



**CRIMINAL JUSTICE COMMISSION
QUEENSLAND**

**INFORMAL COMPLAINT RESOLUTION
IN THE QUEENSLAND POLICE SERVICE**

A PROGRESS REPORT

FEBRUARY 1994

RESEARCH & CO-ORDINATION DIVISION



INTRODUCTION

Informal Resolution (IR) is a new procedure intended to provide a flexible, simple, and relatively fast alternative to standard procedures for dealing with complaints of a minor nature made against members of the Queensland Police Service (QPS). The scheme has been operative since July 1993.

The Criminal Justice Commission (CJC) was heavily involved in the introduction of this new procedure for the QPS and is currently monitoring its progress.

This Progress Report provides an overview of IR and presents statistical data on the first seven months of the new system.

BACKGROUND

Prior to the implementation of IR, a full police investigation was generally required to process even minor complaints¹. This procedure was time consuming and expensive, and the cause of considerable dissatisfaction amongst both police and complainants.

The CJC was aware that many complaints of a minor nature were dealt with in the United Kingdom by IR. Early in 1992, the former Commissioner of the QPS and the former Chairperson of the CJC agreed to establish a working party to consider the introduction of IR in Queensland. The working party consisted of officers of the CJC, the QPS, and representatives of the two police unions.

In a report issued in November 1992, the working party recommended that IR be introduced into the QPS. The working party proposed that former Superintendent Dennis Meadus, Officer-in-Charge of the Complaints Division of the Hampshire Constabulary, be invited to Queensland to develop and present a training program on IR. Mr. Meadus was nominated because of his extensive experience in complaints procedures generally and the IR process in particular.

The working party's report was subsequently adopted in full by the CJC and the QPS, and detailed guidelines modelled on the British procedures were formulated. The CJC then approached Mr. Meadus, who expressed his willingness to travel to Queensland. The Commission and the QPS agreed to jointly fund costs associated with Mr. Meadus' visit.

Mr. Meadus arrived in Queensland in February 1993 and spent six months with the CJC and the Professional Standards Unit (PSU) of the QPS, establishing and running two day training programs incorporating both theoretical and practical training in IR. Input into the training program was also provided by officers from the Alternative Dispute Resolution Division of the Department of Justice and Attorney-General, and a senior lecturer from the Queensland University of Technology with expertise in alternative dispute resolution.

¹ Apart from IR, there are three procedural options for dealing with complaints: "formal investigation", "mediation", and "no further action". "Formal investigation" is where a senior police officer is appointed to investigate the allegation. "Mediation" is occasionally used through the Community Justice Program as an alternative method of dispute resolution. Mediation aims to help the complainant(s) and the member(s) resolve the matter of the complaint together in the presence of trained, independent mediators. The statutory basis for mediation makes it a possible alternative to both formal investigation and IR, or an option to be used in situations where IR fails. "No further action" is the option that allows the police to use their discretion not to investigate the complaint.

Approximately 286 officers throughout Queensland have so far completed the program and been authorised by the Commissioner of the QPS to use informal resolution techniques for resolving complaints of a minor nature. These officers have been designated "Authorised Members". Mr Meadus recently returned from England to assist in the assessment of the procedures and to conduct follow-up seminars for Authorised Members.

AN OVERVIEW OF INFORMAL RESOLUTION

Where it can be Used

Under the guidelines², IR is available where it is clear from the outset that the complaint, even if proved, would not justify a criminal charge or disciplinary charge before an Assistant Commissioner or above, or a preliminary investigation has revealed that the conduct was both lawful and reasonable. For example, IR can be used to resolve minor complaints of:

- incivility
- failing to provide a service
- obscene language
- impropriety in connection with a search
- irregularity in procedure
- neglect of duty
- oppressive conduct
- minor traffic breaches
- minor assaults, subject to the approval of the CJC³
- any other matter where the appropriate action by a supervisory officer would normally be words of advice administered at the time.

How it Works

Under the new arrangements, the commissioned officer who assesses the incoming complaint may designate an Authorised Member – usually an Inspector⁴ – to undertake IR. The CJC also has the power to refer complaints of minor misconduct by police back to the QPS for informal resolution. In all cases the written consent of the complainant must be obtained prior to proceeding with an IR.

Authorised Members are instructed to undertake the role of a conciliator rather than investigator. The Authorised Member's task is to ensure that the complainant is satisfied that his/her complaint has been dealt with appropriately. The process is not designed to establish fault. The new procedures are intended to dispense with the formality and rigidity of a full investigation, along with the "black or white" result demanded by the adversarial process. Instead, the views of both parties are relayed informally to the other.

