

INTEGRITY IN THE QUEENSLAND POLICE SERVICE

QPS Reform Update

**Volume 1
March 2001**

RESEARCH AND PREVENTION DIVISION





MISSION: To promote integrity in the Queensland public sector and an effective, fair and accessible criminal justice system.

ABBREVIATIONS USED

ABS	Australian Bureau of Statistics
CJC	Criminal Justice Commission
ESC	Ethical Standards Command
FYC	First Year Constables
QPS	Queensland Police Service

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KEY FINDINGS

Integrity in the Queensland Police Service

- Overall standards of police behaviour in Queensland have improved in the last decade.
- Instances of drug-related corruption continue to be detected in the QPS, although there is no indication that such behaviour is widespread or involves senior officers.
- Unauthorised release of information is a serious risk area for the QPS.
- Most members of the public who have contact with the police are satisfied with how they are treated; few have any direct experience, or knowledge, of serious misconduct by police.
- The most common complaints of misconduct made against police concern the alleged excessive use of force.
- Young people are much more likely than the rest of the population to have a poor opinion of police.
- Younger police are increasingly more aware of ethical issues and of their legal and ethical obligation to report misconduct by fellow officers. However, many police are still reluctant to report their peers, especially for behaviour that is seen as less serious.
- The increased focus on police integrity and accountability in the last decade has not had an adverse impact on police operational effectiveness.

Areas requiring attention

The QPS has implemented several measures in recent years to enhance integrity within the Service. Looking to the future, priority needs to be given to:

- implementing the outstanding recommendations of the CJC's October 1997 report *Police and Drugs* — particularly those relating to drug and alcohol testing and the management of drug exhibits — and the key recommendations of the CJC's November 2000 report *Protecting Confidential Information*
- providing more comprehensive training in tactical communication skills to operational police
- revising rostering practices to ensure that experienced police officers are being deployed to best effect
- enhancing the roles and skills of supervisors
- providing all operational police with portable tape recorders
- monitoring the effectiveness of the Urgent Duty Driving policy.

INTRODUCTION

STRUCTURE OF THE *QPS REFORM UPDATE*

There are two volumes to the *QPS Reform Update*.

This first volume focuses on the broad area of integrity and standards of conduct generally in the Queensland Police Service (QPS). It:

- summarises key findings from Criminal Justice Commission (CJC) complaints data, research studies, inquiries and investigations
- describes recent initiatives taken by the QPS to raise integrity levels within the Service
- identifies outstanding issues that the CJC considers warrant attention by the QPS
- sets some benchmarks for future reports.

The second volume focuses on developments in other organisational areas within the QPS, such as education and training, policing strategies and organisational management.

STRUCTURE OF THIS VOLUME

The first part overviews findings from:

- complaints data held by the CJC and the QPS Ethical Standards Command (ESC)
- surveys undertaken by the CJC, QPS and Australian Bureau of Statistics (ABS)
- CJC investigations and inquiries
- major incidents reported to the CJC by the QPS
- CJC 'ethics surveys' of QPS first-year constables (FYCs).

The second part focuses on what the QPS has done — and still needs to do — to promote integrity from an organisational perspective.

ACKNOWLEDGMENTS

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The paper was prepared by staff of the Research and Prevention Division of the CJC.

PART 1: OVERVIEW OF FINDINGS

The findings outlined in this section have been drawn from CJC complaints data, survey data, CJC inquiries and investigations, details of major incidents reported to the CJC (such as police shootings and police pursuits) and measures of changing police attitudes (such as ethics surveys of FYCs).

COMPLAINTS DATA

Uses and limitations

Complaints are an important source of information about police practices and organisational processes, and the quality of ‘customer service’ provided by the QPS. In addition, if used properly, they can assist in identifying officers who have shown a propensity to act inappropriately.

The main limitations to complaints data are as follows:

- The fact that a person has made a complaint is not, of itself, proof that the alleged behaviour actually occurred. Many complaints are not substantiated because of insufficient or conflicting evidence. Some complaints are deliberate fabrications or are made by people whose judgment and recall have been clouded by anger, alcohol or other drugs.
- Some types of police misconduct are rarely the subject of a complaint. For example, people who offer bribes generally stand to benefit themselves from participating in such activities and so have little incentive to complain. In some instances the person who has suffered because of police misconduct may be unaware that he or she has suffered harm (such as when confidential information about them has been released).¹ In other cases, people who are aggrieved by police behaviour may not complain because they do not know where or how to complain, lack confidence in the process, or are fearful of reprisals.
- The number of complaints may vary over time for reasons unrelated to changes in standards of police conduct. For example, the underlying willingness of members of the public to complain may increase or decrease, high-profile inquiries may prompt an upsurge in some types of complaints, or organisational procedures for recording and classifying complaints may alter. The amount and type of contact between police and members of the public can also have an impact on complaint levels.

For these reasons, it is important that trends and patterns revealed by complaints data are checked wherever possible against other types of data such as surveys and intelligence information.

¹ See CJC 2000, *Protecting Confidential Information*, pp. 30–31.

How complaints against police are categorised

In Queensland, complaints against police are categorised as relating either to misconduct, official misconduct or breach of discipline.

A **breach of discipline** is defined as a breach of the *Police Service Administration Act 1990*, the *Police Powers and Responsibilities Act 2000*, or a direction of the Commissioner (which includes the Code of Conduct and Code of Dress and Appearance), provided that the behaviour does not amount to misconduct. Breaches can commonly be described as violations or derelictions of duty.

Misconduct, which is generally regarded as more serious than a breach of discipline, is defined by section 1.4 of the *Police Service Administration Act 1990* as conduct that:

- is disgraceful, improper or unbecoming an officer; or
- shows unfitness to be or continue as an officer; or
- does not meet the standard of conduct reasonably expected by the community of a police officer.

Official misconduct is corrupt or other serious misconduct by a public sector officer relating to the performance of the officer's duties. The conduct must:

- be dishonest or lack impartiality; or
- involve a breach of trust; or
- be a misuse of officially obtained information.

The conduct must also amount to a criminal offence or be serious enough to justify dismissal.

Official misconduct includes conduct by anyone who seeks to corrupt a public officer. (For the precise wording from the Criminal Justice Act, see section 32(1).)

QPS and CJC jurisdiction to investigate

The CJC has jurisdiction over complaints of misconduct and official misconduct, regardless of the source of the complaint, whereas the QPS has responsibility for dealing with breaches of discipline. The CJC Complaints Database contains a comprehensive record of misconduct complaints. Breach of discipline complaints are recorded in the Complaints Management System of the ESC (the QPS's Ethical Standards Command).

Misconduct complaints

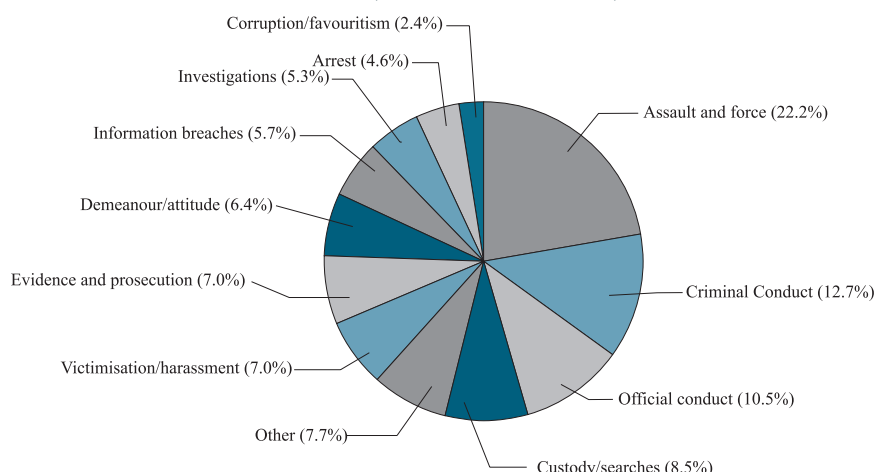
Who complains and about what?

