



CRIMINAL JUSTICE COMMISSION

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

**AN EVALUATION**

NOVEMBER 1994

RESEARCH AND CO-ORDINATION DIVISION

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Andrew Ede of the Research and Co-ordination Division was primarily responsible for undertaking the research and preparing the final report. He was assisted by Avril Alley, who wrote Chapter Eight. David Bevan, Deputy Director of the Official Misconduct Division, provided valuable advice throughout the project.

**David Brereton**  
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## ABBREVIATIONS

AM	Authorised Member
CJC	Criminal Justice Commission
CJP	Community Justice Program
IR	Informal Resolution
NCO	Non-Commissioned Officer
OMD	Official Misconduct Division
PSU	Professional Standards Unit
QPS	Queensland Police Service

# EXECUTIVE SUMMARY

## CHAPTER ONE: INTRODUCTION

In July 1993 the Queensland Police Service (QPS), in conjunction with the Official Misconduct Division of the Criminal Justice Commission, instituted a new method for dealing with minor complaints against police, known as Informal Resolution (IR). This report assesses whether the new procedures are faster, more efficient, and more cost effective than the investigation of minor matters through the formal system, and whether the process is more satisfying for the participants, in particular the complainants. The report also makes a number of recommendations for improving the current procedures.

## CHAPTER TWO: INFORMAL RESOLUTION AND THE COMPLAINTS INVESTIGATION PROCESS

IR differs from conventional complaints investigation procedures in several ways. In particular:

- The emphasis is on ensuring that the complaint is resolved in a manner which is satisfactory to the complainant rather than on determining if a disciplinary or criminal offence has been committed. The four possible outcomes are:
  - the officer apologises to the complainant
  - an apology is made to the complainant on behalf of the QPS
  - the complainant accepts the explanation which is offered
  - the complainant 'agrees to differ'.
- IR does not entail the imposition of disciplinary sanctions, although the senior officer who handles the matter may choose to provide direction or guidance to the officer who was the subject of the complaint.
- The senior officer who is responsible for handling the complaint is expected to act primarily as a conciliator rather than an investigator.
- IR involves less paperwork and has the potential to be completed much more quickly than a formal investigation, particularly where an expedited procedure known as "Desk-Top" IR is employed.

- Since February 1992 mediation has also been an option for dealing with some complaints against police. Unlike IR, mediation always involves a face-to-face meeting between the complainant and the officer. The meeting is conducted by two trained, independent mediators employed by the Community Justice Program of the Department of Justice and Attorney-General. A total of 73 complaints have been dealt with by mediation since this option became available. Since IR started in July 1993, only eight complaints have been mediated.

### CHAPTER THREE: THE FIRST TWELVE MONTHS

Between 1 July 1993 and 30 June 1994, 614 complaints were finalised by the use of IR. These complaints involved 963 allegations brought against 808 officers by 652 complainants. A review of files relating to these cases shows that:

- as intended, IR appears to have been utilised to resolve minor matters, with 93 per cent of the complaints involving breaches of discipline
- 'behaviour' allegations (mainly incivility, rudeness, and language) accounted for almost half of all IRs conducted
- the utilisation rate appears to have stabilised at around 60 per cent of 'eligible' breach of discipline matters
- there was little use of Desk-Top IR procedures
- the most commonly recorded outcome of IR was 'explanation accepted by complainant' (39% of all allegations), followed by 'agreed to differ' (32%); apologies were made on behalf of the officer or the QPS in around one-quarter of the cases
- officers of the rank of Constable were more likely than officers of other ranks to be the subject of complaints dealt with by IR
- the average IR took significantly less time to finalise than the average formal investigation, although there would appear to be considerable scope for achieving further time reductions.

### CHAPTER FOUR: THE SURVEYS

A key component of the evaluation was a series of mail-back questionnaires sent to a sample of officers and complainants who had been involved in a formal complaint investigation or an informal complaint resolution. The surveys were designed to find out what the participants in IR – complainants, officers and Authorised Members (AMs) – felt about the process, and how their views compared with those who had participated in a formal investigation.

For each sample, the number of surveys returned in relation to investigations or IRs conducted by the QPS were:

● Complainants involved in formal investigation	152 surveys
● Officers subject to formal investigation	191 surveys
● Complainants involved in IR	245 surveys
● Officers involved in IR	261 surveys
● Authorised Members	188 surveys

The key findings in relation to the characteristics of the complainants and officers who responded to these surveys were as follows:

- The samples appear to be broadly representative of the populations from which they were drawn, although use of a mail-back methodology may have resulted in some over sampling of the more educated complainants.
- The large majority of complainants had not previously been arrested and had not previously made a complaint against the police.
- There were no statistical differences between the two complainant samples in regards to gender, employment status or age. The gender and age profile of the complainants in both the samples was similar to that of the total population of complainants.
- There was no statistical difference between the two officer samples in regards to gender, rank, or years of service. The profile of the two officer samples was similar to the total population of officers who had been the subject of a complaint.
- As expected, for both officers and complainants there were some differences between the IR and formal investigation samples in regards to the subject matter of the complaint. Specifically, a large number of the IR complaints related to 'behaviour' and very few concerned assault allegations.

## **CHAPTER FIVE: FORMAL INVESTIGATION VERSUS INFORMAL RESOLUTION: THE VIEWS OF COMPLAINANTS**

The main findings from the two complainant surveys were:

- The majority of complainants in both samples were concerned primarily "to stop it happening to someone else" and "to let the officer know how they felt". Less than half the complainants wanted disciplinary action.
- Most complainants initially expected the matter to be dealt with in less than two months. The majority of complainants in the formal investigation sample considered that the complaint took 'a little' or 'much' too long to complete, whereas the majority of the IR sample felt that the time taken was 'very quick' or 'reasonable'.

- The majority of the complainants in the formal investigation sample (56%) felt that the investigator did not put enough effort into the investigation, whereas only about one-quarter of the complainants in the IR sample were unhappy with the AM's effort. It was uncommon for complainants in either sample to feel that the investigator tried to talk them out of proceeding.
- Most of the complainants in the IR sample (78%) felt that they were kept adequately informed, compared with only 26 per cent in the formal investigation sample.
- Complainants in the IR sample were generally more satisfied with the outcome of the IR, and the way in which the complaint was handled, than were those in the formal investigation sample.
- Despite the high levels of dissatisfaction expressed by complainants in the formal investigation sample, 80 per cent said they would complain again if a similar incident occurred. However, only 26 per cent said they would be happy for the complaint to be dealt with in the same way again. By contrast, of the IR complainants who said they would complain again, 53 per cent said they would be happy for the complaint to be dealt with in the same way.
- A substantially larger proportion of complainants in the formal investigation sample (44%, compared with 26%) said that the experience of complaining had worsened their view of the police service. Conversely, 23 per cent of complainants in the IR sample said that they now had a better opinion of the police compared with only nine per cent in the formal investigation sample.

## **CHAPTER SIX: FORMAL INVESTIGATION VERSUS INFORMAL RESOLUTION: THE VIEWS OF POLICE OFFICERS**

The main findings from the two officer surveys were:

- Three-quarters of officers in the IR sample considered that the time taken to process the complaint was 'very quick' or 'reasonable', compared with only about one-third of the officers in the formal investigation sample.
- A large majority of the officers in both samples felt that the investigator had put enough effort into the investigation.
- Most officers who had been subject to a formal investigation felt that they were not kept adequately informed. In contrast, most officers who had been party to an IR felt that they had been kept adequately informed.
- In contrast to the complainant samples, there was little difference between the two officer samples in terms of the officers' satisfaction with the outcome and the way in which the complaint was handled.