² Copies are available from the CJC upon request.

³ As assault constitutes misconduct, the Complaints Section of the CJC must consent to the use of IR in an allegation of minor assault.

⁴ Initially only Inspectors and Acting Inspectors could be Authorised Members. As from 14 January, 1994 Senior Sergeants who completed the training course can be designated as Authorised Members.

The guidelines provide that a meeting between the complainant and the officer can be arranged, if it appears to the Authorised Member that a meeting would be useful in seeking a resolution, and if both parties consent.

Possible Outcomes

The guidelines identify four possible outcomes of the IR process.

- Following an interview, the Authorised Member may conclude that the actions of the officer were both lawful and reasonable. In these cases, it will be sufficient for the Authorised Member to explain either the law or police procedure to the complainant.
- If the conduct complained of is admitted by the officer concerned, then the officer may apologise to the complainant. Alternatively, the Authorised Member, with the consent of the officer, may apologise to the complainant on behalf of the officer. In these cases the Authorised Member would usually give some advice or guidance to the officer.
- The Authorised Member may consider it appropriate to offer an apology to the complainant on behalf of the QPS. Again, if the Authorised member believes the officer concerned has not acted appropriately, the officer will be given advice or guidance.
- In cases where there is clearly an irreconcilable difference between the officer's version of events and that of the complainant, the Authorised Member may invite the complainant to accept that nothing more can be done unless he or she wants the matter formally investigated.

If it is considered that the procedure has failed, or that the complaint is unsuitable for informal resolution, the Authorised Member must submit a report recommending either "no further action", or the appointment of an investigating officer. If the latter is recommended, the investigating officer must be a different officer to the one who was involved in the informal resolution process, and must not have access to the original papers.

Information relating to an attempted or completed IR of a complaint is not available when considering the promotion of the officer subject to the complaint. Once a complaint is finalised, it is not to be resurrected for any further investigation without the approval of the Commissioner or Deputy Commissioner.

Any oral or written statement made by the officer who was the subject of the complaint will not be admissible in any subsequent disciplinary proceedings, except where such statements were deliberately false or related to other matters that were not being informally resolved. The definition of "deliberately false" does not include a denial of the conduct alleged.

Documentation Required for Informal Resolution

A full IR involves the following documentation.

- (1) *Form Q.P.307* (the complaint recording form)
- (2) Letter to complainant (informing them that IR is a possibility)
- (3) Written consent by the complainant agreeing to attempt IR
- (4) *Notice to Member – Informal Resolution*
- (5) Written acceptance by complainant that IR has been finalised
- (6) *Notice to Member at conclusion of Informal Resolution*
- (7) Official Report by Authorised Member at the conclusion of IR
- (8) Letter to complainant at conclusion of IR

"Desk-Top" Informal Resolution

"Desk-Top" (or immediate) IR, is a process for dealing with complaints against police officers at the time of notification of the complaint. In most instances this will be within 24 hours of the receipt of the complaint. Where circumstances of time or distance dictate, the Authorised Member may delegate the responsibility for attempting the IR to a non-commissioned officer or other member considered by the Authorised Member to be appropriate. This delegation may be given orally. The Authorised Member will be held accountable for the conduct of the Desk-Top IR, and, thus, is to ensure that it is conducted under his or her direction and supervision.

The essential differences between full IR and Desk-Top IR are:

- (i) the complainant is not sent a letter outlining the suitability of the complaint for IR;
- (ii) the police officer who is the subject of the complaint is not served a *Notice to Member – Informal Resolution* but is verbally informed of all the relevant information; and
- (iii) the complaint can be resolved by a member other than the Authorised Member.

THE FIRST SEVEN MONTHS

As part of its evaluation of the new IR process, the CJC has been collecting statistical data on the operation of the new procedures. This section of the report summarises the main findings to date.

The IR procedures became operative on 1 July 1993. Data about cases resolved by IR were gathered by a CJC researcher directly from completed IR files located at the PSU at Police Headquarters. Up until the end of January 1994, 345 cases were finalised. These involved 536 allegations brought against 444 officers by 364 complainants⁵.

⁵ The "case" relates to the incident(s) which prompted the complaint. A single case may involve several specific allegations, multiple complainants, and multiple officers.

