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Crime and Corruption
Commission

QUEENSLAND

Our Reference [REDACTED]
Your Reference [REDACTED]

12 April 2017

Assistant Commissioner CD O'Regan APM
Ethical Standards Command
Queensland Police Headquarters
200 Roma Street
BRISBANE QLD 4000

Dear Assistant Commissioner O'Regan,

**RE: DISCIPLINARY HEARING – SENIOR CONSTABLE NEIL
PUNCHARD [4015783]**

The Crime and Corruption Commission (CCC) was formally notified of a reviewable decision in this matter on 7 April 2017.

On 7 April 2017, Assistant Commissioner Keating finalised allegations of misconduct against Senior Constable Punchard after a disciplinary hearing.

The disciplinary process concerned allegations that between 29 July 2013 and 20 May 2016 Senior Constable Punchard inappropriately accessed and disclosed confidential QPS information.

Assistant Commissioner Keating found the matter substantiated, that the conduct amounted to misconduct and ordered the sanction of a reduction in pay point level from 2.10 to 2.9 for 12 months. Senior Constable Punchard can return to pay point 2.10 subject to successfully completing a Performance Development Assessment.

I have considered Assistant Commissioner Keating's decision and the range of comparative sanctions for matters of this type. On the basis of the material submitted to the CCC, I do not intend to apply for a QCAT review of that decision.

Please advise the Commission should the subject officer file an application to review the decision in QCAT so that the CCC may update its records accordingly.

CCC Review

While the CCC does not intend to review this matter in QCAT, we make the following comments regarding the referral of this matter to the Commission.

Consideration of criminal charges

Senior Constable Punchard was not charged with any criminal offences in relation to the unauthorised searches and subsequent disclosure of information. We understand the QPS is of the view there is insufficient evidence to prefer charges and no possibility of a successful criminal conviction.

We note the issues involved in relation to the ability to successfully prosecute Senior Constable Punchard, in particular:

- the time limitations on prosecuting an offence under section 408E(1) of the *Criminal Code Act 1899*;
- the error in QPRIME recording of the search of [REDACTED];
- the failure to download the instant messages (which formed the basis of the complaint) from the phone provided by [REDACTED]; and
- [REDACTED] unwillingness to provide the phone to ESC investigators or disclose the source of the instant messages in the document provided to the CCC.

We consider the comments made by Senior Constable Punchard in relation to the disclosure of [REDACTED] address are reprehensible and do not reflect the values and standards of the QPS. The following comments Senior Constable Punchard made to [REDACTED] on 3 February 2014 indicate his failure to understand the seriousness of his conduct at the time:

"Just tell her [REDACTED] you know it now via freedom of information?"

"Tell her [REDACTED] you got it from his name not hers"

"Even better just tell her [REDACTED] you know where she lives and leave it at that. Lol. She will flip. Don't tell her how"

If the aforementioned evidentiary issues did not exist in relation to the search and disclosure of this information, we consider it would be in the public interest to prosecute Senior Constable Punchard, particularly in light of the comments he made when disclosing the information to [REDACTED] during domestic violence proceedings.

Disciplinary hearing documents

The notification provided to the CCC on 7 April 2017 contained the three page 'Notice of Findings and Reasons' and a two page memorandum from Assistant Commissioner Keating to the ESC.

The CCC was not provided with a copy of the outcome notice to the subject officer. Consequently, we had to contact the QPS Legal and Policy Unit who had to divert their resources to assist us in obtaining a copy of the outcome notice.

The review of the findings and reasons contained very little detail about the factual circumstances of the matter, which required that the Commission obtain a copy of the investigation report in order to understand what had occurred in this matter.

Further, the findings and reasons do not outline the sanction imposed by Assistant Commissioner Keating. This information was only recorded in the memorandum to the ESC and in the outcome notice to the subject officer, which was not attached to the initial notification.

As a result of the insufficient information in both the findings and reasons and the notification, the CCC had to conduct its own inquires and rely on the resources, and good will, of the ESC so that we were able to adequately fulfil our statutory function.

Therefore, you may wish to remind the prescribed officer and relevant PPM of the correct format for disciplinary hearing paperwork and the relevant notification requirements of the Commission so as these may be adequately considered within the statutory 14 day timeframe.

Thank you for your cooperation.

Yours sincerely

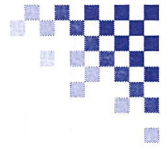


Darren Brookes
Assistant Director
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QUEENSLAND POLICE SERVICE

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Our Ref:

Your Ref:

11 May 2018

Mr Alan MacSporran QC
Chairperson
Crime and Corruption Commission
GPO Box 3123
BRISBANE QLD 4001

Dear Mr MacSporran 

As you are aware, in mid-2016 [REDACTED] made a complaint to the Crime and Corruption Commission (CCC) about the conduct of Senior Constable Neil Punched, most of which related to the inappropriate release of information by the officer to [REDACTED] ex-partner during a time in which a domestic violence order was in place between the parties.

The matter was subsequently referred to the Queensland Police Service (QPS) for investigation, and on 7 April 2017 Assistant Commissioner Michael Keating found that Senior Constable Punched had inappropriately accessed and disclosed official and confidential information contained in the Queensland Police Service computer system QPRIME on a number of occasions without an official purpose related to the performance of his duties as a member of the QPS. The sanction imposed upon the officer was an immediate reduction in pay point level from 2.10 to 2.9 for a period of 12 months. A return to pay point level 2.10 was to be made upon the successful completion of a Performance Development Assessment.

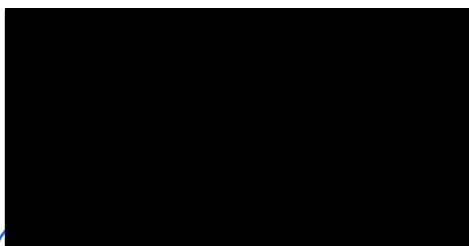
[REDACTED] was dissatisfied with the outcome and this has been the subject of media coverage on a number of occasions. Officers from the QPS have also had ongoing dealings with [REDACTED] about the matter.

CCC EXHIBIT

On 9 May 2018 I met personally with [REDACTED] and her husband, [REDACTED]. During this meeting, [REDACTED] expressed concern about the objectivity of the investigation and about her continuing fears for the safety and welfare of her family, including her children, as a result of Senior Constable Punchard's friendship with her ex-partner. As a result, I have determined that it is appropriate that the internal investigation be reviewed. Subject to your view on the matter, I am proposing that a senior officer of the QPS undertake the review. Given [REDACTED] very clear concerns about the integrity of the process to date, I also ask that you consider appointing a senior member of the CCC to oversee that review.

Should you have any queries or wish to discuss the matter further, please do not hesitate to contact me.

Yours sincerely



IAN STEWART
COMMISSIONER