Around three-quarters of the misconduct complaints received by the CJC come from members of the public, with the balance coming from QPS managers and supervisors, other police officers, CJC investigators, other public sector bodies, and prisoners/detainees. Of the complaints that come from members of the public, about 40 per cent are initially made to the QPS and are referred to the CJC, and the balance are made directly to the CJC. The proportion of complaints made directly to the CJC has been increasing steadily in recent years.

Allegations of assault or use of excessive force accounted for 22 per cent of all misconduct allegations received in the two years 1998–99 and 1999–2000 (see figure 1).² Allegations relating to arrest and custody processes, searches, and victimisation/harassment made up around 20 per cent of allegations, with 'criminal conduct' allegations (which include alleged involvement in drugs and offences such as stealing) accounting for 13 per cent.

2 The number of allegations exceeds the number of complaints, as a single complaint may contain several discrete allegations.

FIGURE 1 — Types of misconduct allegations against QPS officers (1998–99 to 1999–00)



Source: CJC Complaints Database.

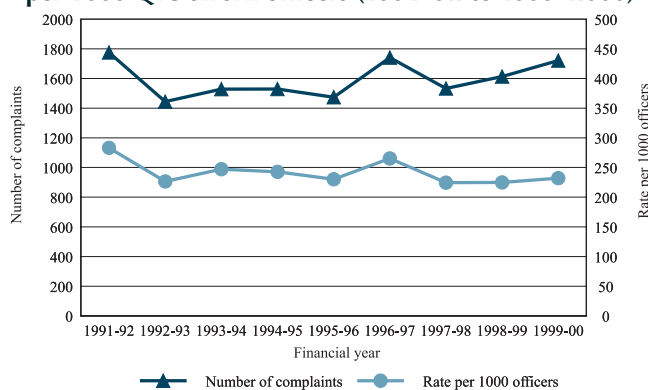
Note: 'Official conduct' consists mainly of allegations relating to failure to perform a statutory duty, exceeding powers and other misuse of powers.

Trends

Figure 2 shows the number of complaints of police misconduct received annually by the CJC in the years 1991–92 through to 1999–2000, plus the number of complaints per 1000 sworn officers.

The number of complaints per 1000 sworn officers has been quite stable since 1992–93, with the exception of a 'spike' in 1996–97. This upturn corresponded with the Carter Inquiry into Police and Drugs, the Carruthers Inquiry into the Queensland Police Union Memorandum of Understanding with the National Party, and the aborted Connolly–Ryan Inquiry into the CJC. These were all events that increased the public profile of the CJC and may have generated a temporary increase in complaints as a consequence.

FIGURE 2 — Number of misconduct complaints received and rate per 1000 QPS sworn officers (1991–92 to 1999–2000)



Source: Complaints: CJC Complaints Database;

QPS sworn officers: QPS Statistical Reviews 1991–92 to 1999–00.

Although the overall level of misconduct complaints has remained fairly stable in recent years, there have been some changes in the complaint 'mix'. For example, since the mid-1990s:

- the overall rate of 'assault/excessive force' allegations per 1000 officers has continued to increase, although the number of allegations of serious assault has fallen
- there has been a steady decline in allegations relating to matters such as duty failure and untruthfulness/dishonestly/lying ('official conduct')
- there has also been a downward trend in 'corruption/favouritism' allegations.

Outcomes of investigations

Only a minority of complaints made to the CJC result in criminal charges or disciplinary action being recommended against police. Reasons for this include:

- some complaints relate to behaviour that, even if proven, would not amount to misconduct
- in many instances the investigation finds insufficient evidence to substantiate the allegation
- an increasing number of minor misconduct matters are now being returned to the QPS to be dealt with managerially or by informal resolution.

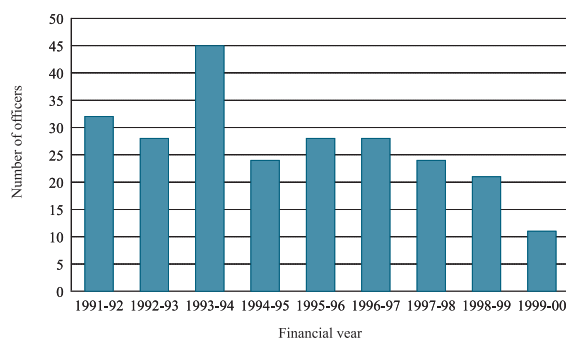
These factors limit the utility of data on complaint outcomes as a measure of the overall level of misconduct in the QPS. However, viewed in conjunction with other indicators, these data are of some value as a trend indicator.

Figure 3 presents, for 1991–92 onwards, annual data on the number of police officers charged with criminal offences or put before a Misconduct Tribunal as a result of CJC investigations. Matters dealt with through these processes are generally at the more serious end of the scale. It can be seen that the number of officers charged with criminal offences or official misconduct is quite small relative to the total number of complaints received. Further, the number of officers subject to such charges has declined since the early 1990s, notwithstanding that there has been a substantial increase in the total number of sworn officers in the QPS.

Less serious cases of substantiated misconduct by police are normally dealt with through the internal QPS disciplinary process. A rough indication of trends in this area is provided by figure 4, which shows, for the calendar years 1995–2000, the number of officers subject to disciplinary action as a result of misconduct complaints.

Figure 4 indicates that the number of misconduct complaints resulting in disciplinary action was more or less constant between 1995 and 1998, but fell dramatically in the following two years. This decline may in part be attributable to improved standards of behaviour, but could also reflect the greater use of alternative complaints-resolution strategies by the QPS.

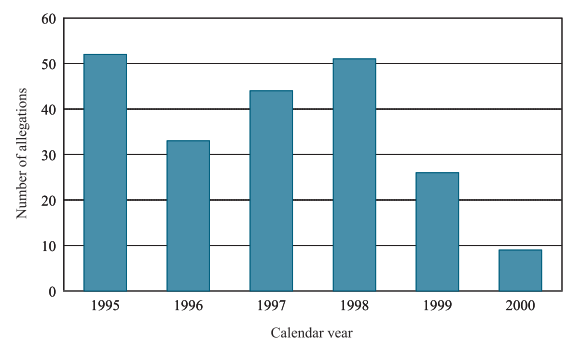
FIGURE 3 — Police officers charged with criminal offences or official misconduct as a result of CJC investigations (1991–92 to 1999–00)



Source: CJC Charges Register.

Note: Figures 3 and 4 are not directly comparable because the data on which figure 4 is based were obtained from the QPS rather than the CJC database.

FIGURE 4 — QPS officers subject to disciplinary action as a result of misconduct complaints (1995 to 2000)



Source: ESC Complaints Management System.

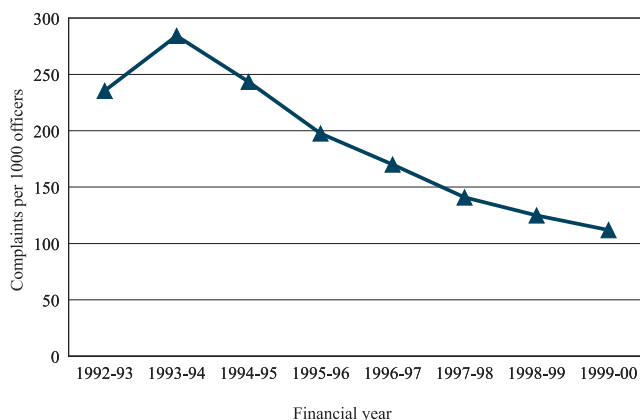
Note: Does not include officers who resigned or retired while a disciplinary hearing was pending.

