

**SUBMISSION TO THE QUEENSLAND POLICE
SERVICE REVIEW COMMITTEE**

July 1996



CRIMINAL JUSTICE COMMISSION

**SUBMISSION TO QUEENSLAND POLICE SERVICE
REVIEW COMMITTEE**

GENERAL FOCUS OF REVIEW
HUMAN RESOURCE ISSUES
EDUCATION AND TRAINING
ORGANISATIONAL MANAGEMENT
CORPORATE MANAGEMENT
ANCILLARY FUNCTIONS



INTRODUCTION

The purpose of this submission is to briefly summarise the Criminal Justice Commission's (CJC) position on particular issues relating to the management and operation of the Queensland Police Service (QPS). The CJC has already expressed its views in various reports and submissions on:

- the progress of reform in the QPS
- the future direction of reform
- a variety of specific policy issues.

As these documents have already been provided to the Committee, this submission focuses on updating and, where necessary, modifying this material, as well as addressing the particular issues which have been flagged for attention by the Review Committee.

BACKGROUND: THE ROLE OF THE CJC

The *Criminal Justice Act 1989* confers on the CJC a wide range of responsibilities in relation to the monitoring and oversight of the QPS. These responsibilities are primarily discharged by:

- receiving and investigating complaints made against police
- analysing complaints data and trends
- undertaking initiatives and projects with the QPS
- researching issues such as community policing, complaints processes, recruit training, and the response of the QPS to the Fitzgerald Inquiry recommendations
- participating in committees and working groups, and providing feedback on QPS policies and procedures
- assisting the QPS to develop training programs in ethics and risk assessment
- monitoring the QPS transfer and promotions process through the work of the Commissioners for Police Service Reviews, who are part-time members of the Commission
- maintaining regular formal and informal contact with officers at all levels of the QPS.

GENERAL PRINCIPLES WHICH SHOULD GUIDE THE REVIEW

It is very important that the Review Committee's deliberations are underpinned by a general "vision", or model, of where the QPS should be heading. This "vision" should be the reference point for evaluating the progress of reform in recent years, rather than the emphasis being on a "checklist" approach of ascertaining if there has been compliance with specific recommendations. Further, and more importantly, the Committee's own recommendations should be consistent with – and designed to promote progress towards – this preferred model.

In its 1994 report on *Implementation of Reform Within the Queensland Police Service* (the "Status Report", pp. 2-3) the CJC identified the following as the key elements of the Fitzgerald Inquiry reform model:

- police resources and personnel should be used efficiently and deployed according to rational criteria
- information systems should be up-to-date, flexible and suited to the needs of the organisation and the community as a whole
- civilians should be accepted and regarded as an important part of the organisation
- generalist policing should be held in high esteem, with the generalist police officer being regarded as the crucial "front-line" of the organisation
- there should be less emphasis on rank, hierarchy and specialisation
- the workforce should be well trained and equipped with appropriate skills
- talent should be nurtured and rewarded, with promotion being based strictly on merit
- crime prevention should be a high priority
- the organisation should be responsive to the needs and problems of local communities
- problem-solving and innovation should be encouraged at all levels
- there should be a high level of professionalism in management, including better supervision of operational policing
- the organisation should be "corruption-free".

The CJC submits that this is still an appropriate "vision" for the QPS and should provide a reference point for the Committee's deliberations.

It also vital that the focus of the review is on supporting and encouraging the QPS to develop appropriate processes and structures to manage effectively. The Committee should not endeavour to resolve the issues and problems, particularly those of a more local nature, which currently confront the QPS. Rather, the focus should be on: (a) ascertaining if appropriate processes are in place or in train for identifying and resolving issues and problems in an orderly and appropriate manner; and (b) where the Committee is not satisfied that these matters are being properly addressed, identifying processes which should be adopted and followed.

SPECIFIC ISSUES IDENTIFIED BY COMMITTEE

1. *HUMAN RESOURCE ISSUES*

1.1 *RANK STRUCTURE*

SHOULD CONSTABLE FIRST CLASS RANK BE REINTRODUCED?

The CJC does not support the reinstatement of the rank of constable 1/C, as a means of providing recognition to constables who have performed well. The introduction of constable 1/C is inconsistent with the general principle that the rank structure should be flattened. The provision of a stripe basically creates a "de facto" rank which is not achieved by merit, but rather length of service. Further, the general thrust of recent organisational reforms in other police services in Australia (such as the Australian Federal Police) and overseas has been towards reducing the number of ranks and moving away from the tradition paramilitary, hierarchical model.

However, it is acknowledged that the abolition of the constable first class (1/C) has impacted adversely on morale within the QPS. The introduction of a special band worn on the epaulette to designate that a constable has attained the fifth and highest pay point has not redressed this situation.

The CJC understands that the QPS and the Queensland Police Union of Employees (QPUE) has discussed the proposal to allow for the progression of constables to the rank of senior constable upon the completion of certain designated competencies. This initiative, if adopted, should address much of the disaffection caused by the abolition of the rank of constable 1/C. The proposal would also substantially reduce the amount of work associated with selection panels: for instance, there were 577 promotions in 1994, of which 287 (50%) were for senior constable positions.

It is recommended that the Committee endorse the general direction being taken in QPS and QPUE negotiations on this issue.

SHOULD SERGEANT FIRST CLASS BE REINTRODUCED?

The CJC is strongly opposed to the reintroduction of the rank of sergeant 1/C. The main argument for reinstating this rank seems to be that sergeants in charge of medium sized stations deserve greater recognition than sergeants who are responsible for only a small number of staff. The logic of this argument, carried to its extreme, would also see differentiations between inspectors on the basis of the size of the establishment for which they had responsibility. If there is an inequity between sergeants in large as opposed to small stations, this should be addressed through the pay mechanism, by such means of "station loadings", rather than by adding another layer to the rank structure.

IS THERE SCOPE FOR FURTHER FLATTENING OF THE RANK STRUCTURE?

In relation to the possible further flattening of the rank structure, the CJC considers that in principle, it should be possible to merge the ranks of sergeant/ senior sergeant, and chief superintendent/ superintendent, as proposed by the Fitzgerald Commission of Inquiry. The pay mechanism could then be used to assign suitable loadings to particular positions, to take account of differences in work value and responsibility. The Review Committee should encourage the QPS to make the merging of these ranks a long term objective.

SHOULD THERE BE SOME LOOSENING OF THE PAY-RANK CONNECTION?

The CJC, in the 1994 Status Report, argued that the QPS should work towards lessening the close connection of rank with status and pay. The close association of rank/status/pay contributes to the movement of experienced officers out of operational areas into administration and management, and highlights the continuing low importance attached to the general duties role (CJC 1994).

The current QPS career structures mean that experienced general duties officers who perform well in that role are rewarded through promotions that progressively takes them away from the streets. Overlapping pay scales provide one strategy for rewarding experienced officers, and maintaining experienced leadership "on the streets".

The CJC strongly supports the introduction of overlapping pay scales into the QPS, especially between the ranks of senior constable and sergeant.

There are some concerns that, in a strongly hierarchical organisation, overlapping pay scales may not be sufficient to attract officers to remain at lower ranks. However, research conducted in New South Wales Police Service for the Select Committee on Police Promotion Procedures (1991), found that police generally indicated that they would be content to continue performing at the patrol level without seeking promotion to a supervisory position if there were suitable salary and other rewards.

The CJC understands that the QPS is giving consideration to a proposal which would provide for overlapping salaries between senior constables and sergeants for a restricted group of the "most meritorious" senior constables who do not wish to seek further promotion. This is a move in the right direction. However, rather than restricting availability of this option to only the "most meritorious" officers, consideration should be given to adopting a more expansive criterion, such as 'proven competence in investigative or general policing skills'.

The QPS appears to prefer a very restrictive approach because of its concern about the cost implications. However, more experienced officers at lower ranks may mean that it would be possible to reduce the number of supervisory positions (that is, sergeant and above) required. Such a reduction could help off-set the costs. Because of the consequences for current station staffing structures, the extent of any reduction in supervisory positions would need to be carefully examined.

1.2 PROMOTIONS

SHOULD OFFICERS BE REQUIRED TO HAVE ACHIEVED CERTAIN SPECIFIED COMPETENCIES BEFORE BEING ELIGIBLE TO APPLY FOR PROMOTION?

The CJC, in its 1994 Status Report, found that:

- The current procedures did not take account of the fact that officers, once promoted to a particular positions, will quite frequently move laterally to a different type of position. For example, an officer who has been selected to perform an administrative or specialist function could be transferred to operational duties, or vice versa, without necessarily having the requisite skills and experience for this type of work.
- There were no consistent standards for determining what is required for the performance of particular ranks and positions. This had contributed to the appearance of inconsistency in decision-making.

The QPS is proposing to introduce pre-qualifying programs as pre-requisites for promotion to any rank beyond senior constable. (As noted earlier, progression to senior constable would become automatic upon completion of particular requirements.) It is recommended that the Review Committee endorse these general developments, subject to the following qualifications:

- Any pre-qualifying programs must prepare and test officers for competencies relevant to the positions to be filled. Management and supervisory training and skills should be given *at least* as much weight as knowledge of law and procedure.
- There needs to be a broad view of what competencies are required to perform police work. As observed in the Status Report (1994), in evaluating the suitability of officers for promotion, selection criteria need to recognise demonstrated skills in problem solving and dealing with the community, rather than focusing on traditional police performance criteria. This is particularly important in the case of general duties positions.

SHOULD THERE BE A "TIME ON RANK" REQUIREMENT BEFORE OFFICERS ARE ELIGIBLE TO APPLY FOR MORE SENIOR POSITIONS?

In the CJC's view, there should not be a formal "time on rank" requirement or prohibition on rank jumping. Introduction of pre-qualifying programs will probably make it more difficult for rapid promotion to occur, but there must always be some means of recognising – and making the best use of – exceptional officers. In particular, it would be unduly restrictive to make promotion dependent on completion of CAP units to equate with one year at the top of the officer's current rank.

SHOULD PROMOTIONS PANELS BE CENTRALISED?

Since the implementation of the merit-based promotion procedures, there have been numerous criticisms made of the process. Despite some recent efforts by the QPS to "streamline" the process and increase the training of panel convenors, there remains widespread disaffection within the Service about the current promotions process, with allegations of cronyism and bias being common.

This dissatisfaction has led many within the QPS to argue for the extension of central promotions panels to other ranks. (Central promotions panels are currently used for appointments to commissioned officer positions.) However, for the following reasons, the CJC does not support centralised promotions panels for non-commissioned officers:

- There is no guarantee that centralisation will improve the quality of decisions, or the management of the process. The experience with central panels for commissioned officers indicates that centralisation *per se* will not eliminate allegations of bias and cronyism.
- As argued in the Status Report (1994), permanent central panels, even with an operational representative, run the risk of becoming isolated from the operational environment.
- It is consistent with modern management practice that there be some input from the relevant work unit into selection decisions, to ensure that the persons selected have the skills appropriate to the requirements of that unit.

It should also be noted that the introduction of a requirement that officers must complete a pre-qualifying program before being eligible to apply for a positions should lead to *some* reduction in allegations of bias and cronyism, as officers would have to prove that they had at least the basic qualifications for the position.

IF PANELS ARE TO REMAIN DECENTRALISED, WHAT STRATEGIES CAN BE EMPLOYED TO MINIMISE THE RISK OF, AND ALLEGATIONS OF, CRONYISM AND FAVOURITISM?

Although panels should not be centralised, the CJC acknowledges that steps must be taken to address the criticisms which have been made of the present system. The introduction of a pre-qualifying program, clearer articulation of selection criteria, the abolition of panels for Senior Constable positions, and enhanced training of panel convenors will deal some of these problems. The CJC also proposes that:

- Panel convenors be external to the region. (The current practice is for convenors to be chosen from outside the division/district, where possible) This will help ensure more consistent decisions statewide and promote communication between regions, while preserving some scope for local input.
- A system of detailed statistical monitoring of promotions should be put in place by the QPS. In particular, information should be routinely collected on the proportion of applicants for positions which come from outside a region, compared with the proportion of positions filled from inside the region. If there is clear statistical evidence of a "regional bias", a more detailed review should be initiated and, if necessary, remedial managerial action taken.
- The use of group promotions could reduce the work associated with panels and facilitate greater consistency in promotions decisions. However, any system of group promotions should be introduced on a trial basis in a particular region – and properly evaluated – before being adopted State-wide. The evaluation should address issues such as: the cost effectiveness of this process; levels of intra-regional "rank and file" support; satisfaction of officers-in-charge of districts and divisions with the choices made by this method; and, the success rate of applicants external to the region.

1.3 PROMOTIONS REVIEWS

WHAT POSITIONS SHOULD BE REVIEWABLE?

Currently, all appointments to police positions below the rank of Assistant Commissioner can be reviewed. There has been some argument that positions above the rank of inspector should not be subject to review, as applicants for equivalent public service positions rarely have access to an appeal process. However, the retention of reviews for more senior positions is an important means of maintaining the integrity and legitimacy – both in appearance and actuality – of the promotions process. It is vital that those lower in the organisation have confidence in the promotional process. For these reasons, the CJC is strongly of the view that reviews should be retained for superintendent and chief superintendent positions.

SHOULD THE PRESENT SYSTEM OF REVIEW COMMISSIONERS BE RETAINED?

The CJC considers that the present system of Review Commissioners should be retained. The benefits of the current system were covered in the Review Commissioners' submissions.

IF REVIEW COMMISSIONERS ARE TO BE RETAINED, HOW CAN THE SYSTEM BE IMPROVED?

Among police, there seems to be continuing perceptions about the inconsistency of review decisions and the poor chances of having selection decisions overturned. These perceptions are largely due to a lack of information about the review process. Several actions have already been taken to improve the level of

information available to officers about the review process (including training courses and an article in the QPUE journal), but further strategies need to be developed to improve the communication of information about the review process to "rank and file" members of the QPS.

1.4 TRANSFERS

SHOULD GREATER USE BE MADE OF COMPULSORY TRANSFERS?

The Commissioner of Police currently has the power to compulsorily move an officer, and the QPS has negotiated with the unions a process for exercising this power (the Lateral Transfer Agreement). The CJC recognises that compulsory transfers may be needed to facilitate the equitable distribution of staff and ensure rotation through "high risk" units and geographical locations, but the over-use of this procedure can cause substantial problems:

- Widespread use of lateral transfers can impact adversely on the promotion process. If a position is to be filled by lateral transfer, this means that it will not be advertised and officers cannot apply for promotion to that position. Depending on what positions are laterally filled, transfers can limit the number and type of positions in the pool available for promotional purposes.
- It is likely that an officer who did not want to move would use every procedural and legal means of fighting the transfer (such as seeking review, taking extended sick/stress leave).
- Substantial management and morale problems would be likely to arise if an officer was forced to work in a location where he or she did not want to go. An officer who is forced to move may be unmotivated and resentful, and consequently, may not perform the job effectively.

In addition, compulsory transfers should not be used to handle poor performance and disciplinary problems. These should be handled by more appropriate strategies.

Nonetheless, the CJC would support any reasonable initiative to make it easier for the QPS to compulsorily transfer officers in appropriate circumstances. Any initiative should include:

- a more precise definition of the circumstances justifying compulsory transfers
- a clear policy of rotation for "high risk" units and locations.

1.5 RECRUITMENT

ARE CURRENT RECRUITMENT CRITERIA APPROPRIATE?

The CJC has recently completed a statistical analysis of the relationship between selection criteria and Academy performance (CJC 1996). Among other things, this study found that:

- psychometric test results and education/employment ratings were the best predictors of performance at the Academy
- panel interview ratings contributed very little to predicting academy performance
- the use of personality tests contributed nothing in terms of screening applicants in or out of the selection process.

In response to this survey, the Police Education Advisory Council (PEAC) has commenced planning for a general review of recruit selection processes and criteria. The Review Committee should endorse this review process and urge the QPS to implement the findings.

SHOULD EXISTING PHYSICAL COMPETENCY/FITNESS TESTS BE RETAINED?

Concerns have been expressed both within and outside the QPS about the possible discriminatory nature of the current physical competency tests. The review proposed above should include a consideration of existing physical competency tests, focusing particularly on whether these tests discriminate against female applicants.

SHOULD CURRENT EDUCATIONAL STANDARDS FOR RECRUITS BE RETAINED/ RELAXED/ STRENGTHENED?

The CJC would be opposed to any easing of current educational standards for recruits. Some experience of tertiary education means that the recruits have been exposed to broader experiences, different ways of thinking about various issues and the role of research. However, it is noted that in some cases work experience may also provide recruits with broader experiences.

IS THE QPS DOING ENOUGH TO ATTRACT SUITABLE APPLICANTS?

The CJC, in its *Review of Recruitment and Education in the Queensland Police Service* (1993), observed that, because the QPS did not have any formal recruiting strategies, it could be difficult to maintain the current quality of applicants if economic conditions were to substantially improve. It was noted that there is a need for greater planning and a more co-ordinated approach: for example, only limited effort had been made to introduce formal targeted recruiting strategies for certain groups. These observations are still broadly valid, although the QPS has recently produced a draft ATSI recruitment and Career Development Strategy.

The projected increase in recruit numbers, due to the Government's commitment to increase the number of police to 9,100 by 2005, will make it difficult to maintain the quality of recruit intakes. In these circumstances, the Review Committee should urge the Government to re-consider its proposed increase to police numbers.

TO WHAT EXTENT SHOULD THE QPS BE RELYING ON RECRUITMENT OF EX-QPS AND INTERSTATE OFFICERS TO BUILD UP POLICE NUMBERS?

The QPS is proposing to recruit 120 lateral recruits a year over the next two years and 160 in 1998/99, consistent with the Government's commitment to expand police numbers. On this basis, ex-QPS, interstate or overseas officers would make up around 25 per cent of the total intake *each* year. This is likely to have a significant impact on the overall recruitment profile of the QPS, as the vast majority of these recruits are males and most have formal education levels below those of the general recruit intake.

The CJC supports the lateral recruitment of officers from outside the QPS, but unless it is carefully monitored, the large scale recruitment of past and present officers has the potential to undermine the substantial progress that has been made in recent years in changing the recruitment profile of the QPS. The CJC therefore proposes that:

- The entry criteria for ex-QPS, interstate and overseas officers be re-examined. If officers are to be appointed as constables, then they should satisfy the normal entry criteria.
- Lateral recruits should be included as part of the total recruit intake, for the purposes of assessing the extent to which the QPS has achieved its recruitment targets for females and minority groups.

The CJC also has some concerns about the adequacy of the procedures currently being used by the QPS for vetting interstate applicants.

SHOULD LATERAL RECRUITMENT AT HIGHER LEVELS BE ENCOURAGED?

Currently, there is virtually no lateral recruitment from other police services to ranks higher than constable.

The CJC supports the concept of opening positions in the QPS above the rank of constable to police officers from other police services. However, entry criteria and vetting procedures would need to be carefully examined. For instance, appropriate competencies and skills (such as supervisory skills, demonstrated commitment to innovative policing strategies etc) would need to be emphasised.

In addition, there needs to be an examination of the impact of re-entry policies on female officers who have left the Service due to family commitments. It does not necessarily follow that re-entry policies need to be amended, but the QPS needs to know if there are any difficulties for competent experienced female officers in re-entering the Service.

1.6 MANAGING OFFICERS' WORK PERFORMANCE

HOW CAN THE PERFORMANCE PLANNING AND ASSESSMENT SCHEME BE MADE MORE EFFECTIVE?

It is crucial that there be some ongoing performance planning and assessment (PPA) process for officers, but as is generally acknowledged, the present PPA system requires substantial revision. Introduction of a revised PPA system should be accompanied by:

- a training program for supervisors
- establishment of suitable monitoring mechanisms (for example, statistical analysis of the spread of assessment scores).

ARE POLICE AND CIVILIAN MEMBERS RECEIVING APPROPRIATE CAREER PLANNING ADVICE?

Although the Human Resource Management Plan (1995-2000) proposes the establishment of a Career Advisory Service, the QPS does not appear to have taken any action to provide officers with advice on career planning.

The QPS should take responsibility for providing officers with advice and assistance on career planning.

1.7 SEXUAL HARASSMENT

IS THE ISSUE OF SEXUAL HARASSMENT BEING ADEQUATELY ADDRESSED BY QPS MANAGEMENT?

The QPS is currently in the advanced stages of developing policies in relation to equal employment opportunity and anti-discrimination, including sexual harassment. In particular, a number of steps have been taken by the QPS to facilitate the resolution of complaints of sexual harassment:

- establishment of support systems available to both the aggrieved person and alleged discriminator, for example, 24 hour help telephone line, Sexual Harassment Referral Officers, Human Services Officers, Peer Support Officers, Chaplains
- ensuring, as far as possible, confidentiality for both the aggrieved person and the alleged discriminator
- provision of the opportunity to have matters resolved quickly and informally or through use of conciliation without resort to formal grievance procedures or discipline processes involving formal investigation.