- Around half of the officers in the formal investigation sample, but only one-third of the officers in the IR sample, found the complaint investigation resolution process to be a stressful event.
- Overall, the officers in the IR sample expressed more faith in the complaints system than did the officers in the formal investigation sample.

## **CHAPTER SEVEN: OPERATIONAL ASPECTS OF INFORMAL RESOLUTION: FINDINGS FROM THE OFFICER AND COMPLAINANT SURVEYS**

Key findings relating specifically to the operation of IR were:

- In most cases the complainants felt that the IR was clearly explained to them beforehand, that the AM was impartial in handling the case, and that the AM had a 'very' or 'fairly' good understanding of their side of the complaint.
- 71 percent of officers felt that the AM had a 'very' or 'fairly' good understanding of the officer's side of the complaint.
- 65 per cent of the officers who had been subject to a previous formal investigation felt that IR was a much better process.
- Approximately one-third of complainants stated that they felt pressured to accept the outcome, but only a small percentage of officers stated that they felt pressured to apologise to the complainant.
- Around one-third of officers reported that they had received advice or guidance from the AM. This suggests that IR is being used as a significant management tool for correcting officers' behaviour.
- The proportion of complainants who thought they had received an apology was considerably higher than the proportion of officers who thought that they had given an apology, or the proportion of apologies actually recorded by AMs.
- Only a very small percentage of complainants and officers met with each other, although half of the complainants would have appreciated a face-to-face meeting.

## **CHAPTER EIGHT:            AUTHORISED MEMBERS' PERCEPTIONS OF                                       INFORMAL RESOLUTION**

AMs are those officers of the QPS trained to conduct IRs. During February 1994, all 285 officers trained as AMs were sent a mail-out survey. The main findings from the survey were:

- The reported satisfaction level of the AMs with the new procedures was very high (96%).
- Most AMs considered that IR was beneficial and that the process had improved police/community relations, helped officers change their behaviour for the better and encouraged police officers to be more open.
- According to the AMs, most complainants were willing to participate in IR: 40 per cent of the AMs considered complainants to be 'very willing' and 51 per cent 'fairly willing' to participate in IR. However, 27 per cent of the AMs reported having had at least one complainant decline involvement in IR.
- Over 90 per cent of AMs said that both the police and the complainants were satisfied with the process. However, it should be noted that the complainants and police officers surveyed by the CJC were less positive in their assessment of the process.
- Of the AMs experienced in both formal investigations and IR, 89 per cent considered the IR procedure to be 'a lot better' for dealing with minor complaints. Similarly, 96 per cent reported receiving more job satisfaction from undertaking IR than from conducting formal investigations.
- Few AMs reported experiencing difficulty in acting as a conciliator rather than an investigator.
- Overall, 43 per cent of the AMs with experience in IR reported having 'a lot more faith' in the complaints system as a result of the new procedures. Only one officer said that he or she had less faith.
- The great majority of the respondents with IR experience thought the training provided to AMs was sufficient. The main suggestions were to incorporate more practical teaching methods, provide workshops for all police officers and improve the marketing of the IR process to police officers.

## **CHAPTER NINE: CONCLUSION**

Overall, evidence gathered from the completed IR files and from the surveys of complainants, officers and AMs indicates that IR has been a very positive initiative. However, several ways of improving IR procedures have been identified. The key recommendations are:

### **Recommendation 1. Information Recorded on Informal Resolution Report**

It is recommended that tick boxes be included on the IR report for the AM to indicate:

- if advice or guidance was given to the officer
- if a meeting was held between the complainant and the officer

The report should also include a possible outcome option of 'IR unsuccessful'. Where this option is ticked, the complainant should be asked to indicate on the form if any further action is required.

### **Recommendation 2. Information Contained in Notification to Officer**

It is recommended that the final notification to the officer be amended to include a section informing the officer of the outcome of the IR.

### **Recommendation 3. Time Taken to Finalise Informal Resolutions**

It is recommended that once the new IR guidelines are in place, steps should be taken to define and enforce more strict time standards.

### **Recommendation 4. Need for Regular Monitoring of Complainants**

It is recommended that there be regular monitoring of the IR process to ensure that complainants are not being pressured to accept outcomes and that accurate information has been provided to them about outcomes. This monitoring could be done through regular surveys of complainants, using a methodology similar to that employed in this study.



## **Recommendation 5. Identification of Officers Subject to Multiple Complaints**

It is recommended that if an officer has been involved in a greater than expected number of IRs within a given period, this fact should be "flagged" in the Professional Standards Unit's (PSU) data file and other relevant records. Where the officer has been so identified, there should be consultation with the PSU before IR is used to deal with any further complaints relating to that officer.

## **Recommendation 6. Training of Authorised Members**

It is recommended that AMs be provided with additional training on managing face-to-face contact between complainants and officers, and be advised of the importance of not pressuring complainants to accept outcomes, and of providing clear information to participants regarding the outcome of the IR.

## **Recommendation 7. Guidelines Concerning Meetings**

It is recommended that the IR guidelines be amended to provide that:

- when the AM speaks with the complainant to obtain his or her consent to IR being attempted, the AM should ask whether the complainant would like to have a meeting with the subject officer
- if the complainant indicates a preference for a meeting with the subject officer, the AM should explain to the complainant that there are two options for holding such meetings, the first being a meeting organised by the AM and the second a meeting organised through the Community Justice Program
- it be explained to the complainant at this time that a meeting will only take place if the subject officer agrees to participate.

## **Recommendation 8. Use of Mediation**

It is recommended that mediation continue to be available as an option and used where appropriate. To this end the following paragraph should be added to the guidelines concerning mediation:

- (iv) the complainant has expressed a wish to meet with the subject member to discuss the complaint, and the AM with responsibility of attempting to informally resolve the complaint believes that, in the circumstances of the case, the meetings should not be conducted by a member of the Police Service or the complainant has requested that the meeting be conducted by the Community Justice Program.



# CHAPTER ONE

## INTRODUCTION

### PURPOSE OF THE REPORT

In July 1993 the Queensland Police Service (QPS) instituted a new method, known as Informal Resolution (IR), for dealing with minor complaints against police. This initiative was developed in close cooperation with the Official Misconduct Division (OMD) of the Criminal Justice Commission (CJC). The new procedures were introduced in the expectation that they would decrease the time taken to deal with complaints, free up police resources from costly formal complaint investigations, and provide more satisfaction for complainants, the officer complained about, and the senior officers responsible for handling complaints.

This report presents the results of an evaluation of the first 12 months of the new system. This evaluation has been undertaken by the Research and Co-ordination Division of the CJC as part of the CJC's statutory responsibility to monitor the QPS. The report presents a statistical analysis of all IRs completed in the first 12 months. In addition, it presents the findings of a series of mail-back surveys undertaken for the evaluation. Complainants and police who had experienced the new procedures were asked to complete a mail-back questionnaire. For purposes of comparison, surveys were also sent to a sample of complainants and police who had recently been subject to a formal complaint investigation. In addition, the senior police officers who conduct the IRs, called Authorised Members (AMs), were sampled to obtain their views of the new procedure.