For comparative purposes, data on formally investigated complaints were also obtained from the PSU data file. This data file contains records of all complaints received and/or finalised since 1 January 1992. At the time the data used in this report were extracted (4/2/94), the data file contained details on 8747 allegations⁶ arising out of 5595 cases involving 5906 complainants and 7660 QPS members.

Referral Sources

Two hundred and twenty-nine cases (66.3%) were assigned to IR immediately or soon after the complaint was received, 51 cases (14.8%) were referred from the CJC⁷, four cases (1.2%) were referred from the mediation process, and the remaining 61 (17.7%) were referred from the formal investigation system (Figure 1). The proportion of cases in this last category is diminishing over time. This is because a number of the complaints resolved in the first few months were initiated before IR was introduced and, therefore, were initially processed under the formal investigation system.

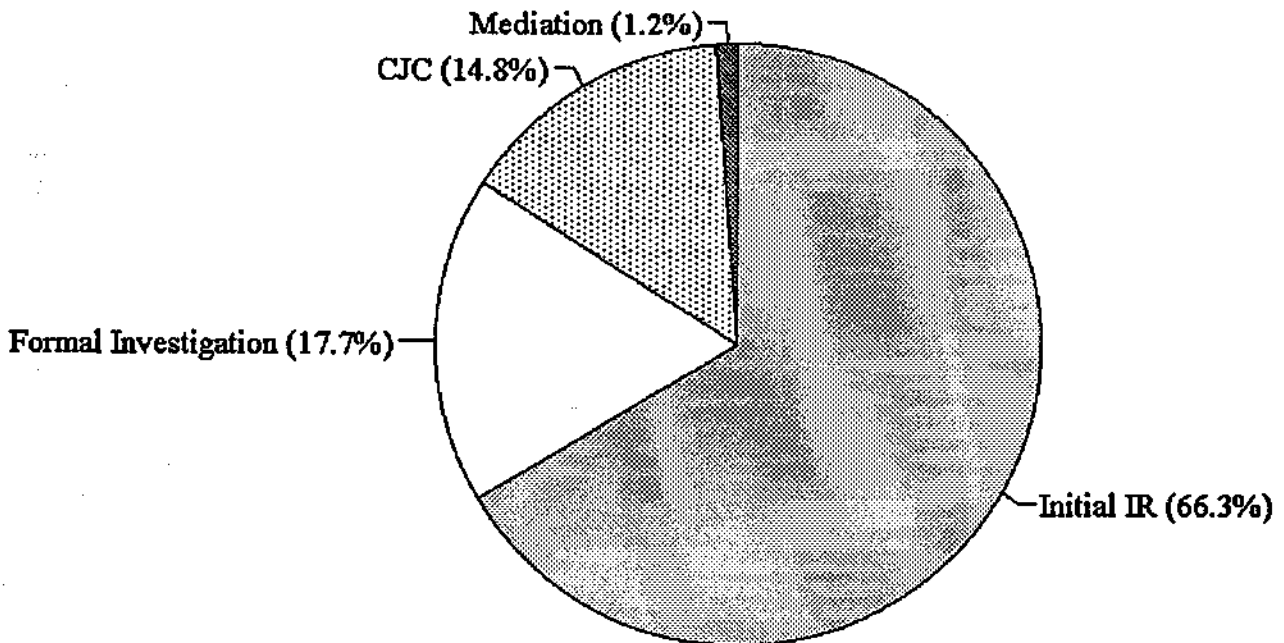


Figure 1: Informal Resolution Referral Sources

Source: PSU Informal Resolution files.

⁶ Of these 8747 allegations, 95 were dealt with via "mediation", 930 were dealt with by "no further action", 504 were dealt with via "informal resolution", and the remainder were formally investigated. For the purpose of this report all of the allegations in the PSU data file will be referred to as those dealt with by "formal investigation procedures" or under the "formal investigation system".

⁷ These are cases of minor misconduct referred back to QPS, or breaches of discipline reported directly to the CJC and referred on to QPS.

"Desk-Top" Informal Resolution

To date, "Desk-Top" resolution has only been used for 19 cases (5.5% of all complaints resolved by IR). Part of the explanation for this may be that the IR training program has not yet been extended to Sergeants. These officers would normally be expected to undertake a high proportion of "Desk-Top" resolutions.

The Allegations

Three hundred and twelve (90.4%) of the cases resolved by IR involved only one allegation. Thirty cases (8.7%) involved two allegations and the remaining 3 cases (0.9%) involved three allegations.

