



Research Paper Series

Volume 6, Number 1

March 2000

ISSN: 1327-9637

research paper

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Defendants' Perceptions of Police Treatment

Findings from the 1999 Queensland Defendants Survey

Key findings:

The 1999 Queensland Defendants Survey indicates that there has been a measurable improvement in police treatment of suspects since the Defendants Survey was last conducted in 1996.

Police practice and behaviour

The proportion of respondents who said they had concerns about police treatment was much the same as in 1996 (about 50 per cent). However:

- ▶ more respondents to the 1999 Survey had favourable comments to make about how they were treated by police
- ▶ fewer respondents alleged that they had been the subject of police assault, rudeness or verbal abuse, or that police had not informed them about their rights
- ▶ fewer respondents suggested ways in which their treatment by police could have been improved.

In addition, the majority of respondents to the 1999 Survey who were subjected to a personal or property search said they were satisfied with how the search was conducted (questions about searches were not asked in 1996).

The complaints process

Most respondents who were unhappy with the way they had been treated by police said they had not made a formal complaint. Common reasons given were:

- 'it wouldn't do any good'
- 'did not know how to'
- 'too much trouble'
- 'not serious enough'.

Since 1996, willingness to complain appears to have declined.

What is the Defendants Survey?

The Defendants Survey is one of several data sources used by the Criminal Justice Commission (CJC) to:

- monitor trends in police practice and behaviour
- assess whether initiatives to improve police practice and behaviour are effective.

Other sources of data include complaints statistics, surveys of police and surveys of the general public.

The Defendants Survey was conducted by the CJC for the first time in 1996¹ and again in mid-1999, and will continue to be conducted at regular intervals.

This paper focuses on those questions in the 1999 Defendants Survey that concerned defendants' perceptions of how they were treated by police. A separate paper presents material from the 1999 Survey relating to police use of physical coercion, and a third paper deals with defendants' understanding and experience of arrest, questioning and search procedures, and their awareness of their rights. Wherever possible, all these papers compare 1999 findings with 1996 findings.

Why survey defendants?

Defendants are an important, albeit potentially difficult, 'client group' for police. Information about their experiences can be used, along with surveys of victims and of the general public, to obtain a general impression of how well police are conducting the work of policing and the degree to which the public are satisfied with their treatment by police. An advantage of surveying defendants is that, in contrast to general public surveys, everyone interviewed has had contact with the police.

How reliable is the information?

It should be stressed that the Defendants Survey measures *perceptions* rather than *actual* police behaviour. This is because it is impossible to determine how truthful or objective defendants are being when responding to the Survey questions. Inaccuracies can occur because:

- respondents may have forgotten some details of their encounter with police, especially if they were intoxicated or drug affected at the time
- respondents may not have understood some procedures (formal cautions, explanations given about their rights, formal interview procedures)
- some respondents may have deliberately given interviewers false or misleading information.

Although these factors may reduce the reliability of the information obtained from any one survey, they should not affect its accuracy as a measure of change.

This is because levels of inaccuracy (memory failure, misunderstanding, false or misleading information) tend to remain largely the same between surveys.

How was the 1999 Defendants Survey conducted?

CJC interviewers approached defendants appearing before eight large magistrates courts in Queensland (excluding defendants remanded in custody and those charged with less serious driving matters²). The interviewers identified themselves as employees of the CJC,³ explained the nature of the study, assured defendants of the anonymity and confidentiality of their response, and invited them to participate. Interviews were conducted in either a private interview room or in the waiting area, depending on the availability of a room and the wishes of the respondent.⁴ During the interview, a questionnaire was completed. Responses to open-ended questions were transcribed by interviewers and later coded by CJC researchers.

Approval to approach potential interviewees in court precincts was granted by the Chief Stipendiary Magistrate, who then notified magistrates of the presence of researchers in each of the courts selected. We also notified the Queensland Police Service, the Director of Legal Aid Queensland, and the Clerk of the Court of each of the courts. In addition, wherever possible, interviewers notified duty solicitors, individual police prosecutors and any voluntary court support staff on a daily basis.⁵

Table 1 lists the courts in Queensland where the Survey was conducted. Brisbane provided the largest contribution to the sample, followed by Beenleigh, Cairns, Southport and Townsville. The collection rate at Rockhampton proved to be well below acceptable levels early in the collection period, and so after three weeks it was discontinued as a survey site. However, the 20 responses collected in Rockhampton over those three weeks have been included in the final sample.

