



# Task Force Bletchley

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## ACKNOWLEDGEMENTS

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## EXECUTIVE SUMMARY

During the months of August and September 2015, media reporting highlighted allegations of excessive use of force by police on the Gold Coast. As a result of discussions between the Commissioner of Police and the then Minister for Police, Fire and Emergency Services and Minister for Corrective Services, which occurred on 9 September 2015, a Gold Coast action plan was formulated and ultimately announced. The plan included the appointment of a senior police officer to commence an immediate review into current and recent complaints involving use of force allegations on the Gold Coast and state-wide. This report presents the findings emanating from the work of Task Force Bletchley, which facilitated that review.

Task Force Bletchley was established on 14 September, 2015, and aimed to:

- Facilitate a process review of current and recent use of force (UOF) complaints against police;
- Examine the resolution strategies adopted for, and the managerial, disciplinary, criminal and community outcomes achieved following those reviewed complaints;
- Examine complaint trends to determine emerging issues;
- Explore individual, systemic and organisational factors leading to complaints;
- Explore individual, systemic and organisational factors contributing to complaint outcomes; and
- Make recommendations aimed at enhancing client service delivery, reducing complaints, and improving QPS internal investigative outcomes.

The work of the Task Force Bletchley was guided by a high level Reference Group consisting of:

- Commissioner of Police;
- Deputy Commissioner (Strategy, Policy and Performance);
- Deputy Commissioner (Regional Operations); and
- Deputy Commissioner (Specialist Operations).

When conceptualising these findings, it is important to consider them against the backdrop of the Ethical Standards Command (ESC) records which indicate there has been a 15 per cent reduction in complaints across the state for the 12 month period ending 30 June 2015 (1679 total complaints) compared with 30 June 2014 (1967 total complaints). The QPS contends that there are in the vicinity of six million recorded interactions each year between the police and members of the community<sup>1</sup>. If this is so, then the total complaints of excessive UOF when compared to the total amount of police – citizen interactions means that allegations of excessive UOF comprises less

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<sup>1</sup> The number of interactions between the police and the public was first highlighted during Operation Tesco, when a conservative figure of 5.4 million interactions was used. This figure has been updated since that time by Community Contact Command and has been publically referenced at approximately six million by the Commissioner.

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than one per cent of total interactions. Of course, any allegation of police using excessive force is a concern for a police agency.

The Task Force took a systematic approach, being guided by an analysis of current national and international best practice and research in police UOF, social science, criminological and psychological literature. To situate policing practices, work load and staffing model at the Gold Coast District (GCD) within the larger, state-wide context, a comparable police district was selected. North Brisbane District (NBD) was selected as the comparable district given its similar staffing numbers, metropolitan location and proliferation of licenced premises and entertainment precincts. It is important to recognise that NBD was not selected as an exemplar of best practice. It was selected so as to serve as a useful basis from which comparisons could be made regarding attitudes, values, practices, workloads and complaint trends and management.

The current review should be seen in the context of almost two decades of reviews related to policing generally and the Gold Coast specifically. Such reviews have identified largely similar areas of misconduct and have produced consistent recommendations centred around a number of common themes. Misconduct identified over this two decade period commonly features drugs, inappropriate associations, misuse of confidential information, and misuse of Service property, however use of excessive force has rarely been a focus of such reviews. Recommendations to address the identified misconduct have repeatedly concentrated on themes of supervision, workforce and human resource management, information security, human source policy and Gold Coast District specific staffing and organisational structure. The issues identified and the recommendations to address them have remained largely constant over the aforementioned 20 years of reviews.

Historically, there has been a widely-held perception within the QPS that the Gold Coast is 'unique'. This is particularly the case within the GCD, who not only identify that the area is unique but the policing challenges encountered in this area are distinguished from other areas of Queensland. The perception of 'uniqueness' by officers in the GCD, are due to factors associated with attracting a large transient population of holiday-makers and offenders, which necessitates a 'different' policing response. This has been articulated in a range of local QPS reports and documents, as well as external local government marketing. As such, a decision was made early in the establishment of the Task Force to where possible test this hypothesis, to attempt to determine whether there is any validity in these claims, and if so, whether this could account for any variations in the number and/or types of complaints made against police within the GCD.

Analysis of police workforce demographics of GCD and NBD showed significant similarities, both having similar proportions of officers at the constable, senior constable and sergeant ranks. Both GCD and NBD have a significantly higher proportion of constables than the Service average as a whole, with age and gender of officers substantially consistent. However, officers in GCD are more likely to have less service than those officers stationed in NBD and it would seem that when taking into account the police to resident population, GCD has slightly less staff to police a larger geographical area. Despite this the data indicated the decision to use NBD as a comparison district was prudent and justified.

The Task Force also identified that the nature of the work being undertaken by officers in GCD does not significantly differ to that of NBD, nor does the workload. However, there are divisional differences in the type and volume of work being carried out by police within GCD, particularly relating to Surfers Paradise Division. Interestingly, analysis of the rate of good order offences reported as occurring at adult entertainment venues, licensed premises, night clubs and hotels at each district indicated that GCD does not deal with more "alcohol fuelled" good order offences than NBD.



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Despite a continued downward trend in the rate of complaints of excessive UOF across the State (down 13 per cent from 2013/14 to 2014/2015), and a reduction of 16 per cent for NBD, GCD for the same period revealed a 13 per cent increase. However, when considering the small number of complaints in total, a slight increase in numbers (from 52 to 59) can account for an inflated variance.

The review examined in detail over 250 matters associated with UOF complaints and client service issues involving UOF. Across the review period there were 102 complaints involving an allegation of excessive UOF made against a subject member assigned to GCD compared to NBD with 117. For both districts, the majority of subject members were males aged between 31 and 40 years at the rank of constable and senior constable, with less than 10 years' service. This finding accords with the literature which indicates that gender, age and experience are all related to police UOF and complaints of excessive UOF.

With respect to the GCD complaints of excessive UOF the police division which numerically had the largest number of subject members was Surfers Paradise Division. Interestingly, Fortitude Valley contributed to a significantly smaller proportion of the NBD complaints than the phenomena occurring within Surfers Paradise Division and GCD.

The majority of complaints across both districts emanated from interactions with good order offenders, the persons making complaints against officers were primarily males aged 31 to 40 and more than half of the incidents resulting in a complaint occurred between 2100 hours and 0300 hours between Friday and Sunday. Nearly half of all GCD complaints resulted from police interactions with persons in an alcohol related area whereas similar interactions only contributed to less than one third of the complaints against NBD officers.

Use of open hand tactics and handcuffs were the two categories accounting for the majority of complaints in both districts. Current QPS UOF reporting requirements do not routinely require the reporting of these force options. Consequently, it was impossible to determine to what extent officers in these situations attempted to use non-physical resolution strategies such as effective communication and conflict resolution tactics to de-escalate the incident.

More than half of all complaints reported were finalised with no form of action being taken, including not substantiated, exonerated and withdrawn, and less than one per cent resulted in disciplinary proceedings.

In considering factors which may account for the higher percentage of complaints in Surfers Paradise Division an examination of Surfers Paradise Station Instructions and operational practices concluded that the use of Surfers Paradise Station as a de-facto watchhouse to which offenders are taken on foot, and the implementation of routine handcuffing processes may increase the risk of officer and offender (complainant) injury as well as use of force complaints.

Officers who participated in focus groups advised of feeling stressed, tired and angry, partly as a result of high workloads, continued exposure to violent / aggressive individuals and ongoing night work. Analysis of rostering practices found that officers at Surfers Paradise Station worked a higher average number of night and weekend shifts than other organisational units. Given the literature relating to the impact on police officer health and well-being and the links between increased officer stress and use of force from sustained exposure to confrontational situations this issue is of concern.

The potential for continuous exposure to a difficult workplace to increase the risk of an officer developing unacceptable patterns of behaviour was recognised in a number of the previous reviews of Gold Coast policing. The Crime and Misconduct Commission in 2008 and 2010, and the Service Delivery and Performance Commission in 2008 made recommendations on transfer provisions covering a range of circumstances, from routine movements to maintain a healthy workplace culture, to specifically targeted action against officers with integrity or performance issues.

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The key focus, however, was on the need to be able to move officers in the public interest, for the benefit of the Service and, implicitly, for the good of the individual officer. Management initiated lateral transfer (MILT) is the process used to transfer a police officer from one position to another or from one location to another at the same rank. Recent court matters demonstrate that MILT becomes a lengthy and uncertain process when the transfer is not agreed to by the officer.

Previous reviews and resulting recommendations identified that the introduction of Commissioner's Confidence provisions had been recommended. Commissioner's Confidence provisions were considered by this review in the context of a suite of responses to address unsatisfactory behaviour. This review has identified that Commissioner's Confidence provisions are not without their challenges and a number of jurisdictions who have utilised such provisions report varying results. The Task Force identified that New South Wales introduced Commissioner's Confidence provisions in the 1990s, has developed a mature system and provides a basis for further consideration of the issue.

The importance of effective leadership and supervision in preventing misconduct (including excessive UOF) and corruption is well known in the literature. Recent investigations by the Queensland CCC found that 'failure to provide adequate supervision is one of the most common enablers of serious and systemic corrupt conduct'. The Task Force identified no significant differences between supervision practices between GCD and NBD. It was noted that supervisors in GCD and NBD predominantly work in a mixed supervision model, however the proportion of exclusively or usually 'on the road' supervisors is lower in GCD.

The risk management approach to officers 'at risk' of developing unacceptable behaviour patterns, particularly in respect of UOF was considered by the review. The risk management structure and practices relevant to 'at risk' officers, with particular emphasis on complaints of use of excessive force, is at least as well developed in GCD as in NBD. While not well supported by formalised risk management plans, OICs use a similar range of identification and management strategies with regard to 'at risk' officers. The PPM office in GCD is better staffed than any other in the Service and performs the full range of both discipline process and risk mitigation roles. The GCD does not differ in any significant way from NBD in regards to the risk management structures and approaches used to identify and manage 'at risk' officers.

The Task Force was well aware that the role of the media in focussing attention on an issue and the impact on an organisations reputation cannot be underestimated, with the majority of the public obtaining their understanding of police and the policing role from media representations including news reports, entertainment and reality television, and more recently social media. PSBA media do not maintain data on the number or type of media stories published relating to QPS, so a rudimentary examination of internet search engines was conducted by the Task Force to illustrate the level of media focus on the Gold Coast. Some 174 articles were identified. Certain stories relating to UOF on the Gold Coast were extensively reported, and in some instances multiple times, across a range of media (e.g. TV, Radio, Print, online) and outlets. Feedback from officers across all ranks during focus groups was that the media's influence on the public's perception of excessive UOF was 'massive' and that it has a significantly negative impact on officer morale.

Examination of the information captured shows an apparent overrepresentation of Gold Coast related media incidents when compared to other areas of the State. As a proxy measure of reputational harm, results from the National Survey of Community Satisfaction with Policing were analysed for the two most recent quarters (June 2015 and September 2015). Findings were that the public's perception of police professionalism remained stable across the State and increased slightly for NBD. However there was a 10 per cent decrease in the public's perception that police are professional for the same period for GCD. It is not unlikely that media had an influence on this change in public perceptions.

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The Task Force considered that, particularly in conjunction with the roll out of Body Worn Video and the frequent availability of CCTV, with the increased footage available opportunities may be identified to showcase police work through QPS and social media environments. This footage may also be available to negate inaccurate reporting of matters of unprofessional behaviour of police officers by the media. The release of this information may assist in promoting an understanding to the community of the legitimacy of police applying use of force, dispel perceptions and increase communities' confidence in police.

Given the evidence from research which consistently illustrates the importance of media in shaping the public's perception of policing in general, and the rapid and on-going developments in both the public and police use of social media, the Task Force considered it essential that the Service works with Public Safety Business Agency Media to develop a method to collate, monitor and measure our performance in this area.

The Task Force reviewed the Service complaint process and supporting systems and identified a number of areas in which system or process improvements could be made. It was identified that accessing and completing a complaint report utilising the QPS intranet was an unnecessarily cumbersome process for front line police. The Task Force considered that this highlighted the need for a singular reporting system to eliminate inconsistencies in follow up action and report detail.

The process by which the Daily Assessment Committee (DAC) determines how complaints will be managed was reviewed. It was identified that Management Process (MP) and Investigation were the most common processes undertaken for the period of review. The average completion time for complaints allocated to MP is in excess of 100 days, and investigations in excess of 200 days. Considering the majority of complaints are finalised with no further form of action being taken, the time taken to effect this outcome appears to be excessive. The Task Force considered a review of process and reporting requirements, particularly for MP matters would be appropriate.

During this review it was established that the current complaint management system (CSS) did not sufficiently meet the needs of the Service and the data entry process is not adequate. This finding was essentially a replication of that found by an independent review of the Queensland police complaints, discipline and misconduct system report in 2011, which stated 'The need for a new system is urgent and has been pending for a number of years already'.

The Task Force considered the role of the Significant Event Review Panel (SERP) in critically analysing the appropriateness of police actions during a significant event review, recognising opportunities for learning, identifying good practice and improvements at the individual, work unit, district or whole-of-Service levels. It is of concern that there is no evidence to indicate SERPs have identified deficiencies or opportunities for improvement to whole-of-Service level systems, practices, policies, operational equipment or infrastructure.

As part of this review, the Task Force examined the Service's early intervention system used to identify 'at risk' officers and implement remedial action. In doing so, it was identified that the current early intervention system is focused on events within the discipline system, namely complaint history, and does not currently have the capacity to consider other relevant risk factors. The information generated from the process is generally siloed and is not used to inform or support secondment or transfer decisions. The Task Force recommended a review of the process.

The relationship between exposure to violence, especially alcohol-fuelled violence, and stress in policing was established in the literature review. The Task Force, through stakeholder consultation and feedback from focus group participants identified that despite the Service currently meeting its obligations under the *Work Health and Safety Act 2011*, there were opportunities to enhance psychological health assessment policy and processes and improve access to psychological health monitoring and outcomes.

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As a result of media reporting on the prosecution process of criminal charges on the Gold Coast where excessive UOF complaints have been made, the role of prosecutions was considered by the Task Force. The key finding was that, of the some 400,000 criminal charges preferred in Queensland in 2013-14, the conviction rate was 94 per cent with only six per cent being either withdrawn, no evidence offered or the defendant was acquitted. It was further identified that there is no evidence of complaints having an impact on the success or failure of charges. Only one matter for GCD was withdrawn as placing the matter before the court (due to the UOF) was likely to cause significant embarrassment to the Service (in addition to other sufficiency of evidence aspects).

The effect of a prosecution being commenced in respect of a matter which was also subject of a complaint was more significant. After finding that one third of complaints of excessive UOF in the GCD were deemed as being inextricably interwoven with court proceedings (compared to approximately 10 per cent in NBD), the practice of complaint finalisation by way of the 'interwoven with court' classification was explored by the Task Force. This process requires the defendant (or the concerned party to the complaint) to raise the issues as part of his/her case during the hearing of the criminal charges. When no adverse comments are made by the magistrate or presiding judge at the conclusion of the case, the defendant must then request a reopening of the complaint.

It was found that of these cases, only a very small percentage were reopened, which indicates that ultimately this practice results in some complaints not being fully considered on their own merits and should be subject to further review.

The Task Force considered a number of further issues relating to prosecutions and their potential impact on complaints. The limited understanding that prosecutors have of their role in the complaints process, particularly in respect of interwoven matters was identified as a matter for further attention. The role of the Prosecutions Review Committee as a facilitator of continuous improvement was examined and the Task Force found the current practices to be varied and in need of review to promote efficiency. Consideration was given to the workload and organisation of Police Prosecutions Corps, brief managers and brief checkers.

Whilst being cognisant of the widely acknowledged fact that police prosecutors have a significant workload which results in little time to prepare matters for court, the Task Force identified that insufficiently prepared briefs, often due to lack of time or capacity by brief checkers and supervisors, exacerbated the difficulties faced by prosecutors. An unstructured brief manager system, in which brief managers are frequently required to perform numerous unrelated duties further weakened the Service's ability to manage prosecutions. Symptoms of these difficulties were identified by the Task Force in GCD officer focus groups where participants complained withdrawals of charges were too common and 'erodes police confidence'. The Task Force identified that in fact withdrawals are quite rare, but the strain on the prosecution and brief management systems is manifesting in these perceptions.

Service training in UOF, professional standards training and the current QPS UOF model were considered by the Task Force. The current situational UOF model was considered in context of those used in other jurisdictions, research and the Task Force's own review of relevant vision of UOF events leading to complaints. It was identified across each of these sources that communication is a key element and one which is not prominent in the current Service OST curriculum. The Task Force concluded that a situational UOF model with an enhanced emphasis on the role of communication should be considered.

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The OST curriculum was reviewed in terms of its development process, evolving content and applicability to localised training initiatives. The Task Force found a strong governance framework with high level curriculum approval. The evolving nature of OST training was noted, particularly as it moves towards providing active armed offender training in 2016. Concerns that the time allocated to OST training is insufficient are acknowledged and it is recognised by the Task Force that any suggested changes to OST training would need to be considered in that context.

The Task Force identified a value to the provision of team tactics training, not currently available in the generic OST curriculum, to those areas with a particular need. Such localised training has been previously conducted in 2010 in Brisbane Central District with reportedly good results. However, the current curriculum requirements of OST training that only elements contained within the existing curriculum may be delivered in supplementary local training, complicates local delivery of team tactics training. The Task Force considered that a review of OST governance arrangements to provide greater scope for localised training would be beneficial.

The Task Force identified that Professional Standards Training frontline leadership concepts are not consistently promulgated across the organisation, and in a UOF context are only encountered once per year during OST training. From an OST perspective, the Block 2 (2015) Dynamic Interactive Scenario Training (DIST) scenarios incorporate concepts of frontline supervision and basic supervision, namely

- Assist your colleagues in doing their job.
- Fix something that is going wrong.
- Stop something that is wrong.
- Report something that has gone wrong.

These concepts have been carried into 2016 scenario assessment. While these concepts are loosely addressed in OST training, there is little direct guidance or instruction given to participants to enforce the frontline supervisory skills expected of supervisors. The Task Force has identified a need for the Service to promulgate key concepts of operational supervision and frontline leadership.

In making the following recommendations the Task Force acknowledges recent continuous improvement strategies implemented by Gold Coast District management which are likely to have a positive impact on the issues identified during this review.

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## RECOMMENDATIONS

**Recommendation 1** - *That the District Officer, Gold Coast District monitor and evaluate the effectiveness of the recent changes for the use of Surfers Paradise Station holding cells.*

**Recommendation 2** - *That the Commissioner considers pursuing legislative amendment and/or negotiation of industrial agreements, to implement an effective and efficient risk mitigation lateral transfer process.*

**Recommendation 3** - *That the Commissioner's confidence provisions should be considered as part of a future disciplinary reform process.*

**Recommendation 4** - *That the Assistant Commissioner Ethical Standards Command continue the current review of existing Investigation and Management Report templates to ensure the importance of reporting on supervisor involvement in complaints investigations is reflected. Further any changes need to be supported by guidelines and training.*

**Recommendation 5** - *That District Officers ensure Officers in Charge of stations and establishments, and their next level supervisors, comply with Service requirements for risk management, as detailed in section 3.3 of the Management Support Manual.*

**Recommendation 6** - *That the Assistant Commissioner, Ethical Standards Command ensure consideration is given to including the full range of Professional Practice Manager's position description key accountabilities when redrafting the principal duties outlined in Internal Investigation Group Instructions.*

**Recommendation 7** - *That the Assistant Commissioner, Community Contact Command, in conjunction with the Director, PSBA Media, direct work be undertaken to explore strategies to develop a whole of Service media monitoring and performance measurement process.*

**Recommendation 8** - *That the Assistant Commissioner Ethical Standards Command and the Director, PSBA Media collaboratively identify and disseminate opportunities to showcase good police work and address inaccurate media reporting.*

**Recommendation 9** - *That the Assistant Commissioner Operations Support Command develop a specialist forensic extraction capability and policy for Body Worn Video, relating to critical incidents.*

**Recommendation 10** - *That the Assistant Commissioner Ethical Standards Command review current complaint reporting processes to enable a single reporting option for compliments and complaints.*

**Recommendation 11** - *That the Assistant Commissioner Ethical Standards Command reviews Policelink reporting processes for complaints to ensure information that may be beneficial for early intervention strategies is captured.*

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**Recommendation 12** - *That the Assistant Commissioner Ethical Standards Command reviews the current process and reporting requirements for Management Process matters.*

**Recommendation 13** - *That the Assistant Commissioner Ethical Standards Command consider the need for an investigative capacity to support PPM's.*

**Recommendation 14** - *That the Commissioner considers in consort with the Chair of the Crime and Corruption Commission, the establishment of a project to replace the Client Service System (CSS) with a new IT solution that includes capability to integrate with other QPS systems and platforms.*

**Recommendation 15** - *That the Commissioner approves work be undertaken to review current SERP policy and procedures.*

**Recommendation 16** - *That the Deputy Commissioner, Strategy, Policy and Performance give consideration to recommencing the Early Identification Working Party (EIWP) and progress towards an IT solution for EIS.*

**Recommendation 17**: *That the Commissioner approves establishment of a Psychological Assessment Working Party (PAWP) to consider the current approach to psychological assessment and health monitoring, organisational policy, and future directions of psychological assessment within the QPS including resourcing.*

**Recommendation 18** - *That the Assistant Commissioner, Ethical Standards Command reviews the current practice of finalising complaints as interwoven with court.*

**Recommendation 19** - *That the Assistant Commissioner, Ethical Standards Command ensures that relevant training is delivered to police prosecutors and trainee police prosecutors on the complaint process.*

**Recommendation 20** - *That the Executive Director, Legal Division reviews the practices and relevance of the Prosecution Review Committee in respect of contemporary issues.*

**Recommendation 21** - *That the Executive Director, Legal Division review prosecution and brief management staffing models and practices.*

**Recommendation 22** - *That the Commissioner approves modification to the QPS Situational Use of Force Model to centrally position communication, acknowledging its importance as a precursor or in conjunction with other use of force options.*

**Recommendation 23** - *That the Executive Officer, Training and Development - Police reviews OST governance procedures to enable supplementary OST training for local training needs.*

**Recommendation 24** - *That the Executive Officer, Training and Development - Police reviews leadership and frontline supervisor training within current programs to actively promote frontline leadership.*

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## INTRODUCTION

In August and early September 2015, media reports highlighted allegations of excessive use of force by police on the Gold Coast. As a result of discussions between the Commissioner of Police and the Minister for Police, Fire and Emergency Services and Minister for Corrective Services, on 9 September 2015 a Gold Coast action plan was announced. The Minister indicated that in addition to an already established independent review into workplace culture on the Gold Coast a number of proactive measures (a four-point plan) would be taken to enhance policing, comprising:

- The appointment of a senior police officer to commence an immediate review into current and recent complaints involving use of force allegations on the Gold Coast and State-wide;
- Priority roll-out of Body Worn Video (BWV) cameras to frontline police on the Gold Coast;
- Fast-tracking the body of work already underway on community engagement; and
- The immediate appointment of Assistant Commissioner Brian Codd to the South Eastern Region (SER).

As a result of this announcement the Commissioner of Police established Task Force Bletchley (the Task Force), led by Assistant Commissioner Peter Martin, on 14 September, 2015. The Task Force aimed to:

- Facilitate a process review of current and recent use of force complaints against police;
- Examine the resolution strategies adopted for and the managerial, disciplinary, criminal and community outcomes achieved following those reviewed complaints;
- Examine complaint trends to determine emerging issues;
- Explore individual, systemic and organisational factors leading to complaints;
- Explore individual, systemic and organisational factors contributing to complaint outcomes; and
- Make recommendations which will aim to enhance client service delivery, reduce complaints and improve QPS internal investigative outcomes.

The work of the Task Force was guided by a high level Reference Group consisting of:

- Commissioner of Police,
- Deputy Commissioner (Strategy, Policy & Performance)
- Deputy Commissioner (Regional Operations); and
- Deputy Commissioner (Specialist Operations).

When considering the findings of this review, it is important to acknowledge that Ethical Standards Command (ESC) records indicate there has been a fifteen per cent reduction in complaints across the state for the 12 month period ending 30 June 2015 (1679 total complaints) compared with 30 June 2014 (1967 total complaints)<sup>2</sup>. Taking into account the reportedly almost 6 million recorded interactions each year between members of the QPS and the general community, the interactions between police and members of the public which adversely results in an allegation of excessive use of force represents 0.02% of interactions between police and the community state-wide.

Historically, there has been a widely-held perception, particularly within the Gold Coast District, that the Gold Coast itself is 'unique' in a variety of ways, attracting a large transient population of holiday-makers and offenders, which necessitates a 'different' policing response. This has been articulated in a range of local QPS reports and documents, as well as external local government marketing<sup>3</sup>.

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<sup>2</sup> Source –QPS Executive Leadership Team Quarterly Complaints Report Apr-Jun 2015

<sup>3</sup> For example the current SER Environmental Scan2015 – 2019 identifies that 'the South Eastern Region is particularly unique in lifestyle', has a 'highly transient population' and an 'expanding entertainment industry', all of which present 'many policing challenges'.



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As such, a decision was made early in the establishment of the Task Force to where possible test this hypothesis, to attempt to determine whether there is any validity in these claims, and if so, whether this could account for any variations in the number and/or types of complaints made against police within the Gold Coast District.

## LITERATURE REVIEW

From a theoretical perspective, in all societies there exists an implicit agreement amongst members as to a set of rules governing acceptable behaviour. Social contract theory claims that the primary role of governments is to ensure that this agreement is kept and that in accepting government rule, the public give up some of their personal freedom for the greater good. This is the underlying authority governments have to make laws and enforce them (Friend, 2004). The police, as the coercive arm of government are entrusted with the power to deprive people of their liberty and to use necessary force (including lethal) to uphold the laws of society. Given that the stability of social order is one of the building blocks of society, the role of police in order maintenance is of utmost importance.

Social science discourse claims that the symbolic role of police in society is as, if not more, important than what police actually do on a day to day basis. Every action (or inaction) taken by police reflects the status of social order; providing the community with a 'barometer' of the well-being (or lack thereof) of the society they control. It is for this reason policing and police work often provoke strong emotions from the public (Loader, 2014). Therefore, the manner in which police officers go about their business is essential to maintaining confidence in, and power of, the state.

### Police legitimacy

One of the key principles of policing (Peelian Principles of Law Enforcement) underscores the importance of public approval for the on-going success of policing in society, as it claims that the power of the police to control and exercise their duties is granted inherently through public consent, and that to secure willing public cooperation in observance of the law police 'must use only the minimum degree of physical force which is necessary on any particular occasion to achieve a police objective (UK Home Office, 2012).

For police to maintain this power, the public must view them as being legitimate; that is, as being an organisation or institute that is 'entitled to be deferred to and obeyed' (Sunshine & Tyler, 2003). For the institution of policing as a whole to be seen as legitimate, the community has certain expectations of police officers who are the visible face of the institution. There are four key elements / principles that inform this expectation:

- **Trust** - the community need to have trust that police officers will act in a 'manner consistent with the role of police officer', that is, as a professional who will 'perform their duties within a set of fair, public and accountable guidelines'.

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Project ABEO, a SER internal review of GCD investigative practices claimed that there were unique policing elements in GCD, that 'there is no other area in the State which is comparable', and that 'the policing environment is unique in that it exposes police to a high level of criminal activity'.

See for example the web-site of the Gold Coast Convention and Exhibition Centre ([www.gccec.com.au/quick-facts.html](http://www.gccec.com.au/quick-facts.html)) which claims that the Gold coast is 'one of the most unique cities to live, work and play' in.

- **Fairness** – people are more likely to obey the actions of a police officer and to cooperate with them if the officer treats them with fairness, dignity and respect.
- **Neutrality** – officers need to be seen to make decisions based on rules, facts and evidence, and not personal opinion.
- **Voice** - police officers need to give people the opportunity to ‘tell their side of the story’ before making a decision or taking action. People will feel they have had a good outcome as long as they feel the officer has seriously considered their argument (even if that outcome results in a penalty of some kind).

National and international research has shown that the way in which front-line, operational police officers interact with the public during interventions “is important for promoting citizen satisfaction, compliance and cooperation with the police”, and that police can achieve positive changes in members of the communities’ attitudes towards them by behaving in a procedurally just and legitimate manner (Goodman-Delahunty, 2010, p.405). Research has also shown that the use of these techniques in the actions of police officers when dealing with victims of crime can improve satisfaction levels with their contact experiences as much as a successful criminal justice outcome (Myhill & Bradford, 2012; Wheller et al, 2013).

As such, there may at times be a tension between the legality and the legitimacy of an officers actions when using force, making it essential that officers abide by the QPS philosophy that *‘police officers should only use the minimum amount of force necessary to resolve an incident’* to minimise complaints of excessive use of force (UOF).

When exploring the factors which may lead to complaints against police, the literature draws on a range of individual issues, including officer demographics (gender, age etc), individual behaviour and psychology, and organisational factors; especially organisational culture, leadership and supervision and education and training. Factors external to the organisation may also have an impact on how the public view police and their use of force, most notably the role of media – how police interactions are reported and the influence of the media in agenda setting. The following analysis of existing literature and research relating to these factors aims to provide an evidence-base to inform findings from the Task Force.

## Organisational culture

Robbins and Judge (2007, p. 753) define an organisation as “a consciously co-ordinated social unit” that “functions on a relatively continuous basis” in order to “achieve a common goal or set of goals”. Co-ordination implies some type of hierarchical structure charged with the management and responsibility of organisation members. Organisational structures “define how tasks are to be allocated, areas of authority and responsibility and the formal co-ordinating mechanisms” (Robbins and Barnwell, 2006, p. 7).

Culture is defined as being “a body of learned beliefs, traditions and guides for behaviour shared among members of a society or group” (Trevino and Nelson, 2007, p.259). It is seen as being the result of “a complex group learning process” (Schein, 2004, p.11) and within the organizational context is “the social glue that holds the organisation together” (Trevino and Nelson, 2007, p.259). Although cultures may vary, they express those shared assumptions and beliefs specific to an organisation or occupation and are manifested in a number of ways and at different levels. At the surface level the visible and formal organisational structures and processes operate followed by the organisations’ strategies and goals. The deepest level of culture is where the most embedded, unconscious assumptions exist; those “taken for granted beliefs, perceptions, thoughts and

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feelings” that are the most difficult part of an organisational culture to change (Schein, 2004, p.26; Trevino and Nelson, 2007).

According to Terrill, Paoline and Manning (2003) police culture is defined by the way officers act within the organisation to each other and to the organisation, and how they view each other within. The culture may vary depending upon individual experiences and location (Loftus, 2010) but is essentially shaped by these experiences (Waddington, 2013). It is not uncommon according to Bradford (2014) to develop a strong identity with the group or organisation to which they are part of, to embrace the generally accepted norms. Waddington (2013) believes these policing norms have developed from the roles undertaken by officers such as developing suspicion, deceiving for the greater good, and taking the freedoms from persons particularly through the use of force. These unique roles isolate the organisation from other organisations and in particular separates officers from members of the public. (Loftus, 2010).

In contrast this separation enhances loyalty to the organisation, which is defined as “vertical loyalty” (van Reenan 1997, p. 24) and to fellow officers; “horizontal loyalty” (van Reenan 1997, p. 24). Horizontal loyalty in particular is developed through shared experiences and according to Loftus (2010) the greater the danger in an organisational environment, the greater the level of horizontal loyalty. In policing, to manage the level of danger an expectation is placed upon members of the community to work in partnership with police through a certain level of submissiveness or compliance (Crouch, 2013). Crouch (2013) posits a failure to submit may mean a greater level of force is used against that person in order to bring about the required social order however greater authority will then shift the balance between the expectations of the community for fairness and social equality (Bradford, 2014).

According to Bradford (2014) members of the community see themselves as having a certain social identity, by being linked to those comparative in the community. The balance of the social identity will determine whether a member cooperates with the norms of the community. An imbalance will lead to an individual acting out against the accepted behaviours. Generally members of the community see themselves as having an equal balance with those in positions of authority (Bradford, 2014) because they see officers as maintaining an equal fairness in the community. If this identification of comparativeness with those in authority shifts as a result of police asserting a greater level of authority than socially acceptable therefore not being perceived as fair, Bradford (2014) states the level of cooperation with police diminishes. Cyclically according to Crouch (2013) officers will behave according to the behaviour of the person therefore where confronted with a challenge of authority the level of force will heighten. An increase in authority is in essence to bring balance to the social imbalance.

Myhill and Bradford (2012) outline the culture within the policing organisation which enhances a separation between members of the community and police needs to be changed if improved community collaboration and cooperation is sought. How though does a culture of insisting deference change? Culture appears to form as a result of the relationships within the organisation and how valued and stable an officer is including how fair they believe the organisation is in their own treatment (Myhill & Bradford, 2012) and their “subcultural” experiences (Cochran and Bromley, 2003, p.88). A policing organisation therefore needs to address the culture within to ensure the social identity of their member’s mirrors the fairness to which is expected to members of the community (Bradford, 2014).

## **Environmental issues**

When considering the issue of police use of force, factors including the demographics of the subject officer and complainant, the physical environment of the interaction and the work practices of the officer(s) are important. It should also be noted that acknowledged in the literature is that police use of force occurs infrequently when considering the number of interactions between them and the

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public, and when it does occur, it is most frequently “the lower end of the continuum”, specifically verbal instruction, restraint (for example handcuffs) or “pushing, grabbing or shoving” (Durna, 2011, p.6; Hine, 2014).

## **Officer demographics**

### **Gender:**

Personal characteristics of police officers in relation to use of force has been subject to research and analysis for decades. Gender as an issue is strongly represented, with the “employment of more female police officers being widely advocated as a partial remedy for excessive force and over-reliance on force” (Porter & Prenzler, 2015, p.1). A review of the literature indicates variable results in that there appear to be little or no gender differences in the likelihood or type of force used (Brandl & Stroshine, 2013), however studies have found that in situations when force is required female officers ‘use less force – and often much less force – than their male counterparts, including when controlling for factors such as age, experience and arrest activity’ (Porter and Prenzler, 2015). Recent research using Queensland Police Service data showed that female officers “consistently attracted fewer force-related complaints and allegations than male officers and had fewer repeat complaints”, and that when complaint allegations did involve female officers the majority also involved male officers, making complaints purely against female officers “particularly rare in the data” (Porter and Prenzler, 2015, pp.14-15).

### **Age and experience:**

Research relating to an officers age and experience in this area provides mixed results, primarily because these two elements are often interwoven. For example, a police officer’s age has consistently been identified in studies as being a predicting factor in police use of force (with younger officers more likely to use force) (Durna, 2011). However, according to Travis, Chaiken & Kaminski (1999) age generally has no bearing on use of force **complaints**. This is reinforced by Brandl and Stroshine (2012), who indicate that whilst younger officers are more likely to use force, age in general is not indicative of a complaint.

What would appear to be relevant to complaints of excessive use of force is the experience of the officer regardless of age. Paoline & Terrill (2007, p.193) in their research found that “officers with more experience relied less often on both verbal and physical force”. This was also indicated in Brandl & Stroshine’s (2012) review of the literature, which noted that complaints were not necessarily associated with age but more so based on experience, and inexperienced officers used force more often.

In essence the research appears to indicate that whilst an officers age may relate in some way to their use of force, experience (or lack thereof) is also associated with use of force, and more so with complaints of excessive use of force.

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## Work Environment

When reviewing the literature it is evident that it is not only officer characteristics which contribute to use of force, rather it is a combination of individual and situational factors. Previous research has indicated that the presence of others – police officers or members of the public / bystanders – has an association with police use of force, specifically that the more people there are at an incident, the more likely police are to use force to control the situation (Durna, 2011; Terril & Mastrofski, 2002). Durna (2011, p.11) referencing current and historical research on this topic claimed that in situations where there are more bystanders present, police may feel the need to rely on force “to demonstrate their authority and protect their image”. Notwithstanding, Garner, Maxwell and Heraux (2002), in their analysis of police self-report data across six US police jurisdictions found that whilst antagonism directed towards police by bystanders is associated with a higher likelihood that force will be used, there is no association with an increase in the severity of force used. Acknowledging the dynamic nature of police-citizen encounters, Klahm & Tillyer (2010) in their review of research in this area advise that findings should be interpreted with caution due to the variety of models used in studies to interpret data and the conflicting outcomes achieved (both supporting and negating findings have been found in a range of studies across this variable).

Research relating to job or role characteristics has, like other factors, produced mixed results. Brandl and Stroshine (2012) advise that there are few studies in this field which measure multiple variables of both individual officer characteristics and work characteristics, making it difficult to determine the relationship between the two elements. In their analysis of a US policing jurisdiction they found that officers who were involved in multiple use of force incidents (not necessarily complaints) were significantly more likely to patrol higher crime areas and be working evening/night shifts than officers who reported low rates of UOF. They correlated this to the number/rate of arrests, claiming that “being assigned to higher crime districts and certain shifts may provide the opportunity to make more arrests, which may in turn lead to involvement in more use of force situations” (Brandl & Stroshine, 2012, p.561).

From this it may be assumed that officers working in locations which are likely to attract crime and where there are large numbers of bystanders may be more likely to be involved in higher numbers of arrests, potentially leading to higher numbers of complaints of excessive use of force.

## Offender / Complainant Demographics

It is often hypothesised that there is a relationship between a suspect / offender characteristics and police use of force. Garner, et.al. (2002) in their research addressed a concern, largely held in the US literature, that police use more force against ethnic minorities (in this case African American or Hispanic suspects), and found little evidence to support it. Other research by the US Department of Justice (2000) found that force is used more often on male offenders than females.

Analysis of findings from national and international use of force complainant surveys found that overwhelmingly those who made complaints of excessive use of force by police were young males aged between 16 and 35. This research also found that offender behaviour was a factor during a use of force incident, with the majority of complainants being under the influence of alcohol or drugs at the time of the incident or have had a previous history of conflict with the police (Queensland Criminal Justice Commission, 2000; Hutchinson, 2008).

This bears out the majority of findings from studies and reviews of the literature relating to police use of force, which claim that evidence suggests the strongest predictor of use of force, over and above either the offender or the officer demographics, is the behaviour or demeanour of an individual during the incident (Lindberg, 2012; Durna, 2011; Klahm & Tillyer, 2010; Garner, et.al., 2002). Offenders who display antagonistic behaviour, are affected by alcohol and/or drugs or who

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resist arrest are more likely to “experience a forceful outcome compared to their compliant counterparts” (Klahm & Tillyer, 2010, p.222). This is to be expected, as such situations are often volatile, leading to increased anxiety and stress for police, whose primary goal in these circumstances is order maintenance, situational containment and control.

## **Stress**

There is significant evidence linking repeated exposure to violence as being a critical stressor in policing. The Principal Occupational Psychologist of the Queensland Police Service Recruiting Section, prepared a paper for the Task Force (2015) in which he reviewed the relevant literature and discussed ways in which the Service could address the issue. A key finding was that engaging in violent confrontations leads to very high stress responses, and exposure to critical incidents leaves officers with heightened stress levels for the duration of their shift. More concerning, exposure to a single violent incident may predispose police officers to subsequently overreact to innocuous events, and also perceive violence when it may not exist. For example, the thalamus of an officer working in a Safe Night precinct who is involved in a violent confrontation with a person who smells of alcohol may respond by associating the smell of alcohol with potential threats to their safety.

Psychologically, this heightened sensitivity is commonly referred to as ‘hypervigilance.’ Thus, subsequent interactions with different persons who smell similarly may unconsciously cause the officer to have heightened stress levels, and potentially perceive a threat where it may not actually exist. This may itself create more violence due to unnecessary escalation of aggression in response to the verbal and non-verbal behaviour displayed by a police officer. In cases where the second interaction then escalates into violence, perceived validation of the police officer’s hypervigilance occurs, further reinforcing the person’s reaction to the smell of alcohol and association with violence. As a result, the police officer may develop strengthened neural pathways, creating a vicious circle of seeing threats where they may not exist, escalating confrontations unnecessarily, engaging in conflict, becoming more sensitive, and so forth. The literature is clear that repeated exposure to violence is a significant stressor for officers and in the context of use of force related complaints, while not providing a justification, it may add to the body of knowledge applied to understanding the issue. The paper in its entirety is attached as Appendix A to this report.

## **Leadership & Supervision**

Police officers work within an intensely hierarchical and bureaucratic organisational structure. Although much operational work is conducted in a decentralised and localised context, the authority structure is still centralised in character. In addition, traditional models of policing involve the creation of specialised units, police regions, districts and divisions, making it a highly dynamic and heterogeneous work environment (Murray, 2000). Tyler, Callahan and Frost (2007) highlight the fact that ‘those involved in order maintenance are rooted in a central contradiction’ within their organisational structure. Specifically, they claim that police officers need the ability to perform their role independently, using discretion in a complex and dynamic environment within a formalised regimented and structured organisational structure which promotes high levels of control and supervision.

Research has shown that the behaviour of supervisors, managers and leaders has more of an impact on staff behaviour than written codes of conduct or ethics policies. Leaders have direct influence on the behaviour of their followers and are responsible for shaping an organisation’s climate by “providing meaning to policies and practices” (Grojean Resick, Dickson & Smith, 2004, p.224). Corruption prevention literature from the Independent Commission against Corruption

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(ICAC) claims that staff notice which behaviours are rewarded or punished by managers which in turn reinforces their own behaviour (ICAC, 2010). Also, leaders who are seen to be non-compliant with company policies are more likely to find that staff follow their example. A leaders behaviour is seen as being a reflection on the “norms of an organization”, conveying “how things are *really* done” [emphasis added] (Huberts, Kaptein & Lasthuizen, 2007, p.590).

Burns (1978, in Parry and Proctor-Thomson, 2002, p.75) presented his theory of “transforming leadership” as being a process wherein “people engage in such a way that leaders and followers raise one another to higher levels of motivation and morality”. This theory was further developed (see Bass, 1985; Bass and Avolio, 1989) to determine that two general styles of leadership exist: transactional and transformational. **Transactional** leadership is said to be based on the premise of punishment and reward, focuses on bottom-line results, is task driven and emphasises authority.

In contrast, **transformational** leadership espouses core-values, vision building, development and continued learning. It places emphasis on individual support, mentoring and the achievement of group goals (Sama and Shoaf, 2008; McColl-Kennedy and Anderson, 2002; Parry, 2003). In the UK, the Home Office conducted research in an attempt to “show a clear link between leadership styles and police effectiveness”. Overall, the findings showed that police officers wanted their leaders to “make them feel proud of the service being provided and of their contribution to that”. Further, it was found that 50 out of 53 specific leadership behaviours valued by officers closely related to the transformational leadership style (Dobby, Anscombe and Tuffin, 2004, p.v).

Grojean et al (2004, p.228) claim that “leaders are role models of appropriate behaviour” and that “their actions have a strong influence over the conduct of followers” and recent research exploring the relationship between police leaders and subordinate integrity found that having a good role model as a manager was a significant factor in limiting unethical conduct (Huberts et al, 2007).

More recently the UK National Policing Improvement Agency (2011) carried out a review of existing evidence on police leadership styles, behaviours and competencies across all ranks, including front-line. This systemic review found that police leadership is complex in nature and that research in this field is at times ambiguous, particularly in determining one style over others as most effective. It was ultimately thought that based on the evidence in research the three most effective leadership styles are: mixed method (incorporating both transformational and transactional leadership elements), active leadership and role-modelling (those leaders who are actively out in the field, setting a good example) and situational (those who modify their behaviour to suit the context, including the experience rank and role of subordinates).

However, the NPIA review also noted that within the research there is “virtually no reliable evidence of what impacts police leadership styles and behaviours make on the ground” as most of the evidence provided relates to individual perceptions of what makes a great police leader (Campbell & Kodz, 2011, p.3). This same limitation was highlighted in an Australian review which found that findings from police leadership research is based on perceptions from police managers and/or subordinates “rather than an objective measure of success” (Pearson-Goff & Herrington, 2013, p.11).

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## Media

*'When a disaster occurs there's always a witness with a camera to hand'* (Conrad, 2000).

Whilst people's direct exposure to police has an impact on their understanding of policing and how they perceive both the institution and the role, the majority of individuals and communities will have little or no personal experience to draw on, therefore other mechanisms may influence this groups' perception of police.

Indirect or vicarious experience from others (family, friends etc.) is the most common way people gain their own understanding of police. Research has shown that vicarious knowledge of police encounters is an important predictor of an individual's positive or negative perception of police (Rosenbaum et al, 2005). Socialisation from an early age, particularly in ethnic minority cultures also has a strong effect, with young people being influenced by peers, parents, and community and cultural history in the development of their 'world view' (including their perception of police) (Romain & Hassell, 2014). Another key factor in people's socialisation and understanding of police and the broader criminal justice system which features strongly in the literature is the role played by media. As claimed by Cohen (1963, p.13), "the media may not be successful much of the time in telling people what to think, but it is stunningly successful in telling them what to think about".

Research shows that a large proportion of the public form their opinion about crime and the criminal justice system from what they see or read in the news, including print media, television, radio and the internet<sup>4</sup> (Kilman, 2014). In addition, the popularity of crime and policing shows on television illustrates that 'crime as entertainment has cemented a place in popular culture, and that the "boundary between crime information and crime entertainment has been increasingly blurred in recent years" (Dowler Fleming & Muzzatti, 2006, p.837). When seen through a mediated frame or lens, public perception of police and their day to day work is confusing and bears little resemblance to reality. Television 'creates a simplistic narrative of crime solving that is almost completely divorced from the reality of modern police work' (Cummins et al, 2014).

Marsh and Melville (2009, p.133) in their analysis of the media's portrayal of the police claim that "police programs can inform the wider public about the nature and future of policing" and that such programs "fulfil a symbolic role, providing a commentary and interpretation of policing and society". Shows such as *Dixon of Dock Green* portrayed police officers as being "gentle, benevolent, firm but fair" upholders of the law (Jewkes, 2004, p.147). Later and more recent shows have presented much harsher, diverse and at times confusing portrayals of police officers as being over-worked, flawed, rule-bending and sometimes unethical or corrupt (Jewkes, 2004; Marsh & Melville, 2009).

True-crime and reality television shows such as *RBT*, *The Force* and *Gold Coast Cops* focus on the investigation, arrest and prosecution of people for a range of offences, giving views what they perceive to be a glimpse behind the scenes. However, traditional media frames are applied to these shows, which are "stylized, designed and marketed versions" of policing (Manning, 1998, p.32). A review of the production of the long-running American policing reality television show *Cops* claimed that the "wobbling cameras, fuzzy and blurred images and amateurish quality suggest real events, real people and real time". However, what the viewer is not aware of is the contractual rights of the filmed officers to edit, censor or remove material as they see fit. This film is then further edited by the show's producers to "heighten dramatic incidents, remove dubious violent, illegal or racist incidents and to polish the final product" (Manning, 1998, p.32; Bailey & Hale, 1998).

Policing is said to be the most highly visible role within the criminal justice system, with police officers held up to public scrutiny on a regular basis. As claimed by Mawby (2002), 'policing now operates in a society which has become highly mediated'. As illustrated above, traditional media

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<sup>4</sup> For example around 2.5 billion people around the world read newspapers in print and 800 million on digital platforms



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scrutiny has been in the form of newspaper reports, talk-back radio discussions and television portrayals (both factual and fictional). However, with developments in electronic and visual recording technologies over the past few decades, police have been subjected to scrutiny through new and different channels of communication.

Labelled 'new media', the proliferation of easily portable items such as hand-held video cameras and mobile phones with camera and recording capabilities have provided members of the community with the means to turn the spotlight on those in a position of authority, making it "much more difficult for those in power to ensure that the images made available are those they would wish to see circulated" (Thompson, 2005, p.38). This *sousveillance* (or inverse surveillance), when used in conjunction with high-speed internet software or social networking web-sites, allows images to be reproduced and distributed across the globe virtually instantaneously.

Young people especially have embraced this new media. Surveys have shown that large numbers of young people who use the internet make use of social networking sites such as Facebook or Youtube<sup>5</sup> (Australian Communication and Media Authority, 2009; Press Complaints Commission, 2008). As this group is often in contact with police officers in public areas, the possibility of police activity and interactions being broadcast through the use of this new media has increased dramatically. Further, technologies such as Closed Circuit Television (CCTV), which have long been seen by police as beneficial to their work<sup>6</sup> are "increasingly being used against police" in a form of *counterveillance* (Lee & McGovern, 2014, p.177).

Images such as those captured in 1991 by Los Angeles citizen George Holliday of police officers using extreme force on a suspected criminal offender named Rodney King (often referred to as the 'watershed' moment in new media) have been seen, dissected and discussed globally. As the prosecuting attorney at the federal trial of the police officers involved in the King incident claimed "The significance with the Rodney King case, is that it represented a kind of breakthrough in public awareness of the ways in which, and to some extent the legal ways in which, video can be used. Now those who might consider crimes have to know that, surprisingly, what they do can be preserved" (Seeing is Believing, 2002).

This intense scrutiny has resulted in police officers having to be much more accountable to the public for their actions than ever before in order to retain their legitimate status in the community as the "institution within which the state vests authority to enforce and uphold the law" (Mawby, 2002, p.61).

A UK study which looked at the impact of CCTV on police behaviour and autonomy found that over two-thirds of the officers they interviewed felt "anxious about being watched and the possibility of their own activities being scrutinised" (Goold, 2003, p.194). Other findings included officers conceding that the introduction of cameras had forced them to be more careful when on patrol, that officers of all ranks had concerns about the possibility of their actions being misrepresented if video footage was made public and that officers were worried about the possibility of camera footage being used in support of complaints against them or their colleagues (Goold, 2003). Most importantly, in relation to public complaints and the use of video footage, officers reported that these incidents had "affected the way [officers] approached potentially difficult situations during their shifts" (Goold, 2003, p.196). This was also found in recent Canadian research where the majority of police officers asked to rate their level of awareness / concern of being filmed indicated that

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<sup>5</sup> For example, a recent UK survey found that 83% of persons aged 16 to 24 accesses Facebook when on-line. In Australia, surveys have found that 97% of 16 to 17 year olds use at least one social networking site.

<sup>6</sup> Research conducted by the QPS in 2011 found that officers valued CCTV for its evidentiary value and that it can't be taken out of context / reframed as its 'recorded by an independent party'.

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“being recorded by citizens while on duty was something that was always present in their consciousness” (Brown, 2013, p.207).

One of the impacts of this has been the increased use by individual officers and police agencies of digital body worn cameras (BWC). Whilst there has been a steady increase in the use of BWC over the past decade, contemporary ‘watershed moments’ in police use of force have resulted in major trials nationally and internationally<sup>7</sup> and a rapid expansion of uptake by operational police (Body Worn Video Steering Group, (BWVSG) 2015).

## **Early Intervention Systems (EIS)**

Reducing the rate of complaints against police is one of the Queensland Police Service’s key performance indicators in the 2014-2018 Strategic Plan. An EIS is a significant strategy that may assist in achieving this objective. An EIS is a data-management tool designed to identify police officers whose performance and/or behaviour raises concerns. These identified police officers are then referred to some form of remedial assistance, usually counselling or training, designed to rectify those performance issues. The major contribution of an EIS is its capacity to identify patterns of ‘at-risk’ behaviour and act as a mechanism for reducing police misconduct complaints and increasing police-community relationships.

EIS, previously known as early warning systems were designed to focus on identifying ‘problem’ officers i.e. the systems were focused solely on targeting officers exhibiting problematic behaviours and misconduct. EIS emerged in the US in the 1970s, in response to increasing concerns among the community and law enforcement management about excessive use of force by police members (Bertoia, 2008). It should be noted that EIS are separate from the formal police disciplinary system, as the police disciplinary process involves official action following an act or allegation of misconduct.

The interest in profiling and early intervention received a significant boost in 2001 when the US National Institute of Justice published a report Early Warning Systems: Responding to the Problem Officer (Walker, Alpert and Kennedy 2001). This report demonstrated the enormous potential for EIS to reduce complaints against police, improve professionalism and improve community relationships.

In 2002, Ede, Homel and Prenzler conducted a study case with Queensland Police Service complaint data by comparing units of similar size and duties with complaint patterns in terms of concentration and prevalence. A high concentration of complaints was interpreted as indicative of a problem with small numbers of individuals attracting a large number of complaints.

Recommendation 29 of Simple Effective Transparent Strong (2011), outlined that an Early Intervention Working Party (EIWP) be established to support the continuous improvement and review cycle for the QPS Corruption Prevention Plan 2009-2013. In particular it stated a review of early intervention strategies and tools and an examination of leading practice opportunities; and specific treatments for ‘at risk’ officers and/or environments or workplaces be conducted.

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<sup>7</sup> For example the UK College of Policing is working with a number of forces measuring the effectiveness of BWC. Also in response to the 2014 police shooting of Michael Brown in Ferguson, Missouri the US Presidents Task Force on Policing in the 21<sup>st</sup> Century reported on the need for policy and legislation to keep pace with the increased use of BWC by police agencies.

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EIS should consist of four components:

- Performance Indicators (Use of force, sick leave, number of complaints, etc.);
- Identification and Selection Process (Self reporting, supervisor reporting or weighted report);
- Intervention (Holistic Integral approach); and
- Post Intervention Monitoring.

A collaborative approach to EIS must be made in consultation with key stakeholders. This includes but is not limited to owners of performance indicator databases, supervisors and relevant HR sections to assist in the performance indicators and intervention stage.

## **Training and education**

In addition to other factors highlighted previously, an officer's level of education has been identified in the literature as potentially being an important factor relating to their use of force. For example, Paoline & Terrill (2007) found that officers with higher levels of education used less verbal and physical force than officers with less education. However, Brandl et al. (2001) found no relationship between an officer's level of education and their likelihood of receiving a complaint of excessive use of force.

Whilst there is little research focussing specifically on the relationship between police training and complaints of excessive use of force, there is a broad body of literature, which relates to the importance of police agencies training officers in communication and de-escalation tactics to prevent or minimise the need for force to be used during an incident.

The International Association of Chiefs of Police (2015, p.1) advise of the importance of policing agencies providing training to members in the "appropriate and proficient use of all force options, not just firearms". The President's task force (2015) supports these concepts and outlines an action item that all Law Enforcement Agencies (LEA's) policies for training on the use of force should emphasise de-escalation and alternatives to arrest or summons in situations where appropriate. Further, the Police Executive Research Forum (PERF) highlighted the results of a recent survey of US police agencies which found that current training for new police recruits and experienced officers is inadequate, and that much less time is devoted to training and discussion of the importance of de-escalation tactics than in how to shoot a gun (PERF, 2015).

This is not a new concept, with recommendations being given by the Australasian Centre for Policing Research (ACPR) in 1998 that "police receive training in effective conflict resolution and in communication tactics that will enhance their ability to handle their daily interactions with the public" (Hamdorf, Boni, Webber, Piki & Packer, 1998, p. vi).

From this review of national and international literature relevant to the issue of excessive use of force by police officers, it has been identified that in any given circumstance, there are a range of factors which may impact on the situation, including the individual characteristics of both the officer and the complainant, situational elements including the time and location of the incident, and more broader systemic and organisational factors including organisational leadership and supervision and police training. Also of importance is the role of the media in reporting police use of force. The literature identified that both traditional and new media platforms can have a significant impact on public perceptions of police. The rise in citizen journalism and digital video recording devices has increased police visibility and resulted in greater scrutiny of policing practices. This in turn has resulted in an increase in police agencies use of media and recording devices to record interactions between police and the public.

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## METHODOLOGY

The Task Force took a systematic approach, being guided by an analysis of current national and international best practice and research in police use of force (UOF), social science, criminological and psychological literature. To strengthen the validity of findings, a mixed methodology incorporating data triangulation where appropriate was determined as a means of answering the key review questions.

In addition, a comparable police district was selected to situate policing practices, work load and staffing model at the Gold Coast District (GCD) within the larger, state-wide context. North Brisbane District (NBD) was selected as the comparable district given its similar staffing numbers, metropolitan location and proliferation of licenced premises and entertainment precincts. Further, both Gold Coast and North Brisbane Districts contain divisions included in the Queensland Government's Safe Night out Strategy.

To achieve the aims and objectives articulated in the Task Force Terms of Reference (TOR) a broad range of topics identified in the literature were explored, with review questions being thematically collated:

### **Complaints against police:**

- Is the rate of excessive UOF complaints higher for officers in the GCD?
  - Is there ACTUALLY a problem or is it merely perception?
  - If perception, what factors contribute to this?
- What (if any) emerging issues can be identified from analysis of complaints of excessive UOF against officers from the GCD?

### **Organisational/Workplace culture:**

- Do officers from GCD view themselves as being separate / different to the broader QPS population?
  - If so, in what way?
  - Why?
- Do officers from the Gold Coast Rapid Action Patrol (RAP) view themselves as being separate / different?
  - To the GCD?
  - To the broader QPS population?

### **Environmental Issues:**

- Is the workload of officers from the GCD different?
  - If so, in what way?
  - Does this impact on the types and levels of complaints?
  - What is the impact of major events (e.g. schoolies)?
  - Are minor offences ignored?
- Does criminal and/or offensive behaviour in the GCD differ?
  - Is there any difference in comparison with NBD for:
    - Violent confrontations;
    - Alcohol / drug fuelled violence;
    - Mental health issues;
    - Domestic violence; and
    - Public Order Offences?
- Are there differences in the built environment at GCD?

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- Is CCTV footage more available in GCD?
    - What is the use of digital recording devices (BWV)?
    - Does the location of Police establishments impact on complaints?
  - What Use of Force practices are being used at the GCD that result in complaints of excessive Use of Force?
    - Does this vary significantly from a comparable police district?
    - What is the GCD overview of UOF?
  - Are there any significant differences between the work force in the GCD and a comparable police district?
    - Is there any difference in comparison with NBD in regard:
    - Demographics;
    - Length of service;
    - Tenure / officer movement / attrition;
    - FYC numbers;
    - Rate of officers per population;
    - Rostering practices (Supervisors)?
  - What is the recruitment selection process in GCD?
    - For Field Training Officers (FTO); and
    - For RAP.

#### **Leadership & supervision:**

- What is the primary supervision 'style' and role adopted in the GCD? (Officer in Charge (OIC), Shift Supervisor, District Duty Officers (DDO), FTO)?
  - Does on-road versus in-station supervision differ in GCD?
- What is the level of supervision of officers in GCD?
- What relationship (if any) do variances in supervision practices have to complaints against officers from the GCD?
- How do OIC's in GCD address inappropriate/unethical behaviour?
- What is the demographic, including number and characteristics of supervisors in the GCD?
  - Does it differ from a comparable district?
- How is performance measured in the GCD?
  - What is the impact of:
  - Team/RAP performance sheets;
  - Localised priorities; and
  - Performance Development Assessment (PDA) system – personal or generic?
- How do supervisors 'model' leadership in the GCD?
  - Do GCD Supervisors:
  - Set a good example; and
  - Articulate QPS expectations?

#### **Media:**

- What influence does the media have on the perception of excessive UOF by the police on the Gold Coast?
  - How does the use of a Media Liaison Officer within the GCD impact on media reporting?
  - Is the GCD compliant with QPS Media policy and guidelines?
  - How are new / social media platforms used within GCD?

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## **Legislation, Policy and Procedures:**

### Complaints system

- When considering UOF complaints - how is the current QPS discipline system managed in the GCD?
- How aware are the managers e.g. Assistant Commissioners (AC), District Officers (DO), Assistant District Officers (ADO) and OIC of these complaints and outcomes?
- What are the outcomes of UOF complaints against officers from the GCD?
  - Are they comparative to other areas?
- What resolution strategies have been adopted for UOF complaints in the GCD?

### Early intervention system (EIS)

- What is the QPS EIS?
- How is the current QPS EIS managed?
- Is the system effective in identifying issues of concern / risks?
- How is the EIS process managed in the GCD?
- Does the current EIS process address risk?
- How are at risk officers identified to OIC's?
- How is the EIS used to inform and support decisions involving secondment/transfer of officers?

### Prosecutions

- What is the current briefing checking process?
  - What are the Qualifications of Brief Checkers and Brief Managers?
  - How many qualified Brief Checkers are in the GCD compared to NBD?
  - Are there any systemic issues identified by Prosecution Review Committee (PRC) GCD?
- What impact are complaints of excessive use of force against officers from GCD having on prosecutions?
  - How are allegations of UOF managed by prosecutions?
  - Is there a process gap between the prosecution and discipline systems?
  - Are GCD prosecutions withdrawn at a different rate to a comparable police district?
  - What is the current No Evidence to Offer (NETO) policy?
  - Is the level of authorisation to NETO a charge comparable to other levels of responsibility?
  - Are NETO's managed differently in GCD?

### Dismissal, Transfers and Secondments

- What are the current legislative and policy requirements for dismissal?
  - What are the impediments to the current processes (if any)?
- How could specific "Commissioner Loss of Confidence (CLOC) Provisions" assist in this process?
- What are the current legislative and policy requirements for secondments and transfers?
  - What are the impediments to the current processes (if any)?
- What could be done to improve transfer and secondment processes for at risk officers?
  - How could specific "Commissioner Transfer Provisions" assist in this process?

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## Training and Compliance:

- What training is currently available for supervisors in the QPS?
  - What supervisor training has been completed by officers in the GCD compared NBD?
  - What recent changes have occurred in supervisor training?
- What is the current Operational Skills and Tactics (OST) training and requirements?
  - What is the level of compliance of OST training in the GCD compared NBD?
  - What localised training has been conducted?

## DATA SOURCES

### 1. *Stakeholder Consultation*

Throughout the project information and opinions were solicited from a number of key stakeholders, including:

- Professional Practice Managers (PPM) from all districts and commands
- PPM Coordinator, Internal Investigations Group (IIG), Ethical Standards Command (ESC)
- State Coordinator, Internal Investigations Group (IIG), Ethical Standards Command (ESC)
- Detective Superintendent, Internal Investigations Group (IIG), Ethical Standards Command (ESC)
- Detective Chief Superintendent, Internal Investigations Group (IIG), Ethical Standards Command (ESC)
- Officer in Charge, Risk Analysis and Intelligence Unit (RAIU), Internal Investigations Group (IIG), Ethical Standards Command (IIG)
- Senior Sergeant, Internal Witness Support Unit (IWSU), Integrity and Performance Group (IPG), Ethical Standards Command (ESC)
- Office Manager, Legal and Policy Unit, Integrity and Performance Group (IPG), Ethical Standards Command (ESC)
- Officers in charge of stations/establishments (OIC) Gold Coast District and North Brisbane District
- Director, Workforce Strategy, Public Safety Business Agency (PSBA)
- Director, HR Services, Public Safety Business Agency (PSBA)
- Director, QPS Media, Public Safety Business Agency (PSBA)
- Inspector, SERP QCC Secretariat
- Brief Managers from various districts and commands
- Officer in Charge, Operational Legal Advice, Operational Legal Advice and Development, Legal Services Group, Legal Division
- Officer in Charge, Operational Legal Development, Operational Legal Advice and Development, Legal Services Group, Legal Division
- Director, Legal Services, Public Safety Business Agency (PSBA)
- Director, Frontline Programs, Frontline and Digital Services, Public Safety Business Agency (PSBA)
- Acting Executive Director Corruption, Crime and Corruption Commission (CCC)
- Senior prosecutors, Legal Division
- Education and Training Coordinators, Ethical Standards Command Education and Training, Public Safety Business Agency (PSBA)
- Manager, Right to Information and Privacy Unit, Public Safety Business Agency (PSBA)
- Project Officers, Complaints Reform Project, Ethical Standards Command
- CSS Technical Risk Assessment, Frontline and Digital Services Division, Public Safety Business Agency (PSBA)

- Officer in Charge and representatives from Operational Skills Section, Recruit and Policing Skills Group, Training and Development - Police, Public Safety Business Agency (PSBA)
- Manager, Recruiting Section, QPS Recruiting QFES Recruiting, Public Safety Business Agency
- Senior Sergeant, Education and Training Quality, Education Services Group, Training and Development - Police, Public Safety Business Agency
- Senior Sergeant, Training Coordinator, Public Safety Response Team / Helicopter Support Unit, Operations Support Command
- Officer in Charge, Gold Coast Education and Training Office, Operational Police Education and Leadership, Training and Development - Police, Public Safety Business Agency
- Sergeant, Gold Coast Education and Training Office, Operational Police Education and Leadership, Training and Development - Police, Public Safety Business Agency

## 2. Surveys

To identify the risk management practices adopted by officers in charge of stations/establishments (OICs) a brief survey was conducted of all OICs in Gold Coast District and North Brisbane District. The survey canvassed issues of:

- Risk management planning in general,
- Methods of identifying and managing officers at risk of developing patterns of unacceptable behaviour,
- Practices for checking Use of Force Reports in QPRIME,
- Supervisory practices, and
- Use of the Performance Review and Development (PRD) Process.

A total of thirty-two OICs responded to the survey which incorporated one hundred per cent of Gold Coast District OICs (n=15) and sixty-eight per cent of North Brisbane District OICs (n=17).

An additional survey was distributed to the Professional Practice Managers (PPM) from all districts and commands (n=19). This survey asked participants to indicate the range of duties they perform with particular reference to the roles and functions set out in the PPM position description. The aim of this was to identify the extent to which PPMs play an active role in mitigating complaints and promoting high standards of professional practice as opposed to acting only as a conduit for complaint system tasks. In total, eighty-nine per cent (n=17) of participants responded to the survey.

As a result of issues raised during focus groups, a decision was made to survey senior police prosecutors across the state, including a number of OICs of prosecution corps (n=15) to examine in detail their perceptions on a range of issues including the complaints process, workload, retention of staff and the degree of liaison with arresting officers during the NETO process. In total, forty seven per cent (n=7) of participants responded to the survey.

## 3. Databases

The Task Force relied heavily on data extracted from a number of QPS information systems including:

- Client Service System (CSS)
- Queensland Police Records and Information Management Environment (QPRIME)
- Intelligent Tasking Analysis System (I-TAS)
- AURION (Human Resource database)
- Significant Event Review Panel (SERP) Sharepoint Database
- Queensland Communication Assisted Dispatch (QCAD)
- Prosecution Review Committee (PRC) data



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The Task Force wishes to acknowledge the contribution of Statistical Services, Frontline and Digital Services, PSBA for the provision of numerous quantitative data sets.

#### *4. Relevant QPS Policy and Procedure Documents*

A variety of Service-wide and regional or command specific policy and procedure documents were analysed, including:

- The QPS Operational Procedures Manual (OPM) and Management Support Manual (MSM),
- District Plans, Gold Coast District and North Brisbane District, 2014-2015
- Risk Management Plans, Gold Coast District and North Brisbane District stations
- Draft Early Intervention System Policy
- Commissioner/District/Station Instructions
- *Crime and Corruption Act 2001 (CCA)*
- *Police Service Administration Act 1990 (PSAA)*
- Brisbane Central District (BCD) Supplementary OST Training Program 2010

#### *5. Focus Groups*

Focus groups were held with Gold Coast District frontline members and supervisors to gain a richer understanding of a range of topics including operational officers' perceptions of their workload and associated stress factors, the issues faced by supervisors, and the impact of media across the District.

In total eight focus groups were conducted with a total of 53 officers. Groups were split across rank; five constable / senior constable groups (n=34, 64%) (including one comprised solely of officers from the Gold Coast RAP), two sergeant groups (n=13, 25%) and one OIC (senior sergeants) group (n=6, 11%).

Eighty-three per cent (n=44) of participants were male and over half (57%, n=28) had 10 years or less service. Nearly half (45%, n=22) of the participants had worked at the Gold Coast for 5 years or less, and a further third (37%, n=18) had between six and 10 years Gold Coast policing experience<sup>8</sup>.

To maintain confidentiality all data has been reported at the aggregate level, however where necessary for the purposes of clarity officer divisional locations may be recorded where necessary. In addition, due to the dynamic nature and robust discussion across all groups, in some instances provision of numbers and percentages of respondents to specific topics is absent. In those instances an indication is given of the overall proportion of respondents (for example: 'the majority of participants agreed that....').

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<sup>8</sup> A number of participants failed to accurately respond to questions relating to length of service. As such for these demographic variables n=49

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## Exclusions

Whilst the Task Force liaised with internal stakeholders and the Queensland Crime and Corruption Commission (CCC), Task Force Bletchley was not responsible for re-investigating matters which had been finalised or matters currently subject of investigation. In addition, the Task Force acknowledged that bodies of work relating to factors associated with this review were currently being undertaken, including a Service-wide review of police use of force and a review of organisational culture within the Gold Coast District. As such, the Task Force will not duplicate this work; rather it sought to draw on relevant findings and recommendations to enhance the review.

## Limitations

It must be noted that there are a number of limitations with the QPS quantitative data sources used in this review. Firstly, the current QPS UOF reporting threshold does not capture the full range of options available to QPS members in the situational use of force model to resolve incidents. Specifically, officers are only required to report when they deploy or present a Firearm, Taser, and Oleoresin Capsicum (OC) Spray, are involved in a pursuit or cause an injury requiring first aid or medical treatment. Within these parameters the UOF data identifies the type of force used by police, the subject person's level of resistance and the reporting officer's perception of the subject person's behaviour.

In addition, whilst attempts have been made to conduct analysis across longer periods, extensive organisational restructure in 2013 resulting in changes to geographical policing boundaries makes longitudinal comparisons problematic. In instances where this occurs, data will be caveated accordingly and results will need to be interpreted with caution.

For the purpose of the Task Force, the complaints data included complaints against members assigned to GCD and NBD at the time of the incident. It must be noted, any officer assigned to a different district but who received a complaint of Assault Excessive Use of Force as a result of performing duties within GCD and NBD during the review period will not be represented in the complaints data. More specifically, any trend analysis must be interpreted with caution as for example, the total number of complaints resulting from Schoolies will not include subject members assigned to organisational units outside GCD.

## Definitions

The Australia New Zealand Police Advisory Agency (ANZPAA, 2013) defines use of force as 'any situation where, in the execution of their duty police use physical force or other techniques, including a weapon, instrument or implement to respond to an actual or perceived threat'. Under section 615 of the *Police Powers & Responsibilities Act 2000* (PPRA) it is lawful for a police officer exercising power under this or any other Act, to use 'reasonably necessary force' in the exercise of their duties.

In 'critical situations', section 616 of the PPRA extends the power of police to use force likely to cause grievous bodily harm or death.

To ensure clarity and consistency in reporting it was also necessary to determine a definition of complaint of excessive force. Acknowledging there are a number of means of making a complaint against police, the following definition is used within the scope of this review:

- A complaint of excessive force will be defined as any excessive use of force matter complained of directly or indirectly to the QPS or the Crime and Corruption Commission (CCC) and will include matters made via civil legal proceedings.

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## HISTORY OF REVIEWS

Between 1997 and 2011 there have been a number of reviews and reports in which policing on the Gold Coast in particular was, either principally or at least substantially, the subject matter of the issues explored.

