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Crime and Corruption  
Commission

QUEENSLAND

Your Reference:  
Our Reference:  
Contact Officer:  
eDRMS Reference:



31 December 2018

Assistant Commissioner Sharon Cowden  
Ethical Standards Command  
Queensland Police Service  
200 Roma Street  
BRISBANE QLD 4001

Dear Assistant Commissioner Cowden

**RE: CONDUCT OF CONSTABLE** [REDACTED]

Thank you for your correspondence, received on 6 August and 9 October 2018 by the Crime and Corruption Commission (CCC), providing an investigation report, and supporting material, for the above matter.

As you are aware, on 16 March 2017 the CCC referred the following allegations to the Ethical Standards Command (the Command) to deal with subject to a **Merit and Compliance Review**.

*Allegation 1 - Misuse information - Unauthorised access to information*

Constable [REDACTED] has inappropriately accessed QPRIME records.

*Allegation 2 - Misuse information - Unauthorised disclosure of information*

Constable [REDACTED] has disclosed unauthorised information to [REDACTED] partner.

Upon receipt of an investigation report from the Ethical Standards Command (ESC) on 6 August 2018, the CCC Case Officer at the time identified that not all of the supporting investigation material had been forwarded to us for review.

Part of the outstanding material, requested on 20 August 2018 by the CCC, was received on 9 October 2018.

**Background to the allegations**

The allegations were raised after the complainant in this matter, [REDACTED], raised concerns that Constable [REDACTED] had been accessing the QPRIME records of a Department employee, [REDACTED]. [REDACTED] was further concerned that

Constable [REDACTED] had disclosed this information to [REDACTED] partner, [REDACTED], who was also employed by the Department [REDACTED].

[REDACTED] advised police that in December 2016 [REDACTED] lodged a sexual harassment complaint against [REDACTED]. That complaint was dealt with by the Department of Justice and Attorney General's Ethical Standards Unit, and was subsequently withdrawn by [REDACTED]. Apparently [REDACTED] then lodged a further complaint stating that [REDACTED] had previous convictions and should not have been employed by the Department [REDACTED] had been subject to vetting prior to [REDACTED] employment by the Department).

The CCC understands that [REDACTED] had a traffic history and a criminal history [REDACTED].

[REDACTED] resigned from the Department in February 2017 and [REDACTED] alleged that [REDACTED].

**Investigation**

The investigation of this matter was undertaken by Senior Sergeant [REDACTED], the Officer in Charge of the [REDACTED], and overviewed by Senior Sergeant [REDACTED], the Professional Practice Manager (PPM) for the [REDACTED].

The CCC understands that an audit of QPRIME transactions undertaken by Constable [REDACTED] between 15 October and 21 November 2016 identified that [REDACTED] had accessed personal information in relation to [REDACTED] on three occasions, namely 15 October, 21 October and 11 November 2016.

It was also identified that on 15 October 2016 [REDACTED] had accessed QPRIME report [REDACTED] – a report where [REDACTED] is recorded as a witness (this was raised as a further **allegation 3**).

[REDACTED]

CCC review of the querymaster material provided indicates that on 15 October 2016 at 1412hrs Constable [REDACTED] does a 'fastfind' search on the name [REDACTED] and opens the record for [REDACTED]. From there [REDACTED] views various tabs before opening the record for [REDACTED] and viewing various associated tabs.

Constable [REDACTED] then undertakes a series of work related checks before returning to open the record of [REDACTED] again at 1519hrs. On this occasion [REDACTED] opens the linked occurrence [REDACTED] [REDACTED] is linked as the suspect), eventually opening records associated with [REDACTED], a witness.

The context of Constable [REDACTED] searches on [REDACTED] on the other two occasions is unclear as the CCC has not been provided with logs of [REDACTED] complete access on those dates.

**Recommendation**

In a final investigation report, dated **28 September 2018**, Senior Sergeant [REDACTED], recommends that:

**Allegation 1 – Managerial guidance** be given to Constable [REDACTED] ‘on accessing information which could lead to a perceived conflict of interest, and strategies that should be adopted to avoid such conflicts’.