1 The 1996 Survey results were reported in the CJC publication *Defendants' Perceptions of the Arrest and Investigation Process*.

2 Charges such as drink-driving and unlicensed driving were not included because the procedure associated with them is routine.

3 All interviewers carried a letter identifying themselves.

4 Private interview rooms were available in Brisbane, Southport, Beenleigh, Ipswich and Cairns. However, most respondents opted to be interviewed in the waiting area itself rather than in a private room, often for fear of missing their name being called. A defendant's name is called out in the waiting room either to summon the person to appear in the courtroom or to meet the duty solicitor.

5 Court support schemes were in operation in Ipswich, Beenleigh, Maroochydore, Southport and Townsville. These are voluntary programs staffed by various non-government organisations, which provide information to people appearing at court about such matters as obtaining legal advice.

TABLE 1: RESPONSES TO THE 1999 SURVEY BY LOCATION OF INTERVIEW

Court	Number	Per cent
Brisbane	283	28.2
Beenleigh	169	16.8
Cairns	129	12.8
Southport	122	12.1
Townsville	116	11.5
Ipswich	94	9.4
Maroochydore	72	7.2
Rockhampton	20	2.0
Total	1,005	100.0

A team of 18 trained interviewers worked between 24 May and 22 July 1999 to obtain the sample. Interviewers were instructed that their function was **not** to solicit complaints; that if respondents asked for information about making a complaint, they should be given a standard brochure on how to make a complaint. Interviews took between five and 20 minutes, depending on the number of questions applicable in each situation.

About 70 per cent of those approached agreed to be interviewed. A final sample of 1,005 completed questionnaires was collected, just over twice the number collected in 1996. The sample size was increased in 1999 to enable more detailed analyses of results.

Questions about defendants' satisfaction with police treatment were the same in both the 1996 and 1999 Surveys (although the 1999 Survey included some new questions directed specifically at defendants who had been subjected to a police search). The questions were asked at a similar point in both Surveys and the coding schedule used was the same to ensure a high degree of comparability between the two Surveys.

Why survey defendants at their first court appearance?

We chose this method, as opposed to alternatives such as a mail-out survey or interviews with defendants immediately after their first contact with police, for the following reasons:

- Approaching respondents in a Magistrates Court was the best way to preserve the anonymity of those who wished to participate because there was no identifying information required (unlike with a mail-out survey). A mail-out survey would also have been more costly and time consuming and most likely would have had a much poorer response rate.
- Defendants generally attend court within three weeks of their first contact with police, which means that events related to their apprehension

should still be fairly fresh in their minds when attending court.

- Approaching people immediately after their first contact with police would have been too intrusive, for respondents and police alike.
- People are more likely to be agitated or distressed immediately after their first contact with police, and are often drug or alcohol affected.

Limitations of the methodology

We were unable to collect information from:

- people who had been in contact with the police but not charged with a criminal offence
- defendants who were remanded in custody
- defendants from country areas and small provincial centres.

A substantially different, and more costly, methodology would have been required to survey these groups, and we did not consider this warranted given the objectives of the Survey.

Who responded to the 1999 Survey?

Of the defendants who responded to the 1999 Survey:

- about half were charged with a drug or theft offence
- most were male
- most were aged under 30
- 2 per cent were juveniles
- 6 per cent were Aboriginals or Torres Strait Islanders
- 8 per cent were from a non-English-speaking background
- more than half had not completed secondary school
- less than half were in the labour force
- 61 per cent had previously been in trouble with police, and 39 per cent had previously been charged with a criminal offence.

The types of people who participated in the 1996 Survey were very similar to this group, although more Indigenous people were surveyed in 1996.

On three key indicators (gender, age and most serious offence charged), the 1999 sample was quite similar to the picture provided by police and courts data. Given that there was also a high response rate (70%), we are confident that the final sample was largely representative, or 'typical', of the broader population of defendants in Queensland.⁶

⁶ A full description of the demographic characteristics of the sample, and more extensive comparisons with magistrates courts data and the 1996 sample, will be provided in the forthcoming CJC report 'Police Powers in Queensland: Findings from the 1999 Defendants Survey'.

Survey findings

Towards the end of the Survey, respondents were asked the following open-ended questions about their perceptions of police treatment:

- Is there anything positive you would like to say about the way you were treated by police?
- Were you unhappy with any aspect of the police treatment of you? What were you unhappy about?