- ***Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers* (Carter Report) October 1997 CJC**
- ***Gold Coast Criminal Investigative Structure Review* (Pickering Review) 1997 QPS**
- ***Protecting Confidential Information* (Project Piper Report) November 2000 CJC**
- ***Enhancing Integrity in the Queensland Police Service* (Project Grinspoon Report) April 2008 CMC**
- ***Service Delivery and Performance Commission Review of the Queensland Police Service* June 2008 SDPC (SDPC Review - referenced in Tesco Policing Initiatives)**
- ***Review of current organisational structure and investigative practices within the Gold Coast Police District* (Project ABEO) 2010 QPS**
- **Operation Tesco Policing Services Initiatives 2010 QPS**
- ***Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* December 2010 CMC (referenced in Tesco Policing Initiatives)**
- **Operation Tesco: Report of an investigation into allegations of police misconduct on the Gold Coast June 2011 CMC<sup>9</sup>**

### Nature of misconduct identified

Problematic alcohol consumption, drug use, supply of drugs, inappropriate associations, improper access to and disclosure of confidential police information, abuse of authority and improper use of QPS resources are commonly cited in reports on police misconduct on the Gold Coast. The types of misconduct or inappropriate behaviour identified in these reports is frequently similar, is not necessarily confined to Gold Coast District, but rarely relate to excessive use of force.

The Carter Report (Criminal Justice Commission, 1997) detailed allegations of police corruption in relation to drugs, including the theft of drug money, use of drugs, inappropriate associations with persons involved in drug offences and improper access to confidential information. The Project Piper Report (Criminal Justice Commission, 2000) similarly identified incidents of unlawfully disclosing confidential government information from the QPS computer systems and inappropriate associations, especially with members of the private investigation industry. Failure to maintain information security emerges as a common thread of misconduct at during this period.

The Grinspoon Report (Crime and Misconduct Commission, 2008) was more wide ranging in the types of misconduct identified and included involvement in illicit drug activity — predominantly drug use and to a lesser extent drug supply. The development of inappropriate associations with persons involved in criminal activity was also identified. Additionally, the report noted instances of failure to adhere to human source management policies, supply and inappropriate use of confidential police information, compromise, intentionally or unconsciously, of ongoing operations, failure to complete investigations to an appropriate standard, consumption of alcohol while on duty and misuse of police assets, most notably police vehicles.

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<sup>9</sup> See also Appendices B to K

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Operation Tesco (Crime and Misconduct Commission, 2011) was similarly broad in the nature of issues identified. The principal matters under investigation were excessive use of alcohol and steroid use among some police, supply of drugs, incidents of improper access to and disclosure of confidential police information, abuse of position or authority and improper use of QPS resources (Crime and Misconduct Commission, 2011). The CMC (2011) noted that almost all of the concerning behaviours involved or arose from inappropriate associations, some of which associations were alleged to be with organised and petty criminals. Other matters identified in Operation Tesco were victimisation of suspected whistleblowers, use of excessive force, failure to report misconduct, public nuisance and misconduct involving dishonesty (Crime and Misconduct Commission, 2011). Once again, as in the previous reports, issues involving drugs, inappropriate associations, misuse of confidential information, and misuse of Service property were identified. The Operation Tesco report however does stand out from previous reports in that it identifies a concern with excessive use of force, albeit a single instance (CMC, 2011).

A thread of commonly identified types of misconduct in Gold Coast District is apparent, largely around inappropriate associations and misuse of confidential information, however the excessive use of force has not been commonly identified as a major issue.

## **Previous Recommendations made**

Over the period, 1997 to 2011, recommendations in the various reports and reviews have consistently focused on essentially similar avenues to ameliorate the identified concerns. Themes around which significant numbers of recommendations have been made include supervision, workforce and human resource management (particularly the discipline system), information security, human source policy and Gold Coast District specific staffing and organisational structure. For the purposes of the Task Force, the key recommendations regarding supervision, the discipline system, 'loss of confidence' provisions and transfer and tenure were identified as being particularly salient and are discussed below. The remaining recommendations are collated by theme in Appendices C to K.

The failure of supervisors to prevent or detect misconduct has been frequently noted and recommendations around the issue of supervision have been a constant theme since 1997. Recommendations were made in the Carter Report, the Grinspoon Report, the SDPC Review of the QPS and in the Service's initiatives in response to Operation Tesco. While the specifics of the recommendations tend to emphasise organisational features and concepts of the time, the key focus was on supervision as a means to promoting ethical conduct. The Carter Report combined supervision and risk management as 'integrity preservation' measures which should be marketed as such, rather than as cumbersome and restrictive practices (CJC, 1997).

The Grinspoon Report highlighted supervision in its recommendations in context of a strengthened focus on issues of management, leadership, supervision and managers' performance in terms of greater scrutiny through the Operational Performance Review (OPR) system then in use, through performance review processes and in the context of disciplinary investigations (CMC, 2008). The extent to which supervisor responsibility is addressed in current discipline investigations is discussed later in this report.

The issue of officers relieving in supervisory positions for extended periods and the lack of preparation given to those officers resulting in weakened supervision raised a recommendation for expedited vacancy management (CMC, 2008). This issue is further discussed in the context of NBD and GCD in the Workforce Demographics section of this report.

In addition to implementing specific measures to increase supervisory staff in Gold Coast District, the QPS response to Operation Tesco also proposed initiatives around developing a suite of supervisor training programs with a focus on expectations, communications, professional and ethical standards and supportive leadership (QPS, 2010). The Service's initiatives (QPS, 2010)

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included an enhanced supervisory presence on the Gold Coast by upgrading the officer in charge, Surfers Paradise Division to Inspector rank, doubling the number of District Duty Officers on the Gold Coast from five to ten, creating two Professional Practice Manager positions at Senior Sergeant level to support the Regional Professional Practice Manager and creating three new commissioned officer positions within the South Eastern Region. It is pertinent to note that some undertakings given by the Service in response to Operation Tesco around District Duty Officer deployment in GCD in 2010 are being reinvigorated by the current GCD management.

The complexities and uncertainties of the discipline system have been highlighted on a number of occasions during the period and have been the subject of a number of recommendations aimed at strengthening the integrity of the Service.

The Grinspoon Report (CMC, 2008) recommended that options for an early intervention system be developed and recommendations made to senior management. The extent to which the Early Intervention System has been implemented is discussed in this report. It was also recommended that the complaints and disciplinary system be further improved by enhancing local decision making authority in the discipline system, streamlining the process to facilitate more timely outcomes, streamlining dismissal processes and streamlining and simplifying review and appeal rights (CMC 2008). The issue of a Commissioner's show cause process for use in cases of substantiated misconduct, conduct calling into question a member's ability or fitness to remain a member or continuing poor performance was also raised (CMC, 2008).

While not directly related to policing in Gold Coast District, the 2010 CMC report *Setting the Standard*, focused entirely on recommendations to improve the police complaint and discipline system, drew on the findings and recommendations of the Service Delivery and Performance Commission (SDPC) Review and Project Grinspoon and was referenced in the Service's response to Operation Tesco. *Setting the Standard* (CMC, 2010) recommended a review of the complaints and discipline system to make it less complex and more timely. The complexity of the current disciplinary system is a topic of discussion within this report. Among key legislative amendments recommended were the introduction of provisions to allow the Commissioner to transfer a police officer in the public interest and to provide a basis for the dismissal of an officer on loss of confidence grounds (CMC, 2010). This particular issue is also canvassed further within this report.

The concept that prolonged exposure to a particular environment may increase integrity risks has been canvassed in a number of reports (CMC, 2008). The issue of transfers of officers to protect integrity and in the public interest, together with concerns around the flexibility of the current processes have been a common theme in reviews conducted since 1997 and have resulted in a number of recommendations.

The Carter Report recommended a minimum three year and maximum seven year tenure in any location or area and that the Commissioner have an unfettered discretion to transfer any officer from an area if it is in the best interests of the Service (CJC, 1997). The Grinspoon Report recommended that the Service review the management initiated transfer policy to determine whether a policy or legislative amendment is required to enhance the capacity of the Service to transfer a member based on performance or integrity concerns (CMC, 2008). The SDPC (2008) also recommended that the Service develop options to allow a more flexible process of transfers to meet organisational needs. The recommendation that legislation be amended to permit transfers in the public interest was again raised in *Setting the Standard* (CMC, 2010).

In its response to Operation Tesco, the QPS (2010) committed to undertaking a range of actions to identify at risk officers and provide flexible staffing solutions to meet the service needs of the community. The degree to which management initiated transfers and other flexible staffing solutions have been able to be implemented is discussed at length in this report.

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Almost two decades of reviews have identified largely similar areas of misconduct and have produced consistent recommendations centred around a number of common themes. Misconduct identified over the period commonly features drugs, inappropriate associations, misuse of confidential information, and misuse of Service property. Less frequently, excessive use of force has been noted. Recommendations to address the identified misconduct have repeatedly concentrated on themes of supervision, workforce and human resource management, information security, human source policy and Gold Coast District specific staffing and organisational structure. The issues identified and the recommendations to address them have remained largely constant over 20 years of reviews. This is not to say that the specifics of both the issues and the recommendations have not changed or that improvements have not been noticed. It is notable however, that excessive force has not been a frequent feature.

## CONTEXTUAL ENVIRONMENTAL SCAN

A description of the demographic environments of the Gold Coast District and the comparison district used for the purpose of this report, North Brisbane District, will serve to create a context within which to consider other areas of comparison. Tourism data is not collected on a basis that allows direct police district comparison and consequently is presented by region and should be considered as indicative only.

According to the QPS Annual Statistical Review 2014-2015, as at 30 June 2015 Gold Coast District had an estimated resident population of 554,322 which translates to a police officer to resident population ratio of 1:632. This compares to North Brisbane District with an estimated resident population of 720,836 and a corresponding police officer to resident ratio of 1:600.

The Queensland Government Statistician's Office (QGSO, 2015) suggests that, at 30 June 2013, the resident population of the Gold Coast Police District is on average older than the resident population of the North Brisbane Police District. Of Gold Coast District residents twenty five per cent are aged between 45 and 64 compared with twenty-three per cent in North Brisbane District. Over 64 year olds make up fifteen per cent of Gold Coast District residents while twelve per cent of residents in North Brisbane District were in the same age group. The 15 to 24 years age bracket accounted for fifteen per cent of residents in North Brisbane District and fourteen per cent of residents in Gold Coast District.

Resident populations of Gold Coast District and North Brisbane District had identical proportions which identified as indigenous, namely one per cent (QGSO, 2015). Residents born overseas were present in slightly higher proportions in Gold Coast District (28%) than North Brisbane District (23%) based on data collected in 2011 (QGSO, 2015). The Australian Bureau of Statistics Census of Population and Housing 2011 (as cited in QGSO, 2015) identified that residents of North Brisbane District and Gold Coast District were substantially the same in their residential tenure arrangements, with very similar proportions of residents fully owning (NBD 27% GCD 26%), buying (NBD 36% GCD 35%) or renting (NBD 34% GCD 36%) their dwellings.

In terms of relative socio-economic disadvantage, (an aggregate measure of income, education, employment and vehicle ownership) residents of Gold Coast District are significantly more disadvantaged than those in North Brisbane District. The Queensland Government Statistician's Office (2015), citing data from the ABS Census of Population and Housing 2011, identifies that four per cent of North Brisbane District residents fall within the most disadvantaged quintile, the corresponding proportion in Gold Coast District is twelve per cent. A further twenty per cent of Gold Coast District residents is included in the second most socio-economically disadvantaged quintile compared with nine per cent in North Brisbane District. As such, Gold Coast District residents are,

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on average, older, more socio-economically disadvantaged but of similar ethnicity and living under similar tenure arrangements as North Brisbane District residents.

Gold Coast District encompasses one of Australia's iconic tourist destinations and consequently an understanding of the operating environment would not be complete without reference to tourist numbers. Tourism and Events Queensland (TEQ, 2015) estimates that for the year ending June 2015, there were some 4,190,000 domestic and international overnight visitors to the Gold Coast. Domestic visitors stayed an average of four nights while international visitors stayed ten nights (TEQ, 2015). During the same period the Gold Coast received an estimated 7,427,000 domestic day trip visitors (TEQ, 2015).

By comparison, Brisbane received 6,479,000 domestic and international visitors for an average stay of three and twenty-one days respectively (TEQ, 2015). During the year ending June 2015, 11,572,000 domestic day trippers visited Brisbane (TEQ, 2015). The numbers of visitors to Brisbane, (which admittedly does include an area greater than just North Brisbane District, though the CBD and majority of entertainment venues are contained within North Brisbane District) are substantially greater than for the Gold Coast.

It is noteworthy that domestic visitors to the Gold Coast are much more likely to be holidaymakers rather than visiting friends and relatives or visiting for business (Gold Coast Council 53% Brisbane City Council 25%) (TEQ, 2015). The same situation applies in respect of international visitors with 79% being holidaymakers on the Gold Coast compared with fifty-one per cent in Brisbane (TEQ, 2015). While more people visited Brisbane in the year ending June 2015 than the Gold Coast, substantially more of the visitors to the Gold Coast were there on holiday.

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## FINDINGS

Findings from this review have been extensive, identifying a number of individual, systemic and organisational issues relating to a range of topics identified in the literature review. Taking into account the Task Force TOR, findings where possible will be reported thematically to address the key review questions.

### Police Workforce Demographics

To strengthen the validity of findings, it was important that the comparison police district chosen was as similar as possible to the GCD across a number of variables. This section provides descriptive demographic statistics for the GCD workforce compared to NBD. As indicated in the methodology section, comparison data has primarily been taken as at 1 September 2015 unless otherwise stated.

#### Police officer to population ratios

The ratio of police officers to resident population in GCD is slightly lower than NBD and considerably lower than for the State as a whole. According to the QPS Annual Statistical Review 2014-2015, as at 30 June 2015 GCD had a police officer to resident population ratio of 1:632. This compares to NBD with a ratio of 1:600 and the ratio of 1:413 for the State.

However, the State-wide ratio is of little relevance to this comparison as it accounts for all police officer positions including significant numbers which are non-operational or which provide support or direct service delivery across a number of districts. The number of officers attached to GCD is more comparable to NBD as both include only officers providing frontline services and a small number of district based support staff. The ratio of police officers to resident population however presents only a partial indication of the police to population equation.

GCD has significant temporary population fluctuations when tourists and visitors are considered. NBD also experiences temporary population growth due to non-residents working and visiting the area. NBD may have the added advantage that it has to deploy resources over an area of only 63 km<sup>2</sup> while Gold Coast District is responsible for policing 1359 km<sup>2</sup>. However, as a baseline measure of the numbers of police officers serving a community, the police to resident population ratio indicates that GCD is only slightly less well staffed than North Brisbane District.

#### Rank structure comparison

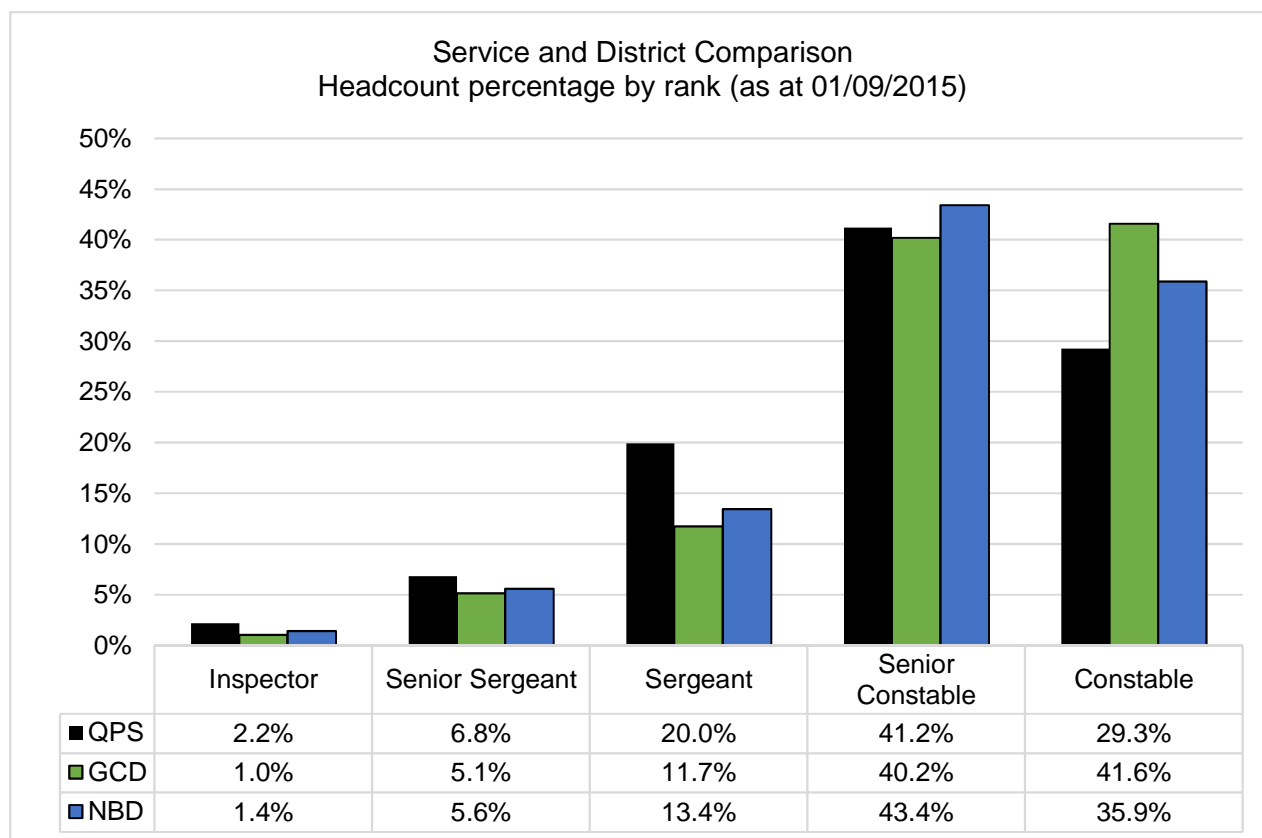
GCD police officers are over represented at Constable level while Sergeants and above are slightly under represented. GCD police officers, in 2015, are at the rank of Constable in a significantly higher proportion (42%) than in the QPS as a whole (29%). The contrast is less marked when compared with NBD (36%) but remains substantially higher. The proportion of first line supervisors at the level of Senior Constable is roughly comparable with the whole of QPS (40% to 41%) but slightly lower than NBD (43%). At Sergeant rank, the GCD is significantly less well staffed than the QPS generally (12% to 20%) but similar to NBD (13%).

The proportion of Senior Sergeants in Gold Coast District, again, is not dissimilar to the proportion in NBD (5% to 6%) but lags behind the Service total (7%). Approximately one per cent of officers in GCD and NBD are Inspectors as compared to 2% across the Service.

The disparity between GCD and the Service at large in the proportion of officers at the rank of Sergeant and above is not as significant as it may first appear due to the fact that significant



numbers of officers of those ranks in other areas of the Service are not involved in supervision but fill specialist roles, while Sergeants and above in GCD are predominantly supervisors and managers. In terms of the proportion of Sergeants and above, NBD is a better comparison due to the essentially similar nature of responsibilities of officers. GCD police numbers include a disproportionately large number of Constables and the proportion of officers at supervisory and management ranks is less than in NBD, but not dramatically so.

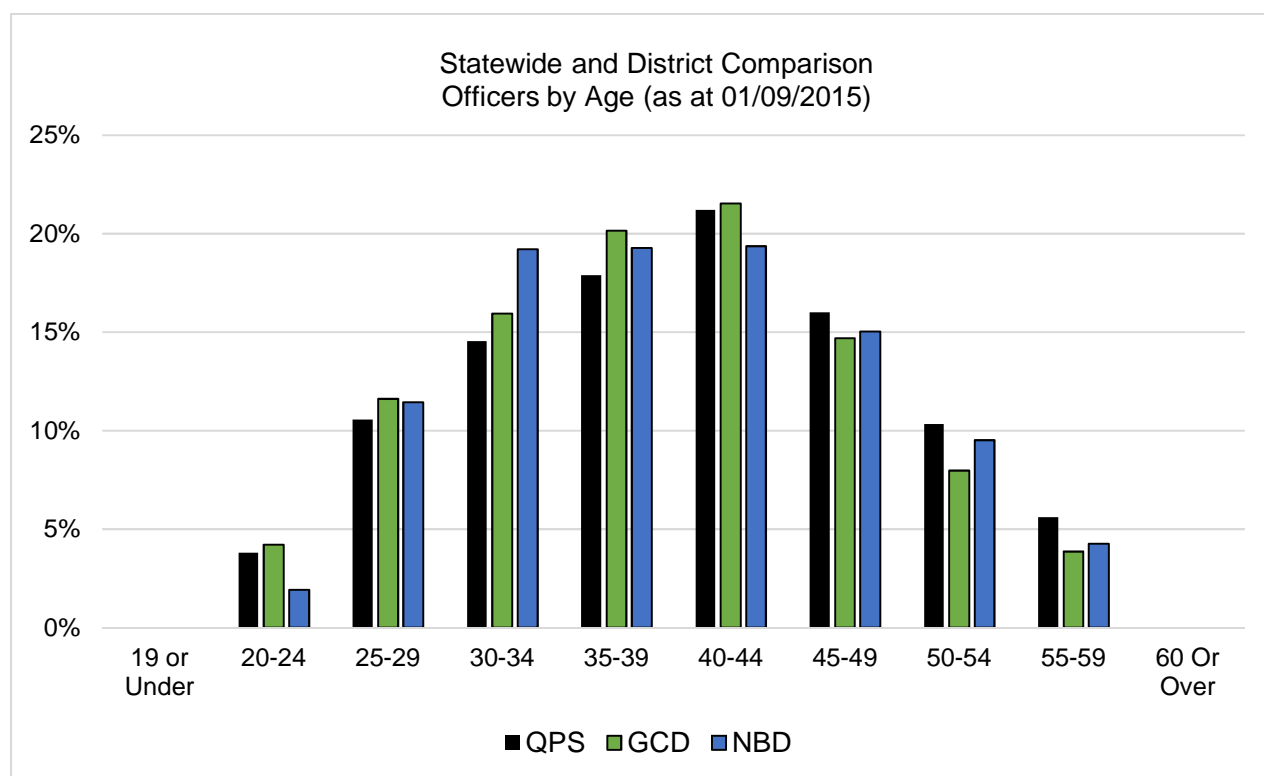


**Figure 1: Officer head count percentage by rank**

## Age comparison

The age distribution of officers stationed in GCD conforms relatively closely to that of the Service generally. The proportion of officers in the youngest age group, aged under 25 years, GCD is quite comparable to the Service as a whole (4%) though markedly greater than NBD (2%). Slightly more than half of officers in both Gold Coast District and North Brisbane are aged under 40 years (52%) compared with forty-eight per cent Service wide. The proportion of officers aged between 40 and 49 years are substantially the same in Gold Coast District as North Brisbane District and the QPS as a whole (36% to 34% and 37%).

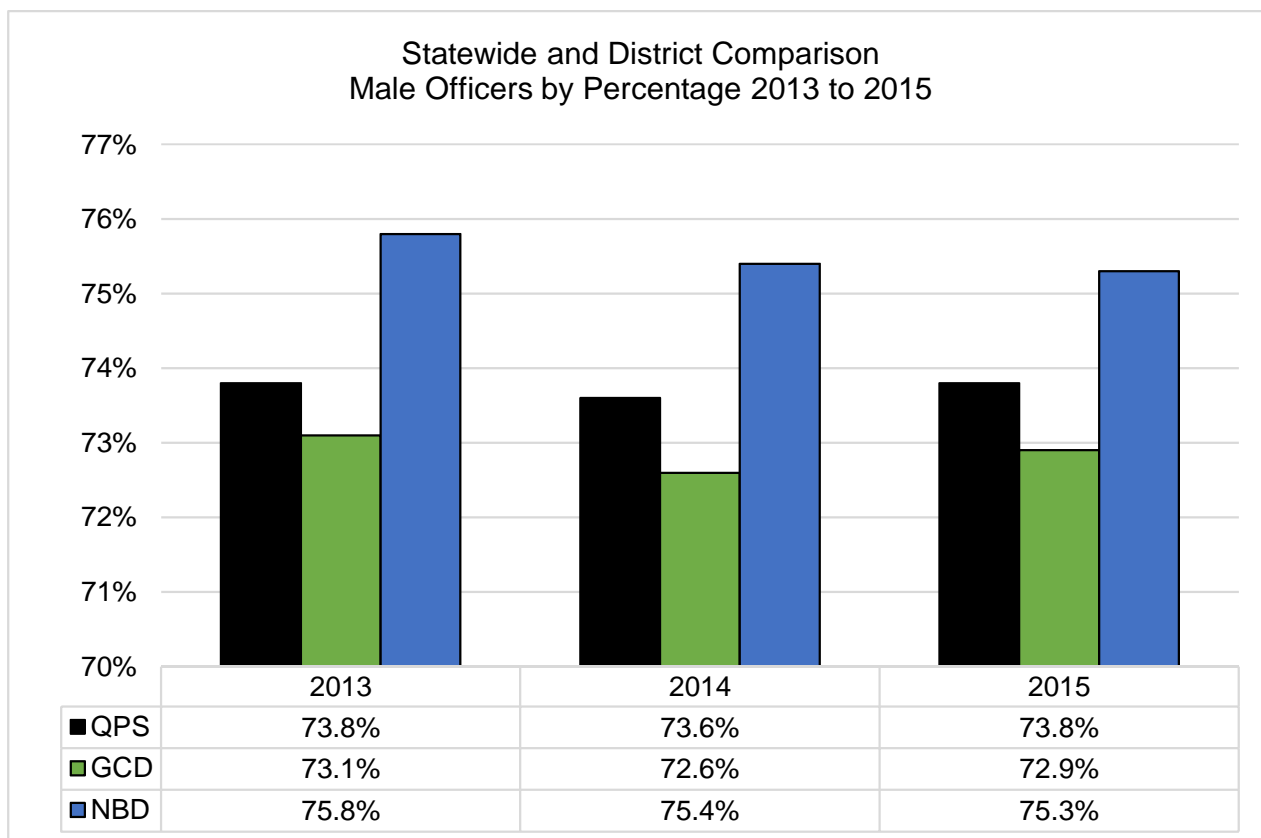
The Gold Coast District has a smaller percentage of officers aged between 50 and 59 years than either North Brisbane District or the Service generally (12% to 14% to 16%). The ages of officers in Gold Coast District are distributed in roughly the same proportion as the Service in total, though with a slight skewing to a younger workforce.



**Figure 2: Officer age comparison**

## Gender comparison

The proportion of male officers in Gold Coast District is slightly lower than the proportion across the Service though broadly consistent in general terms. The proportion of male officers in Gold Coast District in 2015 is slightly less than that found across the Service (73%) and lower again compared with North Brisbane District (75%). The proportion has remained substantially the same since 2014 (GCD 73%, NBD 75%, QPS 74%). The proportion of male officers in Gold Coast District is substantially consistent with the proportion of male officers across the Service with a slight tendency towards being lower.

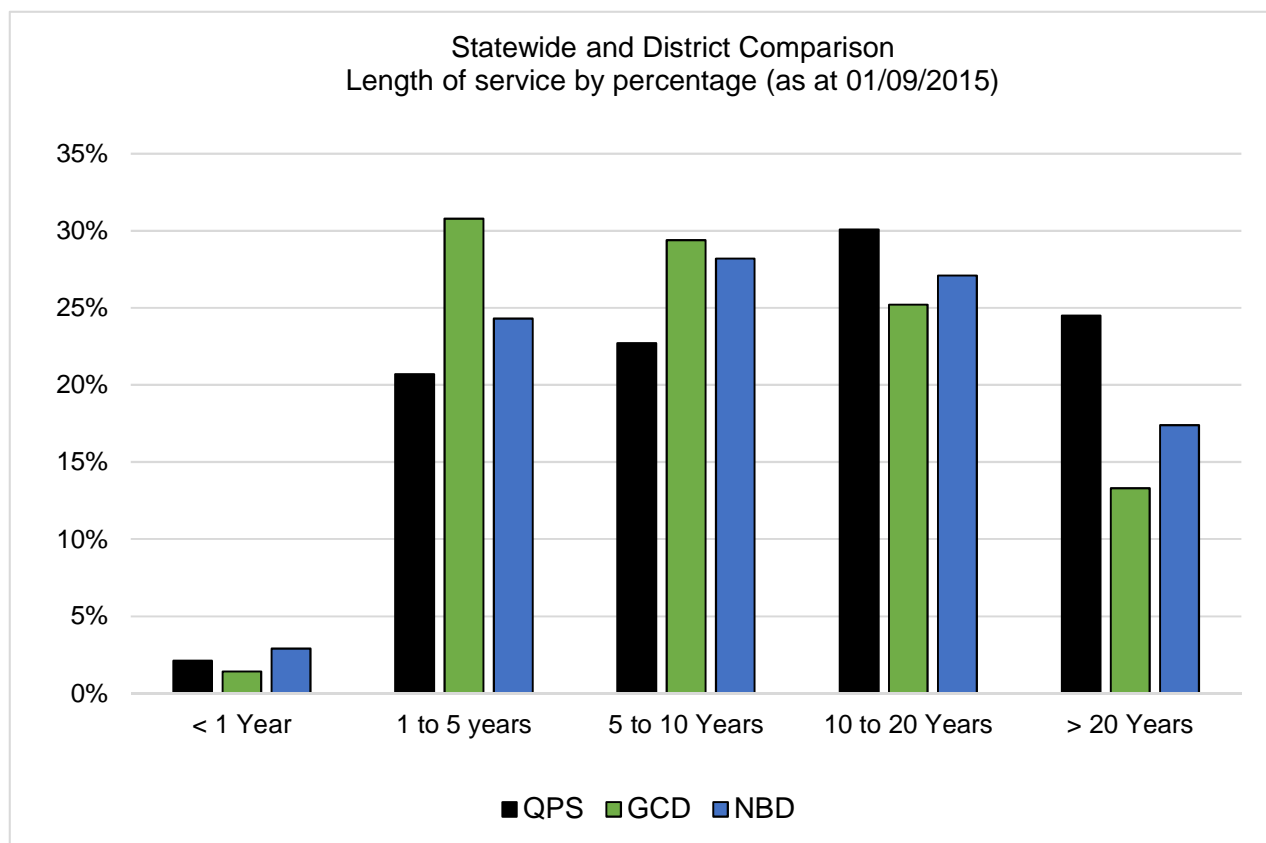


**Figure 3: Male officers by percentage**

### **Length of Service comparison**

Police officers in Gold Coast District are more likely to have less service than generally found across the Service. Almost one third of officers in Gold Coast District in 2015 had less than 5 years' service (32%). Officers with less than 5 years' service made up twenty seven per cent of those in North Brisbane District and twenty three per cent of the total number in the QPS. It is notable that while the proportion of officers in Gold Coast District with less than one years' service in 2015 is lower than the Service as a whole (1% to 2%) this situation was not the case in 2014 (GCD 4%, QPS 3%) or 2013 (GCD and QPS 4%).

A substantially greater proportion of officers in Gold Coast District had less than 10 years' service than the Service as a whole (61% to 45%) and somewhat higher than North Brisbane District (55%). A significantly smaller proportion of officers in Gold Coast District had greater than 20 years' service than across the Service (13% to 24%) and also less than North Brisbane District (17%).

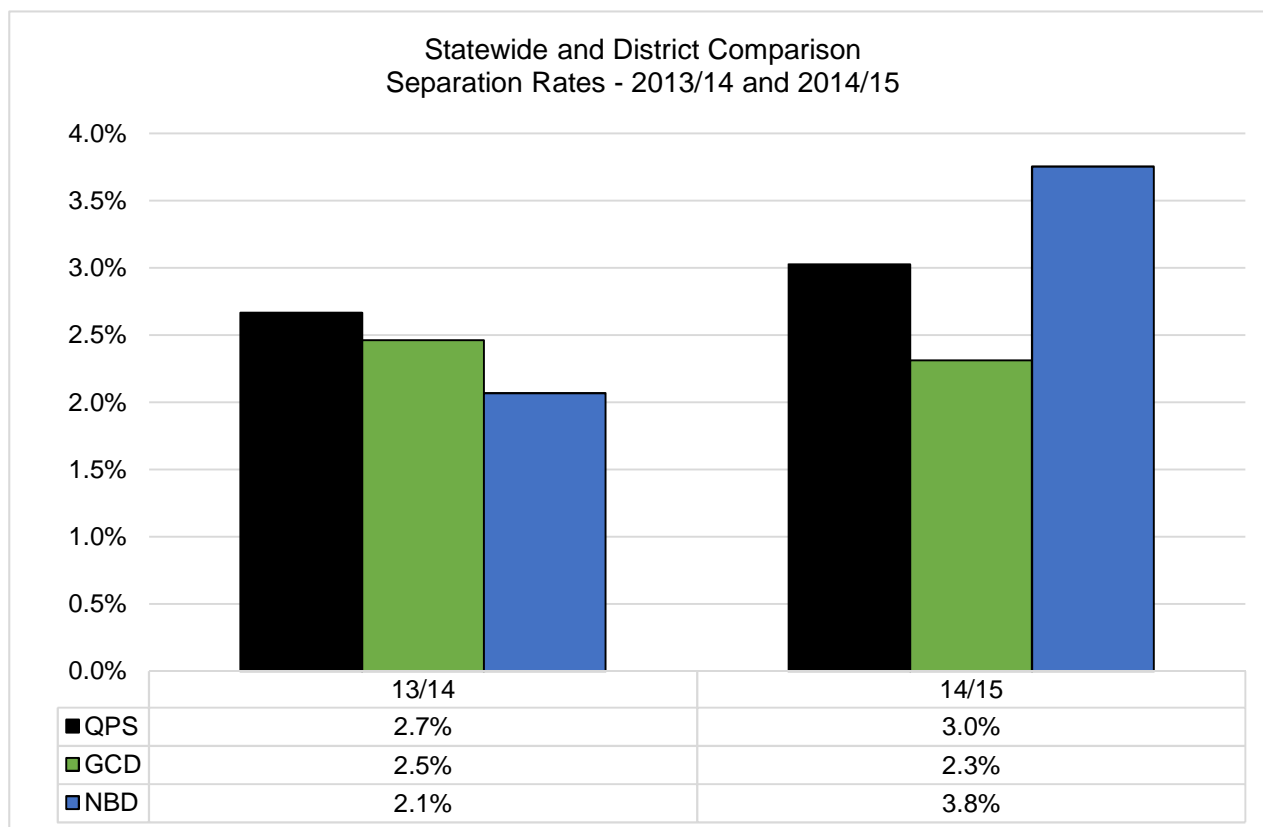


**Figure 4: Length of service comparison by percentage – 2015**

### Separation rate comparison

In 2014/2015, officers in Gold Coast District separated from the Service at a lower rate than officers stationed elsewhere. The separation rate in 2014/2015 of officers in Gold Coast District was point two per cent decrease in the rate from 2013/2014 (2.5%). By contrast separation rates in North Brisbane District and the Service as a whole rose between 2013/2014 and 2014/2015 (NBD 2% increased to 4%, QPS increased to 3%).

The 2014/2015 separation rate for Gold Coast District was substantially lower than North Brisbane District (4%) and somewhat lower than the Service average (3%). However, it should be borne in mind that given the small absolute numbers of officers involved, rates can fluctuate considerably with small changes in numbers. It is also worth considering that the generally smaller number of officers aged over 50 years in Gold Coast District would likely mitigate age related separations. Regardless of the factors that may influence separation rates, officers separate from the Service at a lower rate in Gold Coast District than the Service average.



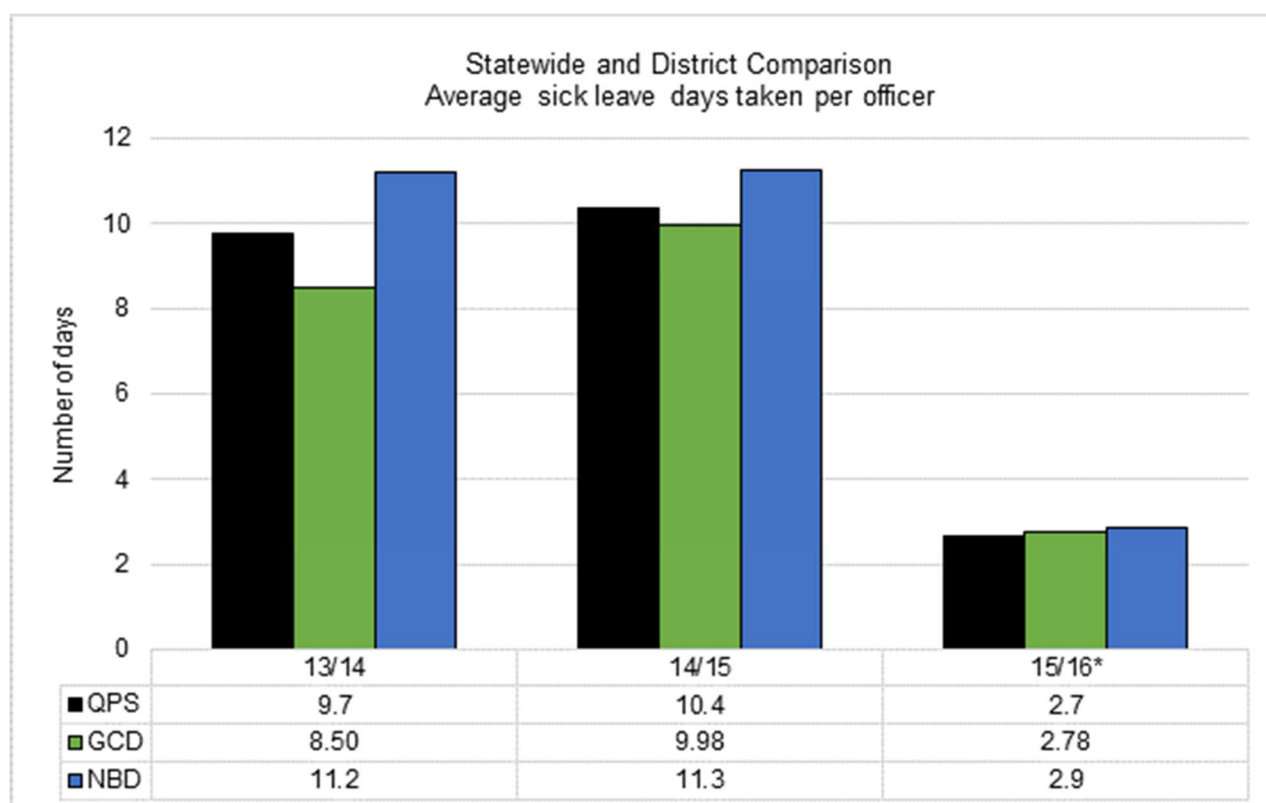
**Figure 5: Comparative separation rates**

\*Separation rate not available for FY 2015/16

## Sick Leave Takings comparison

Officers in Gold Coast District, on average, take less sick leave than other officers. In 2013/2014 and 2014/2015 officers in Gold Coast District took sick leave at an average rate of days per officer that was lower than the QPS average (2013/14 GCD 8.5 days, QPS 9.74 days and 2014/15 GCD 9.98 days, QPS 10.35 days). The average number of sick leave days per officer was more pronounced when contrasted with North Brisbane District (2013/14 GCD 8.5 days, NBD 11.18 days and 2014/15 GCD 9.98 days, NBD 11.26 days).

However, the average number of sick days per officer for the period July to September 2015 shows that Gold Coast District has risen slightly above the Service average (GCD 2.78 days, QPS 2.66 days), Gold Coast District officers still take, on average, fewer days of sick leave than those in North Brisbane District (GCD 2.78 days, NBD 2.89 days). The apparent increase in sick leave takings in Gold Coast District, as compared with the Service generally, shown in the data for the July to September 2015 period should be interpreted with caution as comparisons with a similar period in previous years have not been made. Once again the generally lower number of officers in the over 50 age group in Gold Coast District may reduce the number of age related health issues and resultant sick leave.



**Figure 6: Comparative sick leave takings**

\*Part year data only - July to Sept 2015

## Supervisory Officer Ratios

A review of supervisory officer ratios for Gold Coast District and North Brisbane District identified that in terms of the ratio of supervisors to subordinates, Gold Coast and North Brisbane districts are comparable. For the purposes of this comparison the relevant ratio is conceptualised in terms of the ratio of Sergeants to Senior Constables to Constables. As at 1 September 2015 the ratio of Sergeants to Senior Constables was 1:3.2 in North Brisbane District and 1:3.4 in Gold Coast District. In terms of the ratio of Senior Constables to Constables, North Brisbane District had a ratio of 1:0.8 and Gold Coast District a ratio of 1:1.

A more detailed analysis was undertaken of a selection of units within North Brisbane District and Gold Coast District. It was identified that Surfers Paradise and Broadbeach Divisions both had lower ratios of Sergeants to Senior Constables than Brisbane City and Fortitude Valley Divisions. Gold Coast Rapid Action and Patrols had the lowest ratio of Sergeants to Senior Constables of the units examined. The ratio of Senior Constables to Constables was generally slightly lower in the Gold Coast District units than in the North Brisbane District units, with the exception of Fortitude Valley Division which had the lowest ratio of Senior Constables to Constables (1:3). Broadbeach Division had the lowest ratio of Senior Constables to Constables of the Gold Coast District units examined (1:2.6). From the data examined it is clear that the Gold Coast District units reviewed are collectively within the same range of supervisory ratios as those observed in North Brisbane District.

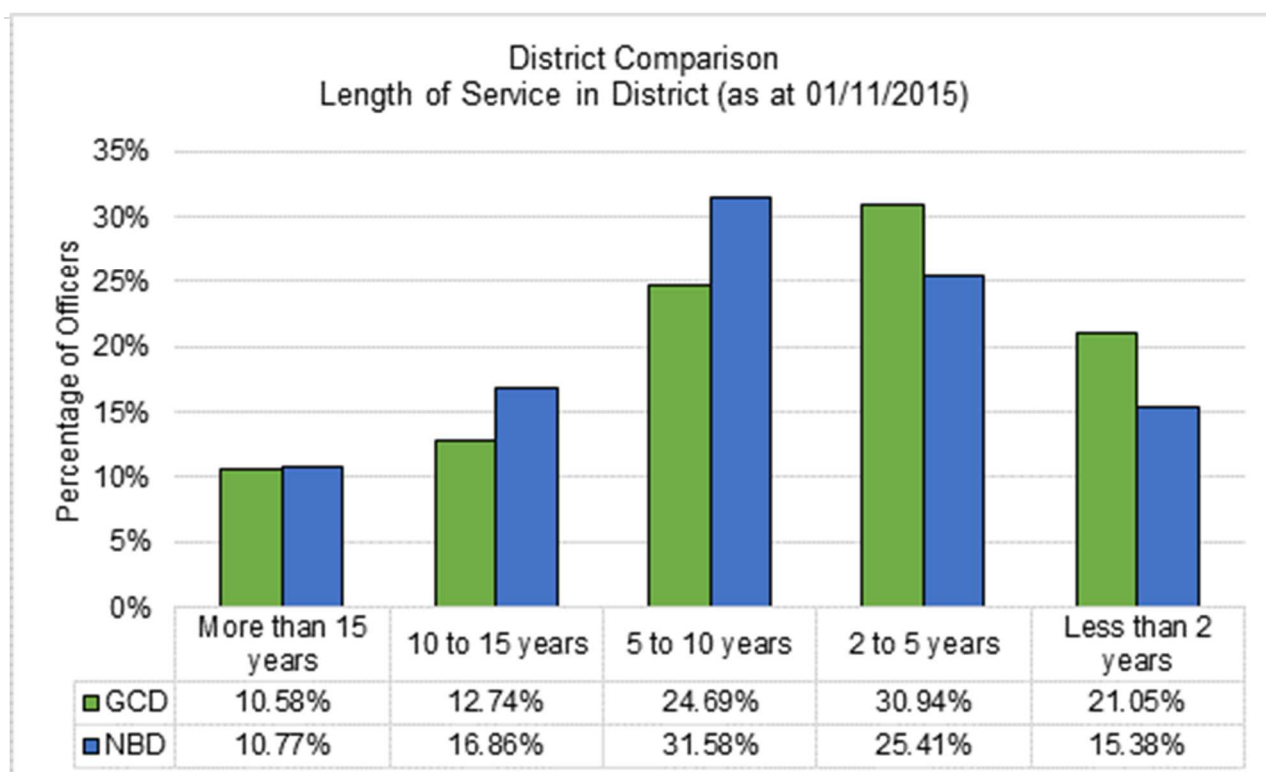
**Table 1: Comparative ratios of supervisors 2015 per substantive head count of sworn officers per district**

NORTH BRISBANE DISTRICT (as at 01/09/2015)					
Division/Group	Sergeant	Sergeant to Senior Constable Ratio	Senior Constable	Senior Constable to Constable Ratio	Constable
BRISBANE CITY DIVISION	17	1 to 3	51	1 to 1.3	67
NBD CIB, BRISBANE	6	1 to 3	18	1 to 0.2	3
NBD TCS, BRISBANE	3	1 to 3.3	10	1 to 0	
FORTITUDE VALLEY DIVISION	9	1 to 3.3	30	1 to 3	89
GOLD COAST DISTRICT (as at 01/09/2015)					
Division/Group	Sergeant	Sergeant to Senior Constable Ratio	Senior Constable	Senior Constable to Constable Ratio	Constable
SURFERS PARADISE DIVISION	15	1 to 2.5	38	1 to 2	77
BROADBEACH DIVISION	8	1 to 2.1	17	1 to 2.6	44
GCD NORTHERN CRIME GROUP	12	1 to 3.5	42	1 to 0.2	10
GCD RAPID ACTION & PATROLS	8	1 to 3.8	30	1 to 1.8	55

## Tenure comparison

The potential for continuous exposure to a difficult workplace to increase the risk of an officer developing unacceptable patterns of behaviour was recognised in a number of the previous reviews of Gold Coast policing. The Carter Report (CJC, 1997) recommended a maximum tenure of seven years at any location, the Crime and Misconduct Commission (2008) and the Service Delivery and Performance Commission (2008) both recommended changes to transfer policy to allow a more flexible approach to dealing with integrity and performance issues from an organisational perspective. Setting the Standard Report (SETS, CMC, 2010) it was recommended that legislation be amended to permit the Commissioner to transfer an officer in the public interest. Service policy does not provide for a maximum tenure, only a minimum tenure of three years generally and two years in remote and difficult to fill positions (QPS, 2014). The minimum tenure policy maintains staffing continuity and stability, thus minimises cost and disruption to the Service and officers.

Officers stationed in Gold Coast District are less likely to have spent lengthy periods in the district compared to officers in North Brisbane District. A comparison of length of service, ignoring any breaks in that service, of officers in Gold Coast District and North Brisbane District shows that while forty-eight per cent of officers in Gold Coast District have served in the district for five or more years, the comparable percentage in North Brisbane District is fifty-nine per cent. Some twenty-five per cent of Gold Coast District officers have served in the district for five to 10 years compared with thirty-three per cent of North Brisbane District officers. The percentage of officers in Gold Coast District having served more than 15 years in the district is the same as that of North Brisbane District at eleven per cent. As previously noted, Gold Coast District has a higher proportion of officers with less than five years' service than North Brisbane District. However, the fact remains, a significantly higher proportion of officers in North Brisbane District have served lengthy periods within the district than is the case in Gold Coast District.

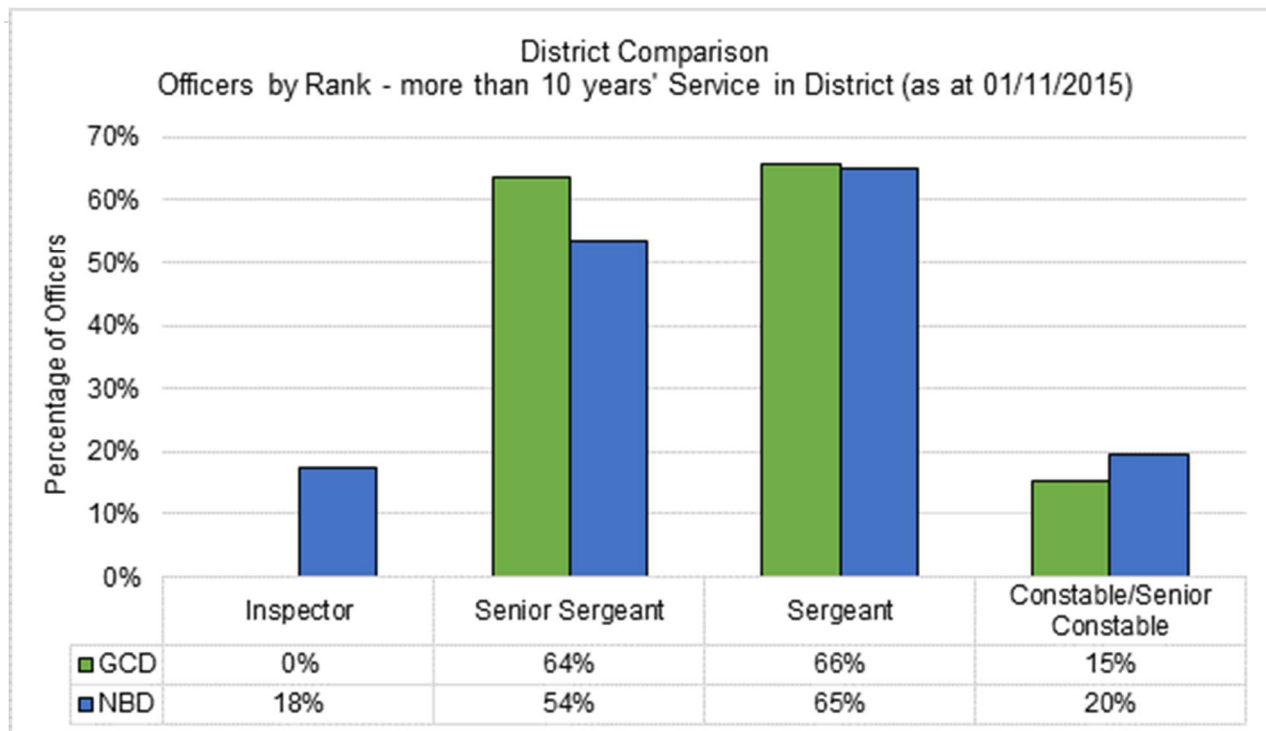


**Figure 7: Officer length of service within district**

Senior Sergeants and Sergeants are slightly more likely to have served in the district for over ten years in Gold Coast District than North Brisbane District. The percentage of Senior Sergeants with more than ten years in the district is sixty-four per cent for Gold Coast District and fifty-four per cent for North Brisbane District. The percentage of Sergeants in Gold Coast District with more than ten years' service in the district is slightly higher than North Brisbane District at sixty-six per cent to sixty-five per cent respectively. Only a small percentage (15%) of Senior Constables and Constables in Gold Coast District have served more than ten years in the district.

This is not unexpected as officers at these ranks will often have less than ten years' service or be promoted before reaching that length of service. The percentage of Senior Constables and Constables with more than ten years' service in North Brisbane District is similarly low, though higher by comparison, at twenty per cent. It is notable that, at the date the data was collected, no Inspectors in Gold Coast District had more than ten years' service in the district compared to eighteen per cent of Inspectors in North Brisbane District. The data suggests that, in both North Brisbane District and Gold Coast District, a significant percentage of Senior Sergeants and Sergeants have lengthy periods of service within the district with the trend being slightly more pronounced in Gold Coast District.





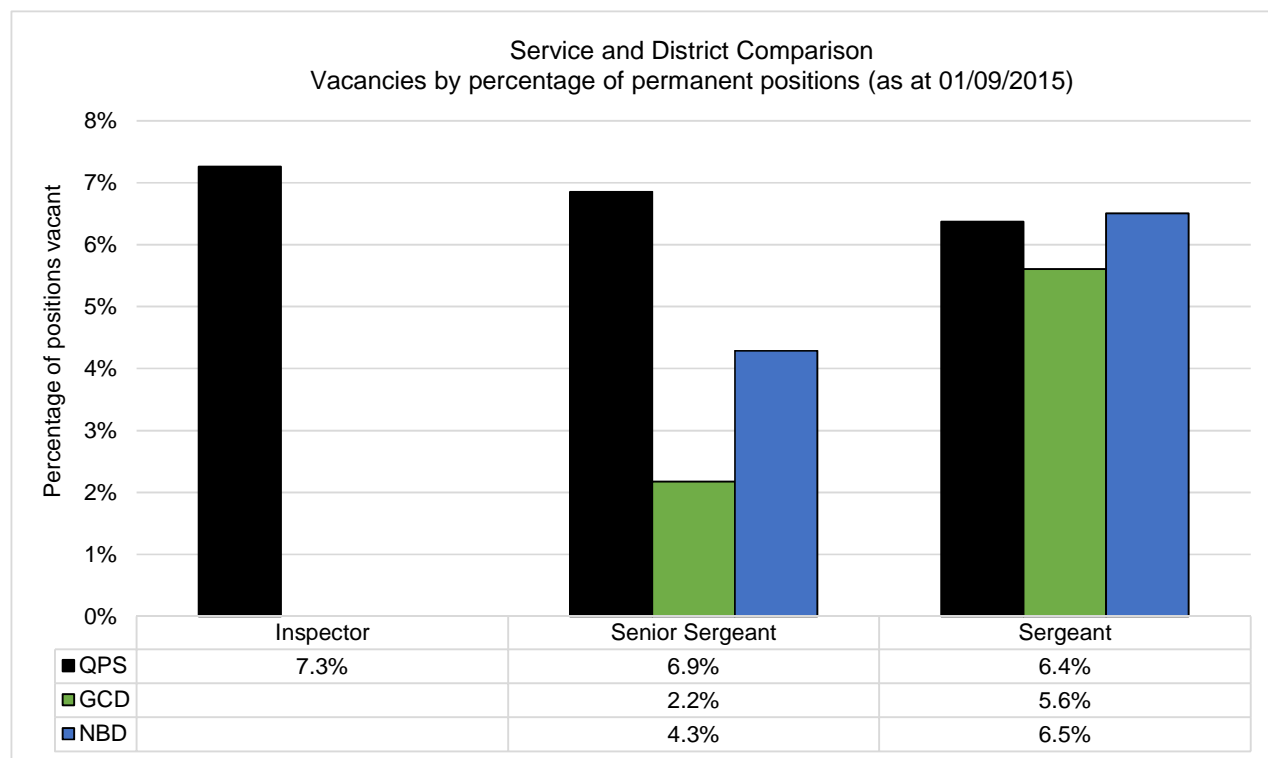
**Figure 8: Officers by rank with more than 10 years' service in district**

### Vacancies in supervisory positions

The issue of vacancies at supervisory level was considered as it may be a factor in sub-optimal supervisory practices. The CMC (2008), during the course of Project Grinspoon, identified that, due to senior position turnover and vacancies, there were many members relieving in supervisory roles for extended periods. It was suggested that such members may be "... reluctant to take on the full managerial responsibilities of the position, for fear of alienating themselves from their team-mates, particularly when they know they will be returning to their substantive positions" (CMC, 2008, p.15). Officers may act in supervisory positions which are temporarily or substantively vacant. Officers acting in positions which are temporarily vacant while the substantive occupant is on leave or seconded to another role are likely to outnumber those acting in positions which are substantively vacant. Substantively vacant positions and temporary vacancies at the officer in charge level at a sample of stations are considered in this review. While there is no benchmark acceptable rate of vacancies, and it must be acknowledged that vacancies will always exist, a comparison of Gold Coast District and North Brisbane District can be used as a frame of reference.

At 1 September 2015 GCD had a lower proportion of vacant supervisory positions than the whole of Service average. When considered in terms of the number of vacant permanent positions as compared to the number of permanent positions at the relevant rank, GCD had a lower proportion of vacancies at Sergeant and Senior Sergeant level than NBD and the Service as a whole. Senior Sergeant vacancies in GCD were two per cent of the number of Senior Sergeant positions in the District compared to four per cent in North Brisbane District and seven per cent across the entire Service. Sergeant vacancies in GCD and the Service as a whole were six per cent of the number of Sergeant positions in the District compared to seven per cent in North Brisbane District. Figure 9 illustrates that vacant Senior Sergeant positions in GCD in 2013 and 2014 were in higher proportions than NBD, though the disparity was eliminated during 2015. The situation with respect to Sergeant vacancies in GCD between 2013 and 2015 has been relatively consistent, taking into account the small absolute numbers involved. With the exception of 2013, GCD has had a smaller proportion of Sergeant vacancies during the 2013 - 2015 period than NBD. Senior Constable and Constable vacancies were not considered as these vacancies were offset against multiple incumbent arrangements. In respect of supervisory position vacancies compared with the number

of positions at the relevant rank, GCD is currently in a better position than NBD and the Service more generally.



**Figure 9: Substantive vacancies as a percentage of permanent positions 1 Sep 2015**

**Table 2: Vacancies by rank – Service and District comparison 2013 – 2015**

RANK	QPS					
	3/09/2013		1/09/2014		1/09/2015	
	All Perm Pos	Vac Perm Pos	All Perm Pos	Vac Perm Pos	All Perm Pos	Vac Perm Pos
Chief Superintendent	7	2	9	1	9	1
Superintendent	46	6	46	9	46	7
Inspector	246	10	247	14	248	18
Senior Sergeant	840	92	834	46	832	57
Sergeant	2281	113	2305	144	2306	147
<b>Grand Total</b>	<b>3420</b>	<b>223</b>	<b>3441</b>	<b>214</b>	<b>3441</b>	<b>230</b>

RANK	NORTH BRISBANE DISTRICT					
	3/09/2013		1/09/2014		1/09/2015	
	All Perm Pos	Vac Perm Pos	All Perm Pos	Vac Perm Pos	All Perm Pos	Vac Perm Pos
Chief Superintendent	1		1		1	
Superintendent	2		2	1	2	
Inspector	13		13		14	
Senior Sergeant	70	4	70		70	3
Sergeant	168	5	168	14	169	11
<b>Grand Total</b>	<b>254</b>	<b>9</b>	<b>254</b>	<b>15</b>	<b>256</b>	<b>14</b>

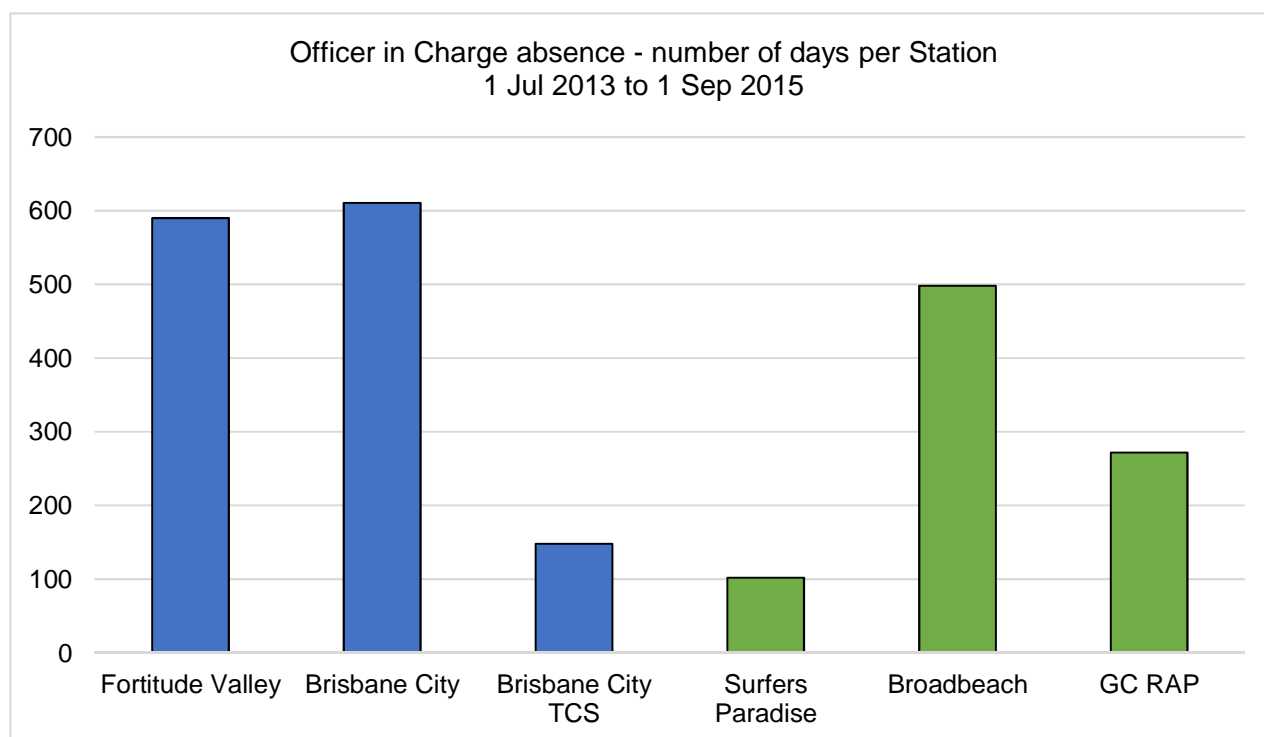
RANK	GOLD COAST DISTRICT					
	3/09/2013		1/09/2014		1/09/2015	
	All Perm Pos	Vac Perm Pos	All Perm Pos	Vac Perm Pos	All Perm Pos	Vac Perm Pos
Chief Superintendent	1		1		1	
Superintendent	2		2		2	
Inspector	9		9		9	
Senior Sergeant	46	3	47	4	46	1
Sergeant	107	5	107	2	107	6
<b>Grand Total</b>	<b>165</b>	<b>8</b>	<b>166</b>	<b>6</b>	<b>165</b>	<b>7</b>

## Acting officers in charge

During the period under review GCD, particularly Surfers Paradise Station, demonstrated a greater degree of continuity and stability at station OIC level than NBD. Human resource data for the period between 1 July 2013 and 1 September 2015 was examined for Brisbane City Station, Fortitude Valley Station, Brisbane City Tactical Crime Squad, Broadbeach Station, Gold Coast Rapid Action and Patrols and Surfers Paradise Station to identify the degree of stability and continuity at the officer in charge level.

Stability and continuity was assessed by reference to the number of blocks of time that the substantive officer in charge was absent from their position, how many other officers acted in the role during those periods and how many days in total an acting officer in charge was in place. The data shows that an acting OIC was in place for the longest total period in Brisbane City Station, being 611 days divided into three blocks and the role was filled by five different officers.

Surfers Paradise was the station which demonstrated the greatest degree of stability and continuity of leadership with 102 days with an acting OIC in place with the role shared between two officers over nine relatively short periods. Brisbane City Tactical Crime Squad demonstrated a similarly high degree of continuity with three acting OICs relieving for a period of 148 days over nine blocks of time. Fortitude Valley and Broadbeach stations were managed by acting OICs for lengthy periods, 590 days and 498 days respectively. Gold Coast Rapid Action and Patrols had seven OICs over 272 days during the period. Broadbeach Station and Gold Coast Rapid Action and Patrols showed a slightly greater tendency to a larger number of different officers undertaking relieving OIC duties than was the case in Brisbane City or Fortitude Valley stations, but for less time in aggregate.



**Figure 10: Officer in charge absence from selected stations**

In broad terms, the OICs of large stations were commonly absent on secondment to other duties, either at level or in higher duties, for lengthy periods. Other periods of absence were occasioned by routine periods of leave. While it appears relatively common that the officer in charge will be

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absent from their appointed station, Surfers Paradise Station was a notable exception to that generalisation.

With respect to the risk identified by the CMC (2008), that officers acting in supervisory positions may be reluctant to accept the full managerial responsibilities of the role, on the basis of the data reviewed, the GCD appears to be at no greater risk than NBD. On consideration of the data at hand, the correlation between acting OICs and complaints against officers attached to the relevant station is weak and inconsistent. While Surfers Paradise Station has the lowest number of days under the management of an acting officer in charge, it had the largest number of subject members involved in complaints considered in this review (n=66).

Fortitude Valley Station, by comparison, was without its substantive OIC continuously from February 2013 until March 2015 and recorded 19 officers who were the subject of complaints. Brisbane City Station was also under the management of an acting OIC for considerable periods and 25 officers attached to that station were subject of complaints considered by this review. Both Fortitude Valley Station and Brisbane City Station have comparable numbers of officers to Surfers Paradise Station (approximately n =130 officers). If there was a strong correlation between the presence of acting OICs and a higher incidence of complaints against officers under their control, perhaps a reluctance to fulfil their managerial responsibilities and leadership role could be presumed. The absence of such a correlation does not disprove the possibility, rather it suggests that failure to provide good leadership and fulfil management responsibilities is not inevitable in the acting officer in charge scenario. The factors which result in higher rates of complaints against officers are more complex than the permanency of the officer in charge.

When these factors are taken into account, it is evident that the workforce demographics of GCD and NBD compare favourably, having similar proportions of officers at the constable, senior constable and sergeant ranks. Both GCD and NBD have a significantly higher proportion of constables than the Service as a whole with age and gender of officers substantially consistent. However, officers in GCD are more likely to have less service than those officers stationed in NBD and it would seem that when taking into account the police to resident population, GCD has slightly less staff to police for a larger geographical area. Despite this the data indicates the decision to use NBD as a comparison district is justified.

## **Complaints Against Police**

The Task Force examined in detail over 250 matters associated with use of force complaints and client service issues involving use of force. Consideration was also given to civil actions brought against the QPS for which excessive use of force was an allegation and was not reported as a complaint. No such matters were identified for GCD whereas eight civil actions were instigated within NBD. Given the confidential nature of civil matters, detailed analysis of these matters are not discussed in this report. However, it was determined that these civil complaints were minor in number and did not provide any further explanation or reasons for Excessive Use of Force complaints. It is also unknown why eight civil complaints were not also official complaints made to the police or CCC.

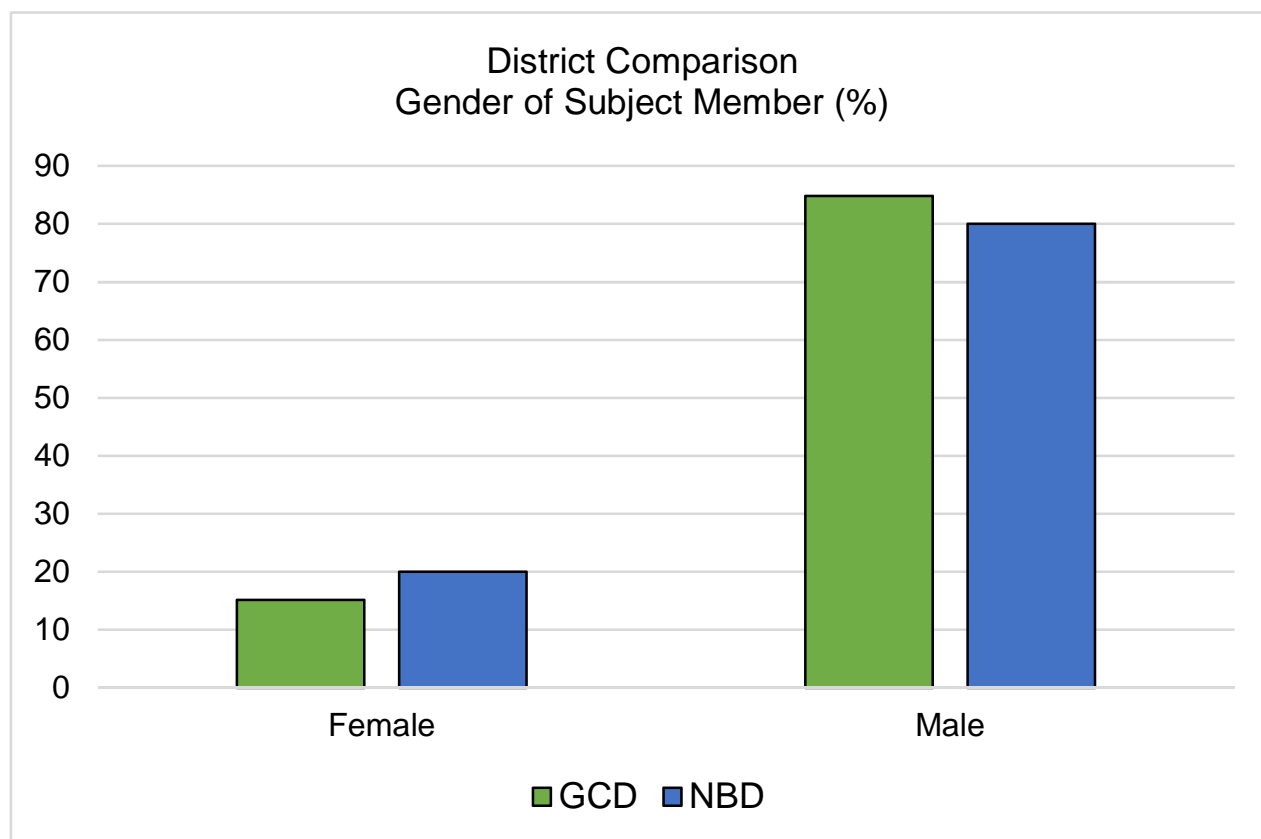
It must be noted, in accordance with the Task Force TOR, the complaint matters were not re-examined, rather they were overviewed by senior Internal Investigation Group member to identify any key lessons learnt, deficiencies in process/policy/legislation and to explore any individual, systemic or organisational factors leading to complaints.

Generally speaking, complaints of Excessive Use of Force against members of the QPS have continued on a downward trend since December 2010. Analysis of the data indicates the rate of complaints per 1,000 officers state-wide has decreased by thirteen per cent from 2013/14 (n=31) to 2014/15 (n=27).

Across the review period the total number of complaints involving an allegation of Excessive Use of Force against a subject member assigned to GCD resulted in 102 in comparison to NBD with 117<sup>10</sup>. Comparable to the state-wide trend, the rate of complaints per 1,000 officers in NBD has decreased by sixteen per cent from 49 in 2013/14 to 41 in 2014/15. Conversely, analysis of the rate of complaints for GCD for the same period reveals a thirteen per cent (n=52 to 59) increase.

### Subject member demographics

Further analysis of the complaints data<sup>11</sup> for both GCD and NBD was conducted in an attempt to identify factors contributing to the increasing complaint trend within GCD compared to the corresponding downward trend reported by NBD.

