

Who polices the police?

In the early hours of the morning outside a night club, an officer attempts to take a member of the public into custody who is intervening in a scuffle between police and his mate. He resists violently, and the officer uses OC (capsicum) spray in an attempt to subdue him. The man feels this is unwarranted. The officer considers he had no option. Views may differ in scenarios such as these, but who is responsible for determining whether a police officer has acted unreasonably?

The Ethical Standards Command (ESC) works in partnership with the Crime and Misconduct Commission (CMC) to deal with complaints

made against police officers who are alleged to have conducted themselves in an improper manner. Often a complaint can be looked at as a learning opportunity for the officers involved or for the Service as a whole.

In the scenario above, a complaint is made about the use of force by the officer. The complaint could have come from the man resisting arrest, a bystander or another police officer at the scene who considered the use of force was excessive in the circumstances.

Complaints originate either from the public or

from within the Queensland Police Service (QPS)—it is a police officer's duty to report any misconduct by other police. Research conducted by the CMC and the QPS over the past 10 years found the more serious the alleged misconduct, the more likely police would report other police.

The vast majority of complaints about police are referred by the CMC to the ESC for the Service to deal with. In many of these cases, the way in which the complaint is dealt with is monitored by the CMC. The CMC only investigates a small number of the most serious complaints.


The ESC works proactively by monitoring complaints and initiating early intervention

strategies to address any deficiency in an officer's work practice. All complaints are rated against a matrix—an impartial method of determining the grade of the complaint and what intervention will be necessary. Low-grade complaints are handled by local QPS management whereas high-grade complaints are fully investigated by the ESC.

Chief Superintendent Kevin Hedges of ESC said the command's role was to carry out investigations into misconduct and to identify flaws in the processes and practices of police.

"The ESC looks at early warning systems or trends, such as repetitive complaints





about excessive force when apprehending offenders, to determine what needs to be investigated," Chief Superintendent Hedges said.

Since 1990—immediately after the Fitzgerald Inquiry—the CMC (and its predecessor the Criminal Justice Commission) has been working with ESC to fight major crime, protect witnesses and strengthen integrity within the QPS. The CMC conducts research to address any systemic issues, policy and procedure deficiencies, or workplace issues.

CMC Director of Complaints Services Ms Helen Couper said the CMC was an independent oversight body responsible for promoting public confidence in the integrity of the QPS and the way it dealt with misconduct.

"The CMC has a close working relationship with the Ethical Standards Command and both parties meet weekly to discuss any issues of concern including those relating to specific complaints," Ms Couper said.

"We place a high value on this partnership and will continue to work with the QPS in the years to come to achieve even higher standards of accountability, integrity and performance."

"The CMC also conducts research about police powers and methods of operation. One policy that is currently under review is move-on powers, which allow

police to move on a member of the public who is engaging in threatening behaviour."

Another key stakeholder working in partnership with the Service is the State Coroner. The State Coroner has a signed Memorandum of Understanding with the CMC and ESC as to how deaths in custody are handled.

If a person dies while in police custody, trying to escape custody or while being put in custody—for example a suspected bank robber dies in a car crash while being pursued by a police officer—then an investigation is carried out by the ESC on behalf of the State Coroner. The CMC may also play an oversight role.

Assistant to the State Coroner Detective Inspector Brendan Smith said at the completion of the investigation, the State Coroner was required to hold an inquest to take evidence and make a finding as to the cause of the death in custody.

"The State Coroner may provide information to the Director of Public Prosecutions about suspicion of a criminal offence having occurred, or provide information to the CMC about suspicion of misconduct," Detective Inspector Smith said.

"The State Coroner may also comment on how to prevent similar incidents occurring in the future.

"When this is done, he forwards his advice to the QPS and the Office of the Director of Public Prosecutions for consideration."

Chief Superintendent Hedges said taking responsibility for complaint handling and working in partnership with the CMC and State Coroner was just part of the evolution of ensuring the Service was properly policed.

"Dealing with complaints is not just about identifying and addressing inappropriate conduct on the part of an individual," Chief Superintendent Hedges said.

"It is equally about identifying and addressing problems in the system and continuously improving the way we conduct our business. The focus is on learning from complaints, not looking at incidents in isolation."

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