Three hundred and ten of the cases (89.9%) involved allegations relating to breaches of discipline, 13 (3.8%) were initially classified as misconduct but were later reduced to breaches of discipline, and twenty (5.8%) involved allegations of misconduct. Two cases (0.6%) were initially classified as breaches of discipline but were later changed to misconduct⁸.

A more extensive breakdown of the types of allegations dealt with by IR is provided in Figure 2. There were 203 allegations relating to alleged incivility, rudeness, or language. These accounted for 37.9% of all allegations dealt with by IR. The next most common allegations were of inaction (74 allegations, or 13.8%) and inappropriate behaviour (63 allegations, or 11.8%).

Figure 3 compares the types of allegations dealt with by IR with those dealt with through the formal investigation system. As expected, matters dealt with through the formal investigation procedure tend to relate to more serious allegations (e.g., corruption, firearms, criminal conduct, and most assaults). Under the guidelines, such matters are deemed to be inappropriate for informal resolution.

⁸ A "Breach of Discipline" is a breach of any provision of the Police Service Administration Act or directions of the Commissioner. Breaches can commonly be described as a violation or dereliction of duty. "Misconduct" is disgraceful, improper or other conduct unbecoming an officer; or conduct that does not meet the standard of conduct reasonably expected by the community of a police officer. Both Breaches and Misconduct can be described in degrees (for example, minor misconduct).

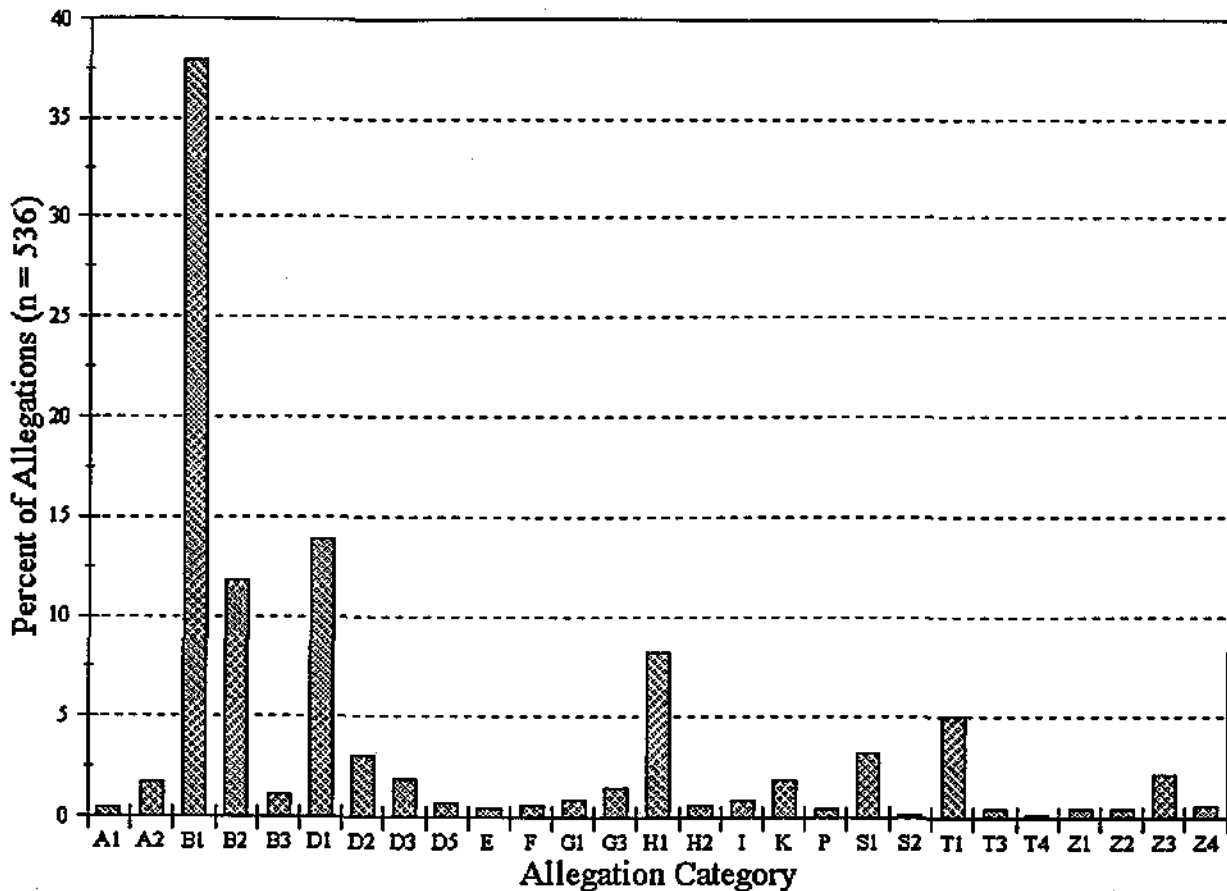


Figure 2: Types of Allegations Resolved by Informal Resolution

Source: PSU Informal Resolution files; PSU Complaints Data File.

