INFORMAL COMPLAINT RESOLUTION IN THE QUEENSLAND POLICE SERVICE:

AN EVALUATION

NOVEMBER 1994

RESEARCH AND CO-ORDINATION DIVISION
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ACKNOWLEDGEMENTS

The research for this study could not have been undertaken without the assistance of the Professional Standards Unit of the Queensland Police Service. The Commission wishes to acknowledge the contribution of the Unit and, in particular, the support provided by Chief Superintendent Cliff Crawford. Thanks are also due to Mr Dennis Meadus who advised on the design of the research and provided detailed comments on a draft of the report.

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
Director
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## Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>AM</td>
<td>Authorised Member</td>
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<tr>
<td>CJC</td>
<td>Criminal Justice Commission</td>
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<td>CJP</td>
<td>Community Justice Program</td>
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<td>IR</td>
<td>Informal Resolution</td>
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<td>NCO</td>
<td>Non-Commissioned Officer</td>
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<td>OMD</td>
<td>Official Misconduct Division</td>
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<td>PSU</td>
<td>Professional Standards Unit</td>
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<td>QPS</td>
<td>Queensland Police Service</td>
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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'.

x
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 percent 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. 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.

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 CJIC. 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\(^3\)
- 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.4 'No further action' was the outcome in around 20 per cent of cases.

---

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

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Percent of Allegations (n=7775)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantiated</td>
<td>17.1</td>
</tr>
<tr>
<td>Unsubstantiated</td>
<td>38.2</td>
</tr>
<tr>
<td>Investigated and Cleared</td>
<td>20.9</td>
</tr>
<tr>
<td>No Further Action</td>
<td>19.5</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>4.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

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\(^5\)
- 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.

\(^5\) 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.\textsuperscript{6} 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 give 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

\textsuperscript{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**

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

13
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
- 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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7 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.8 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 CIC 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). 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.

![Pie chart showing referral sources](image)

**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.

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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
- B Behaviour
- C Corruption
- D Duty Failure
- E Ethnic/Juveniles/Disadvantaged
- F Firearms
- G Arrest/Detain
- H Harassment
- I Information
- K Custody
- P Property
- S Search and Seizure
- T Traffic
- Y Criminal Conduct
- Z Disciplinary Conduct
**Figure 3.3:** Detailed Breakdown of Types of Allegations Resolved by Informal Resolution

Source: PSU Informal Resolution files.

**Key**

- **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
  - D4 Fail to Comply with Procedure

- **E Ethnic/Juveniles/ Disadvantaged**

- **F Firearms**

- **G Arrest/Detail**
  - G1 Improper Use of Arrest
  - G2 Unauthorised Detail/Arrest
  - G3 Other

- **H Harassment**
  - H1 Victimisation/Intimidation
  - H2 Sexual

- **I Information Breaches**

- **K Custody**

- **P Property**
  - P3 Damage to Property
  - P4 Delay or Non-Return of Property

- **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 of Dress Code
  - Z3 Breach of Conduct Code
  - Z4 Knowledge Deficiency

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10 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

<table>
<thead>
<tr>
<th>Allegation</th>
<th>Complainant % Male</th>
<th>Complainant % Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>All types of allegations – formally resolved</td>
<td>73.8</td>
<td>26.7</td>
</tr>
<tr>
<td>Minor allegations – formally resolved</td>
<td>67.4</td>
<td>32.6</td>
</tr>
<tr>
<td>Minor allegations – informally resolved</td>
<td>56.6</td>
<td>43.4</td>
</tr>
</tbody>
</table>

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 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

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


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.

![Bar Chart: Utilisation Rate for IR: Monthly Trend (1993/94)]

**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). 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. 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.

---

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.
Figure 3.5: Informal Resolution Allegation Outcomes

Source: PSU Informal Resolution files.

Note: The above figure excludes:

- twenty-one allegations (2.2%) which were resolved, but for which the result was unclear or did not fit into one of the above categories
- twenty-nine allegations which were unresolved and where no further action was taken
- three allegations which were unresolved and were assigned to formal investigation.

Figure 3.6 shows the proportion of IRs per month which were resolved via an apology by the officer or the QPS. The figure demonstrates that the proportion of IRs resolved by some kind of apology was initially higher, but now seems to have stabilised at around 20–30 per cent of complaints.
**Figure 3.6: Trends in the Use of Apologies (as a Per Cent of Finalised IR Allegations)**

Source: PSU Informal Resolution files.

Note: Figure combines apologies by officer and apologies on behalf of the QPS.

**Length of an Informal Resolution**

The median time taken to complete an IR during the study period was 52 days. This represented the time from when the incident was reported through to the mailing of a final letter to the complainant. The mean was 66 days and the 90th percentile was 125 days.\(^{13}\) 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 those cases initially classified as appropriate for IR, the median time to process the complaint was 47 days, the mean 55 days, and the 90th percentile 111 days.\(^ {14}\)

---

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 per cent of the observations fall and above which 10 per cent of the observations fall.

14 The means (of 66 and 55 days) reported in the text differ from the total average number of days taken reported in Table 3.3, because of rounding and because not all files contained information on all stages of the IR procedure.
Figure 3.7 shows monthly trends in the average time taken to complete IRs (excluding those cases which began as a formal investigation). There was a very quick "turn-around" time in the first couple of months, but only a small number of IRs were conducted in this initial period. Thereafter, average finalisation times appear to have stabilised at around 50 to 60 days, with some indication of an upwards trend in the last part of the study period.

![Graph showing monthly trends in the time taken to complete IRs.](image)

**Figure 3.7: Trends in the Time Taken to Complete Informal Resolutions**

Source: PSU Informal Resolution files.

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 3.3. The most time consuming stage was between the complainant being posted a letter informing him or her that IR was a possibility, and the complainant signing a release indicating satisfaction with IRs. On average, complainants were aware of the outcome of the IR a fortnight before being posted a final letter.
**Table 3.3: Time Taken Between Stages of Informal Resolution**

<table>
<thead>
<tr>
<th>Stage</th>
<th>Total Sample (n=614)</th>
<th>Cases Initially Assigned to IR (n=452)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assignment of case to IR following report of incident¹⁵</td>
<td>18</td>
<td>7</td>
</tr>
<tr>
<td>Complainant posted letter informing IR a possibility</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Complainant signed release agreeing to IR</td>
<td>20</td>
<td>19</td>
</tr>
<tr>
<td>Complainant signed statement indicating satisfaction with IR</td>
<td>14</td>
<td>13</td>
</tr>
<tr>
<td>Complainant posted final letter</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total days</strong></td>
<td><strong>70</strong></td>
<td><strong>57</strong></td>
</tr>
</tbody>
</table>

Source: PSU Informal Resolution files.

These results can be compared with data on the length of time taken to formally investigate allegations. The PSU data file currently contains information on 7,875 completed allegations not resolved via IR. For these allegations, the median time taken to deal with an allegation was 106 days (mean of 157 days; 90th percentile of 346 days). Table 3.4 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, IR took only about half as long as the formal complaint investigation procedure.

---

¹⁵ The median time taken from the date of the incident to the date it was reported was one day (mean of 11 days; 90th percentile of 21 days).
TABLE 3.4: TIME TAKEN TO PROCESS ALLEGATIONS: FORMAL PROCEDURES

<table>
<thead>
<tr>
<th>Allegation</th>
<th>Number Completed</th>
<th>Median (days)</th>
<th>Mean (days)</th>
<th>90th Percentile (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minor Allegations</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B1 Behaviour – Incivility/Rudeness/Language</td>
<td>912</td>
<td>92</td>
<td>127</td>
<td>275</td>
</tr>
<tr>
<td>B2 Behaviour – Inappropriate</td>
<td>650</td>
<td>95</td>
<td>129</td>
<td>288</td>
</tr>
<tr>
<td>D1 Duty Failure – Inaction</td>
<td>1050</td>
<td>105</td>
<td>161</td>
<td>298</td>
</tr>
<tr>
<td>H1 Harassment – Victimisation/Intimidation</td>
<td>506</td>
<td>97</td>
<td>143</td>
<td>320</td>
</tr>
<tr>
<td>T1 Traffic – Manner of Vehicle Use</td>
<td>298</td>
<td>106</td>
<td>144</td>
<td>286</td>
</tr>
<tr>
<td><strong>All above minor allegations</strong></td>
<td>3416</td>
<td>99</td>
<td>142</td>
<td>293</td>
</tr>
<tr>
<td><strong>All types of allegations</strong></td>
<td>7719</td>
<td>106</td>
<td>157</td>
<td>346</td>
</tr>
</tbody>
</table>

Source: PSU Complaints data file.

**SUMMARY**

Analysis of data collected during the first 12 months of IR indicates 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 common outcome recorded 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 IR process took significantly less time than a formal investigation, although there would appear to be considerable scope for achieving further time reductions.
CHAPTER FOUR

THE SURVEYS

INTRODUCTION

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. This chapter describes the survey methods and the characteristics of the complainants and officers who responded to these surveys. Specific issues covered are:

- survey methods
- the issue of representativeness
- complainant characteristics
- officer characteristics.

METHODOLOGY

Aims

The surveys were designed to find out what the participants in IR – complainants, officers and AMs\(^{16}\) – felt about the process, and how their views compared with those who had participated in a formal investigation.

A range of questions were posed. For example:

- How satisfied were complainants and police with the different processes?
- Did complainants and police feel that they were listened to and that their point of view was taken into account?
- Did complainants in the IR process feel under any pressure to accept outcomes which they did not agree with?

\(^{16}\) The survey of AMs is described in Chapter Eight.
• How satisfied were complainants and police with the length of time it took to finalise the IR or complaint investigation?

• Were complainants kept adequately informed about what was happening?

**How the Information was Collected**

A mail-out questionnaire was sent to four groups using names and addresses provided by the PSU. The four groups surveyed were:

• complainants who had been involved in a formal investigation

• complainants who had participated in an IR

• police who had been subject to a formal complaint investigation

• police who had participated in an IR.

The questionnaire took 15–20 minutes to complete. A pre-paid return address envelope was provided. The officer questionnaires were distributed via the internal QPS mailing system with a return address envelope. All questionnaires were accompanied by a short letter describing the purposes of the study. Assurances regarding anonymity were also provided. The decision to answer the questionnaire was at the sole discretion of the participant. No identifying numbers or marks were used on the questionnaires.

The evaluation methodology required the approval of the IR Working Party and the QPS. The Chairperson of the CJC gave a strict undertaking to the Commissioner of Police, via a Memorandum of Agreement, that information obtained from the surveys would not be linked in any way with CJC or PSU records. This was a very important requirement, especially as officers involved in IR are given assurances that complaints will go no further once they have been resolved. The covering letter to the officers also included a reference to an article in the *Queensland Police Union Journal* (1994, pp. 4–5) which provided more information to the officers about the study, and indicated that the CJC had Union approval to survey officers.

**Choice of Methodology**

Mail-out surveys were used because:

• they were anonymous and relatively unobtrusive

• the subject had the choice to respond or not to respond

• they were a cost effective way of gathering large amounts of data.
However, this methodology had some disadvantages:

- there was no guarantee of a good response rate
- the people who responded may not have been representative of the population from which the sample was drawn (for example, people with less education may be less likely to respond to a written questionnaire than those with a higher level of education).

Sampling Procedures

Formal Investigation Complainants

The sampling of the formal investigation complainants was done in two sections. The first 'cut' came from a random selection of approximately 25 per cent of the formal complaint investigations finalised between January and October 1993. Once it was ascertained that a mail-out survey would elicit sufficient responses from the complainants, a further sample was drawn from complaints finalised between May and October 1993. To facilitate comparisons with matters resolved by IR, this second sample consisted only of complainants who had alleged a breach of discipline. Thus, the formal investigation sample was drawn from complaints that were either completed or commenced before IR was introduced. Not included in the sample were complainants who:

- were anonymous
- lacked adequate address details
- were themselves police officers.  

A total of 759 surveys were mailed out. In order to bolster the response rate for this group all of those surveyed were sent a reminder letter approximately two weeks after the initial mail-out.

Formal Investigation Officers

A similar two-stage sampling strategy was used to survey officers who had been the subject of a formal investigation. After excluding complaints against unknown officers, inadequate addresses and complaints by other police, 977 surveys were distributed.

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17 The data file does not distinguish between internal supervisory matters and genuine complaints of police officers made against other police officers. Therefore, all police against other police matters were excluded.
Informal Resolution Complainants

All complainants recorded in the PSU data file as participating in IR between July 1993 and June 1994 were sent a questionnaire. A total of 588 surveys were mailed out to IR complainants. All IR complainants were sent a reminder letter approximately two weeks after the initial mail-out.

Informal Resolution Officers

All officers recorded in the PSU data file as participating in IR were sent a questionnaire. If an officer participated in more than one IR he or she received a questionnaire only on the first occasion. A total of 693 surveys were mailed out to this group.

Response Rates

As shown in Table 4.1, response rates varied from 34 to 45 per cent, depending on the sample. These response rates are fairly typical of anonymous mail-out surveys.

