



CRIMINAL JUSTICE COMMISSION

**INFORMAL COMPLAINT RESOLUTION
IN THE QUEENSLAND POLICE SERVICE:**

FOLLOW-UP EVALUATION

APRIL 1996

RESEARCH AND CO-ORDINATION DIVISION

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ABBREVIATIONS

AM	Authorised Member
CJC	Criminal Justice Commission
IR	Informal Resolution
PSU	Professional Standards Unit
QPS	Queensland Police Service

EXECUTIVE SUMMARY

In July 1993 the Queensland Police Service (QPS), in conjunction with the Official Misconduct Division of the Criminal Justice Commission (CJC), instituted a new method for dealing with minor complaints against police, known as Informal Resolution (IR). In November 1994 the CJC released a report (CJC 1994) which evaluated the first 12 months of IR and recommended several changes to improve the procedures. This follow-up report measures the impact of these changes via surveys of officers and complainants who had been involved in an informal complaint resolution conducted between May and October 1995, and through the analysis of complaints data.

SUMMARY OF KEY FINDINGS

Analysis of the Professional Standards Unit (PSU) database and file data indicates that:

- Informal resolution is used in around 50 per cent of "eligible" breach of discipline matters, although there are significant inter-regional variations. There was little change in the utilisation rate between the first and second studies.
- Apologies were made on behalf of the officer or the QPS in around one-third of the cases - up from 26 per cent in the first study. The next most common outcome recorded was 'agreed to differ' (29%), followed closely by 'explanation accepted by complainant' (27%).
- The IR process takes significantly less time than a formal investigation, but there appears to be considerable scope for achieving further time reductions.
- There is substantially less expense involved in conducting an IR than a formal investigation.
- In a 27 month period, 118 officers were involved in three or more IRs. Officers involved in multiple IRs had also frequently been the subject of several formal complaint investigations.

The main findings from the two complainant surveys were:

- Complainants in the first sample were generally more satisfied with the outcome of the IR, and the way in which the complaint was handled, than were those in the follow-up sample.
- In most cases the complainant felt that the Authorised Member (AM) who conducted the IR had a 'very' or 'fairly' good understanding of their side of the complaint. However, higher levels of understanding were reported by the first sample.
- Forty-two per cent of the complainants in the second sample were unhappy with the AM's effort, whereas only 26 per cent of the first sample felt that the investigator did not put enough effort into the investigation. It was also more common for complainants in the follow-up sample to feel that the investigator tried to talk them out of proceeding.
- Seventy-eight per cent of the complainants in the first sample felt that they were kept adequately informed, compared with 66 per cent in the follow-up sample.

- The proportion of complainants who thought they had received an apology was considerably higher than the proportion of apologies actually recorded by AMs. Conversely, a smaller proportion of complainants in both surveys considered that they had 'accepted the explanation given by the police'. The procedural improvements introduced to reduce this confusion do not seem to have altered complainant perceptions.
- Approximately one-third of complainants stated that they felt pressured to accept the outcome, whereas only a small percentage of officers said they felt pressured to apologise to the complainant.
- Only six per cent of complainants and officers met with each other, although half of the complainants would have appreciated a face-to-face meeting.

A possible reason for the reduction in levels of satisfaction between the first and second surveys could be that the bulk of the IRs are assigned to a small number of officers, at least some of whom have lost their initial enthusiasm and have come to view the process as routine.

The main findings from the two officer surveys were:

- Officers in the follow-up sample were significantly less satisfied with the outcome of the IR than officers in the first sample. However, officer satisfaction with the way in which the complaint was handled was similar for both samples.
- A large majority of the officers in both samples felt that the investigator had put enough effort into the investigation, although the first sample reported significantly higher levels of satisfaction with the AM's effort than did the follow-up sample.
- Thirty-seven per cent of officers in the first survey said that they had received 'advice or guidance' from the AM, compared with only 25 per cent in the follow-up survey.

SUMMARY OF RECOMMENDATIONS

The recommendations arising from this report are:

Recommendation 1. Monitoring of Informal Resolution Across Regions

It is recommended that the utilisation of IR across the regions be monitored to ensure greater uniformity in use. In addition, it is recommended that guidelines on the use of 'no further action' be included in the HRM Manual.

Recommendation 2. Time Taken to Finalise Informal Resolutions

It is recommended that steps should be taken to identify and address factors delaying the completion of IRs.

Recommendation 3. Need for Regular Monitoring of Complainants

It is recommended that the IR process be regularly monitored by the PSU to ensure that complainants are not being pressured to accept outcomes and that accurate information has been provided to them about the

outcomes. This monitoring could be done through regular surveys of complainants, using a methodology similar to that employed in this study.

Recommendation 4. Training of Authorised Members

It is recommended that AMs be provided with additional training on managing face-to-face contact between complainants and officers. AMs should also be advised of the importance of not pressuring complainants to accept outcomes and of providing clear information to participants regarding the outcome of the IR.

Recommendation 5. Guidelines Concerning Meetings

It is recommended that Section 18.12.12 of the HRM Manual be amended by deleting the sentence reading, 'The preference of the Service is to resolve the complaint informally without conducting meeting/s between the complainant and the subject member/s.'

Further, it is recommended that the IR guidelines be amended to provide that:

- when the AM speaks with the complainant to obtain his or her consent to an IR being attempted, the AM should ask whether the complainant would like to have a meeting with the subject officer
- if the complainant indicates a preference for a meeting with the subject officer, the AM should explain to the complainant that there are two options for holding such meetings – a meeting organised by the AM or through the Community Justice Program
- it be explained to the complainant at this time that a meeting will only take place if the subject officer agrees to participate.

Recommendation 6. Use of Mediation

It is recommended that mediation continue to be available as an option and used where suitable. Appropriate officers in the regions should be made aware that mediation is available and no longer incurs a charge by the Community Justice Program. To this end the following paragraph should be added to the guidelines for when to use mediation:

- (iv) the complainant has expressed a wish to meet with the subject member to discuss the complaint, and:
 - the Authorised Member responsible for attempting to informally resolve the complaint believes that, in the circumstances of the case, the meetings should not be conducted by a member of the Police Service; or
 - the complainant has requested that the meeting be conducted by the Community Justice Program.

An additional guideline should also be inserted indicating that mediation should be considered where:

- (v) the complaint is unrelated to the performance of the officer's official duties and is more akin to a dispute between citizens.

Recommendation 7. Identification of Officers Subject to Multiple Complaints

It is recommended that where an officer has been the subject of four or more complaints of any nature in a 12 month period, the relevant region should be notified of this fact by the PSU. In such cases, IR should not be used to deal with any further complaints involving the officer without prior consultation with the PSU. In addition, consideration should be given to invoking managerial strategies such as retraining or redeployment to address the officer's behaviour.

CHAPTER 1

INTRODUCTION

PURPOSE OF THE REPORT

In July 1993 the Queensland Police Service (QPS) instituted a new method, known as Informal Resolution (IR), for dealing with minor complaints against police.¹ An evaluation of the first 12 months of this initiative was presented in a Criminal Justice Commission (CJC) report released in November 1994 (CJC 1994). This first report presented a statistical analysis of all IRs completed in the first 12 months. In addition, the report presented the findings of a series of mail-back surveys undertaken for the evaluation (see Appendix 2 for the Executive Summary of this report).

The present report is a follow-up of the first evaluation. *The study has been conducted to:*

- ascertain if the good results described in the first report have been sustained
- assess the impact of procedural refinements introduced in March 1995
- determine whether progress had been made in relation to issues identified in the first report.

The report draws upon two sources of data:

- mail-back surveys of complainants and police who participated in IRs conducted between May and October 1995
- the QPS Professional Standards Unit (PSU) database, which contains details of all complaints made against police since January 1992.

THE SURVEYS

The first study reported on the results of a survey of complainants and police who participated in IRs between July 1993 and June 1994. For the purposes of this follow-up evaluation, similar surveys were sent to all complainants and officers involved in IRs between May and October 1995.

The questionnaire took 15-20 minutes to complete. All questionnaires were accompanied by a short letter describing the purposes of the study. Assurances regarding anonymity were also provided. The decision to answer the questionnaire was at the discretion of the participant. No identifying numbers or marks were used on the questionnaires. In the first study, complainants were sent a reminder letter about two weeks after the initial mail-out. In the follow-up study, reminder letters were sent to both officer and complainant samples.

Table 1.1 gives response rates for the various surveys. Response rates varied from 38 to 46 per cent, depending on the sample. These response rates are in the range to be expected for anonymous mail-out surveys.

¹ See Appendix 1 for a summary of the differences between IR, formal investigation, and mediation.

TABLE 1.1 – RETURN RATE FOR SURVEYS

Group	No. of Surveys Sent Out	No. of Completed Surveys Returned	Returned to Sender – Not at Address	Return Rate (excluding “returned to sender”)
First Study				
IR Complainants	588	245	40	45%
IR Officers	693	261	0	38%
Follow-up Study				
IR Complainants	300	124	32	46%
IR Officers	327	139	6	43%

CHANGES MADE TO ORIGINAL INFORMAL RESOLUTION GUIDELINES

The first evaluation report concluded that IR has been a very positive initiative overall. However, several ways of improving IR procedures were identified. A full description of these recommendations and the QPS response is presented in Table 1.2. The modifications introduced by the QPS in response to some of these recommendations were implemented in March 1995.