Although there are some problems (see below), the CJC believes that issues surrounding sexual harassment are being adequately addressed by internal procedures (consistent with the draft Sexual Harassment Policy) under the supervision of QPS management.

SHOULD THERE BE AN OBLIGATION ON POLICE AND HUMAN SERVICES OFFICERS TO REPORT ALL CASES OF SUSPECTED HARASSMENT?

One particular concern has been the issue of confidentiality in cases of alleged sexual harassment due to the requirement under s.7.2 of the *Police Service Administration Act* for all sworn and unsworn members to report suspected misconduct. This issue is yet to be addressed in the draft policy on sexual harassment.

In the meantime, it has been a long standing policy of the CJC in relation to sexual harassment complaints to accept a QP307 in anonymous terms to facilitate conciliation in accordance with the wishes of the aggrieved person, and Human Rights and Equal Opportunity Commission guidelines, in all but exceptional cases. To date, in no instance has the CJC insisted upon a formal investigation contrary to the wishes of an aggrieved person.

It should also be noted that the majority of instances of alleged sexual harassment occurring within the QPS would involve conduct falling short of suspected misconduct which is subject to the reporting obligation under s.7.2 *Police Service Administration Act*.

In its response to an issues paper prepared by the QPS in 1994 concerning a review of the *Police Service Administration Act*, the CJC recommended that there be provision for specific exemption for Human Services Officers and Chaplains from their reporting requirement in the Act as well as protection allowing them to report matters in good faith.

The CJC remains to be convinced, however, of the necessity or desirability of any extension of this exemption beyond qualified Human Services Officers and Chaplains to persons such as Welfare Officers and Sexual Harassment Referral Officers without professional qualifications and who are members of the QPS. Such persons must continue to be subject to the duty imposed by s.7.2. If it were otherwise, members would confess serious wrongdoing to non-qualified personnel with impunity.

Thus, the CJC recommends that s.7.2 be amended to reflect the following position:

"That non-sworn Human Services Officers be exempted from the reporting requirement where they receive information:

- (a) In their capacity as counsellors; and*
- (b) Where such information does not indicate conduct which could constitute a criminal offence and could reasonably warrant dismissal".*

An amendment along these lines would ensure that the conduct required to be disclosed would represent serious misconduct.

SHOULD SERIOUS CASES OF SEXUAL HARASSMENT BE DEALT WITH BY CONCILIATION AND OTHER INFORMAL PROCESSES?

The CJC acknowledges the need to respect the wishes of an aggrieved person to deal with an instance of sexual harassment without resort to formal investigation and disciplinary processes.

However, there will be a class of cases of sexual harassment which could involve suspected criminal offence(s) and/or previous similar incidents by an alleged discriminator. Thus, where because of the seriousness of a matter or for other reason(s) a full investigation is warranted, the CJC considers that an aggrieved person should not have a right of veto. Such matters should be reported to the PSU and the CJC to assess whether or not an investigation is warranted. To allow the victim of one incident to require a serious matter to remain secret could endanger the safety of other women in the workplace.

1.8 CONTRACT EMPLOYMENT/EARLY RETIREMENT

SHOULD THE QPS MOVE TO CONTRACTS OF EMPLOYMENT?

In the Status Report (1994), contract employment was identified as a possible alternative career structure that the QPS should consider. In the CJC's view, the QPS should negotiate with the two unions with a view to introducing a system of contract-based employment for new and, if feasible, existing officers. Contracts should be for a substantial period (for example, 15-20 years). There should be provision for renewals for shorter terms, subject to the officer having performed to a suitable standard.

SHOULD AN EARLY RETIREMENT SCHEME BE IMPLEMENTED FOR POLICE?

It is generally acknowledged that there are some officers in the QPS, particularly around the sergeant/senior sergeant/inspector levels who are basically "serving out their time" until they can retire. Because these officers often occupy positions of authority, they can often have a negative influence on other, more junior, staff. An early retirement scheme would enable such officers who have served substantial periods in the QPS to leave early without any loss of benefits.

The CJC supports the introduction of a voluntary early retirement scheme for officers with more than 20 years service. However, there are several issues that would need to be considered in the design of any early retirement scheme, such as how to ensure that good officers are retained. For instance, the QPS should be able to refuse or defer a request for early retirement where operational activities would be adversely affected, or the officer concerned has expertise which cannot easily be replaced. The experiences of other organisations should be considered before any scheme is finalised.

The CJC believes that Review Committee should emphasise to the Government that the long term benefits of such a scheme will outweigh the short term financial costs, or any temporary impact on police numbers.

2. EDUCATION AND TRAINING

2.1 POLICE EDUCATION ADVISORY COUNCIL

WHAT SHOULD BE THE ROLE AND COMPOSITION OF PEAC?

In the first half of 1995, a joint CJC/QPS working party developed a proposal to restructure and refocus PEAC. These changes have now been implemented and appear to be working reasonably well.

The CJC considers that the Review Committee should endorse the current role and composition of PEAC, and urge the QPS and the Minister to consult with PEAC on any policy issues relating to education and training within the QPS.

2.2 RECRUIT TRAINING

SHOULD THERE BE A RETURN TO THE UNIVERSITY MODEL OF RECRUIT TRAINING?

Under current selection criteria a substantial proportion of recruits now have at least 18 months of tertiary exposure before joining the Service. For example, in the most recent intake (May 1996), 68 per cent of recruits had completed at least an Associate Diploma or three semesters of a degree course, although only 20 per cent had a degree.

Provided this recruiting profile is maintained, any benefits of returning to a university-based model of recruit training would not outweigh the considerable organisational disruption such a change would cause. However, in retaining the current model of recruit training, it is essential that there be **no** reduction – and preferably an increase – in the proportion of recruits who have had exposure to tertiary education.

IS THE EXISTING MODEL OF PROBLEM-BASED LEARNING, AS APPLIED IN THE PROVE PROGRAM, APPROPRIATE?

The QPS is currently conducting a preliminary review of PROVE using an external consultant. This review, which focuses on “process” aspects of the program, is due to be completed within the next couple of months. It is proposed to conduct a full-scale external review in 1997/98. This review process has been endorsed by PEAC.

Given that a review process is in place, the CJC considers that there should be no substantial change to the PROVE program until the external evaluation has been completed in 1997/98. PEAC is the appropriate body to oversee this review and act on any recommendations.

SHOULD THERE BE A LIVE-IN REQUIREMENT AT THE ACADEMY?

The CJC's May 1996 recruit intake survey included questions about the academy live-in requirement. Around 85 per cent of respondents said that they were in favour of this requirement. A similar proportion indicated that they would live-in even if it was not compulsory to do so.

There does not seem to be any necessity to change the present live-in policy for the academy, provided that there are appropriate procedures in place for recruits to seek an exemption from this requirement on compassionate or financial grounds.

SHOULD A SEPARATE RECRUIT TRAINING FACILITY BE ESTABLISHED IN TOWNSVILLE?

The CJC has the following concerns about the possible implications of the establishment of a second police academy in Townsville:

- It is not clear that the QPS is currently experiencing *significant* difficulties in attracting applications from persons living in north Queensland. Since the PROVE program commenced in January 1994, QPS recruitment statistics show that applicants from Far Northern, Northern and Central regions accounted for, on average, almost 15 per cent of the applicant pool. Approximately a quarter of the State's population resides in these regions. By comparison, for the same period an average of nine per cent of applicants were from the North Coast (with 16 per cent of the State's population); and another nine per cent were from the Southern region (with 12 per cent of the State's population). Only in the Brisbane metropolitan regions did the average proportion of the applicant pool exceed the proportion of the State's population residing within this area.
- Implementation of such a proposal would entail substantial establishment and recurrent costs, and could divert funds from other areas of the training budget where needs are greater (such as, the training of supervisors and middle managers).
- In a recruit intake of 120, 12 per cent (the average proportion of recruits from north Queensland) amounts to only around 15 recruits. Even if the proportion of recruits from North Queensland was doubled, there would only be 30 recruits, of whom at least half presumably would have been prepared to do their training in Brisbane.
- Establishment of a second recruit academy in north Queensland could have deleterious consequences for the standard and consistent quality of recruit training. For instance, considerable difficulties are likely to be encountered in attracting suitably qualified staff to deliver recruit training.
- A second recruit training facility might encourage the development of a "north versus south" attitude. Regional divisions of this nature could hinder the co-ordination of policing services throughout the State, particularly if there is an expectation on the part of the Townsville intakes that they will only have to serve in the north.

The CJC accepts that the present Government is committed to the establishment of a separate recruit training facility in Townsville. However, it would be appropriate for the Review Committee to point out the possible financial and educational implications of this initiative. In the CJC's view, the Committee should also recommend that, before any work commences on a permanent facility, there should be a rigorous evaluation of the operation and cost effectiveness of the interim facility. To assist with this evaluation, the CJC will extend its regular recruit surveys to cover intakes into the new Academy.

2.3 POST RECRUIT TRAINING

HOW ADEQUATE IS THE LEVEL OF POST RECRUIT TRAINING FOR POLICE?

The CJC has previously been critical of the level of post recruit training provided by the QPS. These shortcomings have been acknowledged by the QPS and attempts are being made to address them,

particularly through the implementation of the Constable Development Program and the proposed introduction of a three-level Management Development Program.

It is recommended that the Review Committee endorse the initiatives being taken by the QPS in the area of post recruit training. In particular, the need to develop training programs for middle ranks should be emphasised.

WHAT SHOULD BE THE ROLE OF THE ACADEMY IN THE DELIVERY OF POST RECRUIT TRAINING?

The QPS lacks an effective mechanism for co-ordinating in-service training on a Service-wide basis and across the regions. The primary focus of the academy has been on the delivery of initial service and professional development programs. The Regional Education and Training Co-ordinators (RETCs) recommended at their October 1995 conference that the QPS appoint a State Co-ordinator for Education and Training. It was also proposed that the QPS establish a central curriculum development section to avoid duplication and inconsistency between regions.

The CJC supports the recommendations made at the October RETC Conference that the QPS appoint a State Co-ordinator for Education and Training and establish a central curriculum development section.

SHOULD THE COMPETENCY ACQUISITION PROGRAM BE RETAINED?

There seems to be a reasonable level of acceptance of the Competency Acquisition Program among rank and file police. Most complaints appear to relate to the completion of program units outside of work hours. Allegations of collaboration in the preparation of answers have diminished since computerised assessment was introduced. The QPS has recently completed a review which makes a number of specific recommendations for "fine tuning" the program.

The Competency Acquisition Program should be retained.

IS SUFFICIENT SUPPORT BEING PROVIDED FOR EXTERNAL STUDY?

The current QPS Study and Research Assistance Scheme (SARAS) has been operational since September 1993. At present, only 105 QPS personnel are receiving a SARAS benefit. In March 1995, the QPS reviewed the operation of SARAS. The review found that the low level of financial assistance, operational demands, rostering practices and lack of encouragement have all had a negative impact on the SARAS policy achieving its objectives. It was recommended that an increase in the level of assistance be provided, although this has not yet been acted on due to budgetary concerns.

In the CJC's view, the QPS should provide increased support for external study through the SARAS scheme. The availability of support should be publicised within the QPS, and sworn and unsworn staff encouraged to take appropriate tertiary courses.

SHOULD MORE ATTENTION BE GIVEN TO CIVILIAN TRAINING?

The CJC has consistently expressed the view that more attention needs to be paid to the training needs of civilian staff. The Public Sector Management Commission (1993) similarly indicated that the training needs of both unsworn and sworn staff had been neglected. The recent appointment of a co-ordinator for unsworn training, and the development of strategies and policies for civilian staff, may go some way towards addressing shortcomings in this area. PEAC is also taking an interest in the issue of civilian training.

The recent initiatives taken by the QPS in respect to training civilian staff are welcomed. Upgrading of the staff member training program should be accorded a high priority.

3. ORGANISATIONAL MANAGEMENT

3.1 REGIONALISATION

SHOULD REGIONS BE RETAINED?

The CJC's 1994 Status Report concluded that regionalisation should be retained, subject to periodic reviews to ensure that structures and procedures are working effectively. The report argued that, because of the size and diversity of Queensland, there needed to be some delegation of responsibility to deliver services to the community. Furthermore, reversion to a central command structure would be highly disruptive and could simply entail swapping one set of problems for another. For example, centralisation may well have no major cost reductions.

The CJC remains of the view that the basic model of regionalisation should be retained and that regions should continue to be headed-up by Assistant Commissioners located in the regions. To place the Assistant Commissioners centrally would be inconsistent with the purpose of regionalisation.

However, there needs to be greater definition of regional functions and responsibilities. As of April 1996, the QPS had still not provided a clear delineation of the relative roles and responsibilities of the regions and central units. The QPS's review of regional offices, which is intended to address such issues, should be completed as soon as possible.

SHOULD MORE RESPONSIBILITY BE DEVOLVED FROM THE REGIONS TO DISTRICT LEVEL?

As argued in the Status Report (1994), the CJC considers that there should be greater devolution of authority within regions down to district level. If this was done, there would be a case for reducing the size of regional offices and re-defining the role of regional Assistant Commissioners.

SHOULD THERE BE ANY CHANGES TO THE NUMBER AND BOUNDARIES OF REGIONS?

In the CJC's view:

- There should be no significant reduction in the number of regions as there is a risk that new, and larger, regions would result in the re-emergence of the very problems that regionalisation was intended to overcome.

- Any proposal to substantially redraw regional boundaries should not be implemented unless it can be shown that the benefits of this restructuring (in terms of improved policing capability and enhanced service delivery) clearly outweigh the financial costs and likely organisational disruption.

SHOULD REGIONAL HEADQUARTERS BE CO-LOCATED WITH DISTRICT AND/OR DIVISIONAL OFFICES?

The CJC has no objection to regional headquarters being located in the same buildings as other police establishments.

3.2 STAFF NUMBERS

TO WHAT EXTENT IS QUEENSLAND "UNDER-POLICED" RELATIVE TO OTHER JURISDICTIONS?

Queensland has traditionally had the highest ratio of population per police officer in comparison to other states, although the gap has diminished in recent years. In 1993/94, the most recent year for which comparative data are available, New South Wales and Victoria had police population ratios of 1:476 and 1:457 respectively, compared with Queensland's ratio of 1:517.

The previous Government endorsed a plan under which by 30 June 2005, there would be 7,602 police in the QPS. Based on ABS population predictions to the year 2005, the increase would be sufficient only to maintain the 1993/94 police to population ratio of 1:517. The present Government has set a target of 9,100 police by 2005.

The CJC acknowledges that there needs to be some increase in existing police numbers in order to cope with population growth and maintain a basic level of service delivery. However, there is a danger that a focus on increasing numbers will divert attention from the central issue, which is to ensure that existing police resources are utilised as efficiently and effectively as possible. Increased police numbers do not necessarily result in a decrease in crime; much depends on the management and policing strategies employed by the police.

Decisions on police numbers are ultimately a matter for Government. However, the CJC considers it appropriate for the Review Committee to point out that:

- the projected increase in police numbers is unlikely to have any impact on crime in Queensland (although it may improve some aspects of service delivery and reduce workload pressures in busy areas)
- a substantial increase in police numbers will place considerable strains on training infrastructure and make it difficult to maintain current recruiting standards.

3.3 STAFFING ALLOCATION

DOES THE EXISTING STAFFING MODEL PROVIDE A SUITABLE BASIS FOR ALLOCATING POLICE?

The QPS has made some progress in the difficult task of developing a staffing allocation model, but it is clear that there is considerable dissatisfaction among police with the current model. In part, this reflects a misunderstanding (possible due to inadequate marketing) of the purpose of the model, which is to provide

a basis for the equitable allocation of *existing* resources. On the other hand, there are some legitimate criticisms of the structure and assumptions of the model: for example, it does not take account of the volume of calls for service.

Given the level of dissatisfaction with the current staffing model, it would be appropriate for the structure and assumptions of the model to be reviewed (preferably with the assistance of external experts). However, it needs to be acknowledged that: (a) the QPS needs to have some workable method of allocating existing staff resources; and (b) there will always be some dissatisfaction with the allocation process.

The CJC queries the practicability of developing a "needs-based" approach to determining staffing allocations. "Need" is a very difficult concept to operationalise in this context. There is also a very real danger that the resultant model could lead to unrealistic expectations about future staffing levels.

3.4 CIVILIANISATION

HOW MUCH SCOPE IS THERE FOR FURTHER CIVILIANISATION OF THE QPS?

The CJC recommends that Review Committee urge the Government to adhere to its commitments concerning civilianisation. If budgetary constraints prevent the Government from increasing both civilian and sworn officer numbers to the extent promised, priority should be given to funding civilianisation. This would enable officers who are already qualified to be released to operational duties, and would assist the QPS to reduce the very substantial costs associated with training new police.

3.5 CIVILIAN VOLUNTEERS

SHOULD THE QPS ENCOURAGE THE PARTICIPATION OF CIVILIAN VOLUNTEERS?

Volunteers have been used extensively by police overseas and in other parts of Australia (most notably New South Wales) with apparent success. In Queensland, involvement of volunteers has been a feature of the Inala Community and Police Network. The CJC's evaluation of the Network (1995) concluded that the volunteers provided valuable staffing assistance and were an important mechanism for linking the Network to the community. However, it is also reported that police associated with the Network had been reluctant to delegate and that no training or other support had been provided to the volunteers.

The CJC supports the use of volunteers in policing, provided that:

- the roles and responsibilities of volunteers are clearly documented
- there is proper vetting of prospective volunteers
- a suitable induction and training program is developed.

3.7 INFORMATION MANAGEMENT

IS THE QPS MAKING ADEQUATE PROGRESS IN THE AREA OF INFORMATION MANAGEMENT?

The 1994 Status report found significant improvements in the quality of information services since the Fitzgerald Commission of Inquiry. Over the last few years, there has been further developments, such as improved networking of computer terminals throughout the State, the commencement of the POLARIS and PHOENIX projects, and the redevelopment of IMS (a regional calls for service database).

The CJC's assessment, which has already been communicated to the Review Committee, is that the QPS is making reasonable overall progress in the area of information management.

WHAT CAN BE DONE TO REDUCE THE PAPERWORK BURDEN ON POLICE?

The QPS is working to reduce paperwork requirements through the POLARIS and PHOENIX projects. The main priority of the QPS should be to complete these projects, rather than resources being diverted to devising temporary and partial solutions to the paperwork problem.

4. CORPORATE MANAGEMENT

4.1 MANAGEMENT ARRANGEMENTS

DO CURRENT MANAGEMENT ARRANGEMENTS AT THE SENIOR LEVEL WORK EFFECTIVELY?

The CJC does not have a final view on the adequacy, or otherwise, of existing corporate management arrangements within the QPS. However, given the rather unwieldy nature of the Senior Executive Conference, and the number of matters requiring the attention of the Commissioner, there would seem to be some benefit in retaining something akin to the current Board of Management arrangement (perhaps with enhanced regional representation).

One point that should be made is that the roles of the Senior Executive Conference and the Board of Management need to be clarified. For instance, the Senior Executive Conference is a good forum for broader policy decision-making, while the Board of Management should have a more specific focus.

4.2 CORPORATE PLANNING PROCESSES

IS THE CORPORATE PLAN APPROPRIATE FOR THE ORGANISATION?

The QPS has put considerable effort into formulating a Corporate Plan, and developing performance indicators and a reporting process. However, the plan does not appear to be used to direct the activities of the organisation, particularly at the lower levels.

The CJC suggests that the Review Committee point to the problems with the existing planning process and emphasise the importance of the QPS having a "strategic vision" which can be used to give direction and focus to the organisation.

4.3 ORGANISATIONAL MORALE

DOES QPS MANAGEMENT HAVE ADEQUATE MECHANISMS IN PLACE FOR OBTAINING FEEDBACK FROM POLICE AND CIVILIAN STAFF ON ORGANISATIONAL ISSUES?

The QPS has not yet taken up the CJC's suggestion (1994) that it institute annual "organisational climate surveys" (similar to the New South Wales Police Service). However, some other initiatives have been taken to obtain "feedback":

- exit interviews of staff after resignation (but on an ad hoc basis)
- QPS Corporate Planning has recently commenced an evaluation of the Corporate Services Program which involves focus group interviews with a cross-section of QPS personnel
- the Occupational Stress Working Party recently conducted a "one-off" organisational survey.

These recent initiatives to gauge organisational morale and to gain feedback from employees on various aspects of the QPS's internal management processes are to be welcomed. However, it is important that these exercises are undertaken on a regular basis and the results provided to senior management, who should in due course report back to the organisation (for example, through the Police Bulletin) on the actions, if any, to be taken in relation to the findings.

5. ANCILLARY FUNCTIONS

5.1 RESPONSIBILITY FOR WATCHHOUSES AND PRISONER TRANSPORTS

SHOULD THE QUEENSLAND CORRECTIVE SERVICES COMMISSION (QCSC) TAKE OVER RESPONSIBILITY FOR WATCHHOUSES?