<table>
<thead>
<tr>
<th>Group</th>
<th>No. of Surveys Sent Out</th>
<th>No. of Surveys Returned</th>
<th>Returned to Sender – Not at Address</th>
<th>Return Rate (excluding &quot;returned to sender&quot;)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal Complainants</td>
<td>759</td>
<td>240</td>
<td>135</td>
<td>39%</td>
</tr>
<tr>
<td>Formal Officers</td>
<td>977</td>
<td>320</td>
<td>33</td>
<td>34%</td>
</tr>
<tr>
<td>IR Complainants</td>
<td>588</td>
<td>245</td>
<td>40</td>
<td>45%</td>
</tr>
<tr>
<td>IR Officers</td>
<td>693</td>
<td>261</td>
<td>0</td>
<td>38%</td>
</tr>
</tbody>
</table>

The Issue of Representativeness

Given that less than 50 per cent of those who were surveyed returned the questionnaires, it is important to ascertain whether those complainants and officers who responded were typical of those who did not.
Relatively little information is available about the total population of complainants, or of the officers who have been the subject of complaints. However, comparisons with the PSU data file show that there was not a great deal of difference between the samples and the populations from which they were drawn in terms of:

- the matters which were the subject of allegations (see Figures 4.2 and 4.3)
- the outcomes of the allegations (Tables 5.5 and 5.6).\(^{18}\)

Also, the police who responded to the surveys had a rank structure similar to the total population of officers who had been the subject of a complaint.

As discussed below, the most likely area of difference between the complainant samples and the total population of complainants was in respect to the education level of respondents. This factor does not appear to be related to satisfaction levels.

It should be stressed that the primary aim of the research was to determine whether the introduction of IR has improved complainants' and officers' assessments of the complaints process. For this purpose, it was sufficient that the same methodology was used to compare the two groups of complainants and officers.

**Complainant Characteristics**

**Gender**

There was no significant difference between the gender of complainants in the formal investigation and IR samples (Table 4.2). The ratio of males to females in the samples was also broadly similar to that for the total population of complainants (see Table 3.1).

---

\(^{18}\) The United Kingdom Home Office Research Study Number 93 (Brown 1987), reported complainants with unsubstantiated allegations had a slightly higher response rate, 'implying that those who were dissatisfied with the outcome of complaining were the most likely to respond in order to vent their grievances'. However, this was not the case with our samples. If anything, the opposite effect was found, with more responses from those whose investigation was proved and those whose IR resolution was an apology. On the basis of these data, it is clear that the surveys did not attract responses from a disproportionate number of disgruntled complainants.
TABLE 4.2: GENDER OF COMPLAINANTS

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal Investigation Sample</td>
<td>142 (62.3%)</td>
<td>86 (37.7%)</td>
</tr>
<tr>
<td>IR Sample</td>
<td>141 (59.2%)</td>
<td>97 (40.8%)</td>
</tr>
<tr>
<td>Total</td>
<td>283 (60.7%)</td>
<td>183 (39.3%)</td>
</tr>
</tbody>
</table>

Note: Twelve complainants in the formal investigation sample and seven in the IR sample declined to answer this question.

Educational Level

The educational levels of the respondents is reported in Table 4.3. The education levels of the overall complainant population are unknown. However, it is likely that the use of a mail-back methodology resulted in an over-sampling of better educated complainants. There was no statistically significant differences between the formal investigation and IR samples in terms of this variable.

TABLE 4.3: EDUCATIONAL LEVEL OF COMPLAINANTS

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=220)</th>
<th>Informal Resolution Sample % (n=235)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary School</td>
<td>4.1</td>
<td>4.7</td>
</tr>
<tr>
<td>Some Secondary School</td>
<td>28.5</td>
<td>25.5</td>
</tr>
<tr>
<td>Completed Year 12</td>
<td>12.7</td>
<td>14.0</td>
</tr>
<tr>
<td>Tech/trade</td>
<td>12.2</td>
<td>15.3</td>
</tr>
<tr>
<td>Some Tertiary</td>
<td>18.6</td>
<td>18.3</td>
</tr>
<tr>
<td>Completed Tertiary</td>
<td>23.5</td>
<td>22.1</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Nineteen complainants in the formal investigation sample and nine in the IR sample declined to answer this question. One complainant from each sample reported attending special school.
Employment Status and Occupation

The employment status of complainants in the two samples is reported in Table 4.4. Again, there was no statistically significant difference between the formal investigation and IR samples.

**Table 4.4: Employment Status of Complainants**

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=215)</th>
<th>Informal Resolution Sample % (n=227)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student</td>
<td>2.3</td>
<td>7.9</td>
</tr>
<tr>
<td>F/T Employed</td>
<td>52.6</td>
<td>52.4</td>
</tr>
<tr>
<td>P/T Employed</td>
<td>9.8</td>
<td>5.7</td>
</tr>
<tr>
<td>Casual</td>
<td>4.7</td>
<td>1.8</td>
</tr>
<tr>
<td>Unemployed</td>
<td>6.0</td>
<td>7.0</td>
</tr>
<tr>
<td>Home Duties</td>
<td>3.7</td>
<td>7.0</td>
</tr>
<tr>
<td>Retired</td>
<td>7.9</td>
<td>3.1</td>
</tr>
<tr>
<td>Pensioner</td>
<td>13.0</td>
<td>15.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Note: Twenty-five complainants in the formal investigation sample and 18 in the IR sample declined to answer this question.

Age

The age of the surveyed complainants is reported in Table 4.5. Most of those who responded were over 25 years of age. There was no statistically significant difference between the two samples, or between either of the samples and the age profile of complainants in the PSU data file.
TABLE 4.5: AGE OF COMPLAINANTS

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=219)</th>
<th>Informal Resolution Sample % (n=233)</th>
<th>PSU Data File %</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 yrs and under</td>
<td>0.5</td>
<td>2.6</td>
<td>3.0</td>
</tr>
<tr>
<td>18 to 25 yrs</td>
<td>12.3</td>
<td>19.3</td>
<td>21.7</td>
</tr>
<tr>
<td>26 to 40 yrs</td>
<td>30.1</td>
<td>34.3</td>
<td>34.1</td>
</tr>
<tr>
<td>41 to 60 yrs</td>
<td>48.0</td>
<td>39.9</td>
<td>35.8</td>
</tr>
<tr>
<td>61 yrs or over</td>
<td>9.1</td>
<td>3.9</td>
<td>5.4</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: CJC survey data and PSU data file.

Notes: 1. Twenty-one complainants in the formal investigation sample and 12 in the IR sample declined to answer this question.

2. It should be noted that in 36 per cent of cases in the PSU data file the age of the complainant was not recorded. Thus, the figures shown here are only valid if it is assumed that there was no systematic bias associated with the recording of complainants' ages.

COMPLAINT DETAILS

Type of Complaint

Figure 4.1 compares the types of allegations made by complainants in the formal investigation and IR samples. A higher proportion of the IRs involved 'behaviour allegations' and, conversely, there were more 'duty failure' allegations in the formal investigation sample.
Figure 4.1: Allegations Made by Complainants: Comparison of Formal Investigation and Informal Resolution Samples

Source: CIC survey data.

Note: Twelve complainants in the IR sample declined to answer this question.

Key: Type of Allegation

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 4.2 compares the types of allegations made by the complainants in the formal investigation sample with all formally investigated allegations recorded in the PSU data file. The main difference is that we have under-sampled 'assault' complaints and over-sampled 'behaviour' allegations. This is partly due to our deliberate over-sampling of minor matters (described earlier in this chapter). In addition, it is possible that those complaining of assaults were a more transient population less likely to receive, and respond to, the questionnaire.
Figure 4.2: Allegations Made by Complainants: Comparison of Formal Investigation Sample with All Allegations Formally Investigated

Source: CJC survey data and PSU data file.

Key: Type of Allegation

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 4.3 compares the types of allegations made by complainants in the IR sample with all informally resolved allegations (see Chapter Three). There was no statistically significant difference between the sample and the total population of informally resolved allegations.
Figure 4.3: Allegations Made By Complainants: Comparison of Sample With All Allegations Resolved Via Informal Resolution

Source: CIC survey data and PSU Informal Resolution files.

Note: Twelve complainants in the IR sample declined to answer this question.

Key: Type of Allegation

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

Only a minority of allegations arose out of incidents where a complainant was suspected of having committed an offence. At the time of the incident which prompted the complaint, 18 (8%) of the complainants in the formal investigation sample and nine (4%) of those in the IR sample had been arrested. In addition, 36 (16%) of the formal investigation sample and 60 (26%) of the IR sample had been issued with a ticket for a traffic parking offence at the time of the incident. The differences between the two samples were not statistically significant.

More generally, the majority of the surveyed complainants do not appear to have been "trouble makers" or regular complainers. In the formal investigation sample, 40 (19%) of the complainants had been arrested previously and 42 (18%) had complained previously about police. In the IR sample, 31 (13.5%) of the complainants had been arrested previously and 33 (13.5%) had complained previously about police (Figure 4.4).

**Figure 4.4: Complainants' Prior Arrests and Previous Complaints Against Police**

Note: For prior arrests, the number of formal investigation complainants was 215 as 25 complainants declined to give information about their prior arrests. The number of IR complainants was 231 as 14 complainants declined to give information about prior arrests.

For prior complaints, the number of formal investigation complainants was 239 as one complainant declined to give information about prior complaints. The number of IR complainants was 244 as one complainant declined to give information about prior complaints.

Source: CIC survey data.
POLICE OFFICERS

Officer Characteristics

Gender

Of the officers in the formal investigation sample, 266 (87%) were male and 31 (10%) were female.¹⁹ Two hundred and twenty-three (85%) of the IR officers were male, and 33 (13%) were female.²⁰ In the PSU data file 92 per cent of officers were male and eight per cent female. There was no statistically significant difference between the two samples or between either sample and the PSU data file.

Rank and Years of Service

As shown in Table 4.6, the rank profiles of the officers in the two samples were very similar to that of the total population of officers who have been the subject of complaints.

TABLE 4.6: OFFICERS’ RANK

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=292)</th>
<th>Informal Resolution Sample % (n=254)</th>
<th>PSU data file %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constable</td>
<td>44.2</td>
<td>50.8</td>
<td>47.4</td>
</tr>
<tr>
<td>Senior Constable</td>
<td>27.4</td>
<td>24.4</td>
<td>27.3</td>
</tr>
<tr>
<td>Sergeant</td>
<td>22.3</td>
<td>19.3</td>
<td>19.0</td>
</tr>
<tr>
<td>Senior Sergeant</td>
<td>4.1</td>
<td>3.1</td>
<td>2.8</td>
</tr>
<tr>
<td>Commissioned Officer</td>
<td>2.1</td>
<td>1.6</td>
<td>1.9</td>
</tr>
<tr>
<td>Recruits or Civilians</td>
<td>0.0</td>
<td>0.8</td>
<td>1.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Note: Fifteen officers in the formal investigation sample and seven in the IR sample declined to answer this question.

¹⁹ In most questions a small number of officers chose not to provide an answer. Ten officers (3.3%) did not report their gender.

²⁰ Five officers (2.4%) did not report their gender.
The years of service of the surveyed officers is presented in Table 4.7. As to be expected, given the similarities in rank structure, there was little difference between the samples and the PSU data file.

TABLE 4.7: OFFICERS' YEARS OF SERVICE

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation</th>
<th>Informal Resolution</th>
<th>PSU data file %</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sample %</td>
<td>Sample %</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(n=293)</td>
<td>(n=255)</td>
<td></td>
</tr>
<tr>
<td>5 years and under</td>
<td>37.2</td>
<td>45.9</td>
<td>43.6</td>
</tr>
<tr>
<td>6 to 10 years</td>
<td>22.9</td>
<td>22.3</td>
<td>20.9</td>
</tr>
<tr>
<td>11 to 15 years</td>
<td>17.4</td>
<td>12.2</td>
<td>14.7</td>
</tr>
<tr>
<td>16 to 20 years</td>
<td>13.6</td>
<td>9.0</td>
<td>10.4</td>
</tr>
<tr>
<td>21 to 25 years</td>
<td>5.8</td>
<td>7.5</td>
<td>5.1</td>
</tr>
<tr>
<td>26 to 30 years</td>
<td>2.1</td>
<td>2.3</td>
<td>3.8</td>
</tr>
<tr>
<td>31 years and over</td>
<td>1.0</td>
<td>0.8</td>
<td>1.5</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Fourteen officers in the formal investigation sample and six in the IR sample declined to answer this question.

Complaint Details

Type of Complaint

Figure 4.5 compares the types of allegations made against the officers in the two samples. The main difference is that, consistent with the IR guidelines, very few of the officers in the IR sample had been the subject of an assault complaint. Conversely, a larger proportion of the IR cases related to complaints concerning 'behaviour'. It was apparent that officers who had been the subject of an assault allegation were much more likely to return the questionnaire than were complainants who alleged assault (see Figure 4.2 above).

There was no statistically significant difference between the types of allegations against the officers in the formal investigation sample and the total population of formally investigated allegations, as recorded in the PSU data file.

There was no statistically significant difference between the types of allegations made against the officers of the IR sample and the total population of informally resolved allegations.

46
Figure 4.5: Allegations Made Against Officers: Comparisons of Formal Investigation and IR Officers' Samples

Source: CJC survey data.

Note: Twenty-eight officers in the formal investigation sample and 15 in the IR sample declined to answer this question.

