

Ian John Leavers state:

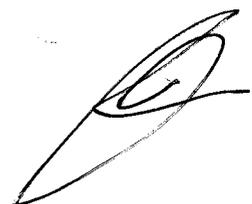
1. I am a Sergeant of Police of 21 years service, and have been the General President of the Queensland Police Union of Employees (QPUE) for the past 18 months.
2. The QPUE is the industrial body responsible for the representation of approximately 10,000 sworn police officers holding rank up to and including the rank of Senior Sergeant. It also is responsible for Police Liaison Officers and Civilian Watchhouse Officers, as well as civilian members of the Police Band.
3. It is my view that issues identified by the Crime and Misconduct Commission (CMC) in Operation Tesco can be resolved through the rapid injection of experienced police officers to all operational areas of the Gold Coast. I would conservatively estimate at least 100 additional officers are required. Of those officers, at least 60 should be attached to Surfers Paradise Division, and 35 should be to the Criminal Investigation Branch.
4. The QPS presently attempts to increase police numbers on the Gold Coast through the use of police who have attained the rank of First Year Constable (FYC). While FYCs, who are newly sworn recruits, are valued members of the QPS, they may not possess the requisite experience to identify a potential conflict of interest, as it may arise. This is one of the reasons why FYCs should receive appropriate supervision and mentoring. It would seem to be dangerous to place FYCs in an environment like Surfers Paradise, and then leave them there for a three year tenure, which in turn means they are supervising and mentoring FYCs when they are in their second and third years of service.
5. Experienced police officers are needed in places like Surfers Paradise. The QPS needs to consider implementing incentives for experienced officers to work at Surfers Paradise. The incentives would need to take various forms, including financial and preferential subsequent transfer. This is because a senior constable or sergeant working in some regional cities, when compared to those working at Surfers Paradise, have a smaller workload, are confronted with less violence, have a lesser likelihood of being assaulted, and work less night work for exactly the same pay.
6. The QPUE believes misconduct in most cases can be prevented through early intervention and identification of risky behaviours or associations.

Supervision

7. The officers most appropriately placed to undertake this preventative action are sergeants and senior sergeants. In particular, these officers need to have their authority to make decisions and take immediate managerial action restored. They, and their subordinates, need to know the Queensland Police Service will support the reasonable management actions of its sergeants.



8. In my experience, sergeants have increasingly been removed from their core duties of front line supervision through the imposing of additional duties such as checking of correspondence on QPRIME, administrative tasks associated with station risk management, and conducting internal investigations. In regional areas many sergeants are confined to station duties which include the above as well as manning telephones, communications centre's, front counter inquiries and supervising prisoners in watchhouses.
9. I believe it is completely inappropriate to put a sergeant in a position where he or she must investigate a subordinate and potentially recommend serious disciplinary action against that officer on one shift, and then be expected to rely upon that same officer for backup in a violent disturbance on the next.
10. Such a policy only has potential to lead to cover ups. It certainly does not give the appearance of an impartial and fair disciplinary system. The most appropriate solution to this is to go back to the fundamentals of Fitzgerald's recommendations where investigations into police misconduct are conducted independently. This can be achieved by all investigations into conduct alleged against non commissioned officers and constables being conducted by substantive commissioned officers or the CMC only, and investigations into commissioned officers by the CMC itself.
11. Currently approximately 40% of complaints against police are self generated. That is, police themselves are reporting fellow police in circumstances where they believe the other officer is engaging in misconduct. Such numbers reflect a significant cultural shift since the time of Fitzgerald, and were one of his underlying objectives. This cultural shift has to be supported by having investigations conducted in open and accountable ways by independent persons.
12. The removal of these types of extraneous duties from sergeants will allow them to return to their core duties of front line operational management. Supervision needs to be increased at the divisional level through the use of sergeants, supporting and supervising their subordinates. The present policy of Senior Sergeant District Duty Officers can be effectively complemented through the use of divisional level sergeants, particularly in places like Surfers Paradise.
13. A sergeant is well placed to observe the actions of other police, recognise potential for conflicts of interest to arise, and take immediate intervention action to prevent it. For example, the use of sergeants in Surfer's beat teams would reduce the inappropriate associations of police with security and hotel staff, and better ensure a professional relationship. A sergeant would be able to identify an off duty officer inside an inappropriate nightclub, and subsequently speak with that officer and explain the rationale why the officer's presence may lead to a potential conflict of interest.
14. The QPUE believes preventative action and front line supervision is essential. Sergeants also need to be supported in their decision making by the QPS hierarchy.

