to operate independently of a supervisor, but only where that individual's actions are lawful and reasonable and are consistent with service policy.



It is my view that despite these challenges, the supervisor has the means to show considerable leadership and to mentor appropriate behaviour. There is also the organisational expectation that supervisors manage by identifying risks and remedying these as are appropriate. By way of example, supervisors are uniquely placed to identify training deficiencies in an individual and to identify their particular risk factors that might lead to increased complaints specifically or inappropriate

behaviours generally. The identification of at-risk individuals is a further issue that I wish to raise relevant to the issue of supervision, however, it is perhaps best addressed within the context of 'workforce and human resources management issues'.

Improper associations

The Service currently does not have specific policy dealing with improper associations or as it is referred to in the Victoria Police, 'Declarable Associations'. In the absence of a specific policy approach however, the Code of Conduct refers to 'Standards of Conduct' (s.17.1.10 HRMM) and 'Conflicts of Interest' (s.17.1.10.6 HRMM) and is therefore relevant in managing improper associations between police and members of the public. Members are to arrange their private affairs in a manner that will prevent any actual or apparent conflict of interests from arising wherever foreseeable. Further, members are to ensure as far as practicable there is no conflict between their personal interests and the impartial fulfilment of their official duties and responsibilities.

The absence of a specific policy was an issue that was identified in the Project Grinspoon Report and has been the subject of discussions internally within the Service. This is an issue that needs to be addressed and there is both the organisational will and the commitment to address this situation. The Service is, however, concerned to ensure that a policy approach is realistic and workable and that any reporting regime which is implemented does not create a significant administrative burden on the officers making the report, supervisors scrutinising and processing such reports. I am also of the view that the education and training of this new approach will be critical in members of the Service both understanding the need for such approach and employing the policy in the spirit in which it is intended.

In December 2009, I met with Mr Denis Budz and Mr Darren Brown of the CMC relating to the issue of 'improper associations'. I recall that at this meeting Mr Brown outlined the work that he was doing around this important subject. Mr Brown outlined the methodology for the review including that he was undertaking an examination of similar systems that were in place or proposed in other jurisdictions such as Victoria Police. Mr Budz and Mr Brown were offered any assistance from both the ESC and QPS generally with respect to this work. My recollection is that the meeting resolved

to note the work that was occurring and that which was left to do. Importantly, the CMC officers indicated that they were intending to provide their ultimate report for the CMC's considerations at some future time. The Service will consider the findings upon its receipt of the report.

At various times since 2009, I met with key personnel from the CMC's Research and Prevention Unit as part of a regular monthly meeting on research issues. At these meetings the issue of the work being done by the CMC on 'improper associations' has been raised and as recently as the meeting of 6 September 2010, I indicated that the Service is keen to see the outcomes and progress on any recommendations. My recollection was that inquiries were going to be made by the CMC officers to determine the timeframes for this report to be forwarded to the Service. The Service is currently awaiting this report.

The Commissioner has indicated that the Service will develop a policy and reporting regime around 'improper associations'. This was announced as part of a suite of reforms emanating from the Operation Tesco learnings. In order to advance this it would be opportune to receive the CMC report so that the new policy approach adopted by the Service is cognisant of the work undertaken by the CMC. As indicated previously the QPS is contributing to work which is occurring nationally through ANZPAA on the subject of 'Declarable Associations'. I am of the view that the work that the CMC is currently progressing and that of ANZPAA will inform QPS policy for the future.

The QPS has significant information and intelligence holdings. The work that has been done within the last five years highlights the sophistication of the data systems. An example of this progress is Queensland Police Record Information Management Exchange (QPRIME), which is the primary information management system for the Service. The appropriate use of QPS data and intelligence is a key organisational risk for the Service. For the period 2009/10 there were 269 complaints of members of the service inappropriately accessing and releasing information. I am aware that ICT security is a matter that the Assistant Commissioner, Information Communication Technology (ICT) is examining through the exploration of systems within other policing agencies (e.g. New South Wales and Victoria). The Service position is to do what is reasonable to protect our information and security systems but it recognises

pragmatically that there are well over 2,000,000 transactions on Q-Prime in the course of a day. Any system therefore needs to ensure that security is measured and appropriate having regard for the relevant risk. I am not the Senior Executive member responsible for matters relating to the Information and Communications Technology (ICT) Command.

