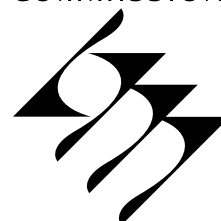


OPERATION TESCO

Report of an investigation into allegations
of police misconduct on the Gold Coast

June 2011

CRIME AND
MISCONDUCT
COMMISSION



QUEENSLAND

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That the CMC make a unique contribution to protecting Queenslanders from major crime, and promote a trustworthy public sector.

CMC mission:

To combat crime and improve public sector integrity.

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Dear Sirs

In accordance with section 69 of the *Crime and Misconduct Act 2001*, the Crime and Misconduct Commission hereby furnishes to each of you its report *Operation Tesco: report of an investigation into allegations of police misconduct on the Gold Coast*.

The Commission has adopted the report.

Yours faithfully



Martin Moynihan AO QC
Chairperson

FOREWORD

This report deals with an investigation into police misconduct on the Gold Coast and the issues arising from that investigation.

Operation Tesco initially focused only on three police officers; however, its significance lay in exposing the environment and attitudes that gave rise to their behaviour. The officers' conduct was not secretive, not hidden from colleagues or public view; instead, the evidence showed it had been observed and allowed to continue, unchecked, for a considerable time. Tesco also put a spotlight on the conduct of other officers in that policing district — their use of police vehicles as private taxis, problems associated with drug and alcohol use, and questionable associations. It drew the CMC's attention to the quality of supervision and the ability of local managers to recognise and deal with potential misconduct. It also exposed concerning policy gaps.

The Gold Coast has had a long history of problem behaviours among its police and it was in this context that the CMC engaged at an early stage with the QPS. I want to acknowledge publicly the speed and effectiveness of the QPS response, which included providing the CMC with eight police inspectors to assist in the investigation. Those officers are to be commended for the diligence and professionalism with which they undertook their duties. I see this cooperative approach, whereby immediate remedial action is taken without waiting to finalise an entire operation, as a blueprint for future investigations of this type.

Throughout Operation Tesco the QPS has demonstrated a constructive approach to its relationship with the CMC. Both our organisations agree that Tesco identified serious systemic issues to be addressed and that there is work still to be done. The CMC and the QPS will continue to work together to raise standards of integrity and maintain public confidence in the Queensland Police Service.

Martin Moynihan AO QC
Chairperson

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INTRODUCTION

From January 2009, the Crime and Misconduct Commission (CMC) conducted an investigation, Operation Tesco, into a range of allegations that certain police officers on the Gold Coast were involved in the use and supply of illicit drugs, the inappropriate use and supply of confidential police information to assist criminal associates and the receipt of benefits for providing those associates with this information and other assistance.

The first phase of the investigation focused on three individual officers. It found evidence that although two of those officers were actively engaged in misconduct, there was no evidence of widespread corruption and misconduct by police officers within the Gold Coast District. However, Operation Tesco did reveal that some long-standing problem behaviours continued on the Gold Coast. These included a general erosion of standards of conduct; alcohol abuse; improper use of official police resources or position; and a failure to recognise the seriousness of misconduct or inappropriate conduct. As indicators of inadequate or unsuitable supervision, such issues had implications for the Queensland Police Service (QPS) beyond the Gold Coast.

For that reason, in November 2009 the scope of Operation Tesco was broadened from an investigation into individual officers into one that focused on identifying the factors that had contributed to or encouraged the misconduct of those officers. The CMC focused on five areas of concern:

- supervision
- improper associations
- the receipt by police of gifts and gratuities
- organisational culture, specifically relating to reporting misconduct
- workforce and human resource management issues, specifically those relating to alcohol and drug use, and recruitment practices.

The CMC's evidence of both misconduct and problem behaviours was made known to the QPS, which responded promptly. In February 2010 the QPS engaged informally with the CMC, outlining strategies it had already implemented or proposed to implement to improve integrity and accountability within the Gold Coast District. In August 2010, the Commissioner of Police announced a wide-ranging suite of measures to improve police services in the District. These included:

- resource, capability and training strategies to improve the quality of supervision of officers
- the development of policies and procedures to deal with improper associations and the receipt of gifts and gratuities by police officers
- resource and training enhancements to better equip the District to deal with inappropriate conduct and misconduct
- a review to improve the quality of recruiting practices, with a focus on the integrity of police recruits.

After January 2010, when Operation Tesco moved from a confidential to an overt investigation phase, there was considerable media speculation about the quality and extent of the matters under investigation. In September 2010, in the interests of public confidence in the QPS, the CMC conducted open hearings to explain what the investigation had been about, the nature of the matters investigated and the importance of the issues that had arisen. The public hearing also gave the QPS an opportunity to communicate its strategies and respond to some of the more difficult questions and challenges presented by the evidence.

The CMC has now finalised its investigation. Matters arising out of Tesco have been the subject of criminal proceedings, some of which have already been before the courts. The CMC has also referred reports concerning two of the three officers, the original focus of the investigation, to the Commissioner of Police for consideration of disciplinary action.

This report provides an outline of the investigation and principal evidence; a discussion of the systemic issues facing the QPS and the policing strategies put in place to address them; and identifies issues that the QPS has yet to address, particularly in areas of high risk.

CONTEXT OF THE INVESTIGATION

Organisational context

Until 7 October 2009, the Gold Coast Police District, which is part of the QPS South Eastern Region, had 843 police officers within it, which made it numerically larger than each of the Northern Territory and Tasmania Police Services. On 7 October 2009, the new Coomera Police District was formed, taking some of the operational pressure off the Gold Coast Police District. The formation of the new Coomera Police District reflects the fact that the population of South East Queensland, particularly the Gold Coast area, is growing faster than in any other part of Australia.¹

At the time of the CMC public hearing, the Gold Coast police district encompassed:

- 804 staff (679 officers, 125 non-sworn members [public servants])
- 7 divisions (3 police stations with 24-hour counters)
- 2 Criminal Investigation Branch offices
- Child Protection Investigation Unit
- Watch-house
- Prosecutions
- Intelligence Unit
- 2 residential police beats
- 2 shopfronts
- 1 school-based officer
- 44 volunteers in policing
- 2 Police Citizens Youth Clubs.

In the CMC public hearings in September 2010, the then Gold Coast District Officer, Superintendent Jim Keogh, tendered a written statement in which he gave a clear snapshot of the challenging environment that is the Gold Coast Police District:

... The Gold Coast District is arguably the most complex and challenging District in the State. [It] is the sixth largest city in Australia with an estimated population of over 500,000 residents. There is unprecedented growth and complex socio-geographic factors. The Gold Coast City remains the premier tourist destination in Australia with approximately 4.9 million visitors per year or 94,000 visitors per week. The District has larger staff than other [some] police regions within Queensland ...

...

The Gold Coast District is a very busy district and this is clearly evident on weekends which require the highest number of police rostered on duty ... Coupled with the large number of licensed premises in a small geographical area ... Geographically it involves large tracts of water and canal systems, rugged hinterland and terrain, and extensive road, highway and freeway systems stretching along a narrow strip of coastal land with cross-border regulatory and law enforcement issues. The 'glitter strip' hosts a major casino and over 700 licensed venues, all of which present complex, unique and protracted difficulties for law enforcement, none the least of which is the fact that its relaxed beachside and holiday lifestyle is attractive to criminals from all over Australia and elsewhere.

¹ Evidence (Transcript) of Assistant Commissioner Paul Wilson, CMC public hearing, 21 September 2010 pp. 3787–90.

Note: Transcripts of evidence and exhibits tendered at the CMC's public hearing into these matters are available on the CMC website at <www.cmc.qld.gov.au>.

...

In addressing crime the Gold Coast CIB works closely with State Crime Operations Command (SCOC) and other external law enforcement agencies in employing successful strategies. An example of this co-operation is the joint task force alliance. This task force consists of staff from the SCOC, the Northern Investigation Group and the Southern Investigation Group targeting serious drug offenders and property crime. To date the task force has been successful in prosecuting 359 persons, seizing \$4,480,863 in drugs and \$2,483,804 in property ...

...

As the District Officer for the Gold Coast District I am responsible for the management of 75 planned major events in 2010. Managing these events requires considerable resources in the planning, coordination and management. The events include a motor racing carnival with estimated [attendance of] 320,000 [people] over four days, Schoolies with estimated attendance of 250,000 [people] requiring 285 police, [and] NRL, ARL and ARU games ...²

...

The environment described by Superintendent Keogh explains why the specific characteristics of the Gold Coast District have long posed a challenge to the QPS.

Recurring problems on the Gold Coast

The allegations against Gold Coast police officers investigated as part of Operation Tesco were not unprecedented. After the Fitzgerald Inquiry,³ there were a number of Criminal Justice Commission⁴ (CJC) inquiries and investigations in the 1990s which revealed evidence of crime and misconduct among some Gold Coast police officers (see Figure 1).

Further inquiries into police misconduct on the Gold Coast by the CMC ensued in the following decade. In October 2001 the CMC initiated two operations that amalgamated into Operation Abacus, investigating alleged criminal conduct by three, later four, police officers attached to the Gold Coast CIB. Such allegations included drug use and supply, improper associations and the improper disclosure of confidential police service information. The four police officers investigated as part of Operation Abacus subsequently resigned from the QPS.

In the course of Operation Abacus the CMC identified a number of procedural and managerial deficiencies, some of which foreshadowed the issues that arose in Operation Tesco such as inappropriate associations between police and Gold Coast nightclub owners and staff; the receipt by police officers of free drinks in nightclubs; and preferential treatment shown by police officers towards those establishments, including the lack of enforcement of serious crimes involving them, such as drug use and distribution. Other issues identified in Operation Abacus related to alcohol consumption by police and the improper use of police vehicles, a failure by officers to maintain official records, the falsification of official diaries and poor exhibit-handling procedures. At the conclusion of Operation Abacus the CMC reported to the QPS about these procedural and management issues, recommending they be addressed.

In March 2008 the CMC finalised a confidential intelligence probe known as Project Castella — a strategic intelligence assessment of police misconduct on the Gold Coast. The aim of the project, which had been initiated because of the apparently intractable nature of the problem, was to determine the incidence of misconduct among police in the Gold Coast District. Project Castella confirmed that the issues uncovered in Operation Abacus were still unresolved.

2 Exhibit 123, Superintendent James Keogh, statement of witness, CMC public hearing for Operation Tesco.

3 Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct & Fitzgerald GE, 1989.

4 Predecessor of the CMC, the CJC operated from 1989 to 2001.

Figure 1: Summary of examples and responses to misconduct by Gold Coast police officers prior to Operation Tesco

1989	Fitzgerald Inquiry finds that ‘vice, drugs and police corruption are all grave social problems’ on the Gold Coast.
1995	CJC Operation Monument finds a corrupt relationship between a senior constable at Burleigh CIB and a drug supplier caught in possession of 42 grams of cocaine and \$90 000 cash at the Gold Coast casino.
1996	CJC Operation Caesar II finds that a former QPS officer and two serving Gold Coast District police officers corruptly received payments from a Sydney-based drug trafficker in return for confidential police information intended to protect the drug distributor’s illegal activities.
1997	Carter Report on police and drugs in Queensland follows the CJC’s Operation Shield and describes two CJC investigations of alleged theft by Gold Coast District police officers of large sums of drug proceeds from drug suppliers. The Carter Report also pointed to some Gold Coast police officers who were willing to forgo promotion to remain where they were stationed, increasing the likelihood of their developing inappropriate associations. Carter also concluded that ‘there is probably widespread recreational use of prohibited drugs by police.’
1998	Project Piper is established by the CJC to investigate allegations that police officers at Nerang police station were accessing and disclosing confidential police information to a former officer who was using it for reward as a private investigator and process server or passing it to a second private investigator. The allegations were substantiated at Nerang and similar practices were found elsewhere in Queensland.
2001	The CJC’s Operation Abacus investigates alleged criminal conduct on the part of four Gold Coast CIB officers. Allegations included illicit drug use and supply, improper associations, and corrupt disclosure of confidential police information. Many allegations were substantiated and all four officers resigned from the QPS.
2008	The CMC’s report, <i>Project Castella: a strategic assessment of police misconduct on the Gold Coast</i> replicates many of the findings of Operation Abacus regarding ongoing illicit drug activity, inappropriate associations, abuse of police confidential information, and misuse of police assets, particularly police motor vehicles.
2009	The CMC’s Operation Grinspoon report’s recommendations seek to enhance QPS managerial responsibility and capacity for preventing and dealing with misconduct by police officers.

Following on from Project Castella, in April 2008 the CMC referred a confidential report to the QPS titled *Enhancing Integrity in the Queensland Police Service*, known as the Project Grinspoon report. That report made 36 recommendations to the QPS, including changing the QPS operational performance review process and placing greater emphasis on management and supervision, focusing internal investigations on the role of supervisors and managers in identifying and dealing with problem behaviours, providing leadership education and training, rationalising operational record keeping systems, providing appropriate guidance and support to officers in supervisory positions, and developing an effective early-warning system to identify and deal with problem officers.