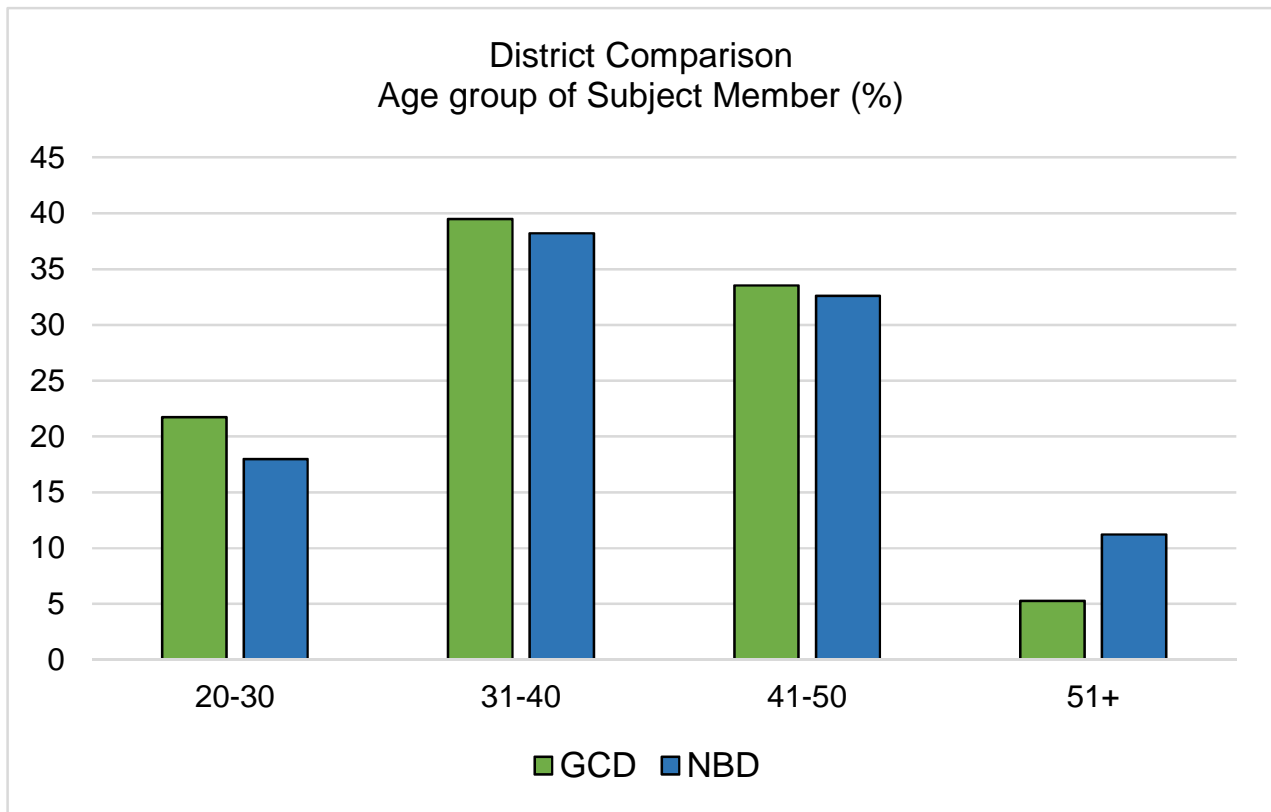


**Figure 11: Gender of the subject member for GCD and NBD (percentage of total)**

As depicted in Figure 11, the overwhelming majority of subject members were male within both GCD and NBD, supporting findings in the literature that female officers attract less complaints than their male counterparts. Male officers are expected to be overrepresented in this complaints data as workforce demographics data confirms male officers constitute approximately seventy-three per cent of the Service state-wide. Demographics data also indicates the proportion of male officers within NBD is slightly higher when compared with GCD however, this is not reflected in the complaints data with a slightly higher percentage of male officers contributing to the total number of complaints in GCD (85%, n=129) when compared with NBD (80%, n=143).

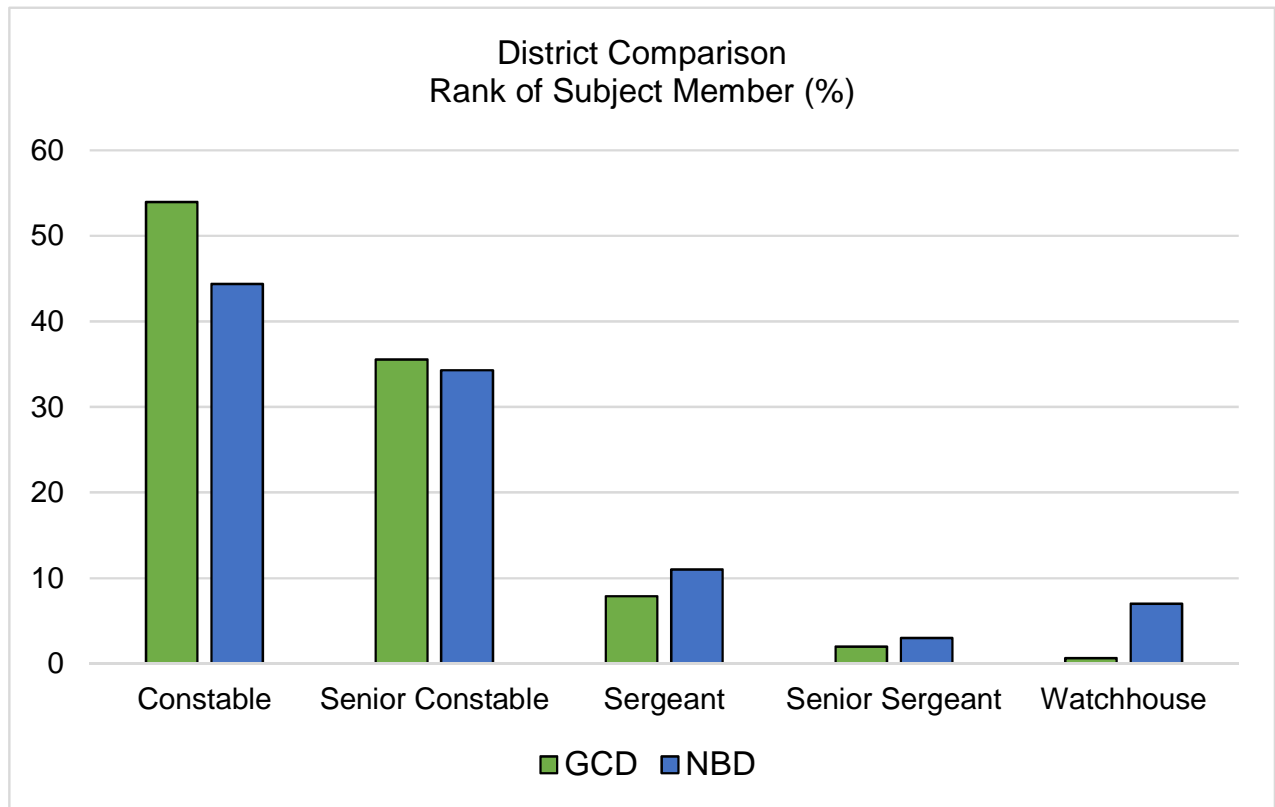
<sup>10</sup> Caveats and data limitations apply for complaints data extracted from CSS for both police districts. Please refer to limitations section at front of report for further information.

<sup>11</sup> Analysis of the complaints data per subject member will not equal complaint totals as there may be more than one subject member linked to the same complaint.



**Figure 12: Age group of the subject member for GCD and NBD (percentage of total)**

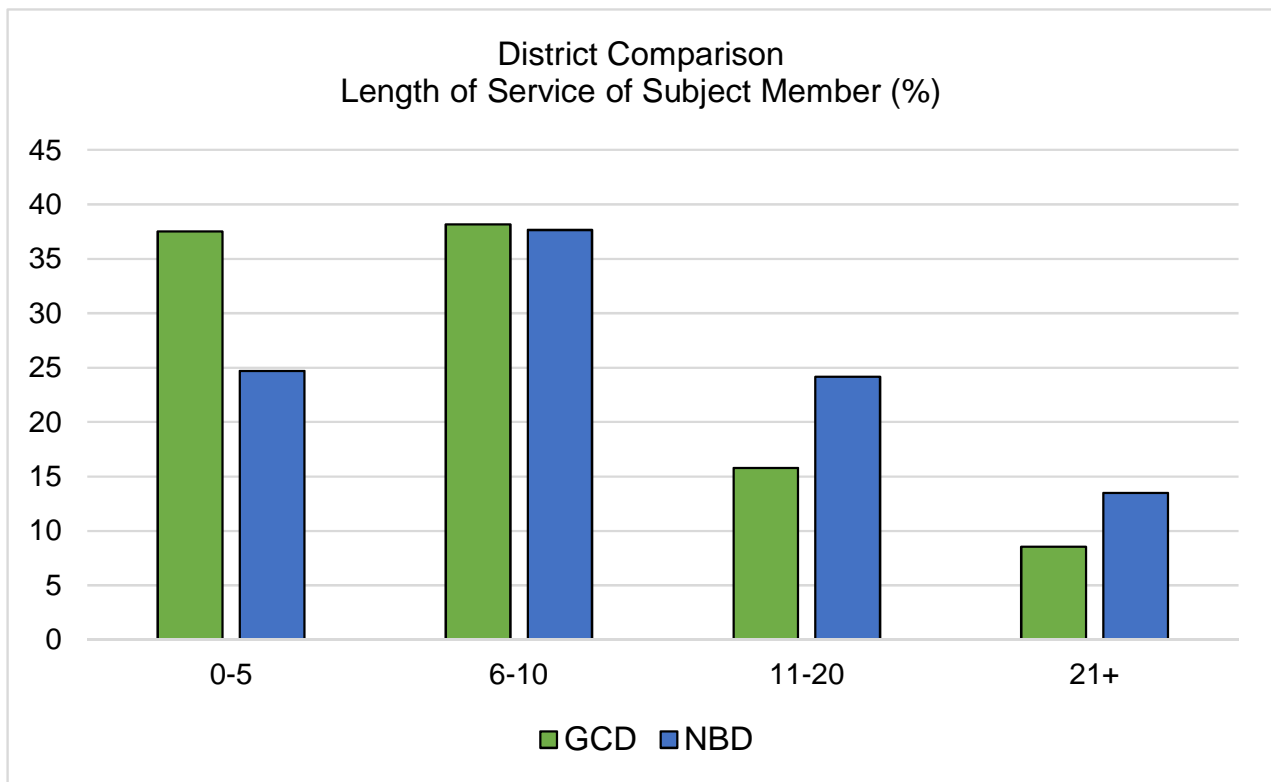
Figure 12 illustrates the majority of subject members were aged between 31 and 40 years with very similar percentages contributing to a similar proportion of the complaints within both GCD and NBD. The second highest group is the 41 to 50 age group, with the percentage of younger officers being much lower. This would appear to align with findings from the literature indicating no clear link between complaints and an officers' age.



**Figure 13: Rank of the subject member for GCD and NBD (percentage of total)**

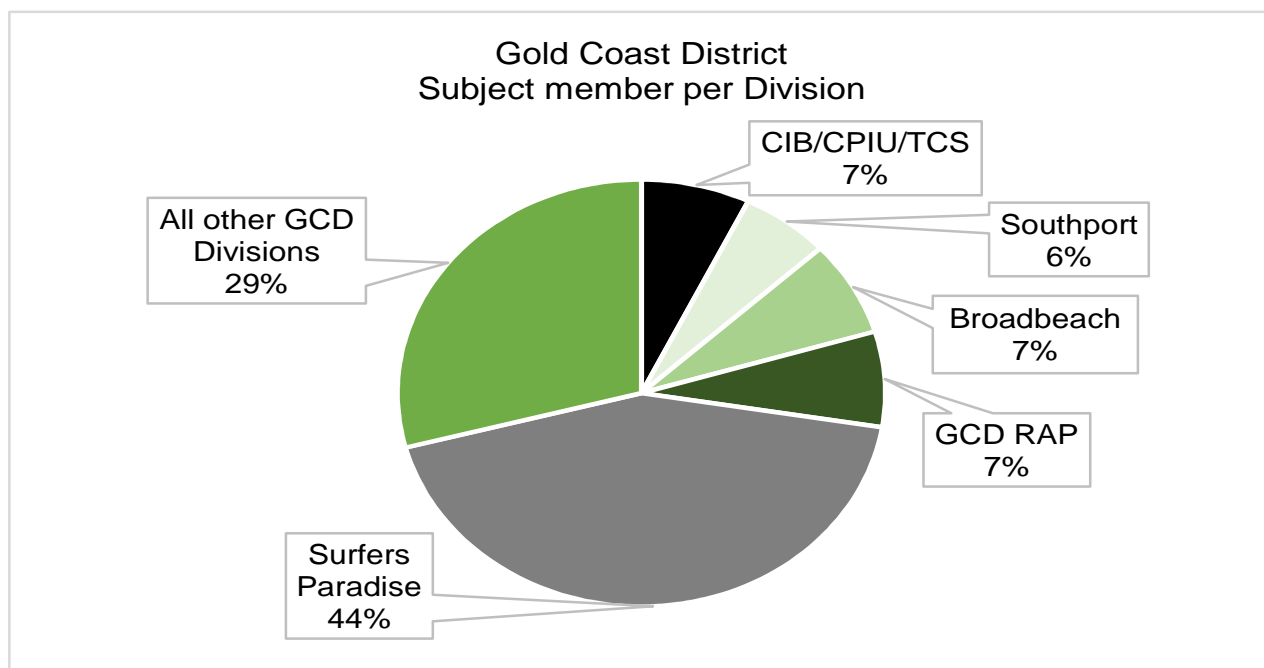
As depicted above, officers at the rank of Constable and Senior Constable contributed to the largest percentage of complaints within both NBD and GCD. A slightly higher percentage of constables contributed to the complaints within GCD (54%, n=82) when compared with NBD (44%, n=79) however a very similar proportion of Senior Constables from each district contributed to the total number of complaints. Interestingly, Watchhouse Officers contributed to a significantly higher proportion of the complaints within NBD when compared with GCD. A review of the matters involving Watchhouse Officers revealed half were reported to the QPS via an external third party (i.e. a legal advocate acting on behalf of the concerned party) and in only one instance was the subject member given remedial training. Data does not suggest there are any systemic and/or organisational factors contributing to complaints against Watchhouse Officers within NBD.



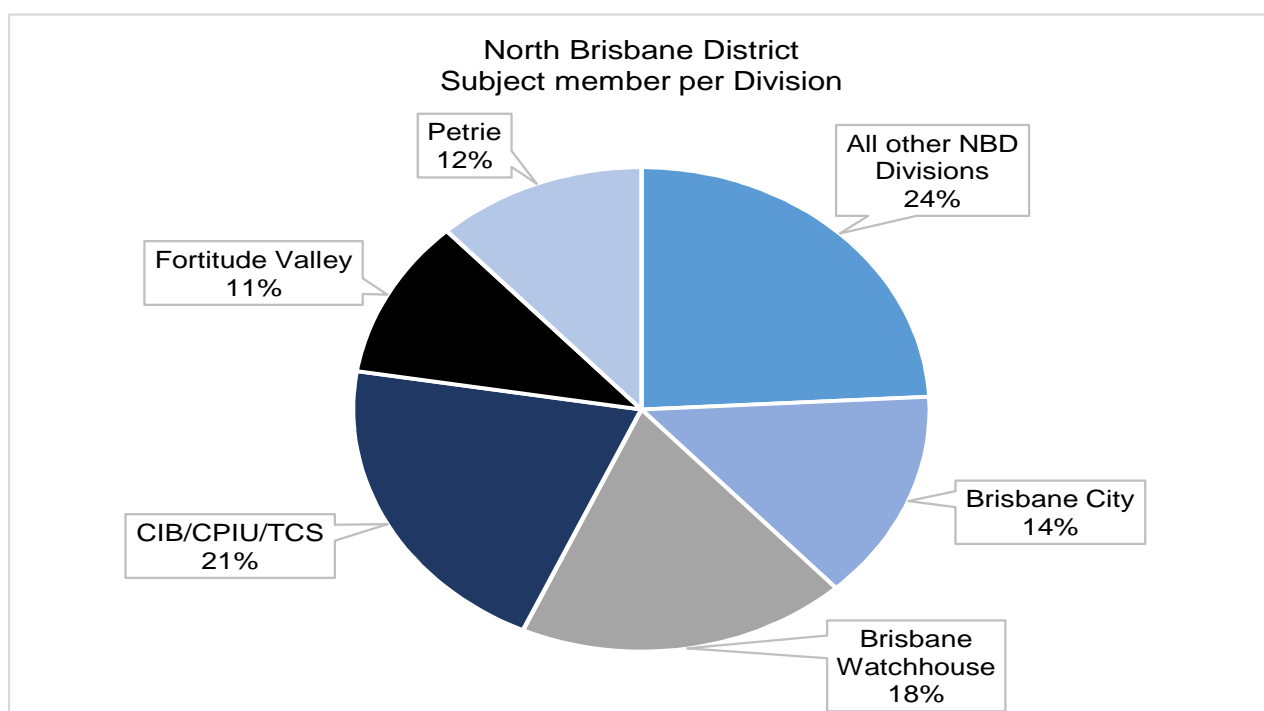


**Figure 14: Length of service of the subject member for GCD and NBD (percentage of total)**

Figure 14 illustrates a higher proportion of complaints within GCD (76%, n=115) were attributed to subject members with less than ten years' service than NBD (63%, n=111). Whilst this finding aligns with research relating to officer experience and complaints of excessive use of force (less experienced officers attract more complaints) this finding is also not unexpected in our sample as the demographic data confirms a substantially greater proportion of officers in GCD have less than ten years' service than the Service as a whole and is also somewhat higher than NBD. As illustrated, NBD officers with more than eleven years' service contributed to a greater percentage of complaints than officers in GCD which also correlates with the demographics data, that is, GCD has fewer officers with more than 11 years' service.



**Figure 15: Subject member per division within GCD**



**Figure 16: Subject member per division within NBD**

Further analysis of the complaints data was conducted to identify the division to which the subject member was assigned at the time of the complaint. The results are depicted in Figures 15 and 16. GCD data reveals the largest single contributor division to the district total of subject members was Surfers Paradise Division (44%, n=66). The second highest division recorded was the Gold Coast RAP. Conversely, subject members attached to CIB/CPIU/TCS represented the highest proportion (21%, n=21) of complaints within NBD. Subject members attached to Fortitude Valley Division contributed to a significantly smaller proportion (11%, n=11) of the NBD complaints when compared with the forty-four per cent of Surfers Paradise officers within GCD.

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In summary, the demographics of the typical subject member do not differ between districts. Those subject members more likely to attract a complaint of assault/excessive use of force are male Constables aged 31 to 40 years, with less than 10 years' service. Subject members attached to Surfers Paradise Division contributed to a significantly higher proportion of the GCD complaints than subject members from Fortitude Valley Division contributed to complaints within NBD.

## **Complainant demographics**

Closer examination of complainant (concerned party) demographics was conducted to identify who is likely to make a complaint against police and what, if any, differences exist between NBD and GCD complainants. It is important to note, under current reporting requirements within CSS, it is not compulsory to record the complainants' full particulars. Further, more than one complainant may be linked to the same complaint and the person recorded as the complainant may not necessarily be the "victim" who had the initial interaction with police resulting in the complaint. Consequently, an accurate, holistic overview of complainant demographics cannot be obtained from the complaints dataset. Due to these limitations, the data must be interpreted with caution and it has not been possible to draw further correlations with those persons police have reported a use of force against in QPRIME.

For the review period, a total of 140 concerned parties were recorded for GCD complaints and 160 were recorded within NBD. Again, as previously outlined the number of complainants is greater than the total number of complaints received as one than one complainant may be linked to the same complaint. Within GCD, eighty-three per cent (n=116) of the complainants were members of the public which includes legal representatives of the complainant. This was similar to NBD who recorded ninety per cent (n=144) of complainants as being members of the public.

For both districts, an average of seventy-three per cent of complainants were male with the typical age group being 31 to 40 years. This does not correlate with QPRIME data which found the majority of complaints arose from interactions with good order offenders, with the typical good order offender being male aged between 20 and 24 years. Again, further exploration of this topic is not possible due to limitations in the data however, the data does tentatively indicate that complaints against both GCD and NBD officers were not made by the typical good order offender.

Further analysis reveals ten per cent of complaints recorded state-wide, resulted from QPS members complying with their obligations under section 7.2 of the *Police Service and Administration Act (PSAA)*. NBD recorded the same ten per cent (n=16) as the state-wide trend however, GCD was somewhat higher with seventeen per cent (n=24) of complaints recorded in accordance with the PPRA requirements of reporting a breach of discipline or misconduct matter.

Findings from the focus groups found that some officers working within GCD believe the nature of their work involves a large volume of transient persons who travel to the district via planes, trains and cars, 'leaving their manners at the border' and behaving differently than they would in their home towns 'they think they have the right to do anything they want....that it's their right to drink and misbehave...'. It was also commented that this same group are likely to make complaints 'they don't like how they are dealt with when they are on holiday' and that 'responsibility gets checked with the luggage'. Analysis of those GCD complainants with an address recorded<sup>12</sup> revealed that over three quarters (77%, n=56) resided within the district. Thirteen per cent (n=10) resided in other police districts (Capricornia, Logan, North and South Brisbane and Sunshine Coast) and ten per cent (n=7) were interstate residents. Despite the perceptions held by some GCD officers that the transient population found in the GCD impacts on the type and number of complaints made

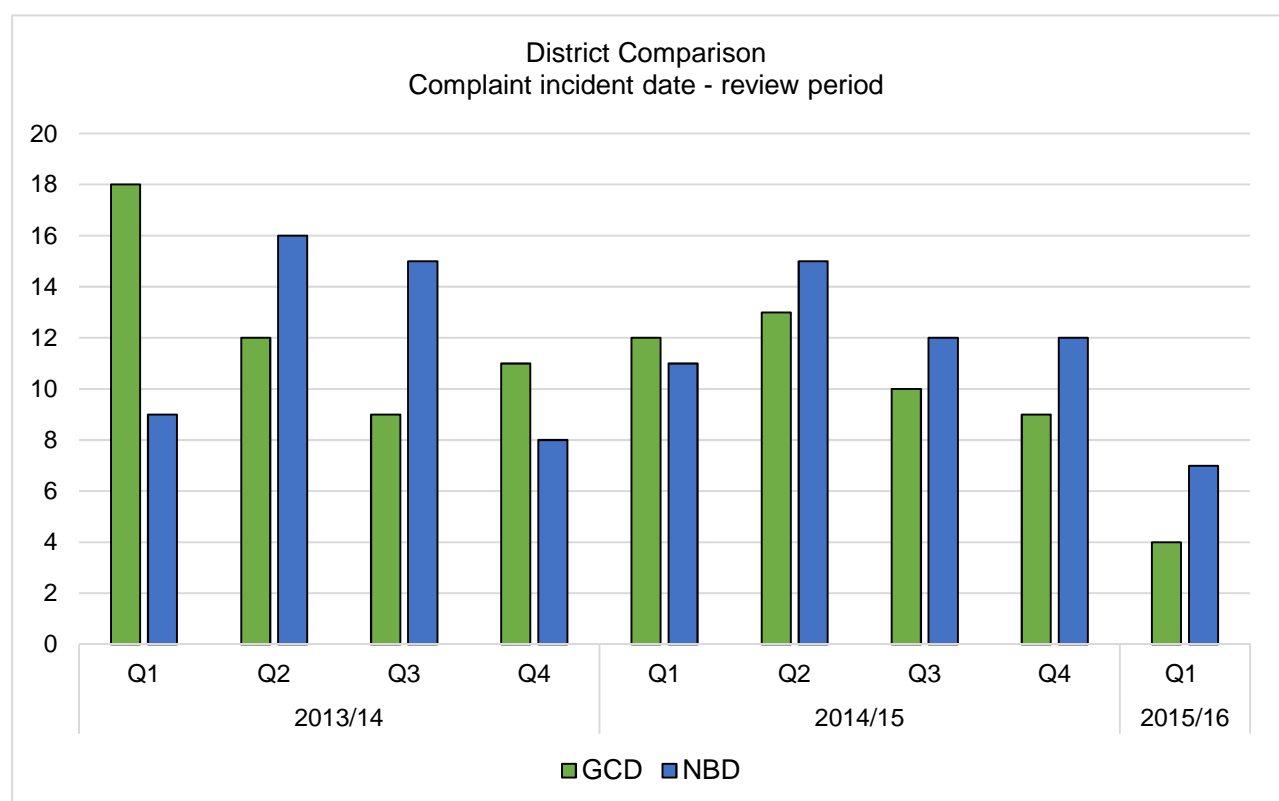
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<sup>12</sup> Address details of the complainants were obtained from records in CSS or QPRIME.

against officers, the data indicates that the majority of complainants are in fact residents of the Gold Coast who reside and 'party' in their own backyards.

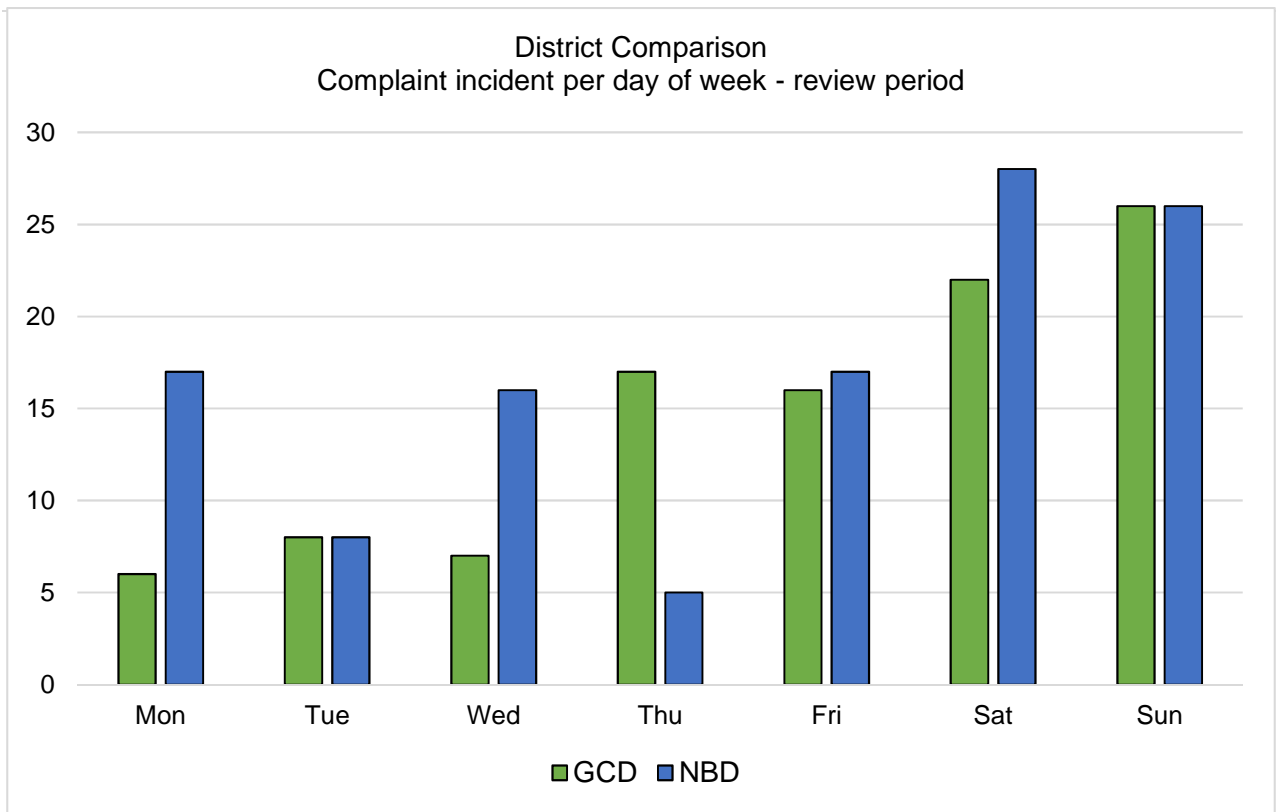
### Time and day of complaint incident

Figures 17, 18 and 19 illustrate that complaints result from police attending incidents at any time of the year, during any day of the week and at any given time of the day<sup>13</sup> within both GCD and NBD. Analysis of the data confirms more than half (53%, n=54) of the incidents resulting in a complaint within GCD occurred between 2100 hours and 0300 hours with two thirds (63%, n=64) of incidents occurring between Friday and Sunday. These findings are not dissimilar to NBD, with a similar percentage (61%, n=70) of incidents occurring on the same days with just over half (51%, n=58) of the incidents occurring between 2100 hours and 0300 hours. Although the increase in incidents within both GCD and NBD correlate with an increase in calls for service (i.e. between 2000 hours and 0300 hours) the busier times of the day appear to impact more negatively on NBD officers whose complaints significantly peaked at 0100 hours.

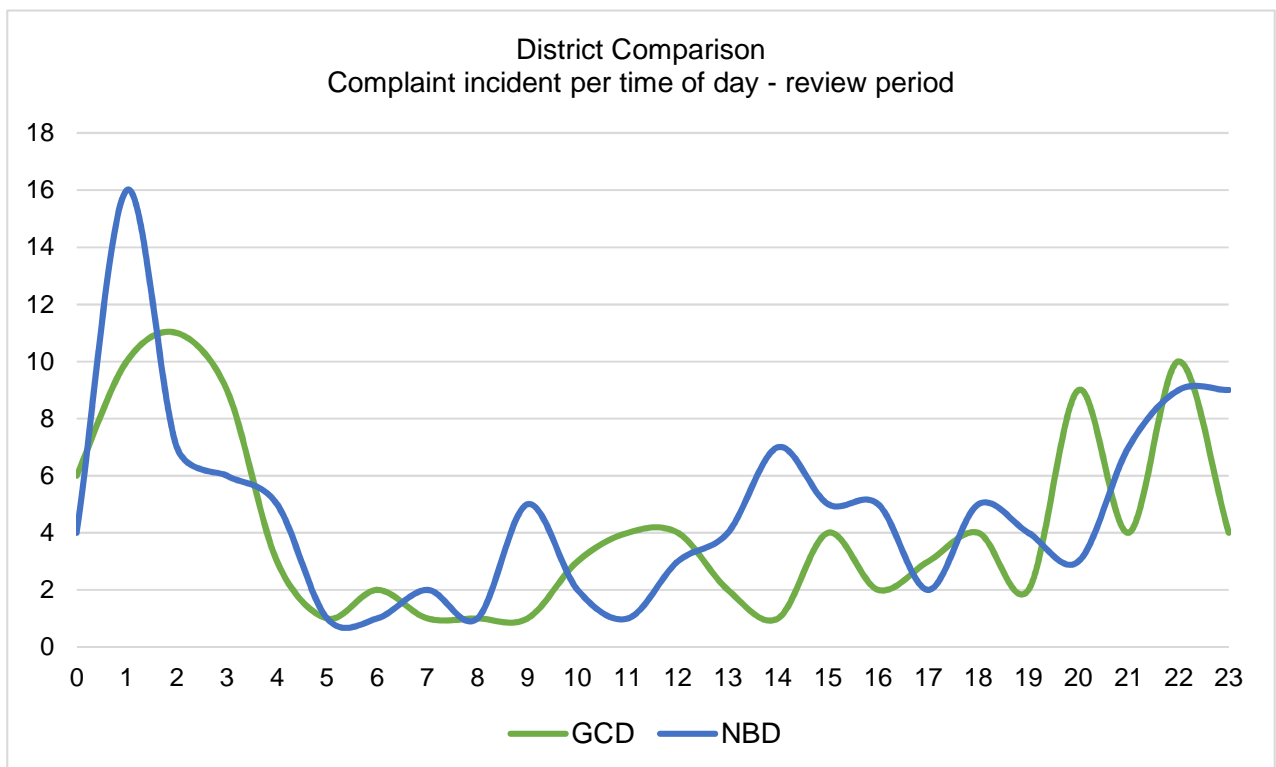


**Figure 17: Date of incident resulting in a complaint**

<sup>13</sup> Time of day data only includes those incidents with a time of day recorded.



**Figure 18: Complaint incident per day of week**



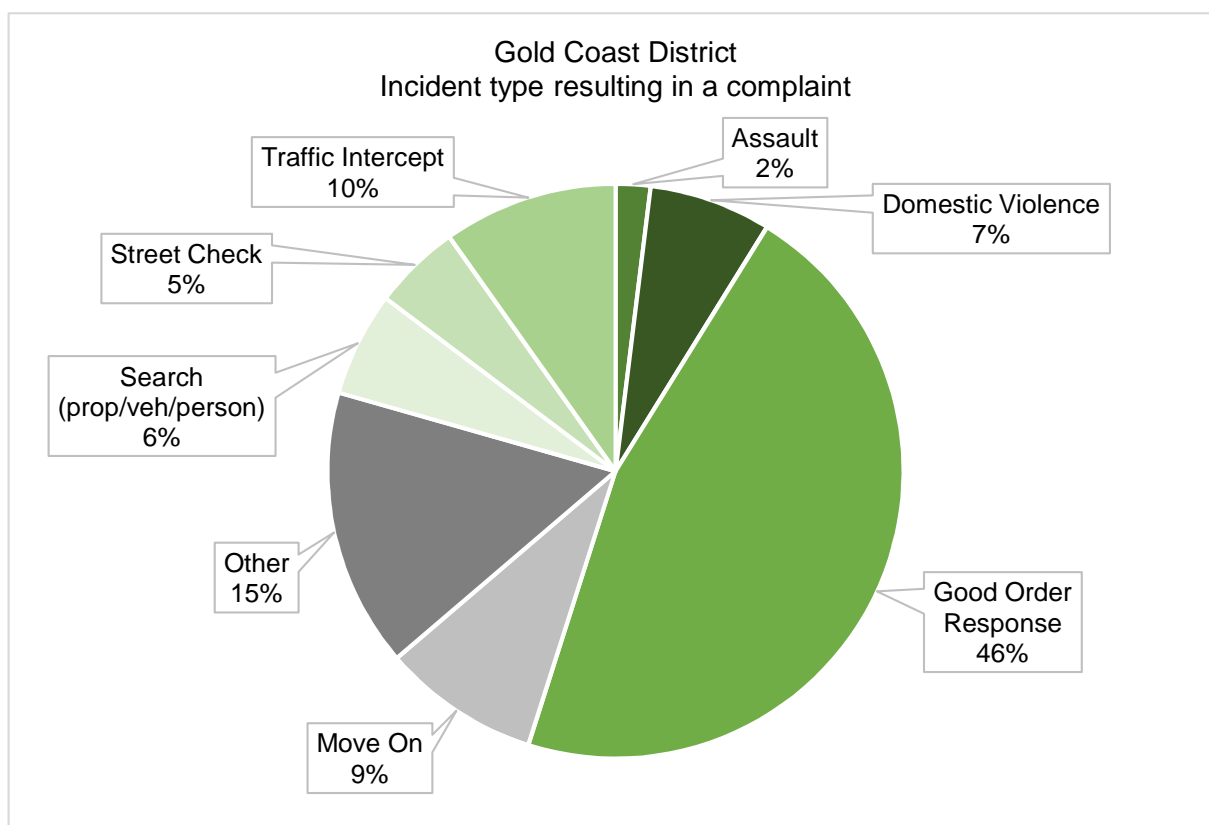
**Figure 19: Complaint incident per time of day**

## Involvement of alcohol

During focus groups it was identified that the consumption of alcohol was a factor in many of the interactions held with police at the Gold Coast. To this end details were recorded of those persons who had contact with police which was directly related to their presence in an area generally associated with the consumption of alcohol. These records were maintained to assist in determining whether complaint rates were consistent between the two similar districts, and if not, whether the management of policing responses in alcohol precinct areas influenced any variance.

Overall, forty-five per cent (n=46) of the GCD complaints resulted from police interactions with persons in an alcohol related area<sup>14</sup> whereas similar interactions only contributed to less than one third (31%, n=36) of the complaints against NBD officers. Of note, an interaction with police not associated with an alcohol related area does not necessarily indicate the subject person was not affected by alcohol/drugs at the time. Within GCD, the interactions most commonly (78%, n=36) took place in the Surfers Paradise night club precinct. For NBD officers, fifty-three per cent (n=19) of these interactions occurred in the Fortitude Valley alcohol precinct.

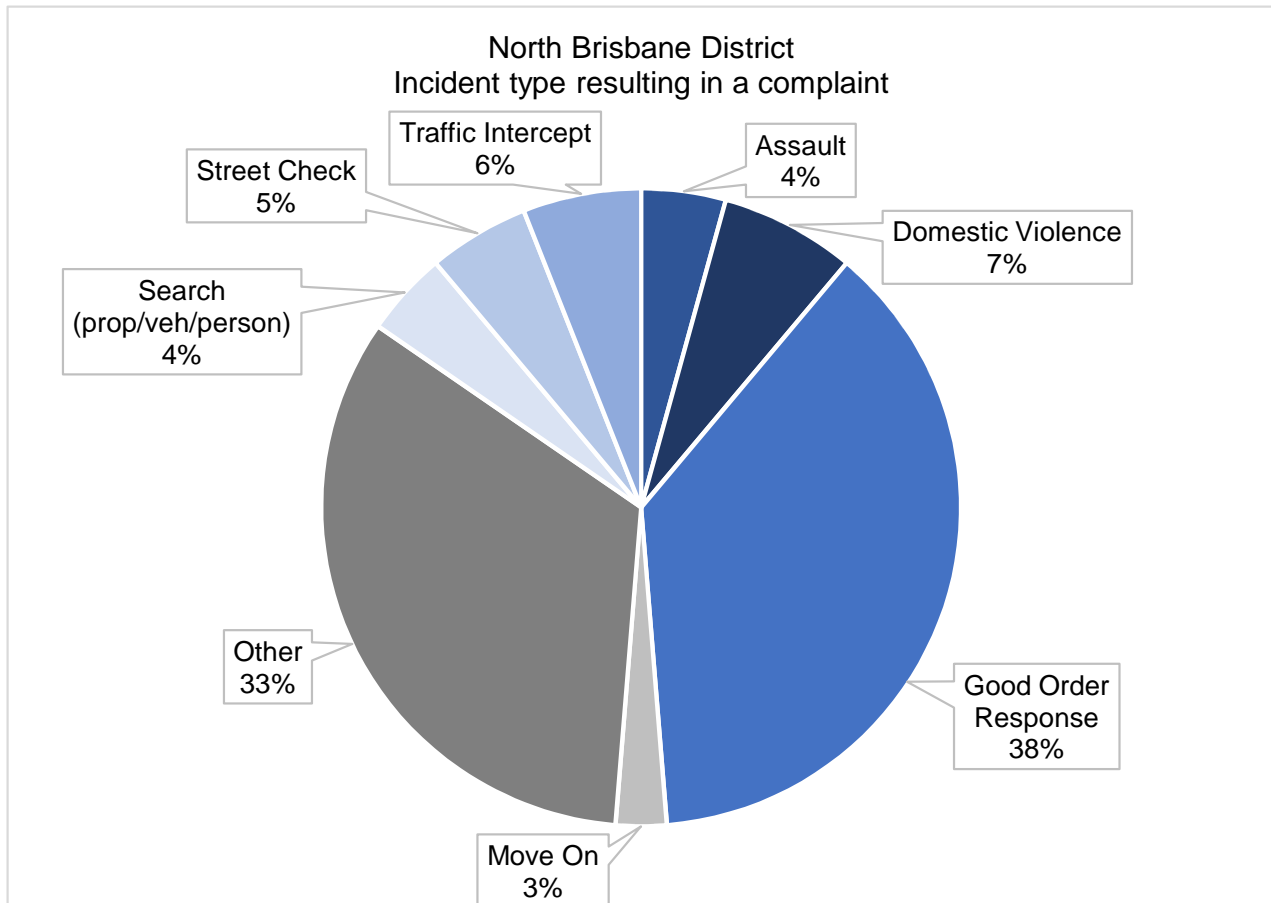
One may expect the majority of police interactions with persons in an alcohol related area to occur in the central entertainment hub of a division. Data obtained from the QLD Government Office of Liquor Gaming Regulation website indicates there are 159 licensed premises (restaurants, cafes, nightclubs, hotels, bars) within Surfers Paradise which is less than the 175 licensed premises in Fortitude Valley. As previously stated, both districts deal with a similar rate of good order offences with a comparable proportion of those offences relating to licensed premises. However, the alcohol related venues located at Surfers Paradise contributed to a disproportionate percentage of the complaints in GCD.



**Figure 20: Incident type resulting in a complaint against GCD officers**

<sup>14</sup> Under current UOF reporting open hand tactics are categorised as 'physical strike' and limited to 'physical strike type' of 'open hand' and handcuffs are categorised as 'restraint accoutrement'.

Further, as depicted above, nearly half (46%, n=47) of the complaints against GCD officers resulted from interactions with good order offenders, the majority (80%, n=37) of which took place in an alcohol related area. The second most common type of police interaction resulting in a complaint involved 'Other' interactions with persons already somewhat hostile towards police, such as wanted persons, alleged property offenders and persons with a mental health illness. In contrast to the good order interactions, only one of these interactions related to an alcohol precinct. Move-on directions was the only other incident type related to an alcohol precinct with the large majority (78%, n=7) involving the entertainment precinct.



**Figure 21: Incident type resulting in a complaint against NBD officers.**

Similarly, as depicted in Figure 21, analysis of NBD data reveals the most common interactions with police resulting in a complaint were good order incidents, however, only sixty-six per cent (n=29) of these incidents took place in an alcohol related area. Following good order incidents were 'Other' interactions with somewhat hostile persons or persons actively evading police such as, wanted persons, persons involved in a police pursuit and persons with a mental health illness. Again, similar to GCD, only ten per cent (n=4) of these interactions were related to an alcohol precinct.

## Use of Force Types Resulting in Complaints

Table 3 illustrates the use of open hand tactics and handcuffs<sup>15</sup> to be the most common use of force practices resulting in a complaint against officers at both GCD and NBD. As previously stipulated, a true reflection of the number of times police use handcuffs or open hand tactics as a use of force option is not achievable under the current UOF reporting system. Therefore, to compare the number of UOF reports relating to the use of handcuffs and open hand tactics with the number of associated complaints would not provide an accurate proportion of actual uses of force that have resulted in a complaint.

**Table 3: Use of force types resulting in a complaint**

Use of force type	Gold Coast District		North Brisbane District	
	Number of complaints	Percentage of complaints	Number of complaints	Percentage of complaints
Open hand tactics	46	45%	54	46%
Handcuffs	36	35%	38	32%
Closed hand tactics	6	6%	13	11%
Taser	5	5%	2	2%
Other	5	5%	6	5%
OC Spray	2	2%	2	2%
Baton	1	1%	0	-
Firearm	1	1%	1	1%
Presence	0	-	1	1%

An examination of the UOF reports pertaining specifically to the use of open hand tactics and handcuffs<sup>16</sup> was conducted to identify when officers use these types of force against persons. Under current UOF reporting procedures, up to five behavioural characteristics may be selected from a list of seventeen options based on the reporting officer's perception of the subject person's behaviour. As such, a subject person may be represented in the dataset multiple times when two or more behavioural characteristics have been recorded for the one person (i.e. the person is drug affected whilst in possession of a weapon).

GCD UOF reports indicate in eighty-two per cent (n=9) of incidences involving the use of open hand tactics, the subject person was alcohol affected whilst using abusive/violent language. In many (55%, n=6) instances violent behaviour was also exhibited and in three instances the subject person possessed a weapon. All reportable uses of open hand tactics by NBD officers were against alcohol affected persons using abusive/violent language and exhibiting either threatening (87%, n=7) and/or violent behaviour (62%, n=5). In one instance the subject person possessed a weapon.

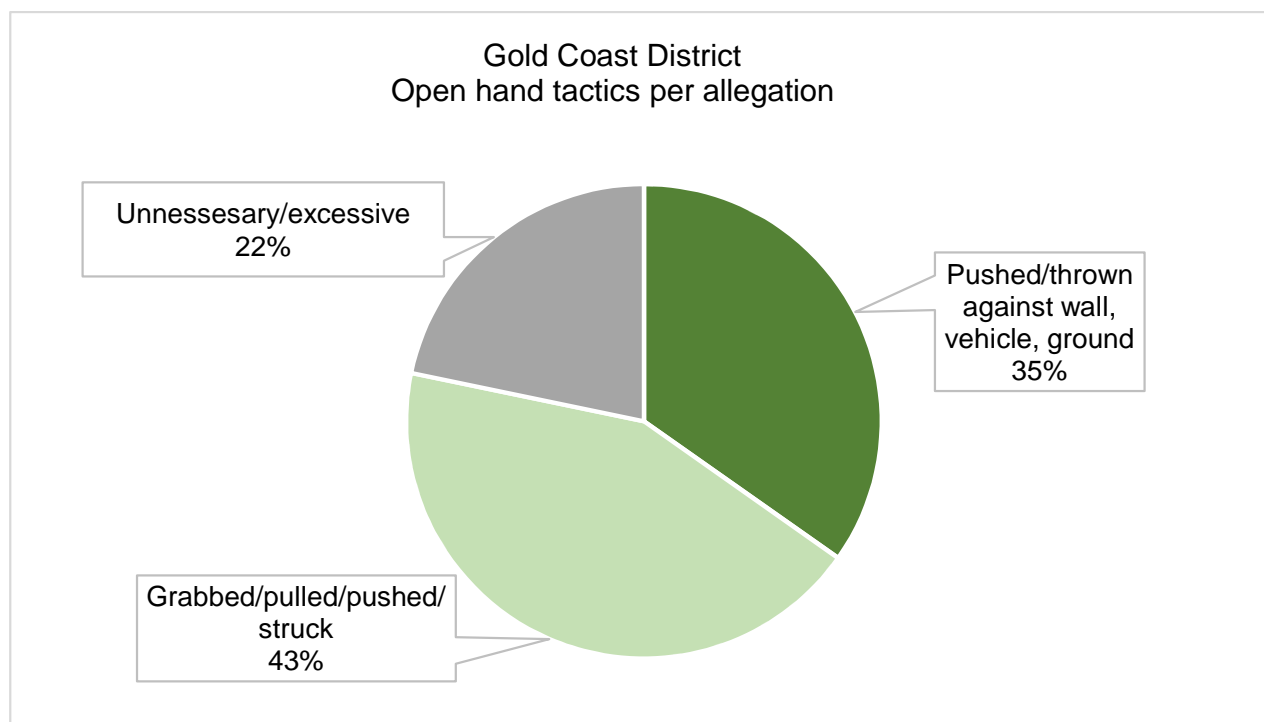
<sup>15</sup> A complaint may have one or more allegations. For the purposes of analysis, UOF categories have been determined based on the primary UOF type from which the complaint was made and may be a representation of the facts provided by the concerned person and other available evidence e.g. CCTV footage.

<sup>16</sup> Under current UOF reporting open hand tactics are categorised as 'physical strike' and limited to 'physical strike type' of 'open hand' and handcuffs are categorised as 'restraint accoutrement'.



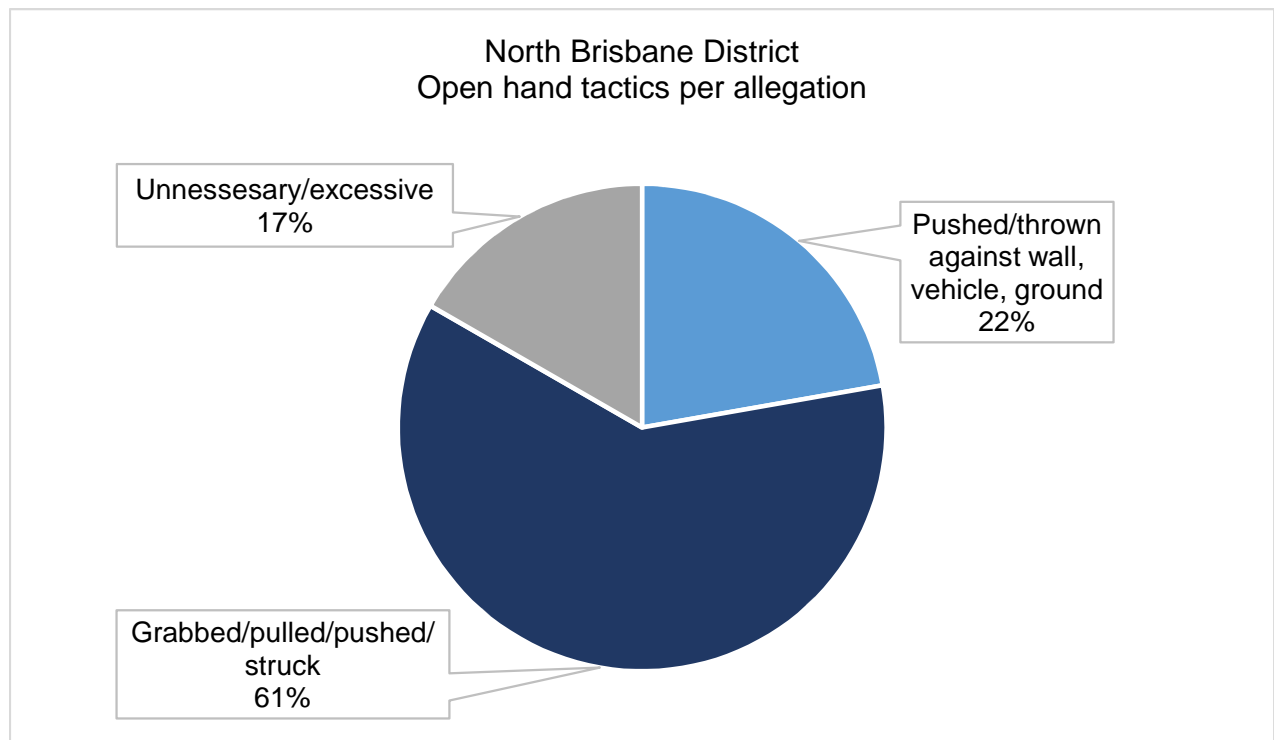
UOF reports relating to the use of handcuffs within GCD confirm almost three quarters of occurrences involved alcohol (n=23) or drug (n=13) affected subject persons. In many (57%, n=29) instances the person also exhibited violent behaviour and commonly (51%, n=26) used abusive/violent language. Subject persons also had a history of violence in 31% (n=16) of matters and the behaviour displayed was considered irrational/unstable (29%, n=15). Similar to GCD, the majority (69%, n=42) of handcuffing incidents involved alcohol (n=34) or drug (n=8) affected persons. Almost half (49%, n=30) of the matters involved the display of violent behaviour by the subject person and the use of abusive/violent language in forty-four per cent (n=27) of cases. A smaller percentage of subject persons had a history of violence (11%, n=7) but a similar proportion (31%, n=31) of subjects displayed irrational/unstable behaviour.

Whilst it is acknowledged the full context in which force is used is not fully captured under the current UOF reporting system, it appears GCD and NBD officers use force against subject persons displaying similar behavioural attributes. Interestingly, the data infers that in a number of situations where the subject person is affected by alcohol/drugs and using abusive/violent language but not displaying physical forms of aggression<sup>17</sup> there has been an over-reliance on the use of more force as opposed to a minimum amount of force to achieve a resolution by both GCD and NBD officers. However, the extent to which officers attempted to use non-physical resolution strategies such as effective communication and conflict resolution tactics in these non-aggressive situations is not reportable and therefore cannot be obtained from the data. In accordance with the OPM, the underpinning UOF philosophy specifies the use of minimum amount of force necessary to resolve an incident but due to the identified UOF reporting limitations the Service is unable to have confidence that the philosophy is being consistently applied.



**Figure 22: Allegations pertaining to the use of open hand tactics by GCD officers**

<sup>17</sup> Under current UOF reporting open hand tactics are categorised as 'physical strike' and limited to 'physical strike type' of 'open hand' and handcuffs are categorised as 'restraint accoutrement'.

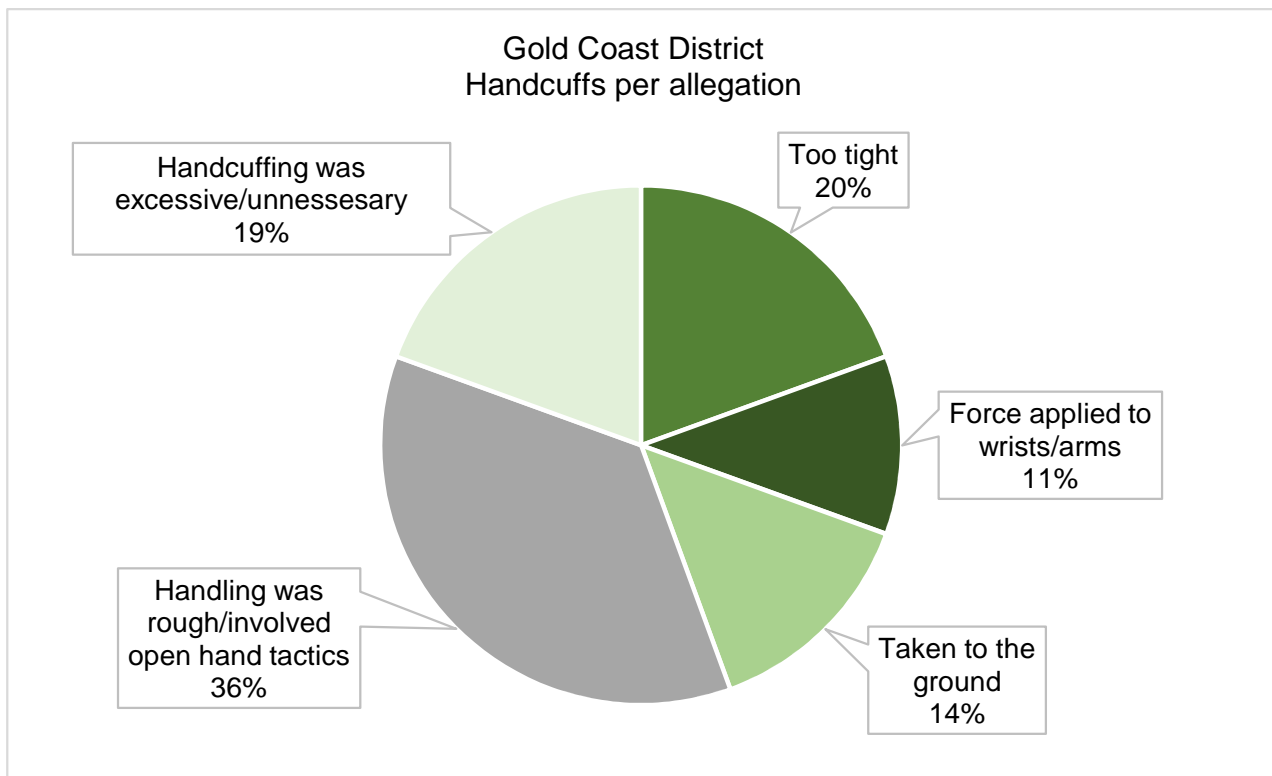


**Figure 23: Allegations pertaining to the use of open hand tactics by NBD officers**

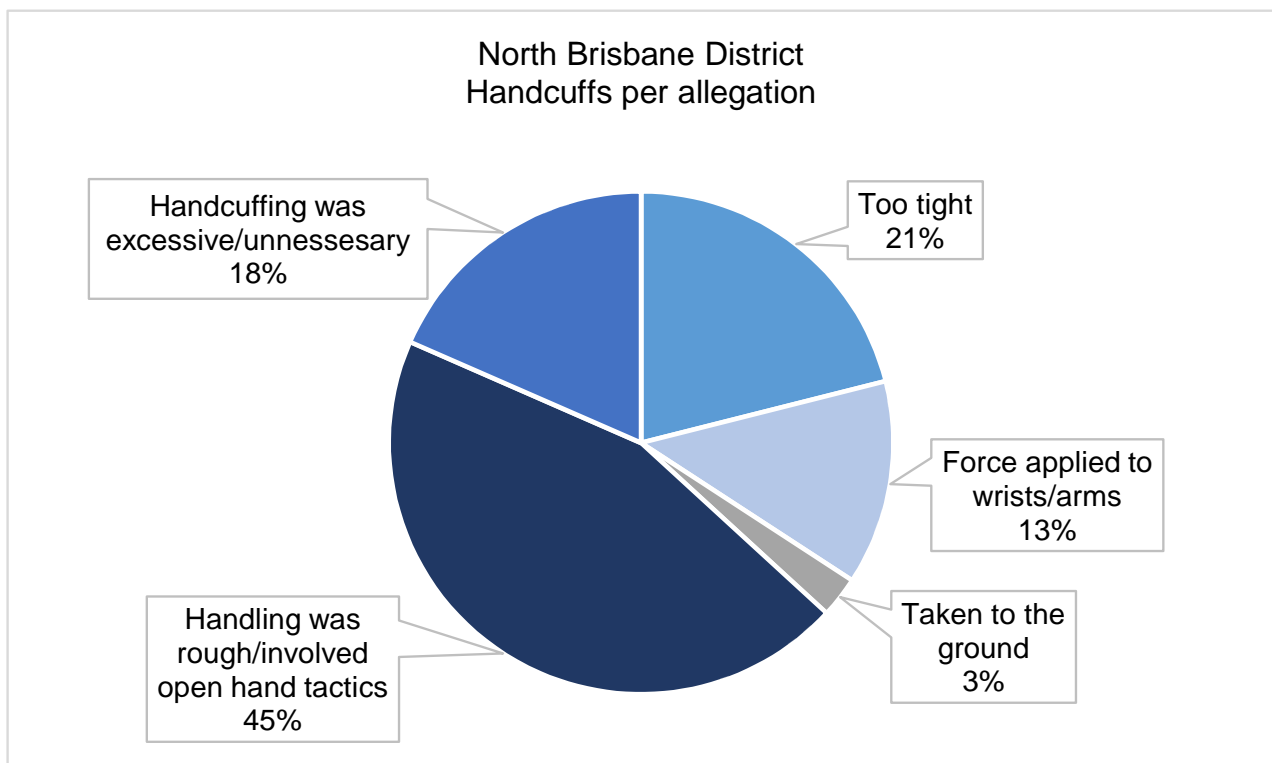
Although a similar percentage of complaints against both GCD (45%, n=46) and NBD (46%, n=54) officers related to the use of open hand tactics, the nature of the allegations differed somewhat between the two districts as illustrated in Figures 22 and 23. Being grabbed, pulled, pushed or struck by police made up the largest percentage of allegations against NBD and GCD officers however, this allegation type was represented more significantly within NBD. Unlike NBD, a similar number of allegations within GCD also pertained to being pushed against a wall, vehicle and/or the ground whilst being restrained by police. This allegation type accounted for a much smaller proportion of allegations for NBD officers.

Analysis of the types of police interactions associated with these allegations revealed more than half (59%, n=27) were associated with good order incidents and move-on directions within GCD however a significantly smaller proportion (31%, n=17) resulted from these types of police interactions for NBD officers. In fact, the majority (44%, n=24) of allegations against NBD officers were associated with interactions with somewhat hostile persons or persons actively evading police such as, wanted persons, persons involved in a police pursuit and persons with a mental health illness.

In all instances where a complaint arose from the use of open hand tactics by NBD and GCD officers and where appropriate, the subject person was charged with an associated offence/s. Conversely though, forty-one per cent (n=19) of GCD matters included the offence of resist arrest, incite, hinder, obstruct police with only fourteen per cent (n=7) of NBD matters including this offence.



**Figure 24: Allegations pertaining to the use of handcuffs by GCD officers**



**Figure 25: Allegations pertaining to the use of handcuffs by NBD officers**

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As previously stated, a similar proportion of complaints pertaining to the use of handcuffs constituted the second most common UOF type contributing to a complaint against officers from both districts. Figures 24 and 25 depict the largest number of allegations for both districts referred to the rough handling by officers and/or the use of open hand tactics during handcuffing. Generally, the remaining allegation types constituted very similar proportions across both districts with the exception of allegations of being taken to the ground which represented fourteen per cent (n=5) of the GCD allegations as opposed to three per cent (n=1) of the allegations within NBD.

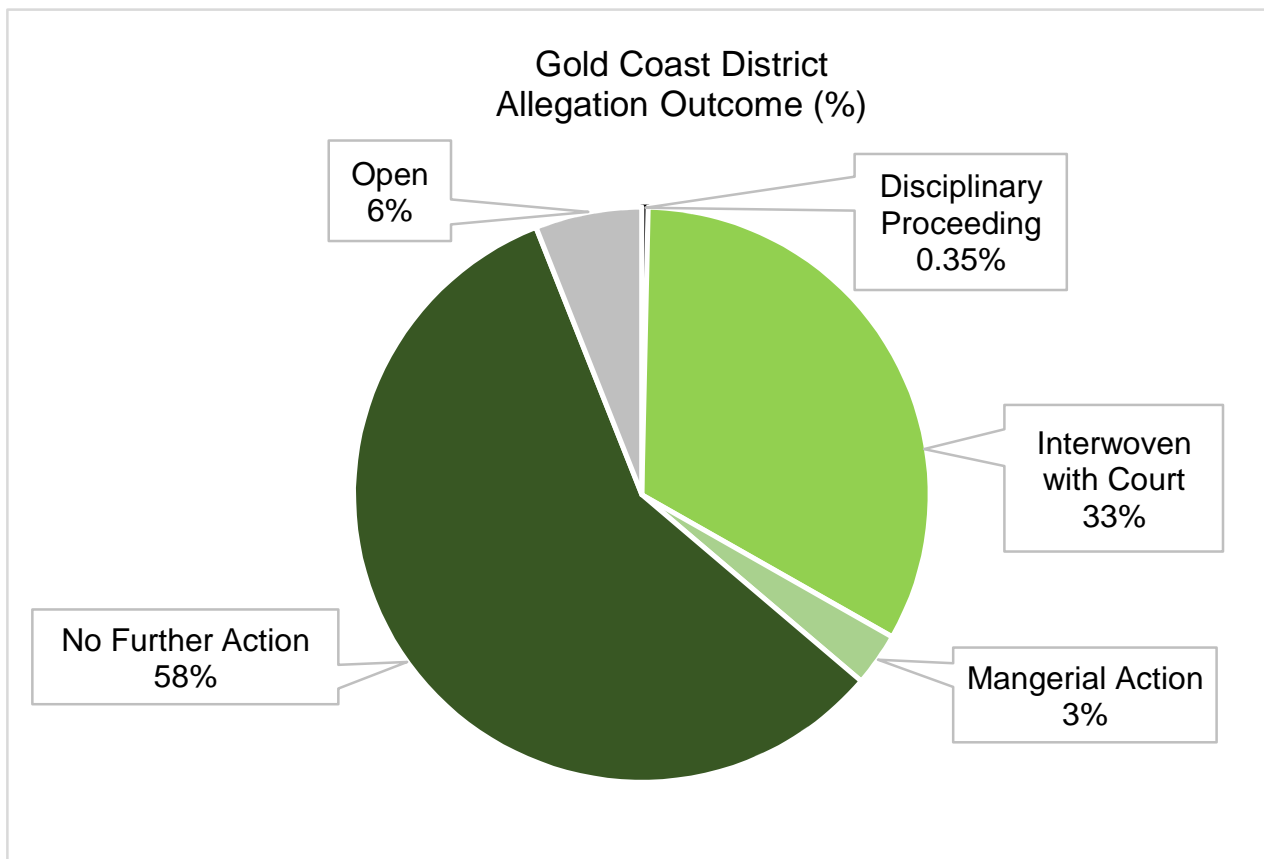
Whilst the allegations pertaining to handcuffing related to a range of interactions with GCD and NBD officers, analysis reveals the majority (67%, n=24) were associated with good order incidents and move-on directions within GCD whereas a smaller proportion (53%, n=20) resulted from these interactions within NBD. In fact, nearly one quarter (21%, n=8) of allegations against NBD officers were associated with interactions with wanted persons and/or those with a mental health illness.

In all instances where a complaint arose from the use of handcuffs by both NBD and GCD officers and where appropriate, the subject person was charged with an associated offence/s. Both districts also charged a similar percentage of subject persons with the offence of resist arrest, incite, hinder, obstruct police with forty-four per cent (n=16) charged within GCD and forty-two per cent (n=16) within NBD.

In summary, from the limited UOF data available, it appears officers from both districts display an over-reliance on the use of more force as opposed to a minimum amount of force to achieve a resolution in situations where the subject person displays no or minimal physical aggression. This may be indicative of an insufficient focus on the use of communication as a de-escalation tool as identified in the draft violent confrontations review (QPS, 2015). This highlights the need of being guided by a UOF model that encompasses the importance of communication in conjunction with the other UOF options.

## Allegation Outcome

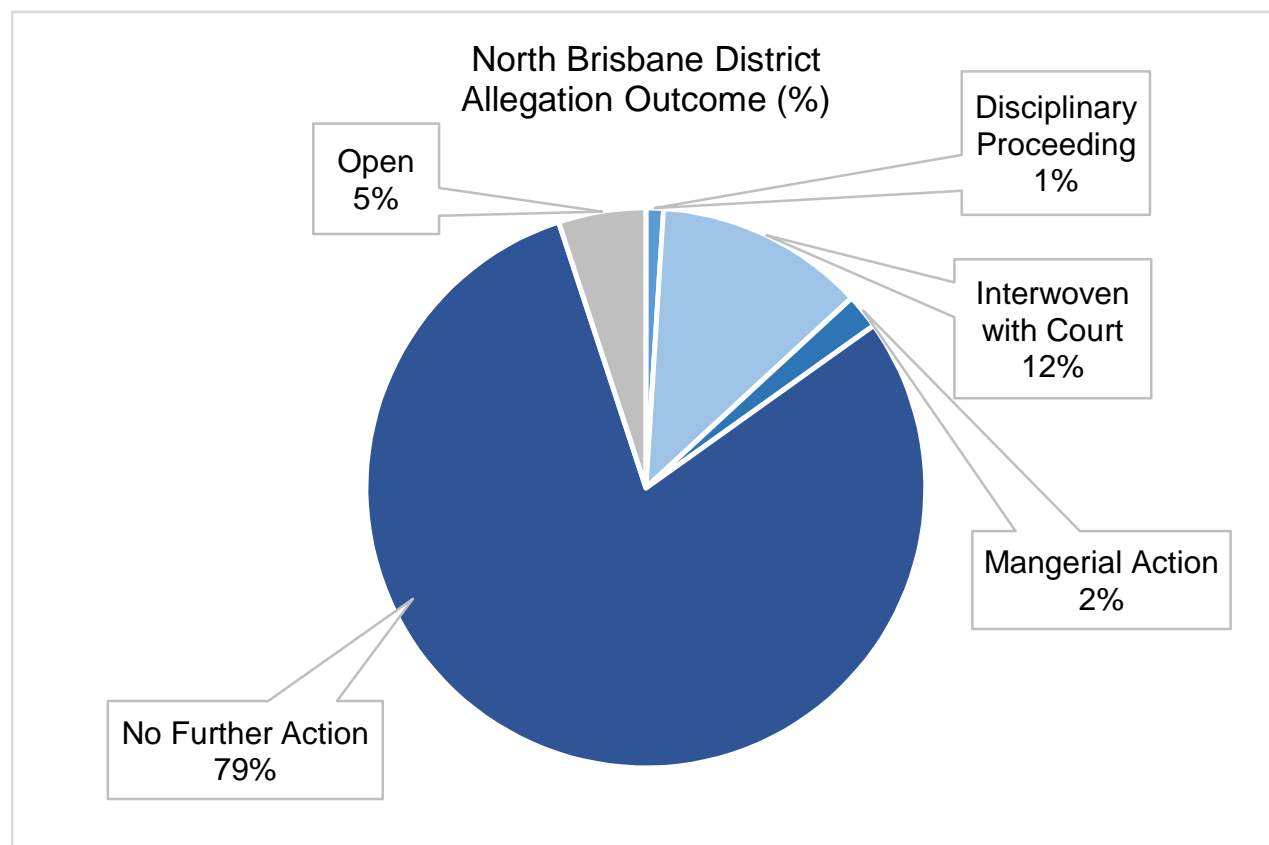
Of the 102 excessive use of force complaints reported for the Gold Coast District there were a total of 286 allegations. Of these, three per cent resulted in Managerial Guidance (MG) and less than one per cent were finalised by way of disciplinary proceedings. Thirty-three per cent were deemed as inextricably interwoven with court and fifty-eight per cent were finalised with no form of action being taken<sup>18</sup>. The remaining six per cent are still current open matters.



**Figure 26: Gold Coast District allegation outcome percentage**

<sup>18</sup> No form of action being taken includes Not substantiated, Exonerated, Withdrawn

Of the 117 excessive use of force complaints reported for the North Brisbane District there were a similar number of allegations (n=275), however only twelve per cent of allegations were interwoven with court. Two per cent resulted in MG being provided and less than one per cent in disciplinary proceedings. A total of seventy-nine per cent were finalised with no form of action being taken. The remaining five per cent are still current open matters.



**Figure 27: North Coast District allegation outcome percentage**

The outcomes for both GCD and NBD are reflective of the State-wide results; with two per cent of the 1836 state-wide allegations of assault excessive use of force resulting in MG, one per cent finalised by way of disciplinary proceedings, twenty-six per cent interwoven with court proceedings and approximately half (53%) finalised with no form of action being taken.

The length of time to finalise a complaint is influenced by the administrative process associated with complaint management. As a consequence the complaint may be resolved some time prior to the completion date. Table 4 outlines the average number of days to complete a file from the day the complaint is registered to the day it is closed within the complaints management system for both GCD and NBD.

**Table 4: Average complaint completion time comparison GCD and NBD**

Average days to complete	GCD	NBD
No Further Action (NFA)	34	28
Assessment Inquiries	81	60
Management Process	157	138
Investigation	263	354

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Taking into account the variables analysed here, the complaints data does not appear to identify any significant differences between the two districts in terms of the age rank and experience of officers subject to a complaint. However, at a divisional level, subject members attached to Surfers Paradise Division contributed to a significantly higher proportion of the GCD complaints than subject members from Fortitude Valley Division contributed to complaints within NBD. Considering the earlier finding that complaints across the state and in the comparison site of NBD have reduced across the review period when GCD are increasing, it was necessary to explore the operational environment of police in the Gold Coast in an attempt to extract, and better understand other factors that may be contributing to these differences.