A handwritten signature in black ink, consisting of a stylized, cursive script that is difficult to decipher but appears to be a personal name or initials.

Staff need to know that a decision made by their sergeant will not be lightly set aside or overturned by those higher up the chain of command.

15. A major issue confronting new sergeants is the development of the skill sets necessary to discharge their duties. At present the Management Development Program does not provide appropriate scenario based training for officers in real life situations. Would be sergeants need to be taught how to manage and how their new role as sergeants requires them to be separated from their subordinates. They need to be confident in undertaking supervision and management decision making and know they will be supported.
16. A program similar to the Officer in Charge Program, which incorporates practical skill building is essential to replace the MDP.

Improper Associations

17. The QPS does not have any preventative strategies in place to prevent improper associations, or to identify officers at risk. Its response to the recent CMC Dangerous Liaisons Report was to conduct half day training sessions with sergeants and detectives, which involved reading the report to those officers. No training was provided to junior staff, who are more likely to be at risk.
18. The QPUE believes the use of front line sergeants is the appropriate solution to improper associations. These officers are uniquely positioned to identify possible conflicts of interest as they arise, and take immediate steps to prevent them.
19. The Code of Conduct needs to be amended to give the rationale behind why improper associations are not appropriate.
20. The QPS needs to provide support and assistance to officers who have family members and other long term associates who engage in improper activities. Those officers should not be placed into positions where they can be compromised by their family associations, and particular care should be taken to support and guide such officers in circumstances where they are called upon to make decisions between their duties to their family and their duties to the people of Queensland.

Gifts and Benefits

21. A distinction needs to be clearly drawn between a person receiving a half price hamburger, and someone receiving free drinks in a club with OMCG affiliations because the person is a police officer.
22. In the latter, whether or not a benefit is sought or provided, there is a clear potential for a conflict of interest to arise. Officers who knowingly accept free drinks in such circumstances clearly place themselves at considerable risk.
23. The use of sergeants as front line managers can assist with the early intervention and prevention of possible conflicts of interest.



24. For example, nightclubs often give free drinks to members of the public as a promotional gimmick, on the basis that it gets customers in the door, who in turn spend their own money to the club's profit. Where an officer accepts such a promotion not knowing the affiliation of the club, it would be appropriate for supervisors to intervene and take appropriate educational steps to prevent possible inappropriate behaviour.
25. In cases, where an officer is aware of the club's affiliation and motivation, such officers would also be identified early on and potentially before any conflict of interest actually arises. Likewise acceptance of an offer which is made simply because the officer is a police officer, and in circumstances where the same offer is not made to other members of the community, would be inappropriate.

Organisation Culture

26. I am unaware of the evidence of an apparent view or attitude that compliance with legislation and safeguards is superficial. If this is occurring, clearly it is a matter of training in the first instance, and discipline in subsequent ones. I would expect that if it was occurring, these would be matters which would be identified in court proceedings and would result, quite rightly, in strongly worded criticism from the bench, and subsequent remedial action by the QPS and the CMC.
27. Where errors occur due to inexperience, again the use of front line sergeants in operational capacities will reduce these errors and increase compliance. Sergeants, through their role as supervisors, can provide advice, training and guidance, and are uniquely placed to identify officers who are struggling in the discharge of their responsibilities.

Workplace and HRM issues.