The Grinspoon recommendations were made just a few months before the CMC received the initial allegations that led to the decision to commence Operation Tesco. Following on from these recommendations, the QPS established a project to formulate an appropriate response. Many of the recommendations were related to or similar to the 54 recommendations of the subsequent report of the Service Delivery and Performance Commission review of the QPS, delivered in June 2008.⁵ The QPS supported 35 of the 36 Grinspoon recommendations.

5 Service Delivery and Performance Commission 2008.

One of the recommendations could not be progressed without legislative intervention.⁶ By the end of May 2010, the QPS had implemented 16 recommendations, with the remaining 18 being progressed. The CMC took a lead role in the research that would underpin the development of a policy and strategy to deal with inappropriate associations. The result of this work is dealt with in Chapter 5 of this report.

This historical context influenced the CMC's subsequent resolution to conduct a public hearing into the organisational and systemic issues that remained unresolved in the Gold Coast District.

6 This recommendation involved a review of the policy and legislation dealing with the management-initiated transfer of police officers. This issue was subsequently taken up in the CMC's report *Setting the Standard: a review of the current processes for the management of police discipline and misconduct matters* (December 2010).

OUTLINE OF EVIDENCE

The investigative phase of Operation Tesco was conducted using standard investigative methods and powers available to the CMC, including covert electronic surveillance and telephone intercepts, against three officers and relevant non-police associates. The CMC also conducted an extensive closed hearing program involving a large number of Gold Coast police officers, nightclub owners, managers, staff and other members of the local community. The investigation not only resulted in the collection of evidence concerning the principal matters under investigation, but also revealed other concerning behaviour and misconduct involving:

- excessive use of alcohol and steroid use among some police
- incidents of improper access to and disclosure of confidential police information
- abuse of position or authority
- improper use of QPS resources.

Almost all of the above behaviours involved or arose from inappropriate associations.

The CMC's investigation was initially focused on allegations against three police officers:

- D1, a plainclothes constable
- G7, a uniformed constable
- G3, a sergeant who had performed both plainclothes and uniform duties.

The main allegations against D1 and G3 were that they were associating with organised and petty criminals, inappropriately disclosing confidential police information to their associates (in some cases for benefits such as money or drugs for personal use) and receiving free or discounted alcohol from local nightclub establishments. The principal allegation against G7 was that he was involved in similar activities, including the supply of illicit drugs.

Most of the allegations against G7 were supported with evidence sufficient to warrant the taking of criminal or disciplinary action against him. The investigation did not result in evidence to a standard that would support a criminal prosecution that G7 was supplying illicit drugs.

The evidence obtained against D1 was sufficient to support consideration of disciplinary action against him in respect of the allegation concerning his improper use of and access to QPS information, association with offenders, improper use of QPS resources and his position, but was insufficient to support any action concerning the allegations that he was involved in drug use or that he had received benefits, including money, in connection with his involvement in those activities.

There was insufficient evidence to support any of the allegations against G3, although the evidence did support the information that he regularly received free alcohol, entry and other hospitality from various Gold Coast venues.

A full summary of the investigation outcomes appears in Chapter 4 of this report. This chapter (3) outlines the evidence gathered in Operation Tesco that supports those outcomes.

Excessive use of alcohol and other drug use

Alcohol abuse

Operation Tesco revealed a culture of regular 'binge drinking' at Surfers Paradise venues by some off-duty police officers. One former Gold Coast sergeant said he developed an alcohol dependency as a result of work-related stress; used to drink while on duty as a detective; sometimes worked when hungover, as did some of his colleagues; felt that there was a strong alcohol-drinking tradition among police, urged the banning of alcohol consumption at police stations; and called for the mandatory alcohol testing of police officers before they wore their firearm.

There was clear evidence that D1's work performance was adversely affected over a long period of time by his regular, off-duty visits to nightclubs, where he would often drink free alcohol into the night and fail to report on time for his shift.

One witness, well known in the Gold Coast nightclub scene, who admitted to the CMC that he was a supplier of cocaine, gave evidence that on 8 to 10 occasions he had observed large groups of police officers drinking excessively at two particular nightclubs, apparently celebrating a work success. The witness claimed that he had never seen the officers pay for drinks but instead always used the free drink cards given to them by the nightclubs. On one occasion the officers, including D1, were so intoxicated and behaving so badly that the witness and his partner refused to be seen drinking with them. The witness said he was so offended by their behaviour that on this occasion he told the police officers that they couldn't expect to have the respect of the public on duty when they behaved so badly off duty in the same location they were responsible for policing.

The use of 'blue light taxis' (dealt with later in this chapter) also highlighted a practice that to a significant extent facilitated irresponsible drinking by police members.

Steroid use

Operation Tesco revealed evidence that a doctor (Dr K) practising on the Gold Coast was prescribing and directly dispensing the androgen testosterone to a number of his patients. The drug is listed as a dangerous drug (Schedule 2) for the purposes of the *Drugs Misuse Act 1986*. Several Gold Coast police officers including constable G7 and some of his non-police associates were identified as having been prescribed or directly dispensed testosterone by the doctor.

Medical records held by Dr K, including those of more than six police officers, revealed that he was dispensing testosterone for the treatment of seemingly common ailments such as lethargy. Other evidence indicated that he had dispensed the drug to officers for muscle growth and better self-image. Dr K admitted to the CMC that he was prescribing the drug 'off-label', i.e. not for the purpose recommended by the manufacturer. Therefore, patients could not purchase the drug from a pharmacy as they would with a regular prescription for medication, but Dr K had to dispense it himself from his surgery. One police officer's medical records recorded that prior to seeing Dr K he had obtained testosterone illegally on the 'black market'.

The testimony strongly indicated that Dr K dispensed testosterone principally to promote muscle growth in male patients, including police officers, who attended his practice. A review of his patient list indicated that he had dispensed testosterone to male police officers from various areas of the state. It was apparent that those officers had attended the doctor's surgery solely for that purpose.

By obtaining steroids from Dr K under prescription, the police officers concerned were exploiting a legal exception that allowed them to possess, and Dr K to supply, a drug that in other circumstances would have exposed them and the doctor to criminal prosecution. The drug was being supplied to them for the same purposes for which drug offenders acquire it through illicit means. Dr K admitted that he was not prescribing the drug for the purpose for which it

was manufactured; however, as long as he believes he is supplying the drug for the 'health' of his patients, as he has asserted, he cannot be prosecuted and neither can those to whom he supplies it.

Other illicit drug activity

- In January 2010, video and audio surveillance equipment captured police constable G7, his girlfriend and their male associate P35 in possession of illegal drugs in a Fortitude Valley apartment. On the morning of 31 January 2010, CMC officers executed a warrant on the premises and found five ecstasy tablets on the kitchen bench, two clip seal bags containing amphetamine in the freezer and 25 ecstasy tablets in the bedroom occupied by G7 and his girlfriend. A quantity of veterinary steroids and half an ecstasy tablet were found in P35's motor vehicle. When interviewed, G7's girlfriend said that she had previously used cocaine, ecstasy, marijuana and amphetamine. She also said that G7 had used drugs on a previous occasion and had obtained the drugs found at the apartment from P35.

At the time of this incident, P35 had been residing with another Surfers Paradise police officer and his girlfriend, also a police officer. P35 said he was not a drug dealer and only supplied drugs to a couple of people who were his friends. This assertion was not consistent with other evidence obtained in the course of the CMC investigation which supported an inference that P35 was generally engaged in the supply of drugs for money.

- In April 2010 the CMC received information that D1 and G3 were closely associating with a well known Gold Coast drug offender P12 and his wife P13; that association allowed P12 and P13 to engage in their drug activities without scrutiny. As a result of the CMC investigation into those allegations, Operation Tesco obtained evidence that P12 was regularly dealing cocaine to a small number of 'private' clients and that he knew G3 and D1 in a social capacity. On 16 July 2010 the CMC executed a search warrant on premises occupied by P12 and P13, which resulted in the seizure of over two ounces of cocaine and more than \$20 000 in Australian and United States currency. P12 and P13 subsequently admitted to dealing in cocaine, knowing D1, G3 and G7, but not having supplied drugs to them or received information from them to assist in their activities.

Improper access to and/or use of QPS confidential information

During Operation Tesco, evidence was obtained of a number of instances in which D1 and G7 improperly accessed confidential QPS information and disclosed that information to their associates. The reasons for the access and disclosure were varied: on some occasions it was done to protect criminal activity (in the case of G7), while on other occasions the access and disclosure were gratuitous or intended to satisfy personal curiosity. A summary of the more significant instances identified appears below.

Protecting offenders

- In 2009, G7 was associating with drug offender P28. On 22 August 2009, G7 conducted computer checks on P28 and at the same time discussed information from those searches with him over the telephone. The conversation indicated that G7 had undertaken similar checks on P28 and discussed them with him on previous occasions. Later that day G7 offered to print out P28's police record for him. P28 sent a text message to G7 in response in which he said, '*... Na dont(sic) worry bro its all good. Just keep eye out for me ...*'
- Constable G7 had an association with M, a security guard at a Surfers Paradise nightclub. On 5 September 2009, G7 conducted a number of police computer checks on M. Two minutes later, G7 sent a text message to M stating: '*Nothing on the system champ your all clear*'. M responded: '*OK sweet thanks mate*'.
- Between 21 September 2009 and 14 December 2009, G7 conducted more computer checks on P28. On 4 November 2009, P28 and G7 had a telephone conversation in which G7 said Ethical Standards were 'smashing' him and that he was being drug tested for

everything. P28 asked G7 to just keep doing checks on him to make sure everything was good. G7 assured P28 that everything was all good.

When questioned about his relationship with G7, P28 said that he had supplied G7 with unlawful steroids on approximately 10 occasions. P28 also said that he couldn't recall asking G7 to do computer checks for him but G7 did tell him on a number of occasions that '*... everything was sweet and things like that in relation to phones and stuff ...*' Another mutual associate of G7 and P28 told the CMC that he was aware that G7 had been doing computer checks for P28 and P28's friends to see if they were in any trouble or if something was coming up.

- On 7 October 2009, a warrant was executed on the address of an associate of plainclothes constable D1 and constable G7 by other police who were searching for drugs and guns. The associate was employed as a security guard in a Gold Coast nightclub. A few days after the police raid, the associate attempted to contact D1 but he was interstate. The associate then contacted G7 requesting he find out for him the person who gave the information to police that grounded the warrant for his address. G7 was unable to confirm the name of the informant, because the information had been provided anonymously through Crime Stoppers, but gave the associate sufficient information to enable him to confirm in his mind that his suspicions about the identity of the informant were correct. G7 then created an official intelligence report alleging that a source known to G7 (i.e. his associate) had provided information that the informant was involved in the use of drugs and firearms. On 15 October 2009, the associate contacted D1 and told him that G7 had looked up information about the warrant executed on his address and read out details of the complaint to him and confirmed his suspicions about the identity of the informant. D1 and the associate then spoke about the informant, who the associate claimed had vindictively provided false information to the police. D1 agreed. When questioned by investigators as to why he had not reported G7's misconduct to a superior officer, D1 claimed that it had not crossed his mind that G7 may have leaked confidential information to the associate. D1 then claimed that he may not have been sure that the information provided by G7 had come from a police record.
- On 9 January 2010 G7 told his girlfriend that he had heard from a CIB officer that his ex-girlfriend's number had been found in a drug dealer's mobile phone. On 11 January 2010, G7 discussed with his current girlfriend that his ex-girlfriend was involved in a potential drug investigation and he was worried she might 'drop' his name.

Soon after, G7 sent a text message to the ex-girlfriend's brother requesting he tell her:

... I was approached by detectives questioning bout [ex-girlfriend] they reckon her name has come up on a certain drug dealers phone subject to a special operation there phones are being monitored ... just tell her to stay low for a while and not to send any stupid texts ... and make sure she doesn't mention I said anything or that I gave the heads up ... if she ever did get questioned its always better to refuse interview there is nothing documented on poli8ce(sic) systems yet its highly confidential anyway mate ... and delete this message budd.

A few hours later G7 had a telephone conversation with his ex-girlfriend and told her the same information.

Checks on friends and associates

- On 23 December 2009, G7 conducted computer checks on his ex-girlfriend. On 27 December 2009, G7 informed his mother and current girlfriend that his ex-girlfriend had been arrested for drug offences and the circumstances of her arrest. Later that evening G7 again conducted searches on his ex-girlfriend and then contacted his current girlfriend and further discussed the arrest. G7 told his current girlfriend that the watch-house photo of his ex-girlfriend was funny and he would print it out and bring it home so she could see it.
- On 1 January 2010 a friend contacted G7 and asked him to look up another male person on the police computer to see if he was lying about being arrested the previous night.

G7 asked his friend to provide the associate's name and said he would do the check. On 3 January G7 conducted a computer check on the associate and at the same time discussed the computer checks with his friend over the phone. The computer checks were conducted using another officer's user name and password. That officer said he didn't conduct the checks but believes he may have logged onto the computer and left it unattended for a while.