In the CJC's view the QPS should retain responsibility for watchhouses. Watchhouses are, and should remain, short-term holding facilities in which police hold arrested people prior to their appearance before the court: they should not be regarded as an extension of the prison system. If responsibility for watchhouses were to be transferred to the QCSC, it is likely that watchhouses would become permanent mini-prisons: a function which they are not designed to perform. Police are also needed in watchhouses to undertake functions such as fingerprinting, photographing and granting bail (although there may be some scope for civilianisation of watchhouse duties).

There are, however, a number of problems with watchhouses that need to be addressed, particularly overcrowding. The CJC is currently completing a comprehensive research project examining the causes and consequences of watchhouse overcrowding in Queensland. This research shows that the major cause of watchhouse overcrowding is the practice (until very recently) of holding prisoners in watchhouses for substantial periods after they have been picked up on warrants, remanded in custody or sentenced.

In February the Minister issued a directive that no QCSC prisoner was to be held in a police watchhouse for more than seven days. Implementation of this policy appears to have resolved the problem of watchhouse overcrowding and extended stays for the time being (at least in the south-east corner) but it is unclear whether the policy can be maintained over the longer term, given the current capacity of the prison system. It is likely that this policy has exacerbated overcrowding in the prison system, but prisons are

much better suited than watchhouses for holding prisoners for extended periods. The long run objective should be to ensure that no QCSC prisoners are held in watchhouses, unless there are exceptional circumstances.

The CJC has estimated that, if QCSC prisoners were not held in watchhouses, this could potentially free up 25 to 30 per cent of officers currently working in watchhouses for operational duties.

As a general rule, resources need to be spent on upgrading and replacing watchhouses, but not on expanding capacity (except in a couple of cases). If capacity is to be increased, it should be in the prison system, given that it is QCSC – not QPS – prisoners who have been the primary cause of past overcrowding problems.

Wherever it is logistically feasible, prisoner escorts should be the responsibility of QCSC rather than QPS.

5.2 PROSECUTIONS FUNCTION

SHOULD RESPONSIBILITY FOR PROSECUTING (A) SUMMARY MATTERS AND/OR (B) COMMITTALS BE TRANSFERRED FROM THE QPS TO THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (ODPP)?

The CJC's general view is that the ODPP should take over responsibility for conducting committal proceedings throughout the State. Arguments in favour of the transfer are:

- as a matter of public policy, it is desirable that police, as the arresting agency, should not also be the prosecuting authority
- as shown by the CJC's forthcoming evaluation of the Brisbane Central Committals Pilot Project, a transfer would free-up substantial police resources
- this evaluation also shows that the transfer would have potentially substantial non-quantifiable system benefits (for example, increased continuity, improved listing practices, more effective filtering of weak cases).

The ideal position would be for the entire prosecutions function to eventually be transferred from the QPS to the ODPP, although it is acknowledged that this would present substantial logistical and resource difficulties. At a minimum, the ODPP should take over responsibility for complex and/or sensitive prosecutions and any matters where the accused is a police officer.

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CRIMINAL JUSTICE COMMISSION

**SUBMISSION TO QUEENSLAND POLICE SERVICE
REVIEW COMMITTEE**

POLICING STRATEGIES



INTRODUCTION

The Fitzgerald Commission of Inquiry recommended that the Queensland Police Service (QPS) adopt community policing as its primary policing strategy and that crime prevention should become an integral part of the normal activities of every police officer (1989, p. 381). Of all the Inquiry's recommendations, the community policing recommendation necessitated the most widespread changes to the organisation's values, priorities and practices. As noted in the CJC's report on the *Implementation of Reform Within the QPS: the Response of the QPS to the Fitzgerald Inquiry Recommendations* (the "Status Report" 1994, p. 71-72), the full implementation of community policing requires significant changes to resourcing allocations, training, incentive structures, performance measures, information systems, management styles and authority relationships within the QPS.

Issues addressed in this submission include:

- Should the focus remain on community policing?
- How effective is the reactive model of policing in preventing and controlling crime and disorder?
- Has the QPS given sufficient emphasis to crime prevention?
- How should the QPS proceed in the future?

The final section of the submission deals with strategies for tackling organised crime.

SHOULD "COMMUNITY POLICING" REMAIN THE FOCUS?

Seven years after the report of the Fitzgerald Commission of Inquiry, the usefulness of the QPS adopting community policing as its policing style is often questioned both within and outside the QPS. There are three main reasons for this continuing debate over community policing:

- It has been difficult to implement the organisational changes required to support a community policing focus. In the 1994 Status Report, the CJC found that although the QPS had made some gains in the area of community policing/crime prevention over the last few years, there had been relatively little change to the basic operational policing strategies employed in the organisation (p. 69). The implementation of the Inquiry's recommendation was always going to be a challenge as the model was fairly general and required large-scale organisational changes.
- The shift to community policing has potential resource implications, at least in the short term. At the same time as re-focusing the way in which it performs its work, the QPS must continue to respond to calls for service from the public.
- There has been continuing confusion over what "community policing" means. For instance, the CJC reported in its 1994 Status Report that the concept of community policing was not well understood within the QPS (p. 70). The Public Sector Management Commission's *Review of the QPS* (1993, pp. 125-6) drew distinctions between community policing, preventative policing and proactive policing and commented on the overlap between these policing styles. The QPS, in various documents has also referred to confusion about the meaning of the term.

Notwithstanding the confusion over definitions, and the implementation difficulties which have been encountered, it is clear that the QPS needs to re-consider the way in which it delivers services to the community. The limited utility of conventional policing strategies for addressing crime and disorder problems (see below) highlights the need for a change in policing style: regardless of whether it is called "community policing", "problem-oriented policing" or "proactive policing".

The CJC's view is that there is little value in generating further debate about definitions. A more beneficial approach is to describe the characteristics of an effective police organisation and use this model to: (a) assess the progress which has been made to date; and (b) provide a "road map" for guiding future developments within the QPS.

In the CJC's assessment, the characteristics of an effective police organisation are:

- informationally-driven strategies and management
- flexible service delivery
- use of local solutions to deal with local problems
- encouragement of problem-solving, innovation and initiative
- a focus on evaluation
- use of performance measures that reflect the full range of police work, not just crime
- effective mechanisms for obtaining community input
- preparedness to work with other agencies to resolve problems.

HOW EFFECTIVE IS THE CURRENT APPROACH?

Like most policing organisations, the QPS has largely relied on reactive policing strategies: police primarily respond to individual calls or incidents, investigate reports of crimes and undertake random motorised patrols. This style of policing differs from the model outlined above in several important respects:

- It relies on a "generic" method of service delivery, rather than being tailored to the needs and problems of individual communities
- It focuses on reacting to the symptoms of problems, rather than addressing underlying causes.
- There is a narrow focus on "crime", as opposed to the broader "peace-keeping" role of police. This emphasis on crime ignores the extent to which police deal with a variety of incidents relating to neighbourhood disputes, disorder, traffic and so on that never result in a criminal offence report, but which nonetheless may have a significant impact on the quality of life within a community (CJC 1996a).
- Reactive policing, with its heavy reliance on motorised patrols, rapid response, and the like, tends to create a barrier between police and the wider community.

- Because the emphasis is on responding to symptoms, rather than addressing problems, the police have less need to work closely with other agencies, or to take a broader view of crime and disorder problems.

The continued reliance on the reactive model of policing might be justified if it could be shown to be effective in reducing the level of crime and disorder in the community. However, a substantial body of research indicates that motorised random patrols (Kelling, Pate, Dieckman and Brown 1974), increased foot patrols (Weatheritt 1991), rapid response and follow-up investigations by detectives (Greenwood, Chaiken and Petersilia 1977; Kansas City Police Department 1977-79) do not significantly reduce crime. Few researchers would deny that routine and traditional policing have some deterrent effect (see for example, Sherman 1990; Homel 1994), but "more of the same" is unlikely to increase the size of that effect (Homel 1994, p. 32). By way of illustration, in the CJC's recent paper on *Residential Burglary in Queensland* (1996c) noted that even if the number of police patrols were doubled the typical dwelling or business would only be under surveillance for an average of around 60 seconds a day.

CURRENT PROGRESS OF QPS

In recent years the QPS has made *some* steps towards the model of effective policing which was outlined above. For instance:

- a Community Safety Strategy has been drafted
- there has been some broadening of corporate performance indicators
- a computerised system for calls for service system (IMS) is being developed for use at the regional level (so that better local information is available)
- surveys of the community have been conducted about police crime prevention activities
- a Crime Prevention Unit has been established
- the Crime Prevention Unit has set up a working party to bring together relevant agencies and academic researchers to exchange information in relation to crime prevention
- there has been substantial organisational involvement in Neighbourhood Watch, Safety Audits, Adopt-a-Cop and other statewide crime prevention programs
- Police Beat Shopfronts have been introduced in a number of locations
- several initiatives have been undertaken at the regional level (such as the Toowoomba, Ipswich and West End beat policing projects, Stopbreak, the Inala Drug and Alcohol Project).

Despite these positive developments, the conclusion of the 1994 Status Report remains generally valid: by and large, officers still do not undertake community policing or crime prevention activities as part of their daily duties.

The major shortcomings of the QPS's current approach are:

- There is no organisation-wide strategy for promoting a more proactive, preventive orientation within the QPS.

- The focus of many programs is limited to educating the community on security and safety related issues. As shown by the QPS's own evaluation of crime prevention activities, these education programs often have little impact on changing residents' security arrangements.
- Little attention has been given to training and supporting members to utilise alternative policing strategies.
- Crime prevention remains a centralised and specialised function. The Crime Prevention Unit does not have a high profile in the QPS. In addition, crime prevention activities have not yet been integrated into general policing.
- There continues to be an over-reliance on *generic* responses to crime prevention, such as Neighbourhood Watch, rather than initiatives being tailored to the policing needs of specific areas.
- Community Consultative Committees are only active in some areas and it is unclear how, if at all, they are being used for crime prevention purposes.
- Only a limited amount of inter-agency liaison takes place (although the QPS alone cannot be held responsible for this).
- Relatively little emphasis is given to the evaluation of the impact and effectiveness of specific programs and initiatives.
- Innovative regional programs often cease due to lack of continued funding.
- Problem-solving is not a major focus of most policing activity.
- Initiatives such as beat policing are treated as "add-ons" which require additional funding, rather than as mainstream policing activities.

FUTURE DIRECTIONS

There is no simple answer to the question of how to reduce the level of crime and disorder in the community. Different problems have different causes; some of these causes (such as economic disadvantage and cultural factors) are not susceptible to control by police; and, strategies which work in one place at one time will not necessarily be effective when tried somewhere else. For these reasons, the focus of the following discussion is not on proposing specific solutions which should be implemented by police, but rather, on suggesting changes to organisational structures and processes which would enhance the capacity of the QPS to formulate, implement and evaluate preventive strategies at the local level.

The following section briefly addresses two sets of issues: (1) improving the delivery of reactive services; and (2) integrating problem-solving and prevention into day-to-day policing.

BETTER MANAGEMENT OF SERVICE DELIVERY

A common argument advanced by police is that they would be more involved in problem-solving and prevention if they had the time. The CJC recognises that police must continue to provide reactive services, such as responding to calls for service and investigating crime. However, if the police could better manage service delivery, they could also devote more resources to pro-active work.

Some management options include:

- Greater use of single officer patrols. As the Toowoomba, Ipswich and West End beat policing projects have demonstrated, there are many types of calls to which single officers can respond, without safety being a significant issue. For instance, a single officer could be used to take "cold" crime reports (as in Beenleigh and Metro-North).
- Extending the use of negotiated response. Under negotiated response strategies, for appropriate calls, a suitable (later) time for a police officer to attend the call will be "negotiated" with the caller. In some busier centres (such as Beenleigh), negotiated response strategies are already being used to assist in managing station workload.
- Encouraging callers to make reports over the phone or in person at the counter, rather than despatching a car to take the CRISP report.
- Better use of two-officer patrols. A good example is Stopbreak (a North Coast region initiative). When two officers respond to a break and enter call, one officer takes the details for the criminal offence report, while the other officer provides the resident with a security audit and then (in appropriate circumstances) "door knocks" other houses in the street. The aim of the "door knocks" is twofold: to inform other residents about the break and enter for their own security purposes; and to encourage residents to be alert about any suspicious activities in their street. Another benefit of this approach is that police may obtain information which assists in the investigation of the offence.
- Utilising calls for service data to better manage police workload. By identifying addresses and locations which place high demands on police time, police could then initiate action to reduce some of these demands (see CJC 1996b). Calls for service data can also be employed to assist in the rostering of police, so that the number of police "on the road" is more closely tied to the level of service demand.
- Better use of untasked patrol time. Preliminary results from the QPS Activity Survey (1995) indicate that around 22 per cent of officers' time was devoted to "untasked" or nonspecific patrolling. However, American research shows that increasing or decreasing the level of random patrolling in an area does not have any discernible effect on the crime rate, or on public perceptions of safety (Kelling, Pate, Dieckman and Brown 1974). Some or all of the time currently taken up in untasked patrolling could be redirected towards activities such as targeted patrolling of identified "hot spots", or supporting problem-solving activities (for example, investigating why a particular address or location is generating a large number of calls).
- Better handling of false alarm calls. The QPS has estimated that the cost of attending false alarm calls in the Brisbane metropolitan area in 1993 was over \$500,000. One approach which has been proposed is to charge owners/occupiers if officers respond to more than a fixed number of false alarm calls within a particular period. However, other strategies for reducing false alarm calls should also be considered, such as contracting out responding to alarm calls (as in South Australia) or engaging in cooperative problem solving with building occupiers and/or alarm companies. (For instance, in West End, a particular location had generated 12 false alarm calls over a six-month period, despite being linked to a private monitoring company. After a number of conversations between the beat officer, the owner and the monitoring firm, there were no further false alarm calls from this location.)

None of the initiatives outlined above are particularly novel: the QPS is aware of all of these issues and many of the suggested approaches have been, or are being, trialed or implemented in some areas.

However, as noted above, there is currently no organisation-wide strategy in place for managing workload demands and ensuring that existing police resources are used as efficiently and effectively as possible.

A particular strategy for managing resources that the QPS has trialed and evaluated is "clustering". Although clustering provides some resourcing advantages (especially in urban areas), it is a generic response which divorces police from local communities. If clustering is to be retained as a method of delivering reactive policing services, it needs to be underpinned by more localised forms of policing, such as small community police stations and "beats".

INTEGRATING CRIME PREVENTION AND PROBLEM-SOLVING INTO GENERAL POLICING

For crime prevention and proactive policing to be integrated into general policing, changes will be required in performance measures, corporate priorities, selection criteria, training and management. The QPS needs to have the capacity to respond to local problems at the local level: this, in turn, requires developing local expertise and ensuring that police have access to accurate, up-to-date, local information.

Some specific suggestions are as follows:

- Crime prevention strategies need to be tailored to take account of the characteristics of *local* communities, rather than the emphasis being on *generic* strategies (as is the case at present). For example, Cunnamulla is a community which has had significant juvenile offending problems. In response to this problem, a number of diversionary programs have been implemented by local police. Evidence to date suggests that this response has been effective, but the types of diversionary programs that worked in Cunnamulla (rural) may not be appropriate for addressing problems of juvenile crime in Inala (metropolitan). Similarly, a focus on preventing repeat residential burglaries may make sense in some areas, where analysis of data shows that there is a high rate of repeat victimisation, but this approach may be of little value in other areas.
- Prevention strategies also must be varied according to the types of crime and disorder problems which are of concern. To give an obvious example, the factors which contribute to a high rate of alcohol-related violence in and around licensed premises are unlikely to be the same as those which are responsible for high rates of burglary or automobile theft. Accordingly, different solutions are likely to be required for these problems.
- The role of the QPS Crime Prevention Unit should be redefined. If a specialised unit is retained, it should have a "consultancy" function. Instead of running or managing specific programs, the Unit should be available to assist regions, districts and divisions with problems. This role would require that the QPS ensure that the Unit has sufficient expertise and resourcing. The Unit should also be responsible for collecting information about effective crime prevention and policing initiatives developed in Queensland and elsewhere, and ensuring that this information is disseminated to appropriate police personnel throughout the State.
- Consideration should be given to creating the position of "patrol tactician" in larger divisions either by creating a new position (as has been done in New South Wales, and to a limited extent, in Metro-North Region) or re-defining and expanding the role of Divisional Intelligence Officer. The aim should be to ensure that at each station there would be an officer devoted full-time to identifying problems (such as hot spots, crime trends, frequent callers etc). These problems could involve a concentration of break and enters in a particular block; a high rate of thefts from cars in a shopping centre car park; an on-going neighbourhood dispute; noisy parties every Saturday

night; or, a rash of assaults after a particular pub closes on Friday nights. Once problems have been identified, other officers would be delegated to assessing possible strategies for resolving these problems. This could involve implementing a range of diverse solutions, rather than just relying on conventional law enforcement responses.

- Better community consultation mechanisms at the *local* level need to be developed. Communities are not easy entities to organise, particularly in large population centres where there may be relatively little interaction or sense of common purpose among residents. The limited success of the generic strategy of Community Consultative Committees illustrates the need to develop a variety of mechanisms for obtaining input from the community. For example, periodic community surveys (now being used by the QPS in some areas) are an alternative strategy for obtaining the public's views on relevant concerns and issues in the community. Convening meetings of representatives from various community groups and agencies is another option.
- The QPS should do more to encourage and facilitate co-operation at the local level between police and other government agencies (for example, local councils, housing authorities, family services, health). Liaison should be more than just an occasional meeting at which information is exchanged: what is needed are mechanisms where identified local problems can be discussed, with a view to producing possible strategies for their resolution. A good example of successful inter-agency cooperation is the Surfers Paradise Safety Action Project.
- Involvement of police in local town planning should be facilitated. It may be useful to consider ways of preventing crime through environmental design at the planning stages. One strategy might be to amend relevant legislation to require that police are consulted about crime prevention issues, although such police involvement would require the QPS to develop, and maintain, a pool of officers with the expertise to contribute effectively to planning processes.
- Increased use should be made of beat policing, especially in urban areas with a high concentration of calls for service. The CJC's evaluation of the Toowoomba Beat Policing Pilot Project (1995) – a policing initiative which has attracted international attention – established that the project had contributed to a reduction in certain types of crime. Moreover, on standard measures of police work beat officers appear to compare very favourably with regular general duties officers. For example, in Toowoomba in 1995/96, the two beat officers processed an average of 127 CRISP reports, compared with the station-wide average of 76 per operational officers. The beat officers handled in excess of 550 calls for service compared with station average of 270 calls per officer (data provided by QPS Southern Region). The QPS has stated its commitment to expanding the number of beat policing programs, but to date there has been little progress in expanding the beat program to other areas of the State.
- Continuing efforts should be made to improve the accessibility and quality of information available to local officers about the problems in their areas. The current re-development of IMS is a significant step in providing officers with timely local information, but the quality of data being inputted into these systems needs to be improved.
- Internal marketing and training must be a priority. If any strategy is to be successful, officers will need to understand the rationale behind the strategies, and to have the necessary skills and expertise. The best way to market is to demonstrate the effectiveness of the alternatives (for example, the Toowoomba beat policing program gained more credibility among officers at the local station once they had seen what it could achieve).

IMPLEMENTATION

In order to promote a more proactive, preventative focus, some significant changes in management processes and structures will be required. It is a matter for the QPS to determine the best way to proceed, but one possible "plan of attack" would be as follows:

- Officers-in-Charge of divisions would be required, on an annual basis, to undertake, or oversee, an analysis of the policing problems in their areas, drawing upon a variety of data sources in addition to CRISP, such as: calls for service data; surveys; and consultations with community members, community groups and other government and local government agencies.
- On the basis of this analysis, strategies would be formulated for addressing the problems which had been identified. Where appropriate, these strategies should involve the local community and other agencies. (The proposed re-structured Crime Prevention Unit would play a crucial role in this process by providing a "consultancy service" and acting as a "clearing house" for information about possible prevention strategies and consultation mechanisms.)
- As part of the annual performance planning review process, the Officer-in-Charge would undertake to implement the strategies which he or she had identified. Performance would be judged by reference to whether the strategies had been properly devised and implemented; not by whether they necessarily had the desired effect (as this may be beyond the control of local police).
- On at least an annual basis, or more often if appropriate, problems would be re-analysed, the effectiveness of strategies reviewed and any necessary adjustments made.

For these arrangements to work effectively, they would need to be driven from the "top down" through headquarters, regions and districts. This could best be achieved by incorporating the above mechanisms into the overall corporate planning and review process. There also must be appropriate support provided to police at the local level in the form of accessible local information systems, training in analysis and evaluation skills, and provision of advice and information on the design of suitable preventive initiatives.

COMBATTING ORGANISED CRIME

The primary focus of this submission has been on strategies for dealing with the policing problems of local communities. However, some "local" problems – such as drug abuse, drug-related crime and gang violence – are manifestations of the activities of organised criminal groups which operate on a statewide, national, and even international, basis. An effective response to the problems of crime and social disorder therefore must include a strategy for containing and, if possible reducing, the influence and activities of these groups.