TABLE 1.2 – RECOMMENDATIONS MADE IN FIRST INFORMAL RESOLUTION EVALUATION REPORT AND QUEENSLAND POLICE SERVICE RESPONSE TO RECOMMENDATIONS

Change Proposed by CJC	QPS Response
<p>Recommendation 1. Information Recorded on Informal Resolution Report</p> <p>Tick boxes be included on the IR report for the Authorised Member (AM) to indicate:</p> <ul style="list-style-type: none"> • if advice or guidance was given to the officer • if a meeting was held between the complainant and the officer. <p>The report should also include a possible outcome option of ‘IR unsuccessful’. Where this option is ticked, the complainant should be asked to indicate on the form if any further action is required.</p>	<p>First tick box included on Informal Resolution Report.</p> <p>Second tick box not included.</p> <p>Tick box included for complainant to indicate whether complaint informally resolved. No specific section for further action. However, a complainants’ comment section is provided.</p>

<p>Recommendation 2. Information Contained in Notification to Officer</p> <p>The final notification to the officer be amended to include a section informing the officer of the outcome of the IR.</p>	<p>Implemented.</p> <p>The written acceptance which the complainant signs indicating that IR has been finalised now includes a statement of the outcome.</p>
<p>Recommendation 3. Time Taken to Finalise Informal Resolutions</p> <p>Once the new IR guidelines are in place, steps should be taken to define and enforce more strict time standards.</p>	<p>Emphasised in HRM Manual that 'all matters of informal resolution shall normally be completed within fourteen days' (Section 18.12.4).</p> <p>The process was also streamlined by eliminating the need for written approval from the complainant to initiate IR and by allowing select officers under the supervision of an Authorised Member to conduct IRs.</p>
<p>Recommendation 4. Need for Regular Monitoring of Complainants</p> <p>There be regular monitoring of the IR process to ensure that complainants are not being pressured to accept outcomes and that accurate information has been provided to them about outcomes. This monitoring could be done through regular surveys of complainants, using a methodology similar to that employed in this study.</p>	<p>QPS agreed in principle – no action taken yet.</p>
<p>Recommendation 5. Identification of Officers Subject to Multiple Complaints</p> <p>If an officer has been involved in a greater than expected number of IRs within a given period, this fact should be "flagged" in the PSU's data file and other relevant records. Where the officer has been so identified, there should be consultation with the PSU before IR is used to deal with any further complaints relating to that officer.</p>	<p>QPS agreed to reassess most recent complaint of officers receiving five complaints within a 12 month period.</p>
<p>Recommendation 6. Training of Authorised Members</p> <p>AMs be provided with additional training on managing face-to-face contact between complainants and officers; and be advised of the importance of not pressuring complainants to accept outcomes, and of providing clear information to participants regarding the outcome of the IR.</p>	<p>QPS considers training to be adequate – no action taken.</p>

<p>Recommendation 7. Guidelines Concerning Meetings</p> <p>The IR guidelines be amended to provide that:</p> <ul style="list-style-type: none"> • when the AM speaks with the complainant to obtain his or her consent to IR being attempted, the AM should ask whether the complainant would like to have a meeting with the subject officer • if the complainant indicates a preference for a meeting with the subject officer, the AM should explain to the complainant that there are two options for holding such meetings, the first being a meeting organised by the AM and the second a meeting organised through the Community Justice Program • it be explained to the complainant at this time that a meeting will only take place if the subject officer agrees to participate. 	<p>No action taken. The HRM Manual still reads 'The preference of the Service is to resolve the complaint informally without conducting meeting/s between the complainant and the subject member/s' (Section 18.12.12).</p>
<p>Recommendation 8. Use of Mediation</p> <p>Mediation continue to be available as an option and used where appropriate. To this end the following paragraph should be added to the guidelines concerning mediation:</p> <p>(iv) the complainant has expressed a wish to meet with the subject member to discuss the complaint, and the AM with responsibility of attempting to informally resolve the complaint believes that, in the circumstances of the case, the meetings should not be conducted by a member of the Police Service or the complainant has requested that the meeting be conducted by the Community Justice Program.</p>	<p>No action taken.</p>

REPORT STRUCTURE

This report is organised as follows.

Chapter 2 summarises the statistical data gathered from completed IR files during the first year of the operation of IR and from the PSU database during the six month follow-up period.

Chapter 3 presents and analyses data from the complainant samples. It compares the key findings from the two surveys of complainants on issues such as:

- achievement of aims
- response of the Authorised Member (AM)
- levels of satisfaction.

Chapter 4 provides a similar analysis of the police perspective on informal complaints handling procedures.

Chapter 5 summarises key findings of the study and discusses a number of policy issues identified by the evaluation.

PRESENTATION OF STATISTICAL DATA

This evaluation often compares the findings from two different samples. With these comparisons there is always the possibility that the differences between the two samples are the result of chance factors and not because of some real difference between the samples. Statistical tests enable us to estimate the likelihood of such differences being the result of chance factors. Where indicated, the tables comparing formal investigation and informal resolution samples are statistically significant at the .05 level, using a standard chi-square test. This means that there is less than a one in 20 chance that the difference between the figures obtained for the two samples was the result of chance factors. Similarly, a statistically significant result at the .01 level would mean less than a one in 100 chance that the difference was the result of chance factors. *Where the comparison is not statistically significant, the chi-square result has not been reported.*

Figures reported in the tables have been rounded to the nearest decimal place and figures in the text have been rounded to the nearest whole number.

The letter 'n' in Figures and Tables refers to the number of subjects in the sample who answered that question.

CHAPTER 2

THE PROCESS OF INFORMAL RESOLUTION

INTRODUCTION

This chapter presents comparative statistics on all IRs completed between 1 July 1993 and 30 June 1994 and those completed between 1 May and 31 October 1995.

The areas covered are:

- IR utilisation rate
- outcomes
- the time involved in completing resolutions.

The data for the period 1 July 1993 to 30 June 1994 were gathered by a CJC researcher directly from completed IR files located at the PSU at Police Headquarters. Data for the follow-up period were extracted from the PSU database. During the first period, 614 complaints were finalised, involving 963 allegations brought against 808 officers by 652 complainants.² During the follow-up period, 288 complaints were finalised, involving 447 allegations brought against 327 officers by 315 complainants.

The chapter also presents some data on the comparative cost of IR and formal investigations. This information was obtained from a survey undertaken by the PSU in 1995.

INFORMAL RESOLUTION UTILISATION RATE

In contrast to the experience with mediation (see below), IR has been widely utilised in the QPS. Under the QPS guidelines for IR, a majority of breach of discipline allegations are potentially suitable for resolution by IR. From July 1993 through June 1994 there were an estimated 1,138 cases of breach of discipline processed by the QPS for which IR could have been an option.³ Of these, 568 (50%) were actually dealt with by IR. Of the estimated 2,803 breach of discipline matters completed between July 1993 and October 1995 for which IR could have been an option, 1,380 (47%) were dealt with by IR.

The utilisation rate per region for the 12 months from 1 November 1994 until 31 October 1995 is shown in Figure 2.1. The figure illustrates the extent to which different administrations have embraced IR as a means of dealing with minor complaints. The figure also shows the proportion of breach of discipline matters deemed to require 'no further action'.

It is obvious from Figure 2.1 that IR has not been consistently implemented and that there is scope for some regions to increase their utilisation rate quite substantially. At one extreme, two regions had utilisation rates close to 60 per cent; at the other extreme, one region had a rate of only 20 per cent.

² A single 'complaint' may involve several specific allegations, multiple complainants, and multiple officers. An officer may be the subject of more than one complaint over this period.

³ For IR to be an option the complainant can not be anonymous and the subject officer must be identifiable.

It is also apparent from Figure 2.1 that the region with the lowest IR rate has by far the highest proportion of matters in which a Commissioned Officer has deemed that 'no further action' is required. This would appear to reflect a variation in management practice, as there is no other obvious reason why the proportion of complaints falling into this category should be so much higher in one region than in others.

At present, very little guidance is provided in the HRM Manual as to when it is appropriate to use 'no further action', as opposed to initiating IR. The findings presented in Figure 2.1 suggest that more specific guidelines are required, perhaps along the lines that 'no further action' should only be recorded where the Commissioned Officer is satisfied that:

- the complaint had been furnished frivolously or vexatiously, or
- the complaint had been made anonymously and lacked substance or credibility.

There also needs to be ongoing monitoring of regional patterns, to ensure that there is a reasonable consistency across the State in how complaints are handled.

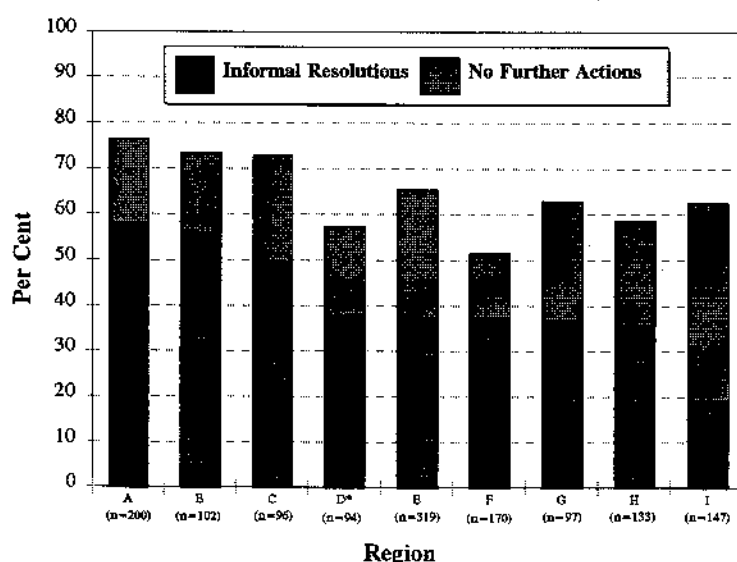


FIGURE 2.1 – PROPORTION OF BREACH OF DISCIPLINE COMPLAINTS DEALT WITH VIA INFORMAL RESOLUTION AND NO FURTHER ACTION PER REGION (NOVEMBER 1994 – OCTOBER 1995)

Source: PSU Database.