The CMC examined D1's use and access to information obtained via the QPS computer system over nine months between late March 2009 and early January 2010. The records showed that D1 had conducted computer checks as follows:

- On 20 March 2009, he conducted checks on his girlfriend, her stepfather and mother, claiming that he had done this because his girlfriend had been in a relationship with a well-known Gold Coast criminal identity and he wanted to protect himself from being put in a compromising position. He said it would have been awkward to disclose his problem to a senior officer.
- On 29 March 2009, he conducted a check on another police officer, viewing information about the officer's traffic infringements, claiming that he may have been looking for the officer's mobile phone but then said that he may have looked up the officer's infringements as a favour.
- On 22 April 2009, he conducted a series of computer checks on a female associate (with whom he had previously had a sexual relationship) and her sister. His explanation was that he had done checks on the female associate to help her with her application to join the QPS, and on her sister as he had heard she lived an 'alternative lifestyle' and wanted to see whether there was any information he could add to police intelligence on her.
- On 29 October 2009, he conducted computer checks on a female. D1 said that he had a 'one night stand' with the female after meeting her at a nightclub and telling her that he played Australian Football League for the Sydney Swans. D1 claimed he conducted checks on the woman to protect himself as she now knew where he lived.
- On 17 October 2009, he conducted computer checks on a female suspect for a stealing offence, although he was not the investigating officer. The female had earlier been a witness in an assault matter D1 was investigating and after that matter was finalised, he struck up a friendship with her. D1 admitted he had looked up the details of the stealing matter earlier on the day the female was interviewed about the offence, but denied he had provided her with details about the matter and only told her that she had done nothing wrong. Another officer later charged the female with the stealing offence.
- On 14 December 2009, he conducted a computer check on another police officer. The police officer had previously removed his personal contact details from the computer system because he was concerned his safety might be compromised if that information was accessed by D1 and other officers he believed to be associated with criminals he was then investigating. D1 claimed he couldn't recall why he checked the officer but may have just been trying to find his mobile phone number. D1 did not work with the officer and they did not have a good personal relationship.
- On 23 December 2009, he attempted to conduct computer checks on a female associate but succeeded only in obtaining details of two persons with a similarly spelt name. D1 said he had been in a sexual relationship with the female a number of years ago and met up again with her recently. D1 said that he wanted to make sure she was not wanted on any outstanding warrants or wanted for questioning.
- On 4 January 2010, he conducted computer checks on his father's driver licence and traffic infringement details. At first D1 claimed he was looking to see if his father had any unpaid tickets, but then said he may have been looking for his father's date of birth to assist with planning a birthday celebration for him.

For personal amusement or curiosity

- On 24 October 2009, D1 phoned a female associate (not a police officer) in Sydney and told her that he was travelling down there to extradite a man for a rape offence. D1 then disclosed to the female associate details of the offence, information about the victim and how the offender was caught. D1 told the female associate that she could read the file as he was bringing it with him to Sydney.
- On 11 November 2009, D1 attended the scene of an incident during which a prostitute had been stabbed by another prostitute outside a Gold Coast motel. While at the scene, D1 spoke with a friend who was planning to visit the Gold Coast. During the conversation D1 said he thought a mutual associate of theirs was impressed with the good time D1 had recently shown him around town. D1's friend agreed, saying that the mutual associate thought it was '*... wicked ... every deadly, fucking skanky, seedy joint in town and not paying for piss or getting in ...*'. D1 then went on to tell his friend the details of the stabbing he was attending, how it occurred and personal information about a key witness who had been a client of the prostitute.

Misuse of position or authority

Protecting or assisting offenders

- At about 3.30 am on 19 October 2009, constable G7 was at the Surfers Paradise nightclub where his associate M worked as a security guard, when a woman made a complaint to him that M had assaulted her by punching her in the face. G7 recorded the complainant's details in his official notebook but did not take a statement from the complainant or photograph her facial injuries. As the woman was making the complaint, G7 received a phone call from M who told G7 that he didn't want to get in trouble and lose his security licence. M has said that G7 told him that he (G7) informed the complainant there was a 24-hour cooling-off period and she should come back tomorrow if she wished to proceed with the complaint. In fact G7 made no such statement to the complainant and she believed her complaint would be investigated. At 1.54 am on 20 October 2009, G7 officially recorded the complaint on the QPS computer system and falsely reported that he had interviewed the complainant, that she was vague and could not identify the person who had hit her. He also falsely recorded that the complainant's friend, who initially went to the station with her, was later spoken to by police and she retracted her version supporting the complainant. G7 recommended the complaint be unsubstantiated.
- On 9 November 2009, a female associate of G7 was to appear in the Southport Magistrates Court on an unlicensed driving charge. She failed to appear and a warrant was issued for her arrest. Later that day the woman contacted the Coolangatta police station and was advised to attend the station later in the week. On 10 November the woman's boyfriend called G7 and told him of his girlfriend's failure to attend court '*because she completely forgot*' and asked what she should do. G7 said she should go and get a doctor's certificate and give it to the Magistrate because that would look good for her. She produced the medical certificate in court on 13 November 2009.
- In November 2009, D1 was the investigating officer in relation to an incident at a nightclub involving four offenders in wilful damage, entering premises with intent to commit an offence, assault occasioning bodily harm in company, and going armed in public. A few days before the matter proceeded in court, D1 spoke to the lawyer of one of the offenders and agreed he would seek permission to drop some of the charges, including the wilful damage charge, and reduce the seriousness of others. This arrangement would provide a financial benefit to the lawyer because the matter was being funded by the Legal Aid Office. On the day the matter was mentioned in court, D1 contacted his senior sergeant and said he was just '*tweaking*' the charges. The senior sergeant asked D1 whether he had spoken to

the complainant. D1 said he had, and the complainant didn't care. There were actually three complainants concerned in the matter. Of the two assault complainants, one said he couldn't remember speaking to D1. The second complainant said D1 and the police prosecutor spoke to him about dropping the charge if the offender paid the complainant some money, but later D1 advised him not to accept the offer and let the matter proceed. The wilful damage complainant advised that D1 had not spoken to him about discontinuing the wilful damage charge and had never asked him to provide a statement in relation to the matter, although he had given D1 a quote for the damage (over \$4000).

In relation to his failure to document his reasons and obtain written approval from an appropriate officer before discontinuing charges, D1 said he thought his senior sergeant would have done that for him, but on this occasion there was an oversight. D1 claimed that he couldn't remember the conversation with the senior sergeant in which he said he had spoken with the complainant. D1 also claimed that the wilful damage complainant had refused to provide a statement so he did not have sufficient evidence to continue with prosecuting that offence. No legitimate reason for discontinuing or reducing the charges was evident.

- On 11 January 2010, an associate of G7 who had been bailed on drug charges failed to report to the Surfers Paradise police station in accordance with his bail conditions. On 12 January 2010, the drug offender contacted G7 and told him that he didn't report because he had been sleeping. G7 told the drug associate to make up an illness and go and get a medical certificate so he wouldn't be breached for failing to report on his bail. The drug offender produced the medical certificate at the Surfers Paradise police station later that afternoon.

Other assistance to friends and associates

- On 6 October 2006, D1 had been living at an address with a friend when an intruder broke into their house and stole a laptop computer, jewellery and a mobile phone. The offence was reported to police, listing D1's friend as the complainant. Later the same day, D1, with other officers, searched the suspected offender's address, seized a laptop computer, watch and bracelet and arrested the offender for breaking into D1's dwelling and other offences. D1 was the arresting officer for the break-in. D1 then took the property seized from the offender's address and delivered it to his friend. When interviewed about this matter D1 dismissed the idea that there could be any perception he had acted partially in relation to the matter or that he had a conflict of interest.
- On Friday, 1 January 2010, G7 sent out a text message to five managers of three Surfers Paradise nightclubs saying that he was on night work until the following Tuesday and they should call him if they had any problems.⁷ G7's girlfriend worked at one of the nightclubs, and there is evidence that he routinely received free drinks from each of the nightclubs for himself and friends. Over the next few days, two of the nightclub managers asked G7 to sign a number of forms for them, which were applications for crowd controller's licenses. Each applicant is required to have an authorised person state that they have viewed the original identification documents of the applicant and certify that copies attached to the application form are true and correct.

In just over 12 months from January 2009 to January 2010, police officers in the Gold Coast District certified 99 crowd controller application forms submitted by staff of these three nightclubs in this manner. G7 was responsible for the certifications on 71 of these.

G7 initially said that he did in fact sight the original identification documents before certifying to that fact on the forms. Later he said that he did not see any of the applicants' original identification but said he knew each applicant personally. G7 denied that he was

⁷ The owner of these nightclubs was an acquaintance of D1's mentioned in the limousine matter below.

signing the forms as a favour to the managers of the nightclubs as they would be signed by whoever was on the counter when the application forms were brought in. G7 said it was just coincidental that he had signed so many, although one of the nightclub managers said that G7 often came into the nightclub and collected the forms, then took them back to the police station where he certified and stamped them. G7 did not consider his conduct was in any way connected to his receipt of free drinks at the premises.

- On 4 July 2010, the owner of several Surfers Paradise nightclubs reported the theft of a limousine to police. The nightclub owner, an acquaintance of D1, claimed that he had leased the vehicle to a business owner who had broken the lease but not returned the vehicle. The lessee disputed this, and there had been considerable correspondence between solicitors of both parties about the issue. On 9 July 2010, D1 seized the vehicle from the lessee and delivered it to the nightclub owner, claiming he had sought legal advice and approval from his senior sergeant to do so. The *Police Powers and Responsibilities Act 2000* requires police officers to refer matters involving disputed ownership of property to a Magistrate for determination. No investigation of the stealing complaint was undertaken and the crime report remains outstanding.

Receipt of free or discounted alcohol, food and hospitality

During the investigation, evidence showed that many police officers frequented licensed premises while off-duty, and were regularly provided with free entry and free drinks (or drink cards with a value of \$50 or \$100) in licensed venues.

About 20 police officers examined in the CMC closed hearings stated that they had received free drinks. One officer testified that over a nine-month period he received approximately 18 drink cards with a total value nearing \$1800. However, a number of officers stated that most of the clubs and venues offered free drinks to many patrons as a marketing exercise.

Many of nearly 50 police officers who were questioned admitted that they rarely, if ever, paid the normal \$10 to \$20 cover charge to gain access to a nightclub or licensed venue. One officer explained how this works as follows:

Either [Officer A] has known the people working at the club, basically he's a regular at most of these clubs, he certainly obtains some personal benefit for being a regular at those clubs. Alternatively, it's been a case of it's known that they allow police in for free, simply because it comes down to good business practice for them, that they prefer having certain clientele of people in the club, potentially having problems down the line for them.

A number of nightclub owners gave evidence at the CMC closed hearings indicating that the rationale behind the policy of free entry and/or free or discounted drinks was to encourage a police presence to keep away the members of outlaw motorcycle gangs. When questioned as to whether there was any evident correlation between off-duty police being in venues and an absence of members of outlaw motorcycle gangs, one nightclub manager responded:

I can't see any. I don't, I don't think that's true in my opinion. I think having off-duty police officers drinking in your venue isn't really going to help you. The off-duty police officers I've seen, in my experience in venues, get drunk and have the run of the place. They can, you know, push people around, get the best spot at the bar and carry on and the security won't kick them out. So, I think it's not a good thing to have them in there with that high sense of entitlement.

Improper use of QPS resources

'Blue light taxis'

'Blue light taxi' (BLT) is a term used to describe the use of an official police vehicle as a taxi service; an on-duty police officer is called to drive an off-duty police officer (sometimes in the company of civilians) to or from the off-duty officer's home or a venue such as a bar or nightclub. Operation Tesco revealed the following evidence concerning the use, rationale for and acceptance of BLTs among Gold Coast police officers.

- Over a period of three and a half months, the CMC investigation incidentally captured evidence of instances involving 24 officers, plainclothes or general duties officers giving or receiving lifts in BLTs.
- Seven civilians who gave evidence to the CMC in closed hearings during 2010 said they were aware of the police practice of providing BLTs, and six of them said that they had been given a lift in a police car after drinking or working in an entertainment venue, usually a nightclub. One associate of D1 said that, when out with D1, they only ever paid for a taxi if there was an accident or 'something big' preventing officers from giving them a lift. There was other evidence that G7 regularly picked up his girlfriend, a nightclub dancer, from work and took her home in a marked police car. Sometimes another police officer would be present in the vehicle. Other evidence revealed that several police officers, including G7, had on several occasions given BLTs to intoxicated or stranded female nightclub patrons.

Key points arising from closed hearing testimony given by QPS officers about BLTs were:

- Lifts in BLTs have been given and received regularly on the Gold Coast for *at least* 20 years. One sergeant with almost 30 years' policing experience on the Gold Coast said that he had been aware of BLTs since he was sworn in. Another sergeant stated that he did not discourage use of BLTs because they had been occurring for 'a thousand years' – inferring that the time-honoured but inappropriate use of police resources was self-validating.
- BLT journeys are often between police stations and officers' homes, but can also involve picking up officers from home and dropping them at work or in an entertainment venue area (particularly Surfers Paradise). Most BLT journeys last from 15–20 minutes and an hour, depending upon how many people are being given a lift.
- BLTs were said to operate elsewhere in Queensland and in other state police services.
- BLTs are seldom, if ever, recorded in occurrence sheets or other police documentation; some officers disguise BLTs as 'patrols' or 'dispatch' in such documentation.
- One officer expressed the view that everyone who has been a police officer has had a lift in a BLT. Of the 30 officers who were questioned by the CMC on this issue, only one stated that they had never had a lift in a BLT.
- The majority of police officers who were questioned about BLTs believed they did not compromise police performance, or know of examples of this occurring.
- Only one officer acknowledged the possibility of public disapproval of BLTs. He saw this as a reason not to record them in occurrence sheets (rather than refuse to participate in the practice).