The CJC's views on how best to tackle the problem of organised crime have previously been set out in various documents, such as submissions to the PCJC. As much of this material has already been provided to the Review Committee, it is not necessary to canvass these matters in any depth in the present submission. Briefly, however, the CJC considers the following to be key elements of an effective organised crime policing strategy:

- the capacity to undertake the analysis of complex financial transactions
- an effective multi-disciplinary approach represented by legal, intelligence and investigatory personnel in addition to financial analysts

- continuity of investigation supported by the strategic analysis of intelligence and a developed intelligence collection plan
- access to appropriate investigative powers, such as: the power to use listening devices; to intercept and monitor telecommunications; to summons and examine witnesses; and, to require the production of documents
- an effective surveillance capability
- the capacity to offer effective witness protection to co-operating witnesses and informants.

The CJC notes that the QPS has made progress towards this model in recent years, but for a variety of reasons – some of which are beyond the control of the Service – still has only a limited overall capacity to effectively investigate organised crime.

The CJC is aware that some submissions to the Review Committee have raised the issue of the CJC's involvement in the investigation of organised and major crime and, more particularly, its participation in the Joint Organised Crime Task Force. Again, the CJC does not wish to deal with this matter at any length in this submission, as the issues have already been canvassed extensively in other forums (including two PCJC reports). However, the CJC is keenly aware of its obligations under s. 23 (g) of the *Criminal Justice Act* to ensure that 'the most appropriate policing methods are being used consistently with trends in the nature and incidence of crime' and that the QPS is able to respond to those trends. To this end, the CJC has established an internal process for systematically reviewing the QPS's capabilities in the area of the investigation of organised crime, and for providing the Service with advice and assistance in the enhancement of those capabilities.

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CRIMINAL JUSTICE COMMISSION

**SUBMISSION TO QUEENSLAND POLICE SERVICE
REVIEW COMMITTEE**

DISCIPLINE AND COMPLAINTS FUNCTION



BACKGROUND

Much of the focus of the Commission of Inquiry headed by (then) G E Fitzgerald QC and the resultant report was upon the structural, organisational and cultural malaises of the QPS. Fitzgerald recognised that the QPS is at the threshold of the administration of criminal justice and that official misconduct by police officers can cripple the criminal justice system. He noted in his report that official misconduct including corruption can involve not only police but Ministers of the Crown, parliamentarians, judges, law officers and public servants of all types.

Fitzgerald's recommended solution was the creation of a new body independent of executive controls for the administration of criminal justice in Queensland, namely the Criminal Justice Commission (CJC). The elements of that CJC which would address Fitzgerald's findings in respect of official misconduct were the:

- Official Misconduct Division (OMD) – the investigative arm of the CJC
- Intelligence Division – a criminal intelligence service as the hub of an integrated approach to major crime, in particular, organised crime
- Witness Protection Division – a professional witness protection unit to assure the safety of witnesses upon whose information and testimony the criminal justice system depends.
- Research and Co-ordination Division – conducts research into the problems which beset the administration of criminal justice.

The four Divisions increasingly act together to effectively discharge the functions of the CJC, and the success of the CJC in counteracting official misconduct depends to a substantial degree upon an appropriate level of integration and co-operation. In addition, since March of 1993 the CJC has established the Corruption Prevention Division separate from the Official Misconduct Division, further strengthening the CJC's response.

The OMD contains about 50% (131 of 263 staff) of the resources of the CJC and, by comparison with the QPS, represents in personnel and funding terms about 2% of the resources available to the QPS. The staff of the CJC assigned strictly to OMD functions approximates 131 persons, the make up by discipline being:

- seconded police investigators – 46
- contract investigators – 11
- seconded police surveillance officers – 17
- police and civilian technical officers – 3
- lawyers – 19
- accountants (financial analysts and assistants) – 9
- complaints officers – 5
- registry and support personnel – 21.

The Division has an operational personnel to support personnel ratio which is in the order of 6 to 1, which compares more than favourably with organisations such as the National Crime Authority and the Independent Commission Against Corruption in New South Wales.

The Division is split physically approximately 50/50 between the Complaints Section and the Multi-disciplinary Teams (MDTs). The Complaints Section, as the name suggests, receives and processes all complaints or information concerning misconduct within the public sector brought to the notice of the CJC. It is subdivided into a series of functional units, namely:

- the Assessment Committee
- the Assessment Unit
- two Complaint Investigation Teams
- the Review Unit
- the Complaints Registry.

For the purposes of this overview it is sufficient to record that complaints are currently being received at an annual rate of over 3,500 per year and that over the six years of its operation (22 April 1990 to 30 March 1996), the CJC has received 19,404 complaints. At 30 March 1996 there were 387 of these complaints yet to be finalised.

The following are the key complaints statistics to 30 March 1996.

• Standard Complaints Registered (22 April 1990 to 30 March 1996)	13,520
• QPS Breach of Discipline Matters (22 April 1990 to 30 March 1996)	5,884
	<hr/> 19,404
• Standard Complaints Registered (March 1996)	200
• QPS Breach of Discipline Matters (March 1996)	93
	<hr/> 293
• Standard Complaints Finalised at 30 March 1996	13,133
• Standard Complaints Current at 30 March 1996	387

The number of complaints received to date in 1995/96 is close to the number received in the previous year for the same period. In recent months (April, May 1996) we have been receiving complaints at a rate in excess of the average for those months previously.

The CJC would contend that members of the public who are the main source of complaints to the CJC would not approach the CJC unless the CJC's processes were credible. Although difficult to manage, this rate of complaint increase does represent a substantial vote of public confidence in the CJC. Experience with the former Police Complaints Tribunal of the QPS demonstrates that people do not complain to bodies which lack credibility and are not seen as effective (see Fitzgerald Report, pp. 289-295).

The MDTs which account for the other half of the OMD deal with a variety of matters, in particular:

- the more complex or larger complaint investigations
- investigations which require substantial access to the CJC's compulsory powers

- investigations which require specialist input such as financial analysis, mobile and electronic surveillance and/or covert operations
- investigations into organised or major crime which are the responsibility of the CJC under the provisions of section 23(f) of the *Criminal Justice Act 1989*, namely those which are not appropriately or effectively discharged by the QPS
- the support of public inquiries conducted by the CJC.

These teams, as the name suggests, are composed of investigators, lawyers and accountants, supported by intelligence analysts. They are co-located and they involve themselves in more intensive investigations of suspected official misconduct, corruption or major or organised crime. There are five teams, counting the Proceeds of Crime Team, although one team has been incorporated into the Joint Organised Crime Task Force (JOCTF), a co-operative venture with the QPS established to tackle a number of organised crime groups.

In undertaking its review, the Committee will wish to determine whether the CJC has been effective in dealing with the problems reported upon in the findings of the Commission of Inquiry. In responding to this question, the CJC briefly refers to the main factual findings and/or recommendations of the Fitzgerald Report relevant to the functions of the OMD and juxtaposes the current situation as measured by the information available to it.

INVESTIGATIONS OF OFFICIAL MISCONDUCT

FITZGERALD FINDINGS CONCERNING MISCONDUCT BY POLICE

THE POLICE CODE (PP. 202-205)

Fitzgerald reported that under the Police Code 'it is impermissible to criticise other police' and that the Code requires that police 'not enforce the law against other police, nor co-operate in any attempt to do so, and perhaps even obstruct any such attempt'.

There is evidence that the work of the CJC, together with the actions taken by the QPS, is bringing about a substantial cultural realignment within the QPS. Misconduct and corruption are being exposed and reported to the CJC, and investigations undertaken by the CJC are being actively assisted.

For two years there was only a limited change in the attitudes reported upon by Fitzgerald. However, with the removal of many of the persons adversely named during the Fitzgerald Inquiry (known as the 'D' list) and with the establishment of the credibility of the new complaints process, changes started to occur. According to the CJC's Complaints database complaints by police have increased from the negligible numbers reported upon by Fitzgerald prior to the establishment of the CJC to 16.8 per cent of all complaints of misconduct. The following table illustrates the extent of the shift from the Fitzgerald finding that 'it is impermissible to criticise other police'.

***POLICE COMPLAINANTS AS A PERCENTAGE OF TOTAL COMPLAINTS
AGAINST POLICE AS RECORDED BY THE CJC***

	Complaints from Commissioner	Complaints from other Police	Total Complaints from Police
90/91	4.0	3.5	7.5
91/92	1.5	6.1	7.6
92/93	1.2	12.1	13.2
93/94	0.4	14.2	14.6
94/95	0.7	16.7	17.4
95/96 (to date)	0.5	16.3	16.8

Source: Complaints Database

Note: The above table does not include those incidents which police officers are obliged to report to the CJC irrespective of whether the reporting officer suspects any other officer of misconduct, for example, high speed motor vehicle pursuits, deaths or attempted suicides in custody or any serious injury resulting from police action.

Research carried out by the Research and Co-ordination Division into attitudes within the QPS, and a review of a substantial number of complaints files, highlighted the need to be cautious about the figures in the above table, especially insofar as they might indicate the extent of change over recent years. Nevertheless, in the CJC's view, there is no doubt that, on the information available, there has been a major shift in police attitudes and behaviour since pre-Fitzgerald times and that some steady progress is being made. The pattern of change has been variable and there is no room for complacency, but in contrast to the pre-Fitzgerald era many police are no longer prepared to turn a blind eye to misconduct by their fellows. There is an increasing acceptance among police of the CJC's role.

POLICE 'VERBALLING' (P. 206)

Fitzgerald reported upon an endemic problem, perhaps of epidemic proportions, of what became known as 'verballing' within the QPS:

Verballing, or the fabrication of or tampering with evidence, arises out of frustration and contempt for the criminal justice system. It is common, and engaged in by many officers who are otherwise honest. (p. 363).

Conversations with lawyers practising in the criminal courts at the time readily corroborate Fitzgerald's findings.

A lot of the early work of the CJC was taken up with the investigation of such allegations. However, after six years of operation the CJC can report that the incidence of verballing, in particular, the manufacture or falsification of evidence, has significantly reduced.

Lest it be said that this has simply resulted from the advent of mandatory tape-recording of confessional statements and admissions, the CJC would point out that the requirement to tape-record evidence only relates to indictable offences and not to summary hearings in Magistrates Courts, which represent the vast majority of criminal prosecutions.

Figures taken out by the CJC in response to a request for information by the then Shadow Minister for Police, the Honourable Russell Cooper MLA, illustrate just how uncommon such complaints have become.

COMPLAINTS ALLEGING POLICE 'VERBALLING'
(22 APRIL 1990 – 31 MARCH 1994)

Investigated by the CJC and found to be not substantiated	8
Investigated by the CJC and disciplinary action taken	1
Referred to QPS for investigation and found not to be substantiated	3
Investigated by the CJC and found to be not substantiated but disciplinary action taken on related matters	1
Referred to QPS for investigation and found not to be substantiated but disciplinary action taken on related matters	1
Assessed as unable to be productively investigated or not requiring further action	3
Matters canvassed and determined in Courts	3
Out of CJC's jurisdiction (not QPS)	2
Complainants refused to provide further information	2
Complaints withdrawn	1
Vexatious complaints	1
Alleged event occurred prior to 22 April, 1990 – the establishment of the Complaints Section	4
Current investigations	1
Total	31

The CJC recognises that these figures arguably may not represent the complete picture, although the CJC is confident that they are at least indicative of the current situation. Given that the CJC receives thousands of complaints annually from every region of the State, and given that it has achieved substantial success in investigating allegations of police misconduct, the CJC would submit that it cannot be credibly asserted that persons are being convicted upon fabricated evidence without complaint to the CJC.

These facts represent significant evidence that much has been achieved in restoring the integrity of the QPS in Queensland.

THE FAILURE OF THE INTERNAL INVESTIGATIONS SECTION (PP. 288–289)

Probably nowhere in the Fitzgerald Report were the Commissioner's comments more scathing than in his report upon the failure of the Police Internal Investigations Section. He summarised the activities of the now disbanded Section as:

... woefully ineffective, hampered by a lack of staff and resources and crude techniques. It has lacked commitment and will, and demonstrated no initiative to detect serious crime. Corrupt police have effectively neutralised whatever prospect there might have been that allegations against police would have been properly

investigated. The Section's effects have been token, mere lip service to the need for the proper investigation of allegations of misconduct.

The Internal Investigations Section has provided warm comfort to corrupt police. It has been a friendly sympathetic, protective, and inept overseer. It must be abolished.

Fitzgerald's review of the Police Complaints Tribunal (pp. 289-293) was only slightly less acerbic. He reported that the number of complaints lodged with the Police Department fell from 750 in 1980/81 to about 475 in 1985/86. At page 81 he found that the percentage incidence of criminal and departmental charges laid as a result of Internal Investigation Section investigations was a very low 2.2% in 1986/87.

The CJC was inundated with complaints upon the establishment of the Complaints Section on 22 April 1990. In the first three years of its operation complaints received by the CJC increased by an average of 30% per year until the current years when the increase has levelled off. 22% of complaints received (other than those relating to alleged breaches of discipline by QPS officers) are referred to the QPS and other agencies for investigation.

Further, investigations undertaken by the CJC led to criminal or disciplinary action at a rate many times that of the pre-Fitzgerald level.

The tables below show criminal and disciplinary charges recommended by the CJC year by year since the CJC's establishment:

PERSONS CHARGED BY CATEGORY AND FINANCIAL YEAR FROM 21/4/1989 UNTIL 31/5/1996

	89/90	90/91	91/92	92/93	93/94	94/95	95/96*	Total
Police Service	10	165	252	212	206	255	133	1233
Public Service	0	12	40	55	93	74	53	327
Other	34	97	33	29	43	24	55	315
	44	274	325	296	342	353	241	1875

* Partial year only

CHARGES RECOMMENDED BY MAJOR FOCUS OF INVESTIGATION 21/4/1989 TO 31/5/1996

Charge Type	Public Sector Integrity Investigations	Major and Organised Crime Investigations
QPS Breach of Discipline	1107	11
QPS Misconduct	761	4
Public Service Misconduct	438	
Criminal and Other (excl drugs)	1534	280
Criminal - Drug Offences	62	733
	3985	1028
Total Charges Recommended to date = 5013		

Further, the CJC inherited complaints reported to the Police Complaints Tribunal which had been outstanding for many years, some as old as six years.

Early delays in the investigation of complaints resulted from the need to deal with such ancient matters, the need to recruit suitably qualified investigative staff and the early avalanche of complaints which overwhelmed the CJC.

The current position is very satisfactory and has been improving since May 1992 when the CJC was given a discretion whether to initiate or continue an investigation; two-thirds of complaints are now dealt with within four weeks of receipt.

PROCEDURAL RECOMMENDATIONS

The CJC through investigations of alleged official misconduct has highlighted many corrupt schemes and many departmental deficiencies in audit and procedures. The CJC has made a total of 286 separate substantive and procedural recommendations arising from its complaints investigations, both to the QPS and to government departments.

PROCEDURAL RECOMMENDATIONS MADE (1989-1996)

Year	89/90	90/91	91/92	92/93	93/94	94/95	95/96	Total
Procedural Recommendations	2	39	36	57	63	53	36	286

Note: data for 1995/1996 are for a partial year.

MEDIATION AND INFORMAL RESOLUTION

The CJC's policy is to support and enhance the disciplinary process within the QPS. It has sought to achieve this by referring minor matters back to the QPS for investigation, (subject to review of those investigations) thus fostering greater responsibility for personnel management within the QPS. As the reform process has gathered pace within the QPS, and attitudes have changed, the CJC has raised the threshold of matters being referred back so that more complaints received are referred to the QPS for investigation.

The CJC next introduced the mediation of complaints through the auspices of the Community Justice Program of the Attorney-General's Department. A pilot scheme was conducted in South-East Queensland for six months in 1992. Thereafter the scheme was adopted and has been progressively extended to regional areas.

The CJC more recently introduced a further initiative jointly with the QPS involving a system of Informal Resolution which has been practised with success in the United Kingdom since the mid-1980s.

In essence, this program devolves responsibility for dealing with minor complaints to properly trained local supervisors. It has the advantages of speed of resolution and an enhancement of the management role of line supervisors. However, it must be accompanied by the necessary training and certification together with checks on abuse through review by an outside body.

In the United Kingdom it is estimated that up to 50% of complaints against police are dealt with in this way. Given that 70% of complaints received by the CJC are complaints against police, it has the potential to radically alter the profile of the investigation of disciplinary offences and minor misconduct.

The potential benefits flowing from the introduction of this system are great, in particular in respect of enhanced personnel management and the saving of many thousands, perhaps tens of thousands of hours of senior investigators' time; clearly a boon to the QPS.

Research undertaken by the CJC's Research and Co-ordination Division shows that the introduction of informal resolution has:

- significantly reduced the amount of time required to finalise complaints of a minor nature against the police
- markedly improved complainant satisfaction with the complaints investigation process.

Clearly there is scope for greater use of this facility, in particular in respect of the immediate resolution of complaints by way of "desk top" process. Too often the matter is passed up the line, rather than being attended to at the time a complaint is made.

THE REFERRAL OF MATTERS TO THE QPS

Fitzgerald envisaged (p. 315) that only minor or purely disciplinary matters would be referred to the Chief Executives of Departments or the Commissioner of Police to investigate and take appropriate action. With complaints running at nearly 3,500 per annum, which is over three times the number dealt with by the Internal Investigations Section of the QPS in its last year of operation (1989), the CJC does not have the staff or resources to investigate all matters of misconduct referred to it. Thus it asked for, and was eventually granted, an amendment to its legislation, which took effect on 13 May 1992 giving the CJC a discretion whether to investigate a matter or to decide the extent of that investigation. Thereafter the CJC set and published criteria for the exercise of this discretion. Currently the CJC refers approximately 24% of all complaints of misconduct against police to the QPS for investigation on its behalf. The QPS's decision is then referred to and reviewed by the CJC prior to the matter being finalised.

ISSUES

The CJC desires to take this opportunity to bring to the Review Committee's attention important matters which have arisen during the discharge by the CJC of its statutory functions. In each case, these issues impact importantly on the operations of the QPS as well as the CJC and were repeatedly raised by various QPS members during the Review Committee's consultative meetings. The CJC desires to brief the Review Committee on these matters with a view to seeking the Committee's intervention or support, for example, to bring about legislative change or to alter existing arrangements.

UNDERCOVER OPERATIONS

In the report of the Commission of Inquiry into Operation Trident published in March 1993 the Honourable W Carter QC acknowledged the importance of covert operations as a tool for investigators in circumstances where conventional methods had failed or could not be applied in the detection of crime. He recognised that the circumstances requiring covert operations will become more and more frequent as criminals and criminal groups become better organised and utilise new technology.

Commissioner Carter considered the extent to which legislative control of covert operations was necessary. After considerable deliberation, he was persuaded to the view that total legislative control was unnecessary and undesirable. He referred specifically to procedural matters such as the assessment of information which may enable a covert operation to proceed and the subsequent methodology applied as being best left to a flexible regime, the accountability and responsibility of which is vested in the Commissioner of Police or the Chairperson of the CJC.

On the other hand, Commissioner Carter was strongly of the view that there should be a legislative framework to establish clear authority to undertake covert operations and to provide protection for covert operatives carrying out activities in compliance with specified conditions.

The CJC adopts completely these conclusions reached by Commissioner Carter. It also agrees with the recommendations made by him and, in particular, the following significant ones:

1. That the Commissioner of Police and the Chairperson of the CJC respectively be given clear legislative authority to:
 - a. Apply specific terms, conditions or limitations to particular covert operations; and
 - b. Permit or prohibit specific activities in which a covert operative may participate. Where there was a reasonably foreseeable consequence that a person would be injured then, of course, no approval could be given to conduct that specific activity.
2. That the Commissioner and Chairperson respectively be given authority to appoint in writing any police officer to perform duty as a covert operative.
3. That the Commissioner and Chairperson respectively be given authority to define, in writing, the limits within which activities may be undertaken by persons who are utilised as covert operatives.
4. That there be specific legislative provision allowing for the exoneration of a covert operative who has committed a criminal offence where that operative can show that his/her actions were reasonable in all of the circumstances of the case and to provide that that person was neither a principal offender nor an accomplice.
5. That there be a statutory provision allowing for a covert operative and covert controller acting with the authority of the Commissioner and Chairperson respectively to assume an identity other than his or her own and be in possession of any document relating to that assumed identity. This should extend to false registrations in relation to motor vehicles used in the covert operation.

The CJC was involved in preliminary discussions with the QPS to prepare a draft Cabinet submission for Cabinet's consideration of legislation incorporating these recommendations. Since that time the matter seems to have been sucked into a "black hole". In the CJC's view, this legislation is of paramount importance for the protection of covert operatives and the maintenance of the integrity of covert operations.

THE CJC INHIBITS POLICE IN THE PERFORMANCE OF THEIR DUTIES

This allegation has taken various forms over the six years of the CJC's existence, but, in its crudest form, it alleges that police can no longer take necessary action because of the fear of being reported to, and investigated by, the CJC.