Breaches of discipline

Breaches of discipline generally relate to less serious forms of misbehaviour by police, and are investigated and dealt with internally by the QPS. Around 75 per cent of matters concern 'officer behaviour' (which includes rudeness) or 'duty failure'.

In contrast to the trend for misconduct complaints, the number of breach of discipline complaints per 1000 officers has fallen markedly since 1993–94 (see figure 5).

FIGURE 5 — Number of breach of discipline complaints per 1000 QPS sworn officers (1992–93 to 1999–2000)



Source: ESC Complaints Management System.

The survey data (see next section) suggest that there has been a general improvement in recent years in the manner in which police interact with members of the public, which ought to have translated into fewer minor complaints being received about 'officer behaviour'. However, the drop in such complaints may also be partly due to police supervisors becoming more willing to treat minor infractions by officers as managerial, rather than disciplinary, issues.

COMPLAINTS DATA: SUMMARY

Complaints data indicate that:

- The number of misconduct complaints per 1000 officers has remained fairly constant since the early 1990s, apart from a temporary increase in 1996–97.
- There has been a steady drop in breach of discipline complaints since 1993–94.
- There has been some reduction since the early 1990s in the number of police officers charged with criminal offences or official misconduct.
- There has recently been a marked drop in the number of officers being disciplined as a result of misconduct complaints.

SURVEY DATA

Recent information about the public's perceptions of, and experiences with, police in Queensland is obtainable from:

- surveys commissioned by the CJC in 1995 and 1999 of public attitudes towards police
- Population Survey Monitor surveys conducted annually from 1996 onwards by the ABS
- surveys by the CJC in 1996 and 1999 of defendants appearing in selected Queensland Magistrates Courts
- surveys of crime victims who have reported to police, conducted by the Queensland Government Statistician's Office on behalf of the QPS in 1996 and 1998.

Relevant data from earlier surveys are reported in *Integrity in the Queensland Police Service* (CJC 1997, pp. 38–54).

Uses and limitations

Surveys are an important alternative source of information about police behaviour towards members of the public. Properly designed surveys provide information about actual levels of public concern about police actions, rather than just about those incidents that become the subject of a formal complaint. In addition, unlike recorded complaints, survey findings are not affected by changes in reporting behaviour or administrative practices.

The main limitations to survey data are as follows:

- Comparable surveys have only been conducted in Queensland from the mid-1990s onwards and then only for some years, whereas complaints data are compiled continuously.
- Because surveys are based on samples only, estimates (for example, of the proportion of respondents claiming to have been assaulted by police) are sensitive to sampling error. This limits the utility of surveys as a measure of trends, especially where small samples have been used.
- Some forms of police misconduct (such as misuse of information) rarely come to public attention and so the extent of such behaviour cannot be reliably determined by using a standard survey methodology.

CJC Public Attitudes Surveys

Public-attitudes surveys commissioned by the CJC in 1995 and 1999 asked respondents whether they had been dissatisfied with the behaviour of a member of the QPS in the last 12 months towards themselves or someone else, and whether they had complained about this behaviour.³ The surveys were conducted by telephone with the samples being drawn from Queenslanders aged 18 years or over.

In the 1999 survey around 11 per cent of respondents claimed to have been dissatisfied with police behaviour towards themselves or someone else in the previous 12 months (see table 1).⁴ This was a similar result to the 1995 survey, when 12 per cent of respondents expressed dissatisfaction.

In both the 1995 and 1999 surveys, the most commonly stated grounds for dissatisfaction were that police had been unfriendly, rude or arrogant, or had acted unreasonably or

3 A full discussion of the findings of these surveys as they relate to police can be found in CJC 2000, *Public Attitudes Towards the QPS*.

4 The precise wording was: Have you ever been annoyed or dissatisfied about the way a Queensland police officer behaved, or about the way the Queensland police have handled a matter that affected you or someone you know? When was that? Approximately how long ago?

unfairly. Less than 1 per cent of the sample in each survey claimed to have been the victim of, or a witness to, a police assault or some other illegal act.

The proportion of dissatisfied respondents who said that they had felt like making an official complaint fell from 56 to 44 per cent between 1995 and 1999, which was a statistically significant drop. The proportion of dissatisfied respondents who reported actually making a complaint also fell — from 21 per cent in 1995 to 16 per cent in 1999 — but this was not a statistically significant change (see table 1).

As shown by figure 6, respondents in the 18–24 years age bracket were much more likely than the rest of the sample to express dissatisfaction with police behaviour. This age group also generally had more negative attitudes towards police. Data from other sources, such as police statistics on ‘cleared’ crime, indicate that this age group is much more likely than the rest of the adult population to be subject to enforcement action by police, which may help to explain this finding.

TABLE 1 — Level of public dissatisfaction with police behaviour and action taken in response to that dissatisfaction: CJC Public Attitudes Surveys 1995 and 1999

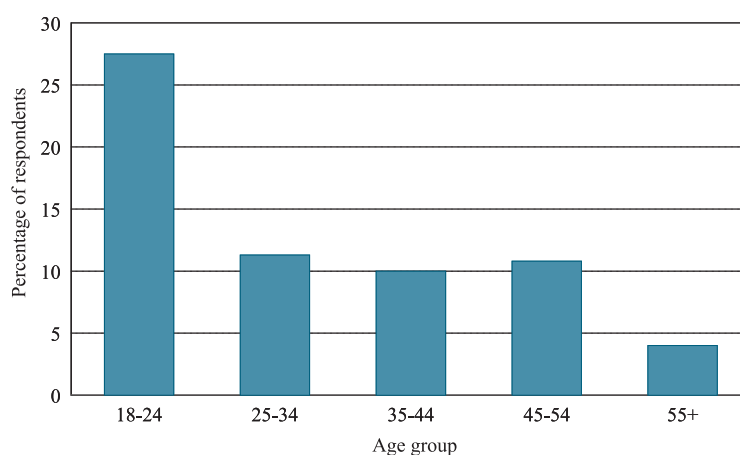
	1995 (n=900)		1999 (n=1502)		P
	No.	% of all respondents	No.	% of all respondents	
Dissatisfied with police behaviour in the last 12 months	109	12.1	161	10.7	ns
Respondents dissatisfied with police behaviour in the last 12 months who:					
• felt like making an official complaint against the officer	61	6.8	71	4.7	*
• made or tried to make an official complaint	23	2.6	26	1.7	ns

Source: CJC 2000, *Public Attitudes Towards the QPS*.

Notes:

1. Differences between the two years were examined using the chi-square test.
2. ns: not significant; *: $p < 0.05$ (This means that there is a less than one in 20 likelihood that this result would have been obtained by chance.)

FIGURE 6 — Proportion of respondents reporting dissatisfaction with police behaviour in the last 12 months: by age group
CJC Public Attitudes Survey 1999



Source: CJC, *Public Attitudes Towards the QPS*, June 2000.

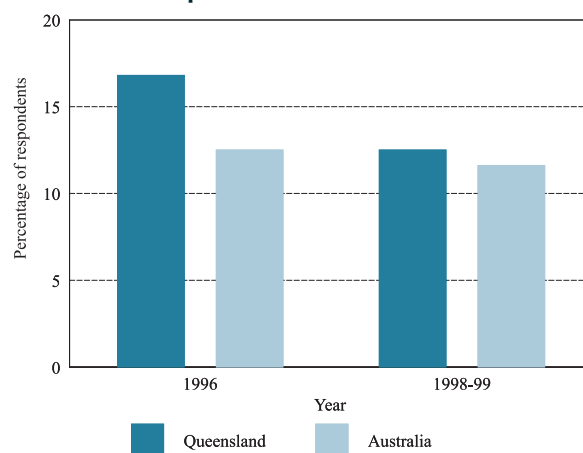
ABS Population Survey Monitor

Since 1996 the ABS has conducted annual Australia-wide surveys of community perceptions of police services.⁵ The surveys have included questions that ask respondents about their contact with the police in the last 12 months and whether they were satisfied with this contact.