KEY⁹

A Assault

- A1 Technical Assault
- A2 Minor Assault

B Behaviour

- B1 Incivility/Rudeness/Language
- B2 Inappropriate
- B3 Discriminatory

D Duty Failure

- D1 Inaction
- D2 Fail to Identify Self
- D3 Inadequate Investigation
- D5 Fail to Comply with Procedure

E Ethnic/Juveniles/Disadvantaged

F Firearms

G Arrest/Detain

- G1 Improper Use of Arrest
- G3 Other

H Harassment

- H1 Victimisation/Intimidation
- H2 Sexual

I Information Breaches

K Custody

P Property (Delayed or Non-Return)

S Search and Seizure

- S1 Unauthorised Search
- S2 Damage during Search

T Traffic

- T1 Manner of Vehicle Use
- T3 Issue of TONs
- T4 Improper Use of Discretion

Z Disciplinary Conduct

- Z1 Liquor Consumption
- Z2 Breach Code Dress
- Z3 Breach Code Conduct
- Z4 Knowledge Deficiency

⁹ This is the PSU system for categorising allegations. It is not a complete list of allegation categories – only those categories in which an IR allegation was made are shown.

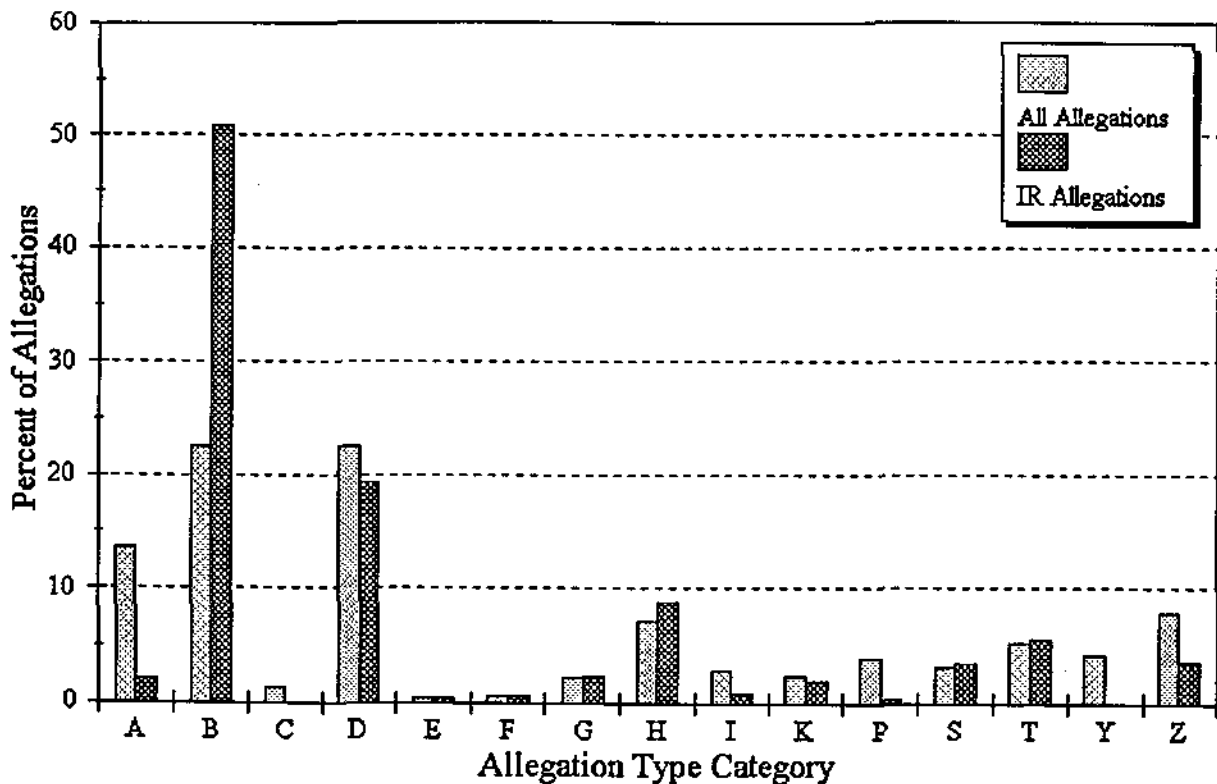


Figure 3: Allegations Resolved by IR Compared to Allegations Investigated Formally

Source: PSU Informal Resolution files.