Key: Type of Allegation

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
SUMMARY

This chapter has described the methodology used to survey police and complainants involved in IR and formal complaint investigations. The chapter also outlined the characteristics of each sample. Five findings are particularly noteworthy:

- 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 been previously arrested and had not previously complained about 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, as discussed in Chapter Three, 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

INTRODUCTION

This chapter presents the key comparative findings from the surveys of complainants. The primary issue addressed is whether respondents whose complaints were dealt with through IR assessed the process more positively than those whose complaints were formally investigated. Specific areas examined include the complainants':

- aims in complaining
- views of the initial response of police to the complaint
- assessment of the investigation or resolution of the complaint
- satisfaction with the outcome and the way the complaint was handled
- willingness to complain again
- general perception of the QPS.

MAKING THE COMPLAINT

Scope of Comparison

In the formal investigation sample, 163 (68%) of the respondents made their initial complaint to the QPS, 38 (16%) made their complaint to the CJC, 25 (10%) made their complaint to both the CJC and the QPS, and 13 (5%) initially complained to other bodies or individuals (for example, Members of Parliament).

In the IR sample, 209 (87%) of the respondents made their initial complaint to the QPS, 11 (5%) made their complaint to the CJC, eight (3%) complained to both the CJC and the QPS, and 13 (5%) initially complained to other bodies or individuals (for example, Members of Parliament).

To ensure comparability, responses are compared only for complainants who reported their complaint solely to the QPS.
Aims in Complaining

Table 5.1 sets out the aims complainants had when they complained. In the main, complainants in both samples said that they were attempting to get the officers to modify their behaviour. The majority \textquoteleft wanted to stop it happening to someone else\textquoteright and \textquoteleft to let the officer know how they felt\textquoteright. Less than half the complainants wanted \textquoteleft some sort of action\textquoteright taken against the officer. The differences between the two samples were not statistically significant.

**TABLE 5.1: COMPLAINANTS' AIMS WHEN COMPLAINING**

<table>
<thead>
<tr>
<th>Aims</th>
<th>Formal Investigation Sample % (n=163)</th>
<th>Informal Resolution Sample % (n=209)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I wanted to stop it happening to someone else</td>
<td>69.3</td>
<td>67.9</td>
</tr>
<tr>
<td>I wanted the officer complained against to be aware of the complaint and the way I felt</td>
<td>63.2</td>
<td>74.6</td>
</tr>
<tr>
<td>I wanted some sort of action taken against the officer(s)</td>
<td>44.2</td>
<td>40.2</td>
</tr>
<tr>
<td>I wanted to let the police know how I felt</td>
<td>39.3</td>
<td>56.5</td>
</tr>
<tr>
<td>I wanted an explanation</td>
<td>39.3</td>
<td>44.5</td>
</tr>
<tr>
<td>I wanted an apology</td>
<td>31.3</td>
<td>45.9</td>
</tr>
<tr>
<td>I wanted the police to drop the charges against me</td>
<td>10.4</td>
<td>11.5</td>
</tr>
<tr>
<td>I wanted compensation from the police</td>
<td>5.5</td>
<td>2.4</td>
</tr>
<tr>
<td>Other aim</td>
<td>14.1</td>
<td>8.2</td>
</tr>
</tbody>
</table>

Note: As complainants often had more than one aim when complaining, the percentages in this table total over 100 per cent.

Initial Response to Complaint

Complainants were asked whether the person who received their complaint encouraged them to take the matter further. As Table 5.2 indicates, in both samples most of the complainants did not perceive any discouragement at this stage.
### Table 5.2: Response of Person Who Received Their Complaint

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation</th>
<th>Informal Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sample %</td>
<td>Sample %</td>
</tr>
<tr>
<td>(n=135)</td>
<td>(n=180)</td>
<td></td>
</tr>
<tr>
<td>They encouraged me to go ahead with the complaint</td>
<td>29.6</td>
<td>27.2</td>
</tr>
<tr>
<td>They neither encouraged nor discouraged me</td>
<td>45.9</td>
<td>51.1</td>
</tr>
<tr>
<td>Got the feeling they didn't want me to complain</td>
<td>15.6</td>
<td>17.2</td>
</tr>
<tr>
<td>They tried to talk me out of complaining</td>
<td>7.4</td>
<td>2.8</td>
</tr>
<tr>
<td>Don't know/can't remember</td>
<td>1.5</td>
<td>1.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Note: Twenty-eight complainants in the formal investigation sample and 29 in the IR sample did not answer this question. The majority of those who did not answer this question made the complaint by letter and did not see anyone initially.

The majority of complainants described the person who took their complaint as helpful (Table 5.3). However, there was some difference between the two samples, with around one-third (33.9%) of the formal investigation sample describing the person as 'fairly' or 'very' unhelpful, compared to only 12 per cent of the IR sample.

### Table 5.3: Helpfulness of Person Who Took the Complaint

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation</th>
<th>Informal Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sample %</td>
<td>Sample %</td>
</tr>
<tr>
<td>(n=136)</td>
<td>(n=182)</td>
<td></td>
</tr>
<tr>
<td>Very helpful</td>
<td>26.5</td>
<td>46.2</td>
</tr>
<tr>
<td>Fairly helpful</td>
<td>39.7</td>
<td>41.8</td>
</tr>
<tr>
<td>Fairly unhelpful</td>
<td>24.3</td>
<td>7.1</td>
</tr>
<tr>
<td>Very unhelpful</td>
<td>9.6</td>
<td>4.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Notes:
1. Twenty-seven complainants in the formal investigation sample and 27 in the IR sample did not answer this question. The majority of these were people who made the complaint by letter and did not see anyone initially.
2. Chi-square = 16.38, df 3, p <.01.
Table 5.4 sets out the responses of complainants to the question: 'At the time you made the complaint, how confident were you that it would be dealt with fairly?' It is apparent that, at the outset, many complainants in both the formal investigation and IR samples were apprehensive about how their complaint would be handled.

**TABLE 5.4: CONFIDENCE THAT THE COMPLAINT WOULD BE DEALT WITH FAIRLY**

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=160)</th>
<th>Informal Resolution Sample % (n=207)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very confident</td>
<td>16.3</td>
<td>15.5</td>
</tr>
<tr>
<td>Fairly confident</td>
<td>30.6</td>
<td>31.4</td>
</tr>
<tr>
<td>Not very confident</td>
<td>33.1</td>
<td>36.2</td>
</tr>
<tr>
<td>Not confident at all</td>
<td>20.0</td>
<td>16.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Three complainants in the formal investigation sample and two in the IR sample declined to answer this question.

Of the complainants who said that they felt 'not very confident' or 'not confident at all' about how their complaint would be handled:

- 58 per cent felt that the matter would be ignored or covered up as police protected their own
- 21 per cent said that they lacked confidence because of police attitudes or behaviours
- seven per cent reported a previous negative experience with the police complaints system
- seven per cent reported incompetence or hostility when lodging the complaint
- five per cent feared retribution.\(^2^1\)

\(^{21}\) Some of the complainants gave more than one reason to their lack of confidence.
INVESTIGATION OR RESOLUTION OF THE COMPLAINT

According to those surveyed, the police investigated 152 (64%) of the formally investigated complaints, the CJC investigated 43 (18%), and 16 (7%) were investigated by both CJC and the QPS. Nineteen (8%) of the respondents did not know who investigated their complaint, and eight (3%) said their complaint was not investigated. All of the IRs were conducted by officers of the QPS.

To ensure comparability, the following discussion reports responses only for those complainants whose complaints were investigated by the QPS.

Outcomes of Complaints

The outcomes reported by complainants in the formal investigation sample are presented in Table 5.5. The outcomes recorded in the PSU data file are also shown for comparative purposes.

The PSU data file does not record whether or not the complainant was informed of the outcome. In the sample, 15.3 per cent were not informed of the result of the investigation and this could have been a major source of dissatisfaction. Complainants in this group were generally less satisfied with the process than those who had been notified of the outcome.

<table>
<thead>
<tr>
<th>Table 5.5: Outcome of Formally Investigated Complaint as Perceived by Complainant</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Formal Investigation Sample %</strong></td>
</tr>
<tr>
<td>(n=150)</td>
</tr>
<tr>
<td>Proved</td>
</tr>
<tr>
<td>Not proved</td>
</tr>
<tr>
<td>Complaint withdrawn</td>
</tr>
<tr>
<td>Wasn't told the outcome</td>
</tr>
<tr>
<td>Other/No further action</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Note: Two complainants declined to answer this question.

---

22 Two complainants declined to answer this question.
TABLE 5.6: OUTCOME OF INFORMALLY RESOLVED COMPLAINT AS PERCEIVED BY COMPLAINANT

<table>
<thead>
<tr>
<th>Informal Resolution</th>
<th>Sample % (n=245)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accepted the explanation given by police</td>
<td>11.0</td>
</tr>
<tr>
<td>Did not accept explanation, but decided it was not worth pursuing</td>
<td>17.1</td>
</tr>
<tr>
<td>Officer apologised</td>
<td>28.6</td>
</tr>
<tr>
<td>AM apologised on behalf of Service</td>
<td>25.7</td>
</tr>
<tr>
<td>AM said he/she would talk to the officer</td>
<td>7.3</td>
</tr>
<tr>
<td>AM said he/she would enquire further</td>
<td>1.6</td>
</tr>
<tr>
<td>Agreed to differ</td>
<td>4.5</td>
</tr>
<tr>
<td>Police did not accept the complaint</td>
<td>1.6</td>
</tr>
<tr>
<td>Other</td>
<td>2.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

The outcomes reported by complainants in the IR sample are presented in Table 5.6. As discussed in Chapter Seven, there was a substantial divergence between the outcomes perceived by complainants, the outcomes perceived by officers and those recorded on file by the AMs. In particular, the proportion of complainants who felt that they had received an apology on behalf of the officer or the QPS was well above the proportion of complaints which were officially recorded as having been resolved in this way. Conversely, a considerably smaller proportion of complainants in the survey considered that they had 'agreed to differ'.

Factors Associated With Outcomes

Only three per cent of those whose complaints were substantiated had previously been arrested, compared with 16 per cent of those whose complaints were not substantiated. This may indicate that those who had previously been arrested were more likely to be viewed as trouble makers; hence, their complaints were less likely to be seen as valid. It is also possible that persons who had previously been arrested were more likely to be hostile to police and to complain without reason.

A similar analysis was undertaken for the IR sample. There was no difference in the characteristics of those who had received an apology and those who had not.
Time Taken to Deal With Complaint

Table 5.7 compares the length of time complainants thought it would take to deal with their complaint. In both samples, most complainants expected the matter to be dealt with in less than two months.

**TABLE 5.7: COMPLAINANTS' EXPECTATION OF TIME REQUIRED TO PROCESS COMPLAINT**

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation</th>
<th>Informal resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sample % (n=143)</td>
<td>Sample % (n=230)</td>
</tr>
<tr>
<td>Less than a week</td>
<td>17.5</td>
<td>16.1</td>
</tr>
<tr>
<td>1 – 2 weeks</td>
<td>29.4</td>
<td>24.8</td>
</tr>
<tr>
<td>2 – 4 weeks</td>
<td>21.0</td>
<td>24.3</td>
</tr>
<tr>
<td>1 – 2 months</td>
<td>20.3</td>
<td>19.6</td>
</tr>
<tr>
<td>3 – 4 months</td>
<td>5.6</td>
<td>5.7</td>
</tr>
<tr>
<td>5 – 6 months</td>
<td>3.5</td>
<td>3.5</td>
</tr>
<tr>
<td>7 – 12 months</td>
<td>0.7</td>
<td>1.7</td>
</tr>
<tr>
<td>Longer than 12 months</td>
<td>2.1</td>
<td>4.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Note: Nine complainants in the formal investigation sample and 15 in the IR sample declined to answer this question.

Table 5.8 compares the length of time it actually took to deal with complaints. The difference between the two samples is statistically significant. On average, the formal investigations took considerably longer to complete. This finding is consistent with the data presented in Chapter Three.

As shown in Table 5.9, 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 complainants felt the time taken was 'very quick' or 'reasonable'.
### Table 5.8: Length of Time the Investigation Actually Took

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=148)</th>
<th>Informal Resolution Sample % (n=239)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than a week</td>
<td>7.4</td>
<td>13.8</td>
</tr>
<tr>
<td>1 - 2 weeks</td>
<td>10.1</td>
<td>21.8</td>
</tr>
<tr>
<td>2 - 4 weeks</td>
<td>16.2</td>
<td>23.4</td>
</tr>
<tr>
<td>1 - 2 months</td>
<td>20.9</td>
<td>25.5</td>
</tr>
<tr>
<td>3 - 4 months</td>
<td>18.9</td>
<td>9.6</td>
</tr>
<tr>
<td>5 - 6 months</td>
<td>6.8</td>
<td>2.1</td>
</tr>
<tr>
<td>7 - 12 months</td>
<td>11.5</td>
<td>1.3</td>
</tr>
<tr>
<td>Longer than 12 months</td>
<td>6.8</td>
<td>1.3</td>
</tr>
<tr>
<td>Never told of outcome</td>
<td>1.4</td>
<td>1.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

**Notes:**
1. Four complainants in the formal investigation sample and six in the IR sample declined to answer this question.
2. Chi-square = 25.37, df 8, p <.01.

### Table 5.9: Complainants' Views of Complaint Investigation Times

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=148)</th>
<th>Informal Resolution Sample % (n=243)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very quick</td>
<td>12.8</td>
<td>23.9</td>
</tr>
<tr>
<td>Reasonable</td>
<td>29.7</td>
<td>47.7</td>
</tr>
<tr>
<td>A little too long</td>
<td>16.9</td>
<td>12.3</td>
</tr>
<tr>
<td>Much too long</td>
<td>40.5</td>
<td>16.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

**Notes:**
1. Four complainants in the formal investigation sample and two in the IR sample declined to answer this question.
2. Chi-square = 18.89, df 3, p <.01.