In the most recent available survey (1998–99) around half of the Queensland respondents had experienced some contact with the police in the preceding 12 months, with about 60 per cent of these contacts being police-initiated. Of those respondents who had been in contact with police, about 12 per cent said that they were dissatisfied with the service that they had received. This proportion was similar to the national average (see figure 7). This is a considerable improvement from 1996, when 17 per cent of Queensland respondents who had been in contact with police in the previous 12 months expressed dissatisfaction — a proportion well above the national average for that year.

In Queensland, as in other jurisdictions, the most common reasons people gave for being dissatisfied related to the general manner and unhelpfulness of police. About 2 per cent of dissatisfied respondents — or 1 per cent of these who had been in contact with police — said that police had used unnecessary force.

FIGURE 7 — Proportion of respondents in contact with police in preceding 12 months who were dissatisfied with service provided: Queensland and national comparisons (1996 and 1998–99)



Source: Unpublished data, ABS Population Survey Monitor.

CJC Defendants Surveys

In 1996 and 1999 the CJC surveyed defendants appearing at several large Magistrates Courts in Queensland about their experiences of police treatment and the arrest process. Just under 500 defendants were surveyed in 1996, with this number being doubled in 1999 to facilitate more intensive analysis of the findings.⁶

In both surveys, respondents were asked whether they were unhappy with any aspect of their treatment by police, what they were unhappy about, and whether they had made a formal complaint about the alleged incident.

Not surprisingly, defendants had a considerably more negative view of their contact with police than did the general public. Just under 50 per cent of respondents to both surveys said that they were dissatisfied with some aspect of their treatment by police, with the most commonly expressed concerns relating to the use of force by police and the ways in which police spoke to the defendant.

⁵ See ABS, *Population Survey Monitor*, various issues, for a description of the survey methodology.

⁶ A full description of the survey methodology is provided in: CJC 2000, *Police Powers in Queensland*, pp. 6–15.

As shown by table 2, there were some significant differences between the two Defendants Surveys in the frequency with which different types of concerns were raised.⁷ In particular, a smaller proportion of respondents to the 1999 survey:

- said that they had been assaulted
- alleged impolite, rude or verbally abusive behaviour by police
- said that police had not informed them about their rights.

Overall, the findings suggest some improvement between the two survey years in police behaviour towards suspects.

**TABLE 2 — Main concerns expressed by defendants about police treatment:
Defendants Surveys 1996 and 1999**

Type of concern	1996 (n=489) % of total sample	1999 (n=1005) % of total sample	P
No concern expressed	53	55	ns
Excessive force			
Assault	8	4	**
Rough treatment	11	11	ns
Impolite, rude or verbally abusive	13	7	**
Didn't tell me my rights/provide information	7	4	*
Manner of treatment	9	11	ns
Conduct of search	5	6	ns

Source: CJC Defendants Surveys.

Notes:

1. Multiple responses were permitted, so percentages may add up to more than 100%.
2. 'Assault' includes striking or hitting. 'Rough treatment' includes pushed, shoved, rough handling, use of force, grabbed, thrown, heavy-handed, twisted fingers around, dragged from car, tight holds, tight handcuffs, drove car roughly, coercion generally.
3. 'Manner of treatment' includes 'intimidated, harassed, victimised or humiliated me', or 'tried to provoke, upset or frighten me'.
4. ns: not significant; *: p<0.05; **: p<0.01
5. Not all responses are shown. For a full break down see CJC 2000, *Defendants' Perceptions of Police Treatment*.

The 1999 survey also specifically asked defendants whether police had at any stage employed any force towards them and whether any physical restraint had been used by police.⁸ The findings included that:

- 80 per cent of respondents said that police had *not* used any force against them
- in most cases where force was used it was fairly minor (such as grabbing or shoving); the use of batons or closed fists was reported in very few cases
- there were substantial variations between locations in the frequency with which police reportedly used force.

The proportion of dissatisfied defendants who reported having complained to someone about their treatment fell from 25 per cent in 1996 to 18 per cent in 1999 — a statistically significant drop.⁹ The reasons for this decline cannot be discerned from the surveys, but may be partly attributable to fewer serious allegations being made against police in the 1999 survey.

⁷ Respondents were asked an open-ended question and responses were post-coded, using a standard coding format.

⁸ CJC 2000, *Reported Use of Force by Queensland Police*.

⁹ These findings are discussed in detail in CJC 2000, *Defendants' Perceptions of Police Treatment*.

QPS Crime Victims Survey

In 1996 the QPS, in conjunction with the Queensland Government Statistician's Office, surveyed around 4500 people who had reported crimes to police, in order to ascertain satisfaction with the services they received. The survey was repeated in 1998 and in 2000.¹⁰

Findings from the 1996 and 1998 surveys show that the proportion of respondents expressing general satisfaction with the service that they received increased from 81 to 84 per cent between these two years. In both surveys, the main reasons for dissatisfaction were that police did not do enough, were uninterested, or failed to keep the victim informed; few respondents complained about police being rude or uncooperative.¹¹

SURVEY DATA: SUMMARY

- Findings from surveys of the general public, defendants and crime victims all suggest that there has been some improvement in standards of police behaviour in recent years in Queensland.
- Most people who come into contact with police are satisfied with how they are treated.
- The most common negative comments about police behaviour relate to rudeness, perceived unfairness and unhelpfulness. Few members of the public have any direct experience — or knowledge — of serious misconduct by police.
- Young people are considerably more likely than the rest of the population to report negative experiences with — and perceptions of — police.
- Defendants have a much more negative view of the police than the general public. The most common concerns of defendants relate to the alleged excessive use of force by police.
- There is some evidence that people who are dissatisfied with police behaviour have become less willing over the last few years to complain about it formally.

CJC INQUIRIES AND INVESTIGATIONS

Since mid-1997, the CJC has released major public reports dealing with police and drugs, misuse of information by police and police strip-searching practices. Key findings arising from these reports and associated investigative activities undertaken by the CJC are summarised below.

Police and drugs

In 1996 the CJC set up a multidisciplinary task force, Project Shield, to conduct proactive investigations into possible police misconduct in the illicit drug trade. This formed the basis for the Carter Inquiry into Police and Drugs, which was established in late 1996.

In the report *Police and Drugs*, which was released in October 1997,¹² Mr Carter concluded that:

- the policing of drug offences arguably provided the greatest source of corrupt police activity in the QPS
- recreational drug use by police officers was quite widespread, especially among junior officers
- 'skimming' of drug exhibits by police and the theft of drug money appeared to be a problem

¹⁰ Results from the 2000 survey were not available at the time of publication.

¹¹ Further details may be obtained from the QPS reports *Victims of Crime Survey* (1997) and *Crime Victims Survey* (1999).

¹² CJC 1997, *Police and Drugs*. See also the follow-up report published in 1999.

- the protection of drug offenders and the apparent willingness of police to assist or protect offenders in return for a financial benefit was a matter of major concern.

As a result of the Carter Inquiry, six officers were charged with criminal offences. In addition, Mr Carter made a series of recommendations designed to reduce drug-related corruption risks within the QPS.

Another outcome of the Inquiry was the formation in 1997 of a permanent multidisciplinary team within the CJC to collect information about, and conduct proactive investigations of, police officers and others involved in drug-related corruption.