The report compares the complainants', police officers', and AMs' views of the use of formal investigation and IR in dealing with complaints of a minor nature. It highlights the differences between the two procedures and contrasts the way various participants view the procedures. It also uses information from these data sources to make recommendations for improvements to the QPS complaint processes.

The primary focus of the evaluation is on determining how IR compares to formal investigation procedures in resolution time and degree of satisfaction for the participants, in particular the complainants. The evaluation does not directly address the issue of the effectiveness of IR as an educative or disciplinary process for the officers who were the subject of the complaint. A different methodology would be required to investigate this aspect systematically. However, the report does make some tentative observations about the relative effectiveness of IR and the formal investigation procedures.

## **ORGANISATION**

The report is organised as follows.

Chapter Two provides a brief overview of the QPS procedures for dealing with complaints against the police. The chapter then overviews the introduction of IR into the QPS and outlines how this procedure differs from the formal investigation process and mediation.

Chapter Three summarises the statistical data gathered from completed IR files during the first year of IR's operation.

Chapter Four describes the evaluation research methods used in the study. This chapter outlines the aims and hypotheses of the evaluation and the data sources and collection strategies which were used. It also describes the characteristics of the complainants and officers who responded to our surveys.

Chapter Five presents and analyses data from the complainant samples. It covers issues such as:

- how complainants saw the initial responses to their complaints
- complainants' aims in complaining
- levels of satisfaction
- possible determinants of satisfaction
- complainants' willingness to complain again and their confidence in QPS complaints procedures.

Chapter Six provides a similar analysis of the police perspective on formal and informal complaints handling procedures.

Chapter Seven focuses on issues specific to the operation of IR procedures. Questions addressed include:

- Did complainants feel IR was clearly explained to them?
- To what extent did complainants and police feel under pressure to accept various outcomes?
- Did the complainants and officers feel the AM understood their side of the complaint?
- Were meetings held between the complainants and officers? If not would participants have liked a meeting?

Chapter Eight describes how AMs saw the IR procedures, including their suggestions for change and future training.

Chapter Nine summarises key findings of the study and discusses a number of policy issues identified by the evaluation.

## PRESENTATION OF STATISTICAL DATA

This evaluation often compares the findings from two different samples. With these comparisons there is always the possibility that the differences between the two samples are the result of chance factors and not because of some real difference between the samples. Statistical tests enable us to estimate the likelihood of such differences being the result of chance factors. Where indicated, the tables comparing formal investigation and informal resolution samples are statistically significant at the .05 level, using a standard chi-square test. This means that there is less than a one in 20 chance that the difference between the figures obtained for the two samples was the result of chance factors. Similarly, a statistically significant result at the .01 level would mean less than a one in 100 chance that the difference was the result of chance factors. *Where the comparison is not statistically significant, the chi-square result has not been reported.*

Figures reported in the tables have been rounded to the nearest decimal place and figures in the text have been rounded to the nearest whole number.

The letter 'n' in Figures and Tables refers to the number of subjects in the sample who answered that question.

## CHAPTER TWO

### INFORMAL RESOLUTION AND THE COMPLAINTS INVESTIGATION PROCESS

#### INTRODUCTION

This chapter describes the main features of IR and compares it with other procedures for handling complaints within the QPS. The chapter is organised under the following headings:

- the roles of the CJC and the QPS
- formal complaint investigation within the QPS
- the use of mediation
- the introduction of IR into the QPS
- an overview of IR.

#### THE ROLES OF THE CJC AND QPS

Complaints against members of the QPS are divided into two categories: 'breaches of discipline' and 'misconduct'. A breach of discipline is a breach of any provision of the *Police Service Administration Act 1990* or directions of the Commissioner. Breaches can commonly be described as a violation or dereliction of duty. Misconduct matters are more serious. Misconduct is defined as 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 (*Police Service Administration Act 1990*, section 1.4). Both breaches of discipline and misconduct can be described in degrees (for example, minor misconduct).

The CJC has primary responsibility for investigating allegations of misconduct against police. However, it frequently refers cases of minor misconduct back to the QPS for investigation on behalf of the CJC. When the investigation has been concluded, the CJC reviews the investigation report, examines the recommendations and determines if the complaint has been substantiated.

In certain cases, the CJC may request that the QPS investigate serious misconduct or conduct part of the investigation. This option is particularly likely to be used where the complaint relates to events outside Brisbane and CJC investigators will not be in the area for some time. The investigation is always overviewed by a CJC police officer of the rank of Inspector or above. On the basis of the reports provided by the QPS in such cases, the CJC decides if further action and investigation are necessary.

The QPS is responsible for dealing with complaints involving breaches of discipline. Most of these matters are handled within the region where the officer who is subject of the complaint is located.<sup>1</sup> The day-to-day management of complaints within regions is carried out by the Staff Officer, who is normally of the rank of Inspector or above. This officer is responsible for overseeing the handling of complaints at a regional level and liaising with the Professional Standards Unit (PSU) and the CJC.

Where a complaint is made to or originates from within the QPS, a Commissioned Officer assesses whether the behaviour complained of constitutes a breach of discipline or misconduct. A copy of the complaint form is sent to the Complaints Section of the CJC. The Complaints Section may consider that some complaints assessed by the QPS as breach of discipline matters are more serious and reclassify them as misconduct. These matters are dealt with according to the procedures outlined above.

The Chief Superintendent in charge of the PSU is responsible for co-ordinating complaint investigations conducted by the QPS. Many breaches of discipline are now handled by IR, but some are still dealt with by means of a formal investigation (see below). For matters which are formally investigated by the QPS, the Officer-in-Charge of the PSU has the additional responsibility of monitoring and reviewing the investigation. Where complaints go to mediation (see later), the PSU also performs a co-ordinating role.

An important function performed by the PSU is that of keeping track of the progress of investigations. If the regions do not keep to the timetable requirements for providing reports, the PSU sends a reminder through the networked computer system. Liaison occurs weekly between the PSU and the Chief Officer of the Complaints Section of the Commission. Prior to the end of each calendar month, the Chief Officer of the Complaints Section is briefed by the PSU on the progress of investigations.

In some situations, the PSU itself may carry out investigations at the request of the Regions, the CJC, the Police Commissioner, or the Commissioner's Inspectorate.<sup>2</sup>

In partnership with the CJC, the PSU has an important role to perform in ensuring that standards in policing are maintained, and that complaints are properly investigated. It also has a role in implementing any recommendations arising from the investigations of complaints. A major strategy of the PSU for improving professionalism is education. To this end, its staff present lectures and provide resource material to enhance police conduct.

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1 The QPS is divided into eight geographical regions, each of which is under the control of an Assistant Commissioner. Specialist investigative squads (for example, the Homicide Squad) come under the control of the Assistant Commissioner, State Crime Operations.

2 The Commissioner's Inspectorate operates on the Commissioner's behalf principally by keeping QPS executives and management informed regarding the adequacy of all other controls and systems. The role of the Inspectorate is to inspect, audit, review, and evaluate QPS activities.

## **FORMAL COMPLAINT INVESTIGATIONS WITHIN THE QPS**

At the centre of the formal complaints system is an investigation by the CJC or the QPS. Where the QPS is responsible for the investigation, the normal practice is for the District Officer, in the area of the member who is the subject of the complaint, to nominate a suitable officer to conduct the investigation. The person chosen is subject to the approval of the Assistant Commissioner. He or she will usually be a Commissioned Officer, although sometimes the person may be a Senior Sergeant.