This allegation is not restricted to the QPS and has also been uttered by some teachers' representatives. In respect of the QPS fear rather than fact may weigh on the minds of some police officers, although the allegation has been less frequently raised in recent years as the processes of investigation by the CJC became more widely understood.

It is not alleged that the CJC actually interferes in police operations or prevents police from getting on with their work in the requirements it makes when discharging its responsibilities. Rather it is claimed that the fear of a CJC investigation should a citizen make a complaint deters police from taking action that they would otherwise take.

Clearly if this fear prevents police from engaging in misconduct, the CJC is doing what it was set up to do.

If, on the other hand, police are discouraged from taking appropriate action because of concerns about complaints being made against them, the accountability system is having a negative impact on law enforcement and this would be of concern to the CJC.

In the CJC's view there is no basis for concern that criminal or disciplinary action will be taken against police officers as a result of a CJC investigation if the subject officer has done nothing wrong. Those who express concern about the CJC's activities cannot point to any case in which a police officer has been wrongly convicted of a criminal offence or unjustifiably had a disciplinary sanction imposed as a result of a CJC investigation.

Obviously, however, officers are sometimes the subject of investigations when they have done nothing wrong; the CJC accepts that this is stressful for the officers concerned and could act as a disincentive to their taking appropriate action in the future.

The CJC has taken a number of initiatives to address this problem.

- **INITIAL ASSESSMENT**

All complaints upon receipt are referred to the Assessment Unit of the Complaints Sections to enable preliminary inquiries to be undertaken to help identify matters which do not warrant further investigation. During this process a significant proportion of complaints are finalised without a full scale investigation being conducted and without the subject officer being required to provide an account or explanation of his or her actions.

- **EXPERT REVIEW**

Before a complaint is detailed for investigation the material collected by the Assessment Unit is considered by a senior Legal Officer and a Detective Inspector of police. Only if they consider the matter warrants further investigation and they persuade the Chief Officer of the Complaints Section that this is appropriate will the matter proceed to a full investigation.

The CJC has now processed in excess of 19,000 complaints and it has obviously therefore acquired a high degree of expertise in identifying matters which reasonably raise a suspicion of misconduct. The number of complaints received continues to increase and the CJC has no desire or capacity to undertake investigation into matters not warranting such examination.

- **INFORMAL RESOLUTION**

At the instigation of the CJC, in conjunction with the QPS, a system of informal resolution of complaints has been designed and implemented. This allows complaints to be more speedily resolved without fault

or blame being attributed to either party. It assists officers to change their conduct where necessary without placing them in jeopardy of having a sanction imposed.

- **ADDRESSES AND PRESENTATIONS**

Staff from the Complaints Section frequently address groups of police officers at the Police Academy, at universities, at the Chelmer Police College and at the CJC on the role and function of the CJC with particular emphasis on the handling of complaints against police. This helps police understand the process and leads them to accept that if they have done nothing wrong they have nothing to fear from a CJC investigation.

- **FALSE COMPLAINTS**

The CJC has always had a policy of causing people who wilfully make false complaints against police to be prosecuted. However, the provisions of the *Police Service Administration Act 1990* and the *Vagrants Gaming and other Offences Act 1931* which create the offence are very onerous for the prosecution to satisfy. For this reason the CJC successfully sought an amendment to the *Criminal Justice Act* to create an offence of wilfully making a false complaint to the CJC. So far more than twenty such prosecutions have been initiated.

The CJC considers the concerns held by some police about the CJC's investigations are largely unfounded and as a result of the initiatives referred to above they are not widespread. It may be that a small number of officers who are for various reasons disinclined to actively enforce the law will continue to use the CJC as an excuse for not doing their job. However, the CJC considers that the majority of police now accept civilian oversight of complaints as an integral part of the accountability system and realise that unjustified complaints are part of a policeman's lot which should not discourage them from taking whatever appropriate action a situation requires. In any event, what is the alternative? Because of largely irrational fears, is it suggested that police misconduct should not be investigated? Clearly, this is an unsustainable proposition.

THE CJC EXPOSES THOSE THAT IT INVESTIGATES TO A RISK OF DOUBLE JEOPARDY

This allegation was frequently made to the Review Committee. It was said that the CJC infringes the rules of double jeopardy by taking or recommending disciplinary action against an officer in relation to circumstances which also give rise to a criminal charge against the officer. Such complaints result from a misunderstanding of the law.

The confusion probably stems from misconstruing several provisions of the statute law, including:

- s. 16 of *The Criminal Code* which provides that '[a] person cannot be twice punished either under the provisions of this Code or under the provisions of any other law for the same act or omission, except in the case where the act or omission is such that by means thereof he causes the death of another person, in which case he may be convicted of the offence of which he is guilty by reason of causing such death, notwithstanding that he has already been convicted of some other offence constituted by the act or omission'
- s. 17 of the *Criminal Code* which provides that '[i]t is a defence to a charge of any offence to show that the accused person has already been tried, and convicted or acquitted upon an indictment on which he might have been convicted of the offence with which he is charged, or has already been acquitted upon indictment, or has already been convicted, of an offence of which he might be convicted upon the indictment or complaint on which he is charged'

- s. 45(1) of the *Acts Interpretation Act 1954* which provides that 'if an act or omission is an offence under each of two or more laws, the offender may be prosecuted and punished under any of the laws, but the offender may not be punished more than once for the same offence'.

The High Court has decided that an administrative tribunal charged with the duty of dealing with breaches of discipline does not sit as a court of law and that the 'offences' created by a disciplinary code are not 'criminal offences'. (*R v White*, ex parte Byrnes (1963) 109 CLR 665).

It has also been held that a direct effect of this classification is that an 'offence' against discipline cannot be an 'offence' in respect of which s. 17 of the *Criminal Code* could operate. Furthermore, although s. 16 of the Code refers to the expression 'act or omission' and not to the term 'offence', the section has been interpreted as referring to acts or omissions punishable as offences because the Code does not contemplate punishment being imposed otherwise than upon a conviction for an offence. (see *Sudi Yaku v Commissioner of Police*, ex parte The State (1980) PNGLR 27 and re *Seidler* (1986) 1 Qd R 486) In *Seidler's* case, Carter J explained the rationale for this approach:

It would be absurd if a public servant convicted of stealing monies from his employer by a criminal court, could not then be dismissed from service. Conversely, where an employee was demoted or disgraced as a result of disciplinary proceedings, it would be equally incongruous if later criminal action in respect of that act or omission could not be instituted.

His Honour held that his reasoning applied equally to s. 45 of the *Acts Interpretation Act*. The logic of this approach is explained in the following passage from a judgment of the Saskatchewan Court of Appeal in *R v Wigglesworth* (1984) 7 DLR (4th) 361, at 365-366 upon which His Honour relied:

A single act may have more than one aspect, and it may give rise to more than one legal consequence. It may, if it constitutes a breach of the duty a person owes to society, amount to a crime, for which the actor must answer to the public. At the same time, the act may, if it involves injury and a breach of one's duty to another, constitute a private cause of action for damage for which the actor must answer to the person he injured. And that same act may still have another aspect to it: it may also involve a breach of the duties of one's office or calling, in which event the actor must account to his professional peers. For example, a doctor who sexually assaults a patient will be liable, at one and the same time, to a criminal conviction at the behest of the State; to a judgment for damages, at the instance of the patient, and to an order of discipline on the motion of the governing council of his profession. Similarly, a policeman who assaults a prisoner is answerable to the State for his crime; to the victim for the damage he caused, and to the police force for discipline.

It has been recognised that part of the confusion of those who support the double jeopardy argument stems from their misconceiving the character of disciplinary proceedings. Unlike the criminal law, the object of disciplinary proceedings is not to punish the transgressor. For example, it has been held that the object of disciplinary proceedings under the discipline regulations governing the AFP is 'to protect the public, to maintain proper standards of conduct by members of the Australian Federal Police and to protect the reputation of that body' (see *Hardcastle v Commissioner of Police* (1984) 53 ALR 593). The court there held that:

[t]here is no room for the application of what is sometimes misleadingly called the principle of double jeopardy in this case. If the appellant were charged with, and convicted of, the same unlawful assaults as are the subject of the disciplinary offence he would not face double jeopardy or be punished twice for the same offence. He would be convicted of an offence against the criminal law and be guilty of a breach of the disciplinary code of the Australian Federal Police. The two proceedings are essentially different in character and result.

THE CJC'S INVESTIGATIONS TAKE TOO LONG TO BE FINALISED

There were unacceptable time delays for a period after the establishment of the Complaints Section which caused hardship to some persons.

Having regard to the statistics referred to below the CJC considers the vast majority of complaints are now finalised in a timely fashion and that concerns about delays stem from problems experienced by the CJC in times past.

A number of factors contributed to delays in some cases including:

INSTANT BACKLOG

When the Complaints Section was created in April 1990 it immediately received 66 matters which had been referred to the Police Complaints Tribunal and it was then nearly buried in an avalanche of complaints flowing from the release of a pent up demand for an independent investigation of complaints against police. The effect was that after five months of operation the Complaints Section had over 628 matters on hand.

LACK OF STAFFING

Although as mentioned above the Complaints Section commenced receiving complaints in April 1990 it was not until August 1990 that the filling of 15 Inspector positions within the Complaints Section enabled the CJC to begin addressing the backlog. During the initial months the Complaints Section struggled on with six investigators.

NO DISCRETION

It was not until amendments were made to the *Criminal Justice Act* in May 1992 that the CJC was granted any discretion as to which matters it investigated. Unless a complaint could, upon receipt, be dismissed as vexatious or frivolous, the CJC was obliged to undertake some investigation.

INCREASING WORKLOAD

Throughout the first three years of its operation the receipt of complaints continued to increase dramatically. In 1990/91 the CJC received 1,916 complaints. In 1991/92, 3,123 complaints were received. Currently, complaints are being received at a rate of over 3,500 per year. Obviously an increasing workload with a fixed staff establishment made it difficult for finalisation rates to be improved upon.

However, as a result of the restructuring of the Complaints Section, the growing expertise of its officers and a number of other initiatives the CJC has overcome these problems.

As a result of continuing efforts to improve finalisation times now approximately 60% of complaints are finalised within two weeks of receipt. Almost 70% of complaints are finalised within eight weeks and over 80% of complaints are finalised within 12 weeks. During 1994/95 complaints were finalised on average before 9 weeks. Whilst the CJC appreciates that these figures indicate that slightly less than 20% of

complaints take longer than 12 weeks to finalise there are a number of factors which can contribute to this. For example:

- It is sometimes considered desirable to await the outcome of the trial of the criminal charges which arose out of the incident which gave rise to the complaint. During such proceedings all the parties will usually give evidence on oath and be subject to cross examination. To conduct a parallel investigation would, in some cases, be a duplication of effort and waste of scarce resources.
- In other cases witnesses may not be immediately available.
- Financial analysis of complex commercial transactions or accounts or the convening of investigative hearings or other time consuming investigative steps may delay matters being completed.

In comparison to the average of nine weeks taken to determine a complaint matter by the CJC, those matters referred to the QPS for further investigation are taking between 21 and 38 weeks to finalise.

The CJC appreciates that it is in the interests of both the complainant and the subject officer for complaints to be finalised as quickly as possible. It is the CJC's experience that the chance of sustaining a valid complaint increases if the matter is investigated immediately. The CJC also understands that the longer an investigation drags on the greater the stress on the subject officer. For these reasons it has constantly sought to improve its procedures with a view to reducing the time taken to finalise matters. Those efforts are bearing fruit.

THE CJC HAS FAILED TO TAKE ACTION IN RELATION TO FALSE COMPLAINTS

Police officers, from time to time, alleged to the Review Committee that the CJC has no interest in pursuing persons who make false allegations against police officers.

It has been CJC policy to pursue prosecutions in these matters wherever a charge can be proven and there are no obvious extenuating circumstances. The CJC appreciates the distress false complaints must cause to subject officers. However, the offences which are created by s. 34A of the *Vagrants Gaming and Other Offences Act* and s. 10.21 of the *Police Service Administration Act* are difficult to prove for the following reasons:

- It must be proven beyond reasonable doubt that the complainant knew that the allegations he or she made were false.
- It must be proven beyond reasonable doubt that the complainant knew that the representation would reasonably call for an investigation by a police officer.
- A prosecution cannot proceed on the uncorroborated evidence of a police officer or officers. That is it cannot proceed unless there is evidence from some external or independent source no matter how many police officers swear to the falsity of the allegations.

For these reasons and because there was doubt as to whether a complaint made directly to the CJC could form the basis of a prosecution under either of the above two sections, the CJC urged the amendment of the *Criminal Justice Act* to create a new offence of making a wilfully false complaint to the CJC. That has now been included as s. 137 of the Act. The new section does not have the burden of the requirement that the falsity be corroborated by independent evidence but like the two pre-existing provisions it authorises

the court to order the payment of compensation to the CJC for the costs incurred as a result of its investigation of the false complaint.

The new provision of the Act is not free from difficulty either, however. It would not appear to have application to complaints lodged at a police station before on-forwarding to the CJC. Such complaints obviously account for a large proportion of matters handled by the CJC and those matters will still need to be dealt with under the *Police Service Administration Act* or the *Vagrants Gaming and Other Offences Act* with the attendant difficulties. It is recommended that s. 137 be further amended to take this fact into account.

SHOULD THERE BE AN APPEAL IN RESPECT OF QPS DISCIPLINARY SANCTIONS?

After a matter has been investigated by the Official Misconduct Division, and it is considered that disciplinary action is warranted:

- the Chairman of the CJC may authorise the Director of the Official Misconduct Division to refer a report to the Commissioner of Police to cause an officer to be charged with official misconduct (s.33(2)(g)). In these circumstances the Commissioner of the QPS is obliged to take disciplinary action by charging the officer with official misconduct; or
- the Complaints Branch may refer a report to the Commissioner of the Police Service for disciplinary action if, in the opinion of the Chief Officer of the Section, the matter involves or may involve cause for taking disciplinary action other than official misconduct.

Official Misconduct is the most serious type of disciplinary offence. It requires evidence of misconduct which could amount to a criminal offence or a breach of discipline warranting dismissal.

During 1991 and 1992 the CJC became increasingly concerned that the Misconduct Tribunals were taking an excessively legalistic view of the evidence gathered by the CJC investigations and were dismissing charges which the CJC considered could be fairly made out. The CJC was also concerned that the hearings were taking a long time to finalise.

As a result, the CJC began to refer more matters to the QPS for disciplinary action, despite the fact that if the allegations were proven the matters could amount to official misconduct.

However, after a period the CJC began to have equal concerns at some of the decisions being reached by the QPS disciplinary process.

Therefore, in mid 1993 the CJC engaged Mr Terry Frankcom, a former Stipendiary Magistrate, to review the handling of a number of disciplinary matters which had been referred to the Police Service by the CJC. It should be noted that all of these matters could have been referred to the Misconduct Tribunals.

Mr Frankcom reviewed 15 matters involving 30 disciplinary charges against 19 police officers. Mr Frankcom concluded that there was sufficient evidence to substantiate 23 of the 30 charges. However, only four of the charges were found proved against the officers by the Queensland Police Service.

In relation to the four matters that the Service found sufficient evidence existed, Mr Frankcom considered that in two of those matters the penalty imposed was manifestly inadequate.

Mr Frankcom concluded that there were 12 charges against eight police officers where he considered that justice had not been done.

In summary, Mr Frankcom observed that:

- there was inordinate delay in the resolution of the matters;
- amendments to the *Criminal Justice Act* 1989 to enable the appeal by the CJC from decisions of the QPS was necessary; and
- matters be referred to the Misconduct Tribunals, where the proof falls short of the Criminal standard, unless they are very minor discipline matters, which may be referred to the QPS.

In some of the cases reviewed by Mr Frankcom no reasons had been provided as to why the matters were found to be unsubstantiated.

In fairness to the Queensland Police Service it must be noted that the matters in question are relatively few in number as compared with the total number of matters referred.

Section 49 of the Act provides for an appeal from a decision concerning a disciplinary matter by an *aggrieved person* to the Misconduct Tribunals. However, it is clear that the CJC would not be an aggrieved person for the purposes of the section. Therefore, the current position is that the CJC cannot appeal from a decision in relation to a disciplinary matter.

Short of amendment the Act, the CJC proposed to the Commissioner of the Police Service the engagement of an independent person to audit the police disciplinary process. The Commissioner agreed to this proposal and a memorandum of understanding appointing former Supreme Court Judge, the Hon W Carter QC, was signed. The functions of Mr Carter are:

- to review individual cases that come to attention where it is alleged that inadequate disciplinary action has been taken;
- at least once in each period of six months, conduct an audit review of a cross-section of matters in which disciplinary action has been taken or considered;
- to make recommendations to the CJC and the Police Service to address any problems which emerge during the review.

Mr Carter is currently finalising his review of 80 disciplinary cases selected at random. A copy of his report will be forwarded to the Review Committee upon its completion.

The all party Parliamentary Criminal Justice Committee in its 1995 report of its review of the activities of the CJC drew the following conclusion and made the following recommendation:

Conclusion 18

The Committee believes that the Commission should be able to refer matters of a minor or disciplinary nature to the Queensland Police Service for action. However, matters of a more serious nature, that if proved, would constitute official misconduct (that is, which could result in dismissal or would constitute a criminal offence), should not be referred to the Police Service. Further, the Committee is convinced that the Commission should have the ability to appeal from decisions of the Police Service, or any other Department, pursuant to s.49 of the Act.

Recommendation 13

The Committee recommends that s.49 of the Act be amended to provide that the Commission may appeal to a Misconduct Tribunal from a decision in respect of a disciplinary charge of misconduct.

THE DUTY TO REPORT MISCONDUCT

In considering this topic the following issues arise for consideration:

- What Type of Conduct should be Reported – Criminal Conduct, Official Misconduct, Misconduct, Breach of Discipline
- What level of knowledge should be required before the duty to report arises
- To whom should the report be made – to the Commissioner of Police and/or the CJC
- Should the Commissioner have a further discretion in deciding what conduct should be reported to the CJC

The CJC would contend that the relevant considerations are:

- The Fitzgerald Inquiry recommended that:

The Commissioner of Police, on guidelines to be determined by the CJC, . . . be required to refer all internal or external complaints alleging misconduct by police officers to the complaints branch in the first place, for determination of the appropriate action to be taken in each case.

This recommendation was implemented by Section 37(3) of the *Criminal Justice Act 1989*.

- Fitzgerald also recommended that every police officer (regardless of rank) be under a duty to report to the CJC all misconduct or suspected misconduct by police officers other than of purely disciplinary significance. He also recommended that *"no police officer should have a discretion whether or not to refer any allegation of police misconduct (other than of purely disciplinary significance) for investigation by the independent body"*. On the other hand, he recommended that complaints of a purely disciplinary nature should be dealt with at regional level in a simple, streamlined way by the regional commanders or by a commissioned officer nominated by a particular regional commander.

This recommendation was implemented by Section 7.2 of the *Police Service Administration Act*.

- These recommendations of Fitzgerald were based on his findings that corruption had flourished in the Police Service as a result of the police code of silence and management not accepting responsibility for disciplinary action.
- At present any police officer who suspects that another officer may be guilty of misconduct is obliged to complete QP Form 307. By arrangement between the Commissioner of Police and the CJC, a copy of that form is faxed to the Complaints Section. Complaints are assessed the day of or the day after receipt to determine what action is required by the CJC or the QPS. Since the Complaints Section was established on 22 April 1990, the threshold of the seriousness of matters referred back to the Police Service for investigation has gradually been raised. Over the last six months, approx. 21% of allegations of misconduct made against police officers received by the Complaints Section have been referred back to the Police Service for investigation.

- Matters investigated by the Police Service are reviewed by legal officers of the Complaints Section to ensure that the investigation has been properly conducted and that any recommendations are soundly based.
- In addition to complaints of misconduct by police officers referred to the Complaints Section by fellow police officers, officers are also required to report cases involving serious breaches of discipline. This arrangement has been reached by agreement with the Commissioner of Police as a safeguard to ensure that police officers are properly assessing complaints. This is particularly important because of the difficulty in categorising conduct having regard to the definitions, "breach of discipline" and "misconduct" in the *Police Service Administration Act*. The taking of disciplinary action is not delayed by the need to report as the arrangements in place are that the Police Service will continue dealing with the alleged breach of discipline unless advised to the contrary by the Complaints Section. Even where the Complaints Section disagrees with the categorisation of a matter as a breach of discipline and is of the view that it involves misconduct, in the vast majority of cases the matter would be left with the Police Service for investigation and the only additional requirement would be that a copy of the investigation report be forwarded to the Complaints Section for review.
- Only a small percentage of matters initially assessed by the Police Service as involving a breach of discipline are reclassified as misconduct as a result of the assessment of the Complaints Section.