- Notes:
1. * indicates not a geographical region but includes 'State' functions such as State Crime Operations, Operational Support Command, the Commissioner's Office, and the CJC Police Group.
 2. For three breach of disciplines (one of which was an IR) the region was unknown.
 3. The 'n's refer to the total number of breach of discipline matters handled in the region during that period.

INFORMAL RESOLUTION OUTCOMES

Figure 2.2 compares the outcomes for the 288 IRs (involving 447 allegations) completed during the follow-up study period May to October 1995 with the outcomes for allegations which were settled by IR in the first 12 months of its operation. The most common outcome recorded during the follow-up period was

'explanation accepted by complainant' (36.7%). This was closely followed by 'agreed to differ' (29.1% of all allegations). Apologies were made by the police in relation to 32.6 per cent of the allegations dealt with by IR: in 14.3 per cent of cases, by the officers or the AMs on behalf of the officers, and by the AMs on behalf of the QPS in 18.3 per cent of cases. This rate of apology is approximately twice as high as a typical substantiation rate for formally investigated complaints.

The main change since the first study has been a fall in matters recorded as 'explanation accepted' and an increase in the proportion of matters where the AM offered an apology on the part of the QPS.

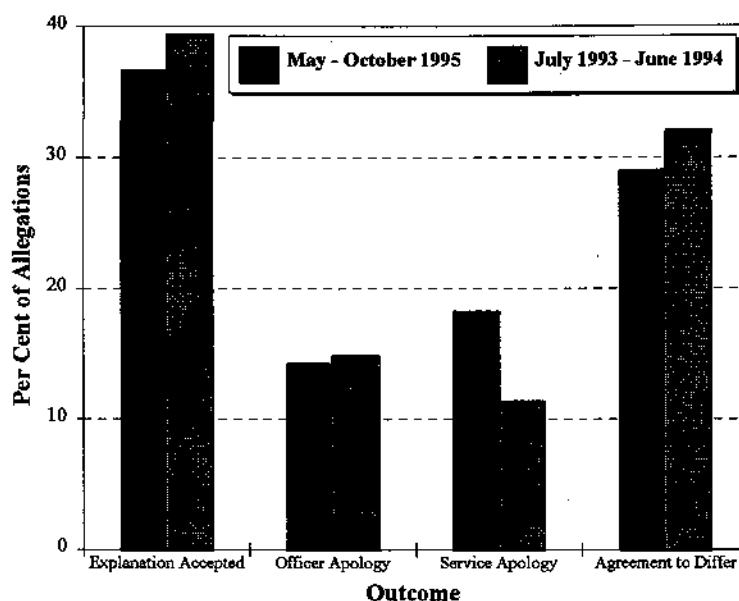


FIGURE 2.2 – INFORMAL RESOLUTION OUTCOMES

Source: PSU Data base and PSU Informal Resolution files.

- Notes:
1. The above figure excludes 21 allegations (2.2%) which were resolved during the July 1993 to June 1994 period, and seven allegations (1.6%) which were resolved during the May to October 1995 period, for which the result was unclear or did not fit into one of the above categories.
 2. The number of allegations for the May to October 1995 period was 447 and the number of allegations for the July 1993 to June 1994 period was 964.

FINALISATION TIME

As expected, IR has proved to be considerably quicker than formal investigation (Table 2.1). However, the time taken to finalise IRs increased slightly during the period covered by the follow-up evaluation, despite the introduction of changes in procedures aimed at reducing the time and paperwork involved.

The median time taken to complete an IR during the first 12 months of the new system was 52 days. This represented the time from when the incident was reported through to the mailing of a final letter to the complainant. The mean was 66 days and the 90th percentile was 125 days.⁴ By comparison, the median

⁴ The mean is the average of the values. The median is the value above and below which one-half of the observations fall. The 90th percentile is the value below which 90 per cent of the observations fall and above which 10 per cent of the observations fall.

time taken to complete an IR during the follow-up period was 53 days, with a mean of 75 days and a 90th percentile of 153 days.

It should be acknowledged that this measure of completion time is inflated in some respects. For all practical purposes, a complaint is finalised at the time the complainant 'signs off' on the Informal Resolution Report form, but due to paperwork requirements and delays in internal processes, it may take another two to three weeks before a final letter is posted to the complainant.

The surveys of complainants indicate that 80 per cent reported that their complaint was resolved in less than two months – well above the proportion officially finalised within that time frame. However, it also remains the case that the complainants' perception of completion times did not alter from the first survey. Even taking into consideration the delays at the commencement and finalisation stages, the time taken to conclude the typical IR is still well in excess of the 14 days specified by the IR guidelines.

TABLE 2.1 – TIME TAKEN TO PROCESS ALLEGATIONS: FORMAL INVESTIGATION VERSUS INFORMAL RESOLUTION

	Number Completed	Median (days)	Mean (days)	90th Percentile (days)
IR – First study (July 1993 to June 1994)	614	52	66	125
IR – Follow-up study (May to October 1995)	288	53	75	153
Formal Investigation	8,681	138	190	419

Source: PSU Informal Resolution files and PSU Database.

COST

There is little doubt that IR is considerably cheaper than the formal investigation process. From July to September 1995, the PSU conducted a costing survey of investigator time involved in the resolution of complaints. The figures produced in this survey do not include time frames and costings for Regional office staff, or personnel at the PSU and the CJC involved in processing these matters. The figures only reflect costs based upon the time invested by QPS investigators.

All officers conducting complaint investigations were requested to complete one survey form for each complaint investigation or informal resolution worked on for the period 1 July to 30 September 1995. Information was sought on the time spent and distance travelled for each task. The investigators were asked to make a costing of their time based on a rate of \$30 per hour for Inspectors, \$25 per hour for Senior Sergeants, \$20 per hour for Sergeants, and \$18 per hour for other ranks.

A total of 212 survey returns were received at the PSU. Of these returns, 106 matters were identified as investigations, 77 as informal resolutions, 14 as resulting in no further action, and five as discipline hearings.⁵

⁵ Ten of the surveys gave no indication as to action taken.

These figures show that using the IR process was considerably less expensive than undertaking a formal investigation. The average time taken to conduct an Informal Resolution was 4.9 hours, at an average cost of \$138 each, whereas the average time taken to conduct a formal investigation was 18.3 hours, at an average cost of \$500 per complaint.

SUMMARY

Analysis of the PSU database and file data indicates that:

- The utilisation rate appears to have stabilised at around 50 per cent of “eligible” breach of discipline matters, but with considerable inter-regional variation.
- In the follow-up period, apologies were made on behalf of the officer or the QPS in around one-third of the cases – up from 26 per cent in the first study. The next most common outcome recorded was ‘agreed to differ’ (29%), followed closely by ‘explanation accepted by complainant’ (27%).
- The IR process takes significantly less time than a formal investigation, but there appears to be considerable scope for achieving further time reductions.
- There is substantially less expense involved in conducting an IR than a formal investigation.



CHAPTER 3

THE VIEWS OF COMPLAINANTS

INTRODUCTION

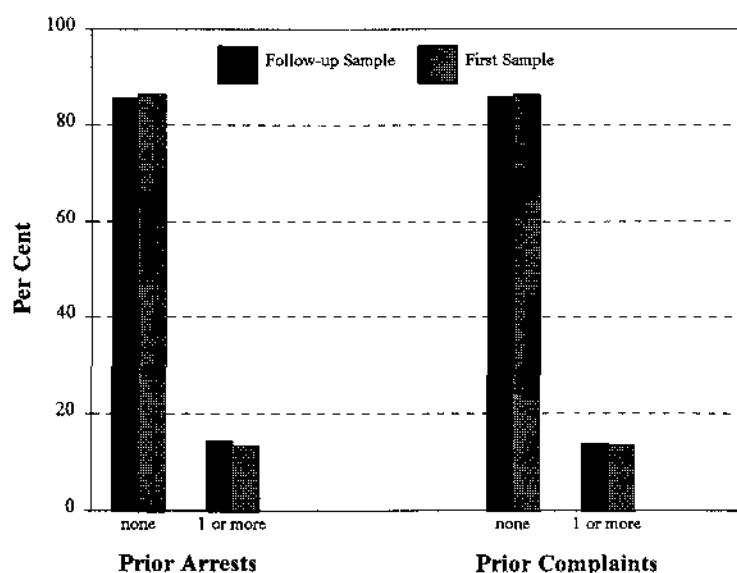
This chapter compares the key findings from the two surveys of complainants. The primary issue addressed is whether there were any changes in the views of respondents between the two periods covered by the surveys.

Similar questionnaires to those used in the first study were administered to the complainants involved in IRs completed during the six month follow-up period (May – October 1995). A pre-paid return address envelope was provided with each mailed-out questionnaire.

CONTEXT OF COMPLAINT

Only a small minority of allegations arose out of incidents where a complainant was suspected of having committed an offence. At the time of the incident which prompted the complaint, four per cent of the complainants in the first sample and seven per cent of those in the follow-up sample had been arrested. In addition, 26 per cent of the first sample and 16 per cent of the follow-up sample had been issued with a ticket for a traffic parking offence at the time of the incident. The differences between the two samples were not statistically significant.

More generally, the majority of the surveyed complainants do not appear to have been “trouble makers” or regular complainers. In the follow-up sample, 14 per cent of the complainants had been arrested previously and 14 per cent had complained previously about police (Figure 3.1). This was virtually identical to the first survey sample.



**FIGURE 3.1 – COMPLAINANTS’ PRIOR ARRESTS AND PREVIOUS COMPLAINTS
AGAINST POLICE**

Source: CJC survey data.