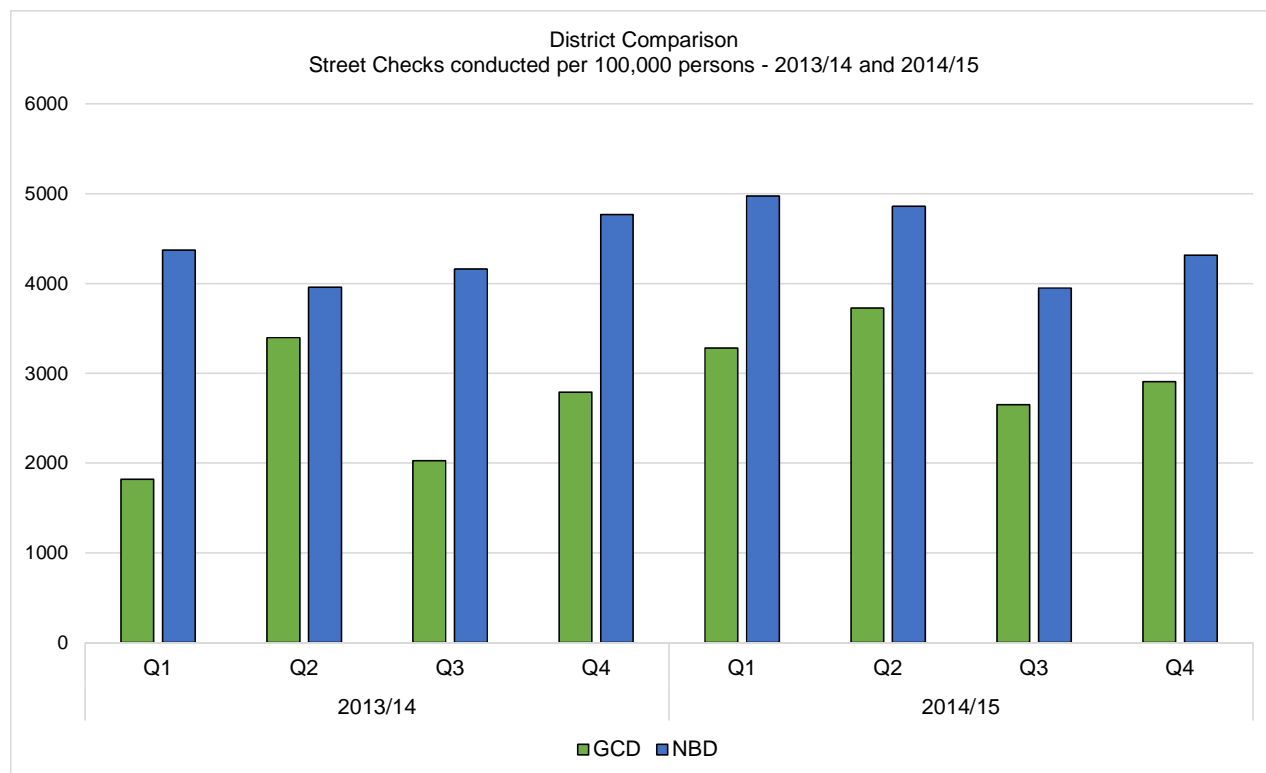
## **Operational Environment**

### **Workload**

As highlighted in the introduction to this report, GCD has historically identified itself as being unique in the State, with different policing challenges requiring a different response. When raised during focus groups, the majority of frontline officers and supervisors agreed with this, claiming that the Gold Coast is different than anywhere else in the State, primarily because of the transient nature of the population. Whilst this was the general consensus, Officers in Charge (OICs) did clarify that the difference was primarily seen in those areas defined as entertainment precincts (for example Surfers Paradise), and that 'some divisions are no different to anywhere else across the State'.

Expanding on this, officers were asked to explain what (if any) differences they perceive in their workload compared to that experienced in other police districts. Those who felt their workload was different primarily commented on the volume of work being higher (a result of the number of transient day/night visitors and tourists to the District), and that violent offending was higher - especially in Surfers Paradise Division - as a result of alcohol and drug use in and around licensed premises and night clubs. Officers also indicated this meant they policed in a more reactive manner 'going from job to job'. Of interest, an officer in one group had previously worked in Fortitude Valley Division, North Brisbane District and claimed that the type and volume of work experienced there was comparable to that of Surfers Paradise.

To test these assumptions, the Task Force determined it was necessary to compare a variety of workload indicators such as the number of street checks conducted, the number of police banning notices issued, the number of 'minor' offences detected, and the number of calls for service to determine if the workload of officers from the GCD differs from the workload of officers from NBD and if so, how. A small sample of I-TAS rosters was also analysed to explore whether rostering practices vary significantly between the districts.

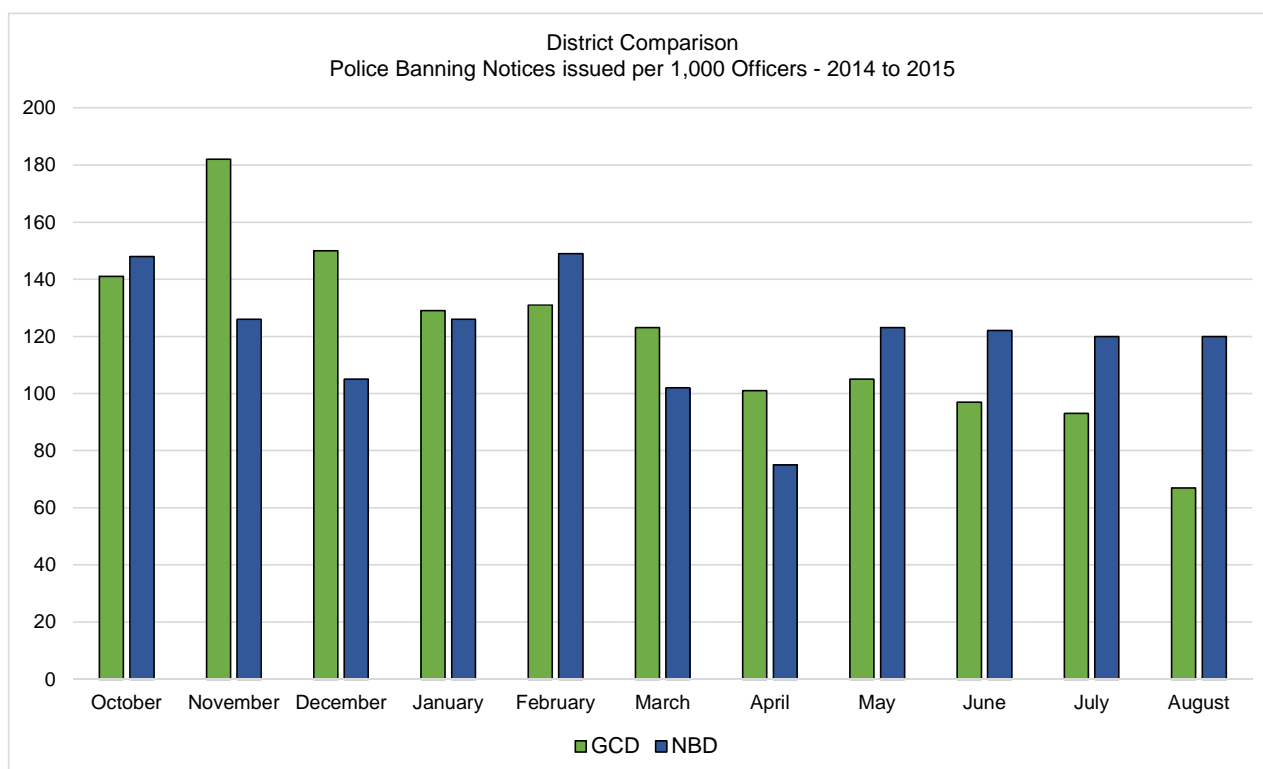


**Figure 28: The rate of street checks conducted per 100,000 persons**

Figure 28 indicates a consistently higher rate of street checks per 100,000 persons were conducted in NBD across both financial years than in GCD. However, the variance in rate between the two districts was less significant during quarter two. This may be attributed to the major events hosted by GCD (Gold Coast 600 and Schoolies) and the associated increase in police numbers and transient population during this quarter.

For the remaining quarters, the significantly lower rate of street checks conducted by GCD when compared with NBD may be attributable to a number of factors including, but not limited to, GCD officers may be too busy responding to calls for service leaving little time throughout the shift to conduct street checks, officers may be conducting them but failing to enter them onto QPRIME, or street checks may not be an operational focus at the GCD.

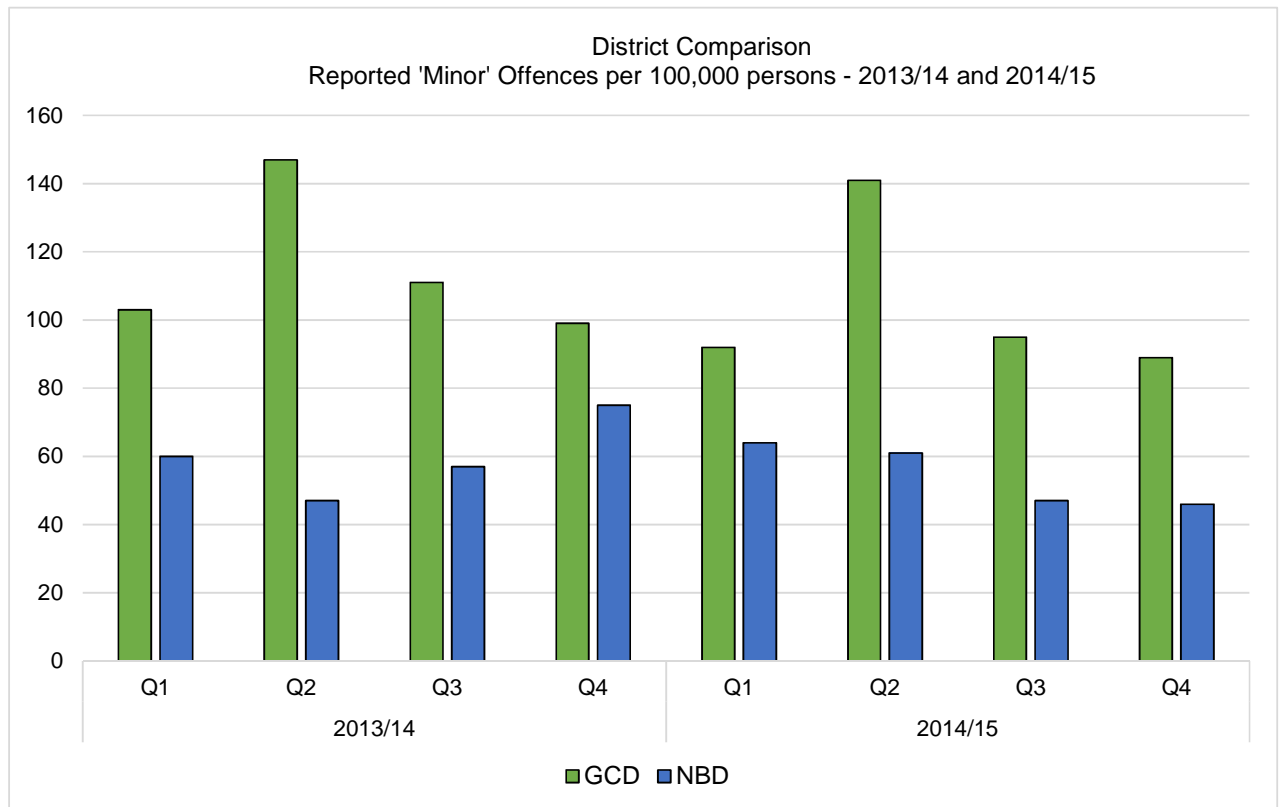




**Figure 29: The rate of Police Banning Notices (PBNs) issued per 1,000 officers**

As of 1 October 2014 a key initiative of the Queensland Government's Safe Night Out Strategy was the introduction of police banning notices (PBN) and giving police the power to issue them. Previously banning orders were only issued by the courts. Figure 21 confirms the rate of PBNs issued per 100,000 persons was higher in GCD than NBD during November, December and January which correlates with the warmer months of the year and major events hosted by the GCD during this period (Schoolies 21 Nov - 7 Dec 2014, Magic Millions Sales 7 - 13 Jan 2015).

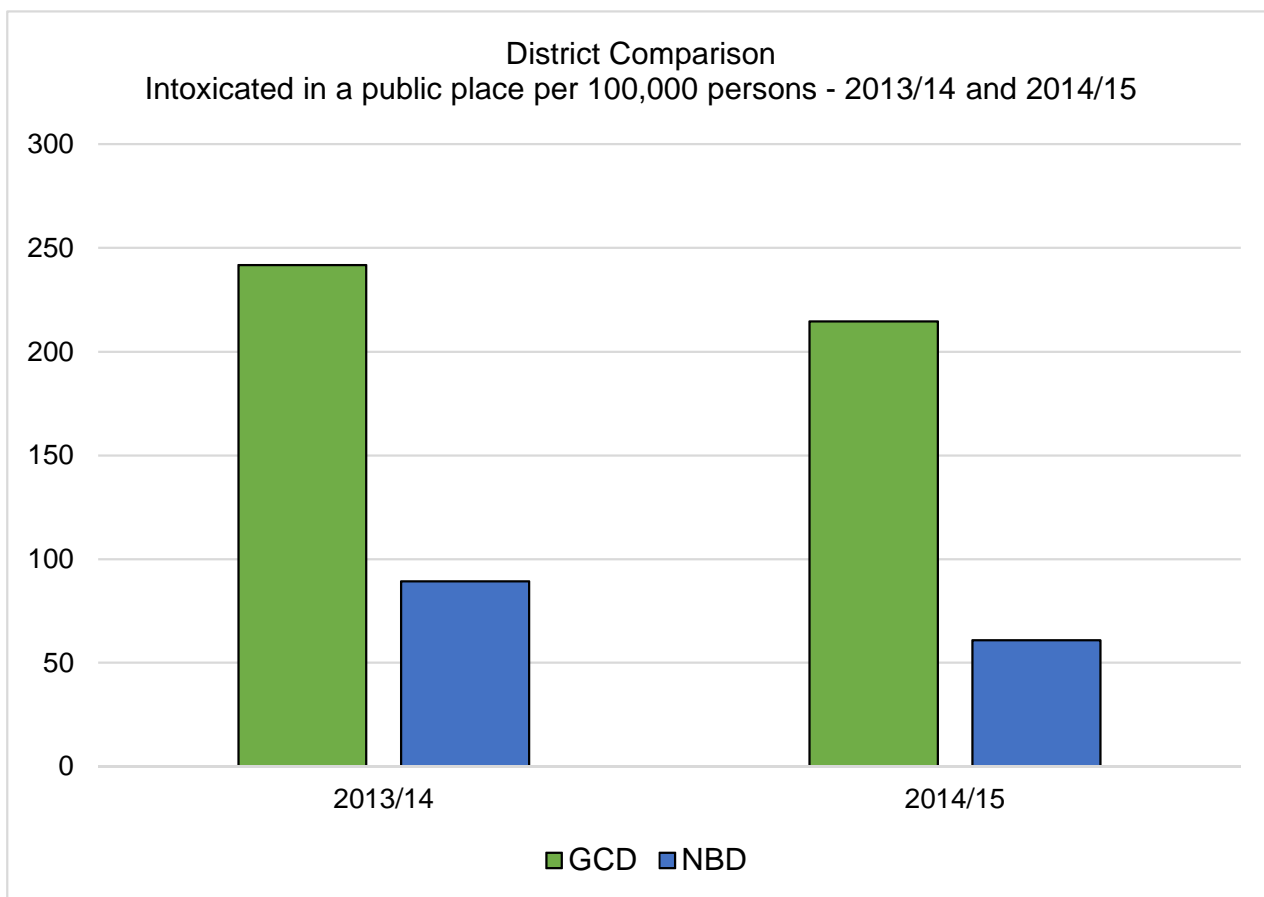
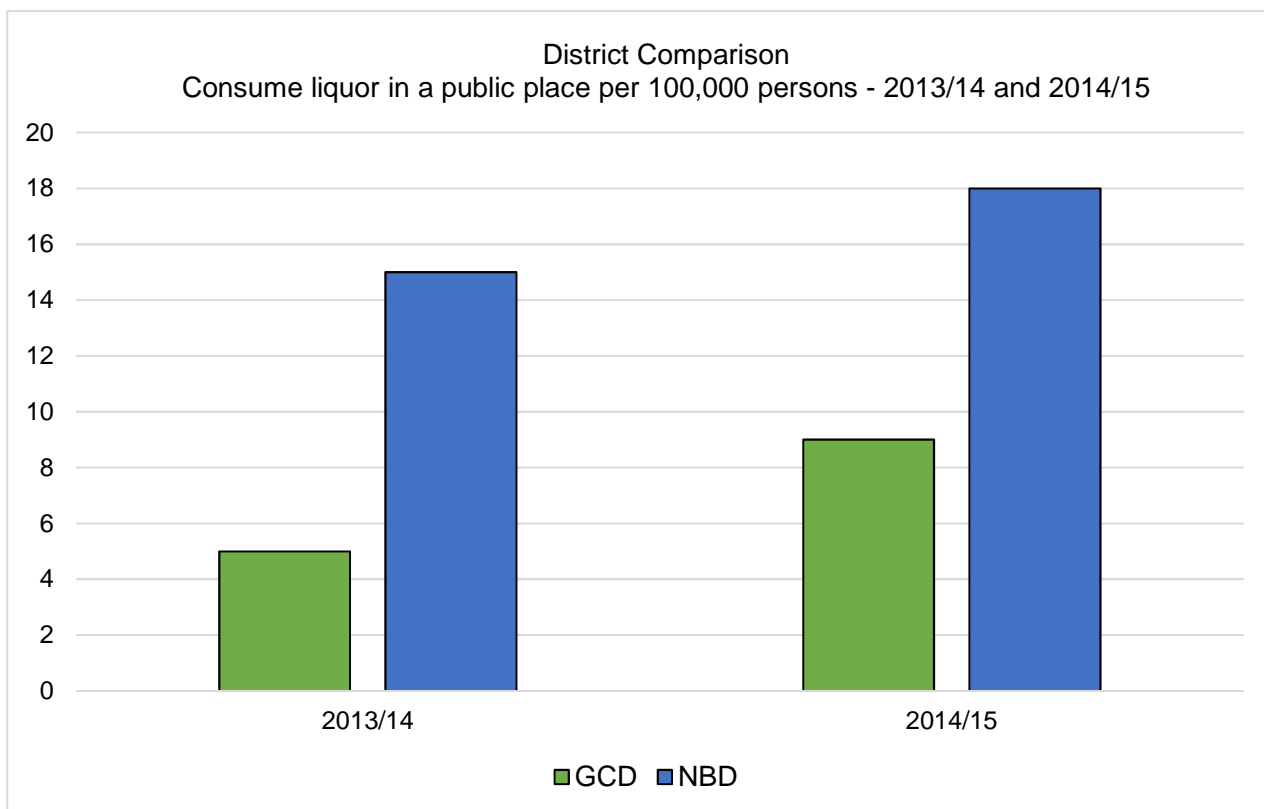
GCD recorded a higher rate of PBNs than NBD during March and April 2015 but this appears to be attributed to a significantly lower than average number of PBNs issued by NBD during these months. Between May and August 2015 the rate of PBNs issued by NBD remained consistent while the rate for GCD steadily declined. This decline may be attributed to a reduced transient population frequenting the GCD during the winter months. However, the data suggests the winter months did not have the same effect on NBD.



**Figure 30: The rate of 'minor' offences reported per 100,000 persons**

The number of reported 'minor' offences was examined to explore whether officers on the GCD focus less on street offences/nuisance behaviour and only concentrate on the more serious offences. 'Minor' offence categories included move on direction, public urination, consume liquor in a public place, intoxicated in a public place, liquor infringement notice (LIN) and intoxication diversion. Overall, as depicted in Figure 30, GCD consistently reported a significantly higher rate of 'minor' offences per 100,000 persons than NBD.

The rate of reported 'minor' offences at GCD remained relatively consistent across both financial years with quarter two being the only exception. Again, the spike in the data for quarter two correlates with the hosting of Major Events (such as Schoolies and Gold Coast 600). Conversely, the number of reported 'minor' offences in 2014/15 for NBD slowly declined.



**Figure 31: The rate of consume liquor in a public place and intoxicated in a public place offences reported per 100,000 persons.**

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The higher rate of 'minor' offences reported at GCD is attributed to the significant variance in the offence rates for consume liquor in a public place and intoxicated in a public place. As depicted above, GCD officers do not detect and/or enforce as many offences for consume liquor in a public place when compared to NBD. Subsequently, GCD reported a significantly higher rate of offences relating to being intoxicated in a public place while NBD reported a lower rate. The data suggests the enforcement of the pre-cursor offence, consume liquor in public, is correlated to a lower rate of offences pertaining to being intoxicated in a public place and provides evidence of the importance of proactive policing strategies within Safe Night Precincts (SNPs).

To further validate this inference, an analysis of Queensland Police Records and Information Management Exchange (QPRIME) and Intelligent Tasking Analysis Section (I-TAS) data was conducted for a more recent reporting period of 01/01/2015 to 31/08/2015. The number of tip-outs<sup>19</sup> recorded on QPRIME during this period indicates GCD officers conducted 109 tip-outs as opposed to 182 recorded for NBD. Only seventeen per cent (n=19) of the recorded tip-outs were conducted in the Surfers Paradise division however, a much higher percentage (49%, n=90) of the NBD tip-outs were conducted within Fortitude Valley division. In fact, Fortitude Valley accounted for the highest number of recorded tip-outs for NBD whereas the majority (32%, n=35) of tip-outs recorded for GCD were conducted in Broadbeach. For the same period, ITAS data indicates Surfers Paradise officers conducted 1262 walkthroughs<sup>20</sup> of licensed premises within the Safe Night Precinct (SNP) with 45 liquor infringement notices (LINs) recorded as being issued within the SNP. Fortitude Valley officers reported 538 walkthroughs within the SNP and 119 LINs were issued. Due to limitations in the recording of LINs by Fortitude Valley Station, the percentage of LINs that were issued within the SNP cannot be determined.

The Gold Coast District Instruction for SNPs specifies proactive policing, conflict intervention, preloading and zero tolerance as operational priorities. Advice from the OIC, Surfers Paradise Station confirms officers are rostered between 1400 hours and 2200 hours to conduct proactive policing strategies such as the issuing of liquor infringement notices (LINs), conducting street checks and "scrutinising" patrons arriving via taxis, light rail, limousines and party tours. Further, the OIC affirms visitations of licensed venues are a current strategy with officers conducting walkthroughs of all licensed premises during an SNP deployment.

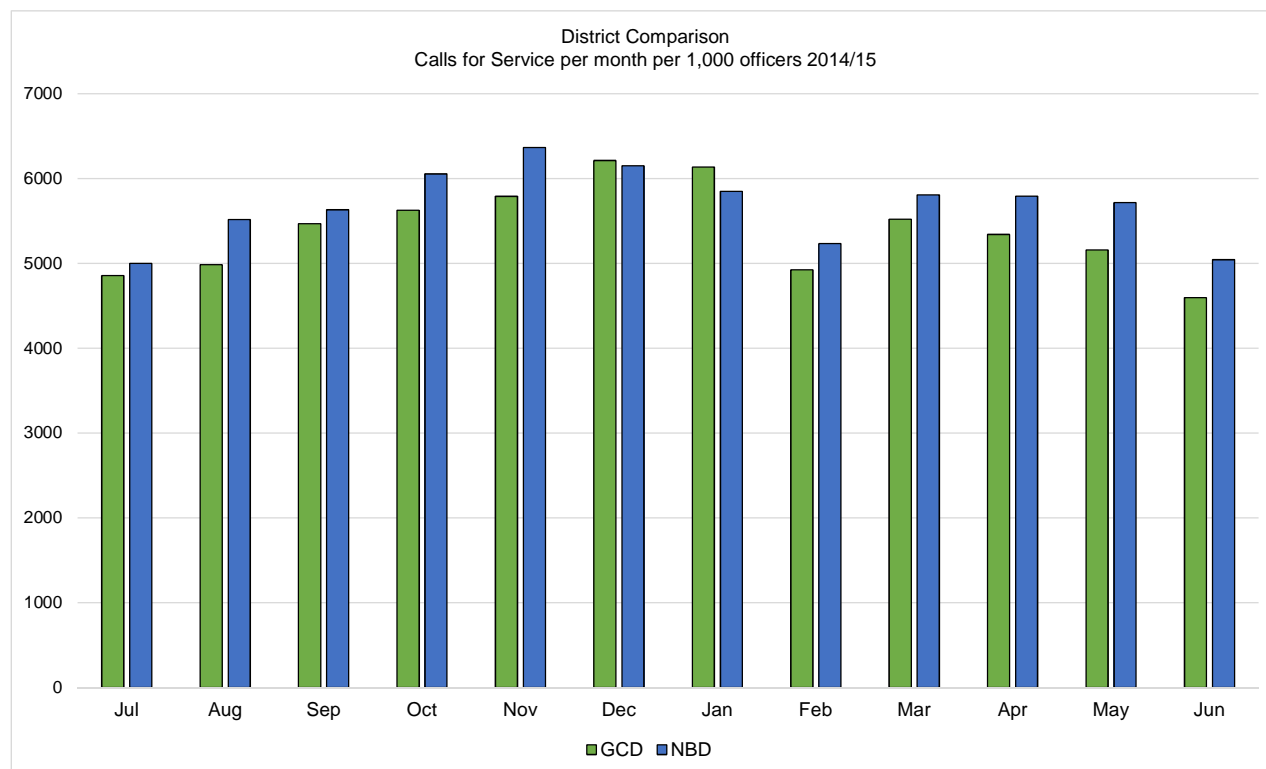
The data suggests within GCD, specifically the Surfers Paradise SNP, that a reduction in public drunkenness is not currently being achieved through current proactive policing strategies. It appears NBD officers, particularly within the Fortitude Valley SNP, are more effectively detecting offences of consume liquor in public by targeting preloading in and around the SNP. Conducting tip-outs and the issuing of LINs appear to be effective diversionary strategies to resolve incidents informally and therefore achieve a reduction in the number of offenders being arrested for being intoxicated in a public place later in the evening. Surfers Paradise officers conducted a significantly higher number of walkthroughs and the data does raise questions as to the effectiveness of these. Perhaps walkthroughs should be less of an operational priority to allow officers to more proactively conduct early intervention strategies earlier in the shift (i.e. between 1400 hours and 2000 hours prior to an increase in the calls for service). Without further analysis, a direct causal relationship between proactive policing strategies and associated crime rates can-not be drawn. Due to time constraints it is not within the scope of this Task Force to explore this topic any further however, it is recommended this matter be further analysed in the future.

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<sup>19</sup> Includes a count of street checks with the term 'tip out' recorded in the summary field. Tip out refers to when police locate persons consuming liquor in a public place and the liquor is disposed of at the scene.

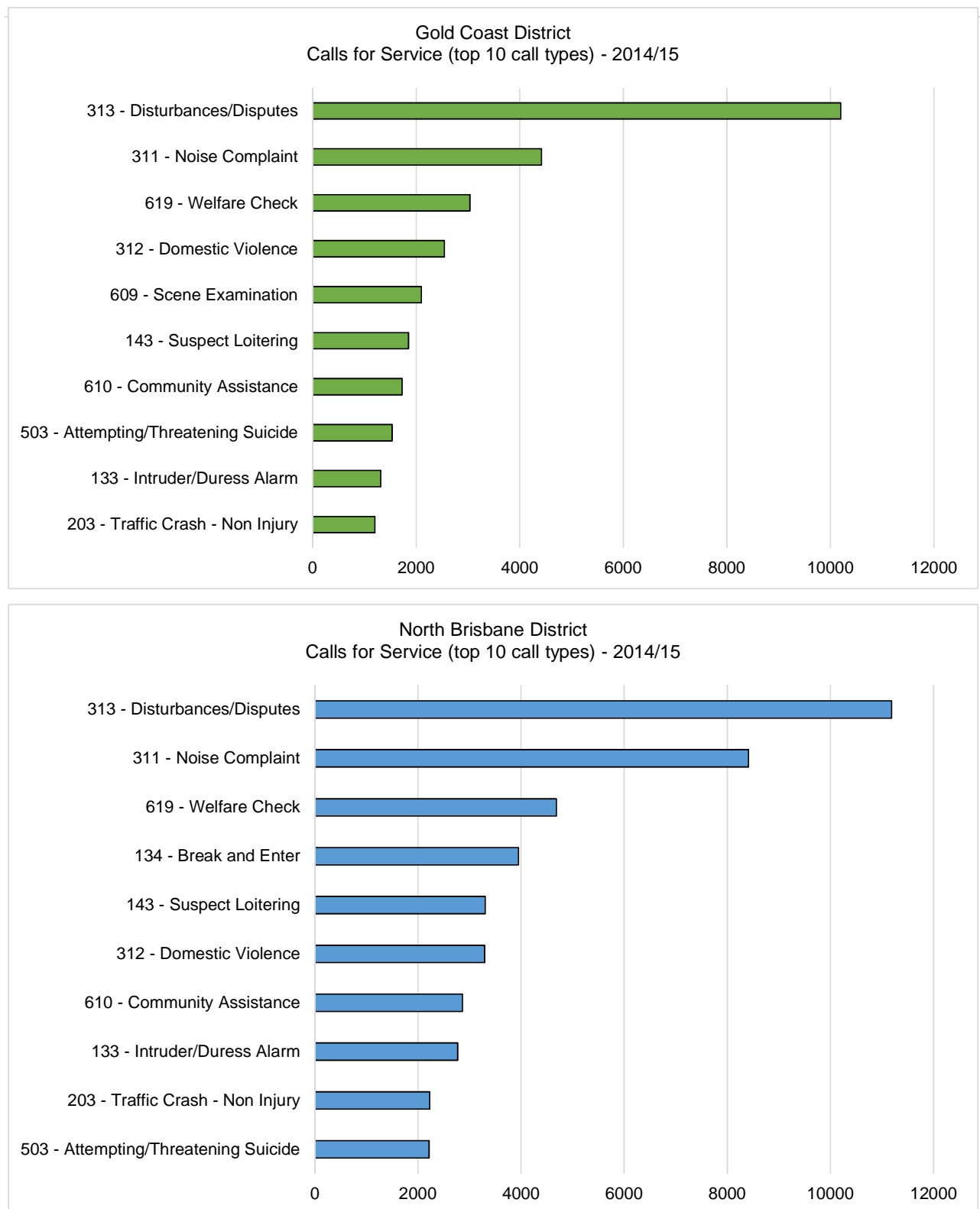
<sup>20</sup> A walkthrough refers to a foot patrol of a licensed premise by police for the purpose of maintaining a police presence, building rapport with patrons/venue staff, and police observations of the venue's operations.

Examination of calls for service data again illustrates many similarities in the workload of GCD and NBD. During 2013/14 NBD recorded a rate of 11,175 calls for service per 100,000 persons which increased by a marginal one per cent to 11,336 in 2014/15. Similarly, the rate of calls for service for GCD only marginally differed from 10,245 calls in 2013/14 to 10,235 calls in 2014/15. Across both financial years, NBD recorded a difference of nine to ten per cent in the rate of calls for service when compared to GCD, indicating NBD officers respond to a slightly higher number of jobs.



**Figure 32: Calls for service per month per 1,000 officers for 2014/15**

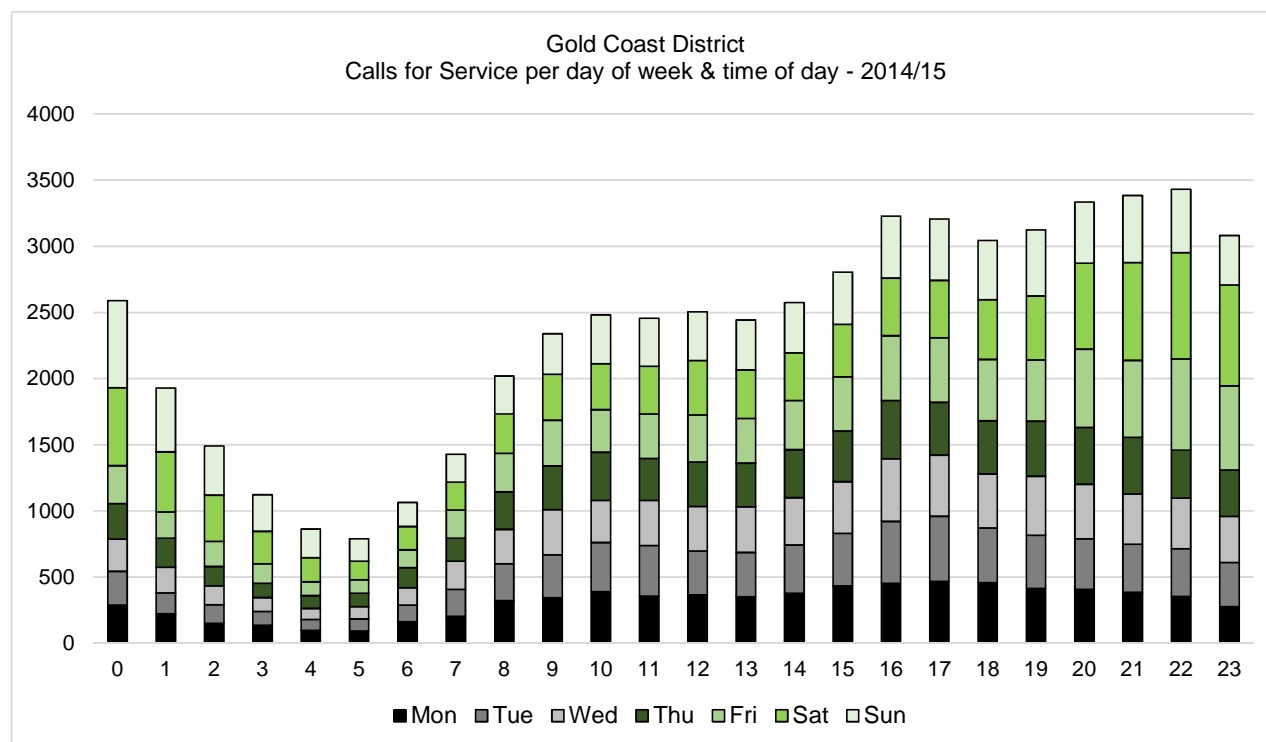
Figure 32 indicates that, with the exception of July, February and June, NBD consistently reported a higher than average number of calls for service per 1,000 officers as opposed to GCD who reported a significantly lower than average number of calls during five months of the financial year. The call rate increased quite sharply for NBD during October and November and the rate also gradually increased for GCD during these months however, the increase spiked more significantly in December and January.



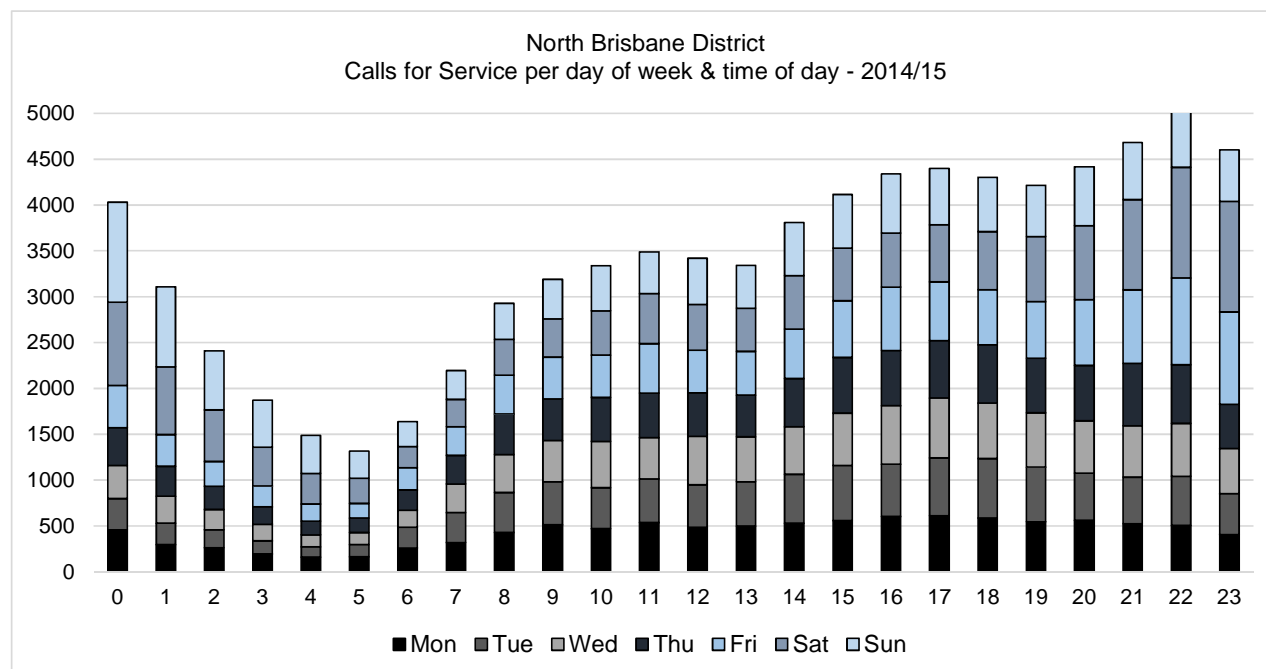
**Figure 33: Top ten call types per district 2014/15**

As depicted above, the same incident types are represented in the top ten call types for 2014/15 for each district. It must be noted, the call type 609 – Scene Examination represented in the GCD data is associated with police inquiries conducted at the scene of a break and enter which has been reported via Policelink. The same incident is recorded as 134 – Break and Enter in the NBD data. Disturbances/disputes contributed to the highest number of calls for service for each district during 2014/15 accounting for fourteen per cent of calls for NBD and eighteen per cent for GCD. Overall,

a similar nature of work constitutes a similar percentage of the workload for officers from both districts.

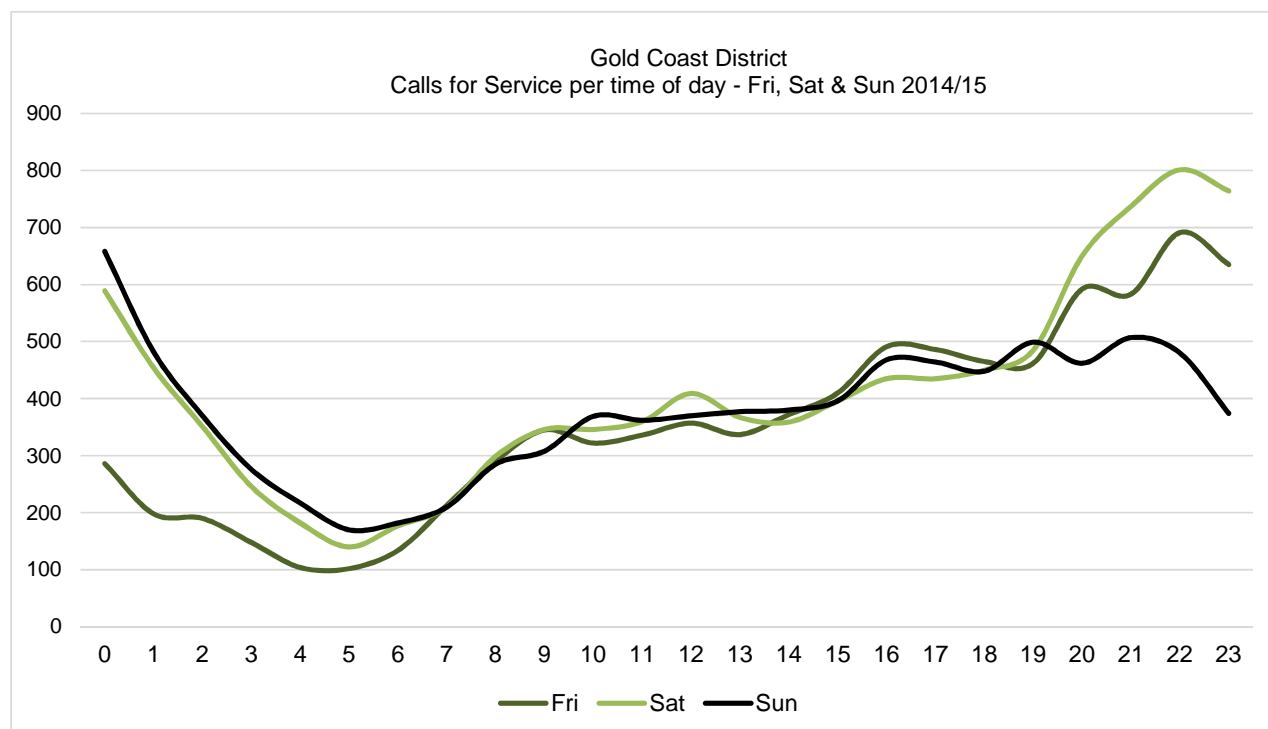


**Figure 34: GCD calls for service per day of week and time of day 2014/15**

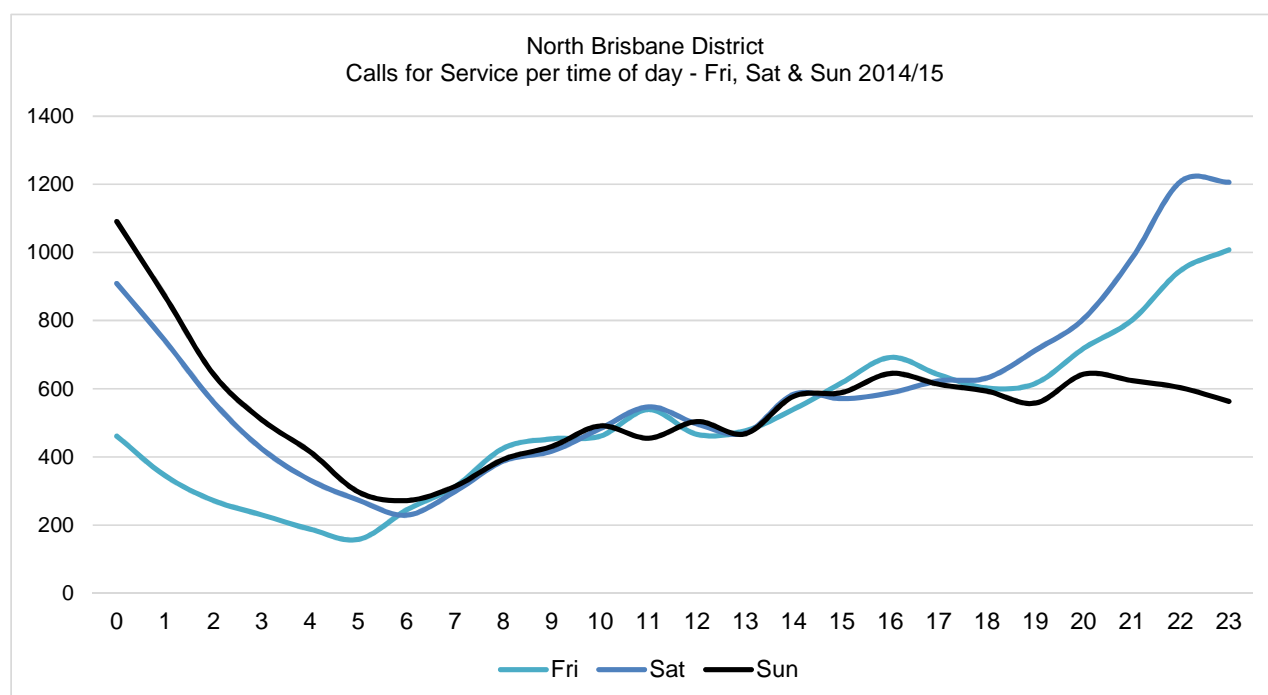


**Figure 35: NBD calls for service per day of week and time of day 2014/15**

For both GCD and NBD Saturday is the busiest day of the week followed by Sunday and Friday.



**Figure 36: GCD calls for service Fri, Sat & Sun per time of day**



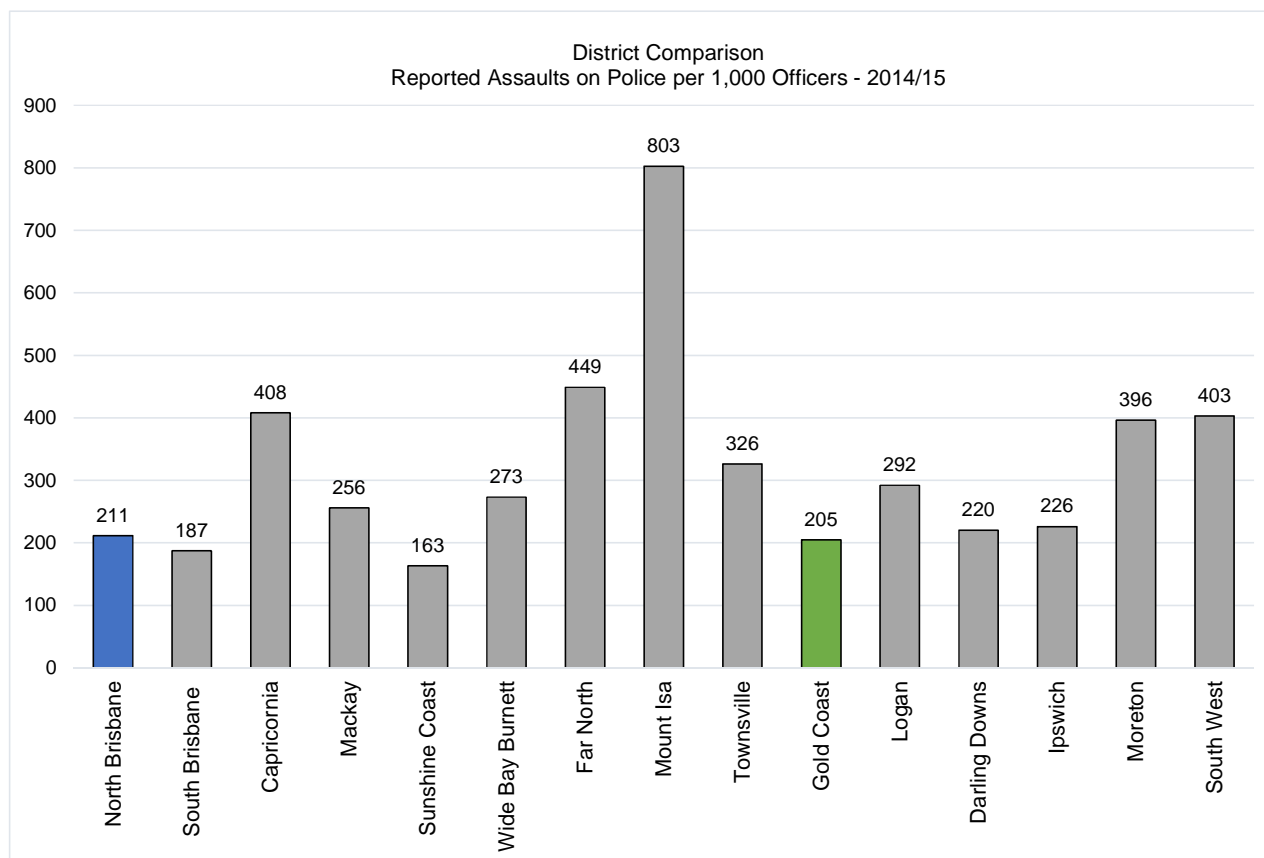
**Figure 37: NBD calls for service Fri, Sat & Sun per time of day**

Generally, the highest volume of calls for service on these days are received between 2000 hours and 0200 hours however, on a Friday and Saturday night the calls for service spike rapidly for GCD whereas the increase is more gradual for NBD.



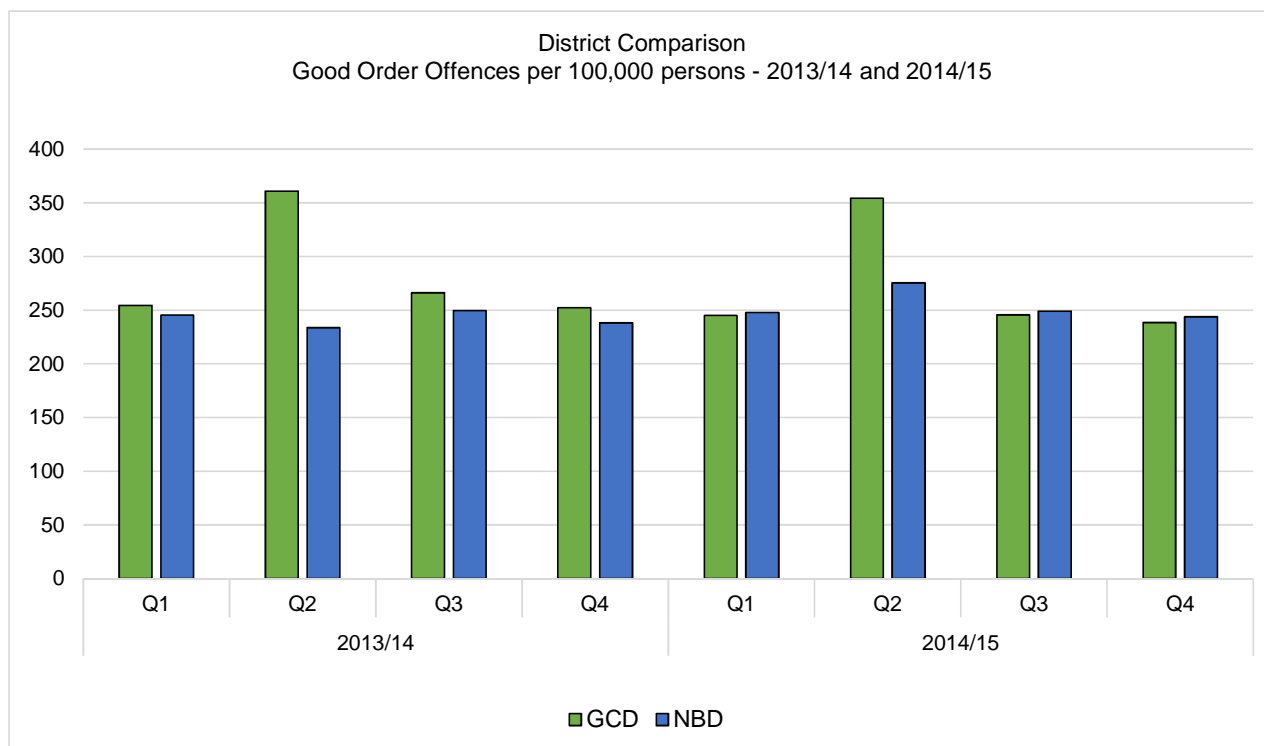
## Criminal and/or offensive behaviour

As indicated previously, officers in focus groups perceive that criminal and/or offensive behaviour within GCD differs to that experienced by officers in other police districts. To test this assumption analysis of various offence types such as Assault Police, Good Order, Domestic Violence and Mental Health (Emergency Examination Orders, EEO) incidents was conducted comparing GCD to NBD.



**Figure 38: Reported assaults against police per 1,000 officers**

A comparison of reported assaults against police (per 1,000 officers) indicates during the 2014/15 period, GCD officers were no more likely to be assaulted than officers from NBD. In fact, both NBD and GCD reported a comparatively lower rate when compared to the rest of the State.

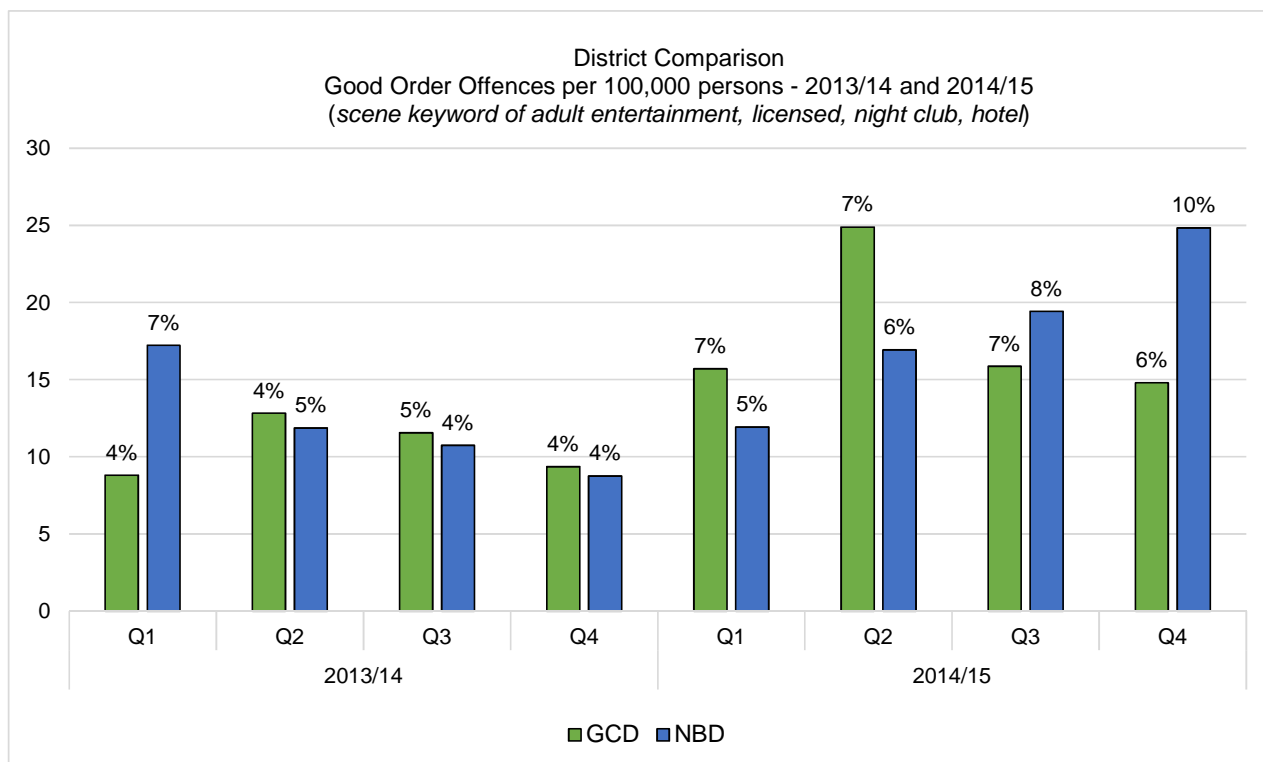


**Figure 39: Rate of Good Order offences per 100,000 persons.**

Again with the exception of quarter two of each financial year, the above table indicates GCD and NBD deal with a similar volume of good order offences (disobey move-on direction, resist, incite, hinder, obstruct police and public nuisance). Generally, the rate has remained relatively consistent with no significant variance between the districts or the financial years.

Further analysis of good order offences reveals the majority of good order offenders in GCD are males aged 20 to 24 years with this age group consistently contributing to approximately thirty-two per cent of offences across the review period. Similarly, males of the same age group have consistently attributed to the largest percentage (approximately 30%) of good order offences in NBD across the same period. Further correlation between the demographics of good order offenders and the age and gender of concerned parties cannot be made due to the limitations in the complaints data as outlined earlier in this report.

Data pertaining to good order offenders at GCD and NBD indicates offenders, both male and female, are predominately affected by alcohol. During 2013/14, sixty-eight per cent of male offenders at GCD and sixty-four per cent at NBD were affected by alcohol. 2014/15 data reflects similar findings with sixty-six per cent of male offenders at GCD and sixty-three per cent at NBD were affected by alcohol. 2015/16 data indicates a similar trend. The variance of only three to four per cent between the districts is not significant enough to suggest that GCD deals with a higher incidence of alcohol related good order offending than NBD.



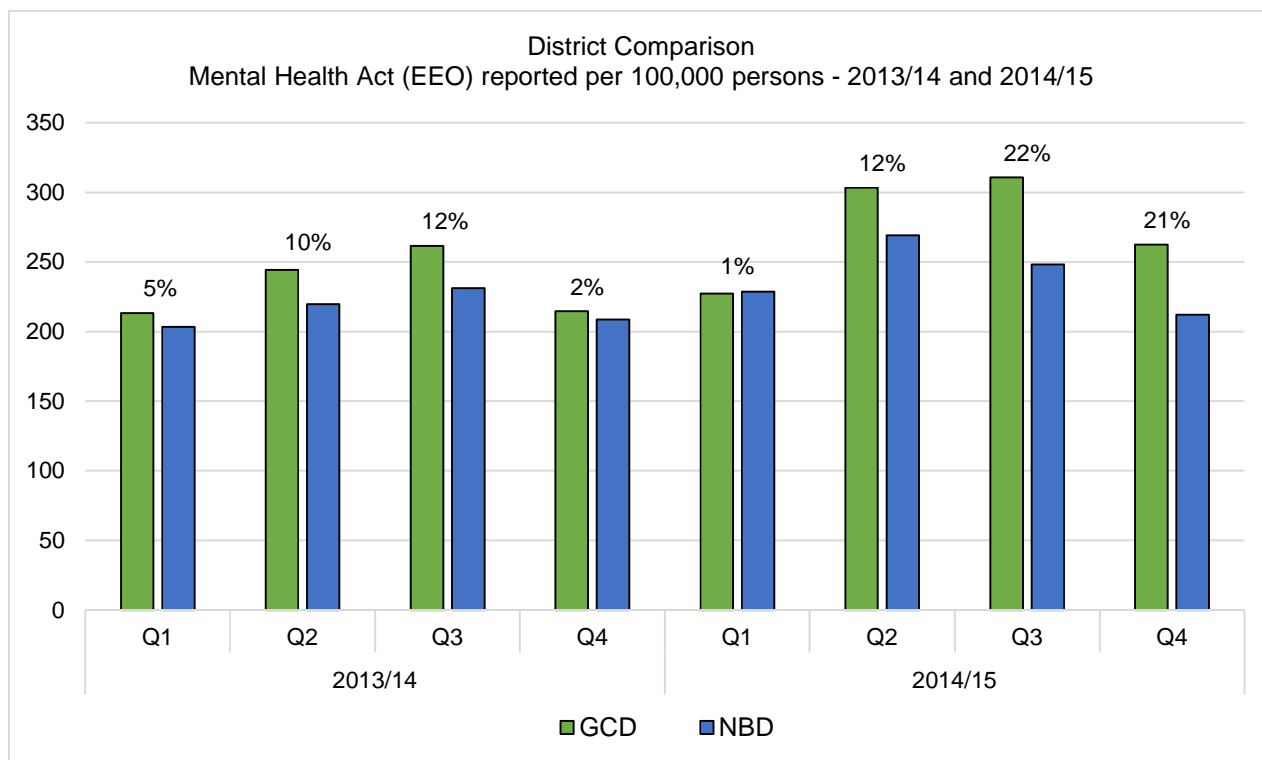
**Figure 40: Rate of Good Order offences per 100,000 persons reported at adult entertainment, licensed premises, night club or hotel.**

*Note: the percentage value indicates the percentage of good order offences involving alcohol.*

Analysis of the rate of good order offences reported as occurring at adult entertainment venues, licensed premises, night clubs and hotels at each district also indicates GCD does not deal with more “alcohol fuelled” good order offences than NBD. As illustrated in Figure 40 the proportion of good order offences committed at these types of venues is no greater at GCD overall.

Generally GCD officers deal with a higher rate of domestic violence incidents per 100,000 persons than NBD officers. The rate at GCD remained relatively consistent throughout 2013/14 and into quarter one of 2014/15. However, more recently GCD has experienced a significant increase in the number of incidents in quarters two, three and four of 2014/15. Despite this increase, domestic violence incidents did not contribute to a higher proportion of complaints for GCD than NBD.

Closer analysis of the types of domestic violence incidents reported by each district indicates a significant contrast with respect to the action taken by police. Officers from NBD finalised a larger proportion of the incidents as being ‘No Domestic Violence (DV)’. Despite the apparent difference in the action taken by police, this has not been explored any further by the Task Force as domestic violence incidents equally contributed to seven per cent of complaints for both GCD and NBD.



**Figure 41: The rate of Mental Health Act (EEO) reported per 100,000 persons.**

*Note: the percentage value indicates the percentage difference between the two districts.*

Figure 41 indicates in 2013/14 GCD recorded a higher rate of Mental Health Act (EEO) incidents per 100,000 persons with an average of seven per cent more incidents than NBD. In quarter one of 2014/15 the districts reported a similar number of incidents with only a one per cent difference. For the remainder of 2014/15 GCD was consistently higher than NBD with GCD reporting its highest overall number of incidents in quarter three. GCD also reported a significantly higher number of incidents in quarters three and four of 2014/15 when compared to the same period in the previous financial year.

In summary, this analysis indicates that the nature of the work being undertaken by officers on the Gold Coast does not significantly differ to that of NBD, nor does the workload. However, there are divisional differences in the type and volume of work being carried out by police in GCD, particularly relating to Surfers Paradise Division.

## Use of force

When taking into account the overall similarity between GCD and NBD of both complainants and the officers complaints are made against, the question was asked 'what use of force practices are being used in the GCD that result in complaints of assault excessive use of force?' As with other findings, this issue was analysed using NBD as a comparison to determine if there were any significant differences between practices which may account for the observed increase in complaints against police in GCD.

As identified in the Violent Confrontations Review (QPS, 2015), current QPS policy relating to use of force (UOF) reporting requirements limits the organisation's capacity to accurately capture all types of force used by officers to resolve an incident. Specifically, unless the subject person was injured or a firearm, OC spray, or Taser were used, there is no requirement to report the use of force. Consequently, the use of these types of force will always be over-represented in the data and conversely, matters resolved without injury or by the use of presence, open or closed hand

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tactics and communication will not be represented. The Task Force therefore concurs with the VCR findings, that is, the current UOF reporting system does not provide an evidence based, holistic overview of the UOF by Queensland police officers.

Analysis of QPRIME UOF reports<sup>21</sup> reveals the number of UOF reports have increased state-wide by seventeen per cent from 2714 in 2013/14 to 3182 in 2014/15. Closer analysis of UOF reports submitted for GCD reveals a thirty-nine per cent increase in the number of reports from 332 in 2013/14 to 460 in 2014/15. NBD also reported a twelve per cent increase in the number of UOF reports from 349 to 392 during the same period. The significant increase reported by GCD is attributed to an increase in the reported use of a baton, firearm and Taser. The slight increase for NBD is due to an increase in the reported use of a baton and police dog.

It must be noted, an increase in the reporting of use of force is not necessarily indicative of QPS officers using more force but may be attributable to an increased officer awareness of reporting requirements, improved reporting compliance or an increase in injuries to the subject person during the application of force by officers. Similarly, the over-reporting of use of force can contribute to an increase in the data. For example, five per cent (n=45) of the GCD UOF reports and three per cent (n=25) for NBD did not meet the necessary reporting threshold and therefore did not require reporting.

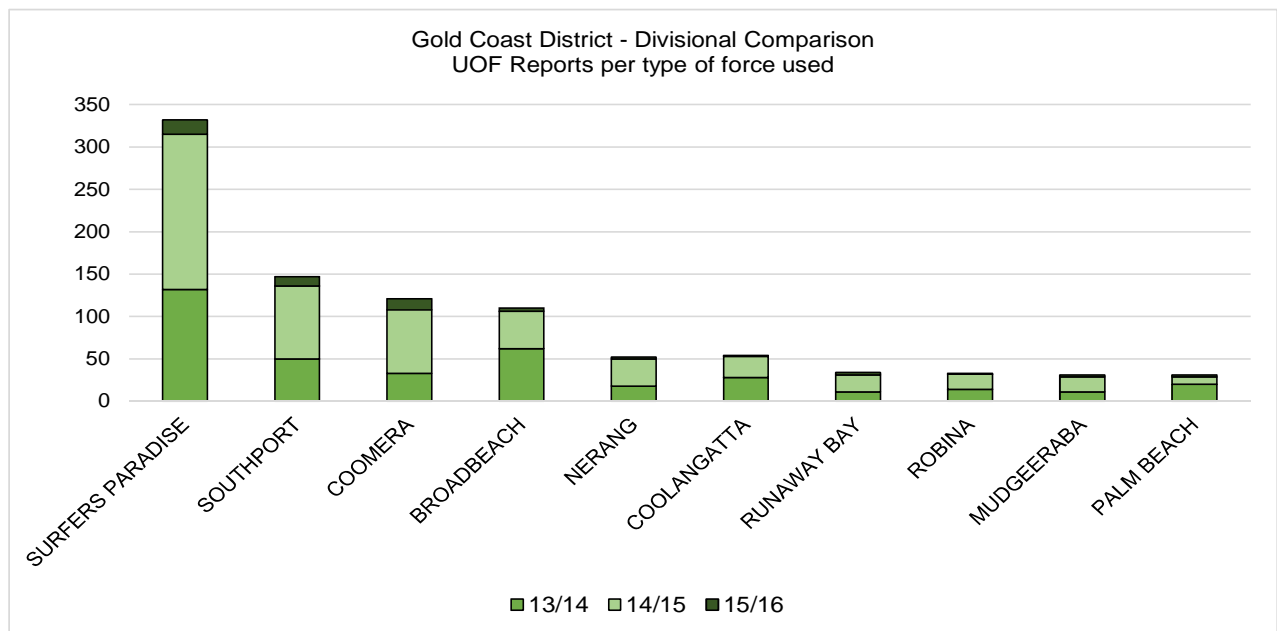
Closer examination of the use of force in GCD for the review period indicates the total 845 UOF reports involved the use of 945 types of force. Multiple types of force may be reported within the same UOF report particularly in instances where an officer has escalated or de-escalated his or her UOF option to resolve an incident. Comparatively, for the review period NBD reported a total of 812 UOF reports which involved 915 use of force types. Further exploration of the UOF reports from both districts indicates when force is used by officers it is often when the subject person exhibits violent behaviour, uses abusive/violent language and/or is affected by alcohol. Further, within GCD the subject person often displays irrational/unstable and/or drug affected behaviour. Within NBD, subject persons often make threats and/or possess a weapon.<sup>22</sup>

Figure 42 and 43 indicate Surfers Paradise and Fortitude Valley contributed to the highest proportion of reportable uses of force within their respective districts with Surfers Paradise contributing to thirty-five per cent (n=332) and Fortitude Valley contributing to twenty-two per cent (n=183).

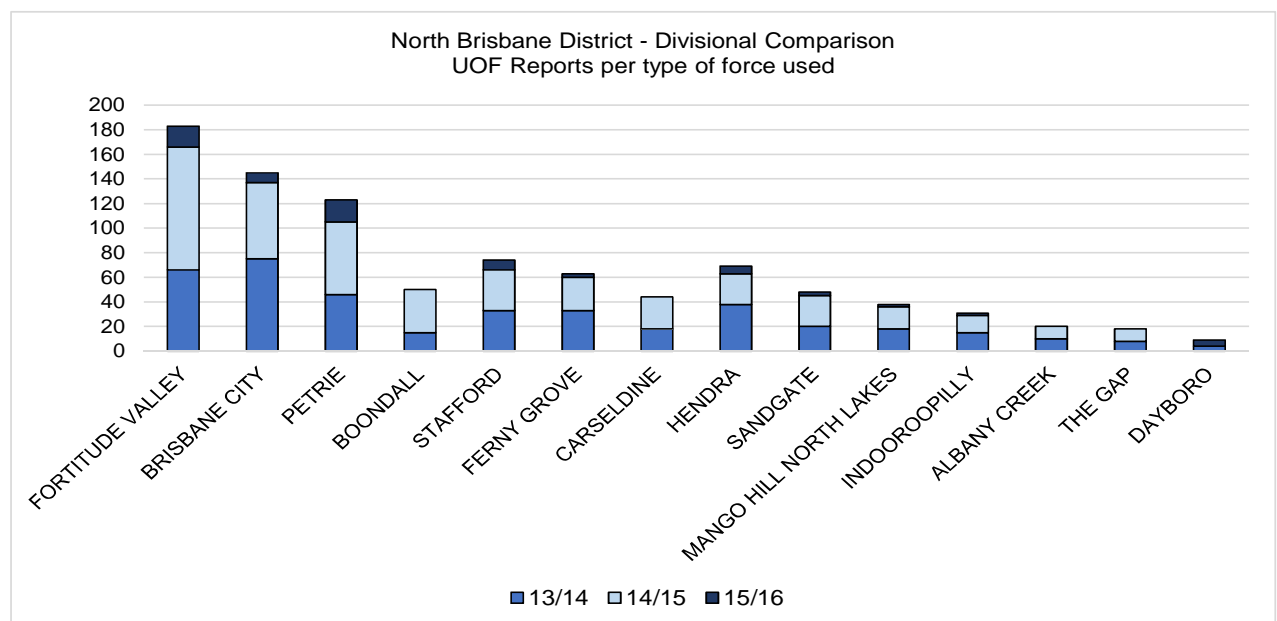
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<sup>21</sup> Refer to the data limitations already outlined at the beginning of this section of the report.

<sup>22</sup> Refer to the data limitations already outlined at the beginning of this section of the report.



**Figure 42: A count of types of force used by officers per division within GCD.**



**Figure 43: A count of types of force used by officers per division within NBD.**

A comparison of the types of force used within GCD and NBD reveals the use of Oleoresin Capsicum (OC) spray and a Taser are the most frequently reported UOF options by police within GCD whereas the use of a Taser, firearm and OC spray are more frequently reported by police in NBD. Despite the high representation of these types of force in the data, they are not disproportionately represented in the complaints data. For example, from the 315 uses of a Taser reported by GCD, less than two per cent ( $n=5$ ) of those uses resulted in a complaint. Similarly, NBD reported 191 uses of OC spray with only one per cent ( $n=2$ ) of those uses resulting in a complaint. Again, the data must be interpreted with caution as the most commonly reported UOF types may not necessarily be the most common UOF types used by officers.

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It may be fair to assume that injuries to officers and offenders is often correlated with arrest generally but more specifically with instances involving the use of force by police. Injuries to officers are reported on three disparate QPS databases which do not interface therefore limiting the capacity to provide definitive analysis. For the purpose of this Task Force, officer injuries reported via UOF reports have been considered in isolation whilst acknowledging there is no requirement for officers to report an injury to themselves via the UOF reporting system.

As previously stated, GCD reported a slightly higher number of UOF reports than NBD across the review period however both districts reported the same average (6%) of officer injuries resulting from UOF incidents<sup>23</sup>. Data indicates officer injuries do not necessarily correlate with the number of reportable uses of force. For example, whilst Surfers Paradise recorded the highest number of reportable uses of force, officers reported a slightly lower proportion (5%, n=15) of injuries than the district average. In comparison, Southport reported less than half the number of reportable uses of force than Surfers Paradise but a greater proportion of officer injuries (10%, n=13) than the district average. Similarly within NBD, officers from Carseldine (10%, n=4) and Ferny Grove (12%, n=6) reported a disproportionate number of officer injuries compared to their respective number of reportable uses of force and the district average.

Unlike Surfers Paradise, officers from Fortitude Valley reported a slightly higher percentage (7%, n=12) of officer injuries than the district average. Analysis of the complaints data indicates eighteen per cent (n=19) of GCD complaints and eight per cent (n=10) of NBD complaints had an associated UOF report. This indicates the majority of complainants were not necessarily injured<sup>24</sup> by police as a result of the use of force or did not report the injury at the time of the incident. It also suggests a larger number of persons who received a reportable injury did not make a complaint against police. Of note, GCD received almost twice the number of complaints than NBD as a result of the complainant sustaining an injury.

This section of the report has primarily focussed on addressing the perception that the Gold Coast District itself differs to other police districts, that because of this the workload and types of people officers interact with in their duties is different, which therefore relates to the type of force officers in GCD need to use and subsequent complaints. In doing so, it has identified that taking into account a range of variables, there does not appear to be any significant difference between staffing levels, work load, type of offending behaviour or use of force reporting between the GCD and the comparison district NBD. However, differences in the policing practices in the entertainment precincts of Surfers Paradise and Fortitude Valley have been identified, as has a significant difference in the number of complaints. Given this, there may be other factors involved that better explain any differences, specifically how the response to the operational environment is managed in the district.

## **Operational Management**

### **Built Environment**

As a result of a number of complaints arising from the processing of violent prisoners through Surfers Paradise Station, and in consideration of the fact that Surfers Paradise Division accounts for a significant proportion of GCD use of force related complaints (44%), the review was extended to consider aspects of the built environment specific to Surfers Paradise Station. Early indications

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<sup>23</sup> Under current UOF reporting open hand tactics are categorised as 'physical strike' and limited to 'physical strike type' of 'open hand' and handcuffs are categorised as 'restraint accoutrement'.

<sup>24</sup> Under current UOF reporting open hand tactics are categorised as 'physical strike' and limited to 'physical strike type' of 'open hand' and handcuffs are categorised as 'restraint accoutrement'.

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of risks were found from access issues such as the steep entrance to the Station and the use of the facility as a processing area not unlike a watchhouse.