In the Commission's view:

- There is no justification for departing from the existing statutory requirements for police officers to report misconduct to the Complaints Section. Nor is there any cause to change the existing arrangements relating to the reporting of matters involving breaches of discipline. These arrangements are expeditious and contain appropriate safeguards in the form of civilian overviewing of the assessment process.
- The existing duty to report is unambiguous. Increasing the discretion of police officers to report misconduct and breaches of discipline either internally or to the Complaints Section will only lead to greater confusion over whether particular matters should be reported or not and to inconsistent approaches to reporting from officer to officer and from region to region.

NEED TO PROMOTE MORE PROACTIVE AND PREVENTIVE STRATEGIES FOR MINIMISING MISCONDUCT

In considering such strategies the following issues arise for consideration:

- What are the principal causes of misconduct?
- What can management do to address these causes?
- What use can be made of complaints data to minimise categories of misconduct?

The CJC would contend that the relevant considerations here are:

- The Fitzgerald Inquiry reported that:

"The Queensland Police Force is debilitated by misconduct, inefficiency, incompetence, and deficient leadership. The situation is compounded by poor organisation and administration, inadequate resources, and insufficiently developed techniques and skills for the task of law enforcement in a modern complex society. Lack of discipline, cynicism, disinterest, frustration, anger and low esteem are the result. The culture which shares responsibility for and is supported by this grossly unsatisfactory situation include contempt for the criminal justice system, disdain for the law and rejection of its application to police, disregard for the truth, and abuse of authority"

- One of the initiatives taken by the QPS to address these problems was to establish the Professional Development Program. The CJC, through its Corruption Prevention Division, has had a high level of involvement in this Program since 1993 in relation to the following areas:
 - i. corruption prevention techniques,
 - ii. responsible decision making,
 - iii. public sector ethics.
- The CJC has regularly presented lectures at the QPS Academy on the role and function of the CJC and more recently on ethics.
- The CJC has also had a high level of involvement in the development of content material on ethics training for the Constables Development Program and CAPS.
- The CJC has had a substantial involvement in the establishment of the QPS's Operation Honour and has an ongoing liaison and consultancy role with staff of the operation.
- Further to the work of the Corruption Prevention Division, the Research and Co-ordination Division has commenced detailed analysis of the Complaints Section's data bases to identify trends in complaints and which Districts and Regions are over-represented statistically in relation to particular types of complaints. Based on this analysis the CJC will enter into projects with the QPS with a view to taking proactive measures to reduce complaints in the problem areas.
- The OMD is currently conducting several proactive covert investigations aimed at uncovering and prosecuting serious corrupt activities involving public officials including police officers.

In addition to these initiatives, the CJC maintains that:

- The Queensland Police Service needs to develop a Service wide, integrated misconduct prevention strategy that addresses the two major factors that contribute to misconduct and criminal behaviour within the Service – namely, the lack of responsible ethical decision making training and the management shortfalls that create the opportunities for misconduct to occur and to remain unreported.
- This prevention strategy needs to be given a high priority and to be actively and visibly promoted by the senior command of the Service.
- All public sector agencies in Queensland are required to develop and provide training on the agency's code of conduct under the provisions of the Public Sector Ethics Act 1994 and a revision of the Police Code of Conduct is currently being undertaken. However research at both state and national level indicates that as a police officer progresses from recruit to experienced police officer his/her ethical standards diminish as does his/her inclination to report misconduct on the

part of fellow officers. A Code of Conduct alone is unlikely to effect a significant change in this situation.

This indicates that specific training on responsible and ethical decision making should be integrated at all levels of a police officer's training and that it should be a component of all formal professional development and assessment procedures at each stage of an officer's career. Some opposition to this integrated ethical training may be expected from some senior officers of the Service. In some instances this opposition may be based on a genuine concern that officers cannot be spared from operational duties to attend such training.

- The CJC does not believe that effective responsible decision making and ethics training can be provided by distance education facilities.
- Senior officers are expected to lead by example because research suggests that much of the police culture is absorbed from older and senior officers. Therefore the CJC is of the view that senior officers should be required to take part in extensive training on responsible ethical decision making so that they can become thoroughly conversant with the concepts being taught and so that they will actively promote an ethical regime. This will demonstrate the QPS's commitment to ethics training.
- The other key element in a proactive misconduct prevention strategy is reducing the opportunities for misconduct to occur through improved management systems.

Therefore the Service should develop, implement and monitor a strategic policy on the management of misconduct risk. The CJC is of the view that all officers of the rank of Sergeant and above should receive training in risk assessment and strategic risk management as part of a coordinated Service-wide misconduct prevention strategy.

- Based on analysis of complaints data by the Research and Co-ordination Division, the CJC and QPS should undertake projects designed to reduce the incidence of particular types of misconduct.

SHOULD THE CJC RETAIN JURISDICTION OVER MISCONDUCT BY POLICE, OR SHOULD JURISDICTION BE RESTRICTED TO SUSPECTED OFFICIAL MISCONDUCT?

INTRODUCTION

A number of submissions to the Review Committee have suggested that the role of the CJC in discipline matters be confined to those allegations which, if proven, could amount to official misconduct.

It is suggested that complaints which only allege misconduct by a police officer be dealt with by QPS without any referral to the CJC.

Presently such matters are required by section 7.2 of the *Police Service Administration Act* to be reported to the CJC. Generally, they are then referred back to the region in which the incident occurred for investigation. The report of that investigation is sent to the PSU for overruling and, once that office is satisfied all necessary inquiries have been undertaken, the report is sent to the CJC where the report is again reviewed and all parties are notified of the outcome.

When assessing the proposed change to those arrangements, in the Commission's view, regard should be had to the following considerations:

CONSIDERATIONS

- Has QPS demonstrated an ability to satisfactorily conduct disciplinary investigations so that it can be concluded that external oversight of this process is no longer needed?
- Would such a change be in the public interest?
- What are the trends elsewhere?
- Would implementation of the proposal impact upon the ability of the CJC of pursue official misconduct?
- What would be the practical significance of the proposal?

HAS THE QPS DEMONSTRATED AN ABILITY TO SATISFACTORILY CONDUCT MISCONDUCT INVESTIGATIONS?

Generally speaking, it is the Commission's experience that the QPS has not yet demonstrated the ability to effectively and impartially investigate complaints of misconduct against its own members. The available evidence, comprising all misconduct investigations undertaken by the QPS and reviewed by the CJC, does not provide a sufficient basis for the CJC to be confident that police officers generally are capable of adequately investigating such complaints without civilian oversight.

Presently slightly more than 20% of complaints assessed as raising a suspicion of misconduct are referred to the QPS for investigation. Whilst the CJC acknowledges that the majority of these are adequately investigated, a significant number suffer from one or more of the problems mentioned below.

EFFICIENCY OF QPS INVESTIGATIONS

Delay

Speedy resolution of complaints is in the interests of all parties: the complainant; the subject officer; and his or her superiors and subordinates who have to rely on the officer in the work place.

Complaints which are assessed by the CJC as raising a suspicion of misconduct of a relatively minor nature¹ are referred directly to the Assistant Commissioners who detail them down to the appropriate level for investigations. The report then comes back to the Regional office, where it is overviewed, and is referred to the PSU where it is again overviewed before being referred to the CJC.

In accordance with the provisions of paragraph 18.4.4 of the QPS HRM Manual [Discipline], a member of the Service instructed to carry out investigations into a matter of misconduct that has been referred by the CJC to the Service for investigation *must complete* the investigation as soon as possible but not later than twelve weeks from the date instructed to undertake the investigation. This is frequently not met.

A review of all minor misconduct matters referred back to the QPS in the period 1 July 1995 to 31 December 1995 indicated that only 13% were finalised within 12 weeks and after 32 weeks, 40% were

1 For example assaults or excessive use of force that does not result in injury requiring medical attention, obscene language etc.

still outstanding. Table 1 in appendix 1 provides a detail of the finalisation time of those minor misconduct matters.

The average time taken by regions to investigate minor matters and to report to the CJC varies from 21 weeks in the case of State Crime Command to 38 weeks in Northern Region. Only two regions average less than 30 weeks for these investigations. See table 1 in appendix 1 for a complete breakdown of these delays.

Reasons for delay are many and varied, but include the need of the investigating officer to rationalise competing priorities; such as attending to other duties, attending courses, taking recreation leave and incompatible shifts of the investigating officer and the subject officers or police witnesses.

Where the investigation of complaints is the core business of the investigator, there are far less competing priorities to delay the progress of investigations. Such is the case with the Complaints Section of the CJC. It may be that each region should dedicate officers to focus exclusively on this task. The argument against this is that it enables middle level managers whose subordinates are subject to numerous complaints to see that as *"someone else's problem"*.

The review of all minor misconduct investigations by the PSU, in the Commission's view, causes unnecessary delay in finalising matters. The reports are reviewed in the region in which they are undertaken and again by the CJC. Little purpose is served by the PSU reviewing them also.

Many quite minor matters which are properly assessed as misconduct (e.g. excessive force or technical assaults) could be resolved immediately by say a Regional Duty Officer if the complainant was willing to have the matter dealt with in this way, and no formal disciplinary sanction was warranted if the allegation was substantiated.

The saving in resources would be significant and the complainant and the subject officer could put the matter behind them immediately.

RECOMMENDATIONS

- (i) All police regions be required to develop and implement strategies which will reduce the time taken to finalise disciplinary investigations.
- (ii) The reports of minor misconduct investigations be referred directly to the CJC rather than being reviewed by the PSU first.
- (iii) Procedures be developed to enable minor matters which meet criteria agreed to the CJC to be dealt with immediately they are reported if the complainant agrees with that course.

QUALITY OF QPS INVESTIGATIONS

While getting investigations completed quickly is desirable, obviously the quality of them must be able to withstand scrutiny if the public is to have confidence in the discipline system. Assessing the quality of an investigation is a subjective process; rarely is it wrong or right but usually it could be done better. At the same time, the CJC recognised that the QPS must husband its resources and take into account the seriousness of the allegation and the resources which would need to be expended fully investigating it.

However, not infrequently the CJC concludes that it can not accept the recommendations that no further action is warranted. Indeed, referred to QPS for investigation nearly 13% have had to be returned for

further investigation. More recently, in an audit of 180 files, 30 or 16.5% were identified as being inadequately investigated.

The more frequently encountered problems which cause the CJC to request further investigation are detailed below.

FOCUS ON THE CONDUCT OF SUBJECT OFFICERS

There is sometimes a tendency to look at the conduct of the complainant and his or her witnesses and attack their credibility rather than keeping the conduct of the officer as the primary focus of the inquiry.

Some investigations could benefit from a clearer focus on and more frequent regard to the multiple purposes of the disciplinary system and the principles enunciated by the Ethics Act which are all set out in the introduction to chapter 18 of the Human Resources Management Manual.

The standards of behaviour set for police officers should not change just because a member of the public is engaging in reprehensible conduct. Just because a hoon is yelling obscenities, the requirement that an officer at all times treat all persons with respect and dignity is not dissolved.

To allow officers to use the conduct of others to justify a departure from proper standards in his or her own conduct in effect enables the aberrant conduct of civilians to determine the standard of police conduct. Officers must control themselves before they can expect to control others. Yet QPS investigation reports frequently cite poor behaviour by civilians as excusing similar conduct in officers.

A study of allegations of assaults by police currently being undertaken by the Commission's Research Division indicates that a significant number of these arise from situations in which the police have not approached the complainants in connection with any criminal offence as distinct from a public order situation. These situations seem to too frequently escalate with police involvement. How is that helping keep the peace?

INTERVIEWING WITNESSES

Too often investigating officers who believe that there is nothing in a complaint apparently feel the need to help the subject officer demonstrate that that is the case by asking long rambling and leading questions which contain a completely blameless explanation for the incident under investigation to which the subject officer need only answer "yes" or "no".

Also on occasions, the investigating officers do not put the subject officer in the position of having to directly answer the specific allegations, rather they pursue the general complaint and thus often miss the point. For example, they allow officers accused of assaulting detainees to respond to the allegation in generalities such as "*I restrained the prisoner*" without asking the officer to explain precisely what he or she did.

Irrespective of whether the investigator's assessment that the subject officer has done nothing wrong is accurate, conducting discipline interviews in this way is counterproductive. The subject officer's answers carry almost no weight. (What subordinate would contradict a senior officer to say "No, I'm right for it") and worse, the integrity of the process is undermined by the appearance of a lack of impartiality.

COMPLETENESS

On some occasions witnesses, whose identity and proximity to relevant events is disclosed in the evidence of others, are not interviewed creating the impression that an investigator has not followed all productive leads. A similar problem is the failure to secure all physical exhibits.

These are things you would always expect to be done during a criminal investigation. The only difference is that in disciplinary investigations suspicious minds will allege that steps were not taken because the investigator "ran dead".

In the Commission's view, it is inappropriate to refrain from interviewing civilian witnesses just because conflicts in the complainant's version and consistent denials by the police involved make it likely that the allegations will not be able to be proven to the required standard.

SUPERVISOR'S RESPONSIBILITY

In many instances, there is reason to suspect that an incident giving rise to a complaint or difficulties encountered when investigating it have been contributed to by a failure of supervisors to adequately discharge his or her responsibilities.

The primary purpose of the discipline process is to improve the overall performance of the Service. Thus, when addressing the role of a supervisor, it is important for investigators to avoid being too narrowly focused. While it is always necessary to consider whether the conduct of a supervisor in a particular instance could give rise to a disciplinary offence, there is room for more lateral regard for remedial management strategies directed at avoiding a complaint in the first instance.

Since many investigations are detailed to sergeants, there is an apparent and understandable reluctance to be critical of a supervisor of equal or higher rank. This is where the role of the overseeing officer becomes crucial.

It is unusual to see a QPS investigation report which contains suggestions on how the problem which gave rise to the complaint could be avoided in future. The CJC on the other hand has made over 300 recommendations aimed at redressing difficulties in procedures identified by its investigations.

Police officers obviously have the ability and experience to enable them to conduct effective investigations. It is necessary to ensure that they apply these skills to disciplinary investigations.

RECOMMENDATIONS

- (iii) The PSU continue to develop and present training courses designed to ensure investigative abilities are brought to bear on discipline matters.
- (iv) Disciplinary action be taken against those officers who continue to fail to adequately discharge their duties in this regard.

CONCERNS WITH OUTCOMES OF DISCIPLINARY INVESTIGATIONS – THE RECOMMENDATIONS MADE

Disciplinary investigations involve two distinct phases; gathering relevant information and assessing its significance to determine whether disciplinary action is warranted.

The preceding section discussed problems the CJC perceives diminish the quality of the phase of the process. Of equal concern is the tendency for some investigating officers to fail to adequately assess the information they have gathered. An audit of 613 recently completed files identified 32 (5.2%) in which the conclusions were not supported by the available evidence. These are not matters about which reasonable minds might differ, but cases in which the outcome would be considered by an objective assessor to be perverse.

ADEQUACY AND CONSISTENCY OF DISCIPLINARY SANCTIONS

The CJC continues to have concerns about the way in which disciplinary charges are being determined by QPS officers to whom the task is delegated. Inappropriate findings are made, such as when a matter is found not to be substantiated quite contrary to the evidence presented at the hearing, and sanctions are imposed which are inadequate having regard to the nature and gravity of the conduct.

RECOMMENDATIONS

In the Commission's view, this problem is amenable to a number of remedial strategies:

- . granting to the CJC standing of appeal against the outcome of misconduct charges;
- . accreditation for officers who propose determining disciplinary charges. This could involve attendance at courses and skills auditing;
- . the taking of disciplinary action for incompetence against those officers who fail to make reasonable findings;
- . the creation and circulation of a "comparative sentences" journal by the PSU.

REPRESENTING THE PUBLIC INTEREST

The definition "misconduct" contained in the *Police Service Administration Act* includes conduct of a police officer falling below the standard reasonably expected by the public. Police officers conducting internal investigations on behalf of the QPS are not in the best position to adjudicate on that standard because members of the public perceive police officers as having a vested interest in the outcome of such investigations.

Complainants frequently contact the CJC expressing concerns about police investigating the conduct of other police. It is necessary to placate such concerns with assurances of civilian oversight and final determination by the CJC and not the QPS.

When the standard of police conduct is in issue, it is in the interests not only of individual complainants and the public at large, but also subject officers and the QPS generally, for the CJC, as an independent

expert investigative body with part-time Commissioners appointed on the basis of community representation, to impartially adjudicate on that issue.

The shared experiences of police officers can cause some to have a flawed understanding of what is reasonably expected of them by the public. Civilian oversight of complaints is an effective manner in which to address this problem.

EXPERIENCE ELSEWHERE

National and international experience is that police generally do not have an ability to effectively and impartially investigate misconduct allegations against their peers. On the other hand, evidence is available to substantiate that in those jurisdictions where there exists comparable independent civilian oversight of the investigation of such allegations, measurable improvements been achieved in public trust and confidence in police services.²

Currently, eight agencies throughout Australia provide some form of external civilian oversight of complaints against police. These are:

Queensland	-	Criminal Justice Commission
New South Wales	-	Ombudsman
Victoria	-	Deputy Ombudsman (Police Complaints)
Western Australia	-	Parliamentary Commissioner for Administrative Investigations (PCAI)
South Australia	-	Police Complaints Authority (PCA)
Northern Territory	-	Ombudsman
Tasmania	-	Ombudsman
Commonwealth/ACT	-	Ombudsman

In July 1995, the CJC undertook a cross-jurisdictional analysis of these agencies and published a report "*External Oversight of Complaints Against Police in Australia : A Cross-Jurisdictional Comparison*". The

2 See Peterson, W.E. (1991) "Police Accountability and Civilian Oversight of Policing: An American Perspective", Maguire, M. (1991) "Complaints Against The Police: The British Experience", and Lewis, C.E. "Police Complaints in Metropolitan Toronto: Perspectives of The Public Complaints Commissioner" in Goldsmith, A.J. (1991) "Complaints Against The Police: The Trend To External Review"; Reiner, R. (1985) "The Politics of Police"; Skolnick, J.H. and Fife J.F. (1993) "Above The Law".

report revealed that in all states, with the exception of Tasmania, there is a requirement comparable to that in Queensland for police to refer to the corresponding external civilian oversight agency all complaints against police that, under the CJC's assessment criteria, would qualify as misconduct.³ Furthermore:

"While the tendency in Australia is for such bodies to primarily perform a monitor and review function, there has been a move towards giving these bodies the power to conduct their own investigations. Most jurisdictions have formally empowered the oversight body to investigate and most of these bodies have similar (to the CJC) hearing and compulsive powers available to them."

The significant point is that, with the exception of Tasmania, in no other Australian jurisdiction are police vested with exclusive power to investigate and determine all allegations of misconduct against other police. Any move in that direction would appear to run contrary to contemporary policy.

There is no empirical basis on which to assert that the gains which have resulted from the investigation by the CJC of alleged police misconduct would not dissipate were civilian oversight removed.

GETTING THE FULL PICTURE

Officers engaged in misconduct and workplace environments which allow or tolerate misconduct, are more prone to engage in and/or produce more serious forms of misconduct or corruption.

Any system which circumscribed the body responsible for investigating misconduct and serious corruption from accessing and influencing the investigation of minor misconduct would inhibit the ability of that body to effectively pursue the more serious matters.

The information provided to the one oversight agency responsible for investigating and determining both minor misconduct and more serious corruption enables that agency to more effectively develop strategies designed to obviate both forms of misconduct.

THE PRACTICAL EFFECT OF CHANGING THE CJC'S JURISDICTION

Many of the complaints currently assessed as minor misconduct could nevertheless, on their face, constitute a criminal offence and/or official misconduct, for example, assaults, disclosure of confidential information, failure to perform statutory duty, stealing and other dishonesty offences, favouritism, wrongful arrest/detention. Obviously such matters would still have to be referred to the CJC if its jurisdiction was restricted to official misconduct.

In order to demonstrate the practical effect of such a change in the CJC's jurisdiction, of the 320 complaints assessed as minor misconduct for the period 1 January 1996 - 24 May 1996 were reviewed. Of those matters, 192 or 60% comprised a suspected criminal offence or official misconduct.

Accordingly, restriction of the CJC's jurisdiction in this manner would not have any dramatic practical effect on the overall number of complaint investigations overseen and ultimately determined by the CJC.

3

Although in Victoria the complaint must be from a member of the public and in South Australia and the Commonwealth/ACT not all complaints by police against other police are referred in this manner.



CRIMINAL JUSTICE COMMISSION

**SUBMISSION TO QUEENSLAND POLICE SERVICE
REVIEW COMMITTEE**

**THE CRIMINAL JUSTICE COMMISSION'S
OVERSIGHT OF THE
QUEENSLAND POLICE SERVICE**



This document provides a brief overview of how the Criminal Justice Commission (CJC) has exercised its statutory responsibilities relating to the monitoring and oversight of the Queensland Police Service (QPS).

STATUTORY RESPONSIBILITIES

The CJC's primary monitoring and oversight responsibilities in relation to the QPS are set down in section 23 of the *Criminal Justice Act 1989*. The relevant provisions are as follows:

23. The responsibilities of the Commission include -

...