### **Conduct of a Disciplinary Investigation**

It is QPS policy that the officer appointed to investigate the complaint should make a practical decision regarding the extent of the investigation required. The officer must contact and interview the complainant in an effort to clarify the allegations. Witnesses and relevant police officers also need to be interviewed. If a complaint is withdrawn, the investigating officer will still continue the investigation if there is evidence of neglect or inappropriate conduct by the officer complained against.

In regard to allegations of misconduct, interviews must be conducted in person. Telephone interviews may be used for minor misconduct or breach of discipline matters in which there are constraints of distance and time. All interviews must be recorded, preferably electronically.

The investigating officer reviews the case and makes recommendations regarding whether the complaint can be substantiated. As mentioned above, in the case of an investigation of misconduct, including minor misconduct, the CJC reviews the investigation report.

### **Time Frames**

According to QPS procedures, the formal complaint investigation must be completed as soon as possible. A limit of 12 weeks is set from the date the direction was given to the investigating officer to commence the inquiry. The officer investigating the complaint has to provide progress reports to the Officer-in-Charge of the PSU within the following time frames:

- first report within four weeks of being directed to carry out the investigation
- second report within eight weeks
- third report within 10 weeks, unless a written exemption has been obtained from the Officer-in-Charge of the PSU (QPS 1993a, p. 18).



The PSU maintains a database of all complaints made to or originating from within the QPS, or referred to the QPS by the CJC. The database records, amongst other things, whether deadlines for reports have been met or not. Regional offices also have access to this database, which they can use for checking on progress. At the end of six weeks, if there is no record of a report having been provided, the PSU sends a computer message to the region. If the investigation is still incomplete by the time the third report is due, the reasons for the inability to complete the investigation must be stated in that report. By the end of 12 weeks, if the investigation is still unfinished, the Officer-in-Charge of the PSU decides what further action should be taken, having regard to the reasons given for the delay. In some cases, complaints may take many months to resolve (see Table 3.4).

### **What Paperwork is Involved?**

The paperwork involved in a formal complaint investigation by the QPS is considerable. It includes records of interviews with the complainant and witnesses, and progress reports. Typically the files of cases that have been the subject of a formal investigation contain:

- a Q.P.307 form setting out the complaint and possibly a letter from the complainant
- a profile of the employment and conduct records of the QPS member who is the subject of the complaint, including the details of any previous complaints and any favourable mentions
- a synopsis of a taped interview between the investigator and
  - the complainant
  - any witnesses
  - the QPS member who is the subject of the complaint
- the criminal or traffic history of the complainant<sup>3</sup>
- a report setting out matters for consideration and recommendations.

At the conclusion of the investigation, the officer is informed of the outcome in writing by means of a pro forma letter 'Notification of Result of Investigation of Complaint', which is signed by the Assistant Commissioner.

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3 A check is done to ascertain if the complainant has a criminal history, because it is considered that some complainants may wish to "get even" with a police officer, or complain to thwart an investigation into themselves.

## **Involvement of the Complainant and the Officer**

Where there is a formal investigation, the complainant is always interviewed regarding the allegations. The usual policy is for complainants to be informed of the findings of the investigation after it has been finalised. However, the frequency of contact with the complainant during the investigation is left to the investigating officer.

Often, the police officer who is the subject of the complaint is the last person to be informed that an investigation is being conducted. This situation is akin to criminal investigations where statements are obtained from witnesses and as much information as possible is gathered before the suspect is interviewed. On the other hand, under IR procedures the police officer who is the subject of the complaint is notified at an early stage, because that scheme is designed to expedite settlement of the matter (see below).

## **Outcomes of Allegations**

Table 2.1 sets out the outcomes of allegations formally investigated by the QPS and the CJC from January 1992 to June 1994.

A complaint is substantiated if the allegation against the officer is proven on the balance of probabilities. In the event of the complaint being substantiated, procedures do not provide for an apology. Unsubstantiated matters are complaints where, after an investigation, a lack of evidence does not allow for a determination one way or the other. Investigated and cleared complaints are complaints investigated by the QPS in which the officer was cleared of any wrongdoing. The category of 'no further action' refers to those matters where, after preliminary assessment, it was decided not to continue the case further because

- the complaint had been furnished frivolously or vexatiously, or
- the complaint had been made anonymously and lacked substance or credibility, or
- there was no reasonable possibility that the complaint could be substantiated.

'Withdrawn' means that the complaint was withdrawn by the complainant and the QPS decided not to take the matter any further.

Overall, the substantiation rate for complaints was only 17 per cent. However, this rate increases to approximately 22 per cent if cases where there was no investigation are excluded.<sup>4</sup> 'No further action' was the outcome in around 20 per cent of cases.

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4 That is, excluding those cases withdrawn or where no further action was taken.

**TABLE 2.1:****OUTCOMES OF ALLEGATIONS AGAINST MEMBERS OF THE QUEENSLAND POLICE SERVICE: JANUARY 1992 - JUNE 1994**

<b>Outcome</b>	<b>Percent of Allegations (n=7775)</b>
Substantiated	17.1
Unsubstantiated	38.2
Investigated and Cleared	20.9
No Further Action	19.5
Withdrawn	4.3
<b>Total</b>	<b>100.0</b>

Source: PSU data file.

Note: Allegations resolved by mediation (100) and by IR (889) are not included.

### **Sanctions and Penalties Available in QPS Disciplinary Hearings**

If a complaint involving misconduct or a breach of discipline is substantiated, a disciplinary hearing may be held and an Assistant Commissioner will issue a 'Direction to Attend a Disciplinary Hearing' to the officer(s) who is the subject of the complaint. The following penalties can be imposed after a disciplinary hearing:

- a caution or reprimand
- a deduction from the officer's salary or wages of an amount equivalent to a fine of two penalty units<sup>5</sup>
- forfeiture of a salary increment
- reduction of salary
- demotion.

From the point of view of the police officer who is the subject of the complaint, often the most damaging aspect of having a complaint substantiated is that promotions and transfers may be affected. This is not the case with IR.

<sup>5</sup> Currently a penalty unit is valued at 60 dollars.

## **THE USE OF MEDIATION**

Mediation aims to help the complainant and the member resolve the matter of the complaint together in the presence of trained, independent mediators. Both of the parties involved in the complaint – the complainant and the officer complained against – must consent to mediation before it can proceed. The process is designed to provide an opportunity for the parties to discuss concerns, explain their views, and explore options for resolution in a safe, open and neutral environment. Mediators do not advise the parties or adjudicate on matters. The content of mediation sessions are confidential and privileged by law. If the complaint is resolved by mediation then no disciplinary action is taken against the officer. If matters are not resolved then the complaint must be dealt with by either formal investigation or IR.

In February 1992, the CJC and the Community Justice Program (CJP) of the Department of Justice and Attorney-General initiated a six month pilot program in which complaints made by citizens against police officers, and assessed by the CJC or the PSU as suitable for mediation, were referred to the Director of the CJP.

The pilot program ran officially until 2 August 1992 and 33 mediation sessions were held. Among the findings reported by the CJP were that:

- the mediation process resolved complaints more quickly than formal investigation
- the degree of satisfaction expressed by complaints regarding the handling of their complaints and the outcomes was higher than that resulting from a formal investigation
- the process provided an efficient and cost-effective alternative for handling minor complaints against the police (CJC 1993a, p. 59).