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Response of Investigator or Authorised Member

For both samples, it was uncommon for complainants to feel that the investigator or the AM tried to talk them out of proceeding (Table 5.10).

**Table 5.10: Did Investigator or Authorised Member Suggest Dropping of the Complaint?**

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=150)</th>
<th>Informal Resolution Sample % (n=241)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, tried to persuade me</td>
<td>7.3</td>
<td>5.0</td>
</tr>
<tr>
<td>Mentioned the possibility</td>
<td>10.0</td>
<td>10.8</td>
</tr>
<tr>
<td>No</td>
<td>75.3</td>
<td>84.2</td>
</tr>
<tr>
<td>Never spoke with the investigator/AM</td>
<td>7.3</td>
<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Two complainants in the formal investigation sample and four in the IR sample declined to answer this question.

Table 5.11 compares complainants' perceptions of the effort which investigators or AMs put into dealing with the complaint. The majority of the formal investigation complainants (56%) felt that the investigator did not put enough effort into the investigation, whereas only about one-quarter of the IR complainants were unhappy with the AM's effort. The difference between the two samples was statistically significant.
### Table 5.11: Perceived Effort of Investigator/Authorised Member

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=146)</th>
<th>Informal Resolution Sample % (n=242)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Really tried hard to get to the bottom of the matter</td>
<td>19.9</td>
<td>36.0</td>
</tr>
<tr>
<td>Did quite a thorough job</td>
<td>24.0</td>
<td>37.6</td>
</tr>
<tr>
<td>Just went through the motions, making no real effort</td>
<td>41.1</td>
<td>22.3</td>
</tr>
<tr>
<td>Deliberately went out of the way to avoid the truth</td>
<td>15.1</td>
<td>4.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

**Notes:**
1. Six complainants in the formal investigation sample and three in the IR sample declined to answer this question.
2. Chi-square = 19.52, df 3, p <.01.

As shown in Table 5.12, IR complainants were much more likely than those in the formal investigation sample to consider that they had been kept informed during the course of the investigation/IR. Thus, 78 per cent of the IR sample felt that they were kept adequately informed, compared with only 36 per cent of the formal investigation sample. The difference between the two samples was statistically significant.

### Table 5.12: How Informed Complainants Were Kept During Investigation/Informal Resolution

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=150)</th>
<th>Informal Resolution Sample % (n=244)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very informed</td>
<td>14.0</td>
<td>35.2</td>
</tr>
<tr>
<td>Fairly informed</td>
<td>22.0</td>
<td>43.0</td>
</tr>
<tr>
<td>Fairly uninformed</td>
<td>19.3</td>
<td>13.5</td>
</tr>
<tr>
<td>Very uninformed</td>
<td>44.7</td>
<td>8.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

**Notes:**
1. Two complainants in the formal investigation sample and one in the IR sample declined to answer this question.
2. Chi-square = 42.13, df 3, p <.01.
In both samples, most complainants felt they were given sufficient opportunity to express their views. However, as shown by Table 5.13, there was a somewhat higher level of satisfaction on this measure amongst the IR complainants. The difference between the two samples was statistically significant.

**TABLE 5.13: OPPORTUNITY GIVEN TO COMPLAINANT TO EXPRESS VIEWS**

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=145)</th>
<th>Informal Resolution Sample % (n=242)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Given sufficient opportunity</td>
<td>73.1</td>
<td>89.7</td>
</tr>
<tr>
<td>Not given sufficient opportunity</td>
<td>26.9</td>
<td>10.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: 1. Seven complainants in the formal investigation sample and three in the IR sample declined to answer this question.

2. Chi-square = 9.10, df 1, p <.01.

Roughly half the complainants in both samples found the complaint investigation process to be a stressful event (Table 5.14). It appears that the introduction of IR has not significantly reduced stress levels amongst complainants.

**TABLE 5.14: COMPLAINANTS' STRESS RATINGS DURING COMPLAINT INVESTIGATION OR RESOLUTION**

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=148)</th>
<th>Informal Resolution Sample % (n=244)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very stressful</td>
<td>38.5</td>
<td>27.0</td>
</tr>
<tr>
<td>Fairly stressful</td>
<td>14.2</td>
<td>24.2</td>
</tr>
<tr>
<td>A little stressful</td>
<td>22.3</td>
<td>25.0</td>
</tr>
<tr>
<td>Not stressful at all</td>
<td>25.0</td>
<td>23.8</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Four complainants in the formal investigation sample and one in the IR sample declined to answer this question.
OUTCOME AND SATISFACTION LEVELS

Table 5.15 compares complainants' satisfaction with the outcome and Table 5.16 compares their satisfaction with the way the investigation or resolution was handled. It is evident that the IR sample was far more satisfied than the formal investigation sample on both measures. For both samples, there was a higher level of satisfaction with the process than with the outcome.

TABLE 5.15: COMPLAINANTS' SATISFACTION WITH COMPLAINT OUTCOMES

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=144)</th>
<th>Informal Resolution Sample % (n=241)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very satisfied</td>
<td>9.0</td>
<td>17.425</td>
</tr>
<tr>
<td>Fairly satisfied</td>
<td>18.8</td>
<td>42.7</td>
</tr>
<tr>
<td>Fairly dissatisfied</td>
<td>18.8</td>
<td>19.5</td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td>53.5</td>
<td>20.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: 1. Eight complainants in the formal investigation sample and four in the IR sample declined to answer this question.

2. Chi-square = 26.91, df 3, p < .01.

---

Maguire and Corbett (1991, p. 59) found that amongst IR complainants in their United Kingdom study, 30 per cent reported they were ‘very satisfied’ with the outcome, 27 per cent that they were ‘fairly satisfied’, 17 per cent were ‘a bit dissatisfied’, and 27 per cent were ‘very dissatisfied’. The United Kingdom figures should be viewed with caution because of their small sample size (30 subjects).
TABLE 5.16: COMPLAINANTS' SATISFACTION WITH WAY THE COMPLAINT INVESTIGATION OR RESOLUTION WAS HANDLED

<table>
<thead>
<tr>
<th>Formal Investigation Sample %</th>
<th>Informal Resolution Sample %</th>
</tr>
</thead>
<tbody>
<tr>
<td>(n=148)</td>
<td>(n=243)</td>
</tr>
<tr>
<td>Very satisfied</td>
<td>16.2</td>
</tr>
<tr>
<td>Fairly satisfied</td>
<td>23.6</td>
</tr>
<tr>
<td>Fairly dissatisfied</td>
<td>18.2</td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td>41.9</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes:
1. Four complainants in the formal investigation and two in the IR sample declined to answer this question.
2. Chi-square = 30.94, df 3, p <.01.

The Achievement of Aims

Two-thirds of complainants in the IR sample felt that they had definitely or perhaps achieved their aims by complaining. About one-third felt that they had not achieved their aims by participating in an IR. By comparison, only 48 per cent of those in the formal investigation sample felt that they had definitely or perhaps achieved their aims (Table 5.17).
TABLE 5.17: COMPLAINANTS' ACHIEVEMENT OF THEIR AIMS

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=151)</th>
<th>Informal Resolution Sample % (n=242)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aims achieved</td>
<td>21.2</td>
<td>32.6</td>
</tr>
<tr>
<td>Perhaps achieved aims</td>
<td>26.5</td>
<td>34.7</td>
</tr>
<tr>
<td>Aims not achieved</td>
<td>52.3</td>
<td>32.6</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: 1. One complainant in the formal investigation sample and three in the IR sample declined to answer this question.
2. Chi-square = 11.33, df 2, p <.01.

Why Were the Informal Resolution Complainants More Satisfied?

As the above discussion has shown, on a variety of measures the IR complainants were clearly more satisfied than those complainants whose complaints had been formally investigated. In part, this may be because the IR procedures offer a greater range of possible outcomes than a formal investigation. The achievement of these outcomes is easier because the stringent burden of proof necessary for a formal investigation is not required. Moreover, as discussed in Chapter Seven, it is possible for AMs to give complainants the impression that there has been a positive result (in the form of an apology) even where this may not, in fact, have been the outcome.

Not surprisingly, complainants whose complaints were proved or who had received an apology regarded the process more positively. This extended even to the very early stages of the complaint process. For example, the perceived helpfulness of the person first complained to should have been the same regardless of the eventual outcome. However, in the formal investigation sample, the "proved" group reported that 41 per cent of these initial contacts were 'very helpful', compared with only 29 per cent of those whose complaints were not substantiated.

The other factor which contributed to higher satisfaction levels amongst the IR complainants was the nature of the process itself. As has been shown, the IR process is considerably quicker than formal investigation, the complainant is kept more informed and has more opportunity to express his or her views. The whole process tends to be seen as more "human" involving a friendly conversation with the AM offering his or her opinions and explanations, compared to a statement being taken as part of the formal investigation process.
Further evidence that these factors made a favourable impression on IR complainants can be seen in the comments which respondents added to their questionnaires. The five most frequently stated responses to the question regarding the positive aspects of the IR process are presented in Table 5.18.

The large proportion of complainants who complimented the AMs on the job that they did is worth noting. Some examples of these comments were:

- The senior officer was most helpful and attentive which restored some of my faith in the police as helpful members of our society.
- The Inspector who mediated was very courteous to me and fair to both parties. He did not take sides.
- The Senior Police were fantastic! Thank you again for all your help.
- The response was professional and dignified. I was not made to feel like I was being a nuisance or wasting anyone's time.

**TABLE 5.18: POSITIVE ASPECTS OF THE INFORMAL RESOLUTION PROCEDURE**

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM was professional/helpful/genuine/friendly/courteous</td>
<td>128</td>
<td>52.2</td>
</tr>
<tr>
<td>Quick, efficient, thorough</td>
<td>41</td>
<td>16.7</td>
</tr>
<tr>
<td>Someone listened/took me seriously</td>
<td>30</td>
<td>12.2</td>
</tr>
<tr>
<td>Service or officer made aware of problem</td>
<td>21</td>
<td>8.6</td>
</tr>
<tr>
<td>Prompt action on another matter as result of complaint</td>
<td>9</td>
<td>3.8</td>
</tr>
</tbody>
</table>

Note: Some complainants made more than one response.

**Willingness to Complain Again**

Although a substantial proportion of complainants in the formal investigation sample were dissatisfied with how their complaint was handled, 80 per cent said they would complain again if a similar incident occurred. Only 16 per cent said they would definitely not complain again. In the IR sample, 84 per cent said they would complain again if a similar incident occurred, and 7 per cent said they would definitely not complain again (Table 5.19). The difference between the two samples was statistically significant.

Only 25 per cent of the complainants in the formal investigation sample who said they would complain again, stated that they would be happy for the complaint to be dealt with in the same way. There was substantially less discontent amongst the IR complainants who said they would complain again, with 53 per cent saying that they would be happy for the complaint to be dealt with in the same way again.
TABLE 5.19: COMPLAINANTS' WILLINGNESS TO COMPLAIN AGAIN

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=152)</th>
<th>Informal Resolution Sample % (n=245)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would complain again - happy to have it dealt with in the same way</td>
<td>19.7</td>
<td>44.5</td>
</tr>
<tr>
<td>Would complain again - not happy to have it dealt with in the same way</td>
<td>56.6</td>
<td>36.7</td>
</tr>
<tr>
<td>Would complain again (but did not state if wanted same way or not)</td>
<td>3.3</td>
<td>2.5</td>
</tr>
<tr>
<td>Would not complain again</td>
<td>16.4</td>
<td>7.3</td>
</tr>
<tr>
<td>Unsure if would complain again or not</td>
<td>3.9</td>
<td>9.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Note: Chi-square = 19.45, df 4, p <.01.

Effects on the Queensland Police Service's Public Image

Table 5.20 presents data on complainants' current views of the QPS. Approximately half the complainants in each sample reported that the way their complaint had been handled had made no difference to their view of the QPS. However, significantly fewer complainants in the IR sample felt the way their complaint had been handled had worsened their view of the police, and significantly more felt it had improved their opinion. The difference between the two samples was statistically significant.
### Table 5.20: Impact of Process on Complainants' Views of the QPS

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=149)</th>
<th>Informal Resolution Sample % (n=242)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changed view of the police for the worse</td>
<td>43.8</td>
<td>26.0</td>
</tr>
<tr>
<td>Made no difference</td>
<td>47.3</td>
<td>51.2</td>
</tr>
<tr>
<td>Gave a better opinion of the police than respondent had before</td>
<td>8.9</td>
<td>22.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Notes:
1. Six complainants in the formal investigation sample and three in the IR sample declined to answer this question.
2. Chi-square = 10.72, df 2, p <.01.

A common view expressed in both samples was that police would cover up to protect their own and should not be investigating themselves. At some stage 47.5 per cent of complainants made a comment along the lines that it was wrong for police to investigate themselves. Brown (1987, p. 40), found that 'nearly two-thirds of those interviewed felt that it was wrong in principle for the police to investigate themselves'.