**Allegations 2 and 3** – There is insufficient evidence to proceed further with criminal or disciplinary proceedings, and **no further action be taken**.

In a memorandum signed 19 December 2017, the Professional Practice Manager (PPM), [REDACTED], Senior Sergeant [REDACTED] concurs with Senior Sergeant [REDACTED] recommendations for **Allegations 1, 2 and 3**.

Specifically, Senior Sergeant [REDACTED]

- Considers there is also insufficient evidence to proceed with respect to **allegation 1**;
- Identifies a further allegation, **allegation 4**, of Constable [REDACTED] failing to manage a conflict of interest in relation to the matter, which is ‘**founded**’.

In relation to **Allegation 4**, Senior Sergeant [REDACTED] recommends that **managerial resolution strategies** be implemented to educate and prevent the ‘recurrence’ of Constable [REDACTED]’ behaviour and that [REDACTED] complete the learning module *Ethics and Ethical Decision making – QCI022\_02\_A*.

The CCC has raised two allegations to reflect the concerns raised in **allegations 3 and 4**. Attached with this correspondence is an updated **Matters Assessed Report** (MAR) for the ESC’s records.

**CCC review**

In reaching conclusions in relation to allegations 1, 2 and 3, the investigating officer and the PPM appear to have concluded that Constable [REDACTED] had a valid work related purpose for accessing [REDACTED] records. They have reached these conclusions based on Constable [REDACTED] responses during [REDACTED] interviews.

Having considered all of the available material the CCC is unable to reach the same conclusion. We are of the view that Constable [REDACTED] responses are both untruthful and self-serving. We also have concerns around the context of the second interview, and the language used in opening the interview, which suggests Constable [REDACTED] was being invited to provide better and more defensible responses to certain questions. This moves well beyond the requirement for procedural fairness.

The CCC considers that Constable [REDACTED] accesses to the record of [REDACTED] complaint, which progressed to the searches on [REDACTED], were not work related. Having provided [REDACTED] with advice to report the matter to [REDACTED] police, apparently noting that [REDACTED] could not take the report in [REDACTED] role at [REDACTED], Constable [REDACTED] had no reason to conduct searches regarding that complaint.

Constable [REDACTED], on [REDACTED] own admission, can provide no basis for conducting the further checks on 21 October and 10 November, other than for [REDACTED] personal information or curiosity, stating in [REDACTED] defence that [REDACTED] did not use the information for [REDACTED] benefit. It is the CCC’s view that possession of information you are not entitled to is, in and of itself, a benefit.

We also consider that the available evidence suggests that Constable [REDACTED] then passed this information on to [REDACTED], who did not lodge any complaints about the behaviour of [REDACTED] until after Constable [REDACTED] had completed [REDACTED] checks. We do not accept the claims made by [REDACTED] or [REDACTED] [REDACTED] have received the information from a correctional officer as having any credibility.

*First interview*

Constable [REDACTED] was first interviewed on 22 February 2017 in relation to the matter. In response to the allegations, Constable [REDACTED] stated that:

1. [REDACTED] 'doesn't know any other details about [REDACTED]', including [REDACTED] date of birth, and further, Constable [REDACTED] thinks [REDACTED] 'met him at Youth Justice one time' when [REDACTED] went there.

The CCC notes that Constable [REDACTED] responses as outlined above are contradicted by the information [REDACTED] provides in [REDACTED] sexual harassment complaint against [REDACTED] to [REDACTED] employer, the Department of Justice and Attorney-General. [REDACTED] states:

*I commenced a friendship with [REDACTED] when I commenced work with [REDACTED] [REDACTED] in July 2016, we engaged well and I considered [REDACTED] a friend. I commenced attending [REDACTED] bootcamp outside of work hours and [REDACTED] also befriended my partner, [REDACTED].*

Additionally, a Querymaster audit demonstrates that Constable [REDACTED] accessed the following profiles of [REDACTED] QPRIME record:

- Residential address and contact details;
- Flags;
- Occurrences linked to [REDACTED]; and
- Vehicle linked to [REDACTED].