Gifts and benefits

The QPS has specific policy dealing with the acceptance of gifts and benefits (s.17.1.10.7 of the HRMM). The policy prohibits officers from soliciting any personal or other benefit, except where the solicitation is authorised by the Service (e.g. legitimate pursuit of a donation or sponsorship in accordance with Service policy) and not to accept any personal or other benefit, unless authorised/permitted by the Service (e.g. customary hospitality and benefits of nominal value). The Service recognises that there will be instances where members will be offered benefits and that under certain circumstances it will be appropriate for members to accept them. Members are to consider the following when making this decision:

- (i) who is offering the hospitality, gift or benefit?
- (ii) what is the purpose of the offer?
- (iii) what is the timing of the offer?
- (iv) does the value of the hospitality or benefit exceed nominal value?
- (v) is the offer likely to be regular or repetitive?
- (iv) is it consistent with other Service policy?
- (vii) could the acceptance compromise you, another person or the Service?
- (viii) could the acceptance withstand public scrutiny?

The Code of Conduct (s.10.7) outlines the Service standards on acceptance of gifts and benefits. The expectation is that when offered customary hospitality, incidental gifts or benefits of a nominal value the individual member will need to consider whether to accept it. It covers situations where the non-acceptance of the gift will cause offence, particularly to cultural groups and where acceptance will cause embarrassment or reflect adversely on the Service. In such circumstances members must report such circumstances and are encouraged to discuss this situation with their supervisor or officer-in-charge.

The acceptance of gifts or benefits within the context of licensed premises is of particular concern given that acceptance has the ability to compromise an officers performance in and around such premises. Any offer of alcohol or cash, or any items

which can be readily converted into cash, for example, lottery tickets or shares, must be refused whatever the circumstances (s.7.2 of the FMPM). Accepting money in any form could, breach a number of public service policies and legislative requirements, including the *Criminal Code Act 1899*. If a member is not in a position to refuse the acceptance of such a gift, the member shall immediately pass the gift on to his or her supervisor, Assistant Commissioner or Director, Finance Division.

I am aware that there are gratuities or heavily discounted benefits given to police. Examples of these include: half-price McDonalds Restaurant meals (officers on duty). I am aware and have participated in senior executive discussions around such issues, however, at the present time such activities (e.g. discount food) is not currently against Service policy and therefore there is no action, from a disciplinary sense, that can be taken against officers who avail themselves of this.

Given the identified risks associated with alcohol and licensed premises, senior officers from Ethical Practices Branch in 2010 have delivered training sessions on the 'Train the Trainer Liquor Enforcement Course'. Issues regarding appropriate behaviours, liaison and dealing with licensed premises is covered in detail including receipt of gifts and hospitality. Those officers so trained are then capable of returning to their Regions and Districts to similarly train members particularly in relation to the acceptance of gifts and benefits.

Although not directly related to 'gifts and benefits', I would point out that I personally speak at every Management Development Program (Level III) on the subject of 'Organisational Risk and Reputational Damage' in which I articulate the need to ensure that our actions as individuals do not compromise our integrity or cause the Service or government conflict. I have regularly given similar presentations at Leadership Conferences since my placement at ESC and in other senior roles that I have performed. I also monitor complaints relating to acceptance of gifts but acknowledge that there is most likely to be under-reporting of the acceptance of gifts and that the managing of the gifts register is something that occurs within each Region, Command or Division.

Organisational culture

I am of the view that the QPS has a strong, vision-based culture which is centred on the concept of the 4 P's (People, Professionalism, Partnerships & Performance). It should also be kept in mind that specific units within the Service can also have a sub-culture which in the vast majority of cases is a positive manifestation of the 4 P's concept. One of the learnings from the CMC's Dangerous Liaison Report released in 2009 is the importance of senior officers and supervisors being alert to deviant sub-cultures which can emerge. The example that emerged from the Dangerous Liaison Report was with negative behaviours that arose with the Armed Robbery Unit of State Crime Operations Command. I am alert to this issue and use the following data to identify potential sub-cultural issues. These include: complaints, Risk Analysis and Intelligence Section reports, Internal Witness Support notifications, Audit and Inspection reports, research findings, significant event messages, and police-related incident investigations (s.1.17 OPM), etc.