However, the CJC's Complaints Officers reported that some complainants were unwilling to participate in mediation because:

- the complainant, having been subjected to incivility or some other form of unpleasant behaviour from the police officer, was apprehensive about confronting the officer
- the complainant did not wish to set aside the time needed to mediate the complaint (approximately 2.5 hours plus travel time)
- the complainant saw mediation as an unnecessarily involved process for dealing with a simple matter
- the complainant's sole purpose in making the complaint was to bring to the attention of the police officer's superiors the fact that the officer had shown unprofessional behaviour (CJC 1993a, p. 60).

At the conclusion of the pilot, the CJP agreed to continue to accept referrals of complaints against police for mediation and the Commissioner of the QPS agreed to pay for these services at a cost of \$240 per mediation.<sup>6</sup> Mediation under the CJP continues to be used for a small number of complaints. In total, 73 cases involving 100 allegations have been dealt with via mediation. It seems likely that some complaints which may have been suitable for mediation are now dealt with through IR. Since IR started in July 1993, only eight complaints involving 14 allegations have been mediated.

## **THE INTRODUCTION OF INFORMAL RESOLUTION INTO THE QPS**

Prior to the implementation of IR, a full police investigation was generally required to process even minor complaints, except for those matters designated as 'no further action' or referred to mediation.

The CJC was aware that many complaints of a minor nature were dealt with in the United Kingdom by a system of informal resolution. 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 IR Working Party consisted of officers of the OMD, the QPS and representatives of the two police unions.

The IR Working Party issued its report on 19 November 1992. The report recommended that:

- a system for resolving complaints of a minor nature by IR procedures be introduced in the QPS
- the CJC and the QPS develop guidelines for the classes of matters to be dealt with by way of IR and the procedures to be followed
- any complainant be advised that the IR process is a voluntary one and that the complainant, if not satisfied with the outcome of the process, be able to refer the matter to the CJC or to the Commissioner
- a proper training program on IR procedures be implemented for officers, including practical training and guidance and the accreditation of officers who complete the program
- the use of IR procedures commence immediately accredited officers are available, with priority being given to accreditation of officers in regions where mediation by the CJP was not available
- the PSU and the CJC audit the use of IR to ensure procedures are being properly carried out and proper records are being kept

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6 This fee has now been waived (see Chapter Nine).

- the *Police Service Administration Act 1990* be amended to ensure that IR is considered as an option for dealing with complaints
- this Act also be amended to provide protection for officers from liability for statements made during IR procedures unless those statements were deliberately false
- the mediation of complaints through the CJP remain an option for dealing with complaints
- the QPS publicly promote IR (CJC 1993a, p. 60).

The working party's inquiries revealed that no relevant training programs were currently being conducted in Australia, although several police services were considering introducing such programs. The working party proposed that former Superintendent Dennis Meadus, who was Officer-in-Charge of the Complaints Division of the Hampshire Constabulary in the U.K., 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 CJC and the QPS agreed to jointly fund costs associated with Mr Meadus' visit.

Mr Meadus arrived in Queensland in February 1993 and spent eight months with the CJC and the PSU, 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. Mr Meadus returned from England in early 1994 to assist in the assessment of the procedures and to conduct follow-up training seminars.

As of 13 May 1994, 415 officers throughout Queensland had completed the program and been authorised by the Commissioner of the QPS to use IR techniques for resolving complaints of a minor nature. These officers have been designated AMs. Initially only Inspectors and Acting Inspectors could be AMs. As of 14 January 1994, Senior Sergeants could also act as AMs.

## AN OVERVIEW OF INFORMAL RESOLUTION

Table 2.2 summarises the main differences between formal investigation procedures, mediation and IR.

**TABLE 2.2: COMPARISON OF FORMAL INVESTIGATION, MEDIATION AND INFORMAL RESOLUTION**

	<b>Formal Investigation</b>	<b>Mediation</b>	<b>Informal Resolution</b>
<b>Purpose</b>	To determine if disciplinary or criminal offence committed	Resolve conflict to parties' mutual satisfaction	To ensure complainant is satisfied that complaint has been dealt with appropriately
<b>Used for</b>	Any allegations	Minor allegations only	Minor allegations only
<b>Conducted by</b>	Commissioned Officers or Senior Sergeants	Neutral mediators (CJP staff)	Authorised Members (Commissioned Officers and Senior Sergeants)
<b>Methods used</b>	Standard police investigative techniques	Mediation	Conciliation and explanation
<b>Outcome</b>	Complaint substantiated or not substantiated	If mediation is successful, a written or verbal agreement is reached	Flexibility allowed, but mainly an apology, 'explanation accepted', or 'agree to differ'
<b>Sanction if complaint proved</b>	Various disciplinary sanctions, depending on seriousness of matter	None	None, although AM may give officer advice and guidance
<b>Implications for promotions</b>	Details of case recorded on officer's file	No details recorded on officer's file	No details recorded on officer's file
<b>Involvement of officer subject of complaint</b>	Officer's statement taken after all other avenues investigated	Consent required for meeting with complainant	Officer involved from start of the process; consent not required
<b>Complainant involvement</b>	Complainant gives initial statement and then has very little further involvement	Consent required for meeting with officer subject to complaint	Consent required. Several written, telephone, and/or face-to-face contacts with AM are usually necessary
<b>Paperwork involved</b>	All aspects of case to be rigorously documented	Minimal paperwork	As procedures have developed, minimal paperwork involving pro-forma documentation

## Where It Can Be Used

Under the guidelines, IR is available where it is clear from the outset that the complaint, even if proved, would not bring a penalty more serious than a caution or reprimand or a deduction from the officer's salary or wages, 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 CJC<sup>7</sup>
- 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 IR, the Commissioned Officer who assesses the incoming complaint may designate an AM to undertake IR. The CJC also has the power to refer complaints of minor misconduct by police back to the QPS for IR. The consent of the complainant to attempt IR is required. Until recently, the written consent of the complainant had to be obtained prior to proceeding with an IR in all cases. Under new proposed procedures, oral consent will be sufficient (see below for more details).

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<sup>7</sup> As assault constitutes misconduct, the Complaints Section of the CJC must consent to the use of IR in such cases.



AMs are instructed to undertake the role of a conciliator rather than investigator. The AM'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, but rather to address the inappropriate conduct of police without the risk of formal punishment or threat to promotional prospects. 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.

The guidelines provide that a meeting between the complainant and the officer can be arranged, if it appears to the AM that a meeting would assist in the resolution of the matter and both parties consent. In practice, such meetings are rare (as discussed later in the report).

### **Possible Outcomes**

The guidelines identify four possible outcomes of the IR process.

- Following an interview with the complainant, the AM may conclude that the actions of the officer were both lawful and reasonable. In these cases, it will be sufficient for the AM to explain 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 AM, with the consent of the officer, may apologise to the complainant on behalf of the officer. In these cases the AM would usually give some advice or guidance to the officer.
- The AM may consider it appropriate to offer an apology to the complainant on behalf of the QPS. The officer who was the subject of the complaint will be advised of the apology, but his or her consent is not required. Again, if the AM 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 AM 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 IR, the AM must submit a report recommending either 'no further action' or the appointment of an investigating officer.<sup>8</sup> If the latter is recommended, the investigating officer must not have been involved in the original IR process and must not have access to the original papers.

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8 Figures on the frequency of failed IRs are presented in the notes to Figure 3.5.

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.

Under the guidelines, 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. The CJC has recommended to the Commissioner of Police that the *Police Service Administration Act 1990* be amended accordingly.