This access precedes the date of [REDACTED] complaint, and of course the date of this interview.

2. [REDACTED] accessed [REDACTED] QPRIME record for concerns that were both professional and personal. Constable [REDACTED] claims that [REDACTED] had a 'gut feeling' about [REDACTED] and as a police officer, wanted to check [REDACTED] history given [REDACTED] contact with children in a professional capacity.

The investigation found that Constable [REDACTED] made no official record of these concerns. For example, [REDACTED] did not submit an intelligence report, register [REDACTED] QPRIME inquiries on ITAS logs, or discuss [REDACTED] concerns with any other / senior officers.

Noting the nature of [REDACTED] employment, these concerns, if legitimately held, were of a very serious nature and would have warranted immediate reporting and action.

Given the available evidence, and the extent of Constable [REDACTED] access to the [REDACTED] records, the CCC considers that it is in fact more likely that [REDACTED] was acting purely out of personal interest, rather than in response to concerns about [REDACTED] and [REDACTED] involvement in criminal activity.

This view is further supported by the comments [REDACTED] made [REDACTED] that:

- Constable [REDACTED] had accompanied [REDACTED] to a meeting in relation to [REDACTED] complaint against [REDACTED] and
- That the matter was having an effect on [REDACTED] relationship.

The CCC also notes that Constable [REDACTED] access of [REDACTED] QPRIME records on 21 October 2016 at approximately 1224 hours, was undertaken in a private capacity as it was outside of [REDACTED] rostered shift of 1700 – 0100 hours on that day.<sup>1</sup>

3. In response to questions put to Constable [REDACTED] about further inquiries [REDACTED] made of [REDACTED] QPRIME records on 21 October and 10 November 2016,<sup>2</sup> Constable [REDACTED] states that the access was probably due to 'curiosity' or 'just being nosy'.
4. With respect to **allegation 3**, Constable [REDACTED] claimed that [REDACTED] wanted to see if someone had been charged in relation to a complaint made by [REDACTED] work colleague and friend, [REDACTED].

Constable [REDACTED] claims that upon hearing about the nature of [REDACTED] complaint, [REDACTED] advised that the matter should be formally reported. Querymaster searches indicate that Constable [REDACTED] accessed the record within only a few hours of the occurrence being created in QPRIME. At interview [REDACTED] acknowledged that the matter would not have progressed in that time. This contradicts [REDACTED] stated intention of checking the record to see if a person had been charged.

Constable [REDACTED] stated that [REDACTED] did not approach the case officer responsible for the occurrence, discuss [REDACTED] concerns or make inquiries in relation to the matter. If [REDACTED] interest in this matter was legitimate the CCC is of the view that [REDACTED] would have undertaken these actions.

**Second interview**

Constable [REDACTED] was interviewed a second time on 24 August 2017, to clarify 'some ambiguities from the original interview on 22 February 2017' and as a result of information received from 'various witnesses' in the matter.<sup>3</sup>

The transcript of this interview<sup>4</sup> however, records Senior Sergeant [REDACTED] states the following to Constable [REDACTED] when explaining the reasons for a follow up interview:

*Towards the end of the interview on the 22nd February you appeared somewhat distressed and I just wanted to give you the opportunity to elaborate on some of your comments that you made at the time.*

*I understand that the incidents you were interviewed about occurred sometime prior to the interview and I know that this can impact on the responses that you were able to provide at the time. Now that you have had the opportunity to consider the circumstances more clearly I wanted to give you the opportunity to elaborate on some of the detail.*

The CCC is concerned that rather than addressing the inadequacies and dishonesty in [REDACTED] responses during the first interview, as might be appropriate, Constable [REDACTED] appears to have been given an opportunity to prepare and provide responses that attempt to suggest that there is a stronger nexus between [REDACTED] conduct and [REDACTED] role and responsibilities as a police officer, than [REDACTED] first suggested.