My view is that the vast majority of Service personnel join the Service for the 'right' reasons. They are motivated to 'help people' and have other altruistic intentions. Most officers identify with the organisation's values and fit comfortably with the positive aspects of the policing culture. The police workforce mirrors the community in which we serve and recruit from. Frustratingly, the same frailties that exist with individuals in the community can occur within some police, such as: dependence on alcohol, use of illicit drugs, risk taking behaviours (e.g. use of steroids) and criminal behaviours. The proportion of the QPS workforce that engages in unacceptable behaviour, however, is generally very low.

The Service has a naturally high expectation when it comes to Police Officers reporting behaviours which are consistent with misconduct. In fact, Section 7.2(2) of the *Police Service Administration Act 1990* states that where an officer or staff member knows or reasonably suspects that misconduct or a breach of discipline has occurred then that individual has a duty to report the conduct as soon as is practicable. Members of the Service are therefore compelled to report misconduct and all investigations examine the nature of the reporting, who had knowledge of the alleged behaviour subject of the complaint and makes an assessment as to whether members met their obligations (pursuant to s.7.2(2) of the PSAA). I would also point

out that there is a statistically significant proportion of all complaints where a member of the Service makes a complaint against one of their colleagues. In the current reporting period (2009/2010) there were 723 complaints generated internally. This represents approximately 25% of all complaints. This is a positive sign and one that is strongly encouraged within the Service.

The organisation does not tolerate either a failure to report complaints or harassment of those officers who do report matters. During the period 2009/2010 there were a total of 45 reports of members failing to report complaints. This is an increase over the period 2008/2009 of 35 reports of members failing to report complaints. Similarly, there were a total of 29 harassment/victimisation complaints during the period 2009/2010. Most of these matters for 2009/10 period are not finalised or have not been substantiated.

Members subject to harassment and victimisation are positively supported through the QPS Internal Witness Support Program. Supporting those that report alleged misconduct is an important feature of a mature and healthy internal disciplinary system. Whistleblowers and those that make public interest disclosures are supported by Service policy highlighted by a new risk assessment process based on the principles and guidelines in AS/NZ/ISO31000:2009. Risks to internal witnesses can be interwoven with failures in management support, and it is in this key area that the Internal Witness Support Unit operates to ensure the full support available through the legislation and Service policy is made available to the person concerned.

The risk assessment is managed by a senior officer within Ethical Standards Command. The assessment process includes completion of the following:

- a risk assessment and treatment working paper;
- Internal Witness Risk Register and
- Risk Treatment Action Plan listing the risk priority order based on a threat assessment.

In conjunction with the individually tailored action plan, a low threat assessment provides contact by the Unit Case Officer with the internal witness at least every 28 days, or as the need arises. A medium threat assessment would involve a minimum of weekly contact, and a high threat assessment requires daily monitoring. In addition to direct action and support by Ethical Standards Command and local management,

a range of options are available to provide higher levels of support should that be required. This could include access to the Security Intelligence Branch (SIB), State Crime Operations Command, or the Witness Protection Coordinator, Crime and Misconduct Commission (CMC) depending on the circumstances.

Workforce and human resources management issues

As stated previously, the QPS when compared to other western policing organisations is a very large police agency in terms of size. It is also complex given issues of decentralisation. The workforce provides for the safety and security of 4.2 million people in Queensland. Naturally, police are drawn from the community and therefore, to a large degree, reflect the community. The challenge for police agencies is to recruit people with similar or consistent values as the QPS which mirrors the community expectation and reflects an understanding of the issues impacting vulnerable groups in our community.

Vetting processes are undertaken centrally through a dedicated Probity Unit within Ethical Standards Command. Vetting occurs where there is a need to report on the integrity of officers and is normally associated with decision making processes such as recruit applications, promotions, transfers, and honours and awards. Probity is also considered as part of investigations and the legislative requirements of other government departments. There were a total of 8180 vetting applications in 2009/2010 which is an increase of 18% over the previous period.

While the vast majority of police have values consistent with those of the Service, a small proportion of personnel exhibit attitudes and behaviours that do not. The approach that the Service adopts is to ensure that our marketing and recruitment attempt to identify where there is a mismatch of values and exclude these people during the recruitment process. The next phase is to ensure Recruits and First Year Constables are subject to rigour and oversight to ensure they meet the expectation. Lastly, where an officer is confirmed as a Constable then it is important to both assess attitudes, values and beliefs (and industry) through strategies such as: education and training; risk identification (Risk Analysis and Intelligence Section); Drug and Alcohol Testing; complaint recording and management; supervision; performance management; leadership; policy; and Service procedures.