Justifications for the practice included:

- It is preferable to having officers drink-driving.
- It avoids exposing police officers to assaults at taxi ranks.
- It is an example of police solidarity, particularly with officers who claim to have no money for a taxi.
- BLTs had the approval of senior members of the QPS. (Several inspectors/acting inspectors were named as having expounded the 'drink-driving' justification in front of junior officers.) Other officers believed that the practice was a police cultural tradition that senior management merely tolerated but did not encourage.

Other instances of resource misuse

- On Christmas Eve 2009, G7 was rostered on duty between 4 pm and 12 am and was issued a Taser gun at the commencement of his shift. At about 9 pm, he went to the house of a male friend who was not at home at the time. G7 then contacted his friend, who advised that he and another mutual friend would not be home until 9.30 or 10 pm. G7 was disappointed because he had planned to Taser the mutual friend in a 'surprise attack' but now would not be able to do so. G7 was recorded returning the Taser gun to the police station at 10.40 pm. It had not been deployed while in G7's possession.
- On 31 January 2010, the CMC located a short video image on G7's phone showing him deploying his police-issued capsicum spray on a friend's forehead while a number of other males (not police officers) looked on with amusement. The friend who was sprayed has stated that the incident took place around four years earlier at a buck's party where someone had dared G7 to spray someone with his police-issued capsicum spray.
- In April 2007, D1, a constable, was rostered to perform duty in uniform at a music festival on the Gold Coast with a senior constable. D1 could not find his correct uniform accoutrements, including his epaulettes, so he borrowed and wore senior constable epaulettes. Only one other officer commented on D1's improper wearing of a more senior officer's rank while on official duty but no officer D1 worked with during this shift took any action.
- At about 1 pm on 7 November 2009, D1 spoke to a friend who was flying in with her mother to Coolangatta airport from Sydney. D1 told the friend that he was working a 2 pm to 10 pm shift, but wasn't doing much so he could pick her up from the airport. Shortly after, D1 spoke to another senior constable who had been rostered on his shift and told him that he wasn't doing much at work today, so thought he might do some drink-fridge shopping and then pick up a friend from the airport.

At about 3.30 pm, D1 took an unmarked police vehicle and collected the female friend and her mother from the airport and drove them to an address on the Gold Coast. He did not record his use of the police vehicle on 7 November, in the station vehicle register, nor did he make any record of it in the station summary of his activities between 2 pm and 7 pm. D1 recorded in his diary that apart from assisting another officer between 7 pm and 10 pm, he had been occupied 'updating files'.

Other matters

Victimisation of suspected whistleblower

In November 2006, a police officer was named on an official complaint form as having made an allegation that D1 had improperly given a friend a police cap that had been issued to another officer. The named police officer had not ever made such an allegation but had simply given the cap to a senior officer, after finding it during the execution of a search warrant at a house occupied by D1's friend.

A few weeks later, the named police officer was told of rumours circulating in the CIB that he was a 'dog', and a copy of the official complaint form had been printed and left in the office where other members of the CIB could view it. Not long after, the named police officer attended the CIB staff Christmas party with his wife. Senior police officers were present when, in front of the other officers, he was given a can of dog food as a 'secret Santa' gift. The officer made a complaint about the matter to his senior sergeant, who later admonished officers about the incident at a station meeting. No other action was taken in relation to the matter.

Another officer, G27, admitted that after agreeing on the 'Secret Santa' gift with D1, he had purchased the can of dog food and a dog bowl and then wrapped the gift but at the last minute got cold feet and decided not to go ahead with the plan to give it to the named officer. D1 admitted that he had been responsible for taking the gift to the Christmas party. D1 said he had no sympathy for the officer who he believed had reported him to management for discipline matters. G27 and D1 each said they regretted their involvement in the incident.

Use of excessive force

On the evening of 17 October 2009, Surfers Paradise police officers attended a fight that had erupted at the top of a set of concrete stairs outside a Surfers Paradise nightclub where a very large and hostile crowd was pressing around the incident. G7 became involved with one of the persons present at the scene who then landed headfirst, unconscious, at the base of the stairs with a large gash on the back of his head. Ambulance officers attended, and the man was taken to the Gold Coast Hospital. The following morning officers attended the hospital and served the man with a notice to appear on charges of public nuisance and obstructing police.

The man made a complaint of assault against G7, who subsequently provided a statement for the prosecution brief to the effect that the man lost his footing and fell. The video footage of the incident captured on CCTV shows that G7 pushed the man down the stairs.

Failure of standards/failure to report misconduct

On 22 October 2009, D1 and a commissioned officer on duty in the South Eastern Region had a conversation that evidenced a failure to report misconduct, and a failure of the leadership that the community is entitled to expect from its senior police officers.

During the conversation the commissioned officer asked D1 whether he was under investigation because he had heard rumours. D1 responded that his and G3's phones were being intercepted for a while. When the commissioned officer asked D1 how he knew this, D1 indicated that he had found out through G3 who had a lot of connections 'up town' with senior police officers who were looking after him. The commissioned officer then joked with D1 that his phone was probably being intercepted right now, which prompted D1 and the commissioned officer to say 'hello' to those listening.

D1 then went on to discuss another police officer he thought had made a complaint to the CMC about him and G7. D1 and the commissioned officer joked about G7's behaviour and the commissioned officer said to D1 that G7 was '... you five years ago.' D1 agreed. D1 said the police officer had accused G7 of using cocaine and was talking as though he was going to 'dob him in'. D1 spoke in derogatory terms about the other police officer but did not suggest that the other police officer was mistaken or lying about the allegations. The commissioned officer only responded to D1's comments by saying, *'yeah well ... it's all happening ... mate, just sounds like the same fucking story.'* The commissioned officer exhorted D1 to be aware of his behaviour when he was 'out and about' and 'keep it above board', D1 indicated he knew that meant being aware of who he was talking to and what computer checks he did. D1 then said, *'... that's where ... every copper I know, who sort of fits my mould goes wrong. Their doing fuckin' shit computer checks ...'*. The commissioned officer agreed with D1 that hanging around those sort of people and doing computer checks would bring him 'unstuck'.

Public nuisance

On the evening of 11 November 2009, D1 attended a farewell party with a number of other police officers at the Burleigh Heads Police Station. After D1 had consumed a considerable amount of alcohol, an on-duty officer agreed to drive D1, two other plainclothes officers and another officer's wife home. On arriving at the first officer's house, D1 and that officer got out and urinated on the back of the vehicle. The third officer was seated in the rear passenger seat. On the way to his house, he vomited, soiling the back seat, rear parcel shelf and windscreen. That officer removed his shirt and tried to mop up the vomit before throwing the shirt out of the car window. At his request, the third officer was dropped off in a street near his house. The female passenger was then driven to her house, and lastly D1 was given a lift to the Surfers Paradise nightclub precinct. Due to the mess that had been made in the course of the journey, the police vehicle was no longer serviceable. The following day the officer who had vomited had to clean the police vehicle.

Misconduct involving dishonesty

- G5 was a general duties constable on the Gold Coast who graduated from the police academy in August 2008. In her application to the police service she had asserted that she had never consulted a psychiatrist, suffered from any mental illness or undergone any operations. The CMC investigation incidentally revealed that the officer had in the previous two years been admitted to hospital with a serious mental condition and undergone significant treatments, had taken anti-depressants for a period of four years, had in fact had an operation and had consulted a psychiatrist every three weeks.
- G5 graduated from the police academy on 27 August 2008. After serving the 12 months probation period, she had her position as a constable confirmed on 27 August 2009. Just over a week later, G5 took sick leave, citing fatigue and diarrhoea. She remained on sick leave for many months, initially exhausting her own limited sick leave, before taking advantage of the QPS sick leave bank. After becoming a person of interest in the CMC investigation, it was discovered that while on sick leave G5 had:
 - purchased a coffee business at Tugun and a mobile coffee van
 - worked three days a week in the business at Tugun and other days with the coffee van
 - falsely claimed in applications to two banks for loans, which were subsequently provided to purchase the above business, that she worked for a male person earning a minimum of \$400 per week
 - during a period of just over three months, attended the gym 115 times and regularly walked over 4 km per day.

G5 was negotiating the purchase of another business franchise which she intended to operate from her home address. After being required to submit to a compulsory examination by the QPS in March 2010, a doctor diagnosed G5 with continued diarrhoea but could not identify a cause. The CMC subsequently located diuretics at G5's home. A witness interviewed by the CMC said that G5 had confided that she was making herself appear ill, in order to obtain the QPS sick leave entitlements.

- On 15 April 2010, G5 was issued with a speed camera infringement notice while driving her coffee van. On 7 May, she arranged for a former boyfriend to sign a statutory declaration that he had been the driver of the van. After the CMC interviewed several witnesses in relation to the matter, G5 subsequently paid the infringement notice herself.

INVESTIGATION OUTCOMES

The CMC has primary responsibility for dealing with complaints of alleged misconduct⁸ by police officers that involve official misconduct.⁹ Where an investigation results in sufficient evidence to support grounds for considering disciplinary action against a police officer, the CMC may refer the matter to the QPS for action.¹⁰ Where there is evidence to support an offence in relation to which a criminal prosecution against a police officer or another person should be considered, a police officer seconded to the CMC may commence proceedings against the officer or person.¹¹

As a result of Operation Tesco, the CMC recommended to the QPS that disciplinary action be considered against five police officers (G7, D1, D18, G5 and a commissioned officer) and that another police officer (G27) receive managerial guidance. Additionally, criminal proceedings were commenced against one police officer (G7)¹² and 5 other persons (P12, P13, P32 and P35).

Below is a summary of the matters upon which the CMC has recommended or taken action.

G7 — General duties police officer

G7 was a general duties constable who had been based at Surfers Paradise Police Station. As a result of operation Tesco, he was suspended from duty on 31 January 2010 and subsequently resigned from the QPS with effect from 21 January 2011.

Prior to his resignation, G7 had been summonsed to appear on one charge of unlawful possession of amphetamine, and one charge of unlawful possession of ecstasy. On 22 February 2011, he pleaded guilty to these charges, was fined \$4000 and the sentencing Magistrate ordered that his conviction not be recorded.

Even though G7 has resigned from the QPS, under Part 7A of the *Police Service Administration Act 1990*, the Commissioner of Police may still make a disciplinary declaration against him provided this is done within two years of his resignation and, if as a result of a disciplinary hearing against the officer, he would have been liable to dismissal or reduction in rank. The making of the declaration does not affect the way in which the officer's employment has ended, or any benefits or entitlements.

The CMC has now referred a report to the QPS, so that it might consider making a disciplinary declaration against G7 under Part 7A of the *Police Service Administration Act 1990*. The report details evidence of a number of matters involving G7's conduct including:

- his conviction for drug possession
- protection of offenders
- improper access to and disclosure of confidential police information

⁸ Defined in the *Crime and Misconduct Act 2001*, Schedule 2

⁹ Defined in the *Crime and Misconduct Act 2001*, s. 15

¹⁰ *Crime and Misconduct Act 2001*, s. 49(2)(f)

¹¹ The CMC has internal guidelines to determine when a matter should be referred to the Director of Public Prosecutions (DPP) before a criminal prosecution is commenced. None of the matters investigated in Operation Tesco required prior referral to the DPP under those guidelines.

¹² This police officer was included in the five officers in respect of whom disciplinary action was recommended.

- use of excessive force
- counselling the falsification of evidence
- improper use of QPS resources and position.

D1 — Plainclothes police officer

D1 was a plainclothes constable who had been based at the Burleigh Heads CIB office. As a result of evidence obtained during Operation Tesco, he was suspended from duty on 19 August 2010. The CMC has now referred a report to the QPS recommending it consider taking disciplinary action against him.

The report details evidence of a number of matters involving D1's conduct including:

- improper access to and disclosure of confidential police information
- improper use of QPS resources and position
- public nuisance
- failure of standards
- victimisation of a suspected whistleblower.

G3 — Plainclothes and general duties police officer

The investigation of the allegations against G3 did not reveal evidence to support the consideration of criminal or disciplinary proceedings. The QPS has now been advised accordingly.

G5 — General duties police officer

G5, a former constable stationed at the Surfers Paradise Police Station, resigned from the QPS on 5 July 2010 after a period of extended sick leave. The CMC has now referred a report to the QPS, so that it might consider making a disciplinary declaration against her under Part 7A of the *Police Service Administration Act 1990*. The report details evidence of a number of matters involving dishonest and fraudulent conduct.

G27 — General duties police officer

G27 is a general duties officer who at the time of the CMC investigation was a plainclothes officer. The CMC has referred a report to the QPS recommending that it consider giving G27 managerial guidance in respect of his involvement with D1 in the 'dog food' incident. In making this recommendation, the CMC has taken account of the fact that G27 did not continue his participation in the incident and subsequently expressed remorse for his involvement.