### **Documentation Required**

During its first year of operation, a full IR involved the following documentation.

- *Form Q.P.307* (the complaint recording form)
- letter to complainant informing him or her that IR is a possibility
- written consent by the complainant agreeing to attempt IR
- *Notice to Member – Informal Resolution*
- written acceptance by the complainant that IR has been finalised
- *Notice to Member at conclusion of Informal Resolution*
- official report by AM at the conclusion of IR
- letter to complainant at conclusion of IR.

Currently, the process is being revised with a view to increasing the speed of the IR process and reducing the paperwork involved. The new procedures will allow for a telephone call, instead of requiring that an initial letter be sent to the complainant informing him or her that IR is a possibility. Also, the new procedures will only require verbal consent by the complainant to commence the IR. The written acceptance by the complainant that the IR has been finalised, and the AM's final report, are to be combined into a single document.

## "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 AM may delegate the responsibility for attempting the IR to a non-Commissioned Officer (NCO) or other member considered by the AM to be appropriate. This delegation may be given orally. In such cases the AM will be held accountable for the conduct of the Desk-Top IR and 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:

- the complainant is not sent a letter outlining the suitability of the complaint for IR
- 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
- the complaint can be resolved by a member other than the AM.

Under the revised IR procedures (see above) Desk-Top IR will no longer be a separate type of IR, as there will be no need for an initial letter to be sent to the complainant. Under the new procedures the AM will be able to delegate the responsibility for conducting an IR to a NCO. Preferably the NCO should have completed a one-day IR awareness course. For any IR that is delegated, the member who is the subject of the complaint can be verbally informed of the commencement of the IR.

## SUMMARY

IR differs from conventional complaints investigation procedures in several ways. In particular:

- it does not entail the imposition of disciplinary sanctions
- the senior officer who is responsible for handling the complaint is expected to act primarily as a conciliator rather than an investigator
- the emphasis is on ensuring that the complaint is resolved in a manner which is satisfactory to the complainant rather than on determining if a disciplinary or criminal offence has been committed
- IR involves less paperwork and has the potential to be completed much more quickly than a formal investigation.

The following chapters will examine how these new procedures have worked in practice and assess the extent to which they have improved the operation of the complaints process.

# CHAPTER THREE

## THE FIRST TWELVE MONTHS

### INTRODUCTION

This chapter provides a statistical overview of all IRs completed between 1 July 1993 and 30 June 1994. During this period, 614 complaints were finalised, involving 963 allegations brought against 808 officers by 652 complainants. A single 'complaint' may involve several specific allegations, multiple complainants, and multiple officers. An officer may be the subject of more than one complaint over this period. The areas covered are:

- referral sources
- Desk-Top IR
- the types of allegations dealt with by IR
- complainant and officer characteristics
- IR utilisation rate
- outcomes
- the time taken to complete resolutions.

The data on IR presented in this chapter were gathered by a CJC researcher directly from completed IR files located at the PSU at Police Headquarters.

For comparative purposes, data on formally investigated complaints were also obtained from the PSU data file. This data file contains records of all complaints against police received and/or finalised since 1 January 1992. At the end of June 1994, the PSU data file contained details on 10,498 allegations arising out of 6,712 complaints involving 7,011 complainants and 9,175 QPS members. Of the 8,764 finalised allegations, 100 were dealt with via 'mediation', 1,513 were dealt with by 'no further action', 889 were dealt with via 'informal resolution', and the remaining 6,262 were formally investigated.

## REFERRAL SOURCES

Of those complaints finalised by IR, 452 (74%) were assigned to IR immediately or soon after the complaint was received, 88 (14%) were referred from the CJC, three (0.5%) were referred from the mediation process, and the remaining 69 (11%) were referred from the formal investigation system (Figure 3.1).<sup>9</sup> The proportion of complaints 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. The complaints referred from the CJC were cases of minor misconduct referred back to the QPS, or breaches of discipline reported directly to the CJC and referred on to the QPS.

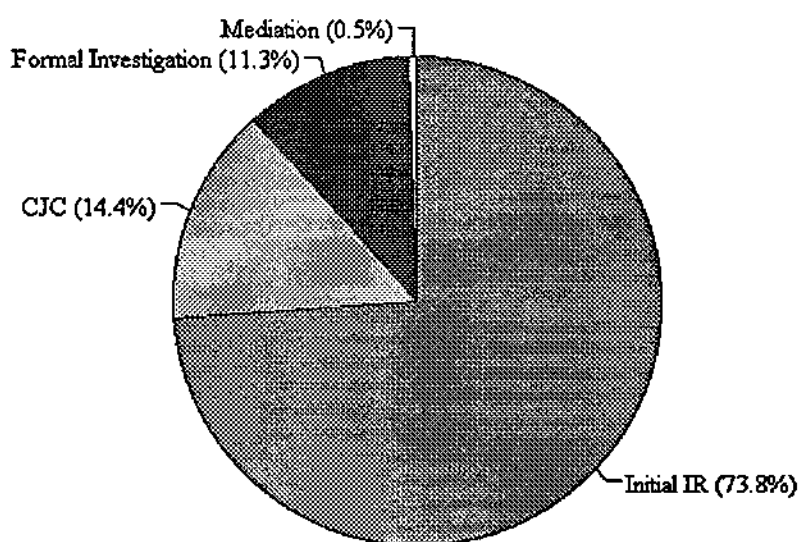


FIGURE 3.1: INFORMAL RESOLUTION REFERRAL SOURCES

Source: PSU Informal Resolution files (n=612).

## THE ALLEGATIONS

Most complaints dealt with by IR were relatively straightforward. Of the complaints resolved by IR, 544 (89%) involved only one type of allegation, 65 (11%) involved two types of allegation, four involved three types of allegation, and the remaining complaint involved five types of allegation.

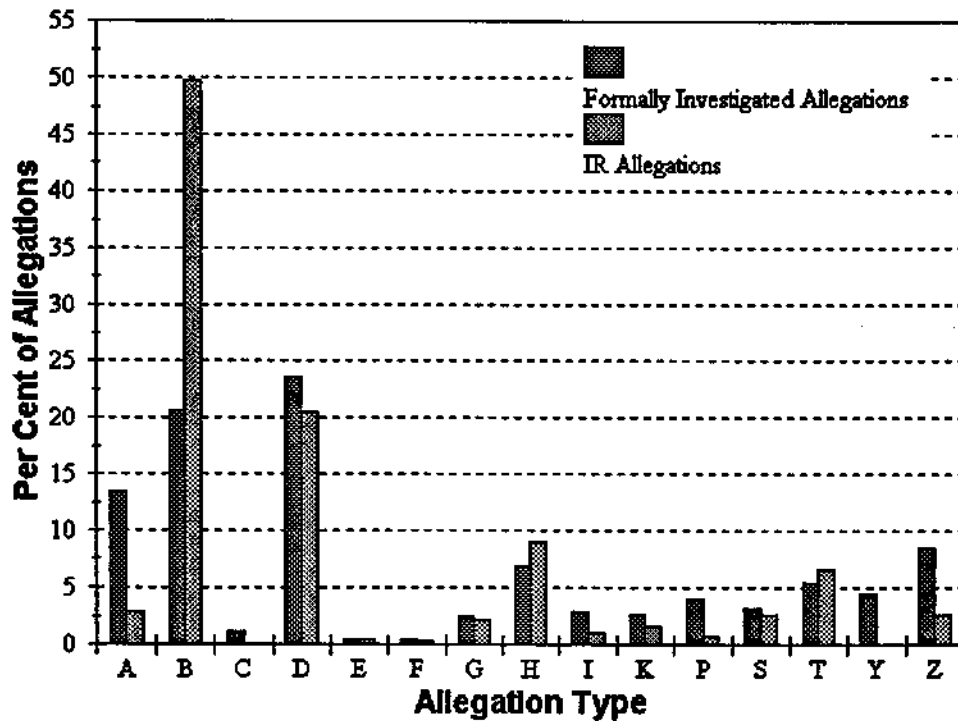
<sup>9</sup> These percentages were calculated excluding two complaints where the referral source could not be determined.