### Summary

This chapter has compared the perceptions of complainants who had experienced a formal investigation with those who had participated in an IR. The main findings are:

- 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 didn't 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

INTRODUCTION

This chapter presents the key findings from the surveys of officers who were the subject of complaints. Specific areas examined include the officers':

- initial expectations
- views of the complaint investigation/resolution process
- satisfaction with outcomes and the way the complaints were handled
- general assessment of the complaints system.

Around 30 per cent of the officers in the formal investigation sample were the subject of a CJC investigation, rather than one conducted within the QPS. To ensure compatibility with the IR sample, these cases have been excluded from the analysis.

INITIAL EXPECTATIONS

Table 6.1 shows responses to the question: 'At the time the complaint was made, how confident were you that it would be dealt with fairly?' About one-quarter of the officers in both samples were apprehensive about how the complaint against them would be handled.

The proportion of officers concerned about whether the complaint would be dealt with fairly was well below the proportion of complainants who had such concerns (see Table 5.4). This may be a consequence of the fact that police have had more experience with, and understanding of, the complaint investigation process. In particular, most police were presumably aware that only a relatively small proportion of complaints against police are substantiated.
TABLE 6.1: OFFICERS' CONFIDENCE THAT THE COMPLAINT WOULD BE DEALT WITH FAIRLY

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=187)</th>
<th>Informal Resolution Sample % (n=255)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very confident</td>
<td>15.0</td>
<td>25.9</td>
</tr>
<tr>
<td>Fairly confident</td>
<td>59.4</td>
<td>45.5</td>
</tr>
<tr>
<td>Not very confident</td>
<td>18.2</td>
<td>23.2</td>
</tr>
<tr>
<td>Not confident at all</td>
<td>7.5</td>
<td>5.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Four officers in the formal investigation sample and six in the IR sample declined to answer this question.

Of those officers in the two samples who reported not feeling 'not very confident' or 'not confident at all':

- 39 per cent felt that police are assumed guilty before proven or that complainants are believed over officers
- 17 per cent had little faith in the investigation system
- 11 per cent felt that the complainant had ulterior motives or would lie or that the matter was trivial
- 8 per cent felt that the investigator was incompetent or over zealous or was out to get them charged
- 6 per cent had negative experience with the complaints procedure in the past.\(^{24}\)

\(^{24}\) Some officers gave more than one reason for their lack of confidence.
INVESTIGATION OF THE COMPLAINT

Outcomes of Complaints

The outcomes of the formally investigated matters, as the officers saw them, are presented in Table 6.2. Also shown in this table are the outcomes recorded in the PSU data file. The proportion of officers who reported that the complaint against them was substantiated was somewhat lower than the proportion of complainants in the formal investigation sample who said that their complaint had been substantiated (see Table 5.5).

TABLE 6.2: OUTCOMES OF FORMALLY INVESTIGATED COMPLAINTS AS REPORTED BY THE OFFICER

<table>
<thead>
<tr>
<th></th>
<th>Formally Investigated % (n=191)</th>
<th>PSU Data File %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantiated</td>
<td>15.7</td>
<td>17.1</td>
</tr>
<tr>
<td>Not substantiated</td>
<td>34.0</td>
<td>38.2</td>
</tr>
<tr>
<td>Investigated and cleared</td>
<td>33.0</td>
<td>20.9</td>
</tr>
<tr>
<td>Complaint was withdrawn</td>
<td>5.2</td>
<td>4.3</td>
</tr>
<tr>
<td>Was not told the outcome</td>
<td>6.3</td>
<td>-</td>
</tr>
<tr>
<td>Other/No further action</td>
<td>5.8</td>
<td>19.5</td>
</tr>
</tbody>
</table>

The outcomes of the informally resolved matters, as seen by the officers, are presented in Table 6.3. Almost half the officers reported that the complainant had accepted the explanation given by the AM. Conversely, very few thought there had been an apology on behalf of the QPS (8%), that they themselves had apologised (11%), or that there had been an ‘agreement to differ’ (3%). The officers differed markedly from the complainants in how they perceived the outcome of the IR. This finding is discussed more fully in the next chapter.
TABLE 6.3: OUTCOMES OF INFORMALLY RESOLVED COMPLAINTS AS PERCEIVED BY THE OFFICER

<table>
<thead>
<tr>
<th>Informal Resolution</th>
<th>Sample % (n=255)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant accepted the explanation given by AM</td>
<td>48.6</td>
</tr>
<tr>
<td>Complainant did not accept explanation, but decided it was not worth pursuing</td>
<td>7.5</td>
</tr>
<tr>
<td>Officer apologised directly</td>
<td>4.7</td>
</tr>
<tr>
<td>AM apologised on behalf of officer</td>
<td>6.7</td>
</tr>
<tr>
<td>AM apologised on behalf of Service</td>
<td>7.8</td>
</tr>
<tr>
<td>Officer given advice or guidance by AM</td>
<td>0.0</td>
</tr>
<tr>
<td>AM said he/she would enquire further</td>
<td>1.2</td>
</tr>
<tr>
<td>Agreed to differ</td>
<td>6.2</td>
</tr>
<tr>
<td>Unknown/Not advised</td>
<td>12.2</td>
</tr>
<tr>
<td>Other</td>
<td>5.1</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Six officers declined to answer this question.

Time Taken

The officers' views of the length of time it took to deal with the complaint are presented in Table 6.4. Nearly two-thirds of the formal investigation officers considered that the complaint took 'a little' or 'much' too long to complete, compared with only 24 per cent of the IR officers. Conversely, only 35 per cent of the formal investigation officers felt the investigation was 'very quick' or 'reasonable', compared with 76 per cent of IR officers. The difference between the two samples was statistically significant. Comments from officers about IR included:

- The matter is resolved a lot more quickly than actual investigations. Less stress placed on the officer involved.

- I believe that the informal resolution process is of great benefit to the constable on the street as complaints are resolved quickly.

- It is good to be spoken to when you can actually remember something of the incident.
The officers' views on complaint investigation/resolution times were broadly similar to those of the complainants (see Table 5.9).

**Table 6.4: Officers' Views of Complaint Investigation or Resolution Times**

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=189)</th>
<th>Informal Resolution Sample % (n=259)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very quick</td>
<td>3.2</td>
<td>19.2</td>
</tr>
<tr>
<td>Reasonable</td>
<td>31.7</td>
<td>55.9</td>
</tr>
<tr>
<td>A little too long</td>
<td>31.7</td>
<td>10.3</td>
</tr>
<tr>
<td>Much too long</td>
<td>32.8</td>
<td>13.8</td>
</tr>
<tr>
<td>Never told of outcome</td>
<td>0.5</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: 1. Two officers in the formal investigation sample and two in the IR sample declined to answer this question.

2. Chi-square = 37.23, df 4, p < .01.

**Response of Investigator or Authorised Member**

The majority of officers in both samples felt that the investigator or AM had put enough effort into the investigation (Table 6.5). There was no statistically significant difference between the two police samples. Comments included:

- It was fairly investigated by a police superior.
- A good investigation by a competent person with a true result and recommendation.
- Investigating officer was fair and impartial.
- Weren't made to feel guilty or that I was at fault.
- The Authorised Member made me feel very comfortable with the process. No stress experienced.

The police respondents generally were more satisfied with the effort of the investigator or AM than were the complainants (see Table 5.11). In addition, amongst the complainants, those in the IR group were substantially more likely than those in the formal investigation sample to perceive that enough effort had been put into the resolution.
As indicated, there was no such difference between the two police samples. This may have been because where formal investigations are concerned:

- officers are more likely than complainants to be satisfied with the effort of the investigator because they are closer to the process and can see more of what is being done

- as most complaints are not substantiated, officers may be more likely to think there was a proper effort involved.

Conversely, complainants involved in an IR generally received substantially more information than those involved in formal investigations, and were also more likely to believe that they had achieved an acceptable outcome.

**TABLE 6.5: OFFICERS’ PERCEPTIONS OF INVESTIGATOR’S OR AUTHORISED MEMBER’S EFFORT**

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=190)</th>
<th>Informal Resolution Sample % (n=256)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Really tried hard to get to the bottom of the matter</td>
<td>25.3</td>
<td>21.1</td>
</tr>
<tr>
<td>Did quite a thorough job</td>
<td>58.4</td>
<td>62.9</td>
</tr>
<tr>
<td>Just went through the motions, making no real effort</td>
<td>11.1</td>
<td>14.5</td>
</tr>
<tr>
<td>Deliberately went out of the way to avoid the truth</td>
<td>4.7</td>
<td>1.6</td>
</tr>
<tr>
<td>I never knew of investigation</td>
<td>0.5</td>
<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: One officer in the formal investigation sample and five in the IR sample declined to answer this question.
Information Provided

Many officers who had been the subject of a formal investigation were concerned about the lack of information provided during the investigation (Table 6.6). In contrast, most officers who had been involved in an IR felt that they were kept adequately informed. The difference between the two samples was statistically significant. Comments from officers about the formal investigation included:

I was not informed of the complaint. I found out third-hand. I was not given the opportunity to say anything. Why aren't people making false complaints charged?

Lack of information — not being informed of complaint until unspecified time after it was made, and not being advised of investigation in progress — as it was not a complaint of criminal misconduct why not deal with it in a more open manner.

### Table 6.6: How Informed Officers Were Kept During Investigation or Resolution

<table>
<thead>
<tr>
<th>Formal Investigation Sample % (n=190)</th>
<th>Informal Resolution Sample % (n=260)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very informed</td>
<td>13.7</td>
</tr>
<tr>
<td>Fairly informed</td>
<td>28.9</td>
</tr>
<tr>
<td>Fairly uninformed</td>
<td>28.9</td>
</tr>
<tr>
<td>Very uninformed</td>
<td>28.4</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: 1. One officer in the formal investigation sample and one in the IR sample declined to answer this question.

2. Chi-square = 26.28, df 3, p < .01.

The great majority of officers in both samples felt they had been given sufficient opportunity to express their views (Table 6.7).
### Table 6.7: Opportunity to Express Views

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation</th>
<th>Informal Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sample % (n=189)</td>
<td>Sample % (n=259)</td>
</tr>
<tr>
<td>Given sufficient opportunity</td>
<td>85.7</td>
<td>86.1</td>
</tr>
<tr>
<td>Not given sufficient opportunity</td>
<td>14.3</td>
<td>13.9</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

**Note:** Two officers in the formal investigation sample and two in the IR sample declined to answer this question.

Table 6.8 presents data on the amount of stress which officers reported experiencing when having a complaint investigated/resolved. Roughly half of the officers in the formal investigation sample (55%), but only one-third of those in the IR sample (30%), found the process to be stressful. The difference between the two samples was statistically significant. By contrast, the introduction of IR seems to have had relatively little impact on the stress levels experienced by complainants (see Table 5.14).

In the case of the police, it seems likely that a significant source of stress is the prospect that, if an allegation is substantiated by a formal investigation, they will be disciplined, their record adversely affected, and their promotional opportunities jeopardised. IR removes these sources of stress. By comparison, for complainants the major cause of stress is probably the event which prompted the complaint and the act of complaining itself. These factors are present regardless of whether the complaint is dealt with by means of a formal investigation or an IR.
**TABLE 6.8: OFFICERS' STRESS RATINGS DURING COMPLAINT INVESTIGATION OR RESOLUTION**

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=191)</th>
<th>Informal Resolution Sample % (n=255)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very stressful</td>
<td>27.2</td>
<td>7.5</td>
</tr>
<tr>
<td>Fairly stressful</td>
<td>28.3</td>
<td>22.7</td>
</tr>
<tr>
<td>A little stressful</td>
<td>29.3</td>
<td>44.7</td>
</tr>
<tr>
<td>Not stressful at all</td>
<td>15.2</td>
<td>25.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Notes: 1. Six officers in the IR sample declined to answer this question.

2. Chi-square = 17.44, df 3, p < .01.

**SATISFACTION WITH OUTCOME AND WAY COMPLAINT WAS HANDLED**

Table 6.9 presents data on the officers' satisfaction with the outcome of the complaint investigation/resolution. The difference between the two samples was not statistically significant.

Officers who had been involved in an IR reported a higher level of satisfaction with the outcome than the complainants (see Table 5.15). In addition, in contrast to the police samples, there was a marked difference between the two complainant samples in terms of their satisfaction with the outcome. The most likely explanation for the lack of difference between the two police samples is that most formal investigation outcomes were in favour of the officer. Hence, there was less scope for the introduction of IR to make a difference to the way in which the officers viewed the outcomes.
### Table 6.9: Officers' Satisfaction with the Outcome of Formally Investigated and Informally Resolved Complaints

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=185)</th>
<th>Informal Resolution Sample % (n=256)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very satisfied</td>
<td>31.4</td>
<td>33.6</td>
</tr>
<tr>
<td>Fairly satisfied</td>
<td>36.2</td>
<td>42.2</td>
</tr>
<tr>
<td>Fairly dissatisfied</td>
<td>13.0</td>
<td>13.3</td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td>18.9</td>
<td>10.5</td>
</tr>
<tr>
<td>Never told of outcome</td>
<td>0.5</td>
<td>0.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Six officers in the formal investigation sample and five in the IR sample declined to answer this question.

Table 6.10 presents officers' satisfaction with the conduct of the complaint investigation or resolution. The difference between the two samples was not statistically significant. Again this contrasts with the complainants, where there was a marked difference between the two samples (see Table 5.16).