With respect to [REDACTED] access of [REDACTED] QPRIME records on 21 November 2016, which occurred outside of [REDACTED] rostered shift, Constable [REDACTED] states that [REDACTED] is regularly at work 1 to 2 hours prior to the commencement of [REDACTED] shift to complete training in the online Constable Development Program (CPD). Constable [REDACTED] claims that at the time of the access on 21 November 2016, [REDACTED] was enrolled in a CPD.

<sup>1</sup> Further discussion on this matter under *Second Interview*.

<sup>2</sup> Inquiries made after the first incidence of access on 15 October 2016 to satisfy Constable [REDACTED] alleged concerns about [REDACTED] suitability to work with children.

<sup>3</sup> *Internal Investigation Group Investigation Report* signed 28 September 2018 – information from [REDACTED].

<sup>4</sup> Transcript of interview with Constable [REDACTED] on 24 August 2017 – [REDACTED] 24 AUGUST 2017.

The CCC notes that Constable [REDACTED] accessed [REDACTED] QPRIME record at approximately 1224hrs on 21 November 2016, which is more than 3 hours prior to the commencement of [REDACTED] shift. To verify Constable [REDACTED] claim, the CCC requests that if possible, **inquiries be made as to [REDACTED] whether [REDACTED] was actually logged into the online CPD during that time on 21 November 2016** – testing the veracity of this claim. The CCC takes the view, however, that even if [REDACTED] was completing CPD, the checks in relation to the QPRIME occurrence were not in connection with [REDACTED] duties at this time.

Finally, we consider that Constable [REDACTED] was still unable to adequately justify [REDACTED] further access of [REDACTED] QPRIME records after establishing, upon [REDACTED] first inquiry, that in the capacity of a police officer, there was no requirement for [REDACTED] to take any further action in relation to this concerns about the suitability of [REDACTED] working with children.

Accordingly, Constable [REDACTED] access of [REDACTED] QPRIME records, and the occurrence [REDACTED], are clearly outside the scope of [REDACTED] duties, and therefore unauthorised.

**Evidence of Constable [REDACTED]**

Constable [REDACTED], the reporting officer from the [REDACTED] Police Station, for the occurrence [REDACTED] advised in email correspondence (date unknown), that on 15 October 2016, the day [REDACTED] took [REDACTED] complaint, [REDACTED] made contact with Constable [REDACTED] to discuss the details of the complaint and whether the photographs subject to the complaint were available.

Constable [REDACTED] makes no reference to this interaction with Constable [REDACTED] in either of the two interviews [REDACTED] participated in. It also appears unusual that such inquiries would be made with Constable [REDACTED] as [REDACTED] is not the victim, nor the complainant, in the matter. In fact Constable [REDACTED] appears to have only provided advice that the matter should be reported upon hearing about the nature of the complaint from [REDACTED].

Additionally, a review of the occurrence report does not mention Constable [REDACTED] as providing further information as a witness to the matter. The investigating officer for the matter, Plain Clothes Constable (PCCC) [REDACTED] states that [REDACTED] had no interaction with Constable [REDACTED] about the matter. It also appears that PCC [REDACTED] has no knowledge of Constable [REDACTED] interaction with Constable [REDACTED] about the matter, as one would expect if Constable [REDACTED] was considered to be a witness in the capacity Constable [REDACTED] has suggested.

So that Constable [REDACTED] evidence can be considered in further detail, please forward to the CCC a copy of [REDACTED] email correspondence.

If such inquiries had been made with Constable [REDACTED], who at the time was working at the [REDACTED] Police Station, the CCC also questions whether this justifies Constable [REDACTED] access to the occurrence when there appears to be no official work related purpose for [REDACTED] doing so.