28. I am unable to comment on the extent to which dangerous drug and steroid use occurs within the QPS as I am not privy to the evidence before the CMC. However, I would suggest that if this in fact occurs, officers engaging in such activities are at significant risk of being reported by their fellow officers.
29. Not only are such activities unlawful and examples of misconduct, however, they also raise operational safety issues for fellow officers, which in my experience would simply not be tolerated.
30. Where an officer is unfit for duty due to excessive drinking, or the use of prescription drugs, or otherwise, the use of front line sergeants would allow immediate intervention and removal of such officers from active duties, as well as the referral of such officers to appropriate welfare or discipline systems.
31. In my experience, it would be extremely unlikely for an officer taking steroids for example to tell other officers. This arises firstly because officers know they have a legislative requirement to report misconduct, and increasingly officers are doing so. Secondly, because such officers would unlikely to want to place their friends into a



situation where they were required to chose between potentially losing a friend through reporting, and their duties as police officers.

32. With some very isolated exceptions, which have been identified by the QPS and/or CMC, the QPUE is not aware of a drug or steroid culture within the QPS.
33. Since becoming General President of the QPUE, it has been my goal to refocus the QPUE on the provision of support for police officers who are witnesses against other officers. While the QPUE must take the view that a person is innocent until proven guilty, the QPUE actively seeks legal advice and reviews on the prospects of charges against members, and where those members are likely to be convicted of criminal acts such as dishonesty, sexual offences, drug use, etc, legal funding is withdrawn.
34. Even in cases where the QPUE funds a members legal defence, the QPUE actively supports police witnesses against that member, including through the provision of separate legal representation and support of the witnesses as well as looking after their welfare, and where sought, assisting in transfers and other process to maintain the witness' welfare.
35. The QPUE does not support corruption and encourages the reporting of misconduct. It will actively support officers who come forward with legitimate reports of misconduct.
36. The QPUE also strongly believes in the use of preventative strategies, and has attempted on a number of occasions to work with the CMC and the QPS to identify proactive strategies which will reduce the risk of members becoming involved in misconduct. For example, the QPUE wrote to the QPS and the CMC over six months again in relation to identifying strategies to reduce excessive use of force complaints against officers in high risk localities. Unfortunately, to date, the QPUE is yet to receive any reply or support in this undertaking.
37. I am able to produce copies of these letters.



Ian J COOPER

27 January 2010

COPY

Ms Kath Rynders APM
Acting Commissioner for Police
Police Headquarters
200 Roma Street
Brisbane 4000

Dear Acting Commissioner

Re: Proactive Strategies for Reduction of Assaults and Excessive Force Complaints Against Police

The Queensland Police Union of Employees (QPUE) is aware of an increase in the number of complaints being made against members for excessive use of force and/or assault. This appears to predominately be occurring in high risk localities such as the City, Valley and the Gold Coast.

The QPUE believes contributing factors include the workload, staffing levels and the number of night shifts officers in some of these localities are required to work. Other contributing factors would obviously include the level of intoxication, drunk use and abusive/aggressive attitude displayed by arrested persons.

I raised the QPUE's concerns personally with Commissioner Atkinson towards the end of 2009, and by writing to you, wish to formally express the QPUE's willingness to work cooperatively with the Queensland Police Service (QPS) in identifying and implementing strategies to reduce the incidence of these types of complaints.

It is my view a proactive approach, involving training and support for officers in high risk areas, and addressing the stressors which contribute to these types of allegations would be the most appropriate way of preventing complaints.

The QPUE is committed to the provision of professional policing services to the community of Queensland and believes this is an important issue which requires our attention. It is clearly in the best interests of not only the QPUE and its members, but the QPS and the community.

The Crime and Misconduct Commission (CMC) also has a role to play in the prevention of misconduct, and I believe could assist in the development of proactive strategies to deal with this issue. In this regard, I have copied this correspondence to the Chairperson for his information and to extend the QPUE's offer to be involved in this process.

I look forward to your support in this endeavour and propose a joint QPUE-QPS-CMC working party be formulated as a matter of urgency to address the issues I have raised.

I am available on 3259 1900 should you wish to discuss this matter.

Yours Sincerely

Ian Leavers
General President

CRIME & MISCONDUCT COMMISSION
No: 06/2009 Date: 22.9.10
IN THE MATTER OF:
OP
TESCO
EXHIBIT No: 127
M. LETONDEUR CLERK