### Table 6.10: Officers' Satisfaction with Complaint Investigation or Resolution Process

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=185)</th>
<th>Informal Resolution Sample % (n=254)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very satisfied</td>
<td>22.3</td>
<td>30.3</td>
</tr>
<tr>
<td>Fairly satisfied</td>
<td>53.7</td>
<td>53.1</td>
</tr>
<tr>
<td>Fairly dissatisfied</td>
<td>11.7</td>
<td>10.6</td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td>12.2</td>
<td>5.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Three officers in the formal investigation sample and seven in the IR sample declined to answer this question.
Officers in both samples were asked how much faith they had in the complaints system after experiencing formal investigation or IR. As shown in Table 6.11, 41 per cent of the IR sample said that they now had more faith in the complaints system, compared with only 12 per cent of the formal investigation sample.

**Table 6.11: Officers' Faith in Complaints System After Experiencing Formal Investigation or Informal Resolution**

<table>
<thead>
<tr>
<th></th>
<th>Formal Investigation Sample % (n=189)</th>
<th>Informal Resolution Sample % (n=252)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A lot more faith</td>
<td>2.7</td>
<td>12.7</td>
</tr>
<tr>
<td>A little more faith</td>
<td>9.1</td>
<td>28.6</td>
</tr>
<tr>
<td>About the same</td>
<td>65.8</td>
<td>46.4</td>
</tr>
<tr>
<td>A little less faith</td>
<td>9.6</td>
<td>4.4</td>
</tr>
<tr>
<td>A lot less faith</td>
<td>12.8</td>
<td>7.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Notes:
1. Four officers in the formal investigation sample and nine in the IR sample declined to answer this question.
2. Chi-square = 23.03, df 4, p < .01.

**Summary**

This chapter has compared the perceptions of officers who had experienced a formal investigation and those who had participated in an IR. The main findings reported 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 were kept adequately informed.
• In contrast to the complainant samples, levels of satisfaction with the outcome and with the way in which the complaint was handled were similar for both police samples.

• Roughly 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

INTRODUCTION

This chapter deals with findings from the complainant and police samples which relate specifically to the operation of IR. The chapter:

- describes how complainants and officers saw the process of IR and the role of the AM
- assesses the extent to which either group felt pressured to accept certain outcomes
- discusses why the two groups often had different perceptions of the outcome of the IR process
- summarises complainant and officer views on how the IR process could be improved.

PERCEPTIONS OF THE PROCESS

Complainants' Views

The great majority (84.6%) of the complainants felt that the police had clearly explained to them what IR would involve; only 37 (15.4%) felt it was not explained clearly.

Generally, the AMs were seen as impartial. Thirty-eight (15.9%) of the complainants thought that the AM was more inclined to believe the police, 58 (24.3%) thought that the AM was more inclined to believe them, and 143 (59.8%) said that the AM did not give an indication either way.

The great majority of both complainants and officers felt that the AM had a 'very' or 'fairly' good understanding of their side of the complaint (Table 7.1).
TABLE 7.1: AUTHORISED MEMBERS’ UNDERSTANDING OF THE COMPLAINANTS’/OFFICERS’ SIDE OF COMPLAINT

<table>
<thead>
<tr>
<th></th>
<th>Complainant Sample % (n=243)</th>
<th>Officer Sample % (n=260)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very good</td>
<td>53.1</td>
<td>48.5</td>
</tr>
<tr>
<td>Fairly good</td>
<td>33.7</td>
<td>38.1</td>
</tr>
<tr>
<td>Not very good</td>
<td>7.4</td>
<td>10.4</td>
</tr>
<tr>
<td>Not good at all</td>
<td>5.8</td>
<td>3.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Note: Two complainants and one officer declined to answer this question.

Officers’ Views

Around two-thirds (68%) of the officers in the IR sample had previously been subject to a formal investigation. Of these officers, around two-thirds preferred IR (Table 7.2).

TABLE 7.2: OFFICERS’ COMPARISON OF INFORMAL RESOLUTION AND FORMAL INVESTIGATION

<table>
<thead>
<tr>
<th></th>
<th>Sample % (n=171)</th>
</tr>
</thead>
<tbody>
<tr>
<td>IR was much better</td>
<td>64.9</td>
</tr>
<tr>
<td>IR was about the same</td>
<td>28.1</td>
</tr>
<tr>
<td>IR was much worse</td>
<td>7.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Notes: 1. Table shows responses only for officers who had experience of both a formal investigation and IR.

2. One officer declined to answer this question.

25 Seven officers declined to answer this question.
More generally, most of the officers indicated that they felt comfortable with the idea of minor complaints being resolved informally (Table 7.3). Positive comments made about the procedures included:

Quick, simple, less time consuming, less stress.

Weren’t made to feel guilty or that I was at fault.

The matter is resolved a lot more quickly than actual investigations. Less stress placed on the officer involved.

Your side of the story can be freely given.

**Table 7.3: Officers’ Views on Informal Resolution Being Used to Resolve Minor Complaints**

<table>
<thead>
<tr>
<th>Sample %</th>
<th>n=254</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Very comfortable</td>
<td>41.7</td>
</tr>
<tr>
<td>Fairly comfortable</td>
<td>48.4</td>
</tr>
<tr>
<td>Fairly uncomfortable</td>
<td>5.5</td>
</tr>
<tr>
<td>Very uncomfortable</td>
<td>4.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Seven officers declined to answer this question.

Officers were also asked to indicate whether they felt that the AM had acted more as an investigator or a conciliator. The purpose of this question was to determine whether the AM used the conciliator skills that he or she had been instructed in during the training workshops. Approximately one-quarter of officers felt the AM was still predominantly using investigator skills, and a small minority of officers felt the AM used neither investigator nor conciliator skills (Table 7.4).
TABLE 7.4: Officers' Views of Role Played by Authorised Member

<table>
<thead>
<tr>
<th>Nature of AM's Role</th>
<th>Sample % (n=256)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigator</td>
<td>23.4</td>
</tr>
<tr>
<td>Conciliator</td>
<td>26.2</td>
</tr>
<tr>
<td>Both</td>
<td>44.9</td>
</tr>
<tr>
<td>Neither</td>
<td>5.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Note: Five officers declined to answer this question.

PRESSURE TO ACCEPT OUTCOMES

Under IR guidelines, the AM is not supposed to push parties to accept an outcome. However, 81 (34.5%) respondents said that they felt under at least some pressure to accept the outcome. Similarly, Brown (1987, p. 39) noted that sometimes the complainant 'agrees to settle informally as the only alternative to withdrawing or proceeding against the odds. Any resolution arrived at in these circumstances may be more apparent than real'.

Some examples of comments made by complainants in our study were:

The choice I had was to either accept that I was wrong and police officers were right or face a costly court battle. I had no choice, really.

I felt as if I were rushed into a decision and not given enough time to contemplate my future actions.

Subtle pressure to take certain decisions.

By contrast, only 27 (10.5%) of the officers said that they felt pressured to apologise to the complainant.

DIFFERENCES IN PERCEIVED OUTCOMES

Table 7.5 compares the outcomes of the IRs as perceived by the complainant sample (see Table 5.6) and the officer sample (see Table 6.3), and as recorded by the AMs (see Figure 3.5). The two survey samples do not necessarily relate to the same complaints. However, as discussed in Chapter Four, we are confident that both samples are reasonably representative. Hence, it is very unlikely that the differences between officer and complainant perceptions can be attributed to sampling error.
In comparing these findings, it should be noted that:

- 'AM said he or she would enquire further' was not a valid outcome according to the IR guidelines
- 'Officer given advice or guidance by AM' was not a recognised outcome (although the AM may have chosen to give advice and guidance to the officer)
- 'Complainant did not accept explanation, but decided it was not worth pursuing' would most likely have been recorded by the AMs as 'agreed to differ'.

**Table 7.5: Outcomes of Informally Resolved Complaints as Perceived by the Complainants, Officers and Authorised Members**

<table>
<thead>
<tr>
<th>Complainant Sample % (n=245)</th>
<th>Officer Sample % (n=255)</th>
<th>AM Report % (n=963)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant accepted the explanation given by the AM</td>
<td>11.0</td>
<td>48.6</td>
</tr>
<tr>
<td>Complainant did not accept explanation, but decided it was not worth pursuing</td>
<td>17.1</td>
<td>7.5</td>
</tr>
<tr>
<td>Officer apologised</td>
<td>28.6</td>
<td>11.4</td>
</tr>
<tr>
<td>AM apologised on behalf of Service</td>
<td>25.7</td>
<td>7.8</td>
</tr>
<tr>
<td>Officer given advice or guidance by AM</td>
<td>7.3</td>
<td>0.0</td>
</tr>
<tr>
<td>AM said he/she would enquire further</td>
<td>1.6</td>
<td>1.2</td>
</tr>
<tr>
<td>Agreed to differ</td>
<td>4.5</td>
<td>6.2</td>
</tr>
<tr>
<td>Unknown/Not advised</td>
<td>0.0</td>
<td>12.2</td>
</tr>
<tr>
<td>Other</td>
<td>4.1</td>
<td>5.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Note: Six officers declined to answer this question.

The small percentage of complainants and officers who indicated that they 'agreed to differ' should be noted. Even if this response category is combined with that of 'complainant did not accept explanation, but decided it was not worth pursuing', the extent of the 'agreement to differ' was well below that reported by the AMs.
Most importantly, the proportion of complainants who believed that they had received an apology from the officer or the QPS (54%) was far in excess of the proportion of cases in which the AM recorded that an apology had been given (26%), or in which the officer perceived that there had been an apology by himself/herself or the QPS (19%).

One possible explanation is that in some cases the QPS and officers gave apologies, without the AM officially recording this as the outcome. For instance, in the early stages of IR there was some confusion amongst AMs about how to record outcomes. Also, it should be noted that even though only 19 per cent of officers indicated that they or the Service had given an apology, in a separate question 37 per cent said that they had received 'advice or guidance'. In most of these cases, it can be assumed that there was some acknowledgment of fault on part of the officer or the QPS. This fact may have been informally communicated to the complainant, who concluded that an apology had been given. However, these factors alone cannot explain why more than half of the complainants in the survey thought that they had been given an apology.

Another possibility is that AMs, perhaps inadvertently, have sometimes given complainants the impression that the officer or QPS has acknowledged fault, even though this is not the case. This could occur, for example, if the AM used words such as 'I'm sorry to hear what happened to you' or 'I'm sure that the officer won't do anything like that again', but then did not communicate these views to the officer. Arguably, the structure of IR makes it more likely that such 'misunderstandings' will occur. Whereas the formal investigation process requires that there be a definite finding made one way or another, it is relatively easy in IR for the AM to convey somewhat different messages to the parties involved. There is rarely a direct meeting between the complainant and the officer and there is currently no procedure for ensuring that what the AM tells the complainant is in accord with what he or she tells the officer, or records as the official outcome.

**USE OF MEETINGS**

Under the IR guidelines, AMs may hold a meeting if they think that it would help resolve the complaint. However, only 12 (5%) of the complainants and 14 (5.5%) of the officers indicated that a meeting had been held between themselves and the other party.

Complainants were generally much keener to have meetings than the officers. Of the complainants who did not have a meeting with the officer, 112 (50.5%) said that they would have liked a meeting, compared with only 47 (20.3%) of the officers.
SUMMARY

This chapter has presented survey findings relating specifically to the operation of IR. The key findings are:

- In most cases the complainant felt that the IR was clearly explained to them beforehand, that the AM was impartial in his handling of 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.

- Approximately one-third of officers reported that they received advice or guidance from the AM. This suggests that IR may be a significant management tool for correcting officer's 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

INTRODUCTION

This chapter summarises the findings of a survey of AMs undertaken in February 1994. The main areas covered are:

- the number of IRs conducted
- experience with Desk-Top IR
- complainant acceptance and satisfaction with the IR process
- officer satisfaction with the IR process
- the benefits arising out of IR for the complainants, police officers, and the police service and the community in general
- training issues.

SURVEY

During February 1994, all 285 officers trained as AMs were sent a mail-out survey. This period was chosen to coincide with the visit of Mr Dennis Meadus - the consultant appointed by the Commission to assist in the introduction of the IR process.

The survey consisted of 21 items relating to the AMs experience with and opinion of IR, perceptions of the satisfaction of complainants and officers, training issues, as well as an evaluation of the procedures and recommendations for improvement. Questions on rank, years of service and region were also included. Since most of those in the sample had previously investigated formal complaints, it was not considered necessary to mail out a separate questionnaire dealing with the formal investigation process. Instead, the questionnaire contained questions comparing the two systems.

A total of 188 questionnaires were returned to the CJC. This represented a response rate of 66 per cent.
OFFICER CHARACTERISTICS

Rank and Years of Service

As shown by Table 8.1, the majority of officers who responded to the survey were Inspectors (60%). This is not surprising as AMs initially were required to be of at least this rank. However, as indicated earlier, since January 1994, Senior Sergeants have also been eligible to become AMs.26 The majority of respondents (86%) had served over 20 years of service, which reflects the seniority of those officers selected to be trained as AMs.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Number</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sergeant</td>
<td>3</td>
<td>1.6</td>
</tr>
<tr>
<td>Senior Sergeant</td>
<td>57</td>
<td>30.3</td>
</tr>
<tr>
<td>Inspector</td>
<td>112</td>
<td>59.6</td>
</tr>
<tr>
<td>Other Commissioned Officers</td>
<td>9</td>
<td>4.8</td>
</tr>
<tr>
<td>Civilian Employee</td>
<td>2</td>
<td>1.1</td>
</tr>
<tr>
<td>Unknown</td>
<td>5</td>
<td>2.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>188</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

AUTORISED MEMBERS – FORMAL INVESTIGATION AND INFORMAL RESOLUTION EXPERIENCE

Of the 188 AMs who returned the questionnaire, 148 (80%) had been involved in the formal investigation of complaints. As of February 1994, 102 of the 188 officers (54%) had conducted one or more IRs.

