

QUEENSLAND
CRIME AND MISCONDUCT COMMISSION

Crime and Misconduct Act 2001
Section 82

ATTENDANCE NOTICE
(MISCONDUCT INVESTIGATION)

To: Superintendent James Patrick Keogh
Of: District Officer
Gold Coast District
Surfers Paradise Police Complex
68 Ferny Avenue
SURFERS PARADISE QLD 4217

I, **MARTIN PATRICK MOYNIHAN AO QC**, Chairperson of the Crime and Misconduct Commission [the 'Commission'] require you to attend, until excused, at a Commission hearing for the purposes of a misconduct investigation —

At: 3:00 pm
On: Tuesday, 21 September 2010
To be conducted at: Crime and Misconduct Commission
Level 2 North Tower Green Square
515 St Pauls Terrace
FORTITUDE VALLEY QLD 4006

to give evidence relating to matters specified in the Schedule to this Notice;
to produce a stated document specified in the Schedule to this Notice.

DATED this ninth day of September 2010



MARTIN MOYNIHAN AO QC
Chairperson
Crime and Misconduct Commission

CRIME & MISCONDUCT COMMISSION
No: 06/2009 Date: 21.9.10
IN THE MATTER OF: OP
TESCO
EXHIBIT No: 122
M. LETONDEUR CLERK

The postal address of the Crime and Misconduct Commission is:

GPO Box 3123
BRISBANE QLD 4001

Facsimile No. (07) 3360 6333
Telephone No. (07) 3360 6060

The business address of the Crime and Misconduct Commission is:

Level 2, North Tower Green Square
515 St Pauls Terrace
FORTITUDE VALLEY, QLD 4006

The Case Officer is: Simon Hewlett-Smith

SCHEDULE

1. To be examined in relation to:

An investigation code named Operation Tesco having the following terms of reference:

- (a) To investigate allegations that a number of police officers within the Gold Coast District have been and are involved in:
 - (i) using and supplying illicit drugs;
 - (ii) inappropriately using and unlawfully supplying confidential information to criminal and other associates;
 - (iii) assisting criminal associates to avoid detection, arrest and/or escape punishment for offences;
 - (iv) receiving benefits, including money, for their involvement in the matters described in (i), (ii) and (iii);
 - (v) misusing police property and resources;
 - (vi) abuses of office and abuses of power.
- (b) To identify and examine:
 - (i) The factors that facilitate, contribute to, or encourage the alleged misconduct and prevent detection of those involved;
 - (ii) The barriers to effectively addressing the alleged misconduct.
- (c) To make recommendations, identify remedial and preventative strategies to reduce opportunities for, and the incidence of, the alleged misconduct.

2. To be examined in relation to issues that have been identified in connection with the terms of reference outlined in (1)(a), (b) above falling within the following five areas of concern and as is appropriate to your position within the organisation:

- (a) Supervision, in particular:
 - the effectiveness of current practices to ensure accountability of uniform and plain clothes officers for activities during rostered shifts
 - how well supervisors are prepared for their responsibilities
 - the extent to which supervisors are supported in carrying out their responsibilities
 - issues or circumstances that impede or discourage supervisors from supervising properly
 - what the QPS is doing, or can do, to improve the effectiveness and accountability of supervising officers
- (b) Improper associations, in particular:
 - the nature and effectiveness of current QPS strategies, policies and procedures to deal with risks of, and actual, inappropriate associations
 - the extent to which the Gold Coast policing environment, or particular aspects of it, present unique or heightened risks of inappropriate associations developing
 - how well the QPS ensures its members are resilient to risks of inappropriate associations occurring
 - the nature and effectiveness of current QPS strategies to support members and assist them to manage risks that are posed by family members who are involved in, or suspected to be involved in, criminal activity or with criminal identities
 - what the QPS is doing, or can do, to minimise the impact of inappropriate associations on the security of its information resources, the integrity and effectiveness of its operations and activities and the safety of its officers/staff and members of the community.
- (c) Gifts and benefits, in particular:
 - current QPS policy and directives to members on, or relevant to, the acceptance of free or substantially discounted gratuities such as meals and alcohol, including from establishments such as McDonalds Restaurants