The number and rate of drug-related complaints have grown in recent years, increasing from an annual average of less than 15 complaints per 1000 officers in the first half of the 1990s to 23 in 1999–2000.¹³ However, this may reflect the impact of the Carter Inquiry and related initiatives, rather than being an indication that this form of misconduct is becoming more common in the QPS.

Although since the Carter Inquiry was concluded several other officers have been charged with drug-related offences, so far it would seem that police involvement in illicit drugs has mostly been restricted to officers of relatively junior rank acting individually and in small groups. No evidence has yet emerged to indicate that this type of corrupt conduct is systemic, or occurs at the higher levels of the Service. However, the fact that some key recommendations of Mr Carter's report are yet to be implemented by the QPS is a matter of concern to the CJC (see below).

Improper release of information

In November 2000 the CJC released *Protecting Confidential Information*, a report that identified a substantial number of cases where police officers had disclosed confidential information to external sources, or had misused QPS databases for personal reasons. For example, in one case several officers at a regional police station had unlawfully disclosed confidential information to a private investigator who also worked at the station as a cleaner. In another instance, an officer had used the QPS database to assist him in locating debtors on behalf of a debt-recovery agency.

As a result of the investigation, 13 officers were disciplined and another resigned. These officers were from five different police stations. A number of other officers who were suspected of similar misconduct had resigned or retired prior to the commencement of the investigation. The 1997 report *Police and Drugs* similarly revealed that some police were apparently using QPS databases for questionable, even corrupt, purposes.

On average, the CJC receives about 100 complaints a year relating to alleged misuse of information by police. However, the number of complaints received is not a good measure of the extent of this form of misconduct, as the person who may be disadvantaged by the improper release of information will often be unaware of it, or may be unable to make a complaint. It is not possible to use the outcomes of internal audits of database usage to monitor the extent of misuse, as the QPS has not conducted such exercises on a regular or widespread basis.

Although the extent to which police are currently involved in the unauthorised release of information cannot be accurately ascertained, it can be said with some confidence that:

- (a) there is a high demand for the confidential information to which police have access;
- (b) with existing QPS systems and processes, there is only a relatively low likelihood that instances of unauthorised release will be detected.

¹³ Drug allegations include illicit drug use, cultivation or manufacture, dealing or trafficking, possession and protection of persons involved in drugs.

Additionally, as documented in *Protecting Confidential Information*, in some parts of the QPS it seems to be regarded as acceptable to release confidential information to process servers and private investigators. This combination of factors obviously creates a substantial risk that such misconduct will persist unless strong preventive action is taken.

Police strip-searching practices

In the latter part of 1999 the CJC commenced an inquiry into police strip-searching practices, in response to considerable public debate and concern about this area of police activity.

The report on this inquiry (*Police Strip Searches in Queensland: An Inquiry Into the Law and Practice*, June 2000) concluded that there was no evidence of widespread abuse by Queensland police of their power to conduct strip searches. However, it also identified several issues that needed to be addressed by the QPS to ensure that the power to strip search was used appropriately and subject to proper accountability. The recommendations of this report are currently being implemented by the Service.

CJC INQUIRIES AND INVESTIGATIONS: SUMMARY

- Instances of drug-related corruption continue to be detected in the QPS, although there is no current indication that such behaviour is widespread or involves higher-level officers.
- Unauthorised release of information by police officers is a significant risk area for the QPS.
- There is no evidence of widespread abuse by Queensland police of their power to conduct strip searches.

MAJOR INCIDENTS NOTIFIED TO THE CJC

Police shootings and police pursuits

Under QPS procedures, all police shootings and police pursuits resulting in death or injury must be reported to the CJC. In the majority of these cases the CJC oversees the QPS investigation of the incident, although the CJC itself sometimes conducts the investigation.

These matters are not complaints and usually do not result in any disciplinary or criminal action being taken against the officers who were involved in the incident. However, in some cases it has been evident that stricter procedures and controls might have prevented the incident.

Figure 8 indicates that police shootings resulting in death or injury are relatively rare events in Queensland — generally in the vicinity of only two or three incidents a year. Importantly, there is no indication of any upward trend in the number of such incidents.

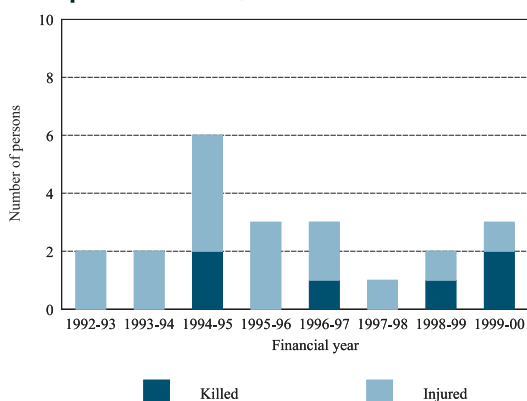
In Queensland, as in most other police jurisdictions, considerably more deaths and injuries occur in the context of police pursuits than as a result of police firearm discharges (see figure 9).¹⁴

Figure 9 shows that there was a sharp upturn in 1997–98 and 1998–99 in the number of persons killed or injured as a consequence of police pursuits. This was followed by an equally sharp downturn in 1999–2000, which corresponded with the introduction of a new, more restrictive, policy on urgent duty driving by the QPS in January 2000 and a

¹⁴ For a detailed analysis of pursuit incidents resulting in death or injury in Queensland in the period 1992–93 to 1996–97 see CJC 1998, *Police Pursuits in Queensland Resulting in Death or Injury*.

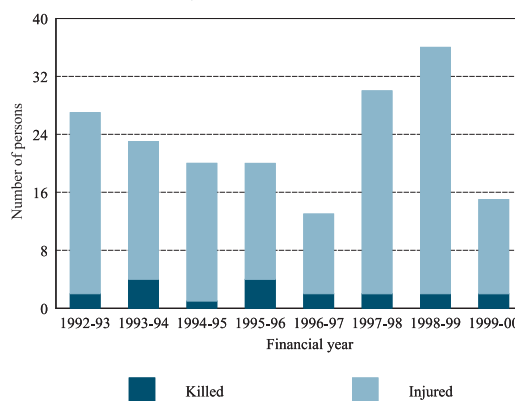
greater focus generally on the issue by the Service. However, in the first eight months of this financial year, there have already been two deaths and 17 injury cases recorded, suggesting that the impact of the new policy may be diminishing.

FIGURE 8 — Number of persons killed or injured as a result of police firearm discharges reported to the CJC (1992–93 to 1999–00)



Source: CJC Complaints files.

FIGURE 9 — Number of persons killed or injured in police vehicle pursuits reported to the CJC (1992–93 to 1999–00)



Source: CJC Complaints files.

MAJOR INCIDENTS NOTIFIED TO THE CJC: SUMMARY

- Police shootings continue to be relatively rare events in Queensland, with no sign of any upward trend.
- Considerably more people are killed or injured in Queensland in the context of police vehicle pursuits than as a result of firearm discharges.
- There was a marked drop in 1999–2000 in the number of deaths and injuries arising from police vehicle pursuits, but the number of such incidents has increased in the current financial year.