Consistent with the IR guidelines, 90 per cent of the complaints dealt with by IR related to alleged breaches of discipline. A small proportion (3%) were initially classified as misconduct but were later reduced to breaches of discipline, and 42 (7%) involved allegations of misconduct. Four complaints (0.7%) were initially classified as breaches of discipline but were later changed to misconduct.

The Complaints Section of the CJC, which overviews all complaints against police, has indicated that there was only a handful of complaints in which the Section recommended that the initial assignment of IR was not appropriate and that the complaint should have been formally investigated.

Figure 3.2 compares the types of allegations dealt with by IR with those matters dealt with through the formal investigation system. As expected, matters dealt with through the formal investigation procedure tended to relate to more serious allegations (for example, corruption, firearms, criminal conduct, and most assaults). Under the guidelines, such matters are deemed to be inappropriate for IR.

A more extensive breakdown of the types of allegations dealt with by IR is provided in Figure 3.3. There were 359 allegations relating to alleged incivility, rudeness, or language, which accounted for 37 per cent of all allegations dealt with by IR. The next most common allegations were of inaction (143 allegations, or 15%) and inappropriate behaviour (114 allegations, or 12%).



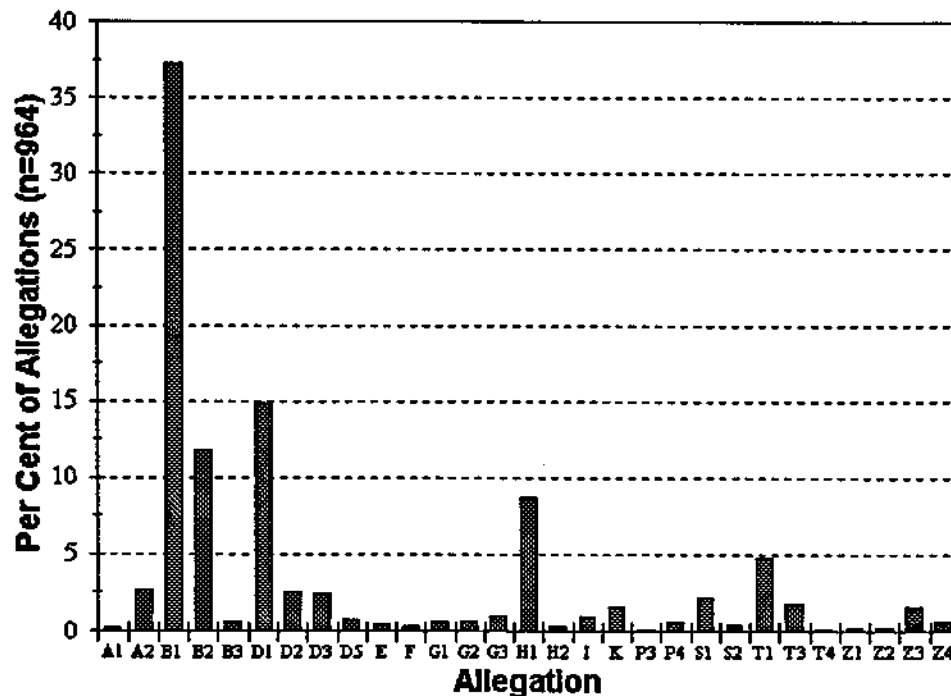
**FIGURE 3.2: ALLEGATIONS RESOLVED BY INFORMAL RESOLUTION COMPARED TO ALLEGATIONS INVESTIGATED FORMALLY**

Source: PSU Informal Resolution files; PSU Complaints data file.

- Notes: 1. The number of formally investigated allegations was 7,875.  
 2. The number of IR allegations was 963.

**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   | Y Criminal Conduct     |
| E Ethnic/Juveniles/Disadvantaged | K Custody       | Z Disciplinary Conduct |



**FIGURE 3.3: DETAILED BREAKDOWN OF TYPES OF ALLEGATIONS RESOLVED BY INFORMAL RESOLUTION<sup>10</sup>**

Source: PSU Informal Resolution files.

**KEY**

- |   |                                    |                               |
|---|------------------------------------|-------------------------------|
| <b>A Assault</b>                        | <b>F Firearms</b>                  | <b>S Search and Seizure</b>   |
| A1 Technical Assault                    | <b>G Arrest/Detain</b>             | S1 Unauthorised Search        |
| A2 Minor Assault                        | G1 Improper Use of Arrest          | S2 Damage During Search       |
| <b>B Behaviour</b>                      | G2 Unauthorised Detain/Arrest      | <b>T Traffic</b>              |
| B1 Incivility/Rudeness/<br>Language     | G3 Other                           | T1 Manner of Vehicle Use      |
| B2 Inappropriate                        | <b>H Harassment</b>                | T3 Issue of TONs              |
| B3 Discriminatory                       | H1 Victimisation/Intimidation      | T4 Improper Use of Discretion |
| <b>D Duty Failure</b>                   | H2 Sexual                          | <b>Z Disciplinary Conduct</b> |
| D1 Inaction                             | <b>I Information Breaches</b>      | Z1 Liquor Consumption         |
| D2 Fail to Identify Self                | <b>K Custody</b>                   | Z2 Breach of Dress Code       |
| D3 Inadequate Investigation             | <b>P Property</b>                  | Z3 Breach of Conduct Code     |
| D4 Fail to Comply with Procedure        | P3 Damage to Property              | Z4 Knowledge Deficiency       |
| <b>E Ethnic/Juveniles/Disadvantaged</b> | P4 Delay or Non-Return of Property |                               |

<sup>10</sup> This figure is based on 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.



## THE COMPLAINANTS

Of the complaints resolved by IR, 580 (94.5%) involved only one complainant, 31 cases (5%) involved two complainants, one case (0.2%) involved three complainants, and two cases (0.3%) involved four complainants.

Thirteen (2%) of the complainants were police officers or recruits complaining about another QPS member.

Only a minority of allegations arose out of incidents where a complainant was suspected of having committed an offence. In 38 cases (6%) the complainant had been arrested at the time of the incident. In 119 cases (19%) the complainant had been stopped and booked for a traffic offence, and in 56 cases (9%) the complainant had been stopped but not booked.

There were 362 male complainants (57%) and 278 female complainants (43%). Comparative data from the PSU data file on the gender of complainants are presented in Table 3.1. The types of allegations used in the 'minor allegation' category presented in this table are the five most frequent allegations dealt with via IR: incivility/rudeness/language, inappropriate behaviour, duty failure via inaction, harassment/victimisation/intimidation, and manner of vehicle use.