Note: Fourteen complainants in the first sample and 12 in follow-up sample declined to give information about prior arrests. One complainant in the first sample and two in the follow-up sample declined to give information about prior complaints.

AREAS OF SIMILARITY

There were many survey items where there were no differences between the two samples. These included complainants' responses to questions relating to:

- their aims in complaining
- their views of the initial response and helpfulness of police to the complaint
- their confidence that the complaint would be dealt with fairly
- the perceived outcome of the complaints
- the time expected to resolve the complaint, time actually taken, and their views on this resolution time
- whether they were given sufficient opportunity to express views
- the perceived impartiality of the AM
- their stress ratings during complaint resolution
- their willingness to complain again
- the impact of the process on their general perception of the QPS.

AREAS OF DIVERGENCE

Survey items where there were significant differences between the first and second surveys were those relating to:

- outcome and satisfaction levels
- the achievement of aims
- the response of the AM.

Each of these areas of difference is discussed in more detail below.

OUTCOME AND SATISFACTION LEVELS

Table 3.1 compares complainants' satisfaction with the *outcome* and Table 3.2 compares their satisfaction with the *way* the resolution was handled. For both samples, there was a higher level of satisfaction with the process than with the outcome. However, it is evident that on both measures, the first sample was far more satisfied than the follow-up sample. This is surprising, as there were more apologies reported in the follow-up period by the AMs (see Figure 2.2).

TABLE 3.1 – COMPLAINANTS' SATISFACTION WITH COMPLAINT OUTCOMES

	Follow-up Sample % (n=121)	Original Sample % (n=241)
Very satisfied	11.6	17.4
Fairly satisfied	30.6	42.7
Fairly dissatisfied	35.5	19.5
Very dissatisfied	22.3	20.3
Total	100.0	100.0

- Notes: 1. Three complainants in the follow-up sample and four in the original sample declined to answer this question.
 2. Chi-square = 13.35, df 3, $p < .01$.

TABLE 3.2 – COMPLAINANTS' SATISFACTION WITH WAY THE COMPLAINT RESOLUTION WAS HANDLED

	Follow-up Sample % (n=120)	Original Sample % (n=243)
Very satisfied	16.7	34.6
Fairly satisfied	61.7	41.6
Fairly dissatisfied	13.3	13.2
Very dissatisfied	8.3	10.7
Total	100.0	100.0

- Notes: 1. Four complainants in the follow-up sample and two in the original sample declined to answer this question.
 2. Chi-square = 16.17, df 3, $p < .01$.

THE ACHIEVEMENT OF AIMS

Two-thirds of complainants in the first sample felt that they had definitely or perhaps achieved their aims by complaining. About one-third felt that they had not achieved their aims by participating in an IR. By comparison, only 54 per cent of those in the follow-up sample felt that they had achieved their aims (Table 3.3).

TABLE 3.3 – COMPLAINANTS' ACHIEVEMENT OF THEIR AIMS

	Follow-up Sample % (n=122)	Original Sample % (n=242)
Aims achieved	24.6	32.6
Perhaps achieved aims	29.5	34.7
Aims not achieved	45.9	32.6
Total	100.0	100.0

- Notes: 1. Two complainant in the follow-up sample and three in the original sample declined to answer this question.
 2. Chi-square = 6.27, df 2, $p < .05$.

RESPONSE OF THE AUTHORISED MEMBER

For both samples, it was uncommon for complainants to feel that the AM tried to talk them out of proceeding (Table 3.4). However, the follow-up sample reported significantly more suggestions to withdraw the complaint.

TABLE 3.4 – DID AUTHORISED MEMBER SUGGEST DROPPING OF THE COMPLAINT?

	Follow-up Sample % (n=123)	Original Sample % (n=241)
Yes, tried to persuade me	10.8	5.0
Mentioned the possibility	20.0	10.8
No	69.2	84.2
Total	100.0	100.0

- Notes: 1. One complainant in the follow-up sample and four in the original sample declined to answer this question.
 2. Chi-square = 11.17, df 2, $p < .01$.

Table 3.5 compares complainants' perceptions of the effort which AMs put into dealing with the complaint. Only 26 per cent of the first sample felt that the investigator did not put enough effort into the investigation, whereas 42 per cent of the follow-up sample were unhappy with the AM's effort. The difference between the two samples was statistically significant.

TABLE 3.5 - PERCEIVED EFFORT OF AUTHORISED MEMBER

	Follow-up Sample % (n = 120)	Original Sample % (n = 242)
Really tried hard to get to the bottom of the matter	16.7	36.0
Did quite a thorough job	41.7	37.6
Just went through the motions, making no real effort	32.5	22.3
Deliberately went out of the way to avoid the truth	9.2	4.1
Total	100.0	100.0

- Notes: 1. Four complainants in the follow-up sample and three in the original sample declined to answer this question.
2. Chi-square = 17.18, df 3, $p < .01$.

The great majority of both samples of complainants felt that the AM had a 'very' or 'fairly' good understanding of their side of the complaint (Table 3.6). However, the first sample reported significantly higher levels of AM understanding than the follow-up sample.

TABLE 3.6 - AUTHORISED MEMBER'S UNDERSTANDING OF THE COMPLAINANT'S SIDE OF COMPLAINT

	Follow-up Sample % (n = 120)	Original Sample % (n = 243)
Very good	40.0	53.1
Fairly good	35.8	33.7
Not very good	15.0	7.4
Not good at all	9.2	5.8
Total	100.0	100.0

- Notes: 1. Four complainants in the follow-up sample and two complainants in the original sample declined to answer this question.
2. Chi-square = 8.95, df 3, $p < .05$.

Table 3.7 shows that 78 per cent of the first sample felt that they were kept adequately informed, compared with only 66 per cent of the follow-up sample. The difference between the two samples was statistically significant.

TABLE 3.7 – HOW INFORMED COMPLAINANTS WERE KEPT DURING INFORMAL RESOLUTION

	Follow-up Sample % (n = 121)	Original Sample % (n = 244)
Very informed	23.1	35.2
Fairly informed	43.0	43.0
Fairly uninformed	19.0	13.5
Very uninformed	14.9	8.2
Total	100.0	100.0

- Notes: 1. Three complainants in the follow-up sample and one complainant in the original sample declined to answer this question.
2. Chi-square = 8.85, df 3, $p < .05$.

WHY HAS THERE BEEN A REDUCTION IN COMPLAINANT SATISFACTION?

It was suggested to the CJC that the reduction in levels of satisfaction could be the result of an increased proportion of IRs being undertaken by officers who had not been trained as AMs. Under the guidelines introduced in March 1995, any officer (but with preference given to those who had received One Day IR Awareness Training) could informally resolve complaints under the supervision of an AM. However, a survey conducted by the PSU in late 1995 and early 1996 of 116 files finalised by the unit revealed that only 21 (18%) were conducted by an officer under the supervision of an AM. While it may be that these officers are not as skilled as AMs, the small proportion of cases informally resolved by them is unlikely to be the cause of the lowered satisfaction levels.

Another possible reason for reduction in levels of satisfaction could be that, from the perspective of some AMs, the "gloss" has worn off the new procedure. When IR was first introduced the AMs were eager to test out the approach and this enthusiasm was passed on to the other participants in the process. After the initial novelty wore off, and most AMs had conducted a couple of IRs, it was left to a few officers to continue using the process.

The PSU database records the name of the officer who conducted an IR. According to the database, 373 AMs have conducted a total of 1,536 IRs. However, 63 of these AMs (16.9%) account for more than half of all the IRs conducted. Each of these 63 AMs has conducted eight or more IRs with the highest number conducted by one officer being 36. This would seem to indicate that the bulk of the IRs are being assigned to a small number of officers. Understandably, officers who are involved in a large number of IRs may have lost some of their initial enthusiasm and come to view the process as routine.

OTHER ISSUES

CONFUSION OVER OUTCOMES

A major finding of this and the previous evaluation is that there were marked differences between the outcomes perceived by complainants, the outcomes perceived by the officers, and the results recorded in the completed IR files. In particular, the proportion of complainants who thought that apologies had been given by the officer or the QPS far exceeded the proportion of officers and AMs who said that an apology had been provided.

Table 3.8 compares the outcomes of the IRs as perceived by the complainant sample and as recorded by the AMs (see Figure 2.2). The two survey samples do not necessarily relate to the same complaints, but as discussed in our previous report (see CJC 1994, pp. 36-37), we are confident that both samples are reasonably representative. It is therefore very unlikely that the differences between officer and complainant perceptions can be attributed to sampling error.

In comparing these findings, it should be noted that:

- 'AM said he or she would enquire further' was not a valid outcome according to the IR guidelines
- 'Officer given advice or guidance by AM' was not a recognised outcome (although the AM may have chosen to give advice and guidance to the officer)
- 'Complainant did not accept explanation, but decided it was not worth pursuing' would most likely have been recorded by the AMs as 'agreed to differ'.

This second wave of surveys indicates that there remains significant confusion over outcomes. In the follow-up study, more than half of the complainants again said they had received an apology from the officer or the Service, whereas according to the AMs' reports, apologies had been given in only one-third of resolutions over the same period. Conversely, only 11 per cent of complainants said that they had 'accepted the explanation given', whereas this was the recorded outcome for 37 per cent of IRs.

Approximately 20 per cent of officers in the first survey indicated that they or the Service had given an apology. A further 29 per cent of officers said that there had been no apology given by themselves or the QPS, but they had received 'advice or guidance' from the AM. In most of these cases, it can be assumed that there was some acknowledgement of fault by the officer or the QPS. This fact may have been informally communicated to the complainant, who concluded that an apology had been given. In the follow-up survey around one-third of officers indicated that they or the Service had given an apology. An additional 12 per cent of officers said that there had been no apology given by themselves or the QPS, but they had received 'advice or guidance' from the AM. Thus, this factor may explain why *more than half* of the complainants in each of the surveys thought that they had been given an apology.