D18 — Plainclothes police officer

D18 is a plainclothes constable who was involved with D1 in the 'public nuisance' incident. The CMC has now referred a report to the QPS recommending it consider taking disciplinary action against him in respect of his involvement in that matter.

Commissioned officer

The commissioned officer is the officer who spoke with D1 on 22 October 2009 about the investigation into his conduct (see page 17). The CMC has now referred a report to the QPS recommending it consider taking disciplinary action against him for his failure to report misconduct and for a failure of standards and leadership that the community is entitled to expect from its senior police officers.

G7's girlfriend

G7's girlfriend was also charged with possession of ecstasy. On 22 February 2011 she was convicted and given a \$1200 fine with no conviction recorded.

P35

P35 was an associate and drug supplier of G7. P35 was charged with drug offences arising from the execution of the search warrant on 22 February 2011. He was also charged with trafficking dangerous drugs, 17 charges of supplying a dangerous drug and two charges of possessing a dangerous drug. He was committed for trial on those charges on 24 March 2011.

P12 and P13

P12 was a well known nightclub identity and associate of D1 and G3. P13 is P12's partner. In July 2010 the CMC executed a search warrant at their residence, and seized just over two ounces of cocaine and approximately \$20 000 in Australian and United States currency. P12 and P13 were charged with possession of cocaine, 18 and 5 charges of supplying a dangerous drug respectively. The matter is presently before the courts.

DISCUSSION OF ISSUES

This chapter discusses the five areas of concern dealt with by the CMC at the Tesco public hearing in September 2010 and the QPS response to those matters. The QPS publicly announced many of its initiatives in August 2010, just prior to the commencement of the hearing, and have been keeping the CMC updated on their progress during the preparation of this report. While some of the policy and procedural measures announced by the QPS have already been implemented, others are at various stages of development and/or achievement. This chapter provides a snapshot of the progress to date and the work that still remains to be done. The CMC will continue to work with QPS in developing, refining and reviewing the implementation of its various responses to the following issues:

- supervision
- inappropriate associations
- gifts and benefits
- organisational culture: reporting misconduct
- workforce and human resource management issues: alcohol and other drug abuse, and recruitment practices.

Supervision

The problem

Previous inquiries and investigations into police misconduct on the Gold Coast identified deficiencies in management and supervision as a significant factor in the development of integrity problems (see Chapter 2). The evidence previously outlined in Chapter 3 indicates that a lack of effective supervision of both uniformed and plainclothes officers in the Gold Coast District remains an issue of concern.

More diligent supervision of general duties and criminal investigation branch staff, particularly junior officers, might have helped to prevent the behaviour revealed in Operation Tesco. The responsibilities inherent in the roles of general duties shift supervisors and CIB team leaders were unrealised. The frequency of inappropriate behaviours such as the use of BLTs indicated that practices required for monitoring staff movements and standards of behaviour during rostered shifts were lacking.

Monitoring and supervision of officer activities counted heavily on the effectiveness and reliability of record systems such as police diaries and daily occurrence sheets. As a supervisory tool, these systems may work sufficiently for the majority of officers, however, they are systems that are easily avoided or exploited, particularly by problem officers. While instances of misuse may be the exception to the rule, it is the exceptions that prove most problematic. Supervisory systems are only fully effective when they are robust enough to identify and deal with anomalies.

On the question of supervisor training, the General President of the Queensland Police Union of Employees (QPUE), Ian Leavers argued that, *'[w]hat we need to do is to be task-specific, teach sergeants and NCOs and above on how to lead and how to supervise specific*

to their job.¹³ Commissioner Atkinson also acknowledged the importance of training but stated that other qualities are also required such as:

... their own professional and ethical standards; secondly, their ability and skill level and knowledge level, or the ability they have to acquire ... skill and knowledge; and, thirdly, their motivation, their energy, their commitment, their dedication. Now I have to acknowledge that we need to do more in terms of developing our supervisors.¹⁴

Time pressures and inadequate staffing were two of the main arguments raised during the Tesco public hearing as factors that impeded effective supervision of junior officers on the Gold Coast.

Detective Inspector Dowie expressed the problem in this way:

... you can rely upon [record systems] when you have hard-working, ethical people who work day in and day out and do the right thing. Then you have the one or two, maybe three examples ... out of 100 detectives on the Gold Coast who are prone to unethical behaviour ... the system is working for everyone else, there is just a couple of people that the system is not working for and those people are normally the people who will duck and weave around supervisors knowing full well that their supervisors are 100 percent under the pump and don't have time to go and chase them.¹⁵ ... [supervisors] don't have time to sit down and audit individual [police computer] entries, individual activities on every day to day. We just don't have time to do that. We can't sit down and ... analyse every action that's taken by our detectives. We have to rely on our supervisors teaching them, providing them the training they need to do their job properly. I can't answer that any other way than that.¹⁶

The Officer in Charge of Surfers Paradise police station, Senior Sergeant Bruce Dimond argued:

... [we] need large numbers of police and higher proportions of supervisors on the street and deployable to the beat every Friday and Saturday night of the year.¹⁷ ... [there] is limited supervision but ... certainly not constant supervision on the street ... because ... for example, if there is one major crime committed in Surfers Paradise, whether a stabbing, or a glassing, or an incident like that, another sergeant could be tied up on that job for several hours, so that effectively leaves...the remainder of the beat teams to respond to the other incidents without effective supervision.¹⁸

In response to these issues Commissioner Atkinson said that staffing levels had to be balanced against allocations required across the state which are reflective of government policy. The flexibility of staffing levels within the state-wide allocation is ultimately the responsibility of the police service. In this environment and for the foreseeable future, an improvement in the quality, not quantity, of supervision is likely to provide the most consistent benefit to misconduct mitigation.¹⁹

The importance of the quality and commitment of supervisors to do their job properly appears to be well understood by senior officers, as demonstrated by the following exchange at the public hearing between Counsel representing the Queensland Police Commissioned Officers Union, Mr Carmody SC and Detective Inspector Dowie:

Mr Carmody SC: You talk about an effective supervisor of plainclothes officers

DI Dowie: Yes

Carmody: And the characteristics that person has

Dowie: Yes

13 Evidence (Transcript) of Sgt Ian Leavers, CMC public hearing, 22 September 2010, p. 3646.

14 Evidence (Transcript) of Commissioner Robert Atkinson, CMC public hearing, 24 September 2010, p. 3861.

15 Evidence (Transcript) of Detective Inspector Mick Dowie, CMC public hearing, 21 September 2010, p. 3531.

16 Evidence (Transcript) of Detective Inspector Mick Dowie, CMC public hearing, 21 September 2010, p. 3547.

17 Evidence (Transcript) of Senior Sergeant Bruce Dimond, CMC public hearing, 20 September 2010, p. 3391.

18 Evidence (Transcript) of Senior Sergeant Bruce Dimond, CMC public hearing, 20 September 2010, p. 3392.

19 Evidence (Transcript) of Commissioner Robert Atkinson CMC public hearing, 24 September 2010, p. 3860.

- Carmody: One is to lead by example.
- Dowie: Definitely, yes
- Carmody: By that you mean be a good role model
- Dowie: Yes
- Carmody: The other was the ability and will to monitor, what do you mean by that?
- Dowie: They need to step up to the mark, they need to do their job, what they are paid for, what they have been promoted to and everything that they may claim to be able to do in their application, and that is supervise their staff, keep them on track and live up to the expectations of the Service.
- Carmody: And to correct and report bad behaviour?
- Dowie: Yes.²⁰

Supervision is only effective if supervisors understand their responsibilities and are committed to undertaking the role properly. To be useful, supervisors firstly need to be competent. Just as a lack of knowledge and experience in the legal, operational and procedural requirements of policing results in poor operational decision making, a lack of supervisory awareness and skill renders the supervisor, not only of limited value, but potentially the most significant source of misconduct risk for those officers who rely upon their supervision. Secondly, supervisors need to be diligent. This means they must be genuinely concerned to know what their subordinates are doing. This does not mean supervisors should micro-manage and it should not be seen as demonstrating a lack of trust. It means the supervisor has to be alive to the potential risks in any given situation, the strengths and weaknesses of their subordinates and accept responsibility to care for their integrity and that of the organisation.

The QPS response

When questioned by Mr Carmody SC at the public hearing on what the QPS can do ensure it has quality supervisors, Commissioner Atkinson said,

‘... [The QPS has] ... around 3,200 or 3,300 sergeants or senior sergeants, and generally they are accepted as being the middle management supervisors ... [T]hey ... are the key people in the organisation, in my view. ... Now, I have to acknowledge that we need to do more in terms of developing our supervisors. That hasn’t been through any lack of will on my part. We’re a very large state, very decentralised and the cost of obviously training programmes is not cheap, but there is a clear need to do more in this space. And what’s happened, in my view, as well, is that in the last 20 years we have seen enormous change, and the workload that we place on these people is quite significant, in my view. We expect a lot of them and there is an awful lot of demands on them in an eight-hour shift, and I do think we need to do more, and I intend to do that, to support them in terms of their ability to achieve what we expect of them.’²¹

In response to Operation Tesco, on 26 August 2010 Commissioner Atkinson announced a wide-ranging suite of measures to improve police services in the Gold Coast police district. Measures relevant to improving supervision of Gold Coast District police officers that had already been taken at that time included:

1. Higher level supervision during identified risk times, using District and Regional Inspectors.
2. Independent Senior officer reviews of CCTV footage of the Surfers Paradise Police Station
3. A focus by division management on developing proactive supervisor attitudes aimed at reducing incidents of assault and use of force
4. Daily read-outs and training sessions emphasising the minimum use of force
5. A proactive strategy for transfer/secondment of at-risk officers into other divisions

²⁰ Evidence (Transcript) of Detective Inspector Mick Dowie, CMC public hearing, 21 September 2010, p. 3556.

²¹ Evidence (Transcript) of Commissioner Robert Atkinson CMC public hearing, 24 September 2010, p. 3861.

6. Installation of an additional six CCTV cameras and signage within the Surfers Paradise Police Station, bringing the total coverage within the police station to 26 cameras
7. Three new commissioned officer positions within the South Eastern Region, including a Detective Superintendent as Regional Crime Co-ordinator
8. Project ABEO – a review of the organisational structures and investigative practices of the Gold Coast District and CIB
9. A review of the Gold Coast CIB and Child Protection Investigation Unit work performance
10. Reviews of the South Eastern Region's Risk Management and Financial Management Systems
11. A new system of providing greater accountability, work performance monitoring and record management for plainclothes officers
12. Training packages aimed at enhancing integrity for specific ranks have been developed and delivered
13. Addresses by the Assistant Commissioner, South Eastern Region to officers and staff members in the region regarding integrity and operational professionalism.

On 26 August 2010, Commissioner Atkinson also announced a number of additional measures that would be undertaken in the future to improve supervision of Gold Coast District police officers. See Table 1 (overleaf) for details of these measures, the time frames for their achievement and progress to date.

Inappropriate associations

The problem

Inappropriate associations between police officers and individuals involved in illegal activity have long been identified as a key risk factor for corruption in Queensland and elsewhere. The number of national and international operations, inquiries and investigations that have identified police associations as a source for police misconduct, conflicts of interest and other integrity threats, is considerable.²²

Inappropriate associations are those that present integrity risks to police officers and they are not only those that may involve suspected criminal identities, but encompass a broader range of relationships that carry integrity risks, not because they actually involve a neglect or breach of duty but because they carry an ongoing potential to do so.²³ This potential exists principally because the relationship involves a *persistent*, inherent conflict of interest (real or perceived) between the member's private interests in the relationship and their public duty as a member of the police service to act professionally, with integrity and within the spirit and the letter of the law — both on and off duty.

Inappropriate associations 'provide motivation and/or present opportunities' for various types of misconduct by police officers.²⁴ Not only can police members take advantage of such associations, criminals may also seek to 'cultivate' police members for their own benefit (e.g. access to information). Once the relationship is firmly established, the 'slippery slope' progression from low-level favours and information dissemination to actively concealing and engaging in higher order criminality is difficult to stop.²⁵

22 CMC 2009; Davids 2008; CMC 2008a; CMC 2008b; Kennedy 2004; Wood 1997 ; Fitzgerald 1989.

23 Davids 2008; Millar 2003; OPI 2008

24 Davids 2008

25 Davids 2006; Hardy 2008

Until recently, no great deal of progress had been made in Australian police jurisdictions to proactively and systematically identify and manage associations that present ongoing integrity risks. Since 2006, the New South Wales Police Force has had a prohibitive approach to inappropriate associations and in 2008, the Victorian Police Service introduced a risk-management approach to the issue. This is perhaps due to the complexity of the issue, the innocuous nature of some of these associations, and the difficulty of balancing individual rights (e.g. privacy and freedom of association) with the need to protect the public interest. That said, almost all Australian police agencies have already begun to institute specific policy frameworks for reporting and managing/mitigating the risks of associations which present ongoing integrity issues for their members.