- (b) monitoring and reporting on the use and effectiveness of investigative powers in relation to the administration of criminal justice generally;
- (c) monitoring and reporting on the suitability, sufficiency and use of law enforcement resources and the sufficiency of funding for law enforcement and criminal justice agencies including the office of the Director of Prosecutions and the Legal Aid Commission (so far as its functions relate to prescribed criminal proceedings within the meaning of the *Legal Aid Act 1978*);
- (d) overseeing criminal intelligence matters and managing criminal intelligence with specific significance to major crime, organized crime and official misconduct;
- ...
- (g) monitoring the performance of the Police Service with a view to ensuring that the most appropriate policing methods are being used, consistently with trends in the nature and incidence of crime, and to ensuring the ability of the Police Service to respond to those trends;
- (h) providing the Commissioner of the Police Service with policy directives based on the Commission's research, investigation and analysis, including with respect to law enforcement priorities, education and training of police, revised methods of police operation, and the optimum use of law enforcement resources;
- (i) overseeing reform of the Police Service;
- (j) reporting regularly on the effectiveness of the administration of criminal justice, with particular reference to the incidence and prevention of crime (in particular, organized crime) and the efficiency of law enforcement by the Police Service;
- (k) reporting, with a view to advising the Legislative Assembly, on the implementation of the recommendations in the Report of the Commission of Inquiry relating to the administration of criminal justice, and to the Police Service.

The following points should be noted concerning these statutory functions:

- Several of the responsibilities under s. 23 (for example, s. 23 (b) and (c)) relate not just to the QPS, but to the criminal justice system in general.

- Most of the responsibilities are of a continuing nature, meaning that they cannot be indefinitely deferred (see *Boe v Criminal Justice Commission 1993*).
- Due to the awkward manner in which the Act is drafted, there is considerable overlap between some sections.

Other sections of the Act, for example, s. 56(3), also contain provisions relevant to the CJC's monitoring role. These provisions are identified in the CJC's Police Service Monitoring Strategy (attached).

THE CJC'S APPROACH

STRATEGIES

The Police Service Monitoring Strategy, which was formally adopted by the CJC in November 1994, summarises the more significant actions which have been taken, or which are proposed, in relation to the CJC's various statutory responsibilities vis-a-vis the QPS.

The strategies employed by the Commission can broadly be grouped under the following headings:

1. Release of public reports and research papers containing information and, in several cases, recommendations about various aspects of QPS operations. The most significant publications to date are:
 - *Recruitment and Education in the Queensland Police Service: A Review*
 - *Report on Implementation of Reform Within the Queensland Police Service: The Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations*
 - *Toowoomba Beat Policing Pilot Project: Main Evaluation Report*
 - *The Inala Community and Police Network: An Evaluation*
 - *The West End Police Beat: An Evaluation*
 - *Evaluation of the Operation of the First Year Constable Program*
 - *Police Recruit Selection: Predictors of Academy Performance*
 - *Informal Complaint Resolution in the Queensland Police Service: An Evaluation and Informal Complaint Resolution in the Queensland Police Service: Follow-up Evaluation*
 - *Attitudes Toward Queensland Police Service (1991, 1993, 1995)*
 - *The Nature of General Police Work*
 - *Utilising Calls for Service Data*
 - *Criminal Justice System Monitor*

Forthcoming publications include:

- Report on Implementation of Fitzgerald Inquiry Recommendations Relating to Police Complaints and Discipline
 - Assault Complaints Against Police
 - Report on Police Watchhouse Overcrowding and Conditions
 - Report on Brisbane Pilot Committals Project
 - Police Service Monitor.
2. Investigation of complaints, proactive investigation of suspected misconduct, and qualitative and quantitative analysis of complaints data.
 3. Generation of procedural recommendations to the QPS arising from complaints investigations. Other recommendations are made from time to time in correspondence between the Chairperson of the CJC and the Commissioner.
 4. Initiation of, and/or participation in, pilot projects. This has been a key strategy for encouraging the development of new policing strategies within the QPS. Relevant projects are the Toowoomba, Ipswich and West End Beat Policing Projects; the Inala Police Community Network and Drug and Alcohol Project; and, the Beenleigh Calls for Service Project.
 5. Periodic surveys of: public attitudes towards the QPS; views of recruit intakes on training issues; attitudes of first year constables and other serving police on ethical perspectives; and (commencing mid-1996) arrestees' experiences of the arrest process.
 6. Participation in working groups, reviews and committees relating to the QPS. Currently active bodies on which the CJC is represented include:
 - Police Education Advisory Council (PEAC)
 - Operational Skills and Equipment Committee
 - Review of the *Police Service Administration Act*
 - QPS Information Security Management Project
 - Occupational Stress Working Party
 - Intelligence Management Board.
 7. Assistance in the development of training materials and the delivery of training to QPS members. For instance: the Research and Coordination Division has developed a Beat Policing Training Kit and made staff available to assist in the training of beat officers; the Corruption Prevention Division is now providing substantial training support to the QPS on ethical conduct issues; the CJC also regularly provides input into the development of CAP modules.
 8. Participation in Joint Organised Crime Task Force.

The CJC has not, as yet, exercised its powers under s. 23(h) to issue directives to the QPS. As a matter of general policy, the CJC has taken the view that it is better to work cooperatively with the QPS to identify and resolve problems, rather than seeking to impose solutions from the outside. In addition, there are some doubts about the legal status of such directives, particularly in circumstances where the Minister gives a contrary instruction.

INTERNAL PROCESSES

The Chairperson, part-time Commissioners, Divisional Directors and the Chief Officer, Complaints meet every two months specifically to discuss issues relating to the monitoring of police reform. In December 1995 this group met with the QPS Board of Management, with a view to holding these meetings on a six-monthly basis thereafter.

'Liaison with the QPS' is a standing agenda item for the weekly meeting of the CJC's Executive group.

Since early 1995, the Research and Coordination Division has prepared a monthly or bi-monthly briefing paper on police service reform, for distribution within the CJC. This briefing paper is used to keep Commissioners and senior staff informed about significant developments within the QPS, and to identify issues which may require action by the CJC.

POLICE SERVICE MONITOR

A major initiative of the Research and Co-ordination Division in 1996 will be the production of an annual *Police Service Monitor*, modelled broadly on the format of the *Criminal Justice System Monitor*.

The *Police Service Monitor* will provide an independent analysis of the performance and effectiveness of the QPS, report on the extent of progress in key areas (for example, recruitment and training, community policing), and identify issues which may require attention by QPS Management and the Government.

Information to be presented in the Monitor will include:

- trends in funding and staff levels
- changes in staff profile (average age of intakes, gender, education levels, civilianisation)
- trends in crime and levels of service demand
- extent to which provision of policing services is matched to demand levels
- proportion of police in direct service delivery and operational roles
- trends in police workload measures
- types of work done by police
- impact of police activity on illicit drug markets; markets for stolen goods
- traffic safety measures
- community policing and crime prevention initiatives

- trends in public confidence in, and attitudes toward, police
- service user satisfaction
- complaints trends
- police involvement in high speed pursuits, firearms incidents.



**CURRENT CRIMINAL JUSTICE COMMISSION MONITORING AND
OVERSIGHT RESPONSIBILITIES IN RELATION TO THE QUEENSLAND POLICE SERVICE**
Updated 15/6/96

SECTION OF CRIMINAL JUSTICE ACT	NATURE OF RESPONSIBILITY	COMMENT	DIVISION(S) INVOLVED	HOW DISCHARGED TO DATE IN RELATION TO QPS	PROPOSED FUTURE ACTIVITIES IN RELATION TO QPS
23(b)	Monitoring and reporting on the use and effectiveness of investigative powers in relation to the administration of criminal justice generally.	Section applies to criminal justice system as a whole, not just QPS.	Research and Co-ordination Division (RCD) Official Misconduct Division (OMD)	<p>Policy issues comprehensively canvassed in Police Powers volumes.</p> <p>Complaints Section of OMD continually monitors use and effectiveness of police investigative powers as reflected in complaints about abuse of these powers.</p> <p>CJC, through participation in JOCTF, identifies problems with existing investigative powers.</p> <p>Survey of arrestees conducted by RCD in June 1996.</p> <p>CJC and QPS have initiated a joint review of QPS's capacity to detect and investigate child sexual assault matters.</p>	<p>RCD to develop and maintain a register for recording information pertaining to adequacy and appropriateness of investigative powers; register to be up-dated periodically through liaison with CJC Complaints Section, QPS, Office of the Director of Public Prosecutions, legal profession; short reports to be prepared where significant problems identified.</p> <p>QPS has agreed that CJC should play an active role in monitoring new police powers legislation when it is proclaimed.</p>
23(c)	Monitoring and reporting on the suitability, sufficiency and use of law enforcement resources and the sufficiency of funding for law enforcement and criminal justice agencies including the office of the Director of Prosecutions and the Legal Aid Commission (so far as its functions relate to prescribed criminal proceedings within the meaning of the <i>Legal Aid Act 1978</i>).	Applies to all criminal justice agencies, not just QPS.	Research and Co-ordination Division	<p>Report on QPS Implementation of Fitzgerald Inquiry Recommendations examines funding and staffing levels and staffing allocation practices.</p> <p>Criminal Justice System Monitor (August 1995) contains data on funding and staffing trends in QPS. Monitor to be produced annually.</p>	<p>Proposed Police Service Monitor will contain more detailed information on police resource issues.</p> <p>Forthcoming reports on watchhouses and responsibility for prosecutions and function deal, inter alia, with resource issues.</p> <p>An objective of the Beenleigh Calls for Service Project is to develop a methodology for costing the value of providing police services.</p>

SECTION OF CRIMINAL JUSTICE ACT	NATURE OF RESPONSIBILITY	COMMENT	DIVISION(S) INVOLVED	HOW DISCHARGED TO DATE IN RELATION TO QPS	PROPOSED FUTURE ACTIVITIES IN RELATION TO QPS
23(d)	Overseeing criminal intelligence matters and managing criminal intelligence with specific significance to major crime, organised crime and official misconduct.		Intelligence Division	<p>Intelligence Division regularly reviews significant BCI correspondence and activity reports, audits CTS intelligence and filing procedures, and provides other advice and assistance. Division representatives meet regularly with senior QPS and BCI management officers.</p> <p>CJC assisted QPS in review of intelligence function in 1995. QPS Intelligence Management Board established May 1996 with CJC representation.</p>	<p>Intelligence Division to continue with current procedures.</p> <p>See comments regarding intelligence role under 23(g).</p>

SECTION OF CRIMINAL JUSTICE ACT	NATURE OF RESPONSIBILITY	COMMENT	DIVISION(S) INVOLVED	HOW DISCHARGED TO DATE IN RELATION TO QPS	PROPOSED FUTURE ACTIVITIES IN RELATION TO QPS
23(g)	Monitoring the performance of the QPS with a view to ensuring that the most appropriate policing methods are being used, consistently with trends in the nature and incidence of crime and to ensuring the ability of the QPS to respond to those trends.		Research and Co-ordination Division Official Misconduct Division Intelligence Division	<p>Main contribution of CJC to this area has been via involvement in the Toowoomba, Ipswich and West End Beat Policing Projects, the Inala Network Project, and the recently established Beenleigh Calls for Service Project.</p> <p>Chapter on Community Policing in the Report on QPS Implementation of Fitzgerald Inquiry Recommendations deals with appropriateness of some policing methods.</p> <p>Research paper on "The Nature of General Police Work" contains information relevant to assessing the effectiveness of current policing strategies.</p> <p>Feedback on investigative methods provided via CJC involvement in JOCTF and other joint operations.</p> <p>Intelligence Division undertakes regular audits.</p> <p>Joint CJC and QPS review of child sexual assault investigations [see s. 23(b)]</p>	<p>CJC to maintain involvement in pilot projects, assist in development of further pilots; prepare brief research information papers on 'best practice' and successful preventive policing strategies.</p> <p>Possible participation in project developing performance indicators for State Crime Operations Command.</p> <p>CJC to continue to provide feedback through JOCTF and other joint operations.</p> <p>Intelligence audits to continue with a view to ensuring that information/data is properly stored, protected and used. QPS Inspectorate could perform such audits with input from Intelligence Division as appropriate.</p>

SECTION OF CRIMINAL JUSTICE ACT	NATURE OF RESPONSIBILITY	COMMENT	DIVISION(S) INVOLVED	HOW DISCHARGED TO DATE IN RELATION TO QPS	PROPOSED FUTURE ACTIVITIES IN RELATION TO QPS
23(h)	Providing the Commissioner of the Police Service with policy directives based on the Commission's research, investigation and analysis, including with respect to law enforcement priorities, education and training of police, revised methods of police operation, and the optimum use of law enforcement resources.		Commission as a whole.	It has not been CJC practice to issue policy directives – views have been issued by less formal means.	In line with current practice CJC will continue to rely on recommendations and advice, rather than policy directives, as a means of conveying its views to the QPS. However, power to direct should be retained for use if necessary.
23(i)	Overseeing reform of the Police Service.		Research and Co-ordination Division	CJC has played an active role in coordinating and overseeing implementation of Fitzgerald Inquiry recommendations. Report on QPS implementation of Fitzgerald Inquiry Recommendations gives an overview of progress of reform in QPS. See also entries under other sections.	CJC's preferred approach is to focus on key areas rather than endeavouring to 'cover the field'. Reports will be produced from time to time when and if significant issues identified, but greater emphasis will be placed on providing feedback direct to QPS.

SECTION OF CRIMINAL JUSTICE ACT	NATURE OF RESPONSIBILITY	COMMENT	DIVISION(S) INVOLVED	HOW DISCHARGED TO DATE IN RELATION TO QPS	PROPOSED FUTURE ACTIVITIES IN RELATION TO QPS
23(j)	Reporting regularly on the effectiveness of the administration of criminal justice, with particular reference to the incidence and prevention of crime (in particular, organised crime) and the efficiency of law enforcement by the Police Service.	Section applies to criminal justice system in general, not just QPS.	Research and Co-ordination Division Official Misconduct Division Intelligence Division	Overlaps with s. 23 (c) and (g). Discussion of these issues included in Report on QPS Implementation of Fitzgerald Recommendations. Criminal Justice System Monitor contains annual trend data on crime and clearance rates, etc. Research paper on "Residential Burglary in Queensland" contained data on burglary trends and analysed police response. Feedback through JOCTF and other joint operations. Some information about organised crime and intelligence matters presented in CJC Annual Report. Intelligence Division monitors intelligence area.	Proposed Police Service Monitor will present more detailed information on QPS effectiveness in dealing with crime. Release of research paper on assault. Annual Report of CJC to continue to present information about organised crime and intelligence matters.
23(k)	Reporting, with a view to advising the Legislative Assembly, on the implementation of the recommendations in the Report of the Commission of Inquiry relating to the administration of criminal justice, and to the Police Service.	Assumed not to be a continuing function.	Research and Co-ordination Division	Function has largely been discharged following release of the Report on QPS Implementation of Fitzgerald Inquiry Recommendations.	No further action required once review of implementation of Fitzgerald reforms of disciplinary and complaints procedures finalised; any future reviews of reform will use Report on QPS Implementation of Fitzgerald Inquiry Recommendations, rather than Fitzgerald Report, as starting point.
29(3)(d)(i)	To investigate cases of alleged or suspected misconduct by members of the Police Service . . . that come to its notice from any source . . .		Official Misconduct Division	Through complaints investigation process; proactive investigations; oversight of QPS complaints procedure; issuing of procedural recommendations; production of statistical reports.	To continue.

SECTION OF CRIMINAL JUSTICE ACT	NATURE OF RESPONSIBILITY	COMMENT	DIVISION(S) INVOLVED	HOW DISCHARGED TO DATE IN RELATION TO QPS	PROPOSED FUTURE ACTIVITIES IN RELATION TO QPS
29(3)(e)	... to offer and render advice or assistance, by way of education or liaison, to law enforcement agencies ... concerning the detection and prevention of official misconduct.		Official Misconduct Division Research and Co-ordination Division Corruption Prevention Division	CPD is working with QPS to develop appropriate ethics training strategies. Production of two evaluations of informal complaint resolution. RCD has provided QPS with findings from police ethics surveys.	CPD to continue working in conjunction with QPS Inspectorate, PSU and Executive Training Program. RCD to continue to conduct regular ethics surveys and associated misconduct monitoring strategies; analyse complaints data to identify problem areas and possible preventive strategies.
56(3)(f)	To review on a continuing basis the effectiveness of program methods of the Police Department in particular: (i) compliance by the department with the Commission's recommendations or policy instructions. (ii) Community policing		Official Misconduct Division Research and Co-ordination Division Research and Co-ordination Division	As noted, CJC practice has not been to issue policy directives; monitoring compliance with recommendations issued by OMD has been an OMD responsibility. OMD has developed a register of procedural recommendations. RCD regularly updates QPS progress in relation to other CJC recommendations. Community policing covered in the Report on QPS Implementation of Fitzgerald Inquiry Recommendations. Involvement in Beat Policing Projects and Beenleigh Calls for Service Project.	To continue. See entry under s. 23 (g).

SECTION OF CRIMINAL JUSTICE ACT	NATURE OF RESPONSIBILITY	COMMENT	DIVISION(S) INVOLVED	HOW DISCHARGED TO DATE IN RELATION TO QPS	PROPOSED FUTURE ACTIVITIES IN RELATION TO QPS
	(iii) Prevention of crime		Research and Co-ordination Division	As above. RCD has also undertaken 'one off' research projects with a preventive focus, e.g. 'Murder in Queensland'; 'Fear of Crime'; 'Residential Burglary in Queensland'.	See entry under s. 23 (g). Periodic research projects on 'crime issues' to be initiated in consultation with QPS and other bodies. Forthcoming research paper on assault. RCD to continue with recruit cohort surveys. Commission to maintain involvement in PEAC.
	(iv) Matters affecting the selection, recruitment, training and career progression of members of the Police Service and their supporting staff.		Research and Co-ordination Division	Report on Police Recruitment and Training (1993) and the Report on QPS Implementation of Fitzgerald Inquiry Recommendations; ongoing involvement via recruit surveys; membership of PEAC; research paper on Predictors of Academy Performance (May 1996); Evaluation of Operation of First Year Constable Program (June 1996).	Research project on Graduates in Policing proposed for 1996/97. Academy to be responsible for organising independent evaluation of PROVE program; CJC to assist in provision of data. PEAC to review current recruit selection process. Bi-annual statistical summary to be prepared on reviews.
56(3)(g)	To review the use and treatment by the Police Service of intelligence information concerning criminal activity, in particular when required by the Intelligence Division to do so.	Function performed by Intelligence Division under s. 23(d) and 23(g).	Research and Co-ordination Division	N.A.	N.A.

SECTION OF CRIMINAL JUSTICE ACT	NATURE OF RESPONSIBILITY	COMMENT	DIVISION(S) INVOLVED	HOW DISCHARGED TO DATE IN RELATION TO QPS	PROPOSED FUTURE ACTIVITIES IN RELATION TO QPS
56(3)(h)	To prepare for the Commission reports, and suggested directions to the Commissioner of the Police Service, relating to its findings in the course of discharging its functions and to its recommendations as to remedial action or appropriate response.		Research and Co-ordination Division	As noted it has not been CJC practice to issue directions. However, several reports prepared by RCD have contained recommendations. Production by RCD of monthly report on developments in QPS for internal circulation in CJC.	To continue.
58(2)(d)	Subject to the direction of the Commission to assume or, as the case may be, oversee (i) the performance of the role of the Bureau of Criminal Intelligence of the Police Service		Intelligence Division	See comment in relation to s. 23(d).	See comments under 23(d) and 23(g). BCICQ considered to be integral part of overall QPS function. Main emphasis of oversight will be to ensure that collection, storage and use of intelligence is in accordance with the criminal intelligence function of the QPS and subject to appropriate procedures to protect individual rights and privacy.
58(2)(d)	... oversee (ii) the Police Service's liaison with law enforcement agencies of the Commonwealth or any State or Territory and with the National Crime Authority		Intelligence Division	Informal feedback received from other agencies.	To continue through informal feedback. (CJC cannot do more than monitor through informal channels without changes in legislation in other States. This is not considered necessary.)

CRIMINAL JUSTICE COMMISSION

**SUBMISSION TO QUEENSLAND POLICE SERVICE
REVIEW COMMITTEE**

**UPDATE OF QPS
IMPLEMENTATION OF REFORM
as at April 1996**



INTRODUCTION

This document summarises relevant action taken by the Queensland Police Service (QPS) since the release in August 1994 of the Criminal Justice Commission's (CJC) report on *Implementation of Reform within the QPS*. The issues identified are those listed in the concluding sections of the various chapters of that report.

The bolded comments under each issue represent the CJC's assessment of the extent to which the position has changed since the August 1994 report. The QPS does not necessarily agree with these assessments.

This document covers the period up to April 1996. It is likely that further changes have occurred in some areas since that time.