Procedural improvements made to reduce this confusion do not seem to have altered complainant perceptions, although the officers' perceptions became more similar to the AM reports, especially in regards to the proportions of apologies given (see Table 4.3).

TABLE 3.8 – OUTCOMES OF INFORMALLY RESOLVED COMPLAINTS AS PERCEIVED BY THE COMPLAINANTS AND AUTHORISED MEMBERS

	Follow-up Sample		Original Sample	
	Complainants (n=122) %	AM Reports (n=447) %	Complainants (n=245) %	AM Reports (n=963) %
Complainant accepted the explanation given by the AM	10.7	36.7	11.0	39.4
Complainant did not accept explanation, but decided it was not worth pursuing	17.2	n/a	17.1	n/a
Officer apologised	28.7	14.3	28.6	14.9
AM apologised on behalf of Service	25.4	18.3	25.7	11.4
Officer given advice or guidance by AM	5.7	n/a	7.3	n/a
AM said he/she would enquire further	0.0	n/a	1.6	n/a
Agreed to differ	9.8	29.1	4.5	32.1
Other	2.4	1.6	4.1	2.2
Total	100.0	100.0	100.0	100.0

Note: Two complainants in the follow-up sample declined to answer this question.

PRESSURE TO ACCEPT OUTCOMES

Under IR guidelines, the AM is not supposed to push parties to accept an outcome. However, 34.5 per cent of respondents in the first sample and 37 per cent in the follow-up sample said that they felt under at least some pressure to accept the outcome. By contrast, only 10.5 per cent of the officers in the first sample and 15 per cent of the officers in the follow-up sample said that they felt pressured to apologise to the complainant.

THE USE OF MEETINGS

Under the IR guidelines, AMs may hold a meeting if they think that it would help resolve the complaint, but this option is rarely exercised. Only five per cent of the complainants in the first study and six per cent in the follow-up study indicated that a meeting had been held between themselves and the other party. Similarly, only 5.5 per cent of the officers in the first study and two per cent in the follow-up study reported that a meeting had been held between themselves and the complainant.

Of the complainants who did not have a meeting with the officer, 50.5 per cent in the first study and 60 per cent in the follow-up survey said that they would have liked a meeting. In both studies, around 20 per

cent of the officers said that they would have preferred it if the IR had included a meeting. In short, there has been no reduction in the desire for meetings on the part of either complainants or officers.

SUMMARY

This chapter has compared the perceptions of complainants who had experienced a formal investigation with those who had participated in an IR. The main findings are:

- Complainants in the first sample were generally more satisfied with the outcome of the IR, and the way in which the complaint was handled, than were those in the follow-up sample.
- In most cases the complainant felt that the AM had a 'very' or 'fairly' good understanding of their side of the complaint; however, higher levels of understanding were reported by the first sample.
- Only 26 per cent of the first sample felt that the investigator did not put enough effort into the investigation, whereas about 42 per cent of the complainants in the follow-up sample were unhappy with the AM's effort. It was more common for complainants in the follow-up sample to feel that the investigator tried to talk them out of proceeding.
- Seventy-eight per cent of the complainants in the first sample felt that they were kept adequately informed, compared with 66 per cent in the follow-up sample.
- The proportion of complainants who thought they had received an apology was considerably higher than the proportion of apologies actually recorded by AMs. Conversely, a smaller proportion of complainants in the survey considered that they had 'accepted the explanation given by the police'. The procedural improvements made to reduce this confusion seem to have had little, if any, effect.
- Approximately one-third of complainants stated that they felt pressured to accept the outcome, but only a small percentage of officers stated that felt pressured to apologise to the complainant.
- Only six per cent of complainants and officers met with each other, although half of the complainants would have appreciated a face-to-face meeting.

CHAPTER 4

THE VIEWS OF POLICE OFFICERS

INTRODUCTION

This chapter presents the key findings from the surveys of officers who were the subject of complaints.

Similar questionnaires to those used in the first study were administered to the officers involved in IRs completed during the six month follow-up period. The officer questionnaires were distributed via the internal QPS mailing system with a return address envelope.

AREAS OF SIMILARITY

As with the complainants' surveys, there were many survey items where no differences between the two samples were found. These included officers' responses to questions about:

- their initial expectations that the complaint would be dealt with fairly
- their views of complaint resolution times
- their perceptions of the AM's understanding of their side of the complaint
- whether they felt that the AM had acted more as an investigator or a conciliator
- their views regarding the level of information provided
- whether they were given sufficient opportunity to express views
- satisfaction with the process
- their stress ratings during the complaint resolution
- how they regarded IR as opposed to formal investigation.

AREAS OF DIVERGENCE

Survey items which showed significant differences between the first and second surveys were those relating to:

- satisfaction with the outcome
- response of the AM
- the general assessment of the complaints system
- the outcomes of complaints
- officers receipt of advice and guidance from the AM.

Each of these areas of difference is discussed in more detail below.

SATISFACTION WITH OUTCOME

Table 4.1 presents data on the officers' satisfaction with the outcome of the complaint resolution. As with complainants, the first sample reported significantly higher levels of satisfaction than the follow-up sample. On the other hand, as indicated above, there was no change in the officers' satisfaction with the process.

Overall, officers who had been involved in an IR reported a higher level of satisfaction with the outcome than did the complainants (see Table 3.1).

TABLE 4.1 – OFFICERS' SATISFACTION WITH THE OUTCOME OF INFORMALLY RESOLVED COMPLAINTS

	Follow-up Sample % (n=136)	Original Sample % (n=256)
Very satisfied	26.5	33.6
Fairly satisfied	33.1	42.2
Fairly dissatisfied	19.9	13.3
Very dissatisfied	19.9	10.5
Never told of outcome	0.7	0.4
Total	100.0	100.0

- Notes: 1. Three officers in the follow-up sample and five in the original sample declined to answer this question.
2. Chi-square = 11.59, df 4, $p < .05$.

RESPONSE OF INVESTIGATOR OR AUTHORISED MEMBER

The majority of officers in both samples felt that the investigator or AM had put enough effort into the investigation (Table 4.2). However, the first sample felt significantly more satisfied with the AM's effort than the follow-up sample. The police respondents generally were more satisfied with the effort of the AM than were the complainants (see Table 3.5).

TABLE 4.2 – OFFICERS' PERCEPTIONS OF AUTHORISED MEMBER'S EFFORT

	Follow-up Sample % (n=136)	Original Sample % (n=256)
Really tried hard to get to the bottom of the matter	26.5	21.1
Did quite a thorough job	48.5	62.9
Just went through the motions, making no real effort	19.9	14.5
Deliberately went out of the way to avoid the truth	5.1	1.6
Total	100.0	100.0

- Notes: 1. Three officers in the follow-up sample and five in the original sample declined to answer this question.
 2. Chi-square = 9.93, df 3, $p < .05$.

GENERAL ASSESSMENT OF THE COMPLAINTS SYSTEM

Most of the officers indicated that they felt comfortable with the idea of minor complaints being resolved informally (Table 4.3). However, the level of comfort reported during the follow-up study had dropped significantly since the first study period.

TABLE 4.3 – OFFICERS' VIEWS ON INFORMAL RESOLUTION BEING USED TO RESOLVE MINOR COMPLAINTS

	Follow-up Sample % (n=134)	Original Sample % (n=254)
Very comfortable	24.6	41.7
Fairly comfortable	60.4	48.4
Fairly uncomfortable	7.5	5.5
Very uncomfortable	7.5	4.3
Total	100.0	100.0

- Notes: 1. Five officers in the follow-up sample and seven officers in the original sample declined to answer this question.
 2. Chi-square = 11.71, df 3, $p < .01$.

Officers in both samples were asked how much faith they had in the complaints system after experiencing IR. As shown in Table 4.4, 41 per cent of the first sample said that they now had more faith in the complaints system, compared with only 22 per cent of the follow-up sample.

TABLE 4.4 – OFFICERS’ FAITH IN COMPLAINTS SYSTEM AFTER EXPERIENCING INFORMAL RESOLUTION

	Follow-up Sample % (n=139)	Original Sample % (n=252)
A lot more faith	3.6	12.7
A little more faith	18.7	28.6
About the same	59.7	46.4
A little less faith	5.8	4.4
A lot less faith	12.2	7.9
Total	100.0	100.0

- Notes: 1. Nine officers in the original sample declined to answer this question.
2. Chi-square = 16.51, df 4, $p < .01$.

OUTCOMES OF COMPLAINTS

The outcomes of the informally resolved matters, as seen by the officers, are presented in Table 4.5. A large proportion of both samples reported that the complainant had accepted the explanation given by the AM. Conversely, very few thought there had been an ‘agreement to differ’. The officers differed markedly from the complainants in how they perceived the outcome of the IR, but their views were very close to the AM reports (see Chapter 2), especially where officer or Service apologies were concerned.

TABLE 4.5 – OUTCOMES OF INFORMALLY RESOLVED COMPLAINTS AS PERCEIVED BY THE OFFICER

	Follow-up Sample % (n=135)	Original Sample % (n=255)
Complainant accepted the explanation given by AM	39.3	48.6
Complainant did not accept explanation, but decided it was not worth pursuing	6.7	7.5
Officer apologised directly	3.0	4.7
AM apologised on behalf of officer	12.6	6.7
AM apologised on behalf of Service	18.5	7.8
AM said he/she would enquire further	0.7	1.2
Agreed to differ	8.1	6.3
Unknown/Not advised	7.4	12.2
Other	3.7	5.1
Total	100.0	100.0

- Note:
1. Four officers in the follow-up sample and six officers in the original sample declined to answer this question.
 2. Chi-square = 17.59, df 8, $p < .05$.