Table 1: QPS response to supervision issues

No.	Measures to improve supervision of the Gold Coast District police officers	Time frame for achievement	Progress to date
14	Inappropriate transport (Blue Light Taxis) policy would be developed and implemented to ensure police vehicles are used only for operational purposes	30 September 2010	Interim policy issued on 26 August 2010
15	Upgrade of the officer-in-charge position at the Surfers Paradise Division to Inspector, with an evaluation to see if similar upgrade should be considered for other similar-sized establishments	30 September 2010	Completed
16	Increase of District Duty Officer (DDO) supervision, by doubling the number of DDOs in the GCD from 5 to 10	30 September 2010	Completed
17	Closely monitor injuries to police, work performance, public safety and officer morale	31 December 2010	Completed and ongoing
18	A range of HR actions to identify at-risk officers and provide flexible staffing solutions to meet the service needs of the community	31 December 2010	Completed; trial policy on rotations commenced
19	Trial of instant watch-house officers at Surfers Paradise Division on Friday and Saturday nights	31 December 2010	Completed; trial commenced with positions allocated
20	Develop a suite of supervisor training programs focusing on expectations, communications, professional and ethical standards, supportive leadership, performance and education	31 December 2010	Completed; will be rolled out in 2011
21	Reinforce recognition for good work, leadership, professional and ethical practice and consistent performance	31 December 2010	Completed
22	Finalise the development of the residential supervisor's course	31 December 2010	Completed
23	Assess and develop a response to the recommendations of Project ABEO (see above)	31 December 2011	
24	Examine ways to enhance and improve community engagement and police legitimacy in the Gold Coast District	31 December 2011	
25	Finalise the revised policy on search warrants	31 December 2011	
26	Review the future use of notebooks and diaries, and explore advancing technologies	31 December 2011	
27	Research on police legitimacy	31 December 2011	
28	A review of district and regional boundaries	31 December 2011	
29	Progression of the Service Delivery and Performance Commission review recommendations relating to individual performance assessment reporting	31 December 2011	

Prior to Operation Tesco, the QPS had not yet developed a specific policy or procedure for dealing with inappropriate associations. Up until recently, the QPS policy approach to inappropriate associations placed exclusive reliance on conflict of interest provisions in the QPS *Code of Conduct*.²⁶ The *Code of Conduct* broadly required officers to avoid conflicts of interest and generally required them to 'to arrange their private affairs' to prevent conflicts of interest.²⁷ The *Code of Conduct* also required officers to ensure that their personal affairs did not affect work performance,²⁸ that all conflicts, including those with family responsibilities, were resolved in the public interest,²⁹ that conflicts were to be reported to their supervising Executive Officer.³⁰ The *Code of Conduct* contained little guidance about how a member might go about 'arranging their private affairs' to avoid conflicts, how to go about detecting particular conflicts in their personal associations,³¹ what associations might present particular risks, and how to report or manage a conflicted association, etc.³²

From 1 January 2011, the *Code of Conduct for the Queensland Public Service* replaced the QPS *Code of Conduct*.³³ Conflicts of Interest are dealt with in section 1.2 of the Code (see below). The QPS has also now developed and issued an approved *Standard of Practice* which provides supplementary guidance on agency-specific standards.

Code of Conduct for the Queensland Public Service

1.2 Manage conflicts of interest

A conflict of interest involves a conflict between our duty, as public service employees, to serve the public interest and our personal interests. The conflict may arise from a range of factors including our personal relationships, our employment outside the public service, our membership of special interest groups, or our ownership of shares, companies, or property.

As public service employees we may also experience conflicts of interest between our public service ethics and our professional codes of ethics (for example as health care professionals or as lawyers), or with our personal beliefs or opinions.

Having a conflict of interest is not unusual and it is not wrongdoing in itself. However failing to disclose and manage the conflict appropriately is likely to be wrongdoing.

As public service employees we are committed to demonstrating our impartiality and integrity in fulfilling our responsibilities and as such we will:

- a. always disclose a personal interest that could, now or in the future, be seen as influencing the performance of our duties. This will be done in accordance with our agency policies and procedures
- b. actively participate with our agency in developing and implementing resolution strategies for any conflict of interest, and
- c. ensure that any conflict of interest is resolved in the public interest.

26 QPS 2006

27 QPS *Code of Conduct*, s. 17.1.10.6.

28 QPS *Code of Conduct*, s. 17.1.10.16(ix)

29 The *Code of Conduct* does not, however, define 'family' (s. 17.1.10.15(viii)); (s. 17.1.10.6).

30 QPS *Code of Conduct*, s. 17.1.10.6

31 (except for the generic SELF test in s.17.1.7.7)

32 The *QPS Procedural Guidelines* (Queensland Police Service 2009) do little to augment the Code with respect to inappropriate associations. Instead, they resemble a set of general 'rules' rather than an accessible practice guide with real-life scenarios and practical decision-making tools. In particular, s.17.2.4.4.4 appears to rephrase the Code with an additional requirement for supervisors to consider any disclosed conflicts and propose remedial action. There is no further explanation of how to assess the risks in the particular conflict, what factors to consider, and what remedial (management) strategies might be appropriate for the particular risk identified.

33 Queensland Public Service Commission 2011.

Because the QPS rules do not provide a specific policy framework for dealing with inappropriate associations and how they should be managed, the problem tends to come to the attention of the QPS only in the context of a misconduct or corruption complaint. That is, before Operation Tesco, inappropriate associations were managed in a reactive way through the complaints management and disciplinary process. When an issue is addressed as part of that process, it tends to be treated as peripheral to the main substance of the complaint, with the consequence that the underlying concern surrounding any inappropriate association remains overlooked and unaddressed.

Prior to Operation Tesco, the effect of the QPS policy framework for conflicts of interest was that:

- members were left with little understanding or appreciation of the specific issue of 'inappropriate' associations
- as an organisation, the QPS had little knowledge of and thus a limited ability to prevent or mitigate the risks when particular members were involved in 'inappropriate' associations
- without service-wide systematic reporting and assessment of 'inappropriate' associations, the QPS had little prospect of identifying and addressing problem areas.

Operation Tesco highlighted a compelling need for the QPS to address the issue of inappropriate associations through the introduction of a policy framework for reporting and managing them. Assistant Commissioner Peter Martin, who at the time of the Tesco public hearing headed the QPS Ethical Standards Command (ESC), acknowledged that:

The absence of a specific policy was an issue ... identified in the Project Grinspoon report and has been the subject of discussions internally within the Service. This is an issue that needs to be addressed and there is both the organisational will and the commitment to address the situation. The Service is, however, concerned to ensure that a policy approach is realistic and workable and that any reporting regime which is implemented does not create a significant administrative burden on the officers making the report, supervisors scrutinising and processing such reports. I am also of the view that the education and training of this new approach will be critical in members of the Service understanding the need for such an approach and employing the policy in the spirit in which it is intended.³⁴

The QPS response

On 26 August 2010, Commissioner Atkinson announced that by the end of 2010 the QPS would finalise a policy on inappropriate associations with individuals or entities, including financial disclosure aspects where there is an actual or potential conflict of interest. As indicated in Chapter 2 of this report, the development and implementation of a policy on inappropriate associations was a key recommendation already being considered as part of the CMC's Project Grinspoon report to the QPS in April 2008.

Throughout 2010 the CMC met regularly with QPS Ethical Standards Command to discuss and progress policy options for the QPS arising from research the CMC had been undertaking on the issue of inappropriate associations. In November 2010 the CMC provided the QPS with an outline of that research for use in developing a policy and reporting regime to deal with the issues around the problem of inappropriate associations.

In March 2011 the QPS finalised its 'Declarable Associations' policy. The policy is designed to help members of the police service identify and assess risks of harm to their reputation and integrity and that of the QPS which may arise from their associations, and provide a system for reporting and managing those risks. A failure to comply with aspects of the policy may provide grounds for breach of discipline or misconduct by the officer.

³⁴ Exhibit 129, Assistant Commissioner Peter John Martin, statement of witness, CMC public hearing for Operation Tesco, 21 September 2010, p.16.

The policy applies to the involvement of a QPS member with any person, group or community organisation that is not related to their official work duties. An officer is required to report such an association to his or her supervisor if it:

- is incompatible with (or could be perceived to be) or may compromise the member's role or duties as a police employee to uphold the law; or
- may give rise to a perception in the mind of a reasonable person that the member is not upholding their obligations as a member of the QPS; or
- reflects adversely on the member or the QPS; or
- could lead to an actual, apparent or perceived conflict of interest (including financial conflict); or
- could compromise the operational effectiveness of the QPS; or
- presents any other determined risk.

If an association presents a risk, then a management action plan will be developed to deal with that risk and the QPS member will be required to comply with the plan.

The QPS has now delivered a training program as part of the implementation process for the policy, and on 1 June 2011 commenced a six-month trial of the policy in the Bundaberg District and State Crime Operations Command.³⁵ Once the trial has been evaluated, it is proposed that the final policy will commence state-wide in January 2012.

The CMC is very committed to continuing to work with the QPS on this issue and to assist it to review and refine the final policy.

Gifts and benefits

The problem

The acceptance by police of a gratuity has long been a source of contention. It has been argued that the acceptance of even the smallest gift or benefit is the beginning of the end of an honest police officer's career. The converse view suggests that there may in fact be positive benefits in the practice, such as fostering a positive relationship with the community.³⁶ Some of these opposing arguments and views are summarised below.

In support of the continued acceptance of gratuities:

- It is entirely reasonable for people to want to show their appreciation to police officers and it might be seen as being rude to refuse such well intentioned gifts.
- Gratuities are not generally significant enough to cultivate favour and few officers are likely be corrupted by such minor considerations.
- One of the fundamental tenets of good policing is fostering good relations with the community — the acceptance of a small gratuity is one way that this is accomplished.
- Small gratuities are an entrenched part of police culture and the consequence of attempting to curtail the practice will strongly be resisted.
- The creation of policy that prohibits such practices implies that officers cannot be trusted to exercise good judgment.

An opposing view of the acceptance of gratuities suggests that:

- Even the smallest gift inevitably creates a sense of obligation if it becomes regularised.
- Those who accept gratuities may find themselves on a 'slippery slope' where the temptations often become imperceptibly greater and where refusal is increasingly difficult.

35 The trial is being conducted in the Fraud and Corporate Crime Group and Organised Crime Group.

36 Coleman 2004; Kleinig 1996.

- Although many officers are able to exercise proper judgement about what is reasonable, not all can. From a risk management perspective it is more sensible to remove the temptation altogether.
- Businesses that offer gratuities to police officers do so because they wish to encourage a greater police presence or to ensure a more positive response should they require police assistance. These businesses are, in essence, purchasing preferential treatment. Businesses who cannot afford to provide police with gratuities are likely to receive less of a police presence in or near their premises.
- Community surveys consistently show that members of the public are uneasy about police officers receiving gratuities (discounted meals, etc.) on a regular basis simply because of their status as police officers.³⁷

Up until recently, the current policy framework for the acceptance of gifts and benefits by QPS officers was governed by the QPS *Code of Conduct*. The current policy is less than comprehensive and the variety of views about the appropriateness of accepting of gratuities expressed by witnesses in the Tesco public hearing indicates that its application is uncertain. The QPS *Code of Conduct* simply states that members are not to solicit or accept any gift or benefit unless it is authorised or permitted (i.e. customary hospitality or benefits of nominal value).³⁸ While the *Code of Conduct* guidelines include a series of questions to assist officers confronted with the offer of a gift or gratuity, it does not explain the principles that should guide their interpretation.³⁹

In 2010 the CMC conducted a telephone survey on public attitudes to the QPS, which included three questions relating to gratuities (i.e. free coffee or free alcohol). A total of 1529 respondents participated in the survey. Results of responses appear below:

1. How acceptable do you think it is for police officers to accept an occasional free coffee, cold (non-alcoholic) drink or discounted meal when on duty?

- 66.4 per cent of respondents thought this was acceptable or highly acceptable
- 31.7 per cent of respondents thought this was unacceptable or highly unacceptable

2. How acceptable do you think it is for police officers to regularly accept free coffee, cold (non-alcoholic) drinks or discounted meals when on duty?

- 36.6 per cent of respondents thought this was acceptable or highly acceptable
- 61.0 per cent of respondents thought this was unacceptable or highly unacceptable

3. How acceptable do you think it is for police officers to accept alcohol from members of the public as a gift?

- 13.7 per cent of respondents thought this was acceptable or highly acceptable
- 84.0 per cent of respondents thought this was unacceptable or highly unacceptable

Source: CMC 2010 Public Attitudes Survey (forthcoming)

The survey findings highlight the fact that two thirds (66%) of those surveyed did not object to police officers accepting an *occasional* free coffee or discounted meal while on duty; however, only slightly over one third (37%) of respondents considered it acceptable if it was occurring on a *regular* basis. When it came to providing alcohol to police, the public seemed to take a much harder line. Only 14 per cent of respondents to the CMC's survey thought that it was acceptable for police officers to accept alcohol as a gift from members of the public.

37 Her Majesty's Inspectorate of Constabulary 1999, p. 44. (The HMIC has statutory responsibility for the inspection of police forces in the United Kingdom.)