Positive comments

In 1999, 49 per cent of defendants made positive comments about their treatment by police. This represents a statistically significant improvement since 1996, when 40 per cent of respondents made positive comments.⁷

Table 2 compares the positive comments made by each sample. It shows little change in the types of comments made, although the number of respondents who said police had been ‘matter of fact’ and those making ‘other’, or miscellaneous, positive comments had increased since 1996.

TABLE 2: COMPARISON OF POSITIVE COMMENTS MADE BY RESPONDENTS: 1996 AND 1999

Comment made	1996	1999
	(n=489) Per cent	(n=1,005) Per cent
No positive comment made	60	51
<i>Positive comment:</i>		
• Friendly/polite	19	19
• All right/reasonable	11	11
• Matter of fact	4	8
• Not unpleasant	2	2
• Helpful	3	3
• Understanding	2	3
• Other	8	14

- Notes: 1. Multiple responses were permitted.
2. The report on the 1996 Survey presented data only on the first-mentioned positive comment made by respondents.

Comments from unhappy respondents

Similar proportions of defendants in 1996 and 1999 said they were unhappy with some aspect of police treatment — 46 per cent in 1999 and 47 per cent in 1996. A mix of positive and negative comments was made by 13 per cent of the 1996 sample and 17 per cent of the 1999 sample.

The concerns expressed about police treatment were extremely diverse, as shown in table 3, which compares the two samples. The main change has been in the frequency with which different types of concerns were raised.

TABLE 3: COMPARISON OF CONCERNS EXPRESSED ABOUT POLICE TREATMENT: 1996 AND 1999

Type of concern expressed	1996	1999	χ^2 (df 1)
	(n=489) Per cent of total	(n=1,005) Per cent of total	
No concern expressed	53	55	–
Force-related			
Rough treatment	7	9	ns
Assault	8	4	**
Tight handcuffs	<1	1	–
Drove car roughly	1	<1	–
Coercion generally	2	1	–
Manner of speaking			
Impolite, rude or verbally abusive	13	7	**
Didn't tell me my rights/ provide information	7	4	*
Lied/tricked or misled me	1	1	–
Twisted my words ⁸	–	1	–
Manner of treatment			
Intimidation	4	5	ns
Assumed my guilt — didn't listen	1	3	*
Tried to provoke/upset me	2	2	ns
Tried to frighten me	1	1	–
Harassed/victimised/ humiliated me	1	1	–
Search-related			
Unhappy with an aspect of a search	4	5	ns
Property damaged as a result of a search	1	1	–
Took my property (i.e. stealing)	1	<1	–
Miscellaneous			
Shouldn't have charged/ arrested me	3	5	*
Didn't allow access to facilities or outside contact	5	3	ns
The process took too long	1	2	ns
Unhappy with an aspect of an interview	1	1	–
Didn't assist me to get home after release	2	<1	–
Didn't account for my children	1	<1	–
Put in watchhouse	<1	<1	–
Other	9	13	*

- Notes: 1. Multiple responses were permitted, so percentages add up to more than 100%.
2. ‘Assault’ includes striking or hitting. ‘Rough treatment’ includes pushed, shoved, rough handling, use of force, grabbed, thrown, heavy-handed, twisted fingers around, dragged from car, tight holds.
3. Some data from the 1996 Survey have been redefined to allow for comparison with 1999 data.
4. Chi-square (χ^2) is a statistical test used to test whether or not there is a difference between groups. Where there is no χ^2 calculated, numbers were too small to allow for statistical testing.
5. ns: not significant *; p<0.05 **; p<0.01

As shown in table 3, fewer respondents to the 1999 Survey:

- said they had been assaulted
- alleged impolite, rude or verbally abusive behaviour
- said that police did not inform them about their rights.

On the other hand, a slightly larger proportion of respondents in 1999 said police had ‘assumed’ they were guilty, or that police should not have arrested or charged them.

An important issue is whether the changes in the proportion of respondents expressing concerns about police behaviour were concentrated in one or two locations, or were more general. To test for this, we compared findings for 1996 and 1999 for six courts, controlling for the types of concern raised by respondents in these locations. We found that the changes were fairly widely distributed, rather than restricted to a specific location, strongly suggesting a general change in police behaviour between 1996 and 1999.

Satisfaction with searches

Just under half the sample (46%) in 1999 had been subjected to a personal search, and about a quarter of the sample (23%) had been subjected to a property search. We found that:

- 68 per cent of respondents who had been subjected to a personal search were satisfied with how the search had been conducted
- 53 per cent of those who had been subjected to a property search said they were happy with the search.