ADVICE AND GUIDANCE RECEIVED

Thirty-seven per cent of officers in the first survey said that they had received 'advice or guidance' from the AM, compared with only 25 per cent in the follow-up survey.

FREQUENCY OF OFFICER INVOLVEMENT IN INFORMAL RESOLUTIONS

According to the PSU database, in the two years and four months of IR's operation within the QPS, 1,450 officers were involved in one or more IRs. Table 4.6 shows that 392 officers were the subject of two or more IRs during this period and that 118 had been involved in three or more. One officer had been involved in nine IRs.

Our analysis of the PSU data indicates that those officers who had been involved in multiple IRs had frequently also been the subject of several formal complaint investigations. For example, the officer with nine IRs had also had seven complaints since January 1992 resolved via methods other than IR. This officer held the rank of senior constable and had over 15 years experience in the Service. The bulk of the complaints concerned the behaviour of the officer in dealing with the public, with no single complaint being very serious. None of these complaints resulted in any disciplinary action except a single case of a correction or chastisement by way of guidance. In another case, a constable of eight years experience had been subject to six IRs and 10 other complaints since January 1992. These other complaints were

often of a serious nature and the officer had received penalties of a fine, a reduction in salary, a suspended sanction, and three corrections or chastisements by way of guidance. Most of the officers who had been subject to multiple IRs had several years experience in the Service, but one who had accumulated seven IRs had only been sworn in for 20 months. These data indicate that, for a small proportion of officers, IR – or for that matter, formal investigation – may not be an effective way of dealing with allegations of misbehaviour.

**TABLE 4.6 – NUMBER OF INFORMAL RESOLUTIONS TO WHICH OFFICER SUBJECT
(JULY 1993 – OCTOBER 1995)**

Number of IRs to which Officer Subject	Number of Officers
1	1058
2	274
3	65
4	30
5	12
6	4
7	5
8	1
9	1
Total	1450

Source: PSU Database.

SUMMARY

This chapter has compared the perceptions of officers who had experienced a formal investigation and those who had participated in an IR. The main findings reported were:

- As with complainants, officers in the follow-up sample were significantly less satisfied with the outcome of the IR than officers in the first sample.
- In contrast to the complainant samples, officer satisfaction with the way in which the complaint was handled was similar for both samples.
- Officers in the follow-up sample reported a higher level of apologies given to complainants and fewer cases where the 'complainant accepted the explanation'. This finding is consistent with data from the AM's official reports.
- A large majority of the officers in both samples felt that the investigator had put enough effort into the investigation, although the first sample reported significantly higher levels of satisfaction with the AM's effort than did the follow-up sample.

- A greater proportion of officers in the first sample said that they had more faith in the complaints system.
- In a 27 month period, 118 officers were involved in three or more IRs. Officers involved in multiple IRs had also frequently been the subject of several formal complaint investigations.



CHAPTER 5

CONCLUSION AND POLICY ISSUES

INTRODUCTION

This final chapter:

- summarises the key findings of the evaluation
- identifies aspects of the IR process which could be improved
- addresses the issue relating to officers who have been the subject of multiple complaints.

SUMMARY OF KEY FINDINGS

The main findings of the evaluation are as follows:

- There was no reduction in the time taken to informally resolve complaints since the first survey.
- Complainants in the first sample were generally more satisfied with the outcomes and the way the complaint was handled than were complainants in the follow-up sample.
- Overall, the officers in the first sample expressed more faith in the complaints system than did the officers in the follow-up sample.
- There was no reduction in complainant confusion over outcomes.
- Thirty-seven per cent of officers in the first survey said they had received advice or guidance from an AM. However, only 25 per cent in the follow-up sample reported receiving advice or guidance.
- There was no reduction in the proportion of complainants who felt pressured to accept outcomes.
- There was no increase in the use of meetings.

IMPROVING INFORMAL RESOLUTION

The evaluation has identified several aspects of the IR process which require further refinement. In particular, as with the first evaluation, steps should be taken to:

- ensure greater uniformity in the use of IR across the regions
- minimise delay
- ensure that complainants are not pressured into accepting outcomes
- encourage more meetings between complainants and officers
- maintain a role for mediation.

UNIFORMITY IN THE USE OF INFORMAL RESOLUTION ACROSS THE REGIONS

The utilisation rate per region (as shown in Figure 2.1) illustrates the extent to which different administrations have embraced IR as a means of dealing with minor complaints. It is obvious that IR has not been consistently implemented and that there is scope for some regions to increase their utilisation rate quite substantially. It is also apparent that the proportion of matters in which a Commissioned Officer has deemed that 'no further action' is required varies significantly between the regions. At present, very little guidance is provided in the HRM Manual as to when it is appropriate to use 'no further action', as opposed to initiating IR. The findings presented in Figure 2.1 suggest that more specific guidelines are required.

MINIMISING DELAYS

The introduction of IR has dramatically reduced the time taken to finalise complaints. The greater efficiency of IR has contributed significantly to increased complainant satisfaction with the complaints process. However, the average IR still takes 75 days to finalise. It should be acknowledged that this measure of completion time is inflated in some respects by delays at the commencement and finalisation stages of the IR process, but this time is still much longer than should be necessary, especially given that procedures have been streamlined and paperwork requirements reduced. Steps should be taken to identify and address factors delaying the completion of IRs.

PRESSURE TO ACCEPT OUTCOMES

In each survey about one-third of complainants felt under some pressure to accept the outcome. This finding suggests that AMs would benefit from additional training about their role in the IR process. In addition, as recommended in the first evaluation report, it is important that there be regular monitoring of the IR process to ensure that complainants are not being pressured to accept outcomes. One way to accomplish this monitoring would be by the use of regular surveys of complainants, using a methodology similar to that employed in this study.

THE USE OF MEETINGS

Over half the complainants indicated they would have liked a meeting with the officer who was the subject of their complaint. Around 20 per cent of the officers indicated that they would have liked a meeting. It can be concluded from these figures that in approximately 10 per cent of cases resolved by IR *both* the officer and the complainant would have preferred a meeting. However, the complainant and officer surveys indicate that meetings were actually held in only about five per cent of cases in the first survey and about two per cent in the follow-up survey. It is apparent from informal discussion with AMs and other police that many feel uncomfortable with the idea of conducting such meetings. Hence it is likely that AMs have done little to inform complainants that meetings can be arranged or to persuade officers to participate.

The IR procedures state that a meeting can only be held if both parties are willing to be involved. It is accepted that direction to an unwilling officer to attend a meeting would be unproductive. However, in appropriate cases, a meeting may be the quickest way of clearing up a misunderstanding or disagreement. Complainants' satisfaction with the process is also likely to be enhanced if they feel they have been given the opportunity to express their views directly to the officer concerned. A senior QPS officer also observed that other agencies with similar systems have indicated that meetings between subject members and complainants are good deterrents to future inappropriate behaviour, especially for younger officers.

Under current IR procedures, AMs are informed that the preferred approach is to informally resolve complaints without conducting meetings. Our previous report recommended that these procedures be amended to provide that AMs should ascertain from complainants whether they would like a meeting with the subject officer. Of course, it would also have to be explained to complainants that the meeting cannot occur without the consent of the subject officer. This recommendation needs to be considered in conjunction with those relating to mediation (see below).

As recommended in the previous report, AMs may need to receive more training on how to manage face-to-face contact between complainants and officers.

In the previous report it was recommended that the IR guidelines be amended to provide that:

- when the AM speaks with the complainant for the purpose of obtaining the complainant's consent to IR being attempted, the AM will ask whether the complainant would like to have a meeting with the subject officer
- if the complainant indicates a preference for a meeting with the subject officer, the AM should explain to the complainant that there are two options for holding such meetings – a meeting organised by the AM or through the Community Justice Program (see below)
- it be explained to the complainant at this time that a meeting will only take place if the subject officer agrees to participate.

The revised guidelines were not amended as recommended. Instead, they still state that 'The preference of the Service is to resolve the complaint informally without conducting meeting/s between the complainant and the subject member/s' (QPS 1995, p. 80).

THE FUTURE OF MEDIATION

Since the introduction of IR, the QPS has virtually ceased using mediation to deal with complaints. As of the end of October 1995 a total of 75 cases involving 104 allegations have been dealt with via mediation, but since IR started in July 1993, only 10 complaints involving 18 allegations have been mediated. Factors which have contributed to this low take-up rate include:

- the difficulties involved in getting both the complainant and the officer to agree to the meeting
- the amount of time necessary for both the complainant and the officer to set aside to conduct the mediation (approximately 2.5 hours plus travel time)
- the fact that no advice or guidance can be given to an officer by a superior officer
- the lack of police control over the process.

The CJC believes that mediation adds flexibility to the complaints resolution process and should be used in appropriate cases. Mediation should be considered where:

- (i) the complaint, though minor, is in the opinion of the assessing Commissioned Officer, of a sensitive nature;
- (ii) a meeting of the parties is likely to result in strong hostility between the complainant and the subject member/s; or

- (iii) the complaint is the most recent event in a history of poor relations between the complainant and the particular member/s, station or establishment.

The Chairperson of the CJC wrote to the Commissioner of Police on 19 October 1994 recommending that, in addition to the above three circumstances, the following paragraph be added to the guidelines for when to use mediation:

- (iv) the complainant has expressed a wish to meet with the subject member to discuss the complaint, and the AM with responsibility of attempting to informally resolve the complaint believes that, in the circumstances of the case, the meetings should not be conducted by a member of the Police Service or the complainant has requested that the meeting be conducted by the Community Justice Program.

This change was not made to the revised guidelines. The CJC still supports its inclusion. An additional guideline should also be inserted indicating that mediation should be considered where:

- (v) the complaint is unrelated to the performance of the officer's official duties and is more akin to a dispute between citizens.