**Overview Report**

The CCC notes the comments made by Detective Acting Inspector [REDACTED] in [REDACTED] *Overview Report* dated 24 April 2018<sup>5</sup> of this matter, that the responses of Constable [REDACTED] were ‘less than adequate’ and ‘poor’.

Detective Acting Inspector [REDACTED] also noted that the investigation was based on an incomplete (partial) Querymaster audit report. A full audit conducted by Detective Acting Inspector [REDACTED] revealed that:

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<sup>5</sup> Signed 4 May 2018.

- On 21 October 2016, Constable [REDACTED] also printed [REDACTED] criminal history; and
- On 10 November 2016, Constable [REDACTED] conducted a Crimtrac POI Search and reviewed the QPRIME occurrence relating to the complaint of [REDACTED] (*Allegation 3*).

Detective Acting Inspector [REDACTED] further comments that the version provided by [REDACTED] [REDACTED] that a Corrective Services Officer alerted them to [REDACTED] criminal history, weakens the reliability of the information, given:

- The relationship [REDACTED] have with each other, and with Constable [REDACTED];
- The fact that there are no independent witnesses;
- [REDACTED] raised concerns about [REDACTED] history with [REDACTED] employer **after** Constable [REDACTED] accessed [REDACTED] QPRIME records; and
- The identity of the Corrective Services Officer cannot be determined, even after inquiries have been made with both [REDACTED] [REDACTED] in this regard.

The CCC considers that given the available evidence, the responses of Constable [REDACTED] were not only inadequate, but also dishonest.

We are concerned about the nature of the investigative issues identified by Detective Acting Inspector [REDACTED] in particular, the reliance of an incomplete Querymaster audit to progress the investigation.

The CCC also has concerns that it appears that there has been no further inquiry conducted with Constable [REDACTED] with respect to [REDACTED] reasons for printing [REDACTED] criminal record, and what [REDACTED] subsequently did with that document.

***Integrity of investigation material***

The CCC has the following concerns about the format / integrity of the investigation material provided:

- The copies of the [REDACTED] about [REDACTED] have no date attributed to them; and
- Copies of email correspondence to / from [REDACTED] in relation to the matter are in an editable Word format. This suggests that the content of the original emails have been copied and pasted into a separate Word document rather than preserving the information in its original format as an email document.

The CCC is unsure why records of the email correspondence would be provided in this format particularly as from an objective perspective, it only raises a suspicion that the content of the original information may have been tampered with.

We note that above items were listed as **Item 5 and 6** in our email correspondence dated 20 August 2018, requesting the provision of missing investigation material from the ESC.<sup>7</sup>

We also do not appear to have been provided with a copy of the Complainant's original complaint material, which was also requested to complete our records.

<sup>6</sup> A second interview with Constable [REDACTED] was conducted on 24 August 2017, which is after the Detective Acting Inspector [REDACTED] prepared the *Overview Report*.

<sup>7</sup> Email correspondence dated 20 August 2018 from CCC Officer [REDACTED] to the State Coordinator, ESC.

*Recommendations and Overview*

In light of the matters discussed above, the CCC considers that on a balance of probabilities:

- **Allegations 1 and 3** are capable of being substantiated; and
- **Allegation 2** is capable of being substantiated, particularly given:
  - Detective Acting Inspector [REDACTED] comments that little weight should be placed on the evidence of [REDACTED] in relation to the disclosure to them by a Corrective Services Officer; and
  - Constable [REDACTED] printed [REDACTED] criminal history, which is strong evidence that was previously unidentified / overlooked.

We concur that **Allegation 4 is capable of being substantiated**, however we consider this allegation is subsidiary to the more serious concerns of **Allegations 1, 2 and 3**.