Table 4 shows that the most common criticisms of personal searches were that they were too intrusive/rough and that they were unnecessary. Table 5 shows that the most common reasons for dissatisfaction with property searches were that police had made a mess or damaged property, or had been unpleasant.

Questions about satisfaction with searches were not asked in the 1996 Survey.

TABLE 4: REASONS FOR DISSATISFACTION WITH PERSONAL SEARCHES: 1999

Reasons for dissatisfaction	Number	Per cent (n=448)
No dissatisfaction expressed	305	68
Too intrusive/rough	27	6
Search was unnecessary	21	5
Lack of privacy	19	4
Felt embarrassed/humiliated	17	4
Unpleasant manner of police	16	4
Lack of information provided	12	3
Other	31	7

- Notes:
1. Reason cited relates to the first-mentioned search (some respondents were searched more than once).
 2. Only one reason was coded for each respondent.

TABLE 5: REASONS FOR DISSATISFACTION WITH PROPERTY SEARCHES: 1999

Reasons for dissatisfaction	Number	Per cent (n=219)
No dissatisfaction expressed	116	53
Made a mess or damaged property	28	13
Unpleasant manner of police	17	7
Search conducted in my absence	12	5
Lack of information or warrant	11	5
No right to search	5	2
Search was unnecessary	2	1
Felt embarrassed/humiliated	1	<1
Other	27	12

- Notes:
1. Reason cited relates to the first-mentioned search (some respondents were searched more than once).
 2. Only one reason was coded for each respondent.

7 $\chi^2 = 10.30, p < 0.05$.

8 The interviews were conducted before the defendants had appeared in court, so it is possible that these types of complaints may have been more common if interviews had been conducted after the defendants had heard police evidence.

Respondents' suggestions for improved treatment

Respondents were asked if they had any suggestions about how their treatment by police could have been improved. In 1999, 538 respondents (54%) made suggestions for improved treatment. This represents a fall since 1996, when 62 per cent of respondents made suggestions for improvement.

Table 6 presents the 1999 responses and compares them with those made in 1996. Responses to this question are consistent with the changes in allegation patterns noted in the earlier question about respondent dissatisfaction. In particular, a smaller proportion of the 1999 sample suggested that police should try to:

- be more polite
- provide more information about suspects' rights
- refrain from assaulting suspects.

TABLE 6: COMPARISON OF RESPONDENTS' SUGGESTIONS FOR HOW POLICE TREATMENT COULD BE IMPROVED: 1996 AND 1999

Suggestion	1996	1999
	(n=489)	(n=1,005)
	Per cent of total	Per cent of total
No suggestion made	38	47
Police should have:		
• been more polite	19	12
• provided information about process/legal rights	15	12
• refrained from assaulting the respondent	8	5
• not arrested/incarcerated the respondent	6	7
• given the respondent a chance to explain	4	6
• provided access to facilities	4	2
• not harassed the respondent	4	5
• not treated the respondent as a criminal	4	5
• called Murri Watch	2	<1
• not kept the respondent waiting	2	2
• allowed outside contact	2	2
• assisted the respondent with transport after release	2	1
Other	11	19

Note: Multiple responses were permitted, so percentages add up to more than 100%.

Willingness to complain

Respondents who expressed dissatisfaction with their treatment by police were asked:

- Did you make a complaint to anyone in relation to these concerns?
- To whom did you make a complaint?
- Why did you not make a complaint?

Of the 456 respondents in 1999 who said they were unhappy with their treatment by police, 84 (18%) said they had made a formal complaint about the incident, with a further 10 (2%) stating they intended to make a complaint. By contrast, 25 per cent of the dissatisfied group had complained in 1996, representing a statistically significant decrease in the 'complaint rate'.⁹

The reasons dissatisfied respondents gave for not complaining (listed in table 7) were much the same in the two Surveys, although the proportion in 1999 who said that 'it wouldn't do any good' was lower than in 1996. Only a small proportion of respondents to either Survey said that they were afraid of repercussions.

TABLE 7: REASONS RESPONDENTS DID NOT MAKE A COMPLAINT: 1996 AND 1999

Reason given	Percentage of dissatisfied respondents who did not complain	
	1996 (n=159)	1999 (n=366)
It wouldn't do any good	43	31
Did not know how to	11	13
Too much trouble/apathy	11	11
Not serious enough	8	10
Fear of repercussions	9	7
I have no evidence	—	2
Didn't think of it	4	1
Other	11	16

- Notes:
1. Comments listed in this table are the first-mentioned reason given by the respondent.
 2. The reasons given by respondents have been slightly redefined since the 1996 report to allow for comparison with 1999 data.
 3. Not all respondents gave reasons.