OFFICERS THE SUBJECT OF MULTIPLE COMPLAINTS

After the previous evaluation report was released, the PSU instituted a procedure for identifying officers who had received five or more complaints within the preceding 12 months. Under this procedure, if the allegations tend to be of a similar nature the most recent allegation is reassessed for investigation, even if it would otherwise have been appropriate for IR.

Arguably, three complaints in 12 months would be a better starting point for further examination, but it is accepted that adoption of this threshold would impose significant additional workload demands on the QPS. As shown in Table 5.1, such a change would necessitate examining the files of over 400 officers in a typical year, whereas only slightly more than 100 officers fall into the five complaints or above category. A reasonable compromise would be to institute a policy whereby some managerial action was automatically triggered after four complaints had been received within a 12 month period.

Regardless of the number of complaints which is designated as the threshold, it is important that there is some flexibility in approach. For example, some officers may stay below the threshold for any one year, but accumulate a very large number of complaints over several years. There clearly needs to be some process in place whereby these problem cases can be identified and some remedial action taken.

In cases where an officer has been the subject of several previous complaints, it is important that a range of options be considered rather than simply reassessing the most recent complaint for investigation. For example, if the complaints show a persistent pattern of rudeness, it may be more appropriate to consider redeploying the officer to an area where he or she has less contact with the public. Another possibility would be to look at the retraining of the officer concerned, although this would necessitate the QPS developing suitable courses for this purpose.

TABLE 5.1 – ESTIMATED NUMBER OF OFFICERS SUBJECT OF MULTIPLE COMPLAINTS PER YEAR

Number of Complaints to which Officer Subject	Number of Officers
3	228
4	72
5+	112

Source: PSU Database.

Note: Estimates for the yearly figures presented in the table were based on the actual numbers of previous complaints against officers for those complaints received between August – October 1995.

RECOMMENDATIONS

The recommendations arising from this report are as follows:

Recommendation 1. Monitoring of Informal Resolution Across Regions

It is recommended that the utilisation of IR across the regions be monitored to ensure greater uniformity in use. In addition, it is recommended that guidelines on the use of 'no further action' be included in the HRM Manual.

Recommendation 2. Time Taken to Finalise Informal Resolutions

It is recommended that steps should be taken to identify and address factors delaying the completion of IRs.

Recommendation 3. Need for Regular Monitoring of Complainants

It is recommended that the IR process be regularly monitored by the PSU to ensure that complainants are not being pressured to accept outcomes and that accurate information has been provided to them about the outcomes. This monitoring could be done through regular surveys of complainants, using a methodology similar to that employed in this study.

Recommendation 4. Training of Authorised Members

It is recommended that AMs be provided with additional training on managing face-to-face contact between complainants and officers. AMs should also be advised of the importance of not pressuring complainants to accept outcomes and of providing clear information to participants regarding the outcome of the IR.

Recommendation 5. Guidelines Concerning Meetings

It is recommended that Section 18.12.12 of the HRM Manual be amended by deleting the sentence reading, 'The preference of the Service is to resolve the complaint informally without conducting meeting/s between the complainant and the subject member/s.'

Further, it is recommended that the IR guidelines be amended to provide that:

- when the AM speaks with the complainant to obtain his or her consent to an IR being attempted, the AM should ask whether the complainant would like to have a meeting with the subject officer
- if the complainant indicates a preference for a meeting with the subject officer, the AM should explain to the complainant that there are two options for holding such meetings – a meeting organised by the AM or through the Community Justice Program
- it be explained to the complainant at this time that a meeting will only take place if the subject officer agrees to participate.

Recommendation 6. Use of Mediation

It is recommended that mediation continue to be available as an option and used where suitable. Appropriate officers in the regions should be made aware that mediation is available and no longer incurs a charge by the Community Justice Program. To this end the following paragraph should be added to the guidelines for when to use mediation:

- (iv) the complainant has expressed a wish to meet with the subject member to discuss the complaint, and:
 - the Authorised Member responsible for attempting to informally resolve the complaint believes that, in the circumstances of the case, the meetings should not be conducted by a member of the Police Service; or
 - the complainant has requested that the meeting be conducted by the Community Justice Program.

An additional guideline should also be inserted indicating that mediation should be considered where:

- (v) the complaint is unrelated to the performance of the officer's official duties and is more akin to a dispute between citizens.

Recommendation 7. Identification of Officers Subject to Multiple Complaints

It is recommended that where an officer has been the subject of four or more complaints of any nature in a 12 month period, the relevant region should be notified of this fact by the PSU. In such cases, IR should not be used to deal with any further complaints involving the officer without prior consultation with the PSU. In addition, consideration should be given to invoking managerial strategies such as retraining or redeployment to address the officer's behaviour.

REFERENCES

Criminal Justice Commission 1994, *Informal Complaint Resolution in the Queensland Police Service: An Evaluation*, November 1994, Goprint, Brisbane.

Queensland Police Service 1995, *HRM Manual, Section 18, Discipline, Policy and Procedures For Sworn and Unsworn Members*, February 1995.



APPENDICES

APPENDIX 1

COMPARISON OF FORMAL INVESTIGATION, MEDIATION AND INFORMAL RESOLUTION

	Formal Investigation	Mediation	Informal Resolution
Purpose	To determine if disciplinary or criminal offence committed	Resolve conflict to parties' mutual satisfaction	To ensure complainant is satisfied that complaint has been dealt with appropriately
Used for	Any allegations	Minor allegations only	Minor allegations only
Conducted by	Commissioned Officers, Senior Sergeants, or Sergeants	Neutral mediators (Community Justice Program staff)	Authorised Members (Commissioned Officers and Senior Sergeants)
Methods used	Standard police investigative techniques	Mediation	Conciliation and explanation
Outcome	Complaint substantiated or not substantiated	If mediation is successful, a written or verbal agreement is reached	Flexibility allowed, but mainly an apology, 'explanation accepted', or 'agree to differ'
Sanction if complaint proved	Various disciplinary sanctions, depending on seriousness of matter	None	None, although AM may give officer advice and guidance
Implications for promotions	Details of case recorded on officer's file	No details recorded on officer's file	No details recorded on officer's file
Involvement of officer subject of complaint	Officer's statement taken after all other avenues investigated	Consent required for meeting with complainant	Officer involved from start of the process; consent not required
Complainant involvement	Complainant gives initial statement and then has very little further involvement	Consent required for meeting with officer subject to complaint	Consent required. Several written, telephone, and/or face-to-face contacts with AM are usually necessary
Paperwork involved	All aspects of case to be rigorously documented	Minimal paperwork	As procedures have developed, minimal paperwork involving pro-forma documentation

APPENDIX 2

EXECUTIVE SUMMARY OF FIRST EVALUATION REPORT

(November 1994)

CHAPTER ONE: INTRODUCTION

In July 1993 the Queensland Police Service (QPS), in conjunction with the Official Misconduct Division of the Criminal Justice Commission, instituted a new method for dealing with minor complaints against police, known as Informal Resolution (IR). This report assesses whether the new procedures are faster, more efficient, and more cost effective than the investigation of minor matters through the formal system, and whether the process is more satisfying for the participants, in particular the complainants. The report also makes a number of recommendations for improving the current procedures.

CHAPTER TWO: INFORMAL RESOLUTION AND THE COMPLAINTS INVESTIGATION PROCESS

IR differs from conventional complaints investigation procedures in several ways. In particular:

- The emphasis is on ensuring that the complaint is resolved in a manner which is satisfactory to the complainant rather than on determining if a disciplinary or criminal offence has been committed. The four possible outcomes are:
 - the officer apologises to the complainant
 - an apology is made to the complainant on behalf of the QPS
 - the complainant accepts the explanation which is offered
 - the complainant 'agrees to differ'.
- IR does not entail the imposition of disciplinary sanctions, although the senior officer who handles the matter may choose to provide direction or guidance to the officer who was the subject of the complaint.
- The senior officer who is responsible for handling the complaint is expected to act primarily as a conciliator rather than an investigator.
- IR involves less paperwork and has the potential to be completed much more quickly than a formal investigation, particularly where an expedited procedure known as "Desk-Top" IR is employed.
- Since February 1992 mediation has also been an option for dealing with some complaints against police. Unlike IR, mediation always involves a face-to-face meeting between the complainant and the officer. The meeting is conducted by two trained, independent mediators employed by the Community Justice Program of the Department of Justice and Attorney-General. A total of 73 complaints have been dealt with by mediation since this option became available. Since IR started in July 1993, only eight complaints have been mediated.

CHAPTER THREE: THE FIRST TWELVE MONTHS

Between 1 July 1993 and 30 June 1994, 614 complaints were finalised by the use of IR. These complaints involved 963 allegations brought against 808 officers by 652 complainants. A review of files relating to these cases shows that:

- as intended, IR appears to have been utilised to resolve minor matters, with 93 per cent of the complaints involving breaches of discipline
- 'behaviour' allegations (mainly incivility, rudeness, and language) accounted for almost half of all IRs conducted
- the utilisation rate appears to have stabilised at around 60 per cent of 'eligible' breach of discipline matters
- there was little use of Desk-Top IR procedures
- the most commonly recorded outcome of IR was 'explanation accepted by complainant' (39% of all allegations), followed by 'agreed to differ' (32%); apologies were made on behalf of the officer or the QPS in around one-quarter of the cases
- officers of the rank of Constable were more likely than officers of other ranks to be the subject of complaints dealt with by IR
- the average IR took significantly less time to finalise than the average formal investigation, although there would appear to be considerable scope for achieving further time reductions.