As shown in Table 3.1, women made up only 27 per cent of the complainants involved in formal investigations, but 43 per cent of the complainants involved in IR. There are two possible explanations for this:

- a higher proportion of complaints made by women related to relatively minor matters which were suitable for IR
- women may have been somewhat more willing than men to participate in IR.

TABLE 3.1: GENDER OF COMPLAINANTS

Allegation	Complainant	
	% Male	% Female
All types of allegations – formally resolved	73.8	26.7
Minor allegations – formally resolved	67.4	32.6
Minor allegations – informally resolved	56.6	43.4

Source: PSU Informal Resolution files and Complaints data file.

## THE OFFICERS

Four hundred and fifty-four (74%) of the complaints resolved by IR involved only one officer, 139 (23%) involved two officers, 12 (2%) involved three officers, eight (1%) involved four officers, and one (0.2%) involved eight officers.

Most of the officers were on general duty (51%) or traffic duties (14%) at the time of the complaint. In 19 per cent of cases the type of duty was not recorded.

The rank of the officers is shown in Table 3.2. For comparative purposes, this table also shows the overall rank distribution within the QPS. It is that evident that Constables were more likely than officers of other ranks to be the subject of a complaint. 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 inclined to act in a way which prompts a complaint.

Civilian employees make up 15 per cent of the total positions in the QPS, but only six (0.7%) of the complainants in cases resolved by IR related to civilians. This probably reflects the fact that civilian employees have relatively little contact with the general public. Nor do they have powers which can be exercised over members of the public.

**TABLE 3.2: RANK OF OFFICERS SUBJECT TO COMPLAINTS RESOLVED BY INFORMAL RESOLUTION**

Rank	Number of Officers Subject of IR	% of Officers Subject of IR	% of Sworn Officers in QPS
Recruit	0	0.0	2.0
Constable	431	53.5	39.7
Senior Constable	205	25.4	24.7
Sergeant	146	18.1	23.5
Senior Sergeant	13	1.6	5.8
Commissioned Officer	5	0.7	4.3
Total	800	99.3	100.0

Source: PSU Informal Resolution files and QPS 1993, p. 164.

Note: The rank of two officers was unknown.

## INFORMAL RESOLUTION UTILISATION RATE

Under the QPS guidelines for IR, 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. Figure 3.4 shows, on a month by month basis, the cases that were informally resolved as a proportion of all breaches where IR was an option. From July 1993 through June 1994, there were an estimated 1,138 cases of breach of discipline processed by the QPS for which IR could have been an option. Of these, 614 (54%) were actually dealt with by IR. For the last five months of the study period, the utilisation rate was around 60 per cent. As no data were collected in this evaluation on breach of discipline matters which did not go to IR, it is not possible to determine if there is scope for further increasing the utilisation rate.

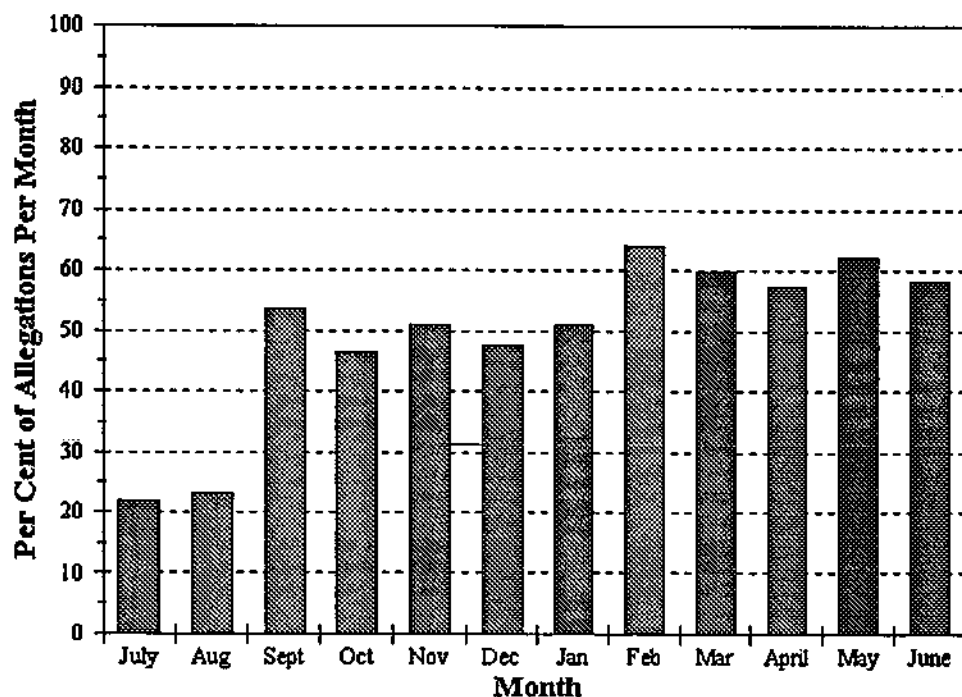


FIGURE 3.4: UTILISATION RATE FOR IR: MONTHLY TREND (1993/94)

Source: PSU Informal Resolution files; PSU Complaints data file.

Note: The utilisation rate was calculated by dividing the number of breach of discipline IRs completed in the month by the number of "eligible" breach of disciplines matters finalised. The number of eligible matters finalised was determined by excluding cases where the complainant or officer was unknown, internal discipline matters, and 'no further action' cases.

## Desk-Top Informal Resolution

During the 12 month period, Desk-Top resolution was used in only 44 cases (7.2% of all complaints resolved by IR).<sup>11</sup> Part of the explanation for this may be that the IR training program had not been extended to the majority of Sergeants within the QPS. These officers would normally be expected to undertake a high proportion of Desk-Top resolutions.

## INFORMAL RESOLUTION OUTCOMES

Figure 3.5 shows the outcomes for allegations which were settled by IR. The most common outcome recorded was 'explanation accepted by complainant' (39% of all allegations). This was closely followed by 'agreed to differ' (32%). Apologies were made by the police in relation to 26 per cent of the allegations dealt with by IR – in 15 per cent by the officers or the AMs on behalf of the officers, and in 11 per cent by the AMs on behalf of the QPS.<sup>12</sup> The rate of apologies recorded is approximately twice as high as the substantiation rate of 17 per cent for formally investigated complaints. However, the proportion of cases where an apology was recorded by the QPS was only about half the proportion of cases in which complainants thought that they were receiving an apology (see Table 5.5 on page 54).

One suggested explanation for the difference between the perceptions of the complainants and the AMs' reports was that it was the result of recording error. The training manual supplied to the AMs gave an example report which did not provide for the recording of an apology. For the first few months of IR many AMs structured their reports around this example. However, Figure 3.6 shows that this confounding factor did not appear to have any significant effect on the rate of apologies – even after the problem with recording procedures was corrected, there was still no increase in the percentage of apologies recorded. In addition, our recording of the outcomes of the IR cases was not solely based on the AM's report. Other documents in the files were also examined to ascertain the outcome.

Only seven reports filed by AMs made reference to a face-to-face meeting between the complainant and the officer(s) against whom the complaint was made. It is possible that there were other cases where direct apologies were made, but anecdotal information suggests that such encounters have been relatively rare.

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11 As discussed in Chapter Two, it is envisaged that Desk-Top IR will no longer be a separate type of IR under the revised guidelines.

12 Thirty-two of the 110 apologies made on behalf of the QPS resulted from one case involving four officers, four complainants, and three allegations. Without this case, the percentage of apologies on behalf of the QPS would have been 8.4 per cent of the total outcomes.