The Task Force consulted with the Manager, Built Assets and District Officer Gold Coast District to obtain background information about the facility and to consider if the built environment was a factor in complaints from police activity in Surfers Paradise Division. The consultation process was extended more broadly to include the OIC Surfers Paradise Station and through the Focus Groups.

In July 2005, the Assistant Commissioner, South Eastern Region identified a requirement to provide an alternate accommodation solution for the Surfers Paradise Police Beat. The Beat was located in leased premises at Shop 126A within the Paradise Centre complex and at the time the lease term was a “month by month” arrangement with no possible extension beyond a 12 month period.

The Region advised that the Beat was utilised as the primary point of contact with the community, however the accommodation was not designed to provide a range of policing responses flexible enough to address the dynamics and breadth of mainstream operational policing issues at Surfers Paradise. It was also noted that any future facility, by necessity, would require holding cells and a secure area to allow detainees to be moved from the cells to vehicles for transport to the Southport Watchhouse.

At the time, Beat operations were supported by officers attached to the Surfers Paradise Police Station, which was located in the Surfers Paradise Police Centre (76 Ferny Ave). The Region submitted that a continuing rate of growth at the Gold Coast, coupled with an increase in the number of major events were impacting police service delivery. It was considered that the complexity and dynamics of policing of the Surfers Paradise Police Division had outstripped the capability of the Beat concept and that an alternate strategy was required to provide an effective response.

This strategy resulted in support to relocate the Surfers Paradise Police Station to a long-term accommodation solution within the Surfers Paradise CBD.

As a part of the investigation to identify alternate accommodation for the Police Beat and Station, the Region highlighted an ongoing operational benefit to provide a service in or near Cavill Avenue, particularly in the vicinity of the “nightclub” precinct.

A proposal to consolidate general duty functions from the Police Beat and the Surfers Paradise Police Station in the “nightclub” precinct was supported. Options to own accommodation in this area were limited and not affordable and as such a lease solution was approved.

A leasehold building at 23 Orchid Ave was determined to be in a suitable location and following fitout, would provide suitable accommodation to support operational requirements.

The lease for 23 Orchid Ave commenced on 1 June 2007 for a ten year period, with two by five year renewal options. The expiry of the initial ten year term is 31 May 2017. [REDACTED]

The building required extensive fitout, at a total approximate cost of \$4M, including the provision of disabled access at the front of the building. The front alignment of the building is close to the boundary of the footpath and pedestrian access is provided via stairs to the elevated entrance. [REDACTED]



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Expiry of the first term of the Orchid Avenue lease will fall within the next 18 months. Typically, Property and Facilities Management, PSBA will consult with and seek direction from the QPS on taking up lease options, renewal or lapsing of leases within a sufficient timeframe to not impact the operational requirements of the occupants. Due to the size and operational imperative of the Surfers Paradise Police Station, the commencement of this process is imminent. Consideration will be given to the adequacy and suitability of the current facility to meet current and future operational requirements. Options to be considered include the retention of the current leasehold (short or long-term) or relocation to another location (owned or leased).

At the time of construction the Orchid Avenue facility was designed to adequately accommodate the following staff and amenities:

- Total accommodation capacity = 133 staff (officers and admin) over 3 shifts (operational shift positions only)
- Basement – car parking and access to segregation lift and stairs
- Ground floor (front and rear buildings) – 1 x reception, 1 x shift supervisor, 24 x Inquiries, 4 x officers (rear building)
- First floor (front and rear buildings) – 1 x Insp, 1 x Shift Coordinator, 7 x admin, 1 x OIC, 93 x general duties, future office fitout at time of construction (rear)
- Locker Room (rear building) – 140 personal lockers

During the design stage of the fitout project, the Region identified a need for four holding cells. Due to the limitations of the existing building envelope, there was insufficient capacity to provide four holding cells and as such the Region agreed to the provision of three holding cells.

Following occupation of the facility, the Region identified additional works to enhance its operational capability. This work included the installation of additional Closed Circuit Television Cameras in the basement and foyer (2009); installation of slip safe application to tiles in the front entrance (2009), installation of hard wearing slip proof tape to the front stairs (2010) and minor works in the detention area including wall sheeting and corner protection and removal of electrical outlets in processing area.

The current lease term for the Surfers Paradise Police Station expires on 31 May 2017, with two, five year renewal options. Whilst take up of the first five year option may seem appropriate, consideration should be given to the following:

- Suitability and adequacy of existing facility to meet future growth and operational requirements (including vehicle accommodation and detainee management);
- Suitability of current location of facility;
- Availability of funding from regional operating budget for ongoing lease costs and outgoings;
- Acknowledgment of QPS Capital investment for current leasehold fitout - \$4M in 2008 and requirement for further capital funding for a relocation option.

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Options for a built accommodation solution for the police facility may include:

- Take up of lease renewal options (short or long term) and consider best use of facility which may result in relation of some function off site:
- Investigate alternate accommodation options including owned (Surfers Paradise Police Complex, leased (within the vicinity)
- Review of service delivery model to maximise the accommodation benefit of existing assets (leased and owned)

It was acknowledged that should police require access to the building with a violent or uncooperative detainee, that the detainee be escorted by foot or in a police vehicle to the basement of the building and safely transferred to the prisoner processing area via the main internal lift being constructed as a part of the fitout project. While this was an operationally sound decision for dealing with violent prisoners, in practice the process has been unsuccessful and changes to practices at officer level have evolved over time in an attempt to overcome operational deficiencies.

Consequently, local risk mitigation strategies have been developed, including limiting the pedestrian transfer of offenders via the front stairs. More recent changes have further enhanced risk mitigation by removing violent offender processing from the holding cells to the Southport Watchhouse in appropriate circumstances. It is important to note that the transfer of violent offenders was previously included as an initiative in the Service response to Operation Tesco in 2010.

Key changes implemented by the Gold Coast District Officer include:

- Application of additional prisoner transport vans on Friday and Saturday nights (and special events) in the Surfers Paradise Division.
- Two vans strategically located in Cavill Mall and Orchid Avenue.
- The remaining vans engaged in transporting arrests and providing mobile presence throughout the SNP.
- Violent prisoners transported directly to the Southport Watchhouse, bypassing the Surfers Paradise holding cells. These are contained in new Station Instruction 7/2105.
- Introduction of DDO's into Surfers Paradise at peak periods to improve the level of operational supervision and overview the processing of offenders through Surfers Paradise Station. This initiative is in the developmental stage and dependant on available resources.

Information supplied by the District Officer, Gold Coast District indicated a change management process that appeared to be successful with few, if any prisoners now being processed through Surfers Paradise Station. The current strategy appears very sound but it will be recommended that this is reviewed by the District Officer to ascertain if the changes have achieved a desirable outcome.

CCTV footage reviewed by the Task Force shows that non-compliant offenders have previously been arrested, hand cuffed and walked several blocks back to the station. They are then conveyed up the front stairs into the Station Holding Cells for processing. Interestingly nearly one half of the complaints against GCD officers resulted from interactions with good order offenders in the alcohol precincts with allegations relating to the use of handcuffs by GCD officers included the handcuffs being too tight, police applying force to the wrists and arms during handcuffing, and being taken to the ground whilst being restrained. The potential for difficulties in negotiating the front steps of Surfers Paradise Station with a handcuffed and resisting offender are readily apparent.

It is especially relevant to note that Surfers Paradise Station Instruction 'Custody Procedures – Prisoner Processing – Holding Cells' 4/2015 issued on 31 July 2015 sets out that the Surfers Paradise Station Custody Area and Holding Cells are available to be used for temporary holding of

compliant offenders pending their transfer to a watch house. Further, Station Instruction 4/2015 provides that subject to the discretion of the custody manager, all prisoners are to be handcuffed. The justification for the policy centres on the temporary nature of the holding area and the risk of assault. This position is somewhat incongruous with the earlier requirement that only compliant prisoners be brought to the holding area.

Surfers Paradise Station Instruction 'Prisoner Processing' 7/2015 issued on 4 November 2015 elaborates on the previous instruction, providing that compliant offenders suited for discontinuation of arrest can be returned to the Surfers Paradise Holding Cells for the issuing of a Summary Infringement Notice, NTA or PBN if deemed appropriate or necessary and stresses that other offenders, particularly violent offenders, are to be transported to Southport Watchhouse.

This all tends to suggest that the practice of using Surfers Paradise Station as a de-facto watchhouse to which offenders are taken on foot, and the implementation of routine handcuffing may increase the risk of use of force complaints.

### **Case Study 1: Background**

An offender was arrested in Surfers Paradise for Good Order Offences. Whilst being escorted into the police station, the offender has violently resisted police causing a struggle to ensue. Another officer has rendered assistance and the offender handcuffed. The offender has been escorted to the processing area inside the police station where one officer has swung the offender into the wall in an attempt to control the offender's aggressive behaviour. The offender's head has struck the wall as a result. An allegation of assault/excessive force was then reported by the officer's supervisors and Assessment Inquiries were commenced.

The Subject Member (SM) was recorded on Station CCTV cameras and body worn cameras to struggle when attempting to control the offender. In an effort to de-escalate and control the situation the SM has swung the offender into the padded wall of the processing area causing the offender's head to strike the padded wall. Due to the disparity in strength, size and level of aggression of the offender, the SM's actions were deemed authorized, justified; reasonable / proportionate / appropriate, legally defensible; and tactically sound and effective. However, it was recommended the SM complete additional Police Operational Skills and Tactics (POST) Training to offer alternate strategies when dealing with aggressive offenders in restricted areas.

#### **Key findings:**

CCC and QPS assessment of the complaint concurred.

Local SOPs regarding violent prisoners were reviewed and have since been amended to ensure a similar future incident could be prevented.

Management Guidance was given to resolve this issue.

Deficiencies in the SM's utilisation of the chosen POST technique was highlighted and the SM was trained in the use of an alternative technique to promote best practice.

SM had not been subject to an Ethical Standard Command at Risk Early Intervention.

Station CCTV and Body Worn Camera footage assisted to corroborate the officers' versions of events.

Lessons learned have been promulgated through additional instruction and training.

**Recommendation 1** - *That the District Officer, Gold Coast District monitor and evaluate the effectiveness of the recent changes for the use of Surfers Paradise Station holding cells.*

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## **Rostering and resourcing**

Research indicates a relationship between stress and excessive use of force by police (for a full analysis of the impact of stress on officer health and behaviour refer to Appendix A of this report). Officers attending GCD focus groups reported the unrelenting exposure to highly volatile working environments such as SNPs particularly during nights and weekends as a factor in raising officer stress levels and potentially contributing to increased risk of inappropriate behaviour.

Examination of rostering practices in both districts identified the use of relatively predictable roster matrixes in conjunction with team based policing in the larger stations of each district. Broadbeach, Southport and Surfers Paradise stations all report using a roster matrix, in conjunction with identified operational demand, in which teams of officers rotate through a relatively regular cycle of shifts. The same pattern of rostering is reported at Brisbane City and Fortitude Valley stations together with a number of other larger stations within the North Brisbane District. Further analysis of I-TAS records was undertaken to examine whether officers in receipt of the OSA (Operational Shift Allowance) worked a similar average number of public holidays, night shifts and weekend shifts during the 2014/15 equity year. The equitable participation in OSA shifts by officers within each unit was also explored. Following the Operational Shift Allowance Review in August 2014, 'improved' roster models were established. Subsequently, rosters were also analysed for alignment with the 'improved' roster models, with the exception of the Gold Coast District RAP.

During the equity year, the 108 officers in receipt of the OSA attached to Surfers Paradise Station worked an average of 63.58 night shifts, 50.45 weekend shifts and 5.56 public holidays. Although the average number of shifts worked did not align with the Review's 'improved' roster model, officers worked the highest average number of night and weekend shifts of all organisational units reviewed. Overall, an average of eighty-nine per cent of officers participated equitably within the roster with only an average six per cent of officers working twenty per cent either below or above the average number of shifts.

Generally, the organisational units within NBD aligned with the Review's 'improved' roster model with the majority of officers working more than the endorsed average number of shifts. Of the 123 officers in receipt of the OSA attached to Fortitude Valley Station, an average of 51.08 night shifts, 47.41 weekend shifts and 5.98 public holidays were worked. An average of eighty-three per cent of all officers participated equitably within the roster which is slightly lower than Surfers Paradise Station. The participation in night work was not shared as equitably amongst officers at Fortitude Valley Station when compared to Surfers Paradise Station.

It is notable that despite the higher number of weekend and night shifts worked by officers at Surfers Paradise Station, this represents a reduction of approximately eleven per cent since the 2013/14 equity year. Officers at Broadbeach Station worked an average of 51.43 night shifts and 48.20 weekend shifts during 2014/15 compared with officers at Brisbane City Station who worked 55.83 night shifts and 48.41 weekend shifts on average. The numbers of night and weekend shifts worked at the larger stations in Gold Coast and North Brisbane districts are broadly comparable, however officers in Surfers Paradise division, in particular, work more night and weekend shifts than other officers.

Notwithstanding that a certain minimum number of officers may be required to work night and weekend shifts to cover peak demand periods, there may be options, including shorter blocks of night shifts, which could be considered to reduce the total impost of night shifts on officers in Surfers Paradise Division in particular.

## **Tenure and transfer provisions**

The potential for continuous exposure to a difficult workplace to increase the risk of an officer developing unacceptable patterns of behaviour was recognised in a number of the previous reviews

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of Gold Coast policing. The *Carter Report* (CJC, 1997) recommended a maximum tenure of seven years at any location, the Crime and Misconduct Commission (2008) and the Service Delivery and Performance Commission (2008) both recommended changes to transfer policy to allow a more flexible approach to dealing with integrity and performance issues from an organisational perspective.

*Setting the Standard Report* (CMC, 2010) recommended that legislation be amended to permit the Commissioner to transfer an officer in the public interest. In response to Operation Tesco, the Service advised that it was implementing a range of HR actions to identify at risk officers and provide flexible staffing solutions to meet the service needs of the community (QPS, 2010). The recommendations tend to cover a range of circumstances, from routine movements to maintain a healthy workplace culture to specifically targeted action against officers with integrity or performance issues, but all focus on the need to be able to move officers in the public interest, for the benefit of the Service and, implicitly, for the good of the individual officer.

Current Service policy provides some avenues for the movement of officers to manage and mitigate risks which may be worthy of further consideration. The first point to note is that Service policy does not provide for a maximum tenure, only a minimum tenure of three years generally and two years in remote and difficult to fill positions (QPS, 2014). The minimum tenure policy maintains staffing continuity and stability, thereby minimising cost and disruption to the Service and officers. The flip side to this is that with no universal churning of officers at the expiration of their tenure, movement is made on a case by case basis.

Clause 49 of the QPS Certified Agreement 2013 provides that the Service may transfer an officer to a location as a risk mitigation strategy. The issue of lateral transfer, ostensibly for this reason, was considered in *Kennedy v Commissioner of the Qld Police Service* [2015] QSC 219 mitigation of risk was not one of 17 'operational factors' allowing access to a lateral transfer under the Queensland Police Service Determination 2010.

While the relevant content of the QPS Certified Agreement 2013 is not dissimilar to that of the now superseded Queensland Police Service Determination 2010, it is not identical. The differences between the QPS certified Agreement 2013 and Queensland Police Service Determination 2010 were considered in *Irwin v Stewart (Commissioner of Police) & Anor* [2015] QSC 350. In this matter the court considered the issue of a lateral transfer as a risk management strategy but did not make a decision on the matter as no such transfer had yet been effected. The court acknowledged a management initiated lateral transfer might still be made on the basis of clauses 50(13) Resource Management or 50(15) Management of Staffing Issues of the Certified Agreement and that it could not be said that any necessary factual condition for the exercise of the transfer power could not exist.

Additionally, the District Appointment provisions set out in clause 58 of the QPS Certified Agreement 2013 allow for the permanent movement of officers appointed under those provisions to other locations within and/or across districts subject to certain preconditions and safeguards. It should be noted that while new appointments in the relevant areas may be made as District Appointments, many officers already in the relevant areas were not appointed under those provisions. Further provisions under clause 22(7) of the QPS Certified Agreement 2013, state that an officer in receipt of the Operational Shift Allowance may be temporarily rostered within and/or across districts at a location other than their appointed division subject to certain conditions on notice and travelling distance for up to two roster periods. While it is undeniably difficult to use these provisions without the consent of the relevant officer, they do provide a viable starting point for an agreed risk mitigation strategy which may address the concerns raised by officers attending the focus groups. A more detailed discussion of the issue of Management Initiated Lateral Transfers (MILT) was prepared for the Task Force by PSBA Human Resources and is attached for reference as Appendix L.

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## Management Initiated Lateral Transfers

Management initiated lateral transfer (MILT) is the process used to transfer a police officer from one position to another or from one location to another at the same rank. The MILT process is of particular relevance to this Task Force in as much as it applies to risk mitigation and early intervention approaches to managing officers who demonstrate or are at risk of developing unacceptable patterns of behaviour.

Recent court matters demonstrate that MILT becomes a problem when the transfer is not agreed to by the officer. The Supreme Court has highlighted that a MILT must comply with section 4.8 of the *Police Service Administration Act 1990*, which requires adherence to the industrial instruments, specifically the Queensland Police Service Certified Agreement 2013 (the Agreement) and the Transfer Advisory Committee (TAC) process.

Recent Supreme Court decisions found that the concept of 'risk mitigation strategy' (s.49(5) of the Agreement) does not provide an independent source of power to transfer. The reasons for transfer must come from the 17 Operational Factors listed in section 50 of the Certified Agreement.

The case of *Kennedy v Commissioner of the Qld Police Service [2015] QSC 219*, highlighted the difficulties of transferring a member as a risk mitigation strategy. The issue was discussed in *Irwin v Stewart (Commissioner of Police) & Anor [2015] QSC 350*), yet His Honour found it unnecessary to decide whether the reasoning in *Kennedy* should be applied to the case because *Irwin* had not been transferred.

Risk mitigation can be based on a number of reasons, including:

- to remove an individual from the immediate work place because of conflict;
- where the officer may require greater supervision as a result of complaint history;
- developmental issues; or
- where a member is experiencing difficulties coping in high volume areas;

All lateral transfer applications concerning non-commissioned officers and Constables are considered by the TAC under the provisions outlined in the Agreement and specifically determined against the Operational factors highlighted within.

There are 17 Operational factors for management or employees to make submissions for a lateral transfer. The majority of these relate to officer initiated later transfers (ie an officer requests a transfer based on the Operational factors) with three specific Operational factors used by management (1. Organisational Restructuring, 13. Resource Management and 15. Management of Staffing Needs).

The TAC transfer process identified can take upwards of 4 weeks to complete, and this is largely dependent on the Region finalising all necessary administrative matters. However when the individual officer opposes any move a number of different appeal mechanisms exit.

## Appeal Mechanisms

The first of the appeal mechanisms is through the grievance process. The Police Service Award – State 2012 provides a grievance mechanism and whilst the time lines require 28 days from a stage 1 to a stage 3 to be completed invariably these timelines are exceeded. A review right from the grievance is to the Queensland Industrial Relations Commission which can take a further 28 days or more to complete.

The next level of appeal mechanism is to the Police Review Commissioner. The *Police Service Administration Act* (PSAA) provides a right of review to the Review Commissioner who will

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determine the matter and make a recommendation of supporting the transfer or otherwise. Again this adds further time delays in transferring officers.

Finally, reviews from any of these processes can be made to Queensland Civil and Administrative Tribunal (QCAT) or in the recent cases of Kennedy and Irwin for judicial review in the Supreme Court. These latter matters can take in excess of 12 – 18 months to conclude.

An individual officer can commence the appeal processes using any or all of the mechanisms and whilst these are being considered and investigated all movements can be halted.

In the Irwin matter, the Queensland Police Union of Employees (QPUE) questioned the head of power to transfer members and argued that the decisions were not authorised as the powers should have been exercised under the statutory regime for the discipline of police officers under s.7 PSAA and also that the Assistant Commissioner was attempting to circumvent limitations on the power to take disciplinary action under Pt 7 by relying on more general powers within the PSAA.

His Honour however, dismissed the review application based on the fact that no decision had been made to actually transfer Irwin as a risk mitigation strategy.

His honour did refer to the distinction of the legislative power between the specific power of discipline and the general power to transfer stating:

It is said that this engages the “principle that a statutory power, expressed in general form, is not to be construed so as to avoid any condition or limitation placed on the exercise of a specific power”, as McHugh J described it in *Saraswati v The Queen*.<sup>11</sup> McHugh J there cited, amongst other cases, *Leon Fink Holdings Pty Ltd v Australian Film Commission*<sup>12</sup> where Mason J said:<sup>13</sup> <sup>25</sup>

*“It is accepted that when a statute confers both a general power, not subject to limitations and qualifications, and a special power, subject to limitations and qualifications, the general power cannot be exercised to do that which is the subject of the special power.”*

His honour clearly identified that where matters were relating to discipline the legislation is the specific and the lateral transfer powers are the general. He did however comment on the Kennedy matter and its similarities indicating that:

“In the course of their oral submissions, counsel for the applicant referred to a decision of Dalton J in *Kennedy v Commissioner of Queensland Police Service*. Her Honour was there considering the predecessor of the Certified Agreement, namely the Determination of 2010. That contained a provision which was in similar but not identical terms to cl 49(5) of the Certified Agreement. Her Honour’s view was that a “risk mitigation strategy” did not provide an independent source of power to make a lateral transfer under that Determination. This was because “risk mitigation” was not an “operational factor” as defined in the Determination which contained what her Honour regarded as an exhaustive list of operational factors. The same definition of operational factor does not appear in the (present) Certified Agreement. The Determination contained a definition of “lateral transfer” which referred to the process of transferring in response to one or more operational factors. That definition effectively reappears in the Certified Agreement. There are some similarities then between the two instruments. Her Honour considered that the clause which was in similar terms to the present cl 49(5) was “more in the nature of a general admonition and guidance as to what might properly motivate a lateral transfer otherwise made regularly for operational reasons.” **It is unnecessary to decide in this judgment whether that reasoning should apply to the**

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<sup>25</sup> *Irwin v Stewart (Commissioner of Police) & Anor* [2015] QSC 350 - 20

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**(present) Certified Agreement** (*my emphasis*). Although there has been no finding yet expressed in the terms of cl 50(13) or 50(15), it is conceivable that the second respondent could and would make such a finding, consistently with his correspondence and his evidence. The lateral transfer power is yet to be exercised. At present it cannot be said that any necessary factual condition for the exercise of the transfer power could not exist”.<sup>26</sup>

However, if a decision had been made by the Assistant Commissioner to transfer Irwin as a risk mitigation strategy, the precedent suggests that the court would have made a similar decision to that in the Kennedy matter.

His honour then referred to the disciplinary powers under the PSAA and in his final judgement indicated:

”I return then to the applicant’s case. The factual preconditions for the exercise of the disciplinary powers do not exist because there has not yet been a conclusion of misconduct. For that reason alone, it could not be said that the second respondent has sought to circumvent the limitations upon the exercise of the disciplinary powers. But further, the second respondent’s purpose is one of risk management. He has not sought or indicated that he will seek any disciplinary sanction against the applicant. **The transfer of the applicant to a position at another station might be within the “range of disciplines” that could be imposed in a particular case** (*my emphasis*). But that is not to say that the use or proposed use of the powers in s 4.9 and s 5.2(3) are being made for an impermissible purpose”.<sup>27</sup>

**Recommendation 2** - *That the Commissioner considers pursuing legislative amendment and/or negotiation of industrial agreements, to implement an effective and efficient risk mitigation lateral transfer process.*

## **Commissioner’s Confidence**

In the history of previous reviews and resulting recommendations detailed earlier in this report it was identified that Commissioner’s Confidence provisions had been recommended for introduction on a number of occasions, namely in *Enhancing Integrity in the Queensland Police Service* (CMC 2008) and *Setting the Standard* (CMC 2010). The Task Force considered the Commissioner’s Confidence provisions in the context of a suite of responses to address unsatisfactory behaviour.

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<sup>26</sup> *Ib id* 33

<sup>27</sup> *Id id* 43



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*Enhancing Integrity in the Queensland Police Service* recommended:

- 2.5 *That the QPS continue the process of improving the complaints and disciplinary system begun under Project Verity, including a review of all relevant legislation, regulations and policy, with a view to:*
- a) *...*
  - b) *...*
  - c) *streamlining the dismissal process available to the Commissioner of Police, possibly through the establishment of a show-cause process for all members. The process should be available to the Commissioner in appropriate cases:*
    - i) *of substantiated misconduct*
    - ii) *where a member displays a course or pattern of conduct that brings into question their ability or fitness to remain in the QPS*
    - iii) *of continuing poor performance by a member where remedial action has proved ineffective*

The recommendation was made in *Setting the Standard* that:

*Recommendation 11*

*The CMC recommends that the Queensland Government amend the Police Service Administration Act 1990 and any other Act as necessary to:*

- a. *provide a basis for the dismissal of a police officer on loss of confidence grounds*
- b. *provide for a fair system of review to a single judge of the Supreme Court, which recognises the functions and purpose of the police service, the special nature of the employment of a police officer and the office of constable*
- c. *recognise the right of the Commissioner reasonably to determine questions concerning an officer's suitability for employment and fitness to hold office.*

A review of current provisions associated with the termination of an employee (not on contract) has highlighted a complicated process which has, over time, proven to be difficult to use to manage certain officers whose cumulative unsatisfactory behaviour, integrity, competence or performance doesn't fall neatly within specific provisions for dismissal on medical or disciplinary grounds. These types of cases have been dealt with in other jurisdictions under the provisions of a head of power described as a Commissioner's Loss of Confidence.

In its 2010 report to Parliament on Queensland Police Service Discipline Review, the Crime and Misconduct Commission highlighted a number of matters relating to the discipline processes including the Commissioner's Confidence powers.

A principal justification for CLOC provisions is that they empower a police commissioner to address an officer's overall conduct or performance, when assessing their suitability to hold the 'office of constable' (the appointment which confers on an individual the special responsibilities and powers that operate beyond the workplace and the formal hours of employment), and to take action in response to cumulative behaviour.

NSW Police have been the leading jurisdiction with regards to CLOC provisions as these were originally derived from their Royal Commission and the provisions have been in operation since the 1990s. Section 181 of the *Police Act 1990* (NSW) provides the statutory provisions for removal of an officer including the officers review rights.

NSW police officers also have legislative review rights which are established through their State Industrial Relations Commission NSW (IRCNSW). The *Police Act 1990* (NSW) establishes the same standard test for unfair dismissals for any other industry; that is 'harsh, unjust or unreasonable'. There is significant case law across the broad spectrum of tribunals including State,

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Federal and High Court decisions that have addressed the harsh, unjust or unreasonable test principles.

One of the leading authorities often quoted in various tribunals is the High Court matter of *Byrne v Australian Airlines*. Their honours McHugh and Gummow JJ in their judgement said:

*"It may be that the termination is harsh but not unjust or unreasonable, unjust but not harsh or unreasonable, or unreasonable but not harsh or unjust. In many cases the concepts will overlap. Thus, the one termination of employment may be unjust because the employee was not guilty of the misconduct on which the employer acted, may be unreasonable because it was decided upon inferences which could not reasonably have been drawn from the material before the employer, and may be harsh in its consequences for the personal and economic situation of the employee or because it is disproportionate to the gravity of the misconduct in respect of which the employer acted."*<sup>28</sup>

Industrial tribunals also consider a long held authority of 'a fair go all round'<sup>29</sup> which looks at weighing the interest of both sides in a balance, but when taking into account Byrne's case above, tribunals have often overturned cases where the evidence does not support dismissal or the decision was disproportionate to the gravity of the actions. This principle of a 'fair go all round' was incorporated in the federal jurisdiction in 1996 and is held by other jurisdictions as a basis when tribunals consider unfair dismissals.

With any reviews of this nature, and more explicitly the *Police Act 1990 (NSW)* provides for the applicant to establish that his or her removal is harsh, unreasonable or unjust. And as can be seen from the above High Court case there can be many factors that tribunals will consider when adjudicating on dismissals of employees. Additionally, the legislation also requires that the IRCNSW must consider the interests of the applicant, but also the public interest (which includes the interest of maintaining the integrity of the NSW Police Force).

The IRCNSW has found in *Walsh v Commissioner* what would constitute public interest, indicating:

*:...there are many factors, which the public may have an interest in upholding, including the interests of maintaining the integrity of the Police Service. Not the least of these will be the importance of ensuring that public officials who are conferred responsibilities by the Parliament, the exercise of which may affect the rights or reputation of individuals, carry out those responsibilities in a manner which is both just and reasonable"*<sup>30</sup>

In supporting the public interest test in police is the High Court matter in the *Police Service Board of Victoria v Morris*, where the High Court commented on the purpose of a discipline regime in policing indicating:

*"The effectiveness of the police in protecting the community rests heavily upon the community's confidence in the integrity of the members of the police force, upon their assiduous performance of duty and upon the judicious exercise of their powers. Internal disciplinary authority over members of the police force is a means – the primary and usual means – of ensuring that individual police officers do not jeopardise public confidence by their conduct, nor neglect the performance of their police duty, nor abuse their powers. The purpose of police discipline is the maintenance of public confidence in the police force, of the self-esteem of police officers and of efficiency."*<sup>31</sup>

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<sup>28</sup> *Byrne v Australian Airlines Ltd* [1995] HCA 24; (1995) 131 ALR 422; (1995) 69 ALJR 797; (1995) 185 CLR 410 (11 October 1995)

<sup>29</sup> *Sheldon J re Loty and Holloway v Australian Workers' Union* [1971] AR (NSW) 95.

<sup>30</sup> *Walsh v Commissioner of Police* [2011] NSWIRComm 26

<sup>31</sup> *Police Service Board (Victoria) v Morris* (1985) 156 CLR 397 at 412

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Should a legislative amendment be pursued to provide the Queensland Police Commissioner with loss of confidence provisions, there needs to be an inclusion that appeals must consider the public interest which is taken to include the integrity of the QPS.

In matters of performance or inefficiencies these will often be the more difficult cases to prove as there is generally a longer lead time in gathering data on performance.

This is demonstrated in the matter of *Reid-Frost v Commissioner*, where Bolam J said:

*“... that R-F’s removal was not harsh, unjust or unreasonable, and that R-F was unsuitable to continue as a police officer. He concluded: There were reasonable grounds for placing the applicant on a Remedial Performance Program. The applicant strongly resented that placement. The applicant demonstrated an unwillingness to conform to standards of conduct and performance required in a disciplined force. Her attitude, particularly toward superior officers, was unacceptable ... [R-F] consistently refused to accept or acknowledge, over a lengthy period, that she was in any way at fault or deficient in her performance, conduct or behaviour (my emphasis); the applicant failed, culpably, to recognise her shortcomings and, therefore, took no corrective action.*

*In weighing in the balance the competing interests, I have been acutely conscious of the fact that ... [R-F] is a person who is 60 years of age and has served in the Police Force for 13 years ... But considered overall, the evidence regarding the applicant’s conduct (including her attitude) and her performance ... left me with me no alternative other than to conclude that the applicant is unsuitable to continue as a police officer. The Police Commissioner should not be obliged to continue to accommodate an officer who resists authority, is unable to accept advice or criticism without resorting to an exaggerated emotional response, is disruptive in the workplace and is not able to attain consistently a reasonable standard of performance.”<sup>32</sup>*

The *Police Act 1990 (NSW)* also establishes a number of procedures that the Commissioner must undertake before a decision is made to dismiss an officer under the confidence provisions. These include:

- giving notice to the officer setting out the grounds the Commissioner does not have confidence in the officers suitability;
- give the officer at least 21 days to make written submissions to the proposed actions;
- the Commissioner must take into consideration the written submissions from the officer;
- the Commissioner must also set out the reasons to remove the officer.

These are not unreasonable procedural provisions considering that dismissal is regarded at the higher end of the disciplinary processes.

One of the matters highlighted in a Full Bench NSW case is that the IRC task when reviewing a removal order is to make a fresh and independent decision based on all of the material before it and not just the material at the Police Commissioner’s disposal at the time the decision was made to remove the officer <sup>33</sup>.

The NSW legislation has established though is that any new evidence may only be introduced by leave of the Commission and without limiting such leave, set out those matters that the leave must be granted:

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<sup>32</sup> *Reid-Frost and Commissioner of Police (No 2)* [2010] NSWIRComm 86, para. 12

<sup>33</sup> *Hosemans v Commissioner of Police (No.2)* 2004 138 IR 159

- the Commission is satisfied that there is a real probability that the applicant may be able to show that the Commissioner has acted upon wrong or mistaken information;
- the Commission is satisfied that there is cogent evidence to suggest that the information before the Commissioner was unreliable, having been placed before the Commissioner maliciously, fraudulently or vexatiously;
- the Commission is satisfied that the new evidence might materially have affected the Commissioner's decision.

What the NSW Police Act does with appeals on termination matters, it brings in contemporary dismissal provisions common to many industries and sets community standards of proof in determining whether decisions are harsh, unjust or unreasonable. The distinguishing feature of the NSW Police Act is it does ensure that the public interest is satisfied to a high standard.

The NSW example of CLOC provisions and the above cases make a compelling argument that the Queensland Police Service, and by association the Queensland community, would benefit from similar provisions being introduced in the *Police Service Administration Act 1990* (QLD).

**Recommendation 3** - *That the Commissioner's confidence provisions should be considered as part of a future disciplinary reform process.*

## **Leadership / supervision**

The importance of effective leadership and supervision in preventing misconduct (including excessive UOF) and corruption is well known in the literature. Recent investigations by the Queensland CCC found that 'failure to provide adequate supervision is one of the most common enablers of serious and systemic corrupt conduct' (CCC, 2014).

When taken purely as a ratio, the supervisory officer ratio at the GCD is broadly within the same ratios as the NBD. However, viewing this issue quantitatively fails to take into account a range of additional important related factors such the age and experience of both supervisors and subordinate officers, the dynamic work environment of operational front-line police and the mode of supervision provided.

The recent QPS Violent Confrontation Review (2015) provides in depth analysis of current policy procedure and human resource documentation relating to the role of District Duty Officer (DDO) and shift supervisors. The QPS Violent Confrontation Review (2015) also found that the role of shift supervisor in particular as outlined in section 1.4 of the OPM appears largely administrative, and that the position description of a general duties senior constable was identical to those of a general duties sergeant – shift supervisor, with no specific mention being made in the sergeant role of a need to provide guidance and supervision.

Upon further consideration and analysis OPM: s1.4.6 *Responsibilities of regional duty officer, district duty officer and shift supervisor* whilst outlining administrative duties including reporting requirements, these are linked to monitoring and management of staff. s1.4.6 also specifically includes: ...

*(x) monitoring/supervising standards of conduct and appearance of members during the course of the shift;*

*(xi) identifying, interviewing and investigating instances of inappropriate uses of force by officers and where necessary, educating officers regarding the obligations and expectations upon them when required to use force;*

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*(xii) taking disciplinary action, or causing disciplinary action to be taken if necessary;*

Shift Supervisors have numerous other responsibilities contained in the OPM's including:

- Chapter 1: Operational Management
- I-TAS taskings and statement of objectives and outcomes
- Recording an offence on QPRIME
- Quality of occurrences recorded on QPRIME
- Significant Event Messaging System
- Chapter 2 – Investigations
- Scene Management
- Significant Events (SEMS)
- Chapter 3 – Prosecutions
- Checking of Court Briefs (QP9)
- Checking briefs of evidence
- Chapter 9 - Domestic Violence
- Chapter 13 - Missing Persons
- Chapter 14- Operational Skills and Practices
- Review of Taser incidents

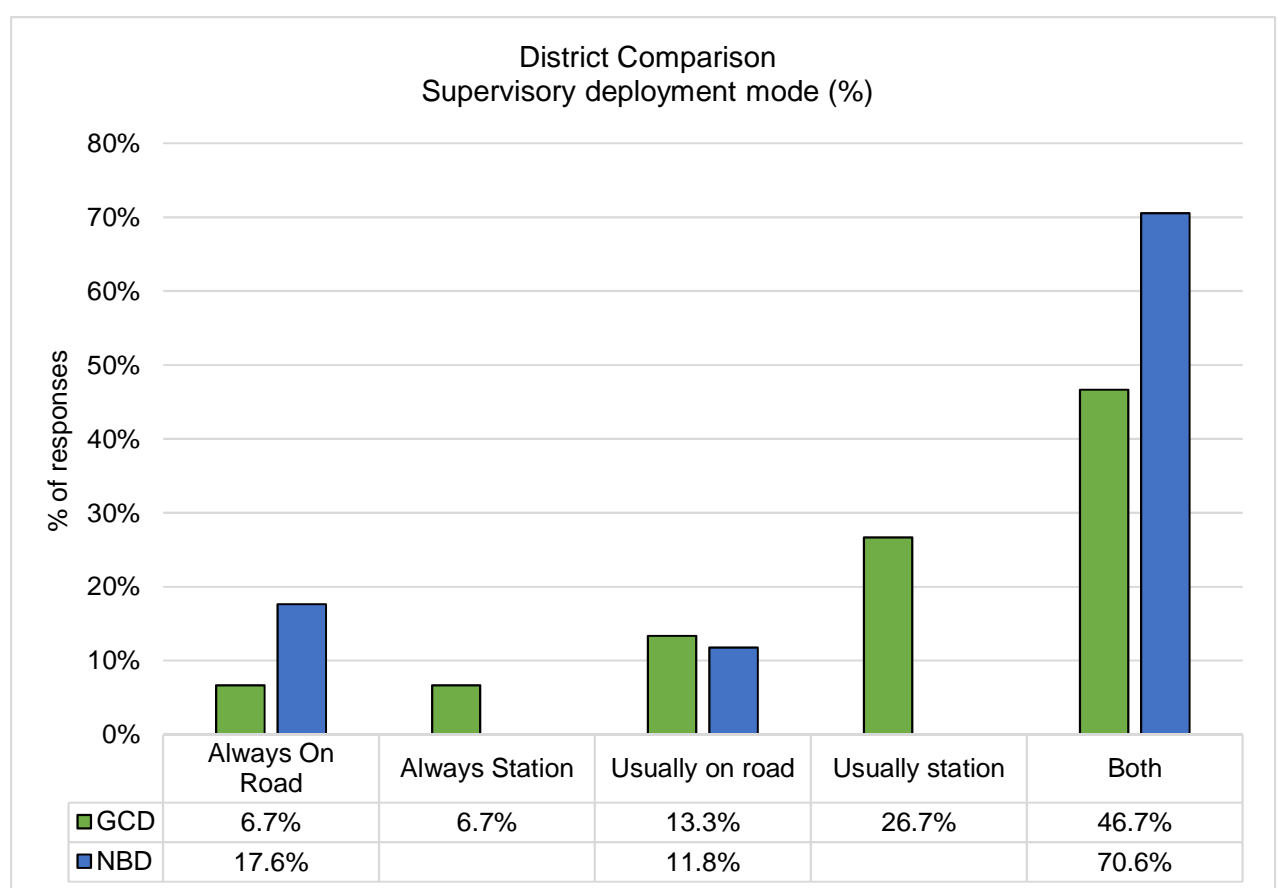
The current Position Descriptions GDO01 – Constable/Senior Constable and GD005 - Sergeant were reviewed (see appendix M and N) along with the Capability Leadership Framework (CLF) for each role and there are distinct differences specifically about management of staff and teams. Of note GDO01 – Constable/Senior Constable contains the following Key Accountability;

*Utilise appropriate communication, practical and physical skills in order to protect persons from harm or further casualty and to deal with uncooperative/aggressive people.*

Earlier internal QPS research (2011) which explored the different supervision contexts of on-road versus in-stations supervision found that despite an expectation from shift supervisors and subordinate officers that supervisors should 'lead from the front', the reality was that supervision needs were challenged by human resourcing constraints and station administrative demands.

Importantly, this research found a statistically significant difference between how subordinate officers perceived the operational supervisory effectiveness between the two groups, with less than half (41%) of officers supervised by an in-house shift supervisor rating their effectiveness at a high level. When asked to rank their confidence in their supervisor's ability to police high-risk or emergency situations only 62 per cent of those whose supervisor was situated in a police station ranked their ability as high or very high. In contrast, 88 per cent of officers whose supervisor was on the road ranked their ability as high or very high.

Analysis of responses from OICs who participated in our survey indicated that GCD shift supervisors are more likely to be working in-station rather than on-road than in their equivalent in NBD. When asked about the predominant mode of deployment for shift supervisors, twenty-seven per cent (n=5) of GCD officers in charge reported that supervisors were always or usually confined to the station. This contrasted with NBD where no OIC advised that supervisors were deployed at the station only or usually. Twenty per cent (n=3) of GCD officers in charge stated that supervisors were always or usually deployed on-road compared with twenty-nine per cent (n=5) from NBD. In forty-seven per cent of responses (n=7) GCD officers in charge indicated that supervisors were deployed in a mix of in-station and on-road roles. This contrasted with seventy-one per cent (n=12) of NBD officers in charge who stated their supervisors were deployed in both modes. Ultimately, supervisors in GCD and NBD predominantly work in a mixed supervision model, however the proportion of exclusively or usually 'on the road' supervisors is lower in GCD.



**Figure 44: Predominant supervisory deployment mode**

Focus groups reported a perception of supervisory mode and deployment that substantially reflected the information provided by survey participants. Generally officers acknowledged that supervisors performed a mix of on-road operational supervision and in-station administrative duties and that this mix varied between stations. Gold Coast Rapid Action and Patrols supervisors were noted as having fewer administrative responsibilities and were consequently free to perform more on-road supervision than compared to other persons assigned to GCD. It was suggested in the focus groups that the mode of supervision was influenced by District management requirements that tended to change over time. In most cases supervisors themselves believed that due to the burden of administrative duties they were not able to leave the station to perform on-road supervision as often as they would like.

In terms of middle and senior supervision on the Gold Coast, inquiries were made with the District Officer (DO), GCD and the OIC, Surfers Paradise. Advice from the DO was that upon commencing his role in September 2015, he implemented change in several areas pending outcomes of various reviews being published. This has included reducing team numbers of beat crews from four staff to three and the allocation of a specific District Duty Officer to be rostered in the Surfers Paradise night club precinct for weekend shifts when patronage is at its highest. He has also made changes to prisoner handling to overcome geographical and built environment factors. Advice from the OIC of Surfers Paradise was that he works rostered night shifts alongside his staff during busy periods, he audits all reported applications of use of force and utilises government regulatory agencies (ie: Queensland Fire and Emergency Service (QFES) and Office of Liquor, Gaming and Racing (OLGR)) to support policing strategies which he regularly reviews. He also advised that he is very conscious of rostering senior staff with appropriate supervisory skills to each of his teams.

Analysis of the investigation reports and findings in the complaint data for GCD did not reveal any lack of supervisory presence. A Senior Constable or Sergeant was reported as being present or

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being the subject member for the majority of the complaints. The supervisor role in complaints investigations is considered an important component, specifically as it relates to the identification and support of intervention strategies. When reviewing complaints from both GCD and NBD it was found that insufficient information was recorded in CSS or the investigation reports to enable meaningful conclusions to be drawn on the influence of the supervisor.

Only 13 matters in GCD and five in NBD had specific entries relating to supervisor responsibility and in all cases the information relating to supervision was brief and to the effect that no supervisory deficiencies had been identified. It is acknowledged that in many cases the allegation giving rise to the complaint was not substantiated and thus may have been considered by the reporting officer and the issue of supervisory responsibility did not need to be explored in-depth.

During consultation with ESC on this issue, it was established a review of the current investigation report template was required and that emphasis should be provided on the expectation of reporting on supervisor involvement. ESC stakeholders have advised the Task Force this exploration task has commenced and furthermore an education process is necessary to ensure expectations in this regard are disseminated to investigators.

**Recommendation 4** - *That the Assistant Commissioner Ethical Standards Command continue the current review of existing Investigation and Management Report templates to ensure the importance of reporting on supervisor involvement in complaints investigations is reflected. Further any changes need to be supported by guidelines and training.*

The perceived effect of supervision by focus group participants was mixed, though the on-road presence of supervisors was highly regarded. Three of the four Constable/Senior Constable focus groups concluded that supervision had no impact on officer behaviour in respect of use of force. To an extent these views were qualified by the observation that supervision had no effect because supervisors were not on-road. Other officers stated that they felt more confident when their supervisors were working with them. The Constable/Senior Constable focus groups further highlighted their perception that the value of on-road supervision lies in exposure of supervisors to current operational policing and consequently a better understanding of the functions being supervised. Sergeant focus groups believed they did have an impact on subordinates' behaviour, particularly through their mentoring role. Of note, it was perceived by Sergeants and OICs that sometimes there could be a reluctance to address officer behaviour due to a lack of support from senior management and concern that the grievance process may be invoked should they attempt to address behavioural issues, identifying a potential concern regarding risk management strategies being undertaken in GCD.

## **Risk Management**

Evidence from a range of Royal Commissions, investigations and research has shown that policing is a high-risk occupation for misconduct, including use of force (see for example, Prenzler, 2009). In acknowledging that misconduct is complex and multi-faceted, responses / solutions must also be complex and multi-faceted. Whilst the QPS maintains a centrally-functioned integrity and disciplinary overview capacity, section 1.4.5 of the OPM provides that, among other things, officers in charge of stations and establishments are responsible for discipline and monitoring compliance with Service policy and procedures by all members under their control.

To examine the extent to which officers in charge apply risk management processes to officers at risk of developing unacceptable behaviours, particularly in respect of use of force ('at risk' officers), officers in charge (OICs) in GCD and NBD were surveyed and asked to provide information on their risk management plans, how they identified 'at risk' officers, how they managed 'at risk' officers, their approach to addressing unethical behaviour and their auditing practices for use of force. 2014-2015 District Plans were also analysed to place responses into context.

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## District Plans

The GCD plan did not make any explicit reference to promoting professional conduct or identifying and managing 'at risk' officers. Rather, there was a strong focus on the operational priorities of stopping crime, making the community safer by curbing anti-social behaviour, stopping road trauma and enhancing ability and capacity to respond to disasters and other unplanned events and finally, building relationships across the community. None of the activities associated with the priorities made explicit mention of ensuring or promoting professional conduct. The regional purpose contained in the preamble to the plan did make reference to providing a professional and ethical policing service to the community. However, arguably, all District priorities and activities are premised on that purpose.

The contrast with NBD is marked, with their plan nominating Professionalism and Ethical Standards as a priority. Actions to support that priority include fostering a sense of pride and individual responsibility for ones actions and focussing upon early intervention and engagement of identified "high risk" officers to develop and implement effective and timely mitigation strategies. It is recognised that operational priorities contained in a district plan are not intended to include everything done as part of core business, and the maintenance of ethical and professional standards could be seen as core business. However, it is apparent that no great priority was placed in the Gold District Plan 2014-2015 on identifying or managing inappropriate behaviour.

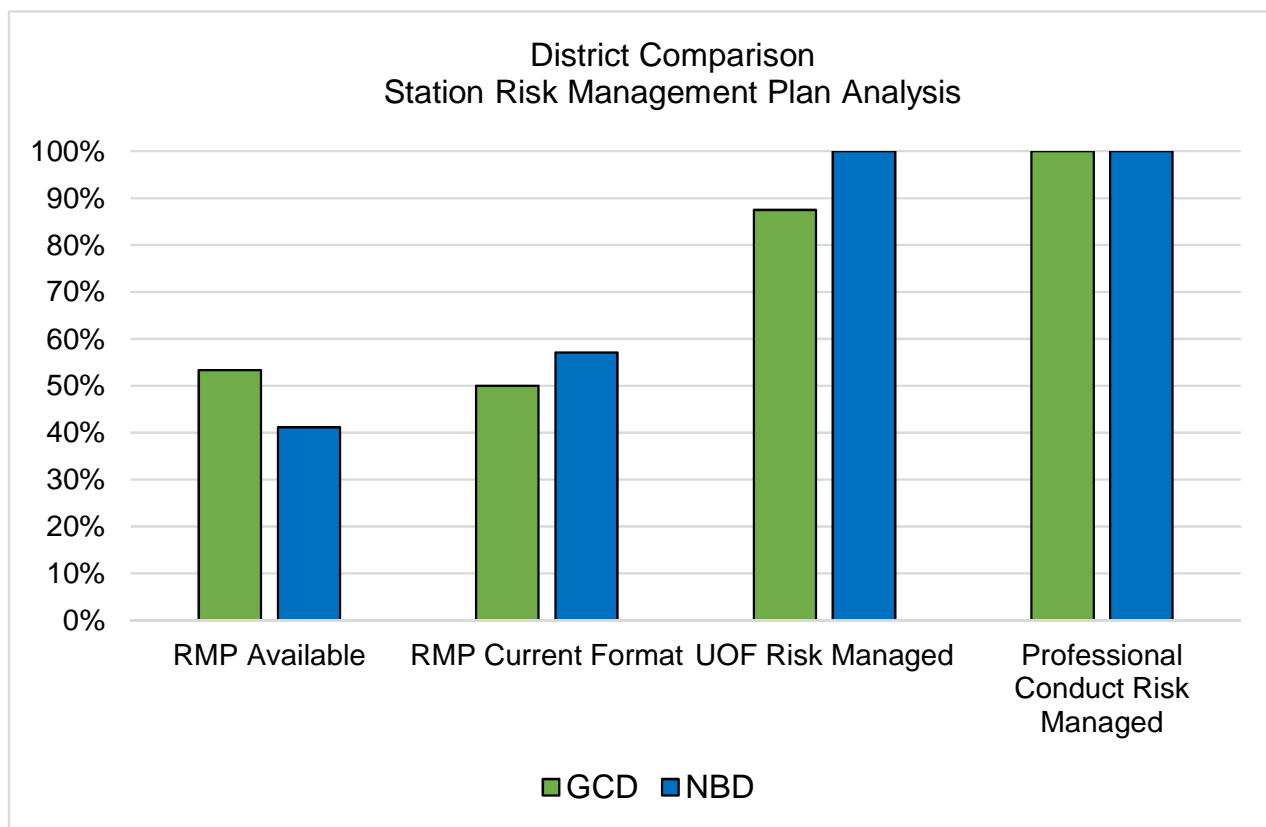
## Unit Risk Management Plans

Despite there being no particular focus on identifying and managing 'at risk' officers in the GCD District plan, GCD OICs included use of force and professional conduct in their individual unit risk management planning to the same extent as in NBD. Of the risk management plans supplied, all OIC's in both GCD (n=8) and NBD (n=7) identified professional conduct as a risk management issue. With respect to UOF as a particular area of professional conduct, all risk management plans from NBD and all except one from GCD identified and managed the issue.

It is notable that more than half (n=10) of the NBD OICs who responded to the request for information were unable to provide a current risk management plan, and of the seven who did only slightly more than half (n=4) were in the current Service format. In GCD the results were similar with almost half (n=7) of OIC's unable to provide a current risk management plan, and only half (n=4) of those who did were using the current Service format. OICs who did not provide a risk management plan frequently advised that their plan was currently being developed or revised. See Figure 45

Many OICs presented documents which identified 'Use of Force' and 'Corruption prevention and Professional Standards' as mandatory risk management issues, despite that mandatory risks were removed from the Service's risk management policy by Commissioners Circular 9/2013. However, irrespective of whether a risk management plan was in place, all officers in charge nominated means by which they identified and managed 'at risk' officers. Therefore, it can be seen that while compliance with Service policy in terms of having risk management plans in the current format was not high, those OIC's who did have risk management plans in place consistently identified use of force and professional conduct as risks to be managed.





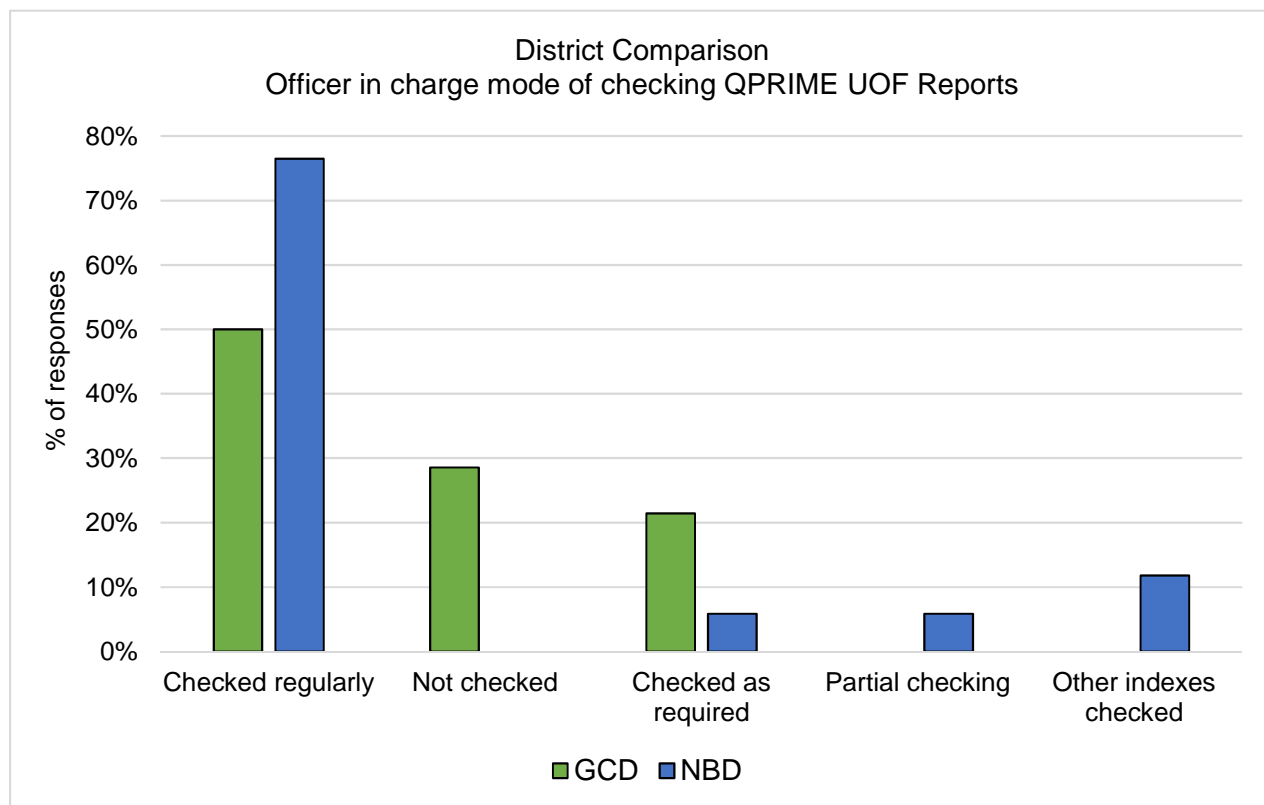
**Figure 45: Station Risk Management Plan Analysis**

**Recommendation 5** - *That District Officers ensure Officers in Charge of stations and establishments, and their next level supervisors, comply with Service requirements for risk management, as detailed in section 3.3 of the Management Support Manual.*

### Officer In Charge practices

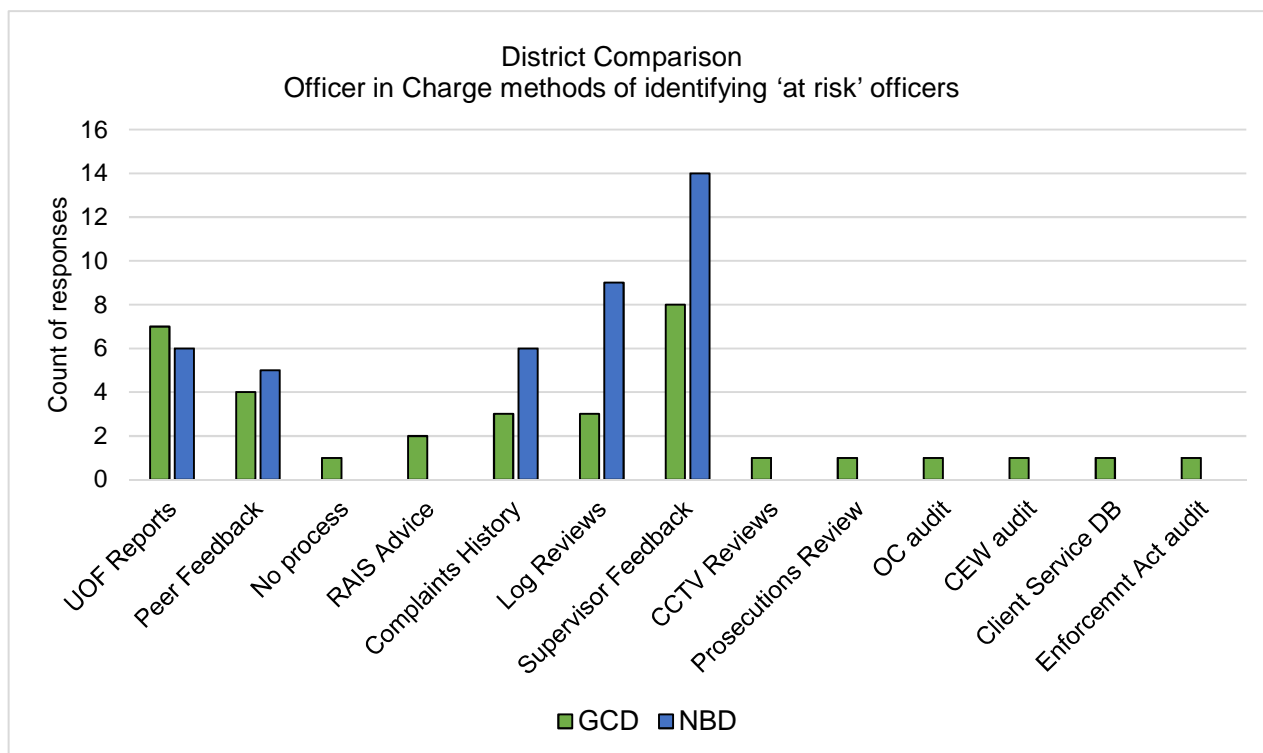
With respect to the regular auditing of UOF Reports in QPRIME by OICs, Figure 46 highlights those in NBD were slightly more likely to indicate that they conducted regular audits than those in GCD. Slightly less than half (n=7) of the OICs in GCD reported that they conducted regular checks of Use of Force reports in QPRIME. In NBD over three quarters of OICs (n=14) advised they conducted regular checks of Use of Force Reports in QPRIME. While not conducting regular checks of QPRIME some OICs in both districts reported that they conducted checks when incidents came to their attention. Other OICs indicated that they reviewed use of force by checking the Significant Event Message System (SEMS) or I-TAS. A number of OICs in GCD (n=4) advised they did not conduct regular UOF Report checks as it was considered general QPRIME management processes would identify any concerns. One NBD OIC stated that they were unaware of any use of force instances.

It should be noted that while there is a policy requirement to supervise the quality of occurrences recorded on QPRIME, there is no specific Service requirement for OICs to regularly audit UOF Reports in the way that, for instance, section 16.8.4 of the OPM requires OICs to ensure that regular checks are conducted of QPRIME custody records to ensure that Service requirements are being met. While regular audits of QPRIME UOF Reports is but one way in which issues with UOF can be identified it is apparent that this practice is less well entrenched in GCD than in NBD.



**Figure 46: Officer in charge checking of QPRIME Use of Force Reports**

As can be seen in Figure 47, whilst the use of QPRIME by OICs to monitor at risk officers was indicated, the most commonly identified source of information relied upon by officers in charge was their own and their supervisory officers' observations of 'at risk' officers, and that feedback from an 'at risk' officer's peers was also a means by which they were able to identify issues. The reliance on an officer's complaint history to identify an 'at risk' officer was more frequently reported by officers in charge in NBD than in GCD, but was used in both areas. Conversely, only OICs in GCD reported using advice from ESC Risk Analysis Intelligence Unit (RAIU), and then only in small numbers. A further number of unique processes were reported from GCD including review of CCTV and review of prosecutions.



**Figure 47: Methods used by officers in charge to identify 'at risk' officers**

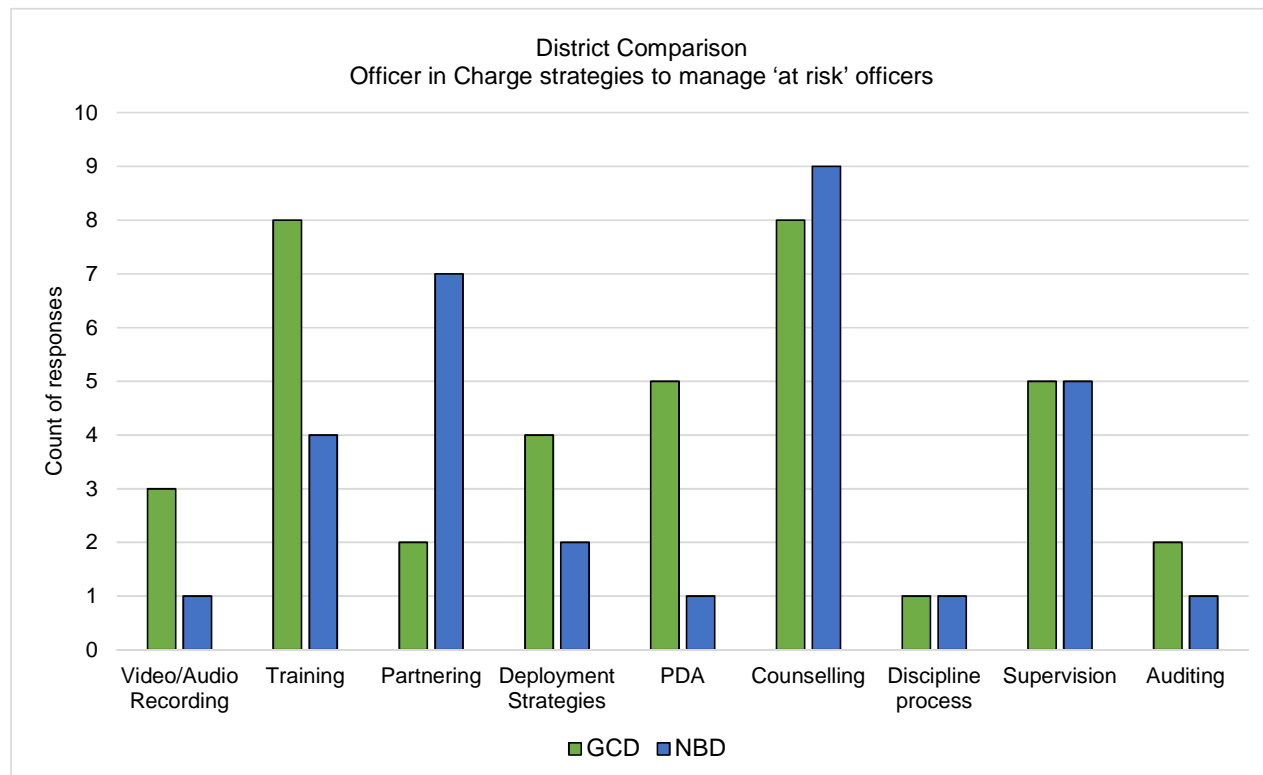
## Officers in Charge management of at-risk officers

Once identified, 'at risk' officers in GCD are managed largely through the same techniques as used in NBD. OICs identified a suite of methods by which they manage 'at risk' officers as illustrated in Figure 48. No OIC surveyed indicated a single technique and many articulated a sophisticated array of complementary measures to manage 'at risk' officers. In both districts the most used technique is personal discussions between the officer in charge and the 'at risk' officer to reinforce expectations and identify underlying causes for unsatisfactory behaviour or performance. Similarly, officers in charge in both districts are almost equally likely to use remedial training and enhanced supervision as methods for managing 'at risk' officers.

Deployment to duties where use of force issues were less likely to arise was an approach adopted in both districts, though more likely in GCD. OICs at Coolangatta, Coomera, Palm Beach, Surfers Paradise, Brisbane City and Fortitude Valley all reported using strategies to reduce exposure to high risk environments for 'at risk' officers, including relieving or secondments to other work areas and non-deployment to Safe Night Precinct operations. This is particularly noteworthy when taking into account feedback from GCD officers across all ranks who attended focus groups and their concern that work practices, particularly in Safe Night and entertainment precincts, left officers stressed and on edge, and that it needed to be easier for 'at risk' officers to rotate or transfer out of these divisions.

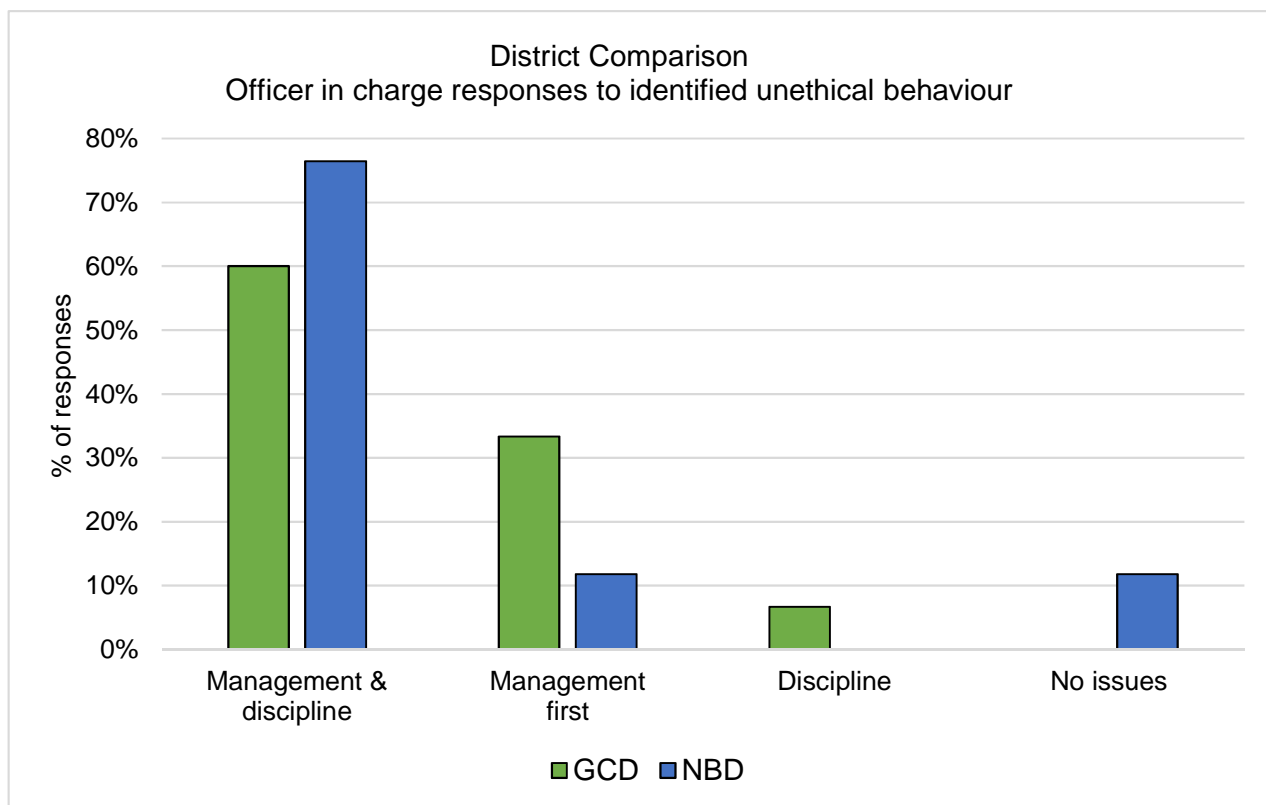
Partnering with a good role model was also mentioned by both districts with OICs in NBD more likely to nominate this response. Issuing an 'at risk' officer with body worn video recording equipment or audio recording equipment to assist both the 'at risk' officer and their supervisors to review their actions is a management strategy used in both GCD and NBD, but was more frequently cited by GCD OICs.

Use of the performance review and development system to manage 'at risk' officers was mentioned by OICs in both districts, as was auditing of an 'at risk' officer's performance in terms of their core duties. The discipline process was nominated by only one OIC in each district, which likely reflects an overall understanding that the discipline system is reactive, as opposed to risk management; a proactive prevention strategy.



**Figure 48: Strategies used by officers in charge to manage 'at risk' officers**

Figure 49 illustrates that when faced with unethical behaviour, OICs in GCD report using management approaches and the disciplinary system in the same way as NBD. In both districts OICs advised that their approach to dealing with unethical behaviour would, depending on the nature and severity of the behaviour, involve the application of managerial action or the activation of the formal disciplinary system. Officers in charge in Gold Coast District were more likely in their responses to have stressed that managerial action would be attempted first, with a move to the discipline process if that was unsuccessful. One officer in charge in Gold Coast District reported that their approach to addressing unethical conduct was to resort to the discipline system only.



**Figure 49: Officer in charge responses to identified unethical behaviour**

## Role of Professional Practice Managers

An additional element in the risk management framework around ‘at risk’ officers is the Professional Practice Managers (PPM) network. PPMs are part of the Ethical Standards Command and hosted in 15 police districts with a further four PPMs responsible for Groups and Commands. Each District generally has one PPM with the exceptions of NBD having two and GCD with three. This has been attributed to the workload and number of staff assigned to these districts. PPMs are co-ordinated and overseen by a Detective Inspector in the position of PPM Co-ordinator.

The roles of PPMs, as set out in the Professional Practice Manager Course, which are very closely reflective of the key accountabilities of the PPM position description (PPM07), are:

- Co-ordinate, overview and audit complaint files within a defined area;
- Ensure complaint matters are dealt with in a professional and timely manner;
- Liaise with investigators assigned complaint files;
- Liaise with the PPM Co-ordinator, ESC;
- Promote high standards of policing professionalism;
- Implement initiatives to reduce complaints;
- Liaise directly with their District Officer or Assistant Commissioner on complaint matters;
- Prepare documentation for disciplinary hearings/Administrative Consensual Disciplinary Process (ACDP); and
- Overview Significant Event Messages in District.
- The Internal Investigations Group Command Instructions, as they existed at October 2015, though in the process of redrafting at that time, identified the principal duties of PPMs in section 1.4.9, as:
- Manage Region or Command complaint files on behalf of the Chief Superintendent, Internal Investigations Group.

- Provide advice to the Professional Practice Coordinator, Ethical Standards Command to assist the allocation of investigations.
- Manage the allocation of investigations (providing guidance and support) and where necessary personally conduct internal investigations into complaints against police and police related incidents as directed by the Chief Superintendent ESC.
- Manage, monitor and conduct overviews of investigations allocated to their Region or Command.
- Provide an on-call response to the Service regarding complaints against police or police related incidents, as required.
- Provide advice to members of the public and the Service concerning the discipline and complaints processes.
- Undertake other duties as required by the Chief Superintendent, ESC.

While it is apparent that many of the roles and the duties are process related, there are also elements of risk management and mitigation. The PPM function is conceptualised as a multi-purposed position with both proactive and reactive elements. The outlined roles of the PPM indicate that the function of this position is to be more than a 'conduit' for reactive complaint and discipline processes. Promoting high standards of professionalism and implementing initiatives to reduce complaints are proactive ways in which the PPM plays a part in managing risk. The principal duties of PPMS outlined in the Internal Investigations Group instruction however, focus entirely on the role of the PPM in the processes of the complaints and discipline and do not fully reflect the roles set out in training or in the key accountabilities of the position. It is recognised that the Internal Investigations Group Command Instructions document is being redrafted and that deficiencies in documentation have already been noted in the October 2015 compliance inspection of the Internal Investigations Group conducted by Inspections Teams, Integrity and Performance Group.