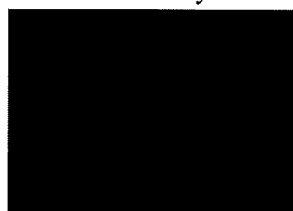
**Further action**

The CCC would appreciate the ESC's consideration of the concerns we have raised. We also request the following documents be provided to complete our records:

- A record verifying Constable [REDACTED] access / logon to online CPD training on 21 November 2016;
- A copy of Constable [REDACTED] email correspondence in relation to the inquiries [REDACTED] made with Constable [REDACTED]
- A copy of [REDACTED] which are date stamped;
- Printed copies, obtained directly from the email user account, of the email correspondence to / from [REDACTED] in relation to the matter; and
- A PDF copy of the Complainant's original complaint material.
- Full querymaster records for Constable [REDACTED] QPRIME accesses on 21 October and 10 November.

Please provide the requested information in a further report due on or before **29 March 2019**.

Yours sincerely



Acting Director, Integrity Services



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Crime and Corruption  
Commission

QUEENSLAND

Your Reference: [REDACTED]  
Our Reference: [REDACTED]  
Contact Officer: [REDACTED]  
eDRMS Reference: [REDACTED]

14 October 2019

Assistant Commissioner Sharon Cowden  
Ethical Standards Command  
Queensland Police Service  
200 Roma Street  
BRISBANE QLD 4001

Dear Assistant Commissioner Cowden

**RE: FINAL OUTCOME – MATTER OF CONSTABLE [REDACTED]**

I refer to your correspondence received on 4 October 2019 by the Crime and Corruption Commission (CCC) providing a final outcome in the above matter of Constable [REDACTED]

Despite our previous submissions which we consider established grounds for Constable [REDACTED] to face more serious consequences with respect to the investigative findings, the position of the Ethical Standards Command (Command) remains unchanged.

For clarification, the Command's position is that:

- Allegations 1, 2 and 3 are unsubstantiated
- Allegation 4 is substantiated, with a recommendation that Constable [REDACTED] completes the learning module *Ethics and Ethical Decision Making – QC1022\_02-A*.<sup>1</sup>

While we concur there was insufficient evidence to proceed with criminal proceedings, we are disappointed with the disciplinary outcome of this matter, particularly given that concerns were also raised within QPS, by Detective Acting Inspector [REDACTED] in [REDACTED] report dated 24 April 2018.

The views of the CCC, as outlined in our previous correspondence,<sup>2</sup> remains unchanged. For this reason, we will be recording the following in our records:

- Allegations 1, 3 and 4 are **capable of being substantiated**.
- Allegation 2 is **unsubstantiated**.

<sup>1</sup> Recommendation by Professional Practice Manager [REDACTED]

<sup>2</sup> CCC correspondence dated 24 June 2019 and 31 December 2018.

**Further matters*****Completion of ethical training***

With respect to Allegation 4, Constable ██████ failure to manage a conflict of interest, it was recommended that ██████ complete the learning module *Ethics and Ethical Decision Making – QCI022\_02\_A*.

The Command's most recent correspondence dated 27 September 2019 advises the last time Constable ██████ completed the module was in 2015, which is prior to the events subject to this matter. It is unclear whether Constable ██████ has been required to complete this module again. If not, then effectively there been no remedial or preventative action in response to the investigative findings.

***Operation Impala***

You may be aware that from 11 November 2019, the CCC will be conducting public hearings to examine the improper access and dissemination of confidential information within a select number of public sector agencies, including QPS.

As part of the examination, the hearings will rely on case studies to look at, amongst other things:

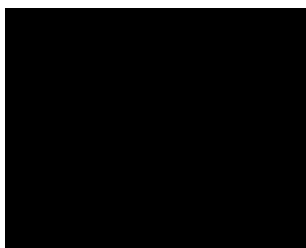
- Existing factors potentially enabling corrupt conduct relating to the misuse of information to occur.
- How the relevant agency detected, prevented and dealt with the conduct.

While we do not intend to pursue this matter any further with the Command, we will be referring it to the Operation Impala project team for consideration as a case study.

***Outcome advice notices***

Before officially closing the matter on our records, we request the Command forward, on or before **29 November 2019**, copies of outcome advice notices to the relevant parties.

Yours sincerely



Director, Review  
Integrity Services

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