KEY

A Assault	F Firearms	P Property
B Behaviour	G Arrest/Detain	S Search and Seizure
C Corruption	H Harassment	T Traffic
D Duty Failure	I Information Breaches	Y Criminal Conduct
E Ethnic/Juveniles/Disadvantaged	K Custody	Z Disciplinary Conduct

Informal Resolution Utilisation Rate

On average, 84 misconduct allegations and 130 breach of discipline allegations against members are received each month by the QPS. Under the QPS guidelines, most misconduct allegations are not appropriate for IR. However a majority of the breach of discipline allegations are potentially suitable for resolution by this means. From July 1993 through January 1994, there were an estimated 724 breaches of discipline¹⁰ processed by the QPS for which IR could have been an option. Of these, only 323 (45%) were actually dealt with by IR. However, there are indications that the use of IR is increasing, as the procedure becomes more widely known and understood.

¹⁰ This figure excludes from a total of 1068 breaches of discipline those cases that do not fall within the IR guidelines. These are cases where the complainant or officer is unknown, internal discipline matters, and "no further action" cases.

All complaints against police, including breaches of discipline, are viewed by CJC assessors before being returned to the QPS. These assessors indicate that well over 50% of the breaches of discipline are now being assessed as suitable for IR¹¹.

Outcomes of the Informal Resolutions

Figure 4 shows the outcomes for allegations which were settled by informal resolution. The most common outcome recorded was "explanation accepted by complainant" (38.6% of all allegations). This was closely followed by "agreed to differ" (27.8%). Apologies were made by the police in relation to 31 per cent of the allegations dealt with by IR – in 16.6 per cent by the officers or the Authorised Members on behalf of the officers, and in 14.4 per cent by the Authorised Members on behalf of the Service¹².

In only 7 cases (2%) was there a face-to-face meeting between the complainant and the officer(s) against whom the complaint was made.

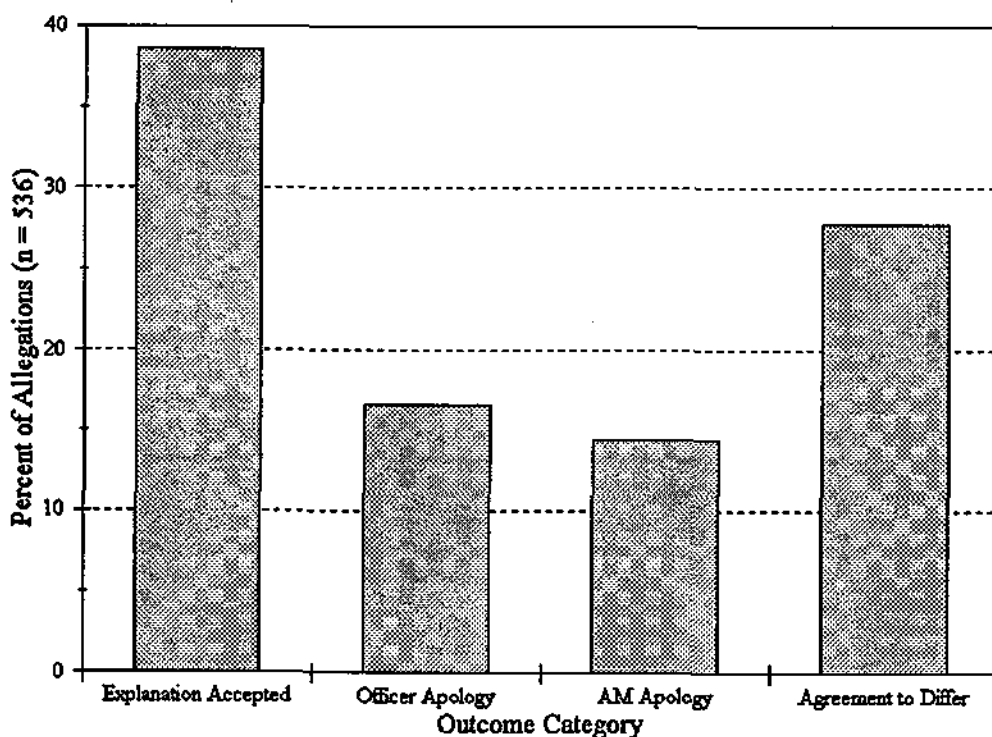


Figure 4: Informal Resolution Allegation Outcomes

Source: PSU Informal Resolution files.