MEASURES OF POLICE ATTITUDES

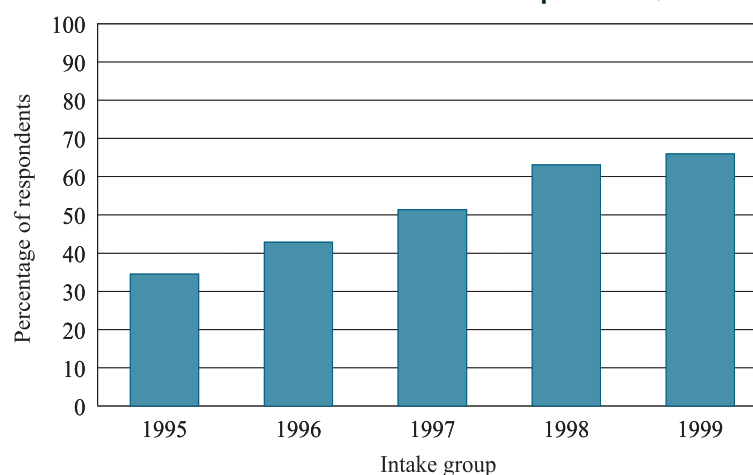
Awareness of ethical issues

Since 1995 the CJC has regularly surveyed intakes of FYCs (first-year constables) after they have been ‘in the field’ as operational police officers for about six months. The primary purpose of these surveys is to ascertain FYCs’ level of awareness of ethical issues and obligations as police officers. The surveys are also a useful guide to the state of police ‘rank and file culture’ generally. The surveys are administered during Academy training courses, which ensures a near 100 per cent response rate.¹⁵

Questions asked of FYCs include how well informed they feel about dealing with ethical problems. Figures 10 and 11 show a steady increase from 1995 onwards in the proportion of respondents who said that they had received ‘some’ or ‘a lot of’ information about how to deal with ethical problems, and a similar increase in the proportion considering themselves to be ‘fairly’ or ‘very’ informed about how to deal with ethical problems. This corresponds with the increased attention now being given to training in ethical issues by the QPS Academy (see below).

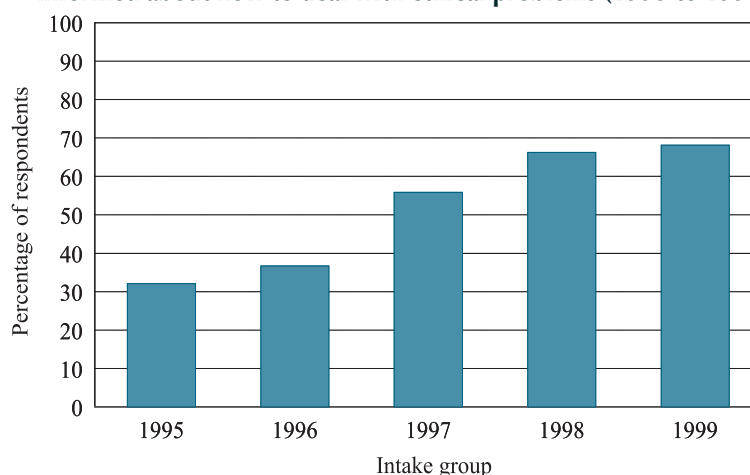
¹⁵ All FYCs surveyed were in the January intake for the respective year. Intake size varied from 50 for January 1995 through to 157 in January 1998. For details of the methodology used see CJC 1999, *Ethics Surveys of First Year Constables*.

FIGURE 10 — Proportion of FYCs considering that they had received ‘some’ or ‘a lot of’ information about how to deal with ethical problems (1995 to 1999)



Source: CJC Police Ethics Surveys.

FIGURE 11 — Proportion of FYCs considering themselves to be ‘fairly’ or ‘very’ informed about how to deal with ethical problems (1995 to 1999)



Source: CJC Police Ethics Surveys.

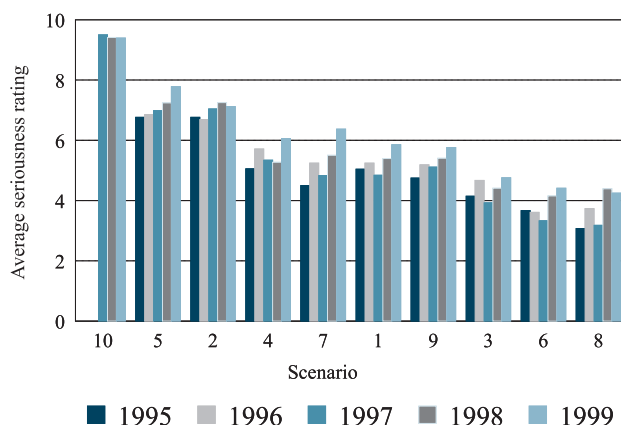
The surveys also include 10 scenarios describing various forms of unethical conduct by police officers, with respondents being asked to rank, on a scale of 1 to 10, how seriously both they themselves and a typical officer would regard the behaviour described in each scenario. In summary form, the scenarios are as follows:¹⁶

1. Off-duty officer tries to avoid Random Breath Test (RBT)
2. Officer at bottle shop break-in pockets cigarettes
3. Officer retaliates against youth who assaulted female officer
4. Accident by police misrepresented in report
5. Words added to suspected rapist's statement
6. Pick-up outside of patrol area
7. Registration check to get details of attractive woman
8. Officers accept cartons of beer for Christmas party
9. Officer forcefully moves youth on
10. Skimming from drug exhibits

¹⁶ The full wording of the scenarios is reproduced in CJC 1999, *Ethics Surveys of First Year Constables*.

Figure 12 shows, for each scenario, the average ‘seriousness’ ratings that respondents said a ‘typical officer’ would assign to that behaviour. It can be seen that since 1995 the seriousness ratings have increased for most of the scenarios. The responses relating to respondents’ personal views show a similar trend. This suggests that there has been some increase in awareness of ethical issues among junior police officers in recent years.

FIGURE 12 — The average seriousness rating of scenarios of unethical conduct (typical officer): FYCs (1995 to 1999)



Source: CJC Police Ethics Surveys.

Note: Scenario 10 was not included in the first two surveys.

For logistic reasons, it has not yet been possible to map attitudinal change over time among other groups within the QPS, such as detectives and middle-level managers and supervisors. Consequently, it is not possible to ascertain how widespread the changes described above are within the QPS

Willingness to report suspected misconduct by fellow officers

The CJC 1997 report *Integrity in the Queensland Police Service* discussed at some length the issue of whether the influence of the police ‘code of silence’ — that is, the reluctance of officers to report misconduct by other officers — had diminished since Fitzgerald reported on this issue. Our conclusion then was that:

there has been a weakening of ‘the code’, particularly in the upper levels of the Service [but] there is still considerable resistance among rank and file police to the idea that they should have to report misconduct by fellow officers, especially for those forms of misbehaviour which are seen as less serious. (p. 105)

The CJC has continued to monitor this aspect of police culture through its ethics surveys of FYCs (see above) and by analysing data on the source of misconduct complaints to the CJC.

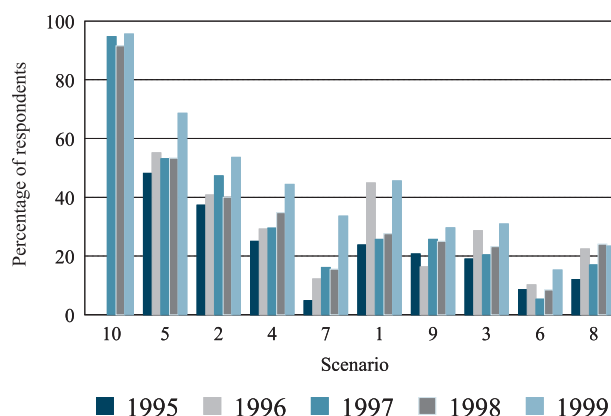
Ethics surveys

For each scenario, FYCs were asked whether they would be prepared either to formally report an officer who engaged in the behaviour described, or to informally bring the incident to the attention of a senior officer.

Figure 13 shows that since 1997 there has been some increase for most of the scenarios in the proportion of FYCs indicating a willingness to report, formally or informally, another officer. However, the proportions are still quite low for some of the scenarios, especially given that police are under a statutory obligation to report suspected misconduct by a fellow officer.¹⁷

¹⁷ Police Service Administration Act 1990, s. 7.2.