**Recommendation 6** - *That the Assistant Commissioner, Ethical Standards Command ensure consideration is given to including the full range of Professional Practice Manager's position description key accountabilities when redrafting the principal duties outlined in Internal Investigation Group Instructions.*

A survey of PPMs across the Service identified that approximately two-thirds (65%, n=11), including the GCD, currently perform all the roles indicated in the position description. It was notable that a quarter of respondents (24%, n=4) advised that they did not implement initiatives to reduce complaints, though those officers stated they did support District/Command management with advice on identified trends to better inform local mitigation strategies. Among the strategies that PPMs report as having been implemented to reduce complaints are ethical leadership forums, addresses to First Year Constables, presentations on emerging trends and topical issues to OICs and managers at District management meetings and contributing articles/case studies to internal publications. Some PPMs attended events and locations with a higher potential for complaints, such as Safe Night Precincts, to identify and address emerging issues. While some PPMs did not self-assess their own activities as being the initiatives to reduce complaints, in context of the responses by other PPMs it would seem that identifying trends and providing advice to responsible managers can be seen as a complaint reduction measure.

All respondents advised that they actively promote high standards of policing professionalism through a range of activities. PPMs generally viewed promoting professional standards and implementing complaint reduction initiatives in synonymous terms as the reported activities to fulfil these roles were generally the same or similar. Commonly stated means by which professional standards are promoted were presentations to training days and management meetings, briefings on current professionalism issues at shift changes and bringing a focus on professional standards to a range of District governance forums such as the Significant Events Review Panel and the Prosecution Review Committee. While the distinction between complaint reduction and promotion

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of high standards of policing professionalism is blurred, PPMs all reported a focus on this aspect of their role.

Surveyed PPMs did not unanimously conduct regular checks of Significant Event Messages. A small number of PPMs (24%, n=4) advised that Significant Event Messages were not reviewed as a matter of course, but that upon receipt of notification from Ethical Standards Command of a 'police related incident' (PRI) the relevant Significant Event Message would be checked. 'Police related incidents' are identified by the Daily Assessment Committee (DAC) of Ethical Standards Command from a review of Significant Event Messages, and providing that the committee identifies all relevant matters, there appears to be no negative impact from PPMs not conducting their own independent reviews. Arguably, reviewing Significant Event Messages with a degree of local knowledge may provide a better picture of District/Command activities than would be obtained by focussing only on 'police related incidents' referred to the PPM by DAC, the benefit to PPMs of this more holistic picture may be marginal when considering their specific role. While routine reviews of Significant Event Messages is a function that PPMs do not universally fulfil, all PPMs do review Significant Event Messages of specific relevance.

PPMs perform a number of additional duties, frequently, though not exclusively, related to managing the risk of unethical behaviour. While 'owned' by Ethical Standards Command, PPMs are frequently tasked to perform a range of functions by the hosting District Officer. The functions vary by District, but commonly include participation in or co-ordination of the Significant Event Review Panel (SERP), reviewing UOF reports and pursuit/evade police matters in QPRIME, auditing Departmental Vehicle Damage System entries and to a lesser extent participating in Prosecution Review Committees and managing declarable association reports. Each of these additional functions can be viewed as having a risk management aspect in the context of managing unethical behaviour. PPMs are also frequently involved in disaster management roles, though this appears to be more common in regional areas such as South West District, Mt Isa District and Capricornia District. While the additional duties required of PPMs vary by District, and are set to meet the needs of the individual District, most are directed towards identifying and managing the risk of unethical behaviour.

In summary, the risk management structure and practices relevant to 'at risk' officers, with particular emphasis on complaints of use of excessive force, is at least as well developed in GCD as in NBD. While not well supported by formalised risk management plans, both district OICs use a similar range of identification and management strategies with regard to 'at risk' officers. The PPM office in GCD is better staffed than any other in the Service and performs the full range of both process and risk mitigation roles and the district does not differ in any significant way from NBD in regards to the risk management structures and approaches used to identify and manage 'at risk' officers.

## Performance Measurement

Former CEO of IBM Louis Gerstner Jnr., when discussing his organisations transformation from being inward-looking to customer focussed, claimed that to enable organisational change it was essential to focus at the individual level. Gerstner (2002) realised that 'people don't do what you **expect** but what you **inspect**', and that to change behaviour necessitated a new way of measuring individual and organisational performance.

The predominant style of Performance Development Agreement (PDA) in both Gold Coast District and North Brisbane District is one which is modified from generic templates. The creation of generic rank based templates for PDAs was reported by all responding officers in charge from NBD and all but one from GCD. Roughly one third of officers in charge in both districts use only these templates (GCD, n= 5, NBD, n=6). The majority (n=11) of North Brisbane District officers in charge, and almost half (n=7) of Gold Coast District officers in charge reported using a template PDA which was then modified with individual features. Two GCD OICs responded that they used both individual

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PDA's alongside generic PDA's and one advised that only individualised PDA's were used at their station. While the use of a generic template PDA for staff may discourage active engagement in the process of individual performance planning, it does facilitate the goal that PDA's encompass objectives and capabilities relevant to current strategic plans, priorities statements and client service charters. Provided that individual capability development and organisational priorities are considered and included a PDA will serve the intended purpose. Consequently, there is no 'correct' way of developing PDA's in terms of wholly individualised or templated PDA's. The use of modified template PDA's is the general approach to PDA setting in Gold Coast District and North Brisbane District.

The frequently generic nature of PDA's was confirmed in focus groups of Gold Coast District officers, and the value of PDA's questioned. Constable/Senior Constable focus groups raised a number of concerns about the PRD system including that it was onerous, confusing, generic rather than personal and that no explanation had been provided for its use. Sergeants were less critical of the process, expressing the opinion that the system had improved but also that performance assessment was subjective. The officer in charge focus group reported the perception that the PDR process is long and administratively cumbersome. The management of unsatisfactory performance was mentioned as a particularly weak aspect of the performance review and development system on the basis that 'it's cumbersome, they have the right to appeal, don't feel we have the backing of management....diminished performance is terrible'.

Performance management was largely conceptualised by the focus groups in terms of PDA's, though the perception that performance was measured through 'statistics' was strongly evidenced in the Constable/Senior Constable focus groups. Statistics such as the number of arrests made, infringement notices issued, street checks and Supportlink referrals were cited as examples of the 'statistics' which were used in performance measurement. While not all the cited measurements were enforcement related, it was commented that "there are no stats for giving someone advice....". Constable/Senior Constable focus groups felt there was pressure to meet certain targets in the area of 'statistics' and negative consequences through the PDA process for failing to meet those targets. The use of monthly statistics or 'reminder' sheets was reported to be a common practice. There is nothing inherently negative about setting targets, provided that the targets measure desirable outcomes or the outputs that link clearly to those outcomes. Focus on the purely measurable aspects of enforcement may skew officer activities to those aspects. Based on the comments from the focus groups it appears that the focus of performance targets is not solely enforcement based, however there may be insufficient recognition of de-escalation or 'giving advice'.

## **Media management**

As highlighted in the literature review, the role of the media in focussing attention on an issue and the impact on an organisations reputation cannot be underestimated, with the majority of the public obtaining their understanding of police and the policing role from media representations including news reports, entertainment and reality television, and more recently social media. Understanding this, it is imperative for policing organisations to have a comprehensive and in-depth understanding of the way media is produced, the ends to which it is used (agenda setting) and how to harness this platform to inform and educate the community, and maintain legitimacy.

Given the establishment of Task Force Bletchley arose from media reports highlighting allegations of excessive use of force by police officers in the GCD, it was important that the Review undertake, where possible, analysis of media reporting on the Gold Coast and the resources allocated by the Service to media reporting and monitoring in an attempt to identify potential areas of improvement.

PSBA media do not maintain data on the number or type of media stories published relating to QPS, so a rudimentary examination of internet search engines was conducted by the Task Force to illustrate the level of media focus on the Gold Coast. The monitoring period extended from 1 July



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2013, and included the use of Google searches and Google alerts using a range of key words and phrases to search for relevant articles. An example of terms used in various combinations is indicated below, however this is not an exhaustive list:

- Excessive force;
- Excessive + police;
- Police + Gold Coast;
- Violent confrontation; and
- Police + brutality + Queensland.

Some 174 articles were identified. Coverage of certain stories relating to use of force on the Gold Coast were extensively reported, and in some instances multiple times, across a range of media (e.g. TV, Radio, Print, online) and outlets. Examination of the information captured shows an apparent overrepresentation of Gold Coast related incidents when compared to other areas of the State.

In addition, as a proxy measure of reputational harm, analysis of the results from the National Survey of Community Satisfaction with Policing were analysed for the two most recent quarters (June 2015 and September 2015). Findings were that the public's perception of police professionalism remained stable across the State (increase of 1% from 87% to 88%) and increased slightly for NBD (from 90% to 94%). However there was a 10% decrease in the public's perception that police are professional for the same period for GCD (89% to 79%). Whilst it is not possible to draw a direct relationship between media reporting and the public's perception of police professionalism at the Gold Coast, this result may be indicative of the impact of increased media scrutiny for GCD across the last quarter.

QPS media is currently the responsibility of the Director, Media and Public Affairs, PSBA. An interview with the Director revealed that there are a large volume of reports in the media relating to Gold Coast police, partly as a result of the areas high level of national and international recognition, and that media organisations have significant resources dedicated solely to the GCD (for example The Gold Coast Bulletin and The Sun print media, Channels 7 and 9 satellite television stations, and a number of AM and FM radio stations all based in the area). This creates a considerable need for media to provide Gold Coast specific content on a daily basis, which is likely to grow due to the Gold Coast hosting the 2018 Commonwealth Games.

The QPS strives to maintain a positive relationship with the media. Throughout the years, the media has assisted the Service by providing a means for police to encourage members of the public to not only report offences, but to supply information that could be crucial in solving an outstanding crime. The media is a tool that allows police officers to educate the public about ongoing police matters, crime prevention and often, highlight the good work achieved by police personnel. PSBA Media provide messages with positive stories, however it does not record or maintain a count of positive stories generated, making it impossible for the impact of these to be accurately evaluated. In the past two years there has been a greater focus on positive policing stories on the Gold Coast due to the actions of Task Force Maxima and the RAP, via every day media and the Gold Coast Cops television program.

The rapid development of technology and the rise of social media platforms has turned previous media watchers into media creators. Research illustrates the links between the rise of citizen journalism and the increased visibility of police. Social media has proven to be an extremely powerful tool to spread awareness of police misconduct (or perceived misconduct) to a global audience.

The QPS has recognised the importance of this platform and has the largest police Facebook page in Australia (currently approximately 690,000 likes) and one of the largest in law enforcement worldwide, the second largest police Twitter account in Australia (at 109,000 followers, behind

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Victoria Police with 123,000) and the largest police Instagram account in Australia (nearly 15,000 subscribers). This is further enhanced by the well-established 'MyPolice' blog network of 28 blogs covering the state and specialist work units. In recognition of this the QPS and PSBA Media have won numerous national and international awards for their use of social media. However, as with other forms of media, PSBA undertakes no analysis of social media, such as sentiment measurement, making it very difficult for the QPS to accurately measure the value of engaging in this technology.

This issue was previously identified in 2013 by the (former) QPS Review and Evaluation Unit, with a proposal to develop a Service-wide performance measurement framework being approved by the QPS Social Media Sub-Committee (QPS, 2013). This project aimed to work with the organisation to develop a range of measures (both quantitative and qualitative) to address the various needs of the Service, acknowledging the different uses the platform is used for by a range of Commands and work units (for example community engagement, evidence collection post-incident and proactive intelligence gathering and monitoring of potential threats). In doing so, it was anticipated that the QPS would be able to position itself well for future governance and development of effective and appropriate social media use at a strategic, all of Service level. Unfortunately, on the establishment of the PSBA and the associated diminution of the QPS research capacity this project was unable to progress. Given the evidence from research which consistently illustrates the importance of media in shaping the public's perception of policing in general, and the rapid and on-going developments in both the public and police use of social media, it is essential that the Service works with PSBA Media to develop a method to collate, monitor and measure our performance in this area.

**Recommendation 7** - *That the Assistant Commissioner, Community Contact Command, in conjunction with the Director, PSBA Media, direct work be undertaken to explore strategies to develop a whole of Service media monitoring and performance measurement process.*

Currently PSBA provide one media officer to the GCD (which will soon increase to two) to manage incoming and outgoing media requests. The media officer reports to head office in Brisbane, and is required to clear all outgoing media releases through them (with PSBA Brisbane media unit covering any overflow). However, ultimate responsibility for the release of information to media outlets lies with the investigating officer of an incident, as outlined in section 5.6.11 of the QPS Management Support Manual (MSM).

Feedback from officers across all ranks during focus groups was that the media's influence on the public's perception of excessive UOF was 'massive' and that it had a significantly negative impact on officer morale. This was reaffirmed by preliminary findings from the Cultural Review of Police being conducted on the Gold Coast that 'negative media is taking its toll on the members, and contributing to low morale'. Evident from the focus groups was the perception of officers that PSBA Media and senior management from the QPS do little to follow up on or refute negative media stories, with examples given that information used in media stories is often historical, not current and that 'if the Commissioner came out and said the footage being shown was from an 8 year old case it would explain the situation better'. Considering complaints of excessive UOF are largely investigated by ESC, policy would indicate that responsibility for media management in these instances lies with ESC, not PSBA Media.

Recent research on the impact of negative media reporting on police morale reinforces the importance of addressing this issue from an organisational perspective. Nix & Wolfe (2015) in their innovative study of the impact of negative publicity on an officers self-legitimacy found an associated lack of confidence in 'law enforcement authority' and that officers with lower self-legitimacy and confidence in their authority may lack organisational identity and be less willing to

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work to achieve organisational aims and objectives. This in turn may result in a 'withdrawal from interacting with community members' and an increase in 'willingness to use force in situations where it may not be necessary'.

Whilst it is acknowledged that during an investigation the amount of information able to be provided is limited, where an incident is likely to be of significant interest to the media (such as complaint of excessive UOF) it behoves the Service, and particularly ESC, to maintain ongoing consultation with PSBA Media, with a view to proactively presenting information to media outlets and the community as and when possible (as per section 5.6.11 of the MSM).

### **Use of Body Worn Video (BWV) and Closed Circuit Television (CCTV) footage**

As part of the Ministers Action Plan, a priority was placed on the rollout of body worn videos for frontline police in the Gold Coast District. The roll out of Body Worn Video (BWV) for the QPS was at that time being progressed by the Body Worn Camera Project.

During analysis of the complaints data a consistent theme was identified of the benefits to investigators in accessing footage obtained from digital media including body worn cameras, Closed Circuit Television (CCTV) systems and other electronic devices. It was found that in approximately fifty per cent of matters for both the GCD and NBD, CCTV footage was available for review and/or referred to in the report. BWV was available for review and/or referred to in the report in approximately 13 of matters.

From the finalised investigations it was found that one-third (n=35) of the complaints for the GCD were able to be classified as being 'not capable of substantiation', 'exonerated' or 'No Further Action' with five complaint allegations supported by digital media. It was also noted that had the footage not been accessed many of the allegations were of a type that would have left investigators with conflicting versions and little else to determine the circumstances of an incident. These results were considered to be important details when considering timeliness of investigations, officer wellbeing and the community confidence that can be gained where allegations of excessive use of force are investigated.

In a number of cases, reference was made to reviewing digital media however evidence of its subsequent retention within CSS was unable to be identified. It also became apparent that at the time, a consistent policy in the handling and management of the digital media did not exist. This issue has been addressed with the issuing of Commissioners Instruction 1/2015 (effective as at 16/10/2015). Whilst this Instruction was released in concert with the roll-out of body worn video cameras the Instruction reflects an update to the Digital Electronic Recording of Interviews and Evidence Manual (DEIRE), which provides advice on the recording of interviews and interactions including portable DERIE equipment, field recording equipment, BWV, in-car cameras and specification guidelines for personal recording devices (PRD) (regardless of whether the device is Service or privately owned). The manual also provides instructions on storage, handling, retention and production of recordings. Refer Appendix O.

Opinions of the potential risks and benefits inherent in the use of CCTV and body worn cameras was sought from focus group participants. Nearly half (47%, n=17) of the constables and senior constables advised they used body worn cameras (11 QPS issued, 6 own device) and over one-third (39%, n=5) of sergeants (3 QPS issued, 2 own device). Officers acknowledged being more aware of being filmed when working, 'anyone who doesn't assume they are being filmed is dreaming', particularly those officers assigned to entertainment precincts. One sergeant did highlight having to remind people that they are being recorded not just by the public, but by their fellow officers as 'out of towners (those officers who are seconded into the District during peak work periods and major events) weren't aware....I had to tell them I was recording...'.

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When asked if the prospect of being filmed changed their behaviour in any way (particularly relating to UOF) there was initially consensus across all groups that it would not. However, during further discussion of the issue there was some agreement that whilst consciously they would not change their behaviour, there could be a tendency to 'second-guess' themselves at times, or to worry about how the footage (from both CCTV and the public) would be used for example 'will it be given to the media? Will there be repercussions? Will the Service support me?'

These same officers provided positive feedback about the current trial of body worn cameras on the Gold Coast, with a key theme, particularly amongst constables and senior constables, being that because they understood the use of BWV in court proceedings it made them all more aware of their verbal commands, warnings and directions to ensure that cases are not withdrawn or dropped due to insufficient / inaccurate legislative safeguards being issued.

While the rollout of body worn cameras is a priority for the Gold Coast, the benefits provided by this technology have the same implication for all the front line police within the State. It is anticipated that these units will reduce the number of incident escalations and complaints against police as well as also provide the opportunity to quickly review and resolve complaints. With the increased footage available opportunities may be identified to showcase police work through QPS and social media environments. This footage may also be available to negate inaccurate reporting of matters of unprofessional behaviour of police officers by the media. The release of this information may assist in promoting an understanding to the community of the legitimacy of police applying use of force, dispel perceptions and increase community confidence in police.

**Recommendation 8** - *That the Assistant Commissioner Ethical Standards Command and the Director, PSBA Media collaboratively identify and disseminate opportunities to showcase good police work and address inaccurate media reporting.*

A consideration for the use of body worn cameras involves the ability to forensically extract data in circumstances where a critical incident occurs. In cases where a use of force option occurs involving the serious injury or death of a person, the subsequent investigation will be subject to overview by the CCC and or the State Coroner. Necessarily, the investigation will be conducted in accordance with the seriousness of the incident which includes the forensic extraction of data from body worn cameras. The evidence from the extraction process may later be relied upon in either criminal or coronial proceedings. A further issue of readily accessing the recording device and data from a members personally owned equipment has been identified. While intellectual property exists for the QPS in any work related footage access to the recording device remains with the owner. To ensure the integrity and transparency to an investigation it may be appropriate in some circumstances to seize a body worn camera. Unless a power exists to seize property such as in a criminal investigation or coronial matter, investigators are limited to consent in seizing a members own device. In circumstances where body worn cameras are supplied to members by the QPS this issue is alleviated.

Expert technical skills is also be required to extract this data to an evidentiary standard and to withstand scrutiny. A recent example of this occurred where an investigator from the Internal Investigation Group was subject of an investigation by the CCC due to concerns that a recording from a body worn camera had not been forensically extracted, leading to an allegation that the footage had been manipulated. There are a number of risks to personally owned devices identified by the Body Worn Camera Project. A discussion paper titled, *Bring Your Own Device Body Worn Video (BYOD BWV)* has considered the risks from the use of personally owned body worn cameras and the risk this might pose to the QPS. The risks identified can be summarised as,

- Capacity limitations with QPS sanctioned data storage solutions;
- Data security where it may be stored outside of the QPS
- Potential for or allegations of privacy breaches; and

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- Inability to capture data sought under subpoenas due to records held outside (and without knowledge) of QPS.

Given the benefits reported by officers of using this technology, and the Service commitment to continued support of same, it is essential that Service policy and procedures reflect the need to ensure the integrity of any data captured for use in investigations (both criminal and internal).

**Recommendation 9** - *That the Assistant Commissioner Operations Support Command develop a specialist forensic extraction capability and policy for Body Worn Video, relating to critical incidents.*

The preceding section of this report has largely provided data comparisons and areas of risk to the Service, such as rostering of night shifts and offender handling processes in particular. It is acknowledged that some of these issues are in the process of being addressed by the new management team within GCD, however where appropriate to support ongoing improvements it has been recommended that monitoring of these issues continues. Further, whilst these issues identified by the Task Force relate primarily to current GCD practices, there may be a broader application. However, in conducting this Review, the Task Force identified a range of systemic issues relating to policy, procedures and training, which whilst manifesting in GCD are distinctly Service-wide in nature. These issues are explored in detail in the next section.

## Policy and Procedures

### Complaint submission processes

Complaints about a member of the Queensland Police Service can be made by;

1. Contacting a local police station either in person or via phone;
2. Using the QPS Online Complaint Form accessed through the QPS website;
3. Making a complaint by mail to the State Coordinator ESC; or
4. Telephone Policelink on 131444.

A complaint can also be made direct to the Crime and Corruption Commission or the Queensland Ombudsman for administrative complaints.

Complaints made via the first three options above are assessed by an Assessing Officer and entered by QPS employees into the QPS Client Service System (CSS). Where Policelink is contacted, information is not immediately generated as a complaint within CSS. These matters are forwarded to the relevant Professional Practices Manager (PPM), who assess and manage the information. Where necessary a complaint is entered into CSS.

A complaint recorded in CSS may include multiple concerned parties, subject members and allegations. CSS uses three separate forms to receipt information.

- QP464A – Favourable Comment: This form is used to enter favourable comments regarding an officer's performance. Typically this information is provided by a member of the public who wishes to pass on their appreciation.
- QP464B – Client Service Complaint: This form is used to enter information regarding complaints that arise through organisational factors such as a delay in attending a call for service.
- QP465 and QP466 - Disciplinary Complaint: These forms are used to enter complaints of alleged conduct of a member. A QP465 report is used to enter complaints that have been

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resolved within 48 hours via Desktop Managerial (Breaches of Discipline only) and a QP466 is used to enter all other complaints including serious misconduct.

All members of the Service are legally required to report conduct they know or reasonably suspect is Misconduct or a Breach of Discipline (s 7.2 of *the Police Service Administration Act 1990*).

During analysis of the data contained within CSS for the period of the review 102 complaints for the Gold Coast District and 117 complaints for North Brisbane District were identified. Also a small number of matters (GCD, n=10, NBD, n=17) were recorded using a QP464B to report allegations of excessive use of force as a client service issue.

These allegations of excessive use of force reported as a client service issue were similar in circumstance to many allegations reported within disciplinary complaints. Analysis of these revealed that preliminary inquiries were undertaken that quickly established the actions of police were lawful and reasonable or alternatively the allegations were able to be refuted. Often this occurred by reviewing footage of the incident. Despite this quick resolution to the complaint, this process does not comply with Service reporting requirements and/legislation (*Police Service Administration Act 1990, Crime and Corruption Act 2001*).

In these instances data contained in the respective CSS reports was less than if the complaint had been reported as a disciplinary complaint. Primarily detail of the decision making process as well as a general lack of supporting material was not recorded. There was no evidence to suggest that the practice of using a QP464B was done to circumvent the disciplinary process but rather it appears to have occurred to more expediently deal with a matter essentially to bypass an overly complicated reporting process using the QPS intranet.

## **Policelink matters**

Analysis of the Policelink matters for the review period revealed that 309 matters were reported for GCD compared to 449 matters for NBD. A random sample was conducted of Policelink matters from each district. These appeared to have been managed in accordance with policy and legislation. Most of the Policelink matters were low level or trivial, rarely amounting to a complaint requiring conversion into CSS.

PPM's record Policelink matters on non-standardised excel spreadsheets, created and maintained by the respective PPM. As there is no central database for these matters, patterns of subject member's behaviour are not included in the current Early Identification System and are not part of the data used for Reporting on Government Services (ROGS).

It was noted this issue had previously been examined, with the Chief Superintendent IIG and Detective Superintendent IIG determining the current process was appropriate and PPM's were fittingly skilled to assess each Policelink complaint referred to them.

**Recommendation 10** - *That the Assistant Commissioner Ethical Standards Command review current complaint reporting processes to enable a single reporting option for compliments and complaints.*

**Recommendation 11** - *That the Assistant Commissioner Ethical Standards Command reviews Policelink reporting processes for complaints to ensure information that may be beneficial for early intervention strategies is captured.*

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## Complaint management

All new complaints are assessed by the Daily Assessment Committee (DAC), ESC. This committee is comprised of;

- Chief Superintendent, IIG
- Detective Superintendent IIG,
- ESC State Coordinator,
- Senior Sergeant, Complaint Management,
- Internal Witness Support Unit, and
- Sergeant, Risk Analysis and Intelligence Unit.

Committee members possess a range of skills and experience. The Committee discusses each complaint and makes an informed decision on how the complaint is to be managed. With the exception of Section 40 matters <sup>34</sup> DAC determines complaints will be managed as follows:

**No Further Action** – Where the information provided to DAC clearly demonstrates the complaint can be finalised without further action. This may include circumstances where the allegations are inextricably interwoven with a prosecution and it is considered that the court in the first instance is best placed to consider those concerns (discussed further in this report).

**Assessment Inquiries** – Where DAC does not consider sufficient information exists to make an informed decision on how to progress the complaint. The matter is tasked for further information to be obtained to allow an informed assessment to be made. Two weeks is typically provided for this process.

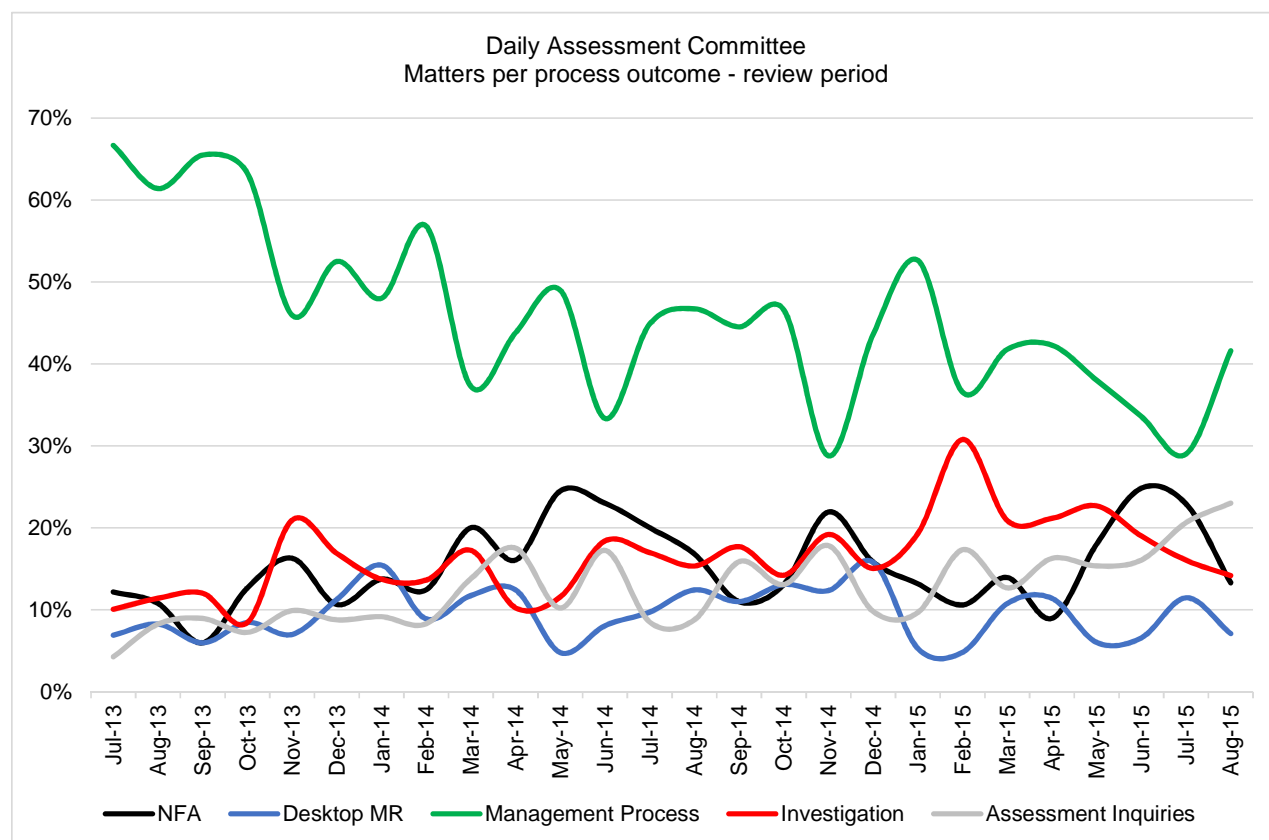
**Management Process** – Where DAC determines the complaint is best resolved managerially, the matter is tasked for Management Process, which is meant to be less time consuming than a full investigation. If during this process it is determined the matter requires further investigation or disciplinary action it is returned to ESC with that recommendation.

**Investigation** – DAC determines a full investigation is required to examine the complaint. Typically six months is allocated for the investigation to be completed and as with the other process types, extensions can be approved where necessary.

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<sup>34</sup> Note: the Section 40 direction used during the Review was dated 11 May 2012, under the hand of Ross Martin Chairperson CMC

Analysis of all matters considered by DAC for the period 1 July 2013 to 31 August 2015, reveal fifteen per cent of matters were processed as No Further Action, forty-six per cent as Management Process, sixteen per cent resulted in Investigation and thirteen per cent required Assessment Inquiries. Figure 50 depicts the DAC assessment per month for the review period.

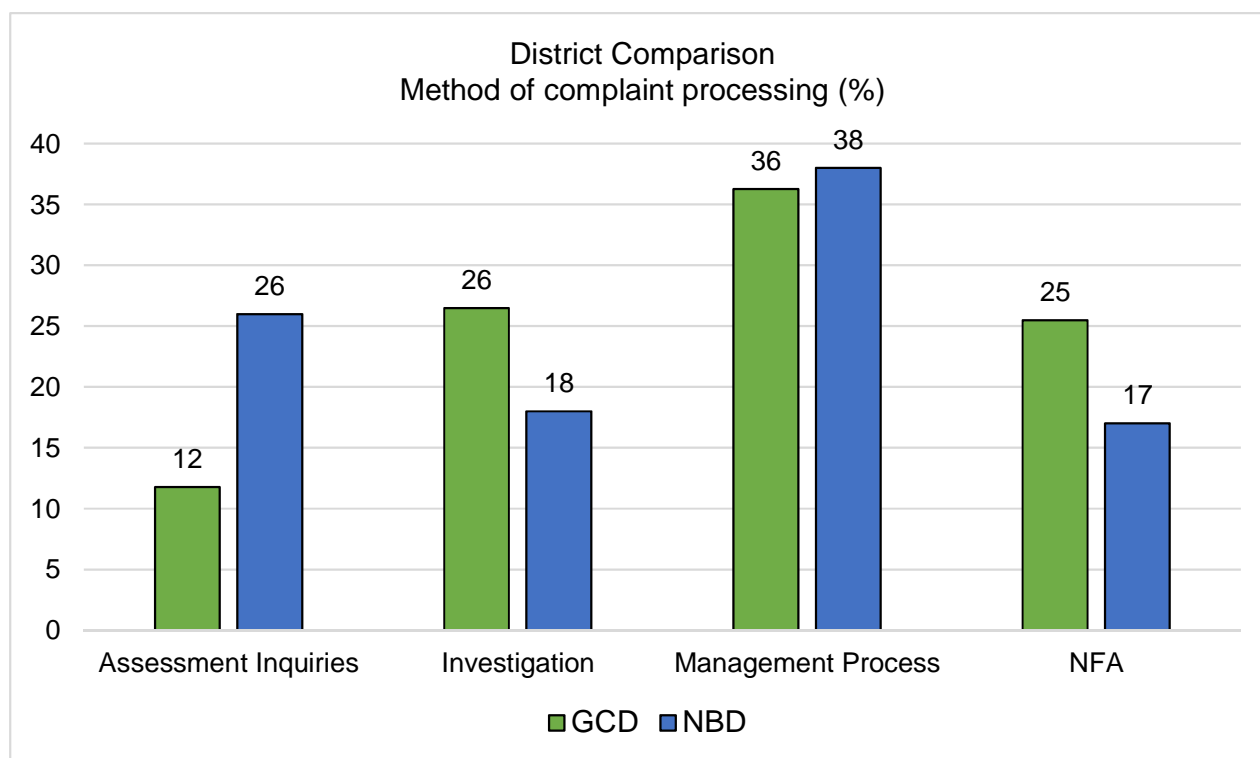


**Figure 50: DAC process outcomes 2013 - 2015**

The QPS has mandatory reporting obligations to the CCC under Division 3 of the *Crime and Corruption Act 2001*. Section 40 matters require notification to the CCC prior to taking action on the complaint. The CCC assess all matters and provide return advice on how they wish to be advised of the progress/outcome of the matter in a Matters Assessed Report (MAR).

Figure 51 depicts the method of complaint processing for GCD and NBD 2013-2015. Analysis of CSS data reveals that Management Process (MP) was the most common process undertaken for the period. This occurred in thirty-six per cent of matters for Gold Coast and thirty-eight per cent for North Brisbane Districts. Additionally the data shows a higher percentage of matters returned to North Brisbane for Assessment Inquiries (26% compared to 12%), however Gold Coast has an eight per cent higher number of Investigations of twenty-six per cent compared to North Brisbane at eighteen per cent. No quantifiable justification as to this variance could be determined through the review.





**Figure 51: Method of complaint processing GCD and NBD 2013-2015**

Advice from the Detective Superintendent IIG of the rationale applied to the decision making in DAC is that each complaint is considered on a case by case basis. Factors considered by the committee include the seriousness and type of allegation, the capability of the District to respond, the expectations of the CCC and whether there are any particular issues known about the subject member/s.

While the reporting requirement is different between Managerial Process and Investigation, it was found that the detail in CSS can often be very similar. For the review period, eighty-nine per cent of complaints identified by DAC as requiring management process or further investigation were allocated to the GCD, where IIG were responsible for the remaining eleven per cent (n=53 in total). This is similar for NBD who complete ninety-two per cent with IIG completing eight per cent (n=66 in total).

To maintain consistency and the integrity of investigations, every complaint detailed for 'investigation' is overviewed by an investigator from the IIG. Where Management Process is adopted, the investigation is overviewed by the PPM before providing a recommendation to the District Officer who is responsible for determining the outcome.

Completing either type of these reports to the prescribed standard requires considerable time to be allocated to the report writing process from a more senior officer who is tasked to complete the investigation in addition to their core duties within the District.

The average completion time for complaints allocated to management process is in excess of 100 days, and investigations in excess of 200 days. This requires a large commitment of resources. The case study below provides an illustration of the resources used to finalise a complaint.

## CASE STUDY

On [REDACTED] a complaint was received via the Crime and Corruption Commission for QPS investigation where two concerned parties complained of their treatment following their arrest within the Gold Coast nightclub precinct.

A total of 25 allegations were raised relating to handcuffs being applied too tightly, receiving rough treatment and for the police failing to provide appropriate care.

Five officers were nominated as being subject members for these allegations. The investigation was referred to the Gold Coast District for Managerial Process with no outcome advice required by the CCC.

The investigation was tasked to the Officer in Charge of Surfers Paradise station. His inquiries included reviewing CCTV footage from the Surfers Paradise Police Station and from the Gold Coast safety camera network.

Five subject members, one witness and the two arrested persons were interviewed.

The investigating officer compiled a 21 page report addressing each of the 25 allegations (grouped into 20 allegations) resulting in either a finding that the allegations could not be substantiated or that the officer should be exonerated.

The recommendations were supported with the file being finalised [REDACTED] some 220 days after the complaint was first raised

Considering the majority of complaints are finalised with no further form of action being taken, the resources used to effect this outcome appear to be overly burdensome.

To further explore this, consultation was undertaken with both internal and external stakeholders including the Acting Executive Director Corruption CCC, District Officer GCD, Detective Superintendent IIG, Detective Inspector State Coordinator and two Senior Sergeant PPM's (Townsville and Sunshine Coast). All supported the view that opportunities to identify efficiencies within Management Process matters should be explored and the resource intensive reporting format needs to be addressed. One view was that the current report format was appropriate although not necessarily appropriately applied 'in the field', therefore bringing about unnecessary reporting.

The CCC has been critical of Government agencies in meeting requested times frames. A specific discussion in a submission to the Parliamentary Crime and Corruption Committee (PCCC) was made relating to this issue during a review of the CCC (July 2015) and further discussed at public hearings with the PCCC on 12/10/2015. During this hearing the CCC indicated they are seeking authority to ensure timelines are met to overcome problems they have experienced within their monitoring role. This was discussed by the Task Force and it was agreed that shorter timeframes through improvements to the Management Process would deliver better outcomes and meet each agencies expectation.

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**Recommendation 12** - *That the Assistant Commissioner Ethical Standards Command reviews the current process and reporting requirements for Management Process matters.*

The case study below demonstrates how a different resource allocation can enhance existing systems and processes resulting in efficiencies in timeliness and resource allocation.



The benefits that were achieved by the officer being seconded to the PPM office demonstrated that with limited additional resources, significant outcomes can be achieved. The involvement of an investigative capability attached to a District based PPM was shown to have benefits in both the timely finalisation of complaints and in reducing the necessity for District staff to carry out internal investigations, allowing them to focus on core duties including supervision. This process is supported by the *Independent Review of the Queensland Police Complaints, Discipline and Misconduct System*, May 2011. Recommendation 19 from that review found;

*It is recommended that complaints investigations should not be devolved to operational police at a local level but that centralising investigations at regional level under the management of the PPMs and Assistant PPMs (and with greater ESC support), be approved.*

**Recommendation 13** - *That the Assistant Commissioner Ethical Standards Command consider the need for an investigative capacity to support PPM's.*

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## Client Service System (CSS)

CSS, as with all databases, relies on the quality of the information entered. The Review identified a significant variance in the quality of information recorded within CSS. The detail of recorded information for the files reviewed was considered of a high standard however examples were identified where the identity of persons involved in decision making and the rationale for decisions not being recorded. Reference in various reports were made concerning material that was relied upon to come to a decision but that material was not included in the linked documents to the file.

The process of assessing new complaints by the Daily Assessment Committee (DAC) did not list who the committee was comprised of and what factors influenced the committee's decision. The benefits of including this information is important to ensure the integrity of the QPS complaint handling process. Retention of decision making information such as this will also enable the information to be easily accessed where any particular complaint might later be scrutinised. After identifying this the Task Force consulted with ESC and since 10 November 2015, the complaint management area records the names of DAC members and the assessment decision in CSS.

This Review also considered the appropriateness of CSS. Through consultation with stakeholders including staff from the QPS Complaints Reform Project, administrators of CSS and end users, it was established that CSS in its current format was an obsolete system, lacking compatibility with other QPS systems, provided limited search capability and necessitated regular 'fixes' to continue its operability. It was agreed that the system was meeting the general needs of the Service however had an estimated life expectancy of three to five years before it would be no longer viable.

In 2015 PSBA completed a risk assessment to address the health and stability of CSS. This assessment provided recommendations based primarily on the maintenance of the system but did not give consideration to the functional requirements identified. The recommendation was that the operating platform be updated to the latest version. This was based on the expected timeframe to replacement providing a cost effective method of maintaining the system in its current state.

The use of an effective complaint management system is considered essential to ESC who has the responsibility on behalf of the QPS to be in a position to effectively manage and accurately record, analyse and report on all aspects of the QPS discipline process including;

- Manage complaints (complaint receipt/record, assessment, assignment, investigation, update, monitor and finalisation);
- Manage risks (risk profiling, strategy, assignment and monitoring);
- Undertake research – proactive and reactive (scoping, analysis, recommendation);
- Produce reports (search, extract, analyse, production and communication);
- Inculcate learnings through Education & Training (scoping, refinement/development and delivery), and
- Assist key clients of ESC including;
  - The QPS Executive Leadership Team,
  - The CCC, Government, Media, and Right to Information (RTI), and
  - Members of QPS who are eligible for a copy of their discipline file.

The Discipline and Complaints Management System (DCMS) initiative was established in 2009 with the intent of improving or replacing CSS. In October 2010 an Options Analysis was completed identifying a QPRIME (NICHE) based solution as the preferred approach. This Options Analysis was presented as part of a business case to the QPS Major Projects Committee (MPC). The MPC considered the business case and requested the project team undertake further work. A Business Requirements Specification, a Systems Requirements Specification and supporting solution architecture and project costs based on a QPRIME-based solution were developed.

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The QPS Information and Communication Technology (ICT) Resources Strategic Plan 2009 – 2013 Future Work Plan, identified the necessity for a replacement of the current system in 2010. The plan identified that an alternative solution required investigation and implementation that integrates with other QPS systems including QPRIME, human resources, legal research and incident injury reporting as a set of 'governance solutions'.

Analysis undertaken in 2013 by ESC regarding potential improvements to CSS to meet business requirements further supported previous projects that any additional modifications to CSS would not be fiscally appropriate and that it was no longer a fit for purpose computer database. The reasons outlined in previous reports include but are not limited to:

- It is built on an unsupported vendor product, Oracle Forms 6i, which is increasingly difficult to support as the QPS does not engage a permanent employee with Oracle Forms 6i technology expertise;
- the CSS does not support routine nor self-service production of reports, analysis, statistics and RTI requests. Labour intensive manual workarounds utilising PL/SQL software by a dedicated full time QPS Research Support Officer adds unnecessary bureaucracy and is not conducive to red tape reduction;
- the CSS has limited accessibility in the total number of licences available throughout the State. This increases the amount of excessive administration via use of a multitude of systems (CSS, Word and Outlook) to enable case managers and case officers to monitor, view and access files (for example, PPMs keep excel spreadsheets to monitor files); and
- the CSS does not support functionality to record or provided management for “early intervention” activities, which are recognised as essential for modern police professional standards management.

An independent review of the QPS complaints, discipline and misconduct system report in 2011 stated ‘The need for a new system is urgent and has been pending for a number of years already’ (Simple Effective Transparent Strong (SETS)). The SETS report further advised ‘This review does not profess to have any capacity to comment on the merits of the business case (Discipline and Complaints Management System (DCMS), but observes that the current system is a major obstacle to a simple, effective, transparent and strong police complaints model’.

During the review it has been established that the current complaint management system, CSS system does not adequately meet the needs of the Service.

**Recommendation 14** - *That the Commissioner considers in consort with the Chair of the Crime and Corruption Commission, the establishment of a project to replace the Client Service System (CSS) with a new IT solution that includes capability to integrate with other QPS systems and platforms.*

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## Significant Event Review Panel (SERP)

SERP has been formulated to critically analyse the appropriateness of the police actions during a significant event review matter to identify opportunities for learning and improvements.

OPM s.1.17.2 and 1.17.3 outline that SERPs are to be established at district level and within State Crime Command, Road Policing Command, Community Contact Command and Operations Support Command. For other areas, the establishment of a SERP is at the discretion of the relevant Assistant Commissioner or Executive Director. SERPs are expected to meet monthly to review significant event review matters and any other matters the chair deems appropriate. OPM s.1.17.11 states a SERP Quality Control Committee (QCC) has been established as an over viewing committee with an ongoing responsibility to monitor the findings of district/command SERPs.

One of the roles in SERP is the analysis of reported significant events involving Police Use of Force (firearm, Taser and OC spray).

A review of SERP policy and processes was previously conducted by a working group (chaired by the Chief Superintendent, Operations Support Command), commencing 13 May 2010, following a request by the Deputy Commissioner (Regional Operations). The review identified 17 recommendations in relation to reporting requirements, management procedures, and recording and overseeing of SERP matters. The key findings were:

- SERP QCC has not convened for more than 15 months;
- Management practices regarding the selection of significant event matters for consideration by SERPs were inconsistent across the State;
- There were significant variations in the nature, type and number of events considered by SERPs;
- No matters were forwarded to the SERP QCC during the period 1 July 2013 to 30 June 2014;
- The majority of SERPs are using the process as a decision-making forum, particularly with respect to camera-detected offences involving police vehicles/vessels;
- There was no evidence to indicate SERPs had identified opportunities for improvement to whole-of-Service level systems, practices, policies or equipment;
- The identification of common operational behaviours, patterns and/or trends and risks to front-line officers are infrequently quantified or collated by SERPs nor are they reported to the SERP QCC or referred to the Strategic Risk Management and Business Continuity Coordinator, Ethical Standards Command;
- Numerous significant event matters were not recorded on SEMS;
- Data to inform SERPs is extracted from varying sources. Some use SEMS while others use a combination of SEMS and QPRIME (though they contained differing data), and others used only commissioned officer referrals;
- Control weaknesses requiring immediate management action were identified.

A copy of the recommendations of the 2013 review are attached (Appendix P). The majority of these recommendation have been implemented (Appendix Q).

SERP outcomes are recorded on a Sharepoint database, which the SERP QCC use to manage their overview function. A recent examination of the Sharepoint database shows that the inconsistencies raised in the 2013 review still exist state-wide. The table below shows the Sharepoint records for GCD and NDB since the beginning of 2014.

**Table 5: Register of SERP meetings 2014-2015**

Gold Coast District			North Brisbane District		
Date	Meeting	Subject	Date	Meeting	Subject
15/01/2014			23/01/2014	Yes	Traffic
19/02/2014			27/02/2014	Yes	Traffic
19/03/2014			27/03/2014	Yes	Traffic and IIC
16/04/2014	Yes	Traffic	24/04/2014	Yes	Traffic and IIC
21/05/2014			22/05/2014	Yes	Traffic and IIC
18/06/2014			26/06/2014	Yes	Traffic and IIC
16/07/2014	Yes	UOF, Traffic	24/07/2014	Yes	UOF and IIC
20/08/2014			28/08/2014	Yes	UOF, Traffic and IIC
17/09/2014	Yes	unknown	25/09/2014	Yes	UOF, Traffic and IIC
15/10/2014			23/10/2014	Yes	Traffic
19/11/2014			27/11/2014	Yes	UOF, Traffic and IIC
17/12/2014			25/12/2014	Yes	UOF, Traffic and IIC
21/01/2015			22/01/2015	Yes	UOF, Traffic and IIC
18/02/2015			26/02/2015	Yes	UOF and IIC
18/03/2015	Yes	Taser, Traffic UOF	26/03/2015	Yes	UOF, Traffic and IIC
15/04/2015	Yes	unknown	23/04/2015	Yes	UOF
unknown			28/05/2015	Yes	UOF, Traffic
2/06/2015	Yes	unknown	25/06/2015	Yes	UOF
9/07/2015	Yes	unknown	23/07/2015	Nil	
13/08/2015	Yes	unknown	27/08/2015	Yes	UOF, Traffic and IIC
17/09/2015	Yes	unknown	24/09/2015	Yes	UOF, Traffic

The number and frequency of district SERP meetings between GCD and NBD vary significantly. NBD SERP consider and report more matters per meeting. Although SERP meet by exception in accordance with policy some inference can be drawn from the fact that GCD SERP did not meet for extended periods and further, there are no records of injury in custody matters by GCD SERP. While there are Use of Force complaints reviewed several should have been reported as 'Injuries in Custody'.

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Both GCD and NBD report that they use similar processes for Use of Force reviews in SERP, being:

- A daily scan of Sig Events, DDO/Regional Duty Officers (RDO) logs for any incident involving Police UOF in particular OC Spray deployment/presentation, Taser deployment/presentation, Firearm deployment/presentation.
- Upon identifying a UOF incident either through Sig Event or DDO/RDO log entry the relevant DDO/RDO log entry or Sig Event is forwarded to the deploying/presenting officers relevant Inspector/OIC for overview and reply.
- Based on advice the Assistant Commissioner or District Officer then conducts an assessment and provides a response which indicates the matter is finalised or referred to SERP.
- If the matter is to be referred to SERP the appropriate SERP database entries are made and the matter listed on the next SERP meeting agenda.
- The Inspector, Risk Management & Business Continuity, Ethical Standards Command performs the SERP, QCC Secretariat role. During discussion the Inspector advised:
- There were significant variations in the nature, type and number of events considered by SERPs;
- There are no examples where SERP's have identified good practice (as per the policy);
- The Sharepoint database use, lacks consistency; and
- After consolation across the QPS, it was recommended that changes to the OPM's were required to address concerns on the broadness and type of events constituting a significant event and Police Related Incident as contained within section 1.18 of the OPM.

Considering the purpose of SERP is to critically analyse the appropriateness of police actions, recognising opportunities for learning, identifying good practice and improvements at the individual, work unit, district or whole-of-Service levels, it is of concern that there is no evidence to indicate SERPs have identified deficiencies or opportunities for improvement to whole-of-Service level systems, practices, policies, operational equipment or infrastructure.

Inquiries with the Operational Skills Training Unit, Education and Training, PSBA, revealed neither the current Operational Research Advisory Section nor its predecessor, the Operational Research Advisory Unit, received any advice from SERPs that could assist in determining opportunities for improvement in equipment training, use and/or the identification of related deficiencies. While there may not have been any such identified deficiencies or opportunities during the period, the lack of a central review mechanism may have impacted on the prospect of identifying and/or reporting such deficiencies.

**Recommendation 15** - *That the Commissioner approves work be undertaken to review current SERP policy and procedures.*



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## **QPS Early Intervention system**

To address review questions relating to the identification of 'at risk' officers, consultation with key internal stakeholders including the Risk Analysis and Intelligence Unit (RAIU) ESC, PPMs of GCD and NBD and other relevant ESC members was undertaken, as well as in-depth analysis of current relevant QPS policy.

QPS RAIU since 2006 have used a process of CSS complaint analysis to identify problematic behavioural employee trends. RAIU is staffed by a Senior Sergeant (Officer in Charge) and six Sergeants with an intelligence training background. RAIU staff provide intelligence support for:

- The DAC;
- Internal investigations;
- Criminal investigations;
- Major operations (e.g. deaths in custody);
- Strategic assessments; and
- Member data including service history, complaint / favourable summaries.

RAIU responsibilities include:

- Early intervention program for at risk members;
- Declarable Associations;
- ESC ACL applications and withdrawals;
- Internal Queensland Police Intelligence Network liaison;
- External law enforcement / anti-corruption agencies liaison;
- Duties as requested by senior QPS or ESC executive officers;
- Undertaking and managing ESC projects; and
- Providing high level multi-disciplinary teams involved in organisational improvement activities and initiatives.

To identify 'at risk' employees, RAIU examine daily complaints against officers and process these using a script in CSS to look for indicators. These indicators are separate pieces of information which individually may not raise any concerns, however cumulatively may warrant closer scrutiny. The methodology used to identify subject members is based upon a risk matrix (see Table 6 below) with an aggregated weighting/points system. After this process is completed an examination of the results on a case by case basis is conducted by RAIU, who then present these findings with a recommendation at DAC.

**Table 6: RAIU Risk Matrix**

<b>Risk Matrix</b>	
<b>Indicator</b>	<b>Points</b>
<b>Recruit or FYC</b>	<b>Two</b>
<b>Two to Five years service</b>	<b>One</b>
<b>Three or more complaints in 12 months</b>	<b>One</b>
<b>Six or more complaints in 2 years</b>	<b>Two</b>
<b>Pattern of behaviour in 2 years</b>	<b>One</b>
<b>Five or more Managerial Resolutions in 2 years</b>	<b>One</b>
<b>Adverse findings (eg Sanction not MR) in 2 years</b>	<b>Two</b>
<b>Previous Medium assessment in 2 years</b>	<b>One</b>
<b>Previous High assessment in 3 years</b>	<b>Two</b>

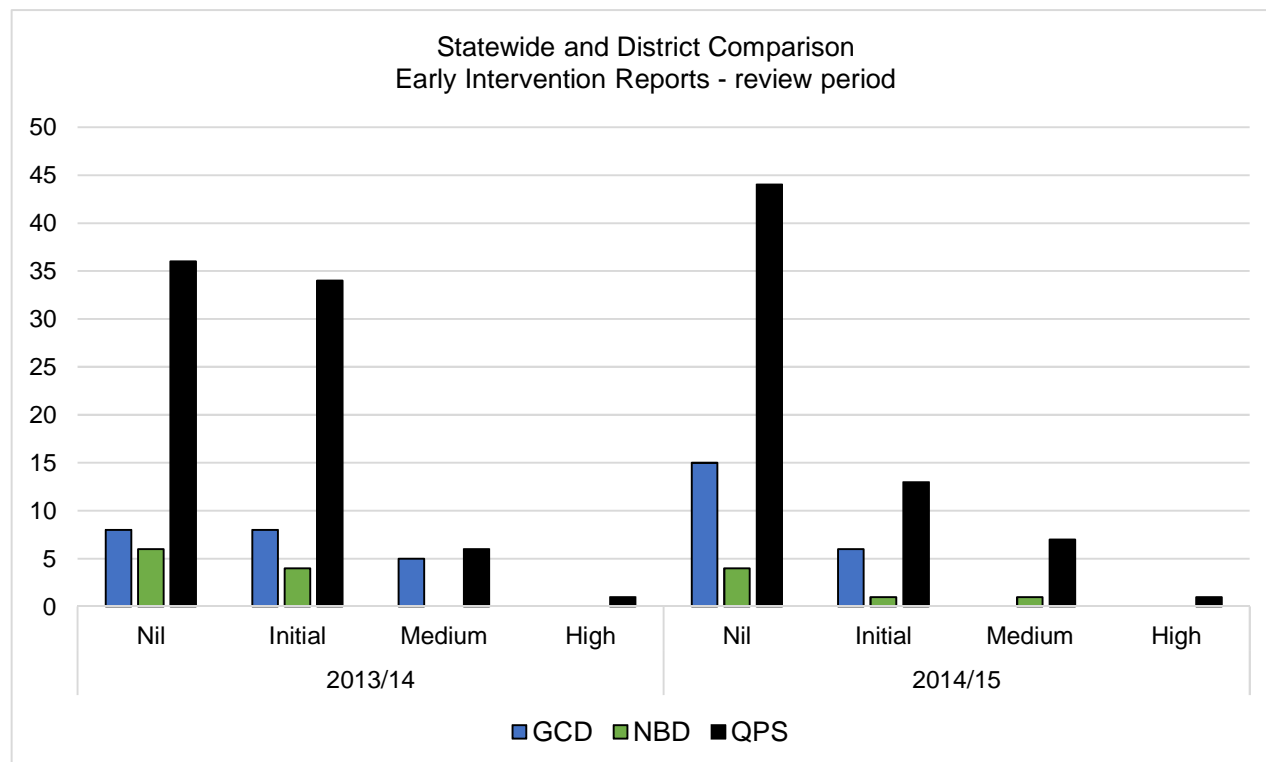
DAC then review these recommendations and undertakes action based on the level of risk determined by analysis of the matrix. Table 7 provides an indication of the range of actions available to DAC based on the matrix rating.

**Table 7: DAC action options**

<b>Rating</b>	<b>Action</b>
Nil	No further action by DAC or RAIU.
Initial	Member's supervisor is required to address the concern and provide feedback to PPM to forward to RAIU, ESC.
Medium	Member's District Officer is notified and is required to address the concern and provide feedback to the Chief Superintendent IIG then RAIU via the chain of command
High	Member's Assistant Commissioner is notified and is required to provide feedback to the Assistant Commissioner, ESC then RAIU via the chain of command

Once identified, 'at risk' officers are subject to remedial action usually in the form of counselling or training designed to correct the problematic behaviour. Remedial interventions include, but are not limited to, coaching, mentoring, training and development, increased professional, administrative or educational supervision, counselling, personal development and performance management agreements.

Feedback is requested within stipulated timeframes attached to the Early Intervention (EI) report, which is generally within 28 days. This material is sent via email to the PPM. Further feedback is requested to be returned to RAIU but is not usually provided. This raises the question of ongoing monitoring and support. Figure 52 depicts the EI reports for the period supplied by RAIU. The figures for GCD and NBD are not remarkable however the overall increase in 'Nil' for GCD and the State and the decrease of 'Initial' warrants further examination.



**Figure 52: Comparison of EI reports for the period of this Review**

When consulted, PPMs identified concerns and deficiencies in the process including:

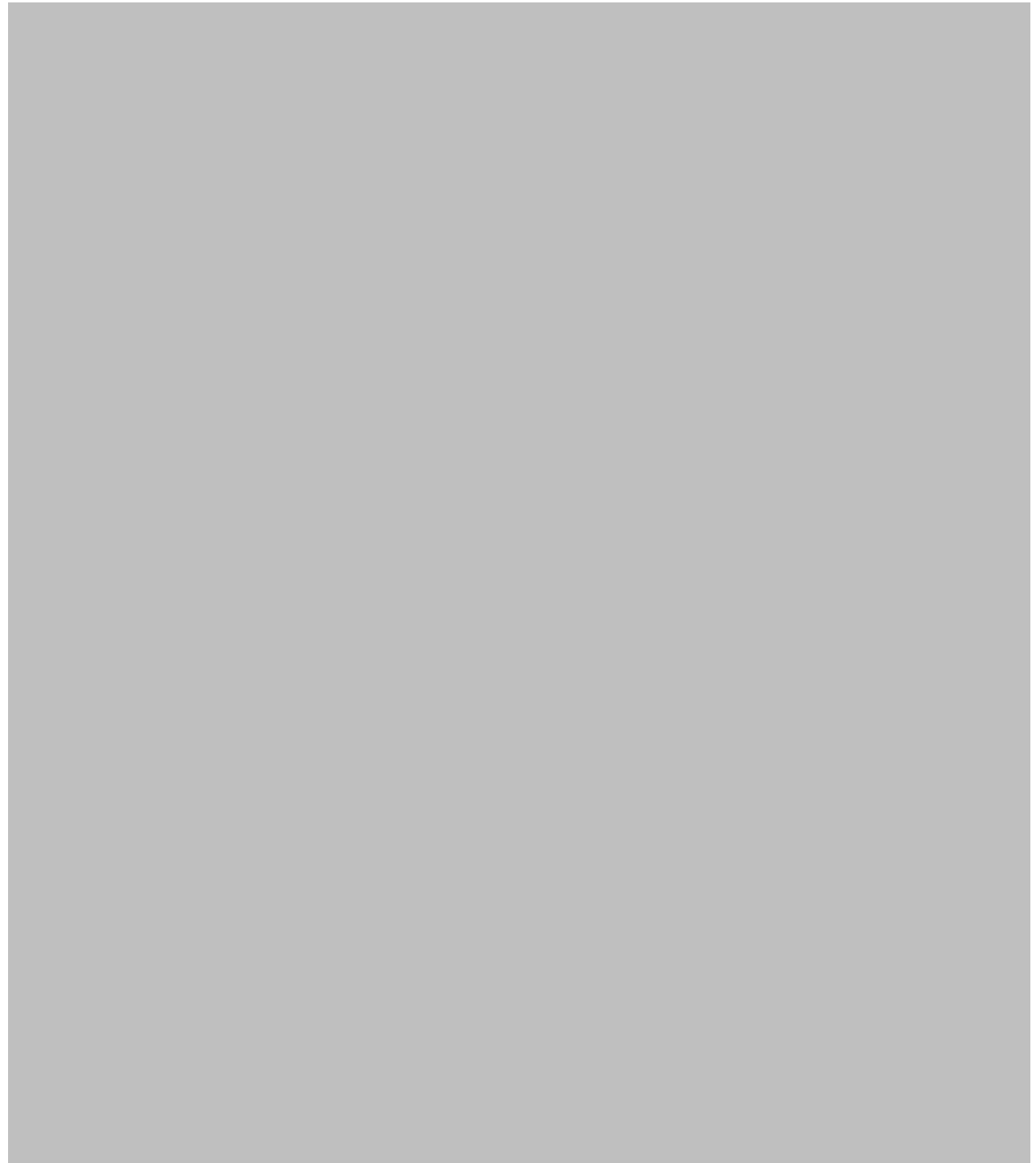
- Management of the system is on a local spreadsheet;
- PPM liaises with relevant OIC and manages responses via email (silos of information);
- EIS seems to only address UOF matters;
- EIS is not used to inform and support decisions involving secondment/transfer of officers;
- EIS do not support immediate supervisors; and
- EIS is discipline focused only.

ESC has previously recognised several of these issues and in 2013 a draft ESC policy paper was raised to explore the wider use of RAIU, expanding the focus from complaint driven to an all-encompassing performance based EIS. The proposed EIS included a range of indicators being stressors intrinsic to and external from the QPS. These may include: alcohol/drug misuse, problem gambling, financial stress, family disharmony, legal proceedings, training deficiencies, work performance issues, leave management, absenteeism, an adverse complaint history or other issues identified and deemed relevant by the subject member's supervisor/manager.

The case study below depicts an RAIU response under the banner of "early intervention" and clearly illustrates how the current QPS EIS is in reality simply a summary of CSS complaints, brought to the attention of an officer's OIC. This example clearly indicates that the reactive, siloed approach used has not effectively addressed behaviour in a timely manner.

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In this case study, behavioural interventions were attempted by the Service, but were limited to the subject member acknowledging early intervention strategies as in the best interest of the member, the work unit, the Service and the Community.



In a further example of a similar pattern of behaviour by a subject member in the same Region, the member acknowledged that their specific behaviour was unacceptable, accepted ownership and responsibility of actions and undertook remedial intervention strategies as suggested by the Service. These strategies included to wear and operate a body worn camera for all interactions and to be rotated into a specialist unit for a three month secondment. In this example, the subject officer has not been a recipient of any further 'at risk' warnings and is currently performing duties to the satisfaction of the Officer in Charge.

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RAIU has identified that the existing QPS IT solutions and recording systems do not provide a platform for an all-encompassing EIS. Existing systems are separate silos of information that are not easily interrogated and do not capture some information that would be relevant to an enterprise EIS, the recently introduced PDA system being one example.

Further research suggests that an integrated performance management/EIS would positively impact on the traditional role of the supervisor by providing supervisor's with systematic data on the performance of officers under their command. Allowing supervisors to become data analysts by identifying patterns of conduct, especially behaviour that warrants attention would create a new standard of supervision and accountability for supervisors (Office of Police Integrity, 2008).

More recently, the purpose of early intervention systems has changed broadening the focus from purely misconduct behaviour to encompass issues that impact on performance with a view as improving individual performance, policing practices and the public perception of police organisations. While EIS may help to prevent misconduct, it cannot predict future police behaviour as it identifies current behavioural performance that may benefit from Managerial intervention.

The total numbers of medium and high at risk officers for the period of 2013 to 2015 for the State was a total of 21. There is no quantifiable QPS data to calculate the potential cost of a complaint against the Service. However, in 2008, the Victorian Police Service estimated that an investigation completed by Ethical Standards Department averaged \$40,105. If this figure is used solely to calculate the potential reduction in possible complaints that an 'at risk' officer may be involved in for the two year period this would equate to \$842,205. This figure does not account for additional work cover claims or members of the community seeking compensation through civil claims or any possible health costs incurred by the officer. The cost to the Service in monetary value is only one component in addressing behaviour of subject officers as the reputational damage to the Service is paramount to maintaining police legitimacy.

It is noted that EIS also has the potential to change police culture by communicating the general message that officer misconduct will not be tolerated, and to improve police-community relations by enhancing police integrity. US studies reveal, EIS is effective in reducing officer misconduct and official complaints. These reductions can translate into reduced costs associated with disciplinary action, civil lawsuits and compensation (Western Australia Police, 2015).

Western Australia and South Australia Police implemented EIS in 2007. New South Wales Police and Victoria Police are currently conducting research into the benefits of EIS, with a view to implementing a system. While further research is required, an integrated performance management EIS may have a profound impact on the QPS.

**Recommendation 16** - *That the Deputy Commissioner, Strategy, Policy and Performance give consideration to recommencing the Early Identification Working Party (EIWP) and progress towards an IT solution for EIS.*

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## Psychological risk / assessment

Research into the effects of repeated exposure to violence in policing has revealed stress that results from acute and repeated exposure can negatively impact on police officers' physical and psychological health. Moreover, these effects can be acute, chronic, or delayed-onset – only becoming evident a long time after the stressor has abated.

The Task Force identified environmental aspects that may potentially have an impact on officer behavior and decision making. This highlighted issues that may mean some officers feel their work location or unit are unique or different requiring a different application of use of force. Although the review has not found a significant difference between Surfers Paradise and Fortitude Valley Divisions, it is recognised that officers in a number of locations across the State, including Surfers Paradise, can be exposed to higher levels of alcohol and drug fueled violence.

Despite the clear relationship between exposure to physical violence and stress in policing, this stressor has not historically received the same focus that other traumatic stressors have. For example, police officers (and some administration staff) seeking to work in a specialised 'high risk' areas in the QPS are subjected to thorough psychological assessment prior to entry. These areas include Child Protection and Investigation Units, Scenes of Crime, and State Crime Command (SCC). Many of the persons in these areas undertake psychological health monitoring assessments (PHM) annually or biannually to manage the psychological risk of exposure, although an inherent weakness in the policy is that these processes are not mandatory.

A recent survey undertaken by the Principal Occupational Psychologist, PSBA of the Occupational Psychologists (OP) responsible for providing the health monitoring services to the QPS, found that at least two-thirds of those working in the identified 'high risk' areas had stated that their motivation for joining a specialised area was to "get out of general duties" or that the last time they were exposed to something traumatic was in general duties. One OP went as far as saying almost everyone she had assessed over the previous year had made a statement to this effect.

The literature review provided a compelling case for the significant impact that repeated exposure to violence has on police officers, and that officers working in busy, high volume areas, where interaction with members of the public are potentially unpredictable and unstable (for example drug and alcohol effected, and persons with serious mental health conditions), should be considered the most psychological at-risk category of policing.

Under the *Work Health and Safety Act 2011*, the Commissioner is required to exercise due diligence to ensure the QPS meets its work health and safety obligations. The duty requires the Commissioner to be proactive in ensuring that the QPS meets this duty.

In the case of identified 'high risk' organisational areas, the QPS has an established psychological assessment process to assist in ensuring the organisation is able to meet its obligations, effectively manage the risk to staff exposed to stressor's and improve individual and organisational outcomes by identifying potential risks at an early stage. The Task Force has found the current approach to psychological risks could be enhanced by improving psychological health assessment processes and increasing access to psychological health monitoring and outcomes.

With respect to psychological health, the QPS uses a range of strategies to meet its obligations. For example, Safety and Wellbeing, within the PSBA, provides specialist support services to all QPS Managers and Executive to minimise and manage safety risks and optimise employee

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physical and mental health and wellbeing. Within Safety and Wellbeing, a number of subsections provide specific services designed to assist with the management of psychological health<sup>35</sup>.

The Psychological Assessment Unit (PAU) was formed in December 2010 as a recommendation out of a review into psychological testing within the QPS. Recommendation 31b of the SDPC Report, raised the question of whether “greater efficiencies and consistency may be achieved by centralising the management and administration of psychometric testing within the QPS” (p.110). Following approval from the QPS Board of Management (BOM) in November 2009, the *Psychological Health Monitoring Working Party* (PHMWP)<sup>36</sup> was established under the leadership of the Director, Human Resource Division (HRD), to assess the feasibility of introducing a permanent psychological assessment capability within the QPS for health monitoring and selection purposes. The Board of Management provided in-principle support for the staged implementation of psychological health monitoring (PHM) in 2010, although the process has resourcing implications which appear not to have been considered since the 2013 restructure.

Psychological assessment practices within the QPS affect a wide-range of stakeholders within both the QPS and PSBA. The development or review of such practices conducted in isolation or without key stakeholders is likely to result in the development of other risk management gaps, or failure to adequately address those already identified.

A *Psychological Assessment Working Party* (PAWP) would be one way in which the broad range of organisational issues could be considered and to assist in determining how the organisation should approach psychological assessment and health monitoring more broadly. The PAWP could also consider organisational policy, future directions of psychological assessment within the QPS and issues around resourcing of this capability. It is suggested that the PAWP consist of a combination of stakeholders who have been significantly exposed to current psychological assessment practices, and other strategic partners for whom the policies, processes and outcomes of psychological assessment affect.

**Recommendation 17:** *That the Commissioner approves establishment of a Psychological Assessment Working Party (PAWP) to consider the current approach to psychological assessment and health monitoring, organisational policy, and future directions of psychological assessment within the QPS including resourcing.*

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<sup>35</sup> Employee Wellbeing provides and coordinates a range of support and psychological health promotion activities. The Human Service Officers are psychologists and social workers who are employed within EW to provide a range of proactive and supportive psychological services, including Psychological First Aid and the coordination of Peer Support programs.

<sup>36</sup> The purpose of the PHMWP was to:

1. determine the potential advantages versus disadvantages of conducting regular psychological assessments to monitor the mental health and wellbeing of QPS members over time;
2. identify the key “high-risk” categories of QPS members who are most exposed to psychologically harmful incidents that may precipitate and/or maintain suboptimal mental health;
3. gradually implement a more structured and standardised program of psychological health monitoring across the QPS that progressively targets a larger number of QPS members over time, especially operational officers working in high-risk specialist and regional units (e.g., child protection, scenes of crime); and recommend changes to HRD

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## Prosecutions

The media has reported on the prosecution of criminal charges on the Gold Coast where excessive use of force complaints have been made (media articles). Whether the substantive charges have been heard at summary hearing or discontinued by the prosecution, the media has reported on these matters, and these reports are usually accompanied with video footage of the originating incident. Earlier discussion and analysis in this paper has identified that the media has a powerful role in fostering public perception and it is accepted that the recent media reports on police use of force on the Gold Coast have been detrimental to the reputation of the QPS, community confidence and consequently affecting police legitimacy.

When a charge is withdrawn by the prosecution, it is referred to as a failed prosecution. Focus groups conducted with operational police on the Gold Coast revealed that arresting police were dissatisfied with the rate of charges being withdrawn by the prosecution and that police prosecutors have a tendency to discontinue charges arbitrarily and without consultation. Nonetheless the officers expressed empathy for the prosecutors working in extremely difficult conditions. In order to appreciate the system of prosecuting charges before a court and making the decision to prosecute, an analysis has been conducted of the functions and responsibilities of police prosecutions.

The process of bringing a charge before the court to a successful outcome can be a complex one depending on many variables, for example: jurisdiction; defendant's antecedents; time constraints; burden of proof; and the plea entered (Appendix R). Notwithstanding the exigencies, of the some 400,000 criminal charges preferred in Queensland in 2013-14, the conviction rate was 94% (Australian Bureau of Statistics Criminal Courts, Australia 2013-14). The remaining six per cent were either withdrawn, no evidence was offered or the defendant was acquitted.

Following the implementation of the Moynihan reforms<sup>37</sup> the amount of matters dealt with summarily (in the magistrates courts) increased on the premise this would:

- increase the plea rate;
- encourage prosecution decisions to discontinue charges at an early stage and ideally prior to committal; and
- support soon and certain hearing dates reducing the need for courts to 'over list' (list more hearings than practical).