Table 8 shows that more than half of the 84 respondents who had made a formal complaint about their concerns in 1999 had complained directly to police about their treatment, with about a quarter stating they had made a complaint to a lawyer or a legal service. Around 12 per cent of aggrieved defendants in 1999 complained directly to the CJC, up from 1996 when only 5 per cent of complaints were made directly to the CJC. The proportion complaining to police also increased. Respondents in 1999 were more likely to make a complaint to multiple persons or agencies than were respondents in 1996.

TABLE 8: PERSON TO WHOM RESPONDENTS REPORTED MAKING A COMPLAINT: 1996 AND 1999

Person/agency	Percentage of respondents who made a complaint	
	1996 (n=58)	1999 (n=84)
Police	59	69
Lawyer/Solicitor/Legal service	34	27
CJC	5	12
Doctor/medical service	3	6
Government funded worker	5	1
Other	7	4

- Notes:
1. Multiple responses were permitted, so percentages add up to more than 100%.
 2. Excludes unhappy respondents who complained to a friend or family member.
 3. In 1996, 'other' consisted of: Justice of the Peace, insurance company, Member of Parliament, Ombudsman.
 4. In 1999, 'other' consisted of: bar manager, store security, media.

Implications

The findings of the 1999 Defendants Survey indicate that overall there has been an improvement in police treatment of suspects since 1996. In particular, fewer respondents in 1999 said that:

- they had been assaulted by police
- police had been rude or abusive
- police had failed to provide information.

Several factors may have contributed to this improvement, including:

- improved supervision and training of police
- the introduction of the Physical and Operational Skills Training program (which may have reduced assault allegations)
- a conscious effort on the part of police to avoid using tactics that promote conflict (i.e. being rude or abusive)
- the introduction of the *Police Powers and Responsibilities Act 1997*, which imposed on police clear obligations to provide suspects with a range of information about their rights.

Although the overall trend is encouraging, the Survey has highlighted some areas for attention:

- A substantial proportion of respondents to the 1999 Survey complained about the inappropriate use of force, even though the severity of force used appears to have diminished since 1996.¹⁰ There needs to be a continued effort by the Queensland Police Service to address this issue, through improved supervision and training, especially in the area of communication skills.

- A common reason for dissatisfaction with property searches was that police had made a mess or damaged property, suggesting that police could reduce complaints if they were to take greater care in the conduct of such searches.
- The proportion of dissatisfied respondents who made a formal complaint declined between 1996 and 1999. Further research is required to determine why the 'complaint rate' has fallen. However, this trend is potentially a cause for concern, as it may indicate some loss of confidence in the complaints process.

Future monitoring

The Queensland Defendants Survey is an important tool for monitoring changes in police practice and behaviour. It is clear from the 1999 Survey that some changes have occurred in the patterns of respondent satisfaction with police. The Defendants Survey will continue to be conducted at regular intervals to provide a source of information about future trends.

References

- CJC 1996, *Defendants' Perceptions of the Investigation and Arrest Process*, Brisbane.
- (forthcoming), 'Police Powers in Queensland: Findings from the 1999 Defendants Survey'.
- (forthcoming), 'Reported Use of Physical Coercion by Queensland Police: Findings from the 1999 Queensland Defendants Survey'.

Acknowledgments

This paper was prepared by Anne Edwards of the CJC's Research and Prevention Division with the assistance of other staff from the division.

Particular thanks are due to our interviewers: Pam Saunders, Kris Natalier, Dan Abednego, Alex Cody, Lorraine Millard, Helen Glazebrook, Deborah Teed, Kerry Buchholz, Philip Marsh, Sean Brennan, Janette Methven, Kate Minnett, Daisy Caltabiano, Caroline Bennett, Karen Harris, Carol Ronken.

Thanks are also due to the Ethical Standards Command of the Queensland Police Service, which provided comments on the Survey design and a draft of this paper.

⁹ $\chi^2 = 4.42, p < 0.05$.

¹⁰ See the forthcoming CJC publication, 'Reported Use of Physical Coercion by Queensland Police: Findings from the 1999 Defendants Survey', for more detailed information.



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ISSN: 1327-9637

Printed by Bayfield Printing, Brisbane.