38 QPS *Code of Conduct*, s.10.7

39 See discussion in CMC 2010, p.45

The QPS response

In the week of 20 September 2010, the Police Commissioner prohibited officers from accepting alcohol from members of the public as a gift and committed the Service to a policy regarding minor gratuities before the end of the year.

The QPS has now finalised the revision of its policy on the receipt of gifts and gratuities by its members. The policy applies to any gift or benefit received by a QPS member because of their employment and the receipt of which is not part of their regular remuneration. Under the policy, a gratuity may include items such as money, food, drinks, alcohol, travel, tickets for events or vouchers for goods. A gratuity may also include intangible benefits such as preferential treatment (free entry, queue jumping) or other favours.

The policy prohibits police members from soliciting gratuities in an official capacity, unless authorised as part of an approved policy involving the legitimate pursuit of donations or sponsorship for the benefit of an official QPS program. The act of soliciting a benefit in an official capacity does not only include making an explicit representation of status as a QPS officer but also includes inferential conduct such as attending a retail outlet in uniform or taking advantage, off duty, of a contact made in the course of employment. Members are entitled to seek discounts on goods and services outside of rostered duty in a private capacity as any other member of the public. The principle which underlies the policy is stated as follows:

There are a number of risks associated with members of the Service accepting gratuities. Whilst they may be offered for sincere reasons of gratitude or appreciation, they can also be offered in an attempt to influence employees in their duties. Moreover, regardless of the intent of the giver, any acceptance of a gift or benefit by a QPS member could be seen by a third person as an unethical act, that is, a perceived conflict of interest.⁴⁰

The policy recognises that there will be circumstances in which it is appropriate for members to accept gifts or benefits and provides guidance on how to decide whether those circumstances exist. It also identifies specific circumstances in which it would be appropriate or inappropriate to accept a gift or benefit.

Some examples of where it would be appropriate include discounts on goods and services which are offered because of membership of a group or organisation other than the QPS (such as the RACQ or an employment union); customary hospitality such as a cup of tea or glass of water by a householder; or food, drinks, or token items that may be provided as part of an official course, conference or event. If an officer is in doubt about whether to accept a gift or gratuity, he or she is required to decline the offer of benefit or seek further advice from his or her supervisor or officer-in-charge.

The policy also specifically deals with travel by officers on Translink and public transport services. It provides that officers who avail themselves of this privilege must do so on condition that, whether on or off duty, they must not occupy seats if other passengers are required to stand; be alert to and take appropriate enforcement action for offences and breaches of the peace; and wear either their full uniform or plainclothes, but not a mixture of both (e.g. a non uniform t-shirt or jumper over the top of a uniform). A failure to comply with these requirements may result in disciplinary action against the member concerned.

Implementation of the revised policy commenced on 1 June 2011 with QPS members being provided with briefings and information sessions. The policy will commence state-wide from 1 July 2011.

The CMC believes that QPS's introduction of a specific policy on the acceptance of gifts and gratuities by its members is a significant and welcome step forward in addressing an important issue that has long been the subject of community unease and concern.

⁴⁰ Quote from as yet unpublished policy to commence statewide from 1 July 2011.

Organisational culture: reporting misconduct

The problem

While the manifestations of police culture are varied,⁴¹ among its major features is the quality of 'solidarity'. This solidarity can reveal itself in the reluctance of police officers to report negative and inappropriate behaviour by colleagues.⁴² Internal police solidarity has been explained by one researcher as a product of:

... the need to be able to rely on colleagues in a tight spot, and a protective armour shielding the force as a whole from public knowledge of infractions. Many studies have stressed the powerful code that enjoins officers to back each other up in the face of external investigation ... The offences that colleagues shield are not necessarily major infractions to be shielded from external eyes. Rank-and-file solidarity is often aimed at concealing minor violations ... from the attention of supervisory officers.

Another researcher in the United Kingdom has observed that engagement in some prohibited behaviours by officers is '... designed to make ... work or conditions more congenial ...'. For example:

On one occasion, the ... officers I was accompanying attended one of the many parties which were being held in the station's police bar. The officers...participated in the spirit of the party for over an hour [while on duty] ... More generally, officers ... would run personal errands ... while informing the ACR [area control room] they were 'committed' to a previous incident. Officers were dependent on each other for concealing these instances of minor deviance from the attention of supervisors and, as a result, the norms of solidarity were sustained and reproduced.⁴³

The unpredictable and sometimes violent environment in which police officers work, together with their authority to use force, is said to lead to the development of a 'close-knit subculture'⁴⁴ based on the key principle of loyalty to fellow officers. Loyalty is first inculcated at the police academy and reinforced throughout officers' careers. Inappropriate manifestations of this loyalty include:

- the refusal to report misconduct to the appropriate authorities
- false claims to have no knowledge of misconduct
- the provision of false testimony to cover up or support the misconduct or crimes of fellow officers.

While there has been significant progress in the reporting of police misconduct by police officers since the Fitzgerald Inquiry,⁴⁵ evidence obtained during Operation Tesco revealed that, within the Gold Coast District at least, police officers are still reluctant to report colleagues whom they suspect of misconduct and criminal behaviour. The conduct of G7 and D1 described in Chapter 3 was by no means engaged in secretly. Many officers and members of the public would have observed their conduct. The evidence obtained about G7's activities revealed that senior officers had spoken to him about his conduct; however, he believed their concern was not so much that he should change his conduct but rather not engage in it so openly. A similar inference is drawn from the conversation outlined on page 17 of this report between D1 and the commissioned officer. The exhortation by the commissioned officer was not so much about D1 behaving in a manner consistent with the community expectations of a police officer, but rather the openness of that behaviour and the extent to which the CMC could identify D1 as engaging in it.

41 See Dixon 1997 for an overview of these manifestations.

42 Reiner 2000

43 Loftus 2010, p. 13

44 Skolnick 2002, p. 8

45 QPS advises that 25 per cent of all misconduct matters are reported by QPS employees. (Source: Queensland Police Service submission, *Integrity and Accountability Green Paper*, September 2009, p. 19)

A question considered during the Tesco public hearing was whether the evidence of the reluctance to report and deal with inappropriate and misconduct issues on the Gold Coast indicated a negative culture or subculture of silence. Assistant Commissioner Peter Martin, QPS Ethical Standards Command, helped contextualise police subcultures and the scope for both positive and negative outcomes arising from them in a statement he prepared for the hearing:

I am of the view that the QPS has a strong vision-based culture which is centred on the concept of the 4 P's (People, Professionalism, Partnerships and Performance). It should also be kept in mind that specific units within the Service can also have a subculture which in the vast majority of cases is a positive manifestation of the 4 P's concept. One of the learnings from the CMC's *Dangerous Liaisons* report released in 2009 is the importance of senior officers and supervisors being alert to deviant subcultures which can emerge. The example that emerged from the *Dangerous Liaisons* report was the negative behaviours that arose with the Armed Robbery Unit of State Crime Operations Command. I am alert to this issue and use the following data to identify potential subcultural issues. These include: complaints, risk analysis and intelligence section reports, internal witness support notifications, audit and inspection reports, research findings, significant event messages, and police-related incident investigations etc.⁷⁸

It is evident from Operation Tesco that a positive attitude towards reporting misconduct is not consistent throughout the QPS. The CMC suggests that the aim should be normalisation of the practice of reporting misconduct throughout the organisation, rather than not reporting it.

The QPS is embedding ethical aspects in its training programs. In addition to this, supervisors and managers need to openly discuss the problems associated with 'loyalty' in the absence of ethical boundaries. Though QPS articulates and promotes appropriate ethical values at the 'macro' level, opportunities need to be taken to ensure these values penetrate its subcultures.⁴⁶ The key is to develop ways to channel the loyalty shown to the 'code of silence' into loyalty to the values that the police service articulates and represents. Managers and supervisors need to locally contextualise messages such as 'misconduct makes work harder for everyone else'. For example, by pointing out to the rank and file in an area like the Gold Coast that conscientious officers are obliged to 'pick up the slack' when others make use of a blue light taxi. Such a practice may result in ethical buy-in at the local level.

This approach is particularly important because it is not possible to provide a career-long inoculation against misconduct during an officer's pre-service training at the academy. Officers require 'booster shots' of education on positive police values throughout their training, and in all activities in their station, section or unit throughout their career. Though the nature of ethical dilemmas may differ from one division to another (e.g. Warwick or Surfers Paradise), supervisors and managers need to continually restate the Service's ethical standards in working through these dilemmas. Their behaviour and statements must be consistent and unchanging because the elements that can be misused to reinforce the code of silence are constant within policing.

The Ethical Standards Command and senior police officers are driving current work to address this code of silence. Strategies include ethics training, accountability, an anonymous reporting system and the protection of whistleblowers. These drivers of change will always be important, but the QPS will need to maintain constant vigilance in the face of many other operational challenges.

46 Examples include the QPS Corruption Prevention Plan and the SELF Test; see <www.police.qld.gov.au/rti/published/policies/>.

The QPS response

Of the suite of measures to improve police services in the Gold Coast police district, announced by Commissioner Atkinson in August 2010, the initiatives shown in Table 2 relate to misconduct and integrity issues.

Further, on 10 June 2011, the QPS advised the CMC:

Work is presently being undertaken by the Service to promote the underpinning value statements as stated in the *Public Sector Ethics Act 1994*, including supporting behaviours and attitudes which augment and give effect to Service values. These ethics principles and values are enshrined in the Service *Standard of Practice*. The QPS has established and is maintaining a long term vision for future policing services. In considering the vision, the Service is implementing measures to re-launch and intrinsically integrate Service values and signature behaviours (Professionalism, Performance, People, Partnerships) through marketing strategies, policies and procedures.

Table 2: QPS response to misconduct and integrity issues

No.	Measures to improve supervision of the Gold Coast District police officers	Time frame for achievement	Progress to date
1	Two additional Professional Practice Manager positions (Senior Sergeants) to support the regional PPM Inspector	30 September 2010	Completed
2	Adopt 'Strengthening Ethical Practices and Behaviours within police agencies operating in Australia and New Zealand' a QPS commissioned ANZSOG report (statewide)	30 September 2010	Completed — see further comments below
3	Endeavour to complete and finalise all current internal investigations relating to the Surfers Paradise Division	31 December 2010	Completed
4	Closely monitor, investigate and review all complaints in the Surfers Paradise Division with a view to better overall management and reduction in complaints	31 December 2010	Completed and ongoing
5	Increase the size of Ethical Standards Command (ESC)	31 December 2011+	On track: Staff increases have occurred within the ESC, and the QPS is considering further increases
6	Provide research and administrative officers to ESC	31 December 2011+	On track: Staff submission completed and review of administrative positions within ESC undertaken by HR Policy Workforce Planning
7	Consider the outcomes of the CMC review of the police disciplinary and misconduct matters	31 December 2011+	Completed*
8	Develop a holistic annual organisational performance and evaluation report card in conjunction with stakeholder entities	31 December 2011+	On track: A list of proposed performance measures for the annual report card has been prepared. Matter to be progressed as part of the implementation of Independent Review of the QPS Discipline System recommendations
9	Progress the Healthy Workplaces Project	31 December 2011+	On track: The project commenced in the South Eastern Region in January 2011 and will be externally evaluated by Griffith University.

* Following the publication of the CMC's *Setting the Standard* report (CMC 2010), the Queensland Government established a steering committee and appointed an independent panel of experts to review current processes for the management of police discipline and misconduct matters. The panel released its final report on 13 May 2011 (Webbe 2011). The report includes 57 recommendations, and was available for public consultation till 5 July 2011.

Workforce and human resource management issues

During the public hearings for Operation Tesco, two key workforce issues emerged:

- the problem of excessive alcohol consumption by police officers in Surfers Paradise venues, illicit drug use and the prescription use of steroids for 'off-label' purposes; and
- the question of whether current recruitment practices could identify applicants who were potentially unsuitable for appointment as police officers.

Such consideration is particularly critical for operational frontline police officers who, in their workplace, will be in daily contact with the public, involved in stressful encounters, carry firearms and other weapons and drive motor vehicles at high speed in urban and city streets.

Each of these issues is dealt with separately below.

The problem: alcohol and other drug abuse

As shown in Chapter 3, Operation Tesco provided evidence of excessive drinking by some police officers in Surfers Paradise nightclubs, encouraged by the supply of free alcohol, and resulting in the regular use of blue light taxis; it also revealed the use of illicit drugs by one officer in particular and his related conduct in obtaining and disclosing confidential information to drug offenders; and it put a spotlight on the potential for abuse of testosterone by other officers.