Note: Thirteen allegations (2.4%) were resolved but the result was unclear. Not included in the above figures are:

- twelve allegations which were unresolved and no further action taken.
- one allegation which was unresolved and was assigned to formal investigation.

¹¹ This would seem to indicate that the IRs are taking some time to reach finalisation when they are entered as statistics. This may also indicate that the figures reported in Table 3 on page 12 are underestimating the length of time it takes to conduct an IR. Further research is necessary to clarify these issues.

¹² Thirty-two of the 77 apologies made on behalf of the Service result from one case involving four officers, four complainants, and three allegations. Without this case the percentage of apologies on behalf of the Service would be 8.9% of the total outcomes.

The Complainants

Three hundred and twenty-seven (94.8%) of the cases resolved by IR involved only one complainant, 15 cases (4.3%) involved two complainants, one case (0.3%) involved three complainants, and two cases (0.6%) involved four complainants. There were 196 male complainants (53.8%) and 159 female complainants (43.7%).

Only a minority of allegations arose out of incidents where a complainant was suspected of having committed an offence. There were 22 cases (6.4%) resolved by IR where the complainant had been arrested at the time of the incident. In 71 cases (20.6%) the complainant had been stopped and booked for a traffic offence, and in 32 cases (9.3%) the complainant had been stopped but not booked.

Eleven (3%) of the complainants were police officers or recruits complaining about another member of the Service.

Most of the incidents that led to a complaint (53.6% of cases) occurred in a public place (e.g., street, road). The second most common location was the complainant's home, which accounted for 79 cases (22.9%).

Comparative data on the gender of complainants are presented in Table 1. The types of allegations used in the "minor allegation" category presented in this table are the five most frequent allegations that occur in informal resolution complaints. These are allegations of incivility/rudeness/language, inappropriate behaviour, duty failure via inaction, harassment/victimisation/intimidation, and manner of vehicle use. Table 1 shows that women are more likely to be involved in making relatively minor allegations than those of a more serious nature, and women are somewhat more likely to be involved in an IR than an investigation under the formal system.

Table 1: Gender of Complainants

Allegation	Complainant	
	% Male	% Female
All types of allegations - formally resolved	68.4	31.6
Minor allegations - formally resolved	61.8	38.2
Minor allegations resolved by Informal Resolution	53.8	43.7

Source: PSU Informal Resolution files and complaints data file.

The Officers

Two hundred and fifty-seven (74.5%) of the complaints resolved by IR involved only one officer, 79 (22.9%) involved two officers, four (1.2%) involved three officers, four (1.2%) involved four officers, and one (0.3%) involved eight officers.

Most of the officers were on general duty (50.7%) or traffic duties (15.5%) at the time of the complaint. In 17.8% of cases the types of duty were not recorded. The rank of the officers who were subject to complaints resolved by IR is shown in Table 2. For comparative purposes, this table also shows the overall rank distribution within the QPS. It appears that officers holding the rank of Constable are over-represented. One explanation for this over-representation is that constables are more likely to be in operational duties and, therefore, more likely to come into contact with the public. Another possible factor is that junior police have had less experience in dealing with the public and, thus, may be more likely to act in a way which prompts a complaint.

Civilian employees make up 15% of the total positions in the QPS, but so far only one has been the subject of an IR. This is probably attributable to the fact that these employees have relatively little contact with the general public.

Table 2: Rank of Officers Subject to Complaints Resolved by IR

Rank	Number of Officers Subject of IR	% of Officers Subject of IR	% of Sworn Officers in QPS
Recruit	0	0.0	2.0
Constable	231	52.0	39.7
Senior Constable	120	27.0	24.7
Sergeant	83	18.7	23.5
Senior Sergeant	7	1.6	5.8
Commissioned Officer	2	0.5	4.3

Source: PSU Informal Resolution files and Queensland Police Service Statistical Review 1992-1993.

Note: The rank of one officer was unknown.