REGIONALISATION

ISSUE 1 – THE IMPORTANCE OF A SERVICE-WIDE PERSPECTIVE – NEED TO ENSURE THAT SERVICE-WIDE PRIORITIES ARE EMBRACED BY SENIOR MANAGEMENT.

Remains an issue, although some initiatives taken.

- The Board of Management and Senior Executive Conference Meeting are processes which facilitate a corporate approach to policy.
- Regions now have annual regional plans which are formally aligned with the QPS Corporate Plan. However, it is unclear how much influence these plans have on day-to-day operational decisions.
- The QPS is proposing to re-develop its training programs for senior officers (such as the Executive Development Program). These programs may help promote a Service-wide perspective among senior officers.

ISSUE 2 – LACK OF CLARITY ABOUT REGIONAL FUNCTIONS AND RESPONSIBILITIES – NEED TO CLEARLY DEFINE AND COMMUNICATE ROLES AND RESPONSIBILITIES BETWEEN REGIONAL AND CENTRAL UNITS.

Remains an issue.

- To date, there has been no attempt to clearly delineate the relative roles and responsibilities of the regions and central units. The QPS sees the role of regions as still evolving.
- A working party chaired by the Executive Director, Operations was formed to undertake a Review of Regional Offices. This working party has been replaced by a project currently being undertaken by the Commissioner's Inspectorate involving two reviews:
 - * the role of the district officer
 - * review of staffing model structures of regional offices.
- A review of regional boundaries was recently initiated, with a working party formed in November 1995. This review is currently on hold.

ISSUE 3 – GREATER DEVOLUTION OF AUTHORITY WITHIN REGIONS – NEED FOR GREATER AUTONOMY AND FLEXIBILITY TO BE BUILT INTO THE ORGANISATION AT THE LOCAL LEVEL.

Remains an issue.

- This matter has not been systematically addressed, although the current internal review of regional offices may have some relevance to this issue.
- The QPS has expressed the view that there is a limit to the extent to which flexibility and autonomy can be exercised at the local level as, by necessity, operational police are constrained in many ways by legislative and procedural requirements.

ISSUE 4 – RECONSIDERATION OF THE LOCATION AND STAFFING OF REGIONAL HEADQUARTERS.

Remains an issue.

- As noted above, this issue is still under review by the Commissioner's Inspectorate.
- At present all but two regions – Metropolitan North and South Eastern – retain separate regional headquarters.
- The original staffing level envisaged for regional officers was 22. Currently, six of the eight regions have a staff of 27 to 30. Any staffing increases are approved by the QPS Board of Management.

COMMUNITY POLICING

ISSUE 1 – THE TERM COMMUNITY POLICING DOES NOT SEEM TO BE WIDELY UNDERSTOOD OR ACCEPTED WITHIN THE QUEENSLAND POLICE SERVICE - IT IS IMPORTANT THAT THE CONCEPT IS CAREFULLY EXPLAINED TO POLICE OFFICERS AND THAT THE UNDERLYING PHILOSOPHY IS CLEARLY UNDERSTOOD.

Remains an issue.

- In its review of the QPS, Public Sector Management Commission (PSMC) recommended that the Policing Policy and Strategy Branch ensure that community policing was redefined in clear unambiguous and realistic terms (1993, recommendation #50). This recommendation has not yet been implemented, although the QPS has formulated a draft Community Safety Strategy which may address some aspects of this issue.
- There has been a move away from use of the term "community policing". The Community Policing Support Branch has been restructured into the "Crime Prevention Unit" – one of the two sections of the Policing Advancement Branch. Two units from the Branch – Domestic Violence and Cross-Cultural Support – have been relocated to Service Operational Programs and Procedures.

- A research program to evaluate community policing was commenced in early 1995 by the Research and Evaluation Unit of the Commissioner's Inspectorate. A report is proposed for release in April 1996. The report will include the results of a survey of QPS Attitudes to Community Policing, and annexures regarding evaluation of the Crime Prevention Unit, community liaison initiatives and Neighbourhood Watch.
- The Crime Prevention Unit's role is to promote the philosophy of crime prevention by disseminating crime prevention information, running workshops, initiating new crime prevention programs, providing assistance to the regions on crime prevention and co-ordinating a number of statewide crime prevention programs, such as the police beat shopfronts. This has involved a tour of the regions to market the services of the Unit and obtain feedback on the needs of their clients.

ISSUE 2 – PROMOTION OF BETTER COMMUNICATION AND LIAISON WITH LOCAL COMMUNITIES SHOULD BE A PRIORITY.

Remains an issue.

- There has not yet been an evaluation of the Community Consultative Committees. There are currently 149 Community Consultative Committees registered, with 91 of these committees active. In January 1994, 78 committees were recorded as 'currently active'.
- The Neighbourhood Watch scheme is being evaluated. Surveys of members of Neighbourhood Watch groups have been conducted. Currently, a workshop for police representatives from throughout the State is being held, with a particular aim of developing strategies to increase police involvement with the community.
- Further information is required about whether other strategies are being developed to promote effective community liaison.

ISSUE 3 – THERE NEEDS TO BE GREATER ENCOURAGEMENT OF INNOVATION AND THE USE OF PROBLEM-SOLVING STRATEGIES.

Remains an issue, although some measures in place or proposed.

- The draft Community Safety Strategy recommends a stronger problem solving approach, supported by appropriate training.
- The Crime Prevention Unit conducts one-day "Problem Solving/Project Management Workshops", when requested by the regions.
- The CRISP crime recording system provides officers with accurate local information about crime in their areas. Some progress has also been made in improving the quality and accessibility of calls for service data at the local level.
- The establishment of local Intelligence Officers may contribute to more effective problem solving, but their role would need to be broadened to focus on policing problems, and not just crime.

- According to the QPS, selection criteria generally reflect the need for more innovation and problem solving skills. However, it is unclear how much weight is given to these criteria in the actual selection process.
- The QPS and CJC have recently agreed to establish a pilot project in the Beenleigh-Logan area that trials problem-solving strategies to reduce repeat calls for service from identified problem addresses.
- Although the QPS indicates that this issues is being addressed on an on-going basis, it believes that the extent to which innovation and problem-solving can be used is constrained by statutory and procedural requirements.

ISSUE 4 – POLICE DIVISIONS NEED TO BE GIVEN SUFFICIENT RESOURCES AND AUTONOMY TO FACILITATE THE DEVELOPMENT OF LOCAL COMMUNITY POLICING INITIATIVES.

Remains an issue.

- There has been little or no change since 1994. The QPS position is that resources are not unlimited, and local community policing initiatives must compete with other projects on a priority basis. In the view of the QPS, the demand for a 24-hour service of responding to calls and investigating crimes cannot be displaced for some alternate activity. However, there has been a lack of recognition that these alternatives can assist in delivering reactive services to the community.

ISSUE 5 – ALTERNATIVE PATROL STRATEGIES SHOULD BE DEVELOPED AND TRIALED IN A VARIETY OF SETTINGS.

Remains an issue, although some limited initiatives taken.

- Beat policing projects are being, or have been, trialed in Toowoomba, West End and Ipswich. Projects in Rockhampton and Townsville are being considered. However, the pace of innovation has been slow and proposals for new projects are currently 'on hold'.
- Police Beat Shopfronts are now located in many busy CBDs or shopping centres. There are currently 20 permanent shopfronts with two under construction and a further 10 proposed. There are also 14 portable units. These shopfronts are used as a base for patrols of the CBD or centre, and in some cases, for foot patrols into adjoining areas.
- See reference to Beenleigh Pilot Project above.

MANAGING THE ALLOCATION OF POLICE

ISSUE 1 – NO PROCESS OF ADVANCED PLANNING FOR OVERALL POLICE NUMBERS.

Some progress has been made.

- In 1994 the QPS submitted to the Government a three-year proposal for increases in staff, based on projected requirements and taking into consideration the capacity of the QPS to train recruits. This proposal was supplemented by a document released in June 1995 entitled "Towards the 21st Century: Resource Priorities for the Queensland Police Service" which was endorsed by the then Government. This document provided for an extra 1,420 police along with 580 civilianised positions, which would have the effect of an extra 2,000 operational police by the year 2005.
- The new Government has released a policy document endorsing the approach of the "Towards the 21st Century" document, but increasing the number of new police from 1,420 to 2,780 by the year 2005.
- These plans have not been translated into steady recruit intakes. The size of recruit intakes still largely depends on budgetary and other pressures at the time of recruitment.

ISSUE 2 – NEED FOR GREATER RECOGNITION THAT ALLOCATION IS NOT SIMPLY ABOUT OVERALL POLICE NUMBERS – IT INVOLVES WHERE OFFICERS SHOULD BE LOCATED AND HOW THEY CAN BEST BE USED.

Some progress, but unresolved matters remain.

- The QPS has introduced a Staffing Allocation Model, which has been reviewed and refined over the past two years. However, there are some concerns with the assumptions underlying the model (see below). It has not been well-accepted by police.
- Provision has now been made in the district planning process for regional and district managers to modify the proposed allocation of resources to enable these allocations (within the overall limit of staff allocations to the region/district) to reflect local requirements.
- An enterprise bargaining agreement was entered into which focuses on flexibility in rostering and changes in penalty rates. Little reliable information is available about the operation and impact of this agreement.
- Other alternative staffing issues have not been systematically addressed by the QPS.

ISSUE 3 – ALLOCATION DECISIONS NEED TO BE LINKED TO OTHER HUMAN RESOURCE POLICIES AND PRACTICES, SUCH AS CIVILIANISATION STRATEGIES, AND TRANSFER AND PROMOTION PROCEDURES.

Partly addressed.

- The Staffing Allocation Model does not yet take into account civilianisation. However, the QPS has indicated that in the future civilian numbers will be included in the allocation model, to the extent that civilians occupy positions formerly filled by police.

CIVILIANISATION

ISSUE 1 – NEED TO ADDRESS THE ISSUE OF THE MIX OF CIVILIANS AND POLICE WITHIN THE QPS, IN CONJUNCTION WITH THE GOVERNMENT.

Some progress has been made.

- Agreement was reached with the previous Government for the creation of a further 580 civilianised positions by the year 2005 with a further 215 support staff to assist the growth.
- The current government have endorsed the above figures, but plans to accelerate the process by introducing 200 new positions in 96/97 and 97/98 (150 civilians / 50 support staff).

ISSUE 2 – IMPROVE THE STATUS OF CIVILIANS WITHIN THE QPS.

Remains an issue, although some initiatives taken.

- The title of civilians has been changed to "staff member" in order to move away from the negative connotations attached to the term "unsworn".
- A staff member training unit has been established at the Academy. A staff member training program and relevant policies have been, or are being, developed.

ISSUE 3 – SUPPORT THE CIVILIANISATION INITIATIVE WITH APPROPRIATE HUMAN RESOURCE STRATEGIES.

Remains an issue, although some initiatives taken.

- The emphasis has been on providing training rather than developing career structures for civilian staff, although a review of classification structures has been addressed at a regional level on an ad hoc basis through work force analysis projects.
- The QPS has taken a number of steps (see above) to provide training to civilian staff within the organisation. This includes liaison with other government departments on training issues. The training of civilian staff is being monitored by Police Education Advisory Council (PEAC).

TRANSFERS AND PROMOTIONS

ISSUE 1 – THE MANAGEMENT OF SELECTION PANELS NEEDS TO BE ADDRESSED.

Issue being addressed.

- A Promotions and Transfer Policy was incorporated into the QPS Human Resource Management Manual in February 1995. This policy sets out guidelines for the promotions, transfers and review process and is subject to regular review.

- Increased training for panel convenors has been provided, with over 400 officers attending two-day training sessions.
- To reduce the number of applicants for positions and ensure minimum competencies, the QPS is considering introducing "pre-qualifying" courses. These training programs (covering the development of relevant skills and competencies) would have to be completed by officers before they would be eligible to apply for promotion to particular ranks. This proposal is currently under discussion between the QPS and the Queensland Police Union of Employees.

ISSUE 2 - SELECTION CRITERIA FOR ALL POSITIONS NEED TO GIVE WEIGHT TO INNOVATIVENESS, CREATIVITY AND, WHERE APPROPRIATE, A COMMITMENT TO COMMUNITY POLICING.

Extent of change difficult to assess.

- A review of all police position descriptions commenced in mid-1994. Most position descriptions for supervisory and managerial positions incorporate criteria relating to accountability, decision-making, creativity, and responsibility for the development and assessment of subordinates. However, little information is available about how - and to what extent - these criteria are applied in practice.

ISSUE 3 - THE STRUCTURE OF THE PROMOTIONS PROCESS NEEDS TO BE REVIEWED IN LIGHT OF DIFFICULTIES CAUSED BY THE CONSIDERABLE NUMBER OF PROMOTIONS EACH YEAR, THE LATERAL MOBILITY OF OFFICERS, AND THE NEED FOR MORE OBJECTIVE ASSESSMENT OF "MERIT".

Some progress, but promotions remain a difficult area.

- To reduce delays, formal delegations have been made so that Assistant Commissioners can approve appointments to non-commissioned officer positions.
- The QPS is considering the introduction of pre-qualifying courses (see above). This would have two particular consequences: (1) it would reduce the number of officers eligible to apply for the position, and thus the number of applicants; (2) it would ensure applicants had achieved certain basic competencies, and may contribute to better quality assessments of applicants.
- The provision of increased training to panel convenors should help improve the quality of selection decision, and in particular, the assessment of "merit".

ISSUE 4 - BETTER MECHANISMS NEED TO BE DEVELOPED FOR THE IDENTIFICATION AND RESOLUTION OF PROBLEMS WITH THE TRANSFER, PROMOTION AND REVIEW PROCEDURES.

Some progress, but promotions remain a difficult area (see Issue 3 above).

- All Regional Personnel Officers have been relieved of the responsibility of sitting on panels, and have received training so that they are in a position to monitor the promotions process more strategically.
- Modifications to the Lateral Transfer Agreement have been proposed as part of the enterprise bargaining process. However, these proposals have not yet been adopted.

ISSUE 5 – SYSTEMATIC CAREER PLANNING MUST BECOME AN INTEGRAL PART OF THE QPS MANAGEMENT OF ITS HUMAN RESOURCES.

Issue not yet addressed, although some action proposed.

- The Human Resource Management Plan for 1995-2000 includes the establishment of a Career Advisory Service, but to date no action has been taken.
- The Performance Planning and Assessment (PPA) system is still not linked to career planning and training. (PPAs remain a problem, as acknowledged by the QPS.)

ISSUE 6 – THE DEVELOPMENT OF ALTERNATIVE CAREER STRUCTURES NEED TO BE SERIOUSLY CONSIDERED.

Limited changes introduced or proposed.

- The QPS is proposing to include a number of flexible leave arrangements through the development of work and family policies in the EEO Management Plan that is currently being developed.
- Part-time employment is available to QPS officers on request. The number of officers applying for part-time status is expanding slowly.

ISSUE 7 – THE QPS SHOULD WORK TOWARDS LESSENING THE CLOSE CONNECTION OF RANK WITH STATUS AND PAY.

Not addressed.

- As at April 1996, the QPS position was that 'it was not yet convinced that this is an appropriate policy for the Service'.

STATE CRIME OPERATIONS COMMAND

ISSUE 1 – THE CURRENT ARRANGEMENTS TEND TO MAINTAIN AND REINFORCE THE PRESTIGE OF THE DETECTIVE ROLE.

No change.

- The QPS does not agree with this assessment.

ISSUE 2 – LITTLE INVESTIGATIVE TRAINING FOR UNIFORMED OFFICERS.

Some progress.

- The Detective Training Program now includes a course on investigative skills for uniformed officers.
- Uniformed officers can also attend stolen motor vehicle identification, arson investigation techniques, district intelligence officer and criminal analyst courses.

ISSUE 3 – NO ACCEPTABLE METHOD FOR ASSESSING THE WORK OF DETECTIVES IN PARTICULAR, AND STATE CRIME OPERATIONS IN GENERAL.

Remains an issue, although some preliminary work undertaken.

- In response to the PSMC recommendations (1993, #32 & 33), a project to address the issue of performance indicators for detectives in Crime Operations has commenced, but it is not clear how much progress has been made.

ISSUE 4 – FURTHER CLARIFICATION OF THE FUNCTIONS OF STATE CRIME OPERATIONS AND THE REGIONS NEEDS TO BE UNDERTAKEN.

Some progress in addressing issue.

- Section 2.7 of the Operational Procedures Manual issued in May 1995 is devoted to defining the roles and functions of State Crime Operations, and outlines QPS policy for dealing with particular types of investigations, investigation assistance, investigation control and joint investigations with the regions.
- First Year Constables have been lectured on the roles and functions of State Crime Operations.

MANAGEMENT OF INFORMATION SERVICES

Overall, it would appear that reasonable progress has been made in the area of information management, although some issues remain.

ISSUE 1 – LACK OF NET WORKING.

- Every police station in the State is now on the computer network.

ISSUE 2 – LIMITED ACCESS TO COMPUTING FACILITIES.

- There are now 3,500 work stations throughout the State. Access continues to be a problem at a few locations, but this is being addressed.

ISSUE 3 – FRAGMENTED POLICIES ON INFORMATION MANAGEMENT ISSUES.

- Organisational mechanisms, such as management boards, are in place to promote a more integrated approach to information management, although some outstanding issues remain (such as data ownership).

ISSUE 4 – DIFFICULTIES IN THE PROVISION OF CO-ORDINATED COMPUTER SUPPORT.

- Co-ordination remains an issue, but QPS Information Services Branch has stated that the problem is being addressed. Strategies are required to promote more integration between the regions and headquarters. Difficulties are being encountered in providing an adequate level of computing support at the regional level.

ISSUE 5 – LIMITED PROVISION OF ACCURATE, RECENT LOCAL INFORMATION AT THE DIVISIONAL LEVEL.

- CRISP is now available on a statewide basis to provide divisional level crime data.
- Several of the larger urban centres outside of the metropolitan area have installed Incident Management Systems (IMS) to record calls for service details and manage the despatch of cars. An upgrade of this system is currently under way.
- Electronic mail is now available on a State-wide basis.
- The introduction of POLARIS should enhance the accessibility and utilisation of data at the local level. The first components of POLARIS are due to come on line during 1996.

MANAGEMENT STRUCTURE AND PROCESSES

ISSUE 1 – NEED TO DEVELOP A STRATEGIC ORIENTATION.

Remains an issue.

- The QPS has in place a corporate planning cycle. The current Corporate Plan includes some performance indicators that are broader than traditional measures of police performance. However, it is unclear to what extent, if any, the Corporate Plan shapes the strategic direction of the organisation.
- A management of organisational change policy has been drafted which sets out the way in which significant changes within the QPS should be implemented.

ISSUE 2 – NEED TO ENSURE MORE EFFECTIVE MEASURING AND MONITORING OF ORGANISATIONAL PERFORMANCE.

Some progress made, but remains a difficult area.

- In December 1995 the QPS produced a Performance Review which sought to measure QPS-wide and regional performance in terms of some key indicators. This document was a useful first step, but the QPS acknowledges that further refinement is required.
- QPS Corporate Planning has instituted annual Activity Surveys to collect data on police use of time.
- A statewide survey of callers who have reported crimes to the police will be undertaken during 1996. The survey is designed to measure "client satisfaction" with the services provided by police. A pilot survey was undertaken in Metropolitan South Region in 1995.

ISSUE 3 – NEED TO IMPROVE THE MANAGEMENT AND DEVELOPMENT OF THE ORGANISATION'S HUMAN RESOURCES.

Some issues being addressed, but a difficult area.

- Specific strategies concerning supervisory and management training have been formally incorporated into the Corporate and Human Resource Management Plans.
- Management training is now being targeted through three programs:
 - * Constable Development Program (CDP). This program was launched on 11 December 1995 with initial enrolment of 134 constables. Constables can enter the CDP after completion of the First Year Constable Program. It is designed to provide ongoing education and training to constables up to five years service.
 - * Management Development Program (MDP). PEAC recently established a working party to develop a strategy for management education in the QPS, which was adopted by PEAC in February 1996. Curriculum development for the MDP is almost complete. Consultation with external academic institutions about credit for program units is about to commence. The program will be available through distance education.
 - * Executive Development Program (EDP). The QPS is planning to re-design the Executive Development Program in the near future.
- PEAC was reconstituted in January 1995. PEAC, in association with the CJC, undertakes an ongoing evaluation and review of police training and development programs.

ISSUE 4 – NEED TO IMPROVE INTERNAL MANAGEMENT PROCESSES AND STYLES.

No evidence as yet of significant change to internal management processes, but some initiatives taken to obtain 'feedback'.

- Exit interviews of staff after resignation are undertaken on an ad hoc basis.
- QPS Corporate Planning has recently commenced an evaluation of the Corporate Services Program which involves focus group interviews with a cross-section of QPS personnel.

- The QPS has not yet taken up the suggestion that it institute annual 'organisational climate surveys', along the lines of those used by the NSW Police. However, a "one-off" organisational climate survey was recently conducted by the Operational Stress Working Party.