When an organisation's primary purpose is law enforcement, any misconduct, including criminal behaviour, relating to drug use or fuelled by alcohol, is unacceptable. That belief is reflected in the current QPS policy on alcohol and drug use which provides that:

Misuse of alcohol and other licit drugs, and the use of illicit drugs, poses a significant health and safety risk to police and the wider community because of its potential to impair physical and mental performance. It is unacceptable for police and for staff members to be impaired by alcohol or another drug at work ... There is an organisational and community expectation that police will adhere to the highest standards of personal and professional integrity. Illicit drug use is incompatible with the ethics of the police workplace and the use of illicit drugs is unacceptable at any time.⁴⁷

The current QPS policy on the mitigation of drug and alcohol abuse risks is focused on education, self-reporting (which is treated as an individual welfare issue) and detection of misconduct. The policy is based on the following key principles:

- Health, welfare and safety: Ensuring the health, welfare and safety of members is the key principle of the Service's response to alcohol and drugs in the workplace.⁴⁸
- Collaboration: This policy and the accompanying legislation and procedures have been developed in consultation with the key stakeholders, including unions, management and representatives from across the Service.
- Early intervention: If problems escalate, they are more difficult to address. The Service strongly supports the ideal that members who believe they may have a problem with alcohol or other drugs can come forward for Service-funded assistance.
- Confidentiality: Information from members will be treated in a confidential manner.
- Natural justice and equity: This policy applies to all members of the Service. Processes to ensure confidentiality and procedural fairness have been built into the self-reporting and alcohol and drug testing procedures.
- Harm minimisation: This policy adheres to the principle of minimising the risks and harms associated with misuse of alcohol or other licit drugs, and the use of illicit drugs.

⁴⁷ The QPS *Human Resource Management Manual* Section 21.14.1

⁴⁸ QPS advises the CMC that its drug and alcohol policy forms only one part of the Service's response to workplace and public safety. It also provides employee assistance programs and a professional, confidential counselling service. Among the services available to members in need of assistance for alcohol or drug matters are the police chaplain, peer support officers or the Senior Alcohol and Drug Advisor.

Under the QPS drug and alcohol policy, support for alcohol and drug misuse problems is contingent upon self-reporting by the officer concerned.⁴⁹ Drug and alcohol counselling and rehabilitative treatment to members who seek help with an alcohol or other drug problem is generous but obviously dependent upon a member: (i) recognising that he or she has a problem; and (ii) approaching the QPS for help with that problem.

The Commissioner of Police provides to the CMC a monthly schedule which discloses the number of officers who have self-reported alcohol or drug abuse under the QPS policy. Schedules received by the CMC between 1 September 2009 up to and including 31 January 2011 indicate that, out of approximately 10 000 sworn officers, seven self-reports were made where the information reported did not raise any misconduct. No reports were made or recorded where the information raised a suspicion of misconduct.

It would appear that the QPS strategy for mitigating drug and alcohol abuse risks relies on officers self-reporting or on someone else reporting that an officer has a problem, the latter usually in the context of a complaint of misconduct. That is, the strategies are largely reactive rather than proactive, for example, the use of routine or random drug testing.

The QPS may undertake random or targeted testing of police officers in the workplace for alcohol. A police officer may be tested in the workplace at any time to ensure that his or her blood alcohol level complies with legislation and policy.

There is no comparable situation in relation to drugs.⁵⁰ At present, QPS does not randomly drug test sworn police officers and undertakes targeted drug testing only on the basis of a reasonable suspicion of drug use. In her evidence during the public hearings, QPS Director, Human Resources Division advised that since 2005 the QPS had conducted 5900 'random' alcohol tests of serving police officers. Only three failed. In the same period three officers were the subject of targeted drug tests with none returning a positive result.⁵¹

The QPS has reiterated its confidence in the integrity of its random drug testing process, however, some evidence in Operation Tesco suggested that officers may have received information prior to either a 'targeted' or 'random' test.

- Telephone intercepts captured G7 telling several police colleagues that he had been informed by supervising officers that he may be subjected to a 'targeted' drug test.
- Another officer in a different police region was heard to explain to D1 that his workplace had received advance notice of 'random' alcohol testing. When later questioned about this statement by the CMC, the officer said that the warning was not explicit but officers had drawn an inference from information that an Inspector from the regional office had contacted the station first to say he was visiting.

During the Tesco public hearing the QPS strongly advocated a position against random drug testing for its officers primarily on the basis of a view that the practice is ineffective and cost-prohibitive. Assistant Commissioner Martin expressed the QPS position in the following way:

There is and I am aware of the work of a number of leading academics in this area that would advocate ..., not only within the context of policing but in other domains — for example, the mining industry and what have you — that a drug testing regime is unlikely to be successful in terms of making the workplace safe ... I think it comes down to the fact that many of the substances that we're testing for have an incredibly short life span within the individual, and that having regard for the lack of sophistication with respect

49 QPS *Human Resources Management Manual* section 21.14.5.3

50 Part 5A of the *Police Service Administration Act 1990*

51 Transcript of Patricia Jones 22 September 2010, pp. 3590–3591

to tests, the window to actually detect an individual would be incredibly small. So the notion of us finding an individual for using benzodiazepines, opiates, you know, would be in a very, very small window and on that basis it would be very hard to justify the expenditure of half a million dollars.⁵²

However, the CMC has reservations about this argument. While holding true for testing of some drugs, it does not apply in connection with other common substances of abuse such as cannabis and anabolic steroids, which remain in the body and can easily be detected for a very long period of time after use. Nor does it take into account the possible deterrent effect of random testing. (For example, while roadside random drug testing for motorists will not catch all offenders, it none the less gives pause to those who would drive under the influence of cannabis, amphetamine or ecstasy.) The QPS position on cost-versus-effectiveness also does not hold true for routine alcohol testing, which can be readily, cheaply and reliably undertaken.

A recently released report of the New South Wales Police Integrity Commission,⁵³ evaluating the implementation of recommendations to the NSW Police Force on its drug and alcohol policy and strategy, recognises that illegal drug use and alcohol and legal drug abuse is a complex issue for which there is no simple 'one-step' solution. It recommends that multiple strategies need to be considered and continually reviewed in the light of changing technological developments in 'drug testing and alternative assessment methodologies, ... changes in social attitudes and in the illegal drug market ...'⁵⁴

As stated above, the QPS needs to consider proactive as well as reactive strategies to mitigate against the risks of drug and alcohol abuse by its officers.

The QPS response: alcohol and other drug abuse

No new measures in connection with the management of drug and alcohol abuse and the associated risks of misconduct were announced by the Police Commissioner in August 2010 or subsequently in response to Operation Tesco. However, given the seriousness and persistence of the issue — particularly in the Gold Coast environment — the CMC will continue to make drug-related misconduct investigations a priority.

Further, in the CMC's view, the issue of drug and alcohol testing of QPS officers is one that the Service has yet to fully address. It was again recently raised in the report⁵⁵ of the panel appointed by the Queensland Government to conduct an independent review of the Queensland police complaints, discipline and misconduct system. The report recommends that

... in consultation with the CMC and relevant unions, a review and business case [be developed] for targeted drug and alcohol testing consistent with developments of leading practice in other jurisdictions and occupations be conducted.⁵⁶

The CMC welcomes the opportunity to work with the QPS and relevant stakeholders on improving the QPS drug and alcohol policy and strategy, in the interests of both its officers and the wider community.

52 Evidence (Transcript) of Assistant Commissioner Peter Martin, CMC public hearing 23 September 2010, p. 3704–3705

53 *Minimising officer illegal drug use: The impact of Operation Abelia in the five years since publication*, Research and Issues Papers, Number 6, April 2011.

54 PIC 2011 p. 30

55 Webbe et al, *Independent Review of the Queensland Police Complaints, Discipline and Misconduct System*, 24 May 2011.

56 *ibid*, p. 124 – Recommendation 52

The problem: recruitment practices

Operation Tesco highlighted two cases, the recruitment of G7 and G5, that gave cause for serious concerns about whether QPS recruitment practices were sufficiently robust to limit the risk of unsuitable persons from becoming police officers. These case studies are presented below.

Recruitment history of G7

G7 commenced as a police recruit on 8 September 2003. Prior to his graduation from the QPS Academy on 17 May 2004, he was issued a notice to attend and show cause why he should not be dismissed because of misconduct which concerned his involvement in a traffic matter in respect of which he had been **convicted, fined and lost his licence**. The misconduct was found to be substantiated but G7 was not dismissed. Instead he was suspended from the QPS Academy for a period of twelve months. After serving the suspension, G7 re-entered the academy, graduating on 7 December 2005.

Recruitment history of G5

Prior to becoming a police recruit in early 2008 G5 worked for the Queensland Department of Health, most recently in an administrative capacity in the needle exchange program at a regional hospital. In her application to the police service she had asserted that she had never consulted a psychiatrist, suffered from any mental illness or undergone any operations. G5 graduated from the police academy in August 2008 and commenced as a first year constable on the Gold Coast. The CMC investigation incidentally revealed evidence that during her employment at the hospital she had taken a significant amount of sick leave from her employment with the department. In the previous two years she had been admitted to hospital with a serious mental condition and undergone significant psychiatric treatments, had taken anti-depressants for a period of four years, had in fact had an operation and had consulted a psychiatrist every three weeks.

During the Tesco public hearing, three key recruitment issues affecting the ability to select applicants of suitable aptitude and integrity emerged:

- The recruiting process is burdened by a complicated and onerous 'show cause' process that is balanced toward applicants. Currently, even when an applicant has been excluded on the basis of common sense issues such as the existence of a serious criminal history, under the *Police Service Administration Act 1990*, the QPS has to engage in a lengthy show cause process of disclosures, representations and replies.
- There is increased pressure to accept sub-optimal applicants that is brought to bear by recruitment targets.
- Access to an applicant's previous employment history is made difficult by privacy claims, and a lack of cooperation, including from other policing jurisdictions.

The QPS response: recruitment practices

In August 2010 the Commissioner of Police announced that the Service would, by the end of September 2010, conduct a review of recruitment policy, procedure and practices state-wide. This review resulted in a report produced for the QPS entitled *Review of Police Recruit Applicant and Initial Screening Practices for the Queensland Police Service*,⁵⁷ which is currently under consideration by the Service.

57 Sagacity Consulting 2010

CONCLUSION

As this report shows, police misconduct issues such as those exposed by Operation Tesco are not easily or quickly resolved. The QPS has responded to these challenges with a range of measures: some of these have now been implemented, others will require further development over time, and a number of them will involve ongoing review. Some will require legislative change or additional resources. Nonetheless, the level of action taken by the QPS in connection with Operation Tesco is encouraging, and demonstrates a serious commitment to addressing the issues identified.

Perhaps the most significant result of Operation Tesco to date is the QPS's development of its policies on declarable associations and on the acceptance of gifts and gratuities by police officers. The development of a policy to manage the risks inherent in improper associations was long overdue. While the development of such a policy was under consideration before Tesco, the investigation provided the impetus to finalise and implement the policy. Most of the misconduct outlined in this report arose out of compromising associations which police officers had failed to manage appropriately. Of all the strategies made public by the Commissioner of Police in August 2010, this new policy may well be the most influential in preventing a recurrence of the type of conduct investigated in Tesco.

Unlike the issue of inappropriate associations, it is doubtful that before Operation Tesco the development by the QPS of a comprehensive policy on police members' receipt of gifts and gratuities would have gained such attention or priority. The QPS's articulation of a comprehensive position on the issue places it as a leader in ethical policy on the inherently sensitive issues around the availability of discounted or free hospitality and benefits to law enforcement officers.

Operation Tesco demonstrates that the aberrant conduct of a few officers can significantly damage the reputation of many, and that the importance of individual integrity cannot be overstated. It is timely to restate in this report a view expressed in the CMC's *Dangerous Liaisons* report in 2009 that

no amount of education, training or the adequacy of policies and procedures will ensure compliance with duty and responsibility by the lazy, incompetent or deliberately unethical police officer.⁵⁸

For this reason, there is a premium on quality supervision of officers and rigorous recruiting practices are essential to limiting the risk of unsuitable persons becoming police officers.

On the problem of supervision for both uniform and plainclothes duty police officers on the Gold Coast, the CMC agrees with the Commissioner of Police that an improvement in the quality of supervision is the key to progress on this issue. A few competent and diligent supervisors have the capacity for greater impact on the delivery of quality policing services and preventing undesirable conduct by subordinate officers than many supervisors who are ill-prepared or ill-suited for that responsibility. The CMC will support the QPS in completing the implementation of the measures the Commissioner of Police has announced to deal with these issues.

While the progress made by the QPS since early 2010 is to be commended, it still has work to do on its drug and alcohol risk mitigation strategy. A largely reactive approach to managing and dealing with substance abuse risks is not adequate. Multiple, including proactive, strategies are required to deal with the complex and dynamic nature of the illicit drug market in which an

58 CMC 2009

increasing menu of substances emerge. Combined with this is a cultural environment in which there is greater exposure and desensitisation to the use of illicit drugs for recreational and questionable 'therapeutic' needs.

Besides the obvious risks to personal and workplace health and safety, the implications of illicit drug use by police officers are more serious than for those in other occupations. As the evidence in Chapter 3 demonstrates, drug use by a police officer inherently involves the protection of the officer's drug supplier; an officer who is beholden to a drug supplier is compromised and may be persuaded into other misconduct, improper associations and corrupt activity. This issue is too important to put aside for another day and a failure or delay in addressing it will continue to have serious implications for public confidence in the Service. The CMC will remain actively interested and involved in this space through its prevention and investigative functions, with continued emphasis on complaints about illicit drug use by police officers.

The CMC is committed to working with the QPS, the Queensland Police Union of Employees, and the Queensland Police Commissioned Officers Union to ensure there is a comprehensive and sustained response to the type of issues identified by Operation Tesco.

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