These reforms effectively increased the number of charges dealt with in magistrates courts by reforming the jurisdiction of charges. Another significant effect was that reforms formalised criminal charge resolution strategies by implementing a case conferencing process (discussing the case with defence and negotiating an outcome) and in particular ensured only matters which could not be resolved were placed before the court for hearing. Thus the concept of case conferencing encourages the prosecution and defence to sort out issues in dispute so to avoid a hearing.

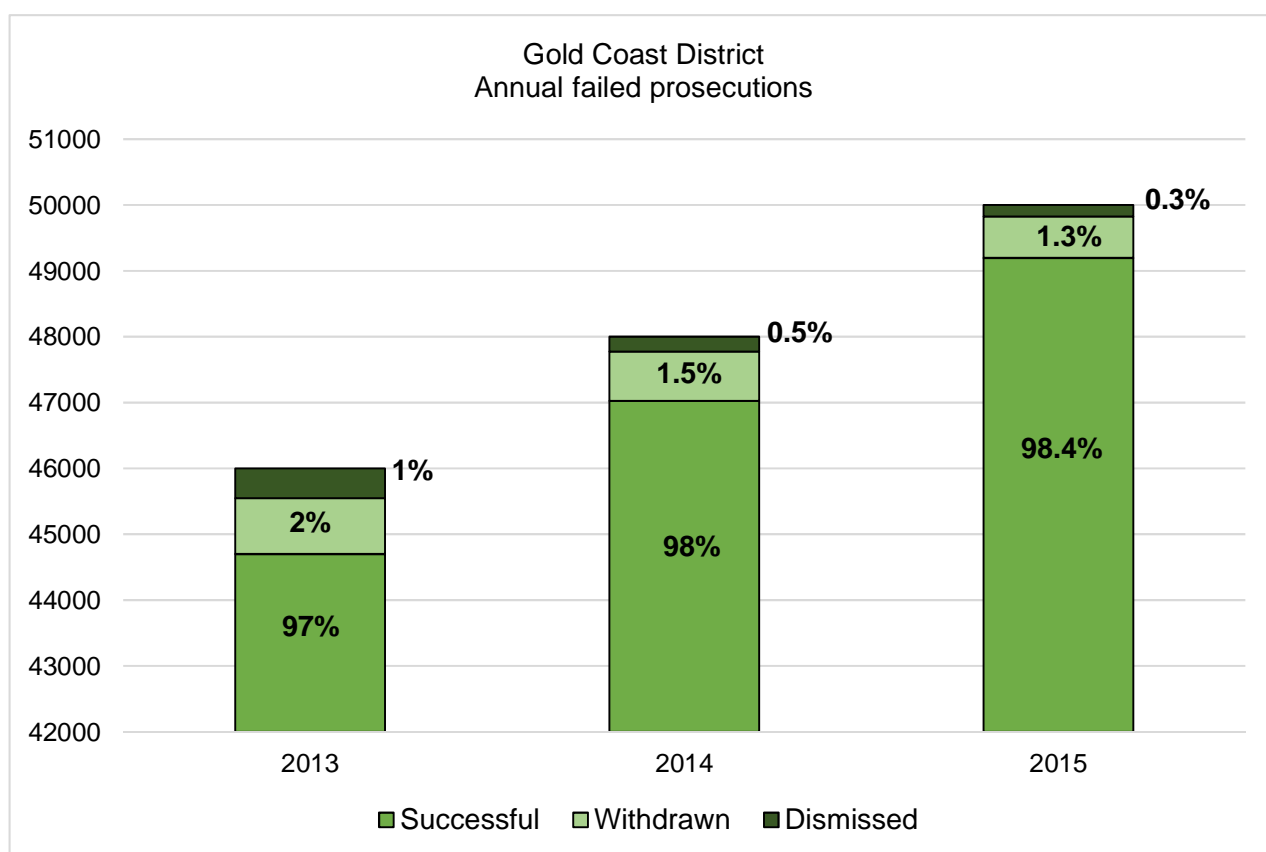
Police prosecutors become involved in a matter after a person has been charged and a court brief has been prepared by the arresting officer. The prosecutor must determine what evidence to place before the court, and depending upon the plea entered, will prosecute the matter until it is finalised by the court. Detailed information in relation to the role of a prosecutor is attached (Appendix S). Should a person, including the prosecutor, determine a charge should be withdrawn i.e. the charge fails the 'sufficiency of evidence or public interest test', policy authorises particular officers to approve the withdrawal of those charges (OPM 3.4.4 and 3.16.1).

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<sup>37</sup> *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010*



The conviction rate of criminal charges is conspicuous, particularly when considered in the context of the amount of charges which are administered through the Gold Coast Magistrates Courts each year. In 2013 approximately 46,000 charges were preferred before Gold Coast District Magistrates courts (Southport and Coolangatta) increasing to approximately 48,000 in 2014, and approximately 50,000 in 2015<sup>38</sup>. Data provided to the GCD Prosecution Review Committee (PRC) outlined in Figure 53 below shows the number of charges referred to the PRC as failed prosecutions and in particular those which have been withdrawn<sup>39</sup>. As can be seen from the data below the percentage of charges withdrawn compared to the amount of charges preferred annually is considerably low and has decreased since 2013.

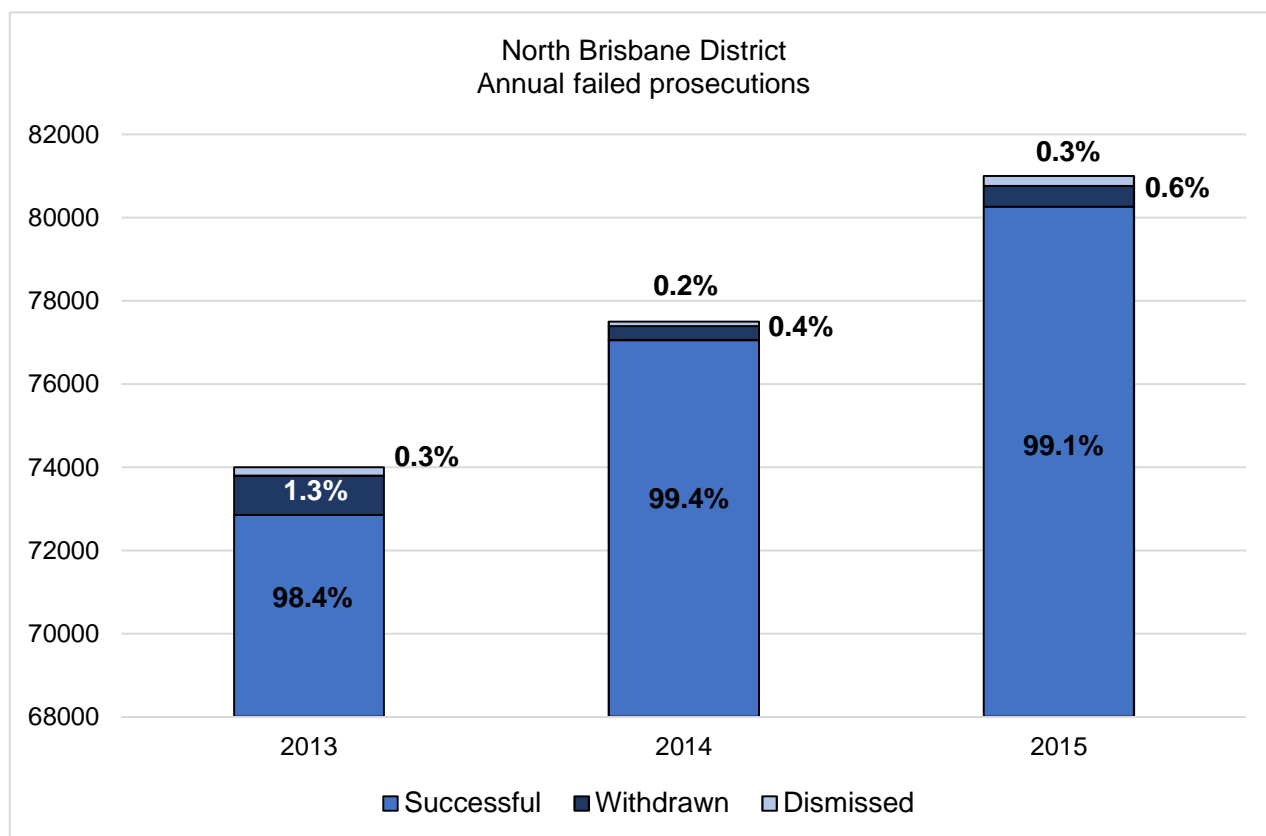


**Figure 53: GCD failed prosecutions 2013 - 2015**

<sup>38</sup> Calendar year figures calculated on available financial year figures – same applies for NBD.

<sup>39</sup> Not all matters withdrawn are referred to the PRC - see OPM 3.12.1.

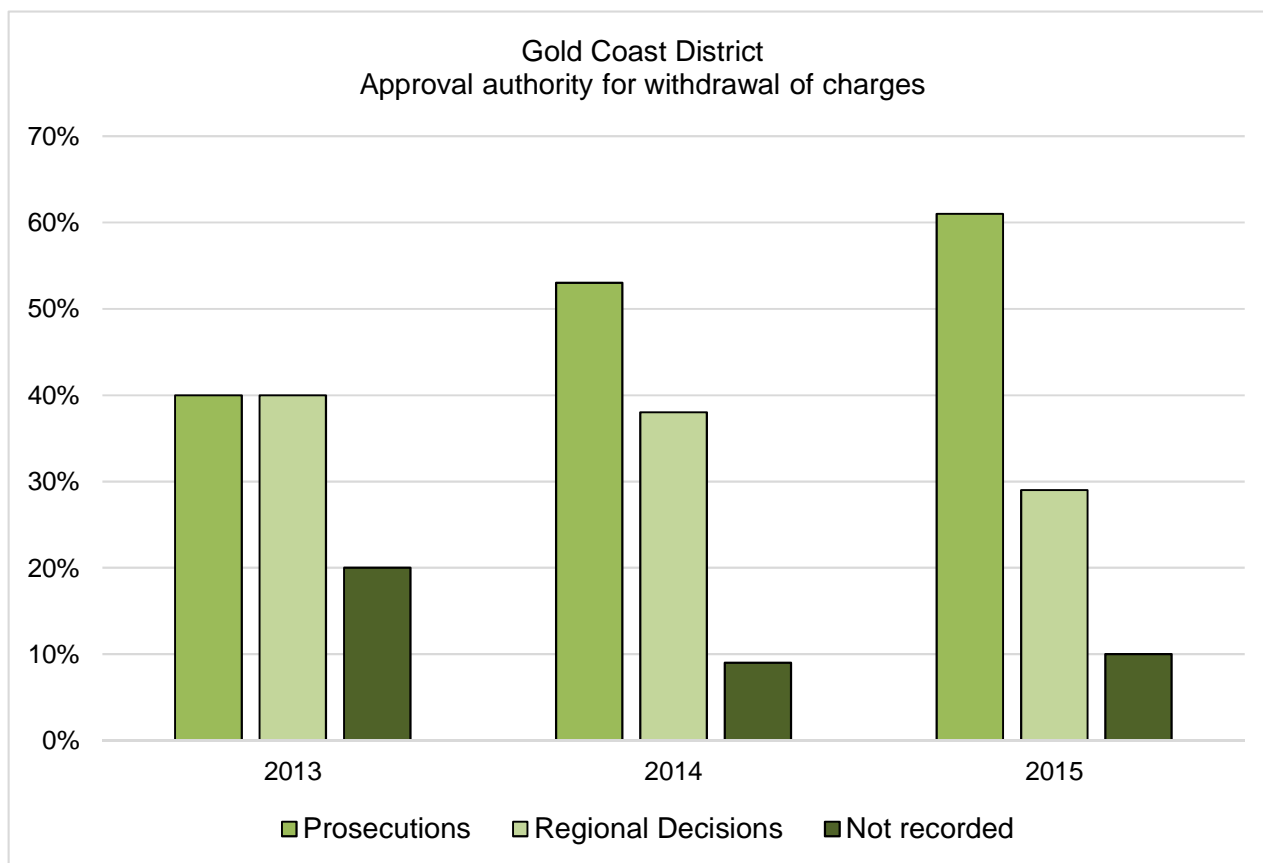
The figures for the NBD magistrates courts (Brisbane Central, Pine Rivers, and Sandgate) in 2013 indicate approximately 74000 criminal charges were preferred, increasing to approximately 77,500 in 2014, and approximately 81,000 projected for 2015. Data provided by the NBD PRC outlined in Figure 54 shows the number of charges referred to the PRC as failed prosecutions and in particular those which have been withdrawn. As can be seen from the data the percentage of charges withdrawn compared to the amount of charges preferred annually is considerably low and has decreased since 2013.



**Figure 54: NBD failed prosecutions 2013 – 2015**

The overall number of charges withdrawn is higher at GCD than NBD, yet the variation is negligible and may be attributed to a range of issues not explored here due to data limitations.

It was found that the rate of charge withdrawals originating from the prosecution has increased as opposed to the GCD instigated withdrawals as illustrated in Figure 53. A comparison was not available for NBD as the authorisation origin has not been recorded on NBD PRC spreadsheets. A comparison of the districts on this aspect would require amended data recording followed by further data collection and analysis.



**Figure 55: Manner of withdrawal of charges, GCD 2013 – 2015**

The decision to withdraw charges is made in accordance with QPS policy and must be determined on the available evidence. In July 2015 the Inspections Teams, Ethical Standards Command (ESC) conducted a state wide *Review of arrest without warrant / duties after arrest*. The review found issues regarding sufficiency of evidence (40%, n=322) which included failure to prove the charge or negate defences, made up the majority of reasons for failed prosecutions in particular through the withdrawal of charges. Whilst forty per cent would appear high, it is crucial to place this in the context of less than one per cent (0.04%) of all charges preferred.

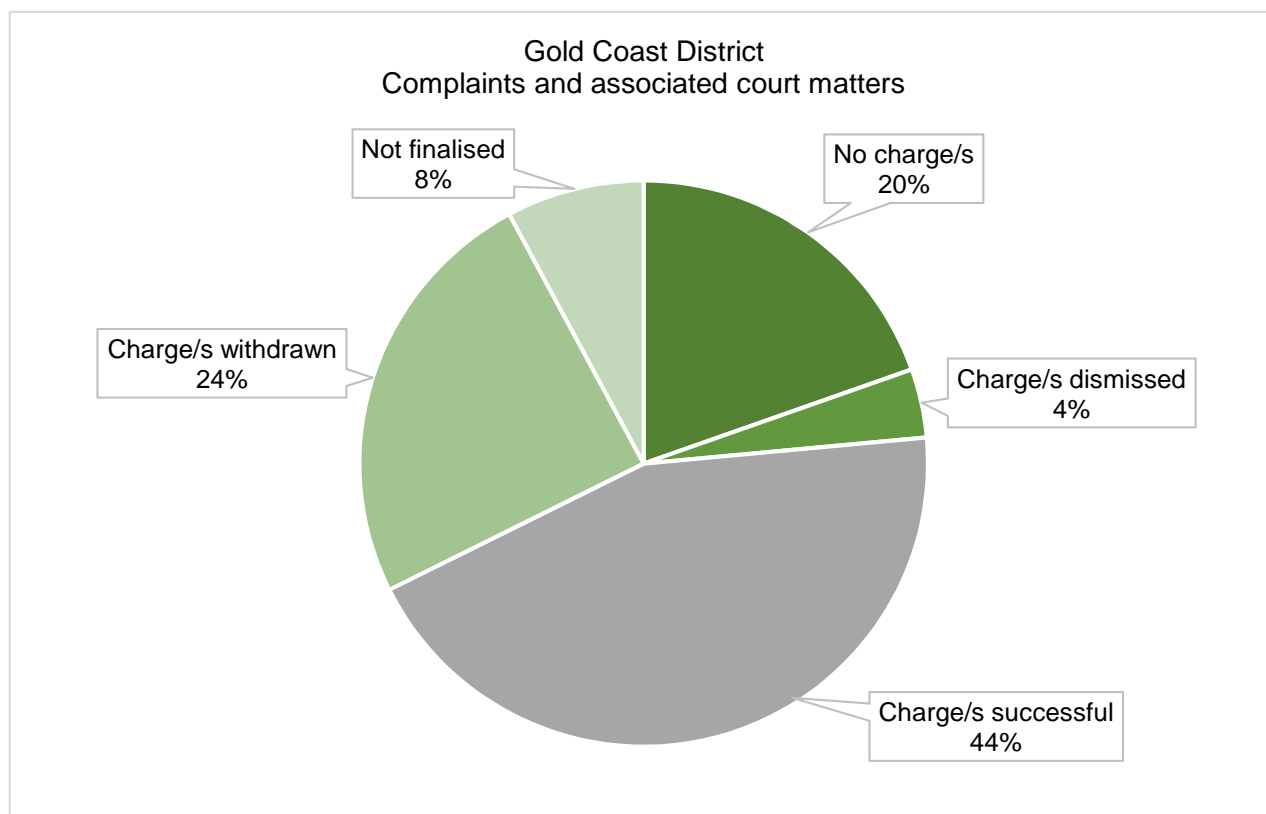
With respect to GCD, an examination of the reasons as to why charges were withdrawn revealed similar trending to that of the ESC review:

- insufficient evidence;
- withdrawal of complaint;
- ID insufficient;
- no drugs detected;
- Queensland Transport error;
- no statement from witness;
- no notes;
- lost CCTV footage;
- direction not lawful;
- duplicity of charge; and
- arresting officer failed to attend court.

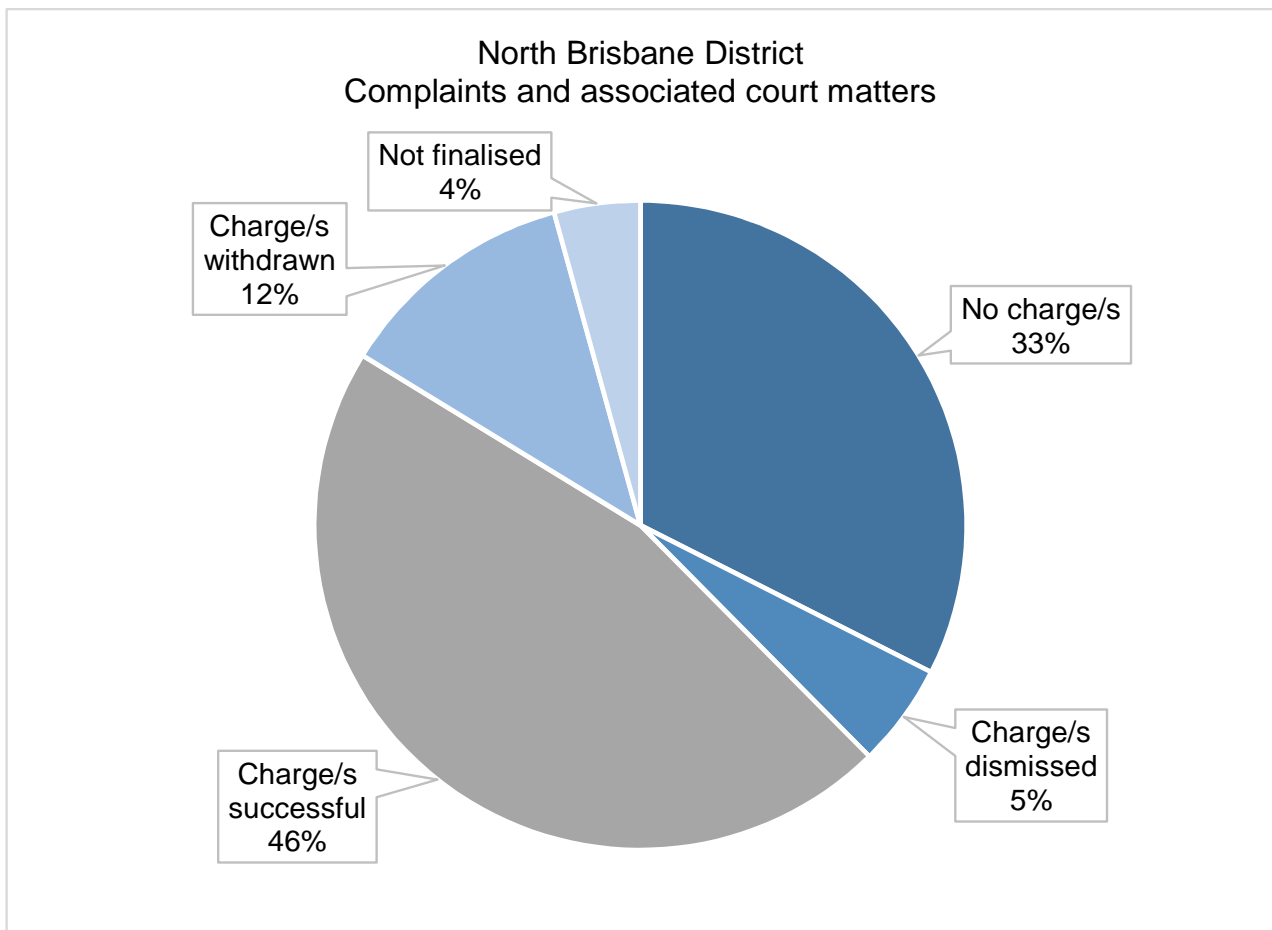
A specific data extraction was conducted to enable a comprehensive analysis of GCD withdrawn charges that had complaints of excessive use of force associated with them (hereinafter referred

to as relevant matters). There were 25 relevant matters identified for the review period and the three common themes that were identified in these matters were: deficient communication; inappropriate use of powers; and non-compliance with safeguards.

The question as to how excessive force complaints influence court outcomes was explored. It was necessary to identify what percentage of excessive force complaints had criminal charges originating from the incident. It was found that eighty per cent of complaints of excessive force for GCD had associated criminal charges compared to sixty-seven for NBD. Figures 56 and 57 provide depiction of the outcomes of these charges.



**Figure 56: GCD complaint and associated court matters**



**Figure 57: NBD complaint and associated court matters**

As can be seen, both districts have a similar charge success rate, however it is noteworthy that NBD has a greater number of complaints (117) compared to that of GCD (102) yet the charge numbers are less.

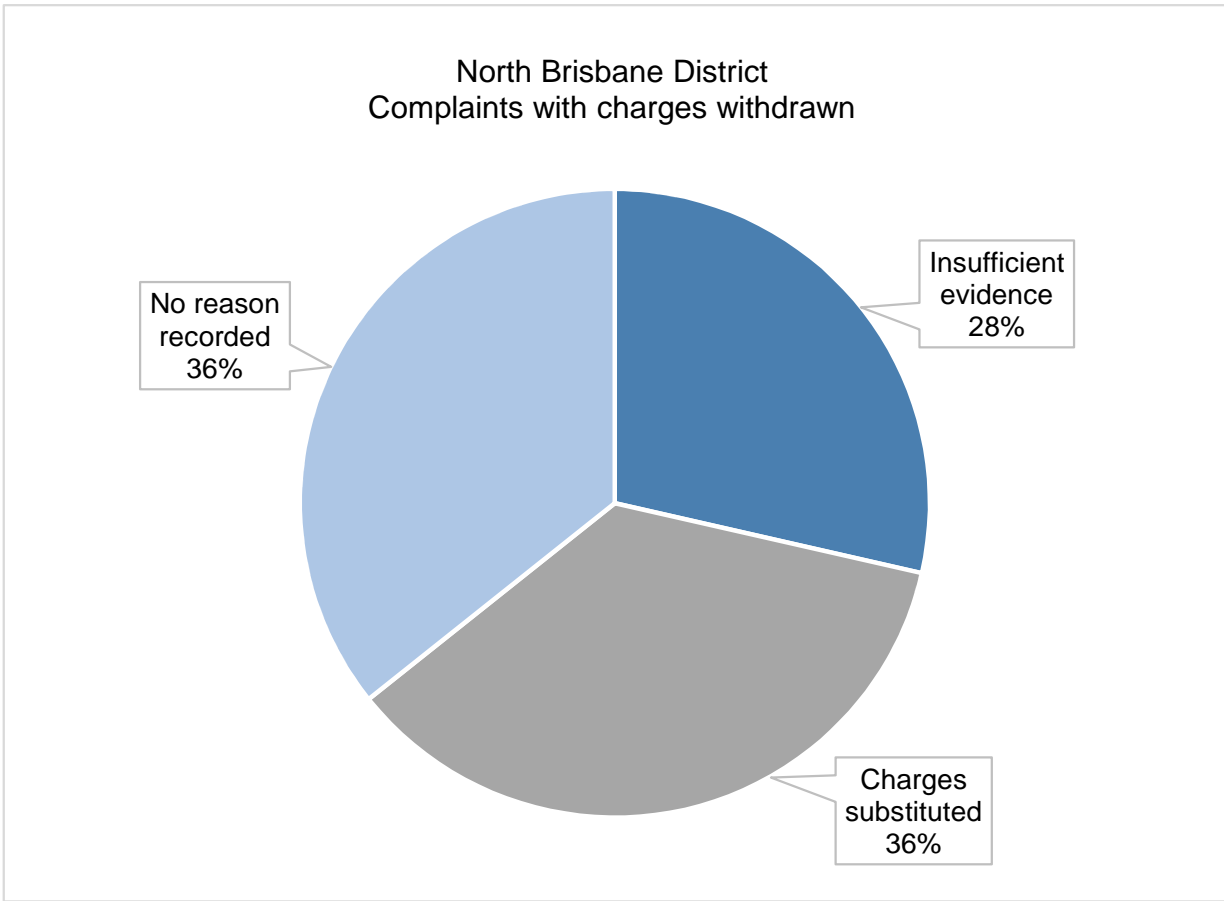


Figure 58: NBD complaints with charges withdrawn - reasons

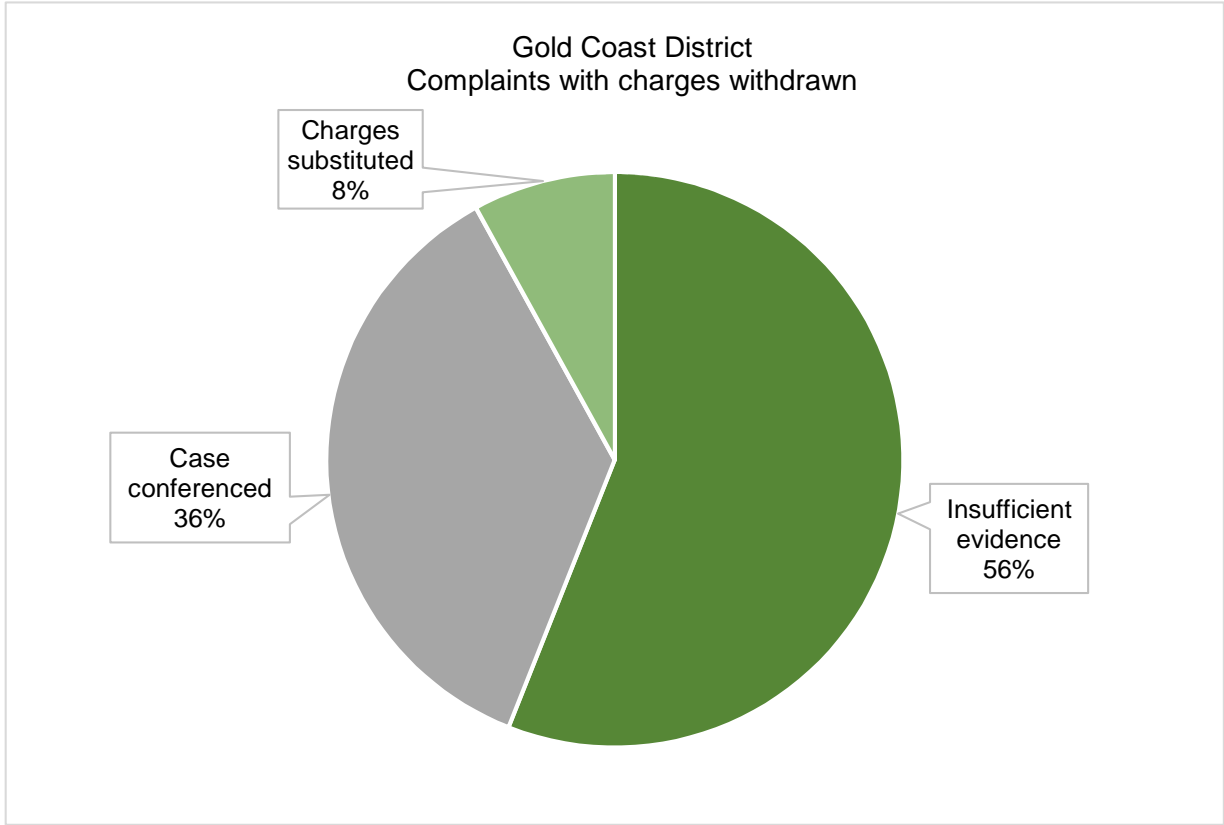


Figure 59: GCD complaints with charges withdrawn – reasons

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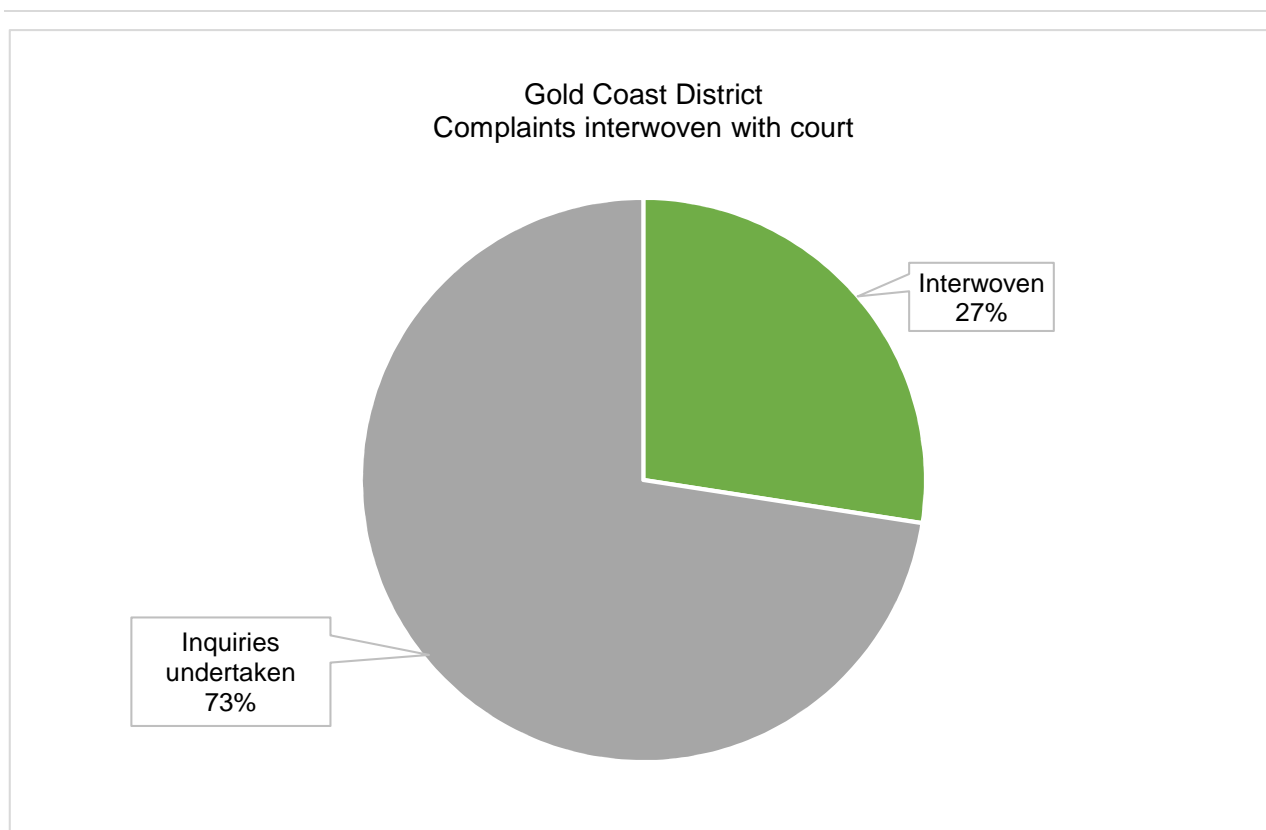
As is noted in Figure 58, thirty-six per cent of NBD matters were not designated with withdrawal reasons. This percentage was not unique to NBD however to specifically ascertain why GCD matters were withdrawn a complex review was undertaken of every matter (approval details recorded or otherwise) and where necessary inferences were drawn from the facts and the outcomes. Time frames prevented this being undertaken for NBD. There is no evidence to indicate why some matters were not designated with withdrawal reasons, however there is no indication to suggest the authority was not obtained in accordance with policy.

Where matters were determined as being withdrawn due to insufficient evidence (56%), it is important to note sixteen per cent of these (n=4) related to witness unavailability and not attributed to a lack of evidence per se. The data therefore suggests there is no evidence of complaints having an impact on the success or failure of charges. Only one matter for GCD was withdrawn as placing the matter before the court (due to the use of force) was likely to cause significant embarrassment to the Service (in addition to other sufficiency of evidence aspects). Notably this matter is now subject to a civil claim against the Service and is examined as a Case Analysis further in this paper.

During the examination of complaint data against the outcomes of associated criminal charges, the concept of complaint finalisation by way of the 'interwoven with court' classification was explored.

The practise of finalising a complaint by classifying it as 'interwoven with court' is premised on the concept the charges should be determined by a court as an appropriate natural justice process. The process requires the defendant (or the concerned party to the complaint) to raise the issues as part of his/her case during the hearing of the criminal charges. When no adverse comments are made by the magistrate or presiding judge at the conclusion of the case, the defendant must then request a reopening of the complaint. Alternatively, if a defendant chooses to plead guilty to the associated charges and/or the charges are dealt with via case conferencing processes, the complaint remains closed unless the defendant requests a re-opening. A guilty plea does not necessarily mean the actions of the officers were appropriate or lawful, as the facts of the incident have not been scrutinised.

Figure 60 indicates that twenty-seven per cent (n=28) of all complaints of excessive force at the GCD were determined to be interwoven and finalised on that basis.



**Figure 60: GCD complaints interwoven with court**

Of the 28 complaints, only two were reopened (by the defendant or a new complaint was submitted by the prosecutor following adverse comments) at the completion of the court process. Of the 28 complaints five initially had some form of inquiries made prior to finalising them as interwoven. There is no evidence to indicate why these five matters contained some form of inquiry. Steps involved in the complaint management process suggest that this would be to ensure the aspects of the complaint were legitimately interwoven with the charges before the court. Inquiries of this nature hold no value in establishing the validity of the claims.

As stated earlier, whilst the court process is the best process to test issues in dispute (if the complaint facts are tested), complaints *without* charges would not be finalised without some form of investigation taking place<sup>40</sup>. The question needs to be asked as to why then should a process be different because the person has been charged criminally? In essence, by failing to make any preliminary or post court queries to establish whether there is any validity to the complaint, the possible unlawful actions of the police are not contemplated.

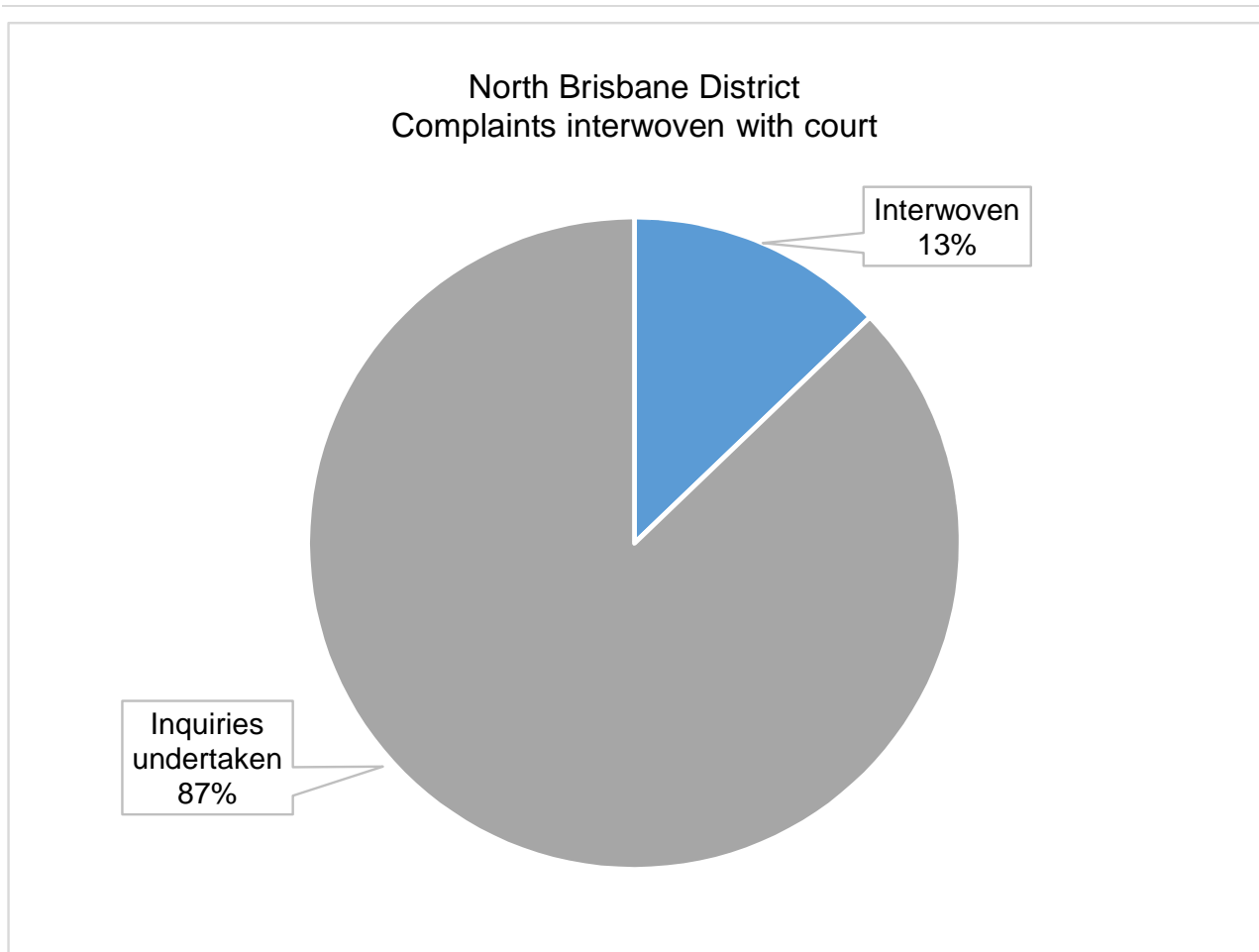
A further significant risk factor here is that since the Moynihan reforms, charges that have deficiencies are rarely tested in court. It is therefore suggested the practice of finalising complaints as interwoven with court, in particular those of excessive force, would appear to be obsolescent.

Whilst GCD experienced twenty-seven per cent of all excessive force complaints being classified as interwoven, NBD experienced less with thirteen per cent. Figure 61 outlines the amount of matters classified in NBD.

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<sup>40</sup> Exception if the matter was immediately obvious as vexatious or frivolous





**Figure 61: NBD complaints interwoven with court**

The data indicates almost twice as many complaints are classified as interwoven in GCD compared with NBD. An examination of the variance between the two districts revealed considerably more inquiries being conducted by NBD than GCD in the early stages of classification. These initial inquiries appear to have resulted in matters being finalised by reviewing the evidence obtained via CCTV, by obtaining additional information from the complainant, and by reviewing specific evidence essentially ascertaining the validity of the allegations. There is no evidence to suggest why NBD undertake more early inquiries before classification.


The below case study provides an example of when a matter was classified and finalised as interwoven and the impact this has had on the complainant.



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<sup>41</sup> See below discussion regarding email in role of prosecutor in managing a complaint

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Of particular importance, when matters are determined as finalised via the interwoven with court process, they are not adequately weighted for consideration in the Early Intervention report generated by RAIU. Based on the amount of matters deemed as interwoven, particularly at the GCD, it would be safe to assume that an officer who receives complaints of excessive force on a regular basis and the complaints are finalised as interwoven, is more likely to have their complaints closed and therefore not be identified as a risk and appropriately managed.

**Recommendation 18** - *That the Assistant Commissioner, Ethical Standards Command reviews the current practice of finalising complaints as interwoven with court.*

When preparing to prosecute a summary trial, the police prosecutor is responsible for reviewing all the evidence and deciding what evidence to place before the court. Although a defendant or their legal counsel may advise a prosecutor that a complaint has been made about the police to which the court matter relates, there is no requirement on a prosecutor to take this into consideration when determining whether to prosecute a matter. A prosecutor has a duty to consider the *evidence* and a complaint should therefore have no bearing on the decision to prosecute. It may however have a bearing on the lawfulness of the police actions or the credibility of the officers evidence and therefore impact the 'sufficiency of evidence'.

Results obtained from the survey of senior prosecutors revealed that they all considered the evidence regardless of the complaint, but many indicated if the actions of the officer were likely to damage or cause embarrassment to the QPS then this would be considered when determining whether to proceed.

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A significant aspect of the survey responses was the lack of prosecutor knowledge about the complaint process, in particular a common belief complaints are held in abeyance pending the outcome of the court process or that complaints were investigated in parallel to the court process. An example of this was found in correspondence from an experienced prosecutor to a senior defence lawyer:

*Insofar as the remaining obstruct is concerned I do not agree that the matter should be adjourned pending the outcome of an external or internal investigation. It is my experience that the investigators are likely to delay any conclusions until the finalisation of the court process.*

It appears from the nature of this correspondence that the fact that the complaint had already been finalised by ESC as interwoven with court was not in the contemplation of either party.

Whilst the outcome of this particular matter was not affected or influenced by the complaint, it illustrates the lack of knowledge by prosecutors in relation to the complaints process. Advice received from Legal Services Group indicate no training is given to prosecutors or trainee prosecutors in relation to the management of complaints. ESC Training advise that whilst training on ethical decision making is given to trainee prosecutors undertaking the Prosecutor Training Course, no training is given in relation to the complaints process.

**Recommendation 19** - *That the Assistant Commissioner, Ethical Standards Command ensures that relevant training is delivered to police prosecutors and trainee police prosecutors on the complaint process.*

The role of the PRC is essentially to examine failed prosecutions to determine relevant learnings and to refer matters for action if applicable (OPM 3.12.1). In its ideal form, the PRC is an important means for the administration of continuous improvement for operational police. Notwithstanding the highly legitimate purpose of the PRC, feedback from brief managers and prosecutors suggests the PRC is in need of reform to be viable in the face of legislative reforms and contemporary issues. Suggestions include that not all matters need to be considered by the PRC and there was too much delay in the process.

GCD PRC tends to meet monthly dependent upon availability of a commissioned officer and any matters for attention are subsequently referred by the PRC to the District Officer (DO) for action. No specific recommendations are made by the PRC, only a request for the DO to review. Should the committee fail to meet in any particular month, matters are deferred for consideration at the next available time.

It was found that some PRC practices varied from district to district, for instance in order to create efficiency, some brief managers determine which matters should be considered by the PRC. This is done to reduce the amount of less important matters being considered (matters of no learning or corrective benefit).

The concept of creating a more efficient review system is currently being trialled by Townsville Police Prosecutions Corps (TPPC). The trial is based on referring matters to the PRC by predetermined exception and the information in relation to the failed prosecution is relayed to the OIC of the relevant officer without waiting for the PRC to meet. This obviates the usual delays in taking action to remedy deficiencies. In relevant circumstances, the OIC is able to take immediate remedial action and will then report any outcomes to the PRC. The PRC will not consider the matter until the OIC reports the outcome and will only take further action if necessary. Clearly the implications of the TPPC trial are that the significance of the PRC may diminish to a role to merely review remedial actions already taken. The trial appears to be embracing an ethos of the

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responsible supervisor and as such it is difficult to envisage why a committee needs to review a matter where action has already been taken.

**Recommendation 20** -*That the Executive Director, Legal Division reviews the practices and relevance of the Prosecution Review Committee in respect of contemporary issues.*

### **Additional prosecutions issues**

A peripheral issue was found during the review where two significant and unrelated matters were prosecuted to full hearing despite issues affecting the credibility of the police involved. On findings of not guilty, adverse comments were made of the arresting officers and costs were awarded against the QPS. A review of both matters raised questions of why prosecutions would pursue unsustainable prosecutions, yet curiously still attract criticism from the operational police for discontinuing charges generally. Issues such as these have been identified as potentially impacting on prosecution practices in the GCD, and based on feedback, are issues that are not entirely unique to the Gold Coast. Subsequent to criticising prosecutors for withdrawing charges, the GCD operational police did indicate empathy for the prosecutors struggling to keep up with the workload. This solicitous observation is a factor worthy of further consideration in the context of prosecutor workload and its effect performance.

Most of the senior prosecutors who responded to the survey indicated they are faced with little time to prepare, sometimes as little as two hours per week on a “good week”, and on some occasions find themselves taking work home the night before court or cancelling commitments such as operational skills training to try to use the time for trial preparation. In addition, where preparation is undertaken, they spend a considerable amount of time chasing missing evidence from arresting officers. The lack of time coupled with the quality of briefs of evidence and workload in general appears to place significant stress on prosecutors. Refer Appendix T in relation to prosecution workload and stressors including attraction and retention factors.

The lack of time a police prosecutor has to prepare for a successful prosecution whilst ensuring the evidence is sufficient was identified by the Industrial Relations Commission New South Wales (herein referred to as “the Commission”) in the review of the New South Wales Police Force.<sup>42</sup> The Commission found “Police Prosecutors are required to carry an extremely onerous workload primarily consisting of a large number of cases to be prosecuted in court with little if any time to properly prepare such cases for hearing”.

In a recent media article in the Weekend Gold Coast Bulletin (14/11/15) former Gold Coast Magistrate Ron Kilner outlined the difficulties prosecutors face in preparing for hearings:

Ten years of fighting for resources achieved little change, says former magistrate  
MEAGAN WEYMES MEAGAN.WEYMES@NEWS.COM.AU

The Gold Coast’s former head magistrate Ron Kilner spent more than a decade fighting for more resources for police prosecutions but got nowhere.

Dr Kilner, who retired in July this year after 17 years on the bench, said the situation got progressively worse but nobody wanted to address it. “Over a period of nearly 10 years I spoke with several Attorneys-General, a number of chief magistrates, a number of assistant commissioners and one deputy commissioner.” “Everybody promised a lot but nothing happened.”

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<sup>42</sup> *Crown Employees (Police Officers - 2009) Award* [2011] NSWIRComm 43

Dr Kilner said the number of magistrates had increased, but the number of prosecutors and prosecution admin staff hadn't kept up. Dr Kilner said sometimes prosecutors were expected to prepare for three to four trials in one day. "Nobody in their right frame of mind could prepare for three trials in one day," he said. "You can tell they're not properly prepared as sometimes they miss the most fundamental of issues that have to be proved." "The consequence is that either the trial gets postponed or the case gets dismissed." Dr Kilner said legal reforms in 2012 and the addition of the specialist domestic violence court had added a further burden on the prosecution. (emphasis added).

The indication that prosecutors spend time chasing missing evidence indicates a capability gap in brief checking. The previously mentioned 2015 ESC *Review of arrest without warrant / duties after arrest* identified there was insufficient time or capacity for brief checkers and supervisors to undertake their responsibilities in accordance with OPM s3.7.5 and 3.8.15. These responsibilities are crucial to ensure the material provided to the prosecution meets the relevant tests. Without the brief checker undertaking an effective checking role, the quality assurance process is likely to fail considering the prosecutor does not have sufficient time to undertake this role in addition to the prosecutorial duties.

Presently there are 124 brief checkers attached to the GCD who have completed training in brief checking<sup>43</sup>. NBD has 206 officers trained in the same regard. Considering the rate per 1000 officers, NBD has 20% more officers trained as brief checkers compared to GCD. When considering the failed prosecutions tables for both areas, NBD has a higher success rate than GCD. This may be attributed to the quality of briefs being presented however this would require specific analysis. The higher rate of failed prosecutions may also be attributed to the currency of training of the brief checkers. Data extracted from Advance2 for persons qualified in brief checking on the GCD reveal many completed the course in 2005 without any indication of refresher training.

Brief Managers are also an important aspect with respect to brief checking and brief management. Information however from brief managers from both districts (GCD and NBD) reveal an expectation from the district that brief managers will not only undertake their substantive role but assist with other aspects such as:

- Operational legal advice including providing up to date information to the region;
- Disclosure of briefs to defence (a significant role);
- Training;
- Discipline investigations;
- Finance reporting;
- Panel member / convenor;
- Disaster management.

Although the expectation and demand varies between brief managers these extra duties must place an impost on their core duties. The ESC review also identified that the separation of police prosecution corps from brief managers has resulted in unstructured individual brief management processes with limited ongoing training of brief checkers and little formal interaction or co-ordination between brief managers. The review further identified the risk of faltering processes due to the absence of formal arrangements and coordination and a formal Service-wide coordination structure of brief management processes would be beneficial to both police prosecution corps and districts. ESC recommended the Executive Director, Legal Division, review current brief management processes (specifically brief managers as district/group resources) in order to provide a formal structure of coordination from a centralised position.

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<sup>43</sup> Course code QC0493\_01

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Consultation was a highlighted issue raised by focus group participants. Members felt aggrieved when the prosecution would negotiate with defence however not consult with officers before withdrawing charges. Participants complained these were too common and the withdrawal of charges 'erodes police confidence'. This perception may be attributable to a lack of understanding of the court process, and in particular the case conferencing intention and process (Appendix U).

Members of the focus groups felt matters being withdrawn may have progressed if only they were consulted. Service policy<sup>44</sup> dictates that when intending to withdraw a charge, consultation should take place with the victim (where possible and where appropriate). This OPM does not indicate consultation should take place with the arresting officer but would be applicable to an officer who is considered a victim for example, to an assault.

In the survey most senior prosecutors indicated their preference to consult with the arresting officer to discuss why the matter was being withdrawn and to assist with preventing future issues, however many indicated time constraints could prevent this from occurring. Although an early discussion between the parties to rectify deficiencies is ideal, it is important to note these deficiencies should have been detected by the brief checker / supervisor / brief manager and resolved before the prosecution of the matter. The burden should not fall on the prosecutor to commence the consultation process and this is reflected in the OPMs relating to brief checking. Unfortunately when direct consultation does not occur on matters that the officers consider serious, opinions such as those displayed in the focus groups can generate negative perceptions.

During focus groups several officers perceived failed prosecutions were attributed to the inexperience of the prosecutor. As inexperienced prosecutors do not have the authority in accordance with Service policy to withdraw charges this perception may relate to those charges which have been dismissed by the court. As can be seen by the previously mentioned PRC data the rate of dismissals over the past few years at GCD has been decreasing resulting in a 0.3% dismissal rate for 2015 (n=150 approx.). The number of NBD dismissals for 2015 increased from 0.2% in 2014 (n=155 approx.) to 0.3% (n=243 approx.) however it is important to put these figures in context considering the projected 81,000 NBD charges in 2015.

Whilst there is no evidence to suggest dismissals in general, or an increase in the number of dismissals are a result of inexperience by the prosecutor without further analysis, the Commission<sup>45</sup> reported "police prosecutors were not fully equipped to carry out what was asked of them until they had at least three to four years' experience as a qualified police prosecutor". Coupled with issues pertaining to insufficient evidence and prosecutor stress and workload, this perception may have validity however would require further analysis to confirm this.

**Recommendation 21** - *That the Executive Director, Legal Division review prosecution and brief management staffing models and practices.*

### **Key issue identification during complaint analysis**

During analysis, one complaint at GCD was identified as a pertinent example of where a complaint could have been avoided had the officer utilised better communication and interaction skills. Additionally, it would appear the officer used their power as a police officer to take away individual's liberty when the justification was not visible. To add to the issues, a brief was prepared, checked and disclosed to defence. Defence made submissions in respect of the arrest being unlawful. The prosecutions accepted defence submissions, all charges were withdrawn and costs were subsequently awarded against the Service. On review of the evidence, it was opined that had the

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<sup>44</sup> OPM s3.16.1

<sup>45</sup> *Crown Employees (Police Officers - 2009) Award* [2011] NSWIRComm 43

matter been determined in a hearing, the detriment to the Service would have been far greater, both in terms of monetary and reputation.

The below is a brief summary of the matter:

Defence submissions to the prosecution were essentially that the arrest of the defendant was unlawful because the police did not have a power of arrest and had used excessive force. The prosecution discontinued all charges.

It would appear from review, the officer overreacted to the minor behaviour of the defendant and there were inconsistencies in the evidence. The officer indicated other people had to move out of the defendant's way hence causing a public nuisance, this was not supported by the CCTV footage. Although the lack of supporting CCTV footage does not always warrant withdrawal of charges, in this case there were more concerning discrepancies. When the officer first sighted the defendant his evidence was that the defendant had bloodshot eyes and had been consuming alcohol for some time earlier that day. The officer was not privy to any alcohol consumption at the time of the incident, nor could he view the eyes of the defendant considering it was night time, the defendant was moving swiftly at the time of interaction, and the officer crossed the street to arrest him. These issues in totality affect the validity of the evidence in particular the UIL.

In *Police v Christie* [1962] NZLR 1109 p1113 it was determined when assessing whether a person's conduct constitutes a nuisance, the time, place and circumstances must be considered to be serious enough to incur the sanction of a criminal statute and *'that it constitutes an attack upon public values that ought to be preserved'*

In *Innes v Weate* [1984] TasR 14 at 21 any execution of duty needs to be measured - *It is important that a constable should have a wide discretion to act swiftly and decisively; it is equally important that the exercise of that discretion should be subject to scrutiny and control...*

Whilst an expectation is placed on an officer under the PSAA to bring offenders to justice, the minor traffic infringement simply failed to constitute a nuisance of the requisite standard and without validating evidence of a UIL the arrest was therefore unlawful.

When a person is unlawfully arrested the person may use force to defend themselves

*'It is an important principle of law that no man has the right to deprive another of his liberty except according to law, and if he does so the person so lawfully deprived has a perfect right to use reasonable efforts to beat him off and get out of his custody'. McLiney v Minister* [1911] VLR 347. As such, the defendant was entitled to resist the actions of the officer. Actions which are initially authorised (use of force under s615 PPRA) will become unauthorised where they exceed the scope of the officer's lawful duties. Excessive force will not only render an otherwise lawful arrest unlawful, but may also provide a defendant with the defence of provocation in respect of an assault police charge. In this case it provides a defence to the serious assault charge.

Section 790 PPRA assault/obstruct are referred to as 'contingent' offences in that they are contingent upon some other action taking place, namely, the officer acting in the performance of

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his or her lawful duties at the time of the assault or obstruction. The onus is on the prosecution to prove that at the time of the obstruction, the officer was acting in the performance of his or her lawful duties. An officer found not to be acting within the scope of his or her duties cannot be assaulted or obstructed. Whilst there is an exception to this rule, *Veivers v Roberts*; *Ex parte Veivers* [1980] Qd R 226 outlined where if it can be shown that the officer had a belief that an offence had been committed and the belief is based on reasonable grounds then the defendant can still be found guilty of obstruct or assault police. The grounds of the arrest were not reasonable therefore the obstruct charge failed. Minor offences committed whilst in custody at the watchhouse also fail as a result.

It would be reasonable to assume that had the officer taken the time to speak with the defendant rather than forcefully grabbing the defendant and restraining him, the arrest (depriving the defendant of his liberty) and subsequent complaint may not have taken place. In addition, had the deficiencies in the brief been identified at an earlier stage, costs may have been avoided. It is clear in this case communication is fundamental to all interactions, and good brief checking and brief management is essential to identifying and rectifying problems at the earliest opportunity.

How officers interact with members of the community and utilise the power and responsibility the law bestows upon them is crucial in ensuring police legitimacy. The case of *Rowe v Kemper* [2008] QCA 175 is known for the use of force techniques used by the police when arresting Mr Rowe, the media aired the CCTV footage which caused a public outcry on police excessive force. The Court of Appeal did not make any comment, adverse or otherwise about the use of force, the issues for determination were whether the move on direction was lawful, reasonable and whether the safeguards had been complied with<sup>46</sup>.

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<sup>46</sup> In using this example it is acknowledged that Mr Rowe ultimately undertook a successful private prosecution for assault against one of the officers.



*Rowe v Kemper* [2008] Queensland Court of Appeal (QCA) 175

On the evening of Sunday 9 July 2006, Mr Rowe was inside a toilet cubicle in public toilets underneath the Queen Street Mall when the cleaner wanted to clean the toilets, however was unable to whilst the toilets were occupied by Mr Rowe. Mr Rowe, a 65 year old man (believed to be homeless), was inside the cubicle for some time as he was changing his clothes. The cleaner had given Mr Rowe 5 minutes to change and when he returned, Mr Rowe was still inside the toilets and did not plan to leave. The cleaner was annoyed that Mr Rowe would not leave so he then asked for police assistance. Constable Kemper attended (with 3 other officers) and told Mr Rowe that he had to leave the toilets. The defendant objected, was belligerent and aggressive towards police and asked the police for their names and numbers and asked them for a good reason why he had to leave the public toilets. The officers supplied their details to Mr Rowe. Mr Rowe did eventually leave, however did so under protest and continued to argue with police. When they reached the mall outside, Constable Kemper gave Mr Rowe a move on direction to leave the Queen Street Mall and not return for 8 hours. He was warned about not complying with the direction at which he asked for the officer's names again and he brought out a pen and paper to write this down. Constable Kemper then arrested him for contravene a direction. Mr Rowe then braced his legs and body in resistance to Constable Kemper who had moved to physically effect the arrest. One of Mr Rowe's legs was pulled to put him to the ground. Mr Rowe kicked at police and struggled. One of the officers used peroneal strikes to stop the defendant from kicking out.

The Court of Appeal found the following:

1. The direction to leave the mall for 8 hours was disproportionate (this is subsequent to the finding that the circumstances satisfied PPRA requirements in that the police did have the power to issue the move on direction).
2. The officer did not give the defendant reasonable opportunity to comply.
3. It therefore followed that in the absence of a suspicion both actual and reasonable that an offence had been committed (of contravene direction), there was no entitlement to arrest Mr Rowe and therefore the officer was not acting in the execution of his duty.

His Honour Mackenzie AJA made the following comment in his decision at [84]:

"Police officers whose lot is to maintain good order and public safety in public places face a multitude of situations which often develop suddenly and have potentially unpredictable outcomes. Officers are required to make assessments, in real time, of the nature of the behaviour and how to respond to it so that good order is restored by means appropriate in the circumstances. Not infrequently, as in this case, the person whose conduct attracts attention will be disposed to be unco-operative when common sense would suggest that a degree of give and take would avoid an escalated confrontation."

There were no adverse comments made in respect of the use of force despite the public outcry when the CCTV footage was aired on the news. Mackenzie AJA at para 108 declined to comment on the degree of force used and added that in the matter of Rowe the surveillance vision was equivocal. In his findings His Honour also drew on an approved principle of evaluating police conduct, citing *Pringle v Everingham* (2006) 46 MVR 58 at 73 -74; [2006] NSWCA 195 at [67] "In evaluating police conduct, the matter must be judged by reference to the pressure of events and the agony of the moment and not by reference to hindsight".

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## Training and Compliance

The Task Force reviewed relevant training outlined below, to gain an appreciation of techniques, tactics and skills taught, ethics programs, supervisory programs and the currency of such.

- Operation Skills and Tactics (OST);
- Supervisory/Leadership Training;
- Professional Standards Training; and
- Field Training Officers.

The following sections provide an explanation, summary and relevant recommendations for each of these areas.

### Compliance

Chapter 14 of the OPM outlines Service policy and instructions relating to operational skills and practices. Officers are required to complete OST training annually.

Education and Training Offices in each region develop an annual training calendar which includes OST sessions. Gold Coast ETO calendar extends from January to October each year to coincide with the commencement the leave embargos set down for the major events of the Gold Coast 600, Schoolies and New Year.

Analysis of Advance2 Training Records reveal that OST compliance for GCD is of an acceptable standard and comparable to NBD and the State (see Tables 8 and 9).

**Table 8: OST Compliance 2015/2016 (current as at 08/10/2015)**

Region	District	Current to 31 Dec 2015	Current to 31 Dec 2016	Current Total	Not Current Total	Exempted Total	Police Officers
Brisbane Region	North Brisbane District	476	546 (46.63%)	1022	138*	11	1171
Brisbane Region	South Brisbane District	265	675	940	76	41	1057
South Eastern Region	Gold Coast District	177	646 (72.91%)	823	61**	2	886
South Eastern Region	Logan District	115	433	548	34	8	590
State Grand Total		3087	5064	8151	926	134	9211

\* 11.78% (of total police)

\*\* 6.88% (of total police)

**Table 9: Gold Coast OST Compliance 2015/2016 by Rank**

Gold Coast District	Members	FIREARMS AND POST		CEW	OST	
		Current	Not Current	Current	Exempted	Compliance
Constable	342	339	2	338	1	99.4%
Senior Constable	398	389	8	367	1	98.0%
Sergeant	150	144	6	116	0	96.0%
Senior Sergeant	60	59	1	41	0	98.3%
Inspector	11	11	0	4	0	100.0%
Superintendent	2	2	0	0	0	100.0%
Chief Superintendent	1	1	0	1	0	100.0%
<b>Total</b>	<b>964</b>	<b>945</b>	<b>17</b>	<b>867</b>	<b>2</b>	<b>98.8%</b>

\* All information sourced from Advance2 at 0800 hrs on Tuesday 22 September 2015

GCD along with other Regions uses an instructor secondment process from Stations in each District to deliver OST training.

### Annual OST training curricula

OST training is designed to meet the minimum requirements of the national guidelines set by Australian and New Zealand Policing Advisory Agency (ANZPAA). OST curriculum is managed by Operation Skills Section (OSS), PSBA. Current OST curriculum is set out in four blocks. These are:

- Block 1 OST Firearms + OST POST (Police Operational Skills Training)
- Block 2 Dynamic Interactive Scenarios
- Block 3 Conducted Energy Device
- Block 4 Remington R4 Rifle (QPS Service Rifle)

The curriculum is reviewed annually and is intended to be progressive and staged to build a set of skills. For example, Block 2 (2015) aims for incremental development of skills emanating from Dynamic Interactive Scenario Training (D.I.S.T). The 'Position SUL' ('south' in Portuguese) skill is included in a move toward in the provision of team tactics active armed offender training for the 2016 integrated curriculum.

It has been noted by OSS that practical skills degrade quickly, and anecdotally, OSS have found many officers have difficulty demonstrating competence during annual training. They contend allocation of additional time to delivery of OST training would increase the ability to promote skills including tactical communication, intervention and negotiation. This type of scenario based training requires extended timeframes to deliver which makes the allocations of a single day less than optimal. Given the time constraints the current curriculum is therefore directed toward reinforcing basic practical hard skills. Hard skill reinforcement has been driven through previous recommendations from Coroners, reviews, inquiries, organisational issues and/or emerging national or international trends (e.g. terror threat).

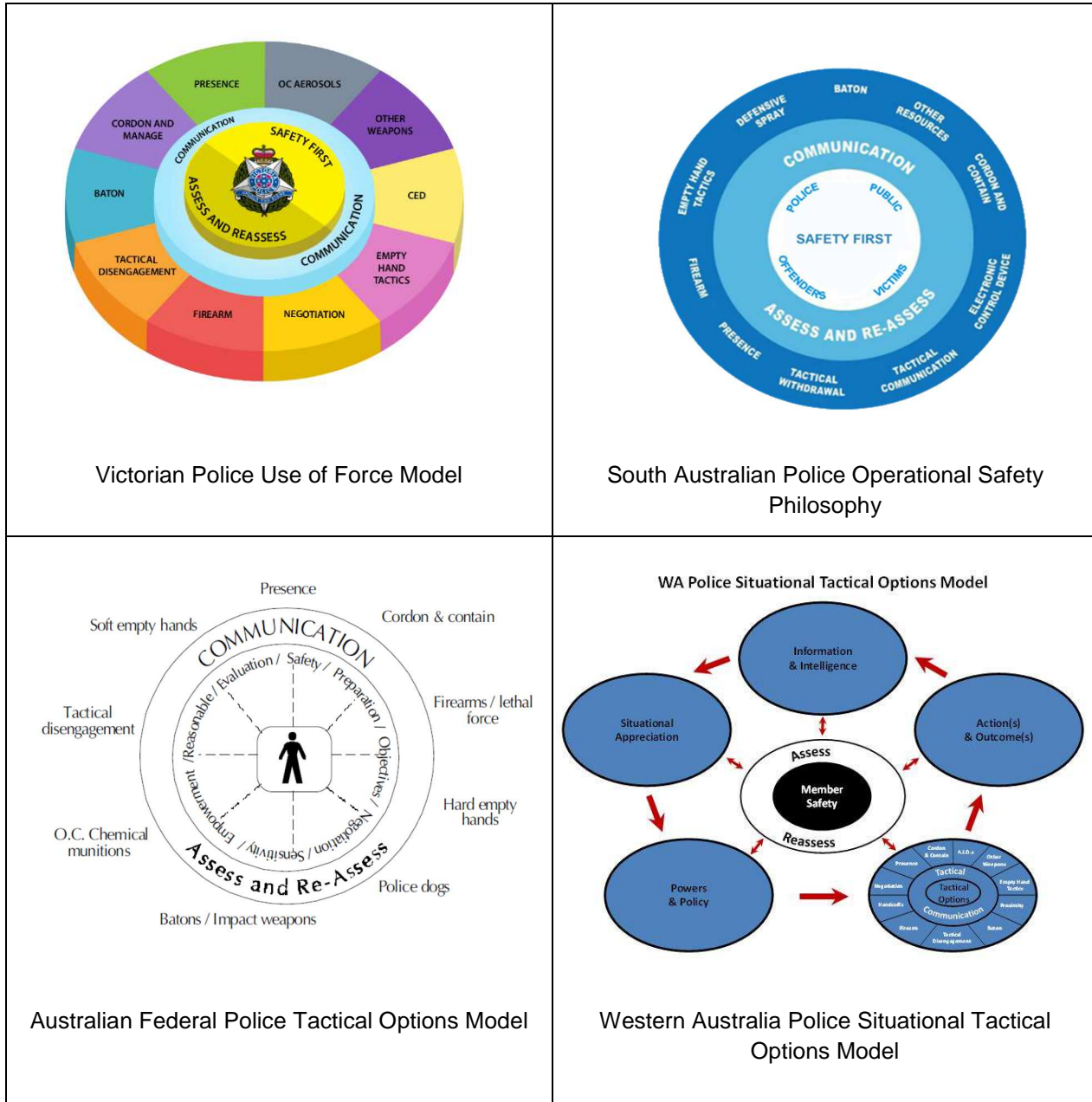
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The Operational Use of Force Review conducted in 2009 recognised this issue and recommended OST training component be increased to 5 days per year. The 'gap' identified reiterated the view that the allocated block training days were insufficient for the introduction and maintenance of current skills to an acceptable proficiency. The evidence supporting this recommendation was that OST training merely existed for maintaining compliance instead of a development and refinement mechanism. This Review noted the whole of Service response requires a shift from the "compliance" mindset to promoting OST skills as an integral part of the core functions of a police officer – regardless of rank, designation or work position.

Recently the Deputy Commissioner (Strategy, Policy and Performance) directed that the Renewal Program Board would have oversight for changes to policy, curriculum, training, resourcing, procurement and evaluations for Use of Force, and would make recommendations to the Board of Management. Prior to approval or implementation, changes are to be directed through the relevant Executive Officer to the Board Secretary, Operational Capability Command (OCC) (as of 26 March 2015).

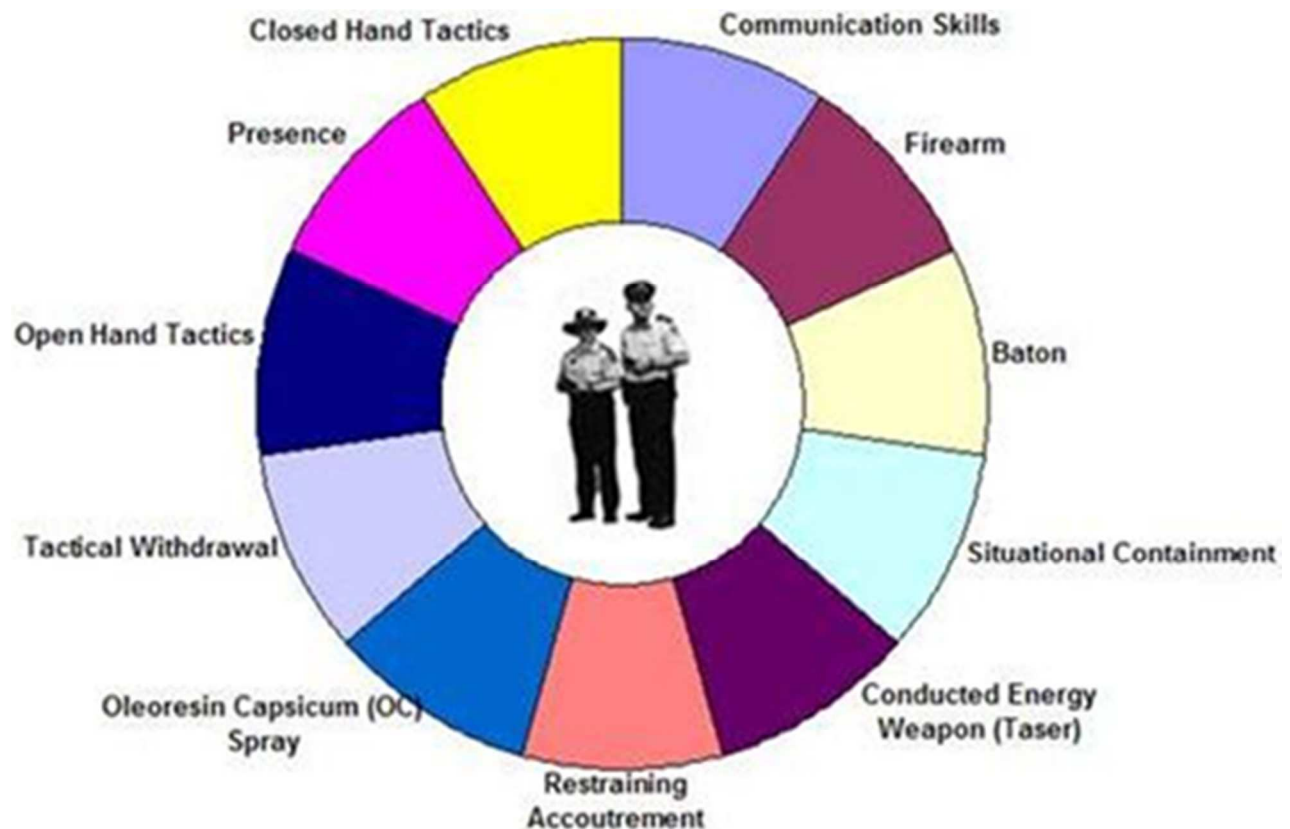
## Situational Use of Force Model (SUOF)

Use of force models have developed in two streams, SUOF and tactical options models. Jurisdictions in Australia have adopted both SUOF and tactical options models to articulate their approaches to an officer's force options. Below are examples of models/approaches used by a selection of Australian police jurisdictions.