26 The list of attendees at AM training which was supplied by the PSU contained a small number of Sergeants and Civilian employees. These people had presumably attended the training session in the expectation that they would change rank, or that the definition of AM would be expanded. Currently, civilians and officers below the rank of Senior Sergeant would only be able to conduct an IR under the supervision of an AM.
Of the 86 officers who had not conducted any IRs:

- 57 (66%) had not at that stage had the opportunity
- 22 (25%) were not in a position to conduct IRs
- 1 (1%) reported that he or she did not agree with IR
- 6 (7%) recorded 'other' as their answer.

**Complainant Willingness for Informal Resolution**

Of those AMs who had conducted one or more IRs, 91 per cent said that the complainants had been 'very' or 'fairly willing' to accept IR as a way of dealing with their complaints (Table 8.2).

**Table 8.2: Complainant Willingness to Accept Informal Resolution**

<table>
<thead>
<tr>
<th>Willingness</th>
<th>Number</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very willing</td>
<td>40</td>
<td>40.4</td>
</tr>
<tr>
<td>Fairly willing</td>
<td>50</td>
<td>50.5</td>
</tr>
<tr>
<td>Some persuasion needed</td>
<td>7</td>
<td>7.1</td>
</tr>
<tr>
<td>A lot of persuasion needed</td>
<td>2</td>
<td>2.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>99</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Notes: 1. Table shows responses only for AMs who had conducted an IR.
2. Three AMs with IR experience did not answer this question.

**Decline Involvement in Informal Resolution**

Of those officers who had conducted IRs, 27 per cent reported that they had had complainants decline involvement in an IR. Most of these officers reported only one such incident, but one AM stated that he had experienced four refusals.
The officers suggested several reasons for why the complainants declined to be involved in IR:

- ten (40%) said the complainant wanted the officer disciplined, and/or a formal investigation conducted
- five (20%) thought the complainants considered IR to be a cover-up
- four (16%) thought the complainants wished to embarrass or use the police for their own ends
- four (16%) said the complainant would only accept IR if guaranteed an apology
- two (8%) said the complainant wanted to seek other advice
- one (4%) said the complainant was distressed and depressed
- one (4%) thought it was due to impending court action
- one (4%) said the complainant wanted a Traffic Offence Notice withdrawn.  

**AUTHORISED MEMBERS' VIEW OF COMPLAINANT AND POLICE OFFICER SATISFACTION WITH THE INFORMAL RESOLUTION PROCESS**

The AMs rated the complainant's satisfaction with the IR process very highly. Of the AMs who had conducted IR, 46 per cent rated the complainants as 'very satisfied' and 54 per cent as 'fairly satisfied'.

The AMs also felt that the satisfaction levels of the police officers who were the subjects of complaints dealt with by IR were very high. Thirty-one per cent of the AMs felt the officers were 'very satisfied' and 63 per cent 'fairly satisfied'.

As shown in the previous chapters, the satisfaction levels of the complainants and police officers were not as high as perceived by the AMs. For instance, 24 per cent of the complainants who had a complaint resolved informally reported being 'very dissatisfied' or 'fairly dissatisfied' with the process.

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27 These percentages add to over 100 per cent because three officers made more than one response.
COMPARISON BETWEEN FORMAL INVESTIGATION AND INFORMAL RESOLUTION

Ninety-three of the 188 AMs (49%) who responded to the questionnaire had conducted both formal investigations and IRs. The great majority of these officers thought that IR was a better system for dealing with minor complaints than formal investigation (Table 8.3).

**TABLE 8.3: MINOR COMPLAINTS – COMPARISON BETWEEN FORMAL INVESTIGATION PROCEDURE AND INFORMAL RESOLUTION PROCEDURE**

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage (n=92)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A lot better</td>
<td>89.1</td>
</tr>
<tr>
<td>A little better</td>
<td>8.7</td>
</tr>
<tr>
<td>A little worse</td>
<td>1.1</td>
</tr>
<tr>
<td>A lot worse</td>
<td>1.1</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: 1. Table shows responses only for AMs who had conducted both an IR and a formal investigation.

2. One AM declined to answer this question.

**Job Satisfaction**

Of the 93 officers who had performed both formal investigation and IR, 96 per cent thought that there was greater job satisfaction in conducting an IR than in undertaking a formal investigation.

**Effect of Confidentiality of the Informal Resolution Process upon Openness by Officers**

The AMs experienced in both formal investigations and IRs considered that, generally, officers were more open because of the confidentiality of the IR process (Table 8.4).
TABLE 8.4: INFORMAL RESOLUTION PROCESS – CONFIDENTIALITY AND OPENNESS

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage (n=98)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A lot more open</td>
<td>52.8</td>
</tr>
<tr>
<td>A little more open</td>
<td>42.7</td>
</tr>
<tr>
<td>A little less open</td>
<td>2.2</td>
</tr>
<tr>
<td>A lot less open</td>
<td>2.2</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: 1. Table shows responses only for AMs who had conducted an IR.
2. Four AMs declined to answer this question.

Acting as Conciliator Rather than Investigator

Most of the AMs who had experience in both IRs and formal investigations said that they found it 'very' or 'fairly' easy to act as a conciliator rather than investigator. In dealing with complainants, 88 per cent said it was 'easy' to act as a conciliator and in the case of police officers, about 95 per cent found it 'easy' (Table 8.5).

TABLE 8.5: DEGREE OF DIFFICULTY IN ACTING AS CONCILIATOR RATHER THAN INVESTIGATOR

<table>
<thead>
<tr>
<th>Degree of Difficulty</th>
<th>With Complainants (%) (n=92)</th>
<th>With Police Officer (%) (n=92)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very difficult</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Fairly difficult</td>
<td>12.0</td>
<td>5.4</td>
</tr>
<tr>
<td>Fairly easy</td>
<td>55.4</td>
<td>54.3</td>
</tr>
<tr>
<td>Very easy</td>
<td>32.6</td>
<td>40.2</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Table shows responses only for AMs who had conducted both an IR and a formal investigation. One AM declined to answer this question in each category.
DESK-TOP INFORMAL RESOLUTION

Of the 102 officers experienced in the standard IR process, 20 (20%) reported having also had some experience in Desk-Top IR. Forty per cent of the AMs with experience in Desk-Top IR identified one or more problems with these procedures. Problems identified included:28

- should have longer than 24 hours to complete Desk-Top IR
- need to train NCOs in Desk-Top IR
- too much reliance on acceptance by the complainant
- too much paperwork involved.

As indicated in Chapter Two, the QPS is currently considering changes to the Desk-Top IR procedures.

GENERAL SATISFACTION WITH INFORMAL RESOLUTION

The general satisfaction of AMs with IR was very high: 67 per cent of the AMs who had conducted IR were 'very satisfied' and 29 per cent 'fairly satisfied'.

Of the 102 AMs who had conducted IRs, 51 per cent thought that it had improved police/community relations 'a lot' and 47 per cent thought it had improved police/community relations 'a little'.

Success of Informal Resolution in Helping Police Officers Change Behaviour

A large majority of the AMs with IR experience thought that the use of IR had been 'very' or 'fairly' successful in helping officers change their behaviour (Table 8.6).

28 Percentages add to more than 100 as the listing of more than one problem was permitted.
TABLE 8.6: INFORMAL RESOLUTION’S HELPFULNESS IN CHANGING POLICE OFFICERS’ BEHAVIOUR

<table>
<thead>
<tr>
<th>Response</th>
<th>Per cent (n=100)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very successful</td>
<td>18.0</td>
</tr>
<tr>
<td>Fairly successful</td>
<td>65.0</td>
</tr>
<tr>
<td>Not very successful</td>
<td>15.0</td>
</tr>
<tr>
<td>Not successful at all</td>
<td>2.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Notes: 1. Table shows responses only for AMs who have conducted an IR.
2. Two AMs declined to answer this question.

The explanations which AMs gave for believing that IR had helped change officers behaviour are displayed in Table 8.7. Table 8.8 shows the responses of those AMs who were sceptical of the benefits of IR.
### Table 3.7: Positive Comments

<table>
<thead>
<tr>
<th>Reason</th>
<th>% with IR Experience (n=102)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers become aware of defects</td>
<td>18.7</td>
</tr>
<tr>
<td>Matter brought to attention quickly/no time wastage/reduces officer worry</td>
<td>17.7</td>
</tr>
<tr>
<td>Advice and guidance given/accepted</td>
<td>15.6</td>
</tr>
<tr>
<td>Non-threatening procedure</td>
<td>14.6</td>
</tr>
<tr>
<td>Opportunity to fix up minor indiscretions without harsh discipline or record on file/acts as warning not to repeat action</td>
<td>13.6</td>
</tr>
<tr>
<td>Encouragement of friendly supervision rather than service &quot;big stick&quot;/ more human</td>
<td>12.5</td>
</tr>
<tr>
<td>Openness of procedure/face-to-face communications better</td>
<td>7.3</td>
</tr>
<tr>
<td>General personal experience</td>
<td>4.2</td>
</tr>
<tr>
<td>Officers receptive to it/same results, less trauma</td>
<td>4.1</td>
</tr>
<tr>
<td>Most complainants only want their views passed on to officers/spoken to</td>
<td>2.1</td>
</tr>
<tr>
<td>Some benefit from it, others do not change</td>
<td>2.1</td>
</tr>
<tr>
<td>Officer more likely to admit failings in informal/opportunity to explain</td>
<td>2.0</td>
</tr>
<tr>
<td>Does not interfere with promotions</td>
<td>1.0</td>
</tr>
</tbody>
</table>
TABLE 8.8: NEGATIVE COMMENTS

<table>
<thead>
<tr>
<th>Reason</th>
<th>% with IR Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>IR allows some officers to escape &quot;professional&quot; responsibilities/has no &quot;teeth&quot; to deal with officers</td>
<td>7.3</td>
</tr>
<tr>
<td>Officers see complainants as disliking police and complaints as trivial and insignificant/do not like complaints against them</td>
<td>6.2</td>
</tr>
<tr>
<td>Officers may apologise but still believe done nothing wrong/believe they are right and no action should have occurred/do not admit to wrongdoings in any process</td>
<td>5.1</td>
</tr>
<tr>
<td>Officers have reservations regarding IR impact on careers/wary of procedure</td>
<td>4.2</td>
</tr>
<tr>
<td>Too many trivial complaints still recorded and dealt with/24 hour cooling-off period would reduce number of trivial complaints</td>
<td>3.1</td>
</tr>
<tr>
<td>Complainants aim to embarrass police/use police for own ends</td>
<td>2.1</td>
</tr>
<tr>
<td>Complainants do not understand procedure and have high expectations</td>
<td>2.1</td>
</tr>
<tr>
<td>IR has nothing to do with changing behaviour/senior officers do not change</td>
<td>2.0</td>
</tr>
<tr>
<td>Officer's version should be recorded on file</td>
<td>1.0</td>
</tr>
</tbody>
</table>

Note: Percentages from Tables 8.7 and 8.8 add to over 100 per cent as some AMs provided more than one comment.

Of the AMs who had conducted IRs, 43 per cent reported that, as a result, they had 'a lot more faith' in the complaints system; 29 per cent had 'a little more faith' and 28 per cent had 'about the same' level of faith. Only one per cent reported having 'a little less faith' in the complaints system following the introduction of IR procedures.

INFORMAL RESOLUTION TRAINING

About half (52%) of the officers with experience in IR considered the training course for IR to have prepared them 'very well' for their duties; 44 per cent rated the training course as preparing them 'fairly well' for IR.
Additional Areas for Training

The AMs were invited to provide suggestions that would improve the IR training program. Some officers proffered more than one suggestion. However, 49 per cent reported that they could not suggest any additional areas for incorporation into the training or that they were still too unfamiliar with the process to provide any suggestions. The following were the more common suggestions made by the AMs:

- 10 per cent of respondents indicated there should be more Desk-Top IR training
- eight per cent said that the teaching methods should be improved through the use of simulations and role-playing and suggested that such skills as negotiation, mediation and communication skills be included in the curriculum
- six per cent felt that NCOs should be trained especially in Desk-Top IR procedures
- four per cent indicated that workshops and refresher courses should be provided for all police officers and that the IR process be better marketed.

IMPROVING INFORMAL RESOLUTION

The officers were also asked if there was anything about the IR process which could be changed to make it better. An array of suggestions were provided. The most common suggestion made by 43 per cent of the AMs with IR experience was to reduce the amount of paperwork involved in conducting IRs. The next most common suggestion was to enable acceptance by the complainant of IR to be obtained over the telephone or verbally.

Both of these suggestions have now been incorporated into the proposed IR guidelines following an evaluation by Mr Dennis Meadus (see Chapter Two, page 16, for more details on these guidelines). Preliminary results of the complainants', officers', and AMs' surveys at the time of Mr Meadus' evaluation in March 1994 were utilised in his appraisal of the system.