FIGURE 13 — Proportion of FYCs willing to take action that would result in official attention for each scenario of unethical conduct (1995 to 1999)



Source: CJC Police Ethics Surveys.

Note: Scenario 10 was not included in the first two surveys.

Source of misconduct complaints to the CJC

Police officers make up less than 10 per cent of the complainants in misconduct matters. Police are most likely to be complainants where criminal or corrupt acts or omissions are alleged, and are least likely to initiate complaints about alleged excessive force, or arrest-related matters.

Table 3 shows that between 1994–95 and 1997–98 there was an increase in the number and proportion of misconduct complaints initiated by police, but no further change between 1997–98 and 1999–00.

Table 4 indicates that supervisors and managers are responsible for more than two-thirds of the police-initiated complaints that are made, with the proportion of complaints by junior officers declining slightly over time. These data suggest that the attitudinal changes shown by the ethics surveys may not yet have translated into changes in actual behaviour.

TABLE 3 — Police-initiated complaints as a proportion of all misconduct complaints against police (1991–92, 1994–95, 1997–98 and 1999–00)

	1991–92	1994–95	1997–98	1999–00
Total number of misconduct complaints against police	1799	1511	1513	1721
Police-initiated complaints	111	115	141	152
Police-initiated complaints as a proportion of all complaints	6.2%	7.6%	9.3%	8.8%

Source: CJC Complaints files.

Note: Excludes

- complaints where subject officer or complainant was a non-sworn member of the QPS
- major incidents reported to the CJC by the QPS
- complaints passed on by a police officer from a non-police source
- complaints assessed as breach of discipline matters.

**TABLE 4 — Rank of officers who were the source of police-initiated complaints
(1991–92, 1994–95, 1997–98 and 1999–00)**

Rank of source	1991–92 % (n=94)	1994–95 % (n=102)	1997–98 % (n=139)	1999–00 % (n=144)
Non-supervisor	39.4	34.3	34.5	28.5
Supervisor	41.5	36.3	38.1	33.3
Management	19.1	29.4	27.3	38.2

Source: CJC Complaints files.

MEASURES OF POLICE ATTITUDES: SUMMARY

- Regular surveys of FYCs indicate that between the 1995 and 1999 intakes:
 - awareness of ethical issues among junior police increased
 - the proportion who felt themselves equipped to deal with ethical issues increased
 - stated willingness to report fellow officers for misconduct increased.
- Although these trends are positive, many officers, especially of junior rank, are still reluctant to report misconduct by fellow officers.

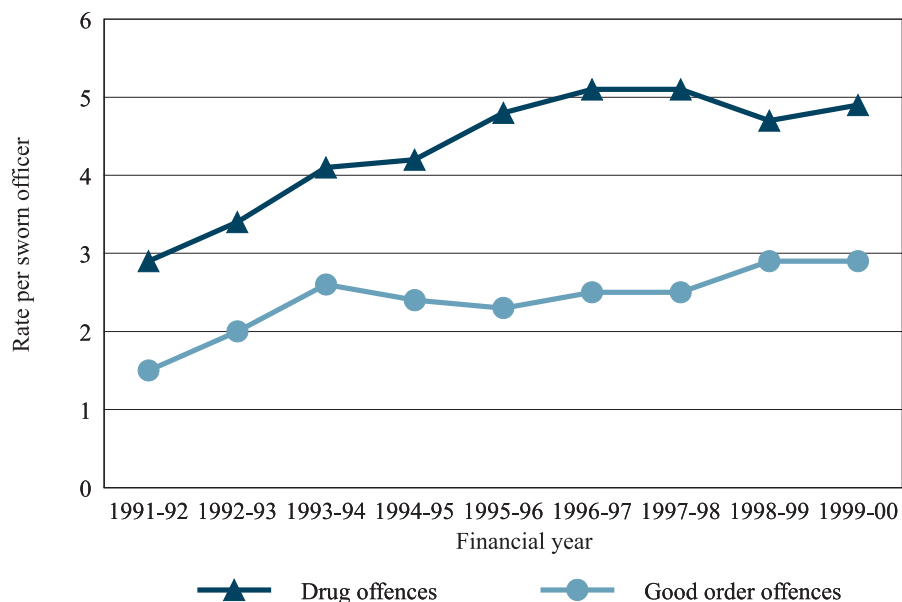
Have increased integrity controls hindered police effectiveness?

From time to time, it is asserted by some police officers and others in the community that the greater emphasis on integrity and accountability in the post-Fitzgerald-Inquiry era has made police fearful of being the subject of a complaint investigation and therefore less willing to 'do their job'.

A simple way of testing this claim is to examine trends in indicators of discretionary police activity, as measured by such indicators as the number of good order and drug offences detected and recorded by police. There is much more scope for police to cut back on proactive as opposed to reactive enforcement activity (such as responding to crime reports and other calls for service). Therefore, if police were being constrained by a fear of complaints, this should be reflected in a reduction over time in the number of 'discretionary' offences that are being enforced.

Figure 14 shows, on an annual basis, the trend in the number of drug and good order offences per officer for the period 1991–92 through to 1999–2000. For both offence categories there was a strong upward trend over the course of the decade. This is persuasive evidence that the increased focus on integrity and accountability issues has **not** had an adverse impact on police operational effectiveness.

FIGURE 14 — Number of 'drug' and 'good order' offences detected per sworn officer (1991–92 to 1999–00)



Source: QPS Statistical Reviews, 1991–92 to 1999–00.

PART 2: ORGANISATIONAL RESPONSES

This section briefly describes various initiatives taken by the QPS from 1997 onwards to enhance integrity controls within the Service. It also identifies matters that, in the CJC's view, require attention by the Service.

RECENT DEVELOPMENTS IN THE QPS

In our 1997 report *Integrity in the Queensland Police Service* we reported that 'in most respects' current complaints and discipline processes were working satisfactorily, but that there was:

a need to focus more on developing and implementing preventive strategies and modifying the organisational climate of the QPS to ensure that the gains which have been made to date are consolidated.¹⁸

The main developments that have occurred in the QPS since we provided that assessment are summarised below.

Establishment of the ESC

In October 1997 the Professional Standards Unit and Commissioner's Inspectorate merged to form the ESC (Ethical Standards Command) headed by an Assistant Commissioner. An Ethical Practices Branch was also created to provide support and advice to the Service regarding ethical practices, procedures and policy.

Formation of the ESC has raised the profile of integrity-related issues within the QPS and enabled a more proactive approach to be adopted.

Enhanced support for internal witnesses

In January 1998 an Internal Witness Support Program was established in the ESC with the stated role: 'to provide guidance and support to members who report misconduct by another member of the Service'.

Up until November 2000, 116 members of the QPS have been provided with varying degrees of support from the program (see table 5). The program is actively promoted throughout the QPS and has developed a reputation within other areas of the Queensland public sector as an example of 'best practice'.

TABLE 5 — Number of persons supported by QPS Internal Witness Support Program

Year	No. of persons supported
1998	58
1999	32
2000	26

Source: Unpublished ESC data

Tighter recruitment procedures

In line with the recommendations of the joint CJC-QPS report *Police for the Future* (1998) the QPS has implemented stricter procedures for assessing the integrity of potential recruits

18 CJC 1997, *Integrity in the Queensland Police Service*, p. 11.

to the Service. These reforms include:

- establishment of an Integrity Committee within the QPS to evaluate applicants who have had an integrity issue raised against them
- tightening of the criteria for automatically excluding applicants
- stricter reference and financial-checking procedures.

The drug testing of recruits was also proposed in the report, but is yet to be implemented.

Training initiatives

Considerable progress has been made since 1997 in building a focus on ethics into QPS training, particularly in relation to the training of recruits, first-year constables and officers enrolled in the Constable Development Program. Ethical issues are also specifically addressed in Detective Training and in the Management Development Program. Data from the FYC surveys (see above) indicate that the increased emphasis on ethics education has corresponded with greater awareness generally of ethical issues among FYCs.