The use of alcohol and drugs (licit and illicit) pose particular issues for police. Firstly the use of alcohol and drugs has the ability to impair performance and potentially can compromise both officer and public safety. The use of illicit drugs, while also potentially impairing performance and judgement have significant ability to damage the reputation of the individual and the organisation. Public confidence and legitimacy is dependent upon the Service sending out consistent messages to the public. The community can rightly be concerned about police messages about drugs and alcohol and the hypocritical behaviours of a small number of officers concerning their personal use. The QPS is intolerant to the use of alcohol within the workplace, or contextual use against policy or legislation (e.g. drink driving).

In terms of drink driving the Service implemented a new policy approach which came into effect on 1 July 2009. This approach provides a range of indicative sanctions with which a Prescribed Officer can apply to a given set of circumstances. This was a controversial approach which not all sectors of the community agreed with. A police officer detected drink driving is subject to, whatever sanction the Court may impose, being dealt with for misconduct under the internal disciplinary regime. There have been 10 officers detected for drink driving offences since the commencement of the policy.

The use of illicit drugs is not tolerated by the Service. In all probability such use by a police officer, irrespective of the context, would lead to dismissal. Drug testing on a targeted basis occurs for police officers and staff members working in designated high risk areas.

Targeted and Random alcohol testing occurs across the Service and is facilitated by the Alcohol and Drug Awareness Unit under the Director, Human Resources Division. The Alcohol and Drug Awareness Unit provides education and information about the responsible use of alcohol and other licit (legal) drugs and coordinates alcohol and drug testing of police, recruits and staff members working in safety sensitive areas. The Unit also provides assessment and counselling services in relation to alcohol and drug misuse and case manages external treatment for members as necessary.

The Service has prepared extensive policy and procedures around the testing of relevant members for use of illicit substances and is compliant with the provisions of Part 5A of the *Police Service Administration Act 1990*. Current legislation provides for drug tests to be conducted by urine analysis in cases where a relevant member has

been involved in a critical incident, is a covert operative or is an applicant to be a covert operative. The legislation also allows testing in other circumstances, such as where the member is suspected of contravening the legislative requirements regarding targeted substances or are a recruit.

There have been considerable changes to the recruitment practices of the past and this has changed the demographics of recruits entering the Service. Compared with when I joined the Service over 30 years ago, the average age of recruits is now higher, gender diversity is greater, education levels at entry are higher and there is a greater emphasis on 'life skills'. These are all positive signals and are advantageous in terms of creating an ethically resistant organisation.

It is extremely important that the lessons learned from the investigation of complaints are fed back to the Director, Human Resources Division. Recent discussions between the Director, HRD and I are examples of this close collaboration. In this recent example I shared with the Director, HRD that I had a concern that junior officers with previous policing experience (referred to as PACE officers) appeared from an anecdotal perspective to be over-represented in attitudinal issues and increased complaints. Over a period of time and after further analysis of this phenomena it was agreed that the PACE program would be suspended indefinitely. The Service maintains recruit entry through the existing police recruit program known as the PROVE Program.

In conclusion, I am of the view that the Service has a strong and identifiable organisational culture which is generally supported by, and consistent with, Service policy and community expectations. This culture is one that is supportive of people, professionalism, partnerships and performance. There are some current policy gaps and one such example is 'improper associations'. It is important, however, to recognise that between the CMC and the QPS there is both the capability of both agencies to address this issue and willingness on the part of the Service to give effect to change.

In essence, I attempt to direct the finite resources of the ESC having regard for the evidence. This evidence can take many forms and includes, but is not limited to, the following: complaint data; complaint trends; intelligence holdings; RAIS data, vetting outcomes, inspection and audit outcomes; international and domestic research; and input from CMC and other oversight bodies.

Managing complaints and investigations and deploying resources appropriately and effectively can be challenging, particularly given the quantum of complaints, the size and decentralised nature of policing in Queensland, the scrutiny of police through media, and the demands of external oversight agencies (e.g. State Coroner and CMC). Despite this the work that ESC does, in particular my role as the Senior Executive Member responsible, is to ensure that resources are used in a way that is consistent with evidence-based practice and resource efficiency and has regard for the public interest and community expectations and natural justice for members who are subject of complaints.

Dated 21 September 2010



Peter John Martin APM

Assistant Commissioner

Ethical Standards Command

QUEENSLAND POLICE SERVICE