Length of an Informal Resolution

The median time to complete an IR was 48 days. This represents the time from when the incident was reported through to the mailing of a final letter to the complainant. The mean was 62 days and the 90th percentile was 120 days¹³. However, these figures are inflated by the fact that some cases started before IR was introduced, and thus had to be initially classified as formal investigations. For the sub-sample initially classified as appropriate for IR, the median time to process the complaint was 44 days, the mean 51 days, and the 90th percentile 91 days.

¹³ The mean is the average of the values. The median is the value above and below which one-half of the observations fall. The 90th percentile is the value below which 90% of the observations fall and above which 10% of the observations fall. The mean of 62 days reported here differs from the "total" average number of days taken for the total sample of 70 days reported in Table 3, because not all files contained information on all stages of the IR procedure.

The total time taken to complete an IR can be subdivided to show the length of time required to complete the various steps of the IR process. This information is presented in Table 3. The median time taken from the date of the incident to the date it was reported was one day (mean of 12 days; 90th percentile of 19 days).

Table 3: Time Taken Between Stages of Informal Resolution

STAGE	AVERAGE NUMBER OF DAYS TAKEN	
	Total Sample (n = 345)	Cases Initially Assigned to IR (n = 229)
Incident reported		
Case assigned to IR	24	6
Complainant posted letter informing IR a possibility	5	4
Complainant signed release agreeing to IR	16	15
Complainant signed statement indicating satisfaction with IR	13	13
Complainant posted final letter	12	13
Total days	70	51

Source: PSU Informal resolution files.

These results can be compared to the length of time taken to deal with allegations against police using formal investigation procedures. The PSU data file currently contains information on 5054 completed allegations, relating to 3153 complaints. For these allegations, the median time taken to deal with an allegation was 112 days (mean of 152 days; 90th percentile of 316 days). Table 4 shows the length of time required to process various types of minor allegations through the formal system. It can be seen that, even for minor allegations, informal resolution takes only about half as long as the formal complaint investigation procedure.

**Table 4: Time Taken to Process Allegations:
Formal Procedures**

Allegation	Number Completed	Median (days)	Mean (days)	90th Percentile (days)
Minor Allegations				
b1 Behaviour - Incivility/Rudeness/Language	673	92	119	246
b2 Behaviour - Inappropriate	415	95	125	267
d1 Duty Failure - Inaction	698	117	165	273
H Harassment - Victimization/Intimidation	323	97	136	293
t1 Traffic - Manner of Vehicle Use	213	106	134	270
All above minor allegations	2322	112	138	272
All types of allegations	5054	112	152	316

Source: PSU complaints data file.

CONCLUSIONS

On the basis of the above analysis, several preliminary observations can be made about the operation of IR.

1. *Although a high percentage of complaints involving breaches of discipline are potentially suitable for IR, only about half have been dealt with by Informal Resolution since the new procedures commenced. The issue of whether there is more scope to employ IR will be addressed as part of the CJC's evaluation of the new procedures.*
2. *For comparable types of allegations, complaints are clearly resolved more quickly by informal resolution than through formal investigation procedures.*
3. *In a large proportion of cases, the complainant apparently accepted the explanation offered by the Authorised Member or agreed to differ. More information is required to establish if the complainant was, in fact, satisfied with this outcome, or whether the information contained in the IR files reflects a police interpretation of events. The CJC proposes to address this issue in its survey of complainants who have been involved in an IR (see below).*
4. *Desk-Top resolution is being used in only a very small proportion of cases. Further research is required to determine the reasons for the reluctance by supervising police to make use of this procedure. However, one barrier may be that Sergeants, and approximately two-thirds of Senior Sergeants, have not yet received training in IR.*

FUTURE RESEARCH

In addition to collecting and analysing statistical data from PSU complaints files, the CJC proposes to conduct several surveys over the next few months. Questionnaires will be sent to:

- a sample of complainants and officers who have been involved in the formal investigation of complaints
- complainants and officers who have been involved in the IR procedure
- Authorised Members of the QPS who have had experience in informally resolving complaints.

The questionnaires will be designed to elicit information on a variety of issues, including:

- complainants' reasons for making the initial complaint
- the level of satisfaction expressed by complainants, officers, and Authorised Members with the complaint resolution process
- complainants' views about the police service before and after being involved in the complaints process
- police officers' views of the complaints process
- Authorised Members' suggestions about ways of improving the informal resolution process.

All responses to these questionnaires will be strictly anonymous. It will not be possible to link survey responses in any way to other records held by the QPS or the CJC.

The Commission expects to complete its evaluation by mid-1994.