Other comments made in the survey included:

- most complainants only want their views passed on and the officer in question spoken to
- there needs to be better marketing of IR to police officers, including the use of workshops
- too many trivial complaints are still being recorded and dealt with; action should be taken against people who make false complaints
- the imposed time limits should be extended; that is, AMs should be allowed more than 24 hours to conduct Desk-Top IR and more than 28 days to complete an IR.
SUMMARY

This chapter has presented results from a comprehensive survey of AMs undertaken in February 1994. The main findings reported are:

- 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 Commission 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 related to incorporating more practical teaching methods, providing workshops for all police officers and improving the marketing of the IR process to police officers.
CHAPTER NINE

CONCLUSION

INTRODUCTION

This final chapter:

- summarises the key findings of the evaluation
- identifies aspects of the IR process which could be improved
- addresses issues relating to the impact of IR on officer behaviour
- outlines ways in which the formal investigation process could be improved.

SUMMARY OF KEY FINDINGS

The main findings of the evaluation are as follows:

- Complaints are resolved more quickly by IR than through formal investigation procedures. However, there is considerable scope for achieving further time reductions in IR.

- As intended, IR has been primarily utilised to resolve minor matters, with 92.5 per cent of cases involving breaches of discipline.

- Complainants in the IR sample were generally more satisfied with the outcomes and the way the complaint was handled than were complainants in the formal investigation sample.

- A key determinant of complainant satisfaction with the complaint handling process was the amount of information provided to the complainant. Most of the complainants in the IR sample (78%) felt that they were kept adequately informed about their complaint, compared with only 26 per cent in the formal investigation sample.

- Officers had fewer concerns about the formal investigation system than did complainants.
• Officers found participation in an IR less stressful than being subjected to a formal investigation. On the other hand, the introduction of IR did not appear to significantly reduce complainant stress levels.

• Overall, the officers in the IR sample expressed more faith in the complaints system than did the officers in the formal investigation sample.

• Apologies were formally given to complainants on behalf of the officer or the Service in around one-quarter of cases. However, the proportion of complainants under the impression that they had received an apology was considerably higher than the proportion of officers who indicated they had given an apology, and the proportion of apologies recorded by AMs.

• 37 per cent of officers said they had received advice or guidance from an AM.

• Approximately one-third of complainants stated that they felt pressured to accept the IR outcome. However, only a small percentage of officers reported feeling pressured to apologise to the complainant.

• Only a very small proportion of complainants and officers met with each other, although half of the complainants indicated they would have appreciated a face-to-face meeting with the police officer concerned.

• Of the three groups surveyed – complainants, police and AMs – AMs were the most satisfied with the new procedures. Most AMs considered that IR had improved police/community relations, helped officers change their behaviour for the better and encouraged police officers to be more open.

IMPROVING INFORMAL RESOLUTION

Overall, the evaluation indicates that the introduction of IR has significantly improved procedures for dealing with minor complaints against the QPS. However, the evaluation has also identified some aspects of the IR process which need further refinement. In particular, steps should be taken to:

• reduce possible confusion over outcomes

• minimise delay

• ensure that complainants are not pressured into accepting outcomes

• encourage more meetings between complainants and officers

• maintain a role for mediation.
Reducing Confusion Over Outcomes

A major finding of the evaluation is that there were marked differences between the outcomes perceived by complainants, the outcomes perceived by the officers, and the results recorded in the completed IR files. In particular, the proportion of complainants who thought that apologies had been given by the officer or the QPS far exceeded the proportion of officers and AMs who said that an apology had been provided.

As discussed in Chapter Seven, these data suggest that in some cases AMs may have communicated different information to the complainant than to the officer. This may have been done inadvertently, or in an attempt to "keep both sides happy". The present process for recording IR makes it relatively easy for misunderstanding to occur, and for the AM to vary his/her response to the parties. Direct meetings occur infrequently between complainants and officers, and there is no procedure for ensuring that what the AM tells the complainant is in accord with either what he or she tells the officer, or what he or she records as the official outcome.

It is important that steps are taken to ensure that complainants are provided with accurate information about how their complaint was resolved. Complainants cannot make an informed decision about whether to accept the outcome of an IR unless they know what that outcome was. Moreover, IR is intended to perform an educative/corrective function for officers. If AMs fail to indicate to officers that they have apologised to the complainant on the officer's or Service's behalf, the officer may never become aware that he or she was at fault.

The proposed one page documentation for IR (see page 16 for more explanation) should partially rectify this problem by more fully recording the outcome of the IR. The complainant's signature will be required on this document officially confirming that the IR has been satisfactorily concluded in the manner specified. This change should increase the likelihood that the outcome is not misunderstood by the complainant.

More specifically, the CJC has recommended to the QPS 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.

The CJC has also recommended that the final notification to the officer who is the subject of the complaint be amended to include a section informing the officer of the outcome of the IR. This will ensure that the officer's understanding of the outcome accords with the complainant's.
These additional items should assist in reducing confusion over the outcomes of IR and facilitate future monitoring of the IR process. However, additional training and oversight of AMs may also be required.

**Minimising Delays**

The introduction of IR has reduced the time taken to finalise complaints by about 50 per cent. The greater efficiency of IR has contributed significantly to increasing complainant satisfaction with the complaints process. However, the average IR still takes 55 days to finalise. This is much longer than should be necessary.

One obstacle to reducing the time taken to resolve IRs has been the reluctance of police to use Desk-Top IR. Between July 1993 and June 1994 only seven per cent of complaints were informally resolved in this way. The amount of paperwork has also contributed to delays in finalising IRs. The proposed amendments to the IR procedures address both of these problems. Once these procedures are in place, steps should be taken to define and enforce more strict time standards.

**Pressure to Accept Outcomes**

In around one-third of IR cases, complainants felt pressured by the AM to accept the outcome. However, significantly fewer officers felt pressured to give an apology. Complainants who felt pressured to accept the outcome of the IR were more likely to feel dissatisfied about the IR process and to have more negative attitudes towards the police.

These findings suggest that some AMs would benefit from additional training about their role in the IR process. In addition, it is important that there be regular monitoring of the IR process to ensure that complainants are not being pressured to accept outcomes. One way to accomplish this monitoring would be by the use of regular surveys of complainants, using a methodology similar to that employed in this study.

**The Use of Meetings**

Half the complainants indicated they would have liked a meeting with the officer who was the subject of their complaint. By contrast, only 20 per cent of the officers indicated that they would have liked a meeting. It can be concluded from these figures that in approximately 10 per cent of cases resolved by IR both the officer and the complainant would have preferred a meeting. The complainant and officer surveys indicate that meetings were actually held in only about five per cent of cases. It is also apparent from informal discussion with AMs and

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29 Of those complainants who experienced pressure to accept outcomes, 50 per cent indicated that they were dissatisfied with the way their complaint was handled. By contrast, only 10 per cent of those complainants who did not experience pressure to accept outcomes were dissatisfied.
other police that many feel uncomfortable with the idea of conducting such meetings. Hence it is likely that AMs have done little to inform complainants that such meetings can be arranged or to persuade officers to participate.

The IR procedures state that a meeting can only be held if both parties are willing to be involved. However, in appropriate cases a meeting may be the quickest way of clearing up a misunderstanding or disagreement. Complainants' satisfaction with the process is also likely to be enhanced if they feel they have been given the opportunity to express their views directly to the officer concerned.

Under current and proposed IR procedures, AMs are informed the preferred approach is to informally resolve complaints without conducting meetings. The CJC has recommended that these procedures be amended to provide that AMs should ascertain from complainants whether they would like a meeting with the subject officer. Of course, it would also have to be explained to them that the meeting cannot occur without the consent of the subject officer. This recommendation needs to be considered with those on mediation below.

AMs may need to receive more training on how to manage face-to-face contact between complainants and officers.

The Future of Mediation

Since the introduction of IR, the QPS has virtually ceased using mediation to deal with complaints. The reasons cited for this include:

- mediation is too expensive (until recently the CJP charged the QPS $240 per session)
- it is unnecessary in most cases to use mediation to deal with essentially minor matters
- mediation does not enable a senior officer to give advice or guidance to an officer at fault.

In relation to the first of these objections, the CJP has recently agreed to conduct mediations for the QPS free of charge. In relation to the second point, as recognised in the current IR guidelines, there are some circumstances where mediation, rather than IR, will be the appropriate option. In particular, this option should be considered where:

- the complaint, though minor, is of a sensitive nature; or
- a meeting of the parties is likely to result in strong hostility between the officer and the complainant; or
- there is evidence that there is some ongoing dispute between the complainant and the officer or police establishment/station, rather than the complaint arising out of a single isolated incident.
The Chairperson of the CJC has written to the Commissioner of Police recommending that, in addition to the above three circumstances, the following paragraph be added to the mediation guidelines:

(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.

In line with this recommendation, it was also recommended that the IR guidelines be amended to provide that:

- when the AM speaks with the complainant for the purpose of obtaining the complainant's consent to IR being attempted, the AM will 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 CJP

- it be explained to the complainant at this time that a meeting will only take place if the subject officer agrees to participate.

The use of mediation should be monitored to assess whether removal of the fee has encouraged greater use of this option. The CJC believes that mediation adds flexibility to the complaints resolution process and should be used in appropriate cases.

**Changing Officer Behaviour**

This report has not directly addressed the wider question of whether the new IR procedures will result in a better police service or change officer behaviour. However, it is possible to draw some conclusions from the evaluation.

- The majority of AMs felt that IR was more effective than the formal investigation process in improving officers' behaviour.

- In an IR the officer can admit fault without repercussions; therefore, it is more likely the deficiencies in performance will be addressed. Around 37 per cent of officers who had been the subject of an IR indicated they had received advice or guidance from the AM. By contrast, the substantiation rate in formal investigations is only around 17 per cent.
• Where IR is used, the officer has greater knowledge of how the complainant, and hence the public, views his or her behaviour.

• The event which caused the complaint is more recent in the officer's mind; hence, it is easier to relate consequences to actions.

Notwithstanding these positive aspects of IR, some problems remain:

• Although 37 per cent of officers indicated that they had received advice or guidance from the AM, only 11 per cent were willing to make an apology. This finding suggests an unwillingness to acknowledge fault on the part of some police. For these officers, the educative value of being involved in the IR process may be limited.

• As discussed above, there is considerable circumstantial evidence that AMs are sometimes giving complainants the impression that there has been an apology, but are not conveying this information to the officer concerned.

• Twenty-two officers were involved in at least three IRs during the first year of IR operation. In the case of these officers, participation in the IR process may have had little impact on behaviour, although no firm conclusions can be drawn without analysing the types and circumstances of complaints against each officer.

In relation to this last point, it is recommended that the PSU regularly monitor its data file to ascertain the number of times individual officers have been involved in an IR over a given time period. If an officer has been involved in a greater than expected number of IRs within that period, particularly complaints of a similar nature, this fact should be "flagged" in the database and other relevant records. Where the officer has been so identified, there should be consultation with the PSU before IR is permitted to be used to deal with any further complaints relating to that officer.

**IMPROVING FORMAL INVESTIGATIONS**

The primary focus of this report has been on the evaluation of IR. However, the study has also generated data which can assist in improving the formal investigation process, particularly for complainants. Improving complainant satisfaction with the formal investigation process should be an important objective. As discussed in Chapter Five, 44 per cent of complainants who had been involved in a formal investigation said the experience changed their view of the police for the worse. Given the frequency with which people make complaints against the police, failure to address the causes of complainant dissatisfaction may contribute to a reduction in public confidence in the police in the long-term.
A major reason why complainants are more dissatisfied with the formal investigation process than with IR is because complaints which are formally investigated are infrequently substantiated. It is unlikely that substantiation rates can be increased given the evidentiary problems which confront investigators. However, there are other strategies available for improving complainants' satisfaction with the formal investigation system. In particular, the results of the survey indicate that:

- complainants who were kept informed about the progress of their complaint were more likely to feel satisfied with the formal investigation process, regardless of whether they considered the outcome to be favourable
- a significant source of discontent amongst complainants was the delay in the processing of complaints.

As Brown (1987, p. 17) noted in his study of the U.K. complaints procedures:

> Discontent might be less if the complainant were informed of what was happening and the reasons for delays... Some concluded that no communication meant that nothing was happening and their cases had been filed away.

One way of more effectively informing complainants about the progress of the investigation would be by developing a "bring-up" system. This would involve identifying all cases where there has been no contact with the complainant in, say, the previous four weeks. It would be the investigator's responsibility to make oral or written contact with the complainant to communicate what was happening with regard to the investigation. Also, it is important to ensure that complainants are properly informed at the outset about the investigative process (for example, how long the investigation is likely to take, the various stages involved, etc.). Additionally, complainants should be provided with the name and number of a contact person in case they have any queries.

As Brown (1987, p. 44) states:

> It is difficult to stipulate how often contact should be made because complainants' expectations differ. But a telephone call or brief note once a month – even if it is to report no progress – may suffice and provides a simple solution to a frequent and major criticism. The extra expense involved could be justified in terms of the public relations benefits likely to accrue from this practice.

Reductions in the length of time required to complete formal investigations will also contribute to increased complainant satisfaction. Delays in formal investigations have to be managed by defining and enforcing time standards for the completion of the process. While the PSU monitors the process to some extent, there may be some scope for setting stricter standards.
SUMMARY OF RECOMMENDATIONS

Overall, evidence gathered from the completed IR files and from the surveys of complainants, officers and AMs indicate 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 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.
REFERENCES