CHAPTER FOUR: THE SURVEYS

A key component of the evaluation was a series of mail-back questionnaires sent to a sample of officers and complainants who had been involved in a formal complaint investigation or an informal complaint resolution. The surveys were designed to find out what the participants in IR – complainants, officers and Authorised Members (AMs) – felt about the process, and how their views compared with those who had participated in a formal investigation.

For each sample, the number of surveys returned in relation to investigations or IRs conducted by the QPS were:

- | | |
|---|-------------|
| • Complainants involved in formal investigation | 152 surveys |
| • Officers subject to formal investigation | 191 surveys |
| • Complainants involved in IR | 245 surveys |
| • Officers involved in IR | 261 surveys |
| • Authorised Members | 188 surveys |

The key findings in relation to the characteristics of the complainants and officers who responded to these surveys were as follows:

- The samples appear to be broadly representative of the populations from which they were drawn, although use of a mail-back methodology may have resulted in some over sampling of the more educated complainants.
- The large majority of complainants had not previously been arrested and had not previously made a complaint against the police.
- There were no statistical differences between the two complainant samples in regards to gender, employment status or age. The gender and age profile of the complainants in both the samples was similar to that of the total population of complainants.
- There was no statistical difference between the two officer samples in regards to gender, rank, or years of service. The profile of the two officer samples was similar to the total population of officers who had been the subject of a complaint.
- As expected, for both officers and complainants there were some differences between the IR and formal investigation samples in regards to the subject matter of the complaint. Specifically, a large number of the IR complaints related to 'behaviour' and very few concerned assault allegations.

CHAPTER FIVE: FORMAL INVESTIGATION VERSUS INFORMAL RESOLUTION: THE VIEWS OF COMPLAINANTS

The main findings from the two complainant surveys were:

- The majority of complainants in both samples were concerned primarily "to stop it happening to someone else" and "to let the officer know how they felt". Less than half the complainants wanted disciplinary action.
- Most complainants initially expected the matter to be dealt with in less than two months. The majority of complainants in the formal investigation sample considered that the complaint took 'a little' or 'much' too long to complete, whereas the majority of the IR sample felt that the time taken was 'very quick' or 'reasonable'.
- The majority of the complainants in the formal investigation sample (56%) felt that the investigator did not put enough effort into the investigation, whereas only about one-quarter of the complainants in the IR sample were unhappy with the AM's effort. It was uncommon for complainants in either sample to feel that the investigator tried to talk them out of proceeding.
- Most of the complainants in the IR sample (78%) felt that they were kept adequately informed, compared with only 26 per cent in the formal investigation sample.
- Complainants in the IR sample were generally more satisfied with the outcome of the IR, and the way in which the complaint was handled, than were those in the formal investigation sample.
- Despite the high levels of dissatisfaction expressed by complainants in the formal investigation sample, 80 per cent said they would complain again if a similar incident occurred. However,

only 26 per cent said they would be happy for the complaint to be dealt with in the same way again. By contrast, of the IR complainants who said they would complain again, 53 per cent said they would be happy for the complaint to be dealt with in the same way.

- A substantially larger proportion of complainants in the formal investigation sample (44%, compared with 26%) said that the experience of complaining had worsened their view of the police service. Conversely, 23 per cent of complainants in the IR sample said that they now had a better opinion of the police compared with only nine per cent in the formal investigation sample.

CHAPTER SIX: FORMAL INVESTIGATION VERSUS INFORMAL RESOLUTION: THE VIEWS OF POLICE OFFICERS

The main findings from the two officer surveys were:

- Three-quarters of officers in the IR sample considered that the time taken to process the complaint was 'very quick' or 'reasonable', compared with only about one-third of the officers in the formal investigation sample.
- A large majority of the officers in both samples felt that the investigator had put enough effort into the investigation.
- Most officers who had been subject to a formal investigation felt that they were not kept adequately informed. In contrast, most officers who had been party to an IR felt that they had been kept adequately informed.
- In contrast to the complainant samples, there was little difference between the two officer samples in terms of the officers' satisfaction with the outcome and the way in which the complaint was handled.
- Around half of the officers in the formal investigation sample, but only one-third of the officers in the IR sample, found the complaint investigation resolution process to be a stressful event.
- Overall, the officers in the IR sample expressed more faith in the complaints system than did the officers in the formal investigation sample.

CHAPTER SEVEN: OPERATIONAL ASPECTS OF INFORMAL RESOLUTION: FINDINGS FROM THE OFFICER AND COMPLAINANT SURVEYS

Key findings relating specifically to the operation of IR were:

- In most cases the complainants felt that the IR was clearly explained to them beforehand, that the AM was impartial in handling the case, and that the AM had a 'very' or 'fairly' good understanding of their side of the complaint.
- 71 percent of officers felt that the AM had a 'very' or 'fairly' good understanding of the officer's side of the complaint.

- 65 per cent of the officers who had been subject to a previous formal investigation felt that IR was a much better process.
- Approximately one-third of complainants stated that they felt pressured to accept the outcome, but only a small percentage of officers stated that they felt pressured to apologise to the complainant.
- Around one-third of officers reported that they had received advice or guidance from the AM. This suggests that IR is being used as a significant management tool for correcting officers' behaviour.
- The proportion of complainants who thought they had received an apology was considerably higher than the proportion of officers who thought that they had given an apology, or the proportion of apologies actually recorded by AMs.
- Only a very small percentage of complainants and officers met with each other, although half of the complainants would have appreciated a face-to-face meeting.

CHAPTER EIGHT: **AUTHORISED MEMBERS' PERCEPTIONS OF INFORMAL RESOLUTION**

AMs are those officers of the QPS trained to conduct IRs. During February 1994, all 285 officers trained as AMs were sent a mail-out survey. The main findings from the survey were:

- The reported satisfaction level of the AMs with the new procedures was very high (96%).
- Most AMs considered that IR was beneficial and that the process had improved police/community relations, helped officers change their behaviour for the better and encouraged police officers to be more open.
- According to the AMs, most complainants were willing to participate in IR: 40 per cent of the AMs considered complainants to be 'very willing' and 51 per cent 'fairly willing' to participate in IR. However, 27 per cent of the AMs reported having had at least one complainant decline involvement in IR.
- Over 90 per cent of AMs said that both the police and the complainants were satisfied with the process. However, it should be noted that the complainants and police officers surveyed by the CJC were less positive in their assessment of the process.
- Of the AMs experienced in both formal investigations and IR, 89 per cent considered the IR procedure to be 'a lot better' for dealing with minor complaints. Similarly, 96 per cent reported receiving more job satisfaction from undertaking IR than from conducting formal investigations.
- Few AMs reported experiencing difficulty in acting as a conciliator rather than an investigator.
- Overall, 43 per cent of the AMs with experience in IR reported having 'a lot more faith' in the complaints system as a result of the new procedures. Only one officer said that he or she had less faith.

- The great majority of the respondents with IR experience thought the training provided to AMs was sufficient. The main suggestions were to incorporate more practical teaching methods, provide workshops for all police officers and improve the marketing of the IR process to police officers.

CHAPTER NINE: CONCLUSION

Overall, evidence gathered from the completed IR files and from the surveys of complainants, officers and AMs indicates that IR has been a very positive initiative. However, several ways of improving IR procedures have been identified. The key recommendations are:

Recommendation 1. Information Recorded on Informal Resolution Report

It is recommended that tick boxes be included on the IR report for the AM to indicate:

- if advice or guidance was given to the officer
- if a meeting was held between the complainant and the officer

The report should also include a possible outcome option of 'IR unsuccessful'. Where this option is ticked, the complainant should be asked to indicate on the form if any further action is required.

Recommendation 2. Information Contained in Notification to Officer

It is recommended that the final notification to the officer be amended to include a section informing the officer of the outcome of the IR.

Recommendation 3. Time Taken to Finalise Informal Resolutions

It is recommended that once the new IR guidelines are in place, steps should be taken to define and enforce more strict time standards.

Recommendation 4. Need for Regular Monitoring of Complainants

It is recommended that there be regular monitoring of the IR process to ensure that complainants are not being pressured to accept outcomes and that accurate information has been provided to them about outcomes. This monitoring could be done through regular surveys of complainants, using a methodology similar to that employed in this study.

Recommendation 5. Identification of Officers Subject to Multiple Complaints

It is recommended that if an officer has been involved in a greater than expected number of IRs within a given period, this fact should be "flagged" in the Professional Standards Unit's (PSU) data file and other relevant records. Where the officer has been so identified, there should be consultation with the PSU before IR is used to deal with any further complaints relating to that officer.

Recommendation 6. Training of Authorised Members

It is recommended that AMs be provided with additional training on managing face-to-face contact between complainants and officers, and be advised of the importance of not pressuring complainants to accept outcomes, and of providing clear information to participants regarding the outcome of the IR.

Recommendation 7. Guidelines Concerning Meetings

It is recommended that the IR guidelines be amended to provide that:

- when the AM speaks with the complainant to obtain his or her consent to IR being attempted, the AM should ask whether the complainant would like to have a meeting with the subject officer
- if the complainant indicates a preference for a meeting with the subject officer, the AM should explain to the complainant that there are two options for holding such meetings, the first being a meeting organised by the AM and the second a meeting organised through the Community Justice Program
- it be explained to the complainant at this time that a meeting will only take place if the subject officer agrees to participate.

Recommendation 8. Use of Mediation

It is recommended that mediation continue to be available as an option and used where appropriate. To this end the following paragraph should be added to the guidelines concerning mediation:

- (iv) the complainant has expressed a wish to meet with the subject member to discuss the complaint, and the AM with responsibility of attempting to informally resolve the complaint believes that, in the circumstances of the case, the meetings should not be conducted by a member of the Police Service or the complainant has requested that the meeting be conducted by the Community Justice Program.