Identification of ‘problem officers’

The ESC, through its Ethical Practices Branch, has developed procedures for identifying and ‘profiling’ officers who account for a disproportionate number of complaints. This information, in turn, is being provided to officers’ supervisors, with a view to encouraging them to initiate ‘remedial’ action such as re-training, counselling, closer supervision and redeployment to other duties.

The approach is consistent with good practice in other police organisations, although at this stage it is difficult to ascertain how effective the program has been in correcting officer behaviour.

Trial of new complaints-handling procedures

In July 2000 the QPS and CJC commenced a joint trial of new complaints-handling procedures in two regions (Project Resolve), with a view to assessing whether the new system should be adopted on a statewide basis. This initiative is aimed at giving the QPS greater responsibility for dealing with complaints of misconduct (subject to continuing CJC oversight) and at encouraging the use of ‘managerial resolution’ as an alternative strategy for responding to less serious misconduct complaints.

Under the new system being trialed, managers and supervisors are being encouraged to use strategies such as guidance, coaching, education and training, and closer supervision to address inappropriate behaviour by officers. This new process, if properly implemented and managed, may enable the QPS to deal more effectively with the ‘less serious’ forms of police misbehaviour.

OUTSTANDING ISSUES

Although some important initiatives have been taken by the QPS in the last few years to enhance integrity controls within the Service, other issues identified in our *Integrity in the Queensland Police Service* (1997) report and in subsequent reports and reviews have yet to be effectively addressed. The more important of these matters are dealt with in the discussion below.

Tactical communications skills training

The continuing high number of assault and excessive force complaints remains an area of concern to the CJC, notwithstanding that the seriousness of the alleged assaults appears to have diminished. The CJC’s view is that both the number of such complaints and the

level of conflict between police and members of the public could be reduced if police were better trained in how to communicate effectively with ‘difficult’ members of the public. Such training could also help reduce the volume of less serious complaints, such as allegations of rudeness.

The Physical and Operational Skills Training (POST) Program, introduced in 1997, has provided operational police with valuable training in the use of physical control tactics, as well as including some training on alternatives to the use of force. However, there needs to be greater emphasis placed on training operational police in the use of these skills.

In late 2000, as part of Project Resolve, the QPS commenced a trial of ‘Verbal Judo’ — a well-regarded training program designed to enhance the tactical communications skills of police officers. In addition, the CJC and QPS, under the auspices of the Police Education Advisory Council, have initiated a review of current QPS training programs to identify ways in which the delivery of training in tactical communications can be enhanced. It is expected that this review will be completed in mid-2001. It is hoped that, as a result of these initiatives, QPS officers will be better equipped in the future to manage encounters with the public in a way that reduces the likelihood of conflict occurring, or of a complaint being made.

Rostering practices

CJC research into factors that give rise to assault complaints against police has shown that inexperienced officers attract the largest proportion of such complaints.¹⁹ It is likely that complaints against this group of officers could be reduced if junior officers were paired with more experienced officers wherever possible, especially for those shifts where there is an increased risk of police–civilian conflict occurring (particularly Thursday, Friday and Saturday evenings). It is acknowledged, however, that the rapid expansion of the Service in recent years has made it more difficult to give effect to such arrangements.

Enhancing the role of supervisors

As noted above, the QPS, through the ESC, is improving its systems for identifying those officers who have complaints profiles that may indicate recurring behavioural and attitudinal problems. Project Resolve is also aimed at encouraging supervisors to take a more proactive approach to dealing with behaviours that give rise to complaints.

However, these initiatives will be of little value unless supervisors are motivated to act on the information gained, have the necessary personnel-management skills and are in a position to use suitable managerial strategies (for example, by being able to access appropriate training courses for officers who are identified as needing additional training). The QPS needs to give priority to ensuring that supervisors take a more active role in dealing with officer misbehaviour.

Reducing drug-corruption risks

The 1997 Carter report, *Police and Drugs*, recommended a number of reforms aimed at reducing the opportunities and incentives for police to engage in corrupt conduct. Among the changes proposed were:

- tighter controls over the handling of seized property, particularly drug exhibits
- adoption of an integrated drug and alcohol policy, including provision for random and targeted drug testing of officers
- automatic rotation, after a designated period, of officers in squads and areas deemed to present high-corruption risks

¹⁹ CJC 1997, *Reducing Police–Civilian Conflict*.

- tighter controls on the management of informants and covert police operatives
- adoption of enhanced risk-management strategies by the Service.

Substantial progress has now been made with several of these issues; for example, a comprehensive State Informant Management System was recently adopted by the Service, and greater use is being made of risk-management strategies. However, as of early 2001 there was still no drug-testing regime in place, key property-management controls were yet to be introduced and little progress had been made on the issue of maximum tenure. In some of these instances (such as the introduction of drug testing) the slow rate of progress may have been partly beyond the control of the Service. Overall, however, a more vigorous approach needs to be taken to implementing the outstanding recommendations of Mr Carter's report and those of the Service's own internal reviews.

Police and information

The CJC's recently released report, *Protecting Confidential Information*, contains a comprehensive set of recommendations that, if implemented, would substantially enhance information security within the QPS. Recommendations include that:

- measures be implemented to make it more difficult for staff to use another user-ID to access QPS databases
- the QPS implement a systematic and ongoing audit program of access to, and use of, corporate/mainframe computer systems
- members of the QPS be required to record a reason for access for each transaction made on corporate/mainframe computer systems
- measures be taken to raise awareness of information security and individual accountability issues
- the QPS tighten the rules relating to outside employment by police.

The CJC will be working with the QPS during 2001 to facilitate implementation of these proposed changes.

Use of portable tape recorders

For some time the CJC has argued that all operational police should be issued with portable tape recorders, and that officers should be required to overtly record all interactions with suspects and others who are the subject of enforcement action. The Royal Commission into the New South Wales Police Service made a similar recommendation in its 1997 report.

Adoption of this practice would both discourage police from behaving inappropriately and dissuade members of the public from making unfounded complaints. Routine tape recording would also facilitate the speedier investigation and resolution of complaints. The CJC recognises that this proposal has substantial resource and management implications for the QPS, but considers that these can be overcome by taking a staged approach to implementation and, if necessary, by the Service seeking budget supplementation from Government.

Police pursuits

As discussed above, each year a considerable number of people are killed or injured in the context of police vehicle pursuits. The introduction in January 2000 of a new, more restrictive policy on urgent duty driving appears initially to have reduced the frequency of such incidents. However, given that there have been two deaths and 17 injury cases recorded in the first eight months of the current financial year, it would be timely for the Service to assess whether that is an adequate level of compliance with this policy.

ORGANISATIONAL RESPONSES: SUMMARY

- In recent years the QPS has acted to raise integrity levels within the Service by such means as:
 - establishing the Ethical Standards Command in 1997
 - providing improved protection for internal witnesses
 - implementing stricter procedures for assessing the integrity of potential recruits
 - strengthening the emphasis on ethical issues in training programs
 - developing proactive strategies for identifying ‘problem officers’.
- Looking to the future, the Service needs to focus on:
 - providing operational police with more — and better — training in communication skills
 - ensuring that rostering practices maximise the number of experienced officers ‘on the street’ at times when the risk of police–civilian conflict is highest
 - strengthening the role and skills of supervisors
 - implementing the outstanding recommendations of the CJC’s 1997 report *Police and Drugs* and the key recommendations of the 2000 report *Protecting Confidential Information*
 - initiating action to provide all operational police with portable tape recorders
 - ensuring that there are appropriate controls governing the initiation and conduct of police vehicle pursuits.

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