- the extent to which there is an understanding and acceptance by QPS members that these benefits may:
 - compromise or lead individual officers into corrupt activity
 - undermine community confidence and trust in the QPS and its members resulting in reduced community cooperation, the receipt of information and intelligence necessary to detect crime and arrest offenders
 - otherwise damage the reputation and credibility of the QPS and its members thereby reducing its effectiveness
 - how the QPS currently detects and manages the above risks
 - whether the current QPS position on the acceptance of benefits and gratuities by its officers is consistent with community expectations
- (d) Organisational culture, in particular:
- the extent to which the QPS is characterised by a rules rather than a values based approach to compliance and individual responsibility and if so, its effect on attitudes and actual compliance with QPS policies, procedures, legislative rules and safeguards
 - the extent and adequacy of QPS policies and procedures dealing with the obligations and requirements on its officers to report misconduct and maintain an appropriate level of confidentiality
 - the extent and adequacy of current strategies for the support for officers who report misconduct
- (e) Workforce and human resources management issues, in particular:
- the extent to which illicit drug and steroid use and alcohol abuse by operational police officers impacts on operational decision making and effectiveness, workplace health and safety and community confidence
 - the extent and adequacy of current QPS policies for detecting and dealing with illicit drug and steroid use and alcohol abuse by its members
 - whether current recruitment and screening practices are sufficient to ensure unsuitable persons are not appointed as police officers and the barriers to ensuring recruitment and screening practices are effective in this regard
 - the extent to which tenure, transfer and appointment decisions take account of integrity risks for the QPS and its members and the extent and effectiveness of current identification methods and strategies for dealing with officers or police establishments at risk
 - the adequacy and effectiveness of current QPS strategies for managing and dealing with the negative impact of intergenerational perspectives and attitudes concerning the above mentioned issues
3. You are required to produce any response or statement including supporting evidence specifically addressing any of the above issues upon which you may wish to rely on or refer to during your examination.

INFORMATION TO ADDRESSEE

GENERALLY

YOU MUST COMPLY WITH THIS ATTENDANCE NOTICE

Failure to attend in compliance with this attendance notice, or to continue to attend as required by the presiding officer until excused from further attendance, without reasonable excuse, constitutes an offence which carries a maximum penalty of 85 penalty units or 1 year's imprisonment.

By complying with this notice, **YOU DO NOT**—

contravene a provision of an Act or law imposing a statutory or commercial obligation or restriction to maintain secrecy in relation to the information, document, or thing;

OR

incur any civil liability in relation to the information, document or thing.

SHOULD YOU FAIL TO ATTEND

Pursuant to section 168 of the *Crime and Misconduct Act 2001* (Q), on application to a judge of the Supreme Court, a warrant may be issued for your arrest.

LEGAL REPRESENTATION

You may be legally represented at a Commission hearing.

IF THIS NOTICE REQUIRES YOU TO PRODUCE A STATED DOCUMENT OR THING

You must **bring** the stated document or thing to the Commission hearing, if the stated document or thing is in your possession. 'In your possession' includes in your custody or control.

You must **produce** the stated document or thing to the Commission hearing, unless you have a reasonable excuse. A claim of privilege, other than legal professional privilege, is not a reasonable excuse. However, a claim of legal professional privilege is not a reasonable excuse if you have the authority to waive the privilege and you do so waive it, or the privilege is waived by a person having authority to waive it.

ALLOWANCES FOR WITNESS


A person attending a Commission hearing under an attendance notice is entitled to be paid the allowances and expenses that would be payable if the person were appearing as a witness in a hearing before a Magistrates Court.

OATH OF SERVICE

SERVICE OF DOCUMENTS UNDER THE *CRIME AND MISCONDUCT ACT 2001*

I, Superintendent Daniel Mahon, Crime and Misconduct Commission, Level 2 North Tower Green Square, 515 St Pauls Terrace, Fortitude Valley, Queensland do swear that at 11:45 am on the tenth day of September, 2010 I served Superintendent John Pointing, Queensland Police Service, Queensland Police Service Headquarters, 200 Roma Street, Brisbane, Queensland with the attached Notice to Attend ATM-10-0136.

Signed and sworn by the Deponent at Brisbane)
This fifteenth day of September 2010)
)
before me:)


Deponent

Justice of the Peace