**Figure 62: Situational use of force models**

Australian research delineates the difference between SUOF models and tactical options models (Hamdorf, Boni, Webber, Piki, and Packer, 1998). A key difference is that tactical options models place emphasis upon communication as an ongoing element of an interaction as opposed to a single force option. Further, tactical options models consider readiness to assess and re-assess an interaction to select an appropriate use of force option to escalate or de-escalate. The Service's current use of force model (see Figure 63) is simple, long standing and not dissimilar to other SUOF models.

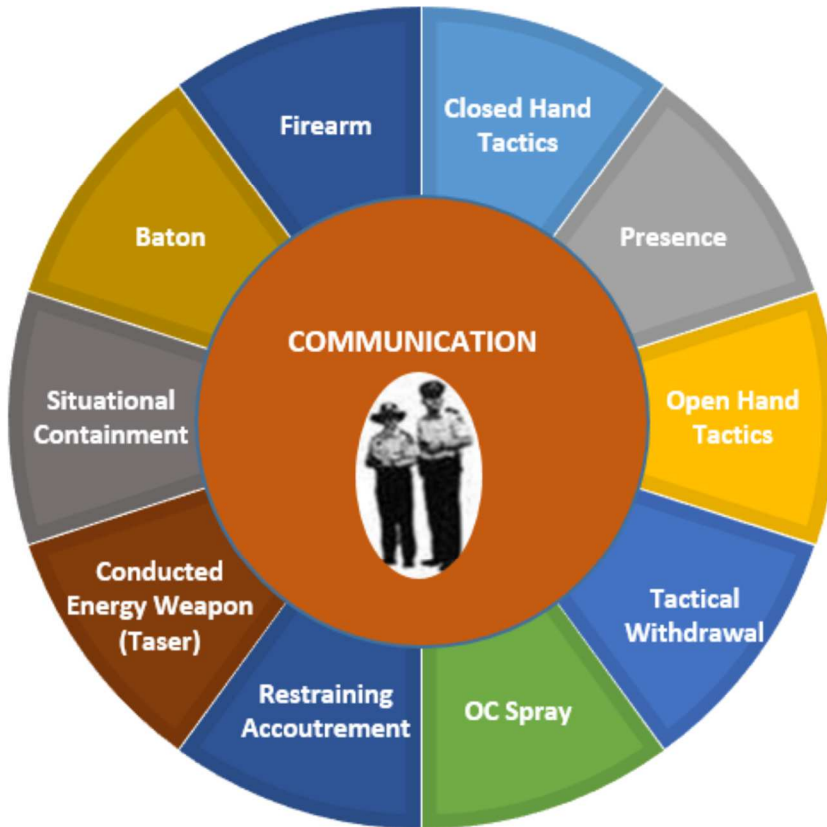


**Figure 63: Queensland Police Service Use of Force Model**

The recent QPS Violent Confrontations Review (2015) identified that despite a body of research acknowledging policing as an environment requiring high levels of interpersonal communication skills there currently exists a strong training focus on higher risk situations and 'high end' use of force options. Further, although communication skills are part of the OST curriculum in relation to UOF, the emphasis is strongly on tactical communication involving forceful /aggressive directions at the point of engagement and is typically used immediately before the UOF. Little or no opportunity is given to officers to practice more 'peaceful' forms of communication (verbal and non-verbal) as a means of de-escalating an incident.

In reviewing vision associated with complaints, it was noted that communication could in many instances have been used more effectively to diffuse or de-escalate a situation. To increase the focus on the importance of communication both in conjunction with other types of force and as a de-escalation tactic, a modification of the current SUOF model placing emphasis on communication, rather than a singular option is considered beneficial. This is depicted in the modified UOF model below (See Figure 64).

## USE OF FORCE MODEL (MODIFIED)



**Figure 64: Possible modified SUOF model representation**

This model also draws from the other police models in that it brings communication into a central position, as almost every circumstance encountered uses communication as a precursor or in conjunction with other use of force options. A key benefit of this modification is that it maintains a conceptual simplicity that does not fundamentally change the current model which officers have become familiar with over their service.

**Recommendation 22** - *That the Commissioner approves modification to the QPS Situational Use of Force Model to centrally position communication, acknowledging its importance as a precursor or in conjunction with other use of force options.*

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## Localised training initiatives

OST training focusses heavily on equipment and hard skills proficiency with scenarios involving resolution of higher risk incidents and 'high end' UOF options. Whilst this level and type of training is suitable for the majority of the Service, there are some work environments where a case can be made for the benefit of a localised training to address contemporary issues identified at a local level. For example, as highlighted earlier in this report, rostering and work practices differ, where police work in teams in some divisions (primarily entertainment precincts).

As such, generic OST training may not be optimal. Further, as officers are trained and assessed either individually or in pairs, which does not provide those officers working in team based situations an opportunity to embed skills and reinforce good practice in UOF utilising team tactics or multiple officer situations that is more representative of their day to day work practices.

This issue was previously identified in a 2009 internal QPS review of operational use of force training. Specifically:

*“an apparent lack of supervision, coordination and appropriate application of practical skills may be causing incidents to be dealt with at a higher level of force than may be required. Officers are not given instruction in “team” (3 or more) practical policing skills when dealing with use-of- force incidents’.*

The QPS Public Safety Response Team (PSRT), Operations Support Command was established in 1994 to provide specialist response for situations where an increased level of confrontation and/or violence may be anticipated such as major events, disaster management and protests. With a full time strength of 62 operators PSRT consider training as a key aspect of quality community deliverables and as such 20% of their work time is made up of some form of skill training. Part of this training is working within a team to deliver a street policing response with a designated team leader to ensure appropriate command and supervision in situations.

According to the PSRT the four person team model provides a strong position of safety for all team members to deal with situations. PSRT have in the past provided upon request training in 'street policing'; a 4 hour course focusing on team policing to regional personnel. PSRT can only provide this package in a limited capacity (i.e. delivered less than 5 times in 2015).

PSRT place critical weight on the role of the team leader, especially when confrontation is imminent. It is considered the team leader should not be going hands on unless necessary, but rather should be managing the teams' actions.

The Task Force were made aware of a training initiative implemented in Brisbane Central District in 2010. This supplementary OST Program emanated from a 2010 Operational Performance Review (OPR) of Brisbane Central District. The Case Study below outlines this process.



## CASE STUDY

*Brisbane Central District (BCD) Supplementary OST Program 2010 [reference numbers: MNR RCI 12/7003, DOC 12/639923, DOC 10/29230]*

*An issue referred from the Brisbane Central OPR in January 2010 fell within the Priority Area of Personal Safety. The issue identified was the assaults on police where alcohol was a contributing factor. Action taken in response to this issue was the development of a training strategy which included OST training specifically targeted at dealing with intoxicated persons with a view to reducing the number of assaults on police.*

*In July 2010 Supplementary OST commenced. The training consisted of non-assessable skills packages delivered to frontline officers.*

*The training was also intended to reinforce professionalism and ethical practice. The training consisted of seven topics, including:*

<b>BCD Supplementary OST Topics</b>	<b>Duration</b>
<i>Situational Use of Force (SUOF) and Restraining Accoutrements</i>	<i>Each topic offered as a 1 hour standalone session</i>
<i>Prisoner Transport and Movement</i>	
<i>Open Hand Tactics/Restraints</i>	
<i>Lateral Vascular Neck Restraint (LVNR) and Weapons Retention</i>	
<i>Searches of Person</i>	
<i>SUOF and Dynamic Interactive Scenario Training (D.I.S.T) (Practical) Scenarios</i>	
<i>Tactical Communications and Street Policing</i>	<i>3 - 4 hour session delivered by Public Safety Response Team (PSRT)</i>

*The topics delivered were derived from the OST curriculum. Full staffing of the District Training Office to deliver the training was a critical component of the District maintaining a commitment to the coordination, logistics and delivery of the training.*

*The Supplementary OST training was evaluated across the period 1 July 2010 to 31 March 2011. Anecdotal evaluations and analysis by the BCD Education and Training Office reported the training was successful in achieving its intended aims, to 1) Enhance professional standards and ethical practice; 2) Reduce the number of assaults against police; and 3) Reduce the number of complaints made regarding excessive force by police.*

It was noted that that the governance arrangements adopted by OSS presented a significant challenge to get this local training approved and implemented. As OSS only allow elements contained in the current 12 month OST curriculum to be delivered in local supplementary training i.e. if handcuffing is not specifically a focus in the current 12 month OST session then it cannot be used a local supplementary training

**Recommendation 23** - *That the Executive Officer, Training and Development - Police reviews OST governance procedures to enable supplementary OST training for local training needs.*

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## **Supervisors and training**

As identified in the literature review, the behaviour of supervisors, managers and leaders has more of an impact on staff behaviour than written codes of conduct or ethics policies. This being the case, the importance of leadership for junior police officers cannot be underestimated. After a recruit has graduated from the Academy, they are allocated to a police District as a First Year Constable and receive a further 12 months on the job training.

FYC on the job training is a competency based program and relies heavily on the Field Training Officer (FTO). FTOs undertaking FYC Mentoring functions are paid an allowance under the current Enterprise Bargaining Agreement (EBA) during the Mentor Phase. The Mentor Phase is the first eight weeks of the probation year and requires one hundred per cent of shifts with a FTO. After successfully completing this period a FYC progresses to the General Phase of their probation year. The general phase only requires a fifty per cent ratio of shifts completed with a FTO.

The selection process for FTOs is contained in section 19.1 of the Queensland Police Service, Field Training Unit FYCP Guidelines (02/2013). The First Year Constable Section (FYCS) advised that officers are selected to perform FTO roles by their OIC's and then attend a course.

The previous government's commitment to 1100 addition officers thus increasing FYCs over and above our normal capacity drove a change in the FTO selection process. The Service normally has approximately 400 FYCs at any one time. When FYC numbers peaked at 800 the ETOs resources were stretched, and the number of available FTOs needed to increase.

Reliance is placed on a OICs personal knowledge of the officers they nominate to become FTOs. OICs also have a vested interest in selecting the best FTOs. The FYC learning portfolio is completed by FTOs ETOs conducts informal reviews of FTO performance when undertaking Comprehensive Evaluation Reviews (CER) on FYCs. A CER consists of a face to face interview between the ETO and FYC focusing on the FYCs Learning Portfolio, Workplace Activities, Incident Reports and any other documents as required.

ETOs do not have access to the CSS system and as such are unaware of any complaints against an FTO or FYC. Where ETOs have a concern about an FTO with regards to competency or ethics, in accordance with Field Training Unit FYCP Guidelines, the matter is referred to the Inspector, Constable Development Unit for consideration.

The FYCS advise that there have been a number of GCD officers who have had their mentoring FTO accreditation removed due to lack of competency (e.g. providing poor advice on operational issues), but with retraining they have returned to the role without further issue. The Inspector, Constable Development Section reinforced that the Service has a cadre of FTOs, including those based on the Gold Coast that are well suited to the role and who exemplify the qualities FYCS seek.

Table 10 illustrates the comparative numbers of officers that have been trained as FTOs as well as those currently approved as FTOs, and a breakdown of current FTOs by rank in the GCD and NBD.

**Table 10: GCD and NBD Field Training Officers as at 30 October 2015<sup>47</sup>**

	Field Training Officers		Number Current FTOs by Rank			
	Trained	Current	CON	SCON	SGT	SSGT
Gold Coast District	502	549	101	311	104	29
Southport Division	60 11.9%	50 9.1%	16	25	8	1
Surfers Paradise Division	63 12.5%	53 9.6%	15	23	13	2
Broadbeach Division	37 7.4%	33 6.6%	14	11	8	0
Coolangatta Division	29 5.7%	22 4.0%	1	18	3	0
Gold Coast Dist Rapid Action and Patrols	33 6.6%	41 7.4%	11	19	8	2
North Brisbane District	715	836	190	460	141	43
Brisbane City Division	106 14.8%	77 9.2%	27	35	15	0
Fortitude Valley Division	94 13.1%	70 8.4%	35	23	11	1
Petrie Division	46 6.4%	48 5.7%	11	26	9	2
Hendra Division	45 6.3%	45 5.4%	20	19	5	1

\* Data from Advance2

## Professional standards training and role of supervisor

Analysis of QPS policy and procedures by the Task Force revealed there is a broad suite of education and training products available to develop leadership, supervisory and management capability of officers. Products are available in distance and face to face modes of delivery. Concepts including ethics, professionalism, effective decision making and communication are intertwined the content being delivered to enforce supervision, leadership and management standards expected of officers as they traverse their career from recruit to commissioned officer.

The core business of the ETO hosted by the Integrity and Performance Group (IPG), ESC is to deliver Professional Standards Training to various ranks, functions and specialisations within the organisation. This training is structured within a framework of the Professional Standards Training Continuum. The Professional Standards Training Continuum depicted in Appendix V consists of

<sup>47</sup> Trained = total number of police officers recorded as having completed a Field Training Officers course recorded in Adv2.

Current = total number of police officers who are currently an approved Field Training Officer recorded in Adv2.

Number of current FTOs by rank = number of currently approved Field Training Officers by their substantive rank as recorded in Adv2.

a series of modules and topics, some of which are assimilated into other education and training courses such as recruit training, and the Constable and Management Development Programs.

Advice from the ETO office IPG, ESC is that Professional Standards Training is delivered on a needs basis to Regions and Commands. An extract of Advance2 training records for these courses and modules was conducted (Table 11).

**Table 11: Professionalism Training – Completion figures**

Course name	Gold Coast District	North Brisbane District	QPS
Frontline Leadership Responsibility	114	169	1175
Supporting Professionalism Leadership	9	18	565
Professionalism through Management Leadership	0	0	0
Discipline Investigations	36	39	568
Discipline Resolution Strategies	0	1	38
Client Service System - Professional Practice Management	0	0	9
Practice Manager (Client Service System)	0	0	0
Detectives and Professionalism	33	34	332
Protecting Our Values - Foundations	4	6	59

*\*Data as at 26/10/2015*

A limitation of this data is that depicts the total number of persons having completed the course and not when they did it or where they were at the time of completion.

The topic 'Frontline Leadership Responsibility' is delivered in Module 2 of the Continuum. The target audience for this training is officers completing the Constable Development Program (CDP). The session is intended to provide participants with an understanding of the role of a QPS leader in identifying ethical risks, liability of supervisors relative to the behaviour of subordinates, the need to address ethical risks, situational ethics orientations and obligations to report misconduct. Facilitator discussion points in this training include reflection on own behaviours as leaders and uses demonstrating effective UOF options or communication techniques as a mechanism of role modelling. The efficiency and effectiveness of demonstrating good practice rather than to investigate a complaint emanating from poor practice is also linked with this learning component.

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The review identified that Professional Standards Training frontline leadership concepts are not consistently promulgated across the organisation, and in a UOF context are only encountered once per year during OST training. From an OST perspective, the Block 2 (2015) Dynamic Interactive Scenario Training (D.I.S.T) scenarios incorporate the following concepts of frontline supervision and basic supervision:

- **Assist** your colleagues in doing their job.
- **Fix** something that is going wrong.
- **Stop** something that is wrong.
- **Report** something that has gone wrong.

These concepts have been carried into 2016 scenario assessment for instructors to question participants on during the pre-scenario briefing. While these concepts are loosely addressed in OST training, there is little direct guidance or instruction given to participants to enforce the frontline supervisory skills expected of frontline supervisors.

Further discussions occurred with the OIC OSS towards the later part of this review to discuss and clarify issues regarding training in frontline supervision and particular situational control involving use of force. The OIC OSS stated that based on his experience and knowledge of the curriculum, more emphasis could be directed towards development of frontline leadership and supervisory skills in field supervisory roles, particularly at the rank of Senior Constable.

**Recommendation 24** - *That the Executive Officer, Training and Development - Police reviews leadership and frontline supervisor training within current programs to actively promote frontline leadership.*

## SUMMARY

Police agencies world-wide are grappling with the issue of police legitimacy. Fundamental to police success is the relationship that the police organisation and individual officers have with their citizenry. Any police agency that does not identify that the manner in which it interacts with its citizens is highly correlated with organisational acceptance and support, is destined to lose the confidence of the community. It is therefore critically important for police officers to treat the community in ways that are procedurally just. Employing strategies which are consistent with: dignity and respect; employing trustworthy motives; giving the community voice in the police-citizen encounter; and being neutral in the way police engage with their community; gives these important relationships the greatest chance of success.

Not only is it important that these planks of procedural justice are applied to police citizen encounters but it is also vital that police agencies are responsive to any complaints that are made, and this is particularly so with respect to excessive use of force complaints. Police agencies need to be mindful of the potential for scepticism from the community concerning the notion of police investigating their own workforce. This is why the principles that underpin police disciplinary complaint management needs to be: easy to access; responsive; transparent; neutral; fair and objective.

It is from this presumption that Task Force Bletchley was created in September 2015 in response to negative media reporting relating to allegations of excessive use of force by police on the Gold Coast, Queensland. The Commissioner of Police, Queensland Police Service in consort with the then Queensland Minister for Police, Fire and Emergency Services and Minister for Corrective Services identified that a Task Force (Task Force Bletchley) would undertake a review of excessive use of force on the Gold Coast and state-wide. Task Force Bletchley commenced in earnest on 14

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September 2015 with a broad remit to examine myriad factors relating to excessive UOF. A multi-disciplinary team of QPS personnel from a diversity of specialisations came together to investigate a broad and ambitious programme of works. These specialists represented areas such as: internal investigations, education and training, policy, prosecutions, legal, research and analysis.

The outcome of this key body of work is a collection of over 100 observations distilled into 24 key findings. These findings examine policy shifts such as a change to the Use of Force Model that has been employed by the QPS for many years. The Task Force examined, and made recommendations on, the key risk mitigation strategies of Management Initiated Lateral Transfers and Commissioner's Confidence provisions. Other recommendations relate to how complaints are made and managed, training of police in UOF responses, operational leadership skills and many others.

It is important to recognise that when Task Force Bletchley commenced in September 2015 there were other issues occurring or about to occur which would impact its important work. The QPS Violent Confrontations Review was about to be finalised and a report would be provided. This work was in response to a review of fatal police shootings. A review of police culture focused on the Gold Coast was also underway. Early in the work of the Task Force a briefing occurred with the consultant and senior responsible officer involved in said review to ensure alignment of works undertaken.

An important contextual consideration was that a number of key senior appointments had been made or were about to be made relating to a change of leadership on the Gold Coast. At the time of the announcement of Task Force Bletchley a further limb of the Commissioner and Minister's four point plan was to see the newly appointed Assistant Commissioner, South Eastern Region appointed and his arrival at that Region expedited. It is important to site the work of this Task Force within the context of these important other issues because they represent key success factors in the recommendations, findings and observations of Task Force Bletchley becoming mainstreamed into new and improved practice.

Overall, the work that was undertaken to give effect to these outcomes was ambitious, complex and detailed. The results are a genuine attempt to make positive reform in a context which is vitally important to the QPS and the community of Queensland. There is a significant opportunity created by current circumstances as has been articulated previously. The Task Force suite of observations, findings and recommendations provide a framework or blue-print to improve practices. They also allow the QPS and in particular SER to bench mark future performance using the data and metrics of this review.

Policing is a complex endeavour and the complexity has increased over time. Police officers have a difficult and challenging role and the demands upon them are significant and the expectations are rightly high. There are however, some principles which are current today, have always been so and will not abate into the future. They relate to the importance of the police citizen relationship and the legal and community expectation. That expectation is that police officers - should they have to use force - will use the most minimal use of force necessary to achieve an outcome and that use of force will be authorised, justified or excused at law. The work of the Task Force is cognisant of the challenges that police face but is unapologetic at holding police to a high standard. The recommendations, should they be accepted by the Commissioner, will provide a significant opportunity for the QPS both now and into the future.

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## APPENDICES

### Appendix A

#### Literature Review, Prepared by Mr Leigh Turvey, Principal Occupational Psychologist Assessment Unit, QPS, PSBA

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##### Introduction to Stress

At the simplest level, stress is a feeling of pressure or being overwhelmed. Stress is typically ascribed situations in which a person feels as though demands facing them exceed their resources to deal with the demands. Where stress is the emotion or feeling in response to demands, stressors are the stimuli that lead to stress. Although stressors are traditionally considered to be environmental factors, or things external to the person, stressors can also be borne out of an individual's perceptions or distorted thinking patterns. For example, a person with perfectionist personality traits may place additional pressure on themselves to complete tasks to unreasonably high standards, making task completion a stressor where it may not otherwise be.

As the stress reaction is the result of the interaction between an individual and their environment, differences in personality, coping resources, coping strategies, resilience and so forth mean that psychological responses to stressors are not universal. However, stress reactions typically occur when stressors produce a state of overload, evoke incompatible tendencies to both approach and avoid the stimuli, or when the stressor is considered uncontrollable. Thus, when persons are able to “predict, control, or terminate an event or situation, they perceive it to be less stressful than when they feel less control.” (p. 495, Baron, 2001).

Stressors are not necessarily negative stimuli, as many positive events – such as getting married, received a promotion, or even going on holiday – may also precipitate stress (Brown & McGill, 1989). Moreover, stress itself is not inherently bad, with a significant body of research demonstrating that small to moderate amounts of stress can be motivating, adaptive and help improve performance. However, exposure to significant levels of stress, or long term exposure to stress, has been linked to a number of negative psychological and physical health outcomes.

##### Biology of Stress

Stress is not merely a psychological construct, but rather is a series of physiological responses designed to prepare the body to react. Indeed, the aforementioned description of stress is consistent with contemporary biological conceptualisations where stress is generally referred to a state in which an organism's natural regulatory states are insufficient to deal with an environmental demand (Berkman et al., 2000). Thus, stress can be considered to be result of a disruption to the body's attempts to maintain optimal conditions for living.

When an individual encounters a stressor, particularly threatening or unsafe environmental conditions, the body engages its stress response. This response is the activation of the sympathetic nervous system, whereby various hormones and neurotransmitters are released to prepare the body to respond quickly to cope with demands, including emotional stress and physical emergencies. Activation of the sympathetic nervous system results in a number of physiological changes to the individual, including dilation of pupils, activation of sweat glands, increased heart rate and respiration and release of adrenaline (Garret, 2003).

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Activation of the sympathetic nervous system on a biological level is largely associated with activation of the hypothalamic-pituitary-adrenal (HPA) axis. The HPA axis is essentially the biological driver for the aforementioned physiological changes. As part of the endocrine system, the HPA axis involves the release of hormones to activate or deactivate other biological systems. The end result of the HPA axis is the biosynthesis of the stress hormone, cortisol.

Cortisol has a number of important parts to play in the response to stress, one of which is the sensitization of the thalamus to stimuli. As the thalamus is the central processing area for the brain's sensory functions, stimulation of this area allows the brain to focus on dangerous or potentially threatening stimuli. Cortisol also stimulates memory functioning, assisting the brain to remember and detect future threats consistent with those currently being responded to.

Research has shown that elevated cortisol levels can lead to a process called 'kindling'. Kindling is essentially the priming of the nervous system to react strongly to mild stimuli that would not normally cause a reaction. This process can even lead to non-threatening events being evaluated as threatening due to similarity in stimuli (eg. smells, sounds, sights) to a previously threatening scenario (McFarlane, 2010). The impact of kindling, and further discussions of cortisol, will be presented in subsequent sections of this review.

Once the threat has been effectively removed, the parasympathetic nervous system becomes engaged. In contrast with the sympathetic nervous system, the parasympathetic nervous system is designed to aid in recovery and regeneration by conserving energy and activating digestion. Physiological changes in this state include inhibition of heart rate, constricted respiration and blood vessels, and increased salivation (Garret, 2003).

### **Chronic Exposure to Stress**

The above section provided a simple overview of the biological response to stress, and what happens when a stressor is successfully dealt with. However, repeated exposure to violence cannot be contextualised purely within a single-exposure to stress model. Rather, in order to understand the impact of repeated exposure to violence, an understanding of the impact of repeated exposure to stress must also be achieved.

The impact of prolonged exposure to stress was first conceptualised by Hans Selye (1936) as the general adaptation syndrome (GAS). GAS was said to comprise of three stages: 1) alarm, 2) resistance, and 3) exhaustion. In this model, initial exposure to stress results in arousal and activation of the sympathetic nervous system ("alarm") as described above. Selye described this stage as the "fight or flight" response. Repeated exposure to the stressor results in a reduced lower level of arousal as a result of adaptation ("resistance"). Central to this stage was the concept that the body strives to achieve a biological equilibrium (called 'homeostasis') and thus will adapt and respond to maintain optimal functioning. Finally, continued exposure to the same stressor and/or additional stressors results in exhaustion, a reduced capacity to respond to stressors and increased susceptibility to illnesses ("exhaustion").

Although Selye's work was seminal in identifying the significance of the HPA axis and its influence on stress, research in the intervening years identified a number of gaps in the GAS model. These include gender differences in response to stress, and differentiated biological responses based upon the type of stressor impacting upon the individual (McEwen, 2005).

Consequently, McEwen and colleagues (eg. McEwen & Stellar, 1993) refined and incorporated contemporary research into the general model developed by Selye, subsequently proposing the allostasis and the allostatic load model. In this model, homeostasis is redefined to be the maintenance of an equilibrium of only the essential biological functions, such as pH, body temperature, glucose levels and oxygen tension, which must operate within tight bandwidths in order for life to be maintained. This contrasts with Selye who applied homeostasis to a number of other biological functions that were not essential for life.

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McEwen and colleagues thus described allostasis as the capacity of a higher level regulatory system to operate at elevated or reduced levels to enable the body to adapt to the environment, and thus to maintain homeostasis. This regulatory system involves what are termed 'primary mediators' of allostasis, which include the hormones involved in the HPA axis, such as cortisol, as well as catecholamines (neurotransmitters and hormones) and cytokines (proteins involved with immune response). Where the process of homeostasis was central to Selye's conceptualisation of chronic stress, allostasis is argued by McEwen and colleagues as being the critical buffer in this process.

In the context of responses to stress, allostasis allows the body to respond appropriately to stressors and maintain a heightened level of activation as is necessary for survival. Once the stressors are removed, the individual is able to down regulate and the biological systems can return to normal level of activation. Although allostatic states can be maintained for periods, cumulative stress causes the dysregulation of physiological systems that the body uses to respond to environmental changes (McEwen & Gianaros, 2010). This biological wear and tear is called allostatic load.

Four different physiological responses were proposed by McEwen (2002) as leading to allostatic load and overload: 1) stress responses caused by repeated exposure to novel stressors, 2) stress caused by a failure to habituate to a stressor, 3) ongoing stress due to a failure to shut off the hormonal stress response, and 4) inadequate hormonal response increasing susceptibility to other inflammatory or autoimmune diseases. Of most relevance to this Chapter is the stress response caused by repeated exposures to stressors.

Early indicators of allostatic load include fatigue, anger, frustration and feeling a loss of control. These behavioural indicators are the manifestations of the dysregulation of biological mediators of allostasis. McEwen stated that allostatic load can also lead to "sleep loss (McEwen, 2006, 2007), anxiety, depression, and such health-damaging behaviours as overeating (Dallman, Pecoraro, & Akana, 2003), smoking, and excessive drinking (Anda et al., 1990; Dube, Anda, Felitti, Edwards, & Croft, 2002)," further dysregulating the allostatic mediators. When this dysregulation reaches a point in which health is compromised, allostatic overload is said to occur.

The effects of allostatic overload can be damaging to a significant number of biological functions. For example, there is evidence that illnesses such as cardiovascular disease, diabetes, irritable bowel syndrome and various autoimmune disease are correlated strongly with chronic stress. Moreover, the link between stress and psychological health has also been widely studied, with anxiety, depression and PTSD all linked to biological markers of stress.

Having now defined and described stress, and provided a model explain negative outcomes of prolonged exposure to stress, the next section of the literature review will present empirical research into the effects of exposure to violence in policing.

### **Repeated Exposure to Violence**

As mentioned in the introduction to the literature review, there is significant evidence linking repeated exposure to violence as being a critical stressor in policing. The following section of the literature review will attempt to conceptualise this stress within a three-tiered model of stress. In doing so, the short-, medium-, and long-term outcomes of exposure to violence for police officers will be described across physiological, psychological and behavioural functioning.

### **Acute Stress Reactions**

Consistent with other research into trauma, Mitchell and Bray (1990) asserted that there are three primary stress reactions: acute, cumulative and delayed. Acute stress reactions are those that occur concurrently or soon thereafter exposure to a single stressor. These reactions are said to occur when the stress of an isolated event is greater than an individual's ability to cope. In the context of policing, the most common type of acute stressors are critical incidents.

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The Queensland Police Service's Guidelines for Psychologist First Aid provides a number of example critical incidents, including:

- Serious threat, assault or injury to QPS member(s) including exposure to toxins/bodily fluids
- Exposure to horrific injuries or accident scenes
- Member has administered emergency first aid (e.g., resuscitation) before paramedics arrive
- Member attends critical incident where victims are known to them or identifies with victim
- Major incidents where police response is complex or protracted
- Fatality (including suicide)
- Serious cases of child abuse/ neglect
- Death of a child
- Death or injury resulting from officer shooting
- High profile incident leading to internal investigation and/or critical media attention
- Death of QPS member in the line of duty

Of these incidents, it is noted that the vast majority refer to situations involving some form of physical violence. The Australian and New Zealand Policing Advisory Agency has used a slightly broader definition of critical incidents, referring to "life-threatening incidents" and "highly dangerous incidents." Taken together, it is evident that incidents involving violence, or the potential for violence, are considered to be high-risk exposures.

Despite these situations being considered high risk, one-off exposures to critical incidents do not consistently cause psychological injury. In the general population, it is estimated that 25% percentage of the population, when exposed to a traumatic incident, will develop some form of long-term psychological condition. In policing populations, Mitchell and Bray (1990) estimated as few as 2-4% experience ongoing issues due to acute stressors. Wilson, Poola and Trew (1997) found 5% of officers exposed to a potential trauma subsequently had PTSD symptoms 7-10 months later, while 25% reported at least mild depressive symptoms.

Although almost every officer will be exposed to acute stressors, the vast majority of reactions will be relatively mild, temporary and resolve without intervention (Mitchell & Bray, 1990). However, even mild reactions may predispose police officers to negative consequences in the immediate aftermath of exposures. Anderson, Litzenberger and Plecas (2002) conducted a study which involved recording the heart rates of police officers before and during their shifts, and during key activities and interactions, to evaluate the impact of stress on their physiological functioning. Unsurprisingly, the authors found that officers had higher elevations when undertaking physical activity compared to being sedentary. The research also demonstrated that higher priority and higher risk driving activities resulted in incrementally higher heart rate responses.

Of note, during use of force activities, officer heart rates were significantly higher than during other tasks; in particular, 'wrestling', 'tussling' and 'full fight' activities elicited the highest heart rates compared to all other duties in this study, including preparing to use a firearm. Furthermore, it was evident that the heart rate of officers involved in critical incidents a) remained higher for the duration of their shift compared with officers who were not involved, and b) were higher for the rest of their shifts compared with their heart rate prior to being involved in a critical incident. These increases were most evident when officers faced subsequent interactions with members of the public. Thus, it was clear that a) engaging in violent confrontations led to very high stress responses, and b) exposure to critical incidents left officers with heightened stress levels for the duration of their shift. Therefore, heightened stress levels as a response to exposure and involvement in violence predisposed officers to suffering other physical, psychological and behavioural problems.

As further evidence of this, Varvarigou et al (2014) found that the policing duties associated highest risk of death as a result of sudden cardiac arrest are those involving restraining or engaging in altercations with persons. These activities were estimated to be 34-69 times the risk compared with routine or non-emergency duties. The authors of this article argued that the combination of

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physical and psychological stress put on the body during these incidents, as evidenced by Anderson, Litzenberger and Plecas' (2002) study, were the key contributors to this elevated risk.

Research has also shown that police officers who have higher levels of arousal at or around the time of exposure to a traumatic stressor (called 'peritraumatic arousal') are more likely to develop subsequent post-traumatic stress symptoms (Brunet et al., 2001). As involvement in violent and physical confrontations with the public are associated with greater arousal, they will also be situations in which officers are particularly vulnerable to developing PTSD. Moreover, as the effects of exposure to these incidents do not dissipate completely during a shift, exposure to violence will also make officers more vulnerable to developing PTSD in other duties for the duration of their shift, and to a greater extent than most other policing duties.

Exposure to violence is also expected to affect police behaviour through the effects of cortisol. Specifically, the severe stress experienced in response to involvement in physical confrontations is likely to make officers susceptible to the process of kindling discussed previously. As such, exposure to a single violent incident may predispose police officers to subsequently overreact to innocuous events, and also perceive violence when it may not exist.

For example, the thalamus of an officer working in a Drink Safe precinct who is involved in a violent confrontation with a person who smells of alcohol may respond by associating the smell of alcohol with potential threats to their safety. Psychologically, this heightened sensitivity is commonly referred to as 'hypervigilance.' Thus, subsequent interactions with different persons who smell similarly may unconsciously cause the officer to have heightened stress levels, and potentially perceive a threat where it may not actually exist. This may itself create more violence due to unnecessary escalation of aggression in response to the verbal and non-verbal behaviour displayed by a police officer. In cases where the second interaction then escalates into violence, perceived validation of the police officer's hypervigilance occurs, further reinforcing the person's reaction to the smell of alcohol and association with violence. As a result, the police officer may develop strengthened neural pathways, creating a vicious circle of seeing threats where they may not exist, escalating confrontations unnecessarily, engaging in conflict, becoming more sensitive, and so forth.

It must be noted that the kindling process occurs entirely at an unconscious level in the brain. As a result, the hypervigilant behaviour described above would be influenced by biological responses outside of the person's conscious awareness and control. However, behaviour is influenced by more than just biological responses to stimuli and kindling alone cannot explain all persons and all responses to violent interactions. What is clear, though, is that exposure to violence may lead to police officers being vulnerable to engaging in behaviour inconsistent with QPS training and policy, and even officers' own standards of performance.

In summary of the literature regarding the impact of exposure to violence in policing as an acute stressor:

- Exposure to violence is considered a 'critical incident' due to the potential for significant psychological injury after single-episode exposures; and
- Irrespective of whether a psychological injury develops, acute exposure to violence renders police officers vulnerable to physical, psychological, and behavioural problems.

In light of these findings, it is recommended that further consideration be given to developing psychological support strategies specifically aimed at assisting officers to recover from acute exposures to violence and violence-related stressors.

### **Cumulative stress**

Cumulative stress reactions occur when an individual has been exposed to a single chronic stressor, multiple acute stressors, or a combination of both, resulting in a build-up of stress. Cumulative stressors may come from a combination of personal and work domains and, because the stress reaction is a result of ongoing exposure, they do not necessarily need to be severe to cause stress (Mitchell & Bray, 1990).

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The allostatic load model described above provides a simple framework for understanding the impact of cumulative stress on people. In summary of the research presented above, allostatic load can have negative physical (eg. cardiovascular disease, diabetes, IBS and immune functioning), psychological (eg. PTSD, MDD) and behavioural (eg. fatigue, anger, frustration and feeling a loss of control) outcomes. A recent example from a QPS general duties officer working in a Safe Night precinct highlights the behavioural outcomes of allostatic load and how they regularly affect police officers:

*The officer stated that when he's under stress at work he tends to experience frustration, being quick to anger, experiencing negative thought patterns (eg. "why am I even bothered?" and "this makes no difference") and low motivation. The officer reported similar but much stronger symptoms when returning from an Australian Defence Force deployment, prior to joining the QPS.*

*The officer advised that as a result of his changed mood in response to stress that he escalates his use of force options more quickly, stating "I get to the same outcome, only quicker." He advised that although he could usually talk down these type of situations, when stressed he doesn't have the energy required to do so. Rather, he chooses to go "hands on" and end the interaction as quickly as possible. The officer stated that despite believing his use of force was never inappropriate, his reactions became an additional source of stress because his behaviour was incongruent with what he was trained to do.*

This anecdote provides a very poignant example of the effect that cumulative stress can have on police officer performance. As explained by the allostatic load model, when a person is exposed to ongoing stressors, they are more susceptible to suffering from stress responses. Therefore, they will be much faster to enter into a sympathetic nervous system response than someone who is not suffering ongoing stress. Consequently, their behaviour will escalate from problem solving to stress resolution much more quickly. In the case of the above scenario, that is reflected in the officer choosing to engage in "hands on" tactics rather than seeking to resolve the conflict by communication.

Because mood affects behaviour, either directly or mediated by cognitions (Gendolla, 2000), the method a person uses to respond to the stressor will be strongly influenced by their emotional or mood state at the time. For example, Miller, Chen and Zhou (2007) demonstrated that the pattern of release of cortisol over time is altered based upon the individual's mood at the time. In the context of a police officer already suffering from the effects of cumulative stress, they are more likely to be motivated by frustration, anger, fatigue and/or a desire for control than officer who is not stressed.

The above example provides an almost textbook example of how allostatic load may impact on behaviour in a police officer: fatigue causes the officer to look for a fast way to resolve the issue; anger and frustration drives the assertive rather than passive behaviour; and the resulting escalated use of force ensures the officer remains in control by being proactive rather than reactive to the situation. Therefore, the case presented above clearly demonstrates the practical impacts that allostatic load may have on officers dealing with situations of interpersonal and/or physical conflict.

The choice of an aggressive response to a potential threat may be strongly influenced by cortisol burnout. Popma et al. (2006) found that in a group of adolescent males that persons with high testosterone and low cortisol levels were more likely to engage in overt aggressive behaviour. Thus, the reason that anger and frustration may manifest into behavioural outcomes for persons suffering allostatic may be due to dysregulation of the cortisol specifically.

With respect to exposure to violence, Miller, Chen and Zhou (2007) conducted similar meta-analytic study of cortisol release, comparing stress variables and their relative cortisol outputs across morning, afternoon/evening, daily, and DST conditions. Of particular interest to this review, the authors found that the pattern and extent of cortisol release was essentially identical when



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comparing chronic stressors involved a physical threat, an uncontrollable stressor or potentially traumatic threat. However, because of a significant overlap between all three factors, the authors were unable to identify whether there was a specific factor that contributed to this pattern or whether it was a combination of all three. In spite this, the research provides further evidence to support the argument that the threat of exposure to violence should be considered and managed in the same light as the threat of exposure to other traumatic stressors.

Morris, Compas and Garber (2012) also conducted a meta-analysis, reviewing the results of 47 studies that had investigated the relationship between cortisol and these two conditions. This study compared individuals who were diagnosed with PTSD, diagnosed with both PTSD and MDD (PTSD+MDD), trauma exposed but not suffering any diagnosed condition (TE), and control subjects who had no trauma exposure (NTC). For each group, cortisol levels were compared across three time phases – morning, afternoon/evening, and daily output levels – as well as a test to simulate the down-regulation of cortisol at the end of the stress response, called the dexamethasone suppression test (DST).

The results of this meta-analysis revealed that both PTSD and PTSD+MDD groups had significantly suppressed daily cortisol output compared with both TE and NTC groups. However, differentiation between PTSD and PTSD+MDD groups occurred in the afternoon/evening cortisol output, where the PTSD+MDD group had a higher overall output compared to the NTC group, whereas the PTSD group had suppressed response in all time phases. With respect to the DST levels, all three trauma groups – PTSD, PTSD+MDD and TE – showed an increased down-regulation of cortisol compared with the NTC group. Therefore, although some measurements of cortisol activity were not found to be able to differentiate between trauma exposure and psychological outcomes, this research demonstrated that the impacts trauma exposure and subsequent psychological illness are consistent with the allostatic load model.

Research has also highlighted that exposure to violence impair empathetic responses. For example, a recent study by Guo et al (2013) demonstrated on a neurobiological level that exposure to violence reduces empathetic responses to other's pain due to physiological desensitisation. In this study, subjects were exposed to media stimulus depicting violence, while undergoing functional magnetic resonance imaging of their brain. The results showed that after short-term exposed to the violence, certain centres of the brain associated with responding to other's pain had reduced activation, and subjective ratings of pain in response to stimulus were reduced. Extrapolating these results to the policing environment, where police are repeatedly exposed to violence and associated injuries, they are likely to experience decreasing sensitivity to the pain of others.

Even more broadly than empathy towards physical pain, Caplan (2003) demonstrated that after ongoing exposure to violence and trauma, police officers become more cynical and lose compassion. Empathy is a critical psychological attribute that fosters relationships with others, with the absence of empathy a key component antisocial behaviours, such as aggression, manipulation and deceit. Therefore, in addition to the stress responses associated with repeated exposure to violence, the loss of empathy may further exacerbate behavioural problems associated with allostatic load.

Research into the impact of stress on police officers has clearly supported the links between the primary mediators of allostasis and psychological health. Violenti et al. (2007) analysed cortisol levels for police officers categorized into one of four PTSD categories – subclinical, mild, moderate or severe – and identified dysregulation of cortisol response in persons with greater levels of PTSD. Inslicht et al. (2011) investigated the impact of pre-existing cortisol levels in police recruits on subsequent stress reactions when exposed to critical incidents. These researchers found that higher cortisol levels in recruits were correlated with greater acute stress disorder symptoms and peritraumatic dissociation. Furthermore, Violenti and colleagues (eg. Violenti, Vena & Petralia, 1998; Violenti et al. 2005; Violenti et al. 2006) have demonstrated that the prolonged exposure to stress and trauma in policing can be linked to higher risks of heart disease, diabetes and cancer when compared to other government employees.

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In summary of the literature regarding the impact of exposure to violence as a cumulative stressor:

- Repeated exposure to stressors in policing can be conceptualised within allostatic load framework;
- Repeated exposure to violence should be considered similarly to repeated exposure to other forms of traumatic stressor, and;
- Allostatic load in police officers has been empirically linked with a variety of physical and psychological health conditions; while anecdotal and empirical evidence provides support for the relationship between repeated exposure to violence and a range of behavioural issues.

In light of these findings, it is evident that psychological assessments for police officers exposed to ongoing stressors must consider allostatic load as part of their evaluations. Finally, the impact of repeated exposure to violence in policing must be considered a significant risk for developing a range of physical, psychological and behavioural problems.

### **Delayed Stress Reactions**

Finally, the last type of stress reaction described by Mitchell and Bray (1990) was that of delayed stress reactions. In delayed stress reactions, the stress of exposure does not emerge for some time after the precipitating stress. Perhaps the most severe and common delayed stress reaction is that of PTSD. Although in normal populations, PTSD symptoms are expected to occur soon thereafter exposure to the precipitating stressor, in emergency services it is not unusual for symptoms to first emerge up to six months after exposure to the trauma. Estimates in a military context suggest that up to 38% of PTSD cases may be delayed in onset (Harvey et al., 2015).

There are a number of explanations that have endeavoured to account for delayed stress responses. These include the processes of kindling and sensitization described in the Acute Stress section, and the cumulative effects of stress and trauma, described in the Cumulative Stress section. Additionally, an initial trauma reaction of numbness, or simply low-level early symptoms may mask diagnosis (Harvey et al., 2015). Therefore, delayed stress reactions may be caused by exposure to violence through the same mechanisms that described in the acute stress and cumulative stress sections of this report.

Another of the key ways in which delayed stress reactions are said to occur is through the suppression of emotional and psychological responses to stressors (Mitchell & Bray, 1990). Specifically, through the suppression of psychological responses to stress, symptoms do not overtly manifest until well after the exposure has occurred.

It is widely acknowledged that the suppression of emotional reactions is essential to undertaking the role of a police officer effectively (Chopko, 2011). Specifically, the regulation of emotional suppression and emotional expression is critical to maintaining professionalism during incidents such as fatal motor vehicle accidents, notifying persons of a deceased family member, dealing with criminals, and engaging in violent confrontations. Van Gelderen, Bakker, Konijn and Demerouti (2011) asserted that this capacity to internalize emotions is associated with the ability to undertake the job role consistent with the standards and values of policing organisations.

Although it is argued that the suppression of emotional responses helps officers keep an emotional distance, this comes at the cost of reduced empathy for members of the community (Baum, 2012). Further to this, a commonly used coping strategies cited by police officers is that of humour (Vivona, 2014). Dark humour in particular is often used to ensure emotional detachment from potentially stressful and traumatic incidents (Saroglou & Anxiaux, 2004) and to thus distract from these events (Carver, 1997). Any person who has spent time in a police lunchroom would have been exposed to humour that used outside of this context would be considered highly offensive. However, it is clear that these jokes serve the purpose of depersonalizing a victim in order to create an emotional distance from them, and thus suppressing emotional responses. Indeed, Vivona's (2014) study of police humour found that it "acts as a barometer of the workers' emotional burden."

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The suppression of negative emotions has been linked to impaired memory functioning and heightened sympathetic nervous system activation (Gross & Levenson, 1997; Richards & Gross, 1999) and even increases the physiological response of persons engaged with the suppressor (Gross, 2002). Campbell-Sills, Barlow, Brown and Hofmann (2006) demonstrated that negative emotion suppression resulted in negative appraisals of situations and greater emotional recovery when exposed to a stressor. Gross and Levenson (1997) also found that emotional suppression led to decreased enjoyment in participants watching movies. Critically, suppression of emotional expression does not actually reduce the experience of the negative emotions (Gross, 2002).

Links between emotional dysregulation and depression have also been investigated. Although a clear consensus has not been reached, research has demonstrated that persons suffering from depression, and those who are vulnerable to depression, may be more inclined to use emotional suppression over other more adaptive emotional regulation strategies in response to negative emotions (Ehring, Tuschen-Caffier, & Fischer, 2010). Although it is an area that requires further investigation, it is asserted here there is likely to be a spillover of coping strategies from one area of a person's life to another. In other words, police officers who use emotional suppression in order to cope with the psychological demands of policing may well adopt the same strategy in their personal lives.

Based on the above research, police are likely to be more susceptible to depression due to the inherent need to suppress emotions. Evidence for this has been provided van Gelderen, Bakker, Konijn and Demerouti (2011) demonstrated that the suppression of negative emotions (eg. anger, abhorrence and sadness) in response to emotional demanding jobs leads to exhaustion at the end of shifts. Therefore, as emotional suppression is an inherent requirement of policing, it also presents as an inherent risk factor for the development of depression and other mental illnesses.

In the context of this review, emotional suppression is a necessary consequence of exposure to trauma in policing. Where repeated exposure occurs, and suppression of emotions is a regular component of the job, it is expected that negative health outcomes associated will occur. As exposure to violence has been previously demonstrated to be one of the most commonly occurring traumas in policing (Korre et al., 2014), officers working in areas involving repeated exposure to violent crimes are potentially a greater risk of impaired memory functioning, heightened autonomic nervous system responses, longer stress recovery and vulnerability to depression than persons working in other trauma-related fields.

In summary of the literature regarding the impact of exposure to violence as a precipitator of delayed stress reactions:

- Repeated exposure to stressors in policing can be understood as a precipitator of delayed stress reactions through the processes of kindling and sensitivity, and allostatic load described above;
- Exposure to trauma leads necessitates emotional suppression in police officers, resulting in a number of health and psychological outcomes, and;
- Repeated exposure to violence is likely to precipitate emotional suppression and the negative outcomes at least as frequently as other high-stress areas of policing.

In light of these findings, it evident that psychological assessments for police officers exposed to ongoing stressors must consider emotional suppression as a key risk factor for the development of delayed stress reactions, and as an indicator for a range of negative health and psychological outcomes. Moreover, repeated exposure to violence must be considered a particular risk factor for delayed stress reactions, with the development of strategies recommended to combat the impacts of exposure.

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## Appendix B

### Policing on the Gold Coast – History of Reviews / Recommendations

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#### 1997

➤ ***Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers (Carter Report) October 1997 CMC***

- ***Identified concerning conduct***
  - Corruption in relation to drug enforcement
  - Use of drugs
  - Inappropriate associations
  - Unauthorised access to information
- ***Key recommendation themes***
  - Supervision
  - Ethics education
  - Tenure policy
  - Management initiated transfer policy
  - Drug and alcohol policy
  - Information security
  - Human source management policy

➤ ***Gold Coast Criminal Investigative Structure Review (Pickering Review) 1997 QPS***

- ***Key recommendation themes***
  - Organisational structure
  - Supervisory structure
  - Accommodation
  - Responsibilities review

#### 2000

➤ ***Protecting Confidential Information (Project Piper) November 2000 CJC***

- ***Identified concerning conduct***
  - Unauthorised access to information
  - Inappropriate associations
- ***Key recommendation themes***
  - Supervision
  - Inappropriate associations review
  - Secondary employment policy
  - Information security

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## 2008

➤ ***Enhancing Integrity in the Queensland Police Service (Project Grinspoon Report) April 2008 CMC***

- ***Identified concerning conduct***
  - Drug use/supply
  - Unauthorised access to information
  - Inappropriate associations
  - Failure to comply with human source policy
  - Compromise of investigations
  - Misuse of police resources
  - Consumption of alcohol on duty
- ***Key recommendation themes***
  - Supervision
  - Performance assessment
  - Ethics education
  - Early Intervention
  - Inappropriate associations policy
  - Management initiated transfer policy
  - District appointment policy
  - Drug and alcohol policy
  - Information security
  - Human source management policy

➤ ***Service Delivery and Performance Commission Review of the Queensland Police Service June 2008 SDPC (referenced in QPS Operation Tesco initiatives)***

- ***Key recommendation themes***
  - Supervision
  - Performance assessment
  - Ethics education
  - Transfer policy

## 2010

➤ ***Review of current organisational structure and investigative practices within the Gold Coast Police District (Project ABEO) 2010 QPS***

- ***Key recommendation themes***
  - Organisational structure
  - Accommodation
  - Supervisory structure
  - Professional practice enhancement
  - Intra-service engagement

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➤ **Operation TESCO Policing Services Initiatives 2010 QPS**

▪ **Key recommendation themes**

- Supervision
- Performance assessment
- Ethics education
- Ethical practices policy
- Inappropriate associations policy
- Flexible staffing solutions
- Information security

➤ ***Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* December 2010 CMC (referenced in QPS Operation Tesco initiatives)**

▪ **Key recommendation theme**

- Discipline system

**2011**

➤ **Operation Tesco: Report of an investigation into allegations of police misconduct on the Gold Coast June 2011 CMC**

▪ **Identified concerning conduct**

- Steroid use
- Unauthorised access to information
- Inappropriate associations
- Abuse of position/authority
- Excessive use of alcohol
- Victimisation of whistleblowers
- Use of excessive force
- Failure to report misconduct
- Public nuisance
- Misconduct involving dishonesty

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## Appendix C

### Discipline System Recommendations

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#### **Enhancing Integrity in the Queensland Police Service April 2008 (Projects Castella and Grinspoon) CMC**

- 2.2 That the QPS establish an appropriately resourced project to examine options in the short, medium and longer term for the development of an effective early intervention system, and make recommendations to the Senior Executive Conference and Board of Management.
- 2.5 That the QPS continue the process of improving the complaints and disciplinary system begun under Project Verity, including a review of all relevant legislation, regulations and policy, with a view to:
- a) further enhancing local decision-making authority and responsibility for managing complaints and discipline in appropriate matters
  - b) further streamlining disciplinary processes to facilitate more timely and appropriate disciplinary outcomes
  - c) streamlining the dismissal process available to the Commissioner of Police, possibly through the establishment of a show-cause process for all members. The process should be available to the Commissioner in appropriate cases:
    - i) of substantiated misconduct
    - ii) where a member displays a course or pattern of conduct that brings into question their ability or fitness to remain in the QPS
    - iii) of continuing poor performance by a member where remedial action has proved ineffective
  - d) streamlining and simplifying the current range of review and appeal rights for members in the case of managerial action including dismissal, disciplinary processes and transfer.

#### **SDPC Review June 2008**

##### **Recommendation 15**

The Commissioner, by 31 December 2009, work with the Crime and Misconduct Commission to provide clarity for officers and supervisors in disciplinary matters which could result in sanctions in dismissal, demotion or paypoint progression.

#### **Operation TESCO Policing Services Initiatives 2010 QPS**

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- Endeavour to complete and finalise all current internal investigations relating to Surfers Paradise Division
  - Closely monitor, investigate and review all complaints in the Surfers Paradise Division with a view to better overall management and a reduction in complaints
  - Increase the size of Ethical Standards Command (ESC)
  - Provide additional research and administrative officers to ESC
  - Consider the outcomes of the current CMC review of the police disciplinary and misconduct matters

## **Setting the Standard December 2010 CMC**

### **Recommendation 2**

The CMC recommends that the Queensland Government amend the *Police Service Administration Act 1990* and the *Crime and Misconduct Act 2001* to ensure there is consistency in:

- a. the definitions of misconduct
- b. the tests imposing an obligation on the Commissioner of Police and members of the police service to report misconduct by a member the QPS.

### **Recommendation 3**

The CMC recommends that the QPS, in consultation with the CMC, review the relevant policies and procedures, steps and processes in the current system for the management of police complaints and discipline with a view to:

- a. reducing the level of complexity in the system
- b. identifying clearer and simpler work flows for managing and dealing with misconduct and other inappropriate conduct
- c. identifying and developing strategies to address potential choke points in the system caused by inadequate resourcing
- d. identifying and assessing work-flow risks and articulating appropriate treatments
- e. incorporating the recommendations made in the audit report (Appendix C), and giving officers adequate training in conducting preliminary inquiries and making assessment decisions about complaints 'interwoven with court'
- f. putting timeframes on key steps in the process, and linking these to appropriate consequences to ensure a timely conclusion of the matter.

### **Recommendation 4**

The CMC recommends that the Queensland Government amend the *Crime and Misconduct Act 2001* to enable the CMC — for the purpose of discharging its monitoring function and to ensure the police service deals with complaints of police misconduct effectively and appropriately — to require the Commissioner of Police:

- a. to report to the commission about an investigation into police misconduct in the way and at the times the commission directs; or



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- b. to undertake the further investigation into the police misconduct that the commission directs.

#### Recommendation 5

The CMC recommends that the QPS, in consultation with the CMC:

- a. review the capacity and resources, staff retention and attraction strategies of the ESC to ensure that it has an appropriate number of personnel, skills and physical resources to perform its functions, consistent with recognising those functions as core business
- b. evaluate the effectiveness of the role of the professional practice manager to ensure it is better utilised and resourced to improve the quality, consistency and timeliness of complaint and disciplinary outcomes
- c. develop a discipline and complaints management system capable of improving the efficiency of reporting processes, increasing research and analysis capability to create and enhance prevention strategies, and supporting the more timely, efficient and effective management of complaints.

#### Recommendation 6

The CMC recommends that the Queensland Government amend the *Police Service Administration Act 1990*, the *Crime and Misconduct Act 2001* and the *Queensland Civil and Administrative Tribunal Act 2009* so that the police discipline system can operate effectively by ensuring that:

- a. a member of the QPS is required to answer questions and/or provide information for the purpose of a disciplinary investigation or disciplinary proceedings, including disciplinary proceedings conducted by QCAT, on the ground that the answer to the question or provision of information may incriminate the member
- b. if so required, any answer or information provided is not to be used in any criminal proceeding against the member who made the statement, other than if the proceeding is about the falsity or misleading nature of the answer or information given by the individual; or an offence against the CM Act.

#### Recommendation 7

The CMC recommends that the QPS regularly review its policies, procedures, guidelines and training materials for the police disciplinary process to ensure that:

- a. prescribed officers will accept and act on admissions of misconduct by police officers
- b. these materials accurately communicate and explain relevant legal principles
- c. the language used reflects the proper nature and purpose of disciplinary proceedings.

The CMC also recommends that the Queensland Government amend the *Police Service Administration Act 1990* to ensure that the language used reflects the proper nature and purpose of disciplinary proceedings.

#### Recommendation 8

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The CMC recommends that the Queensland Government amend the Police Service (Discipline) Regulations 1990, the *Police Service Administration Act 1990*, the *Crime and Misconduct Act 2001* and any other Act to:

- a. ensure that a range of disciplinary sanctions, including monetary penalties and community service are available to prescribed officers consistent with the purpose of the discipline process
- b. remove the power to suspend disciplinary sanctions
- c. provide an indicative list of managerial strategies that prescribed officers may use in conjunction with any disciplinary sanction imposed, or in any situation, whether or not a disciplinary allegation has been proven.

#### Recommendation 9

The CMC recommends that the Queensland Government amend the:

- a. Police Service Administration Regulation 1990, for the purpose of s. 5.2 of the *Police Service Administration Act 1990* and;
- b. the Police Service (Discipline) Regulations 1990 for the purpose of discipline and management action; to allow the Commissioner of Police to transfer a police officer in the public interest.

#### Recommendation 10

The CMC recommends that the Queensland Government amend the Police Service (Discipline) Regulations 1990, the *Police Service Administration Act 1990*, and the *Crime and Misconduct Act 2001* to allow a police officer to apologise to aggrieved persons in respect of his or her conduct without precluding any sanction or other management action being taken in respect of the officer's conduct.

#### Recommendation 11

The CMC recommends that the Queensland Government amend the Police Service Administration Act 1990 and any other Act as necessary to:

- a. provide a basis for the dismissal of a police officer on loss of confidence grounds
- b. provide for a fair system of review to a single judge of the Supreme Court, which recognises the functions and purpose of the police service, the special nature of the employment of a police officer and the office of constable
- c. recognise the right of the Commissioner reasonably to determine questions concerning an officer's suitability for employment and fitness to hold office.

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## Appendix D

### Gold Coast District Recommendations

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#### Gold Coast District Recommendations

##### Gold Coast Criminal Investigative Structure Review (Pickering Review) 1997 QPS

1. That the Board of Management approve the proposed structure for the Gold Coast District Investigative Groups.
2. That the team concept for all criminal investigations be implemented and maintained within the proposed investigative groups.
3. That the Board of Management approve and allocate additional positions required to support the proposed restructure of the Gold Coast District Investigative Groups and Support Units.
4. That the Assistant Commissioner, South Eastern Region reassign current Criminal Investigation Branch, Juvenile Aid Bureau and Crime Unit resources as recommended.
5. That the Assistant Commissioner, South Eastern Region disbands all Task Force Units within the Gold Coast District.
6. That staff currently assigned to the Gold Coast District Task Force Units be redeployed within the District.
7. The Southern Investigative group be located in existing accommodation at the Burleigh heads Police Station.
8. The majority of uniform general duties staff at Burleigh Heads be redeployed to Palm Beach, and 24 hour uniform operational policing for the Burleigh Heads and Palm Beach Divisions be conducted from Palm Beach.
9. The Burleigh Heads Traffic Branch remain at Burleigh Heads Police Station.
10. Sufficient uniform police remain at Burleigh Heads to provide a counter service and to address community policing issues in the division.
11. That line control within the criminal investigative teams be strictly adhered to.
12. That the roles, duties and responsibilities of all plains clothes police and detectives be explicitly defined and maintained.
13. That the principal property points for the Gold Coast Investigative Groups be the Surfers Paradise Police Centre and Burleigh Heads Police Station.
14. That the ownership and responsibility for criminal investigations within specific divisions be vested with individual investigative teams.
15. Prior to the establishment of any task force, detailed operational plans with clear objectives and time frames be formulated in accordance with Service policy.

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16. A management group be established to deal specifically with cross border issues.
  17. That select officers be sworn in as Special Constables into the New South Wales Police Service.
  18. That the Regional Criminal Intelligence Coordinator provide strategic assessments of crime within the Gold Coast District in conjunction with the Crime Management Unit.
  19. That the Regional Criminal Intelligence Coordinator conduct an extensive intelligence marketing project within the Gold Coast District.
  20. That the Assistant Commissioner, South Eastern Region ensure that accountability measures and procedures for CRISP are adhered to in accordance with Service policy.
  21. The Assistant Commissioner, South eastern Region implement comprehensive performance indicators for the Gold Coast Investigative Groups.
  22. That the Assistant Commissioner, South Eastern Region ensure that PPAs formulated by personnel within the investigative groups reflect the Police Service Corporate goals and objectives as well as individual development requirements.
  23. The Assistant Commissioner, South Eastern Region implement and manage productive liaison with other law enforcement agencies.
  24. That the Assistant Commissioner, South Eastern Region ensure that policies and procedures relating to the release of information to other law enforcement agencies are in accordance with Service policy.
  25. The Assistant Commissioner, South Eastern Region ensure that policies and procedures relating to the security of operational intelligence are adhered to in accordance with Service policy.
  26. That the Regional Education and Training Coordinator implement a planning process to ensure the timely provision of specialist training for members of the Gold Coast Investigative Groups.
  27. The Deputy Commissioner appoint a Committee to overview implementation of the recommendations outlined in this report.
  28. That the Steering Committee undertakes an evaluation of the implementation and effect of the recommendations outlined in this report.

### **Review of current organisational structure and investigative practices within the Gold Coast Police District (Project ABEO) 2010 QPS**

#### **Recommendation (Page 331)**

The Committee recommends the formal implementation of the currently trialled NIG, SIG and satellite investigation offices with the following outcomes expected to be achieved:

- An enhanced culture of professionalism, leadership, management and supervision within the CIB and SPIU, further assisted through close interaction with the uniform Officer in Charge;
- An enhanced partnership and consultative approach at a divisional level to respond to service delivery demands;
- Enhanced first response and support capacity to divisional general duties police;
- Enhanced investigative service to an expanding district;

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- Enhanced sharing of information and intelligence to address localised crime issues;
  - Enhanced resource acquisition and deployment; and
  - Enhanced mentoring with skilled investigators providing quality investigative advice to uniform staff.

**Recommendation (Page 332)**

In support of the proposed restructure of the Gold Coast District Investigative Group, the Committee Chair recommends the implementation of a new unit known as the “Gold Coast District Investigations Professional Practices Unit” (IPPU).

**Recommendation (Page 338)**

The Committee recommends the following for the Investigations Professional Practices Unit:

- The creation of a new Detective Inspector or Inspector position as OIC IPPU;
- The creation of a new Detective Senior Sergeant/Senior Sergeant Position IPPU;
- The creation of a new Detective Sergeant/Sergeant position IPPU;
- The creation of a new PO3/PO5 Research Office/Research Analyst position IPPU; and
- The creation of a new AO2 Administration Officer IPPU.

**Recommendation (Page 340)**

The Committee Chair recommends the implementation of a 16/7 GCD investigative group supervision roster. The roster would involve the two Detective Inspectors and six Detective Senior Sergeants (including one new position).

**Recommendation (Page 341)**

To enhance the process of change and an understanding of the importance of the new governance framework, The Committee Chair recommends the rotation of Detective Senior Sergeants and those exposed to relieving opportunities through the IPPU. The exposure to the roles and responsibilities will provide an opportunity for officers to develop a strategic understanding of the role of the IPPU and take back to their respective areas renewed knowledge and skills to operate more effectively at a senior level.

**Recommendation (Page 347)**

The Committee recommends the following for the Southern Investigative Group:

- An immediate increase of 13 officers at the ranks of:
  - 1 x D/Sgt
  - 4 x S/C
  - 8 x PCC
- A further increase of 3 officers in 2001, 2012 and 2013.

The Committee recommends the following for the Northern Investigative Group:

- An immediate increase of 15 officers at the ranks of:
  - 2 x D/Sgt
  - 4 x S/C
  - 9 x PCC
- A further increase of 3 officers in 2011, 2012 and 2013.

**Recommendation (Page 354)**

The Committee recommends the following for the Child Protection and Investigation Unit:

- The creation of a new D/S/Sgt position (Senior Investigator and Operations/Administration Coordinator);
- An immediate increase of 6 officers for a Southern Investigative Team at the ranks of:
  - 1 x D/Sgt
  - 2 x S/C
  - 3 x PCC

- 
- A further increase of 3 officers in 2011, 2012 and 2013; and
  - Four new School Based Police Officer positions to be placed at locations nominated via further consultation with the OIC CPIU.

**Recommendation (Page 355)**

The Committee recommends the following increases in Administration Staff:

- **NIG** – An immediate increase of 1 full time and 1 part time (0.5) administration officers with a further review of requirements in 12 months from date of appointment of the first administration officer; and
- **SIG** – An immediate increase of 1 full time administration officer with a further review of requirements in 12 months from date of appointment of the first administration officer; and
- **CPIU** - An immediate increase of 1 full time and 1 part time (0.5) administration officers with a further review of requirements in 12 months from date of appointment of the first administration officer.

**Recommendation (Page 356)**

The Committee Chair recommends that a complete review of the intelligence framework in existence in the GCD be undertaken. It is further recommended that the review be undertaken by an external body such as the Australian Federal Police or New South Wales Police. This review would ideally focus on the current and required resources to effectively undertake the intelligence role across the GCD, the training available and undertaken by staff, the information holdings available and utilised by intelligence staff, the seemingly opaque chain of command for intelligence dissemination, and the lack of clarity as to the roles and functions of all intelligence staff in the area. Clear and obvious routes for improvement would be identified via this process.

**Recommendation (Page 356)**

The Committee recommends the following for the Gold Coast District Intelligence Group:

- A new position of AO3 Assistant Intelligence Officer, SIG;
- A new position of AO3 Assistant Intelligence Officer, NIG; and
- A new position of AO5 Intelligence Analyst, CPIU.

**Recommendation (Page 357)**

The Committee recommends the Assistant Commissioner, South Eastern Region in liaison with the Assistant Commissioner, State Crime Operations Command undertake further consultation with the Senior Executive in regards to the implement of a permanent SCOC Gold Coast Office.

**Recommendation (Page 359)**

The Committee Chair supports the use of this model and recommends the process to assist senior management of the Gold Coast CIB and CPIU in the implementation of the review recommendations.

**Recommendation (Page 359)**

As a first priority, the Committee Chair recommends the formation of an Implementation Committee who will be responsible for the preparation of an Action Plan for the implementation of specific recommendations. The plan should outline methodologies, stages and expected completion dates, and should be submitted to the Assistant Commissioner, SER within eight weeks of approval of recommendations. The Action Plan should also consider the order of priority of recommendations and given greater attention to those recommendations that will have the most impact on efficiency and effectiveness. Once the Assistant Commissioner, SER has reviewed and endorsed the Plan, it will be the responsibility of the Implementation Committee to prepare periodic reports to the Assistant Commissioner, SER detailing progress of implementation.

**Recommendation (Page 360)**

In addition to the proposed presentations by the Committee Chair to the GCD Investigative Group, it is recommended the executive summary, list of recommendations and a covering letter from the

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Assistant Commissioner, SER explaining the implementation process should be circulated to all GCD Investigative Group staff shortly after the report is endorsed by the Commissioner.

**Recommendation (Page 361)**

Upon approval of the proposed recommendation, the Committee Chair recommends that an evaluation model be created by the approved Implementation Committee in consultation with the ESC Review and Evaluation Section.

**Recommendation (Page 361)**

The Committee Chair recommends that an evaluation of the implementation process be undertaken in 12 months from the date of submission of this report to ensure the issues identified by the review team have been addressed and identify any further problems that may have arisen through the implementation of the recommended structures.

**Recommendation (Page 365)**

It is recommended the Assistant Commissioner, SER regularly engage the services of the Internal Audit and Inspectorate and Evaluation Branch as part of the Region's Risk Management Plan.

**Operation TESCO Initiatives September 2010**

**What the QPS has done to improve the police response**

- Higher level supervision during identified risk times, using District and Regional Inspectors
- Independent senior officer reviews of CCTV footage of the Surfers Paradise Police Station
- Violent prisoners being transported directly to Southport Watchhouse
- A focus by division management on developing proactive supervisor attitudes aimed at reducing incidents of assault and use of force
- Daily read-outs and training sessions emphasising the minimum use of force
- A proactive strategy for transfer/secondment of at risk officers into other divisions
- Installation of an additional six CCTV cameras and signage within the Surfers Paradise Police Station bringing the total coverage within the police station to 26 cameras
- A Strategic Criminal Intelligence Assessment of the Gold Coast District, subject to ongoing review
- New Crime Investigative Partnerships between the Gold Coast Division (GCD) and State Crime Operations Command, the Crime and Misconduct Commission, Australian Federal Police, NSW Police and the Australian Crime Commission
- Three new commissioned officers positions within the South Eastern Region, including a Detective Superintendent as Regional Crime Co-ordinator
- Project ABEO - a review of the organisational structures and investigative practices of the GCD and the Criminal Investigation Branches
- A review of the Gold Coast CIB and CPIU work performance
- Reviews of the South Eastern Region's Risk Management and Financial Management Systems
- A new system providing greater accountability, work performance monitoring and record management for plain clothes officers
- Training packages aimed at enhancing integrity for specific ranks have been developed are being delivered
- The Assistant Commissioner, South Eastern Region has addressed officers and staff members in the region regarding integrity and operational professionalism.

**What the QPS will do within one month**

- 
- Upgrade of the Officer in Charge position at the Surfers Paradise Division to be upgraded to Inspector, with an evaluation to see if a similar upgrade should be considered for other similar-sized establishments
  - Increase of District Duty Officer (DDO supervision, by doubling the number of DDOs in the Gold Coast District from five to 10)
  - Two additional Professional Practice Manager positions (Senior Sergeants) to support the regional PPM Inspector

#### **What the QPS will do by the end of the year**

- Endeavour to complete and finalise all current internal investigations relating to Surfers Paradise Division
- Closely monitor, investigate and review all complaints in the Surfers Paradise Division with a view to better overall management and a reduction in complaints
- Closely monitor injuries to police, work performance, public safety and officer morale
- A range of HR actions to identify at-risk officers and provide flexible staffing solutions to meet the service needs of the community
- Review all Gold Coast District personnel secondary employment to ensure compliance with QPS policy
- Trial of Assistant Watch House Officers at Surfers Paradise Division on Friday and Saturday nights.

#### **What the QPS will do by 2011 and into the future:**

- Assess and develop a response to the recommendations of Project ABEO, a review of the current organisational structures and investigative practices within the Gold Coast Police District.
- Examine ways to enhance and improve community engagement and police legitimacy in the Gold Coast District



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## Appendix E

### Drug and Alcohol Recommendations

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#### **Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers (Carter Report) October 1997 CJC**

12. That the Queensland Police Service develop an integrated Drug and Alcohol Policy for its members. [Chapter 9: pages 71, 72]

#### **Enhancing Integrity in the Queensland Police Service April 2008 (Projects Castella and Grinspoon) CMC**

- 7.1 That the QPS examine options to improve the strategic use of targeted alcohol and drug testing, particularly through intelligence-driven testing where appropriate.
- 7.2 That the QPS establish a working group for an initial 12-month period under the auspices of the QPS Drug and Alcohol Policy Steering Committee to:
- facilitate ongoing liaison and information/intelligence sharing, particularly where officers are suspected of substance misuse and where a targeted drug or alcohol test may be warranted
  - develop a process to facilitate intelligence-driven testing of members where appropriate
  - support managers in the planning and conduct of targeted testing
  - monitor the implementation of random alcohol testing and make recommendations to the Steering Committee as appropriate.

The working group should be chaired by a regional Assistant Commissioner and include representation from the Alcohol and Drug Awareness Unit, Ethical Standards Command, Operations Support Command and the CMC. After the working group has been in operation for 12 months, the Steering Committee should review the necessity for its continued existence.

- 7.3 That the QPS reconsider the proposal to introduce a form of weighted geographical sampling to increase the spread and visibility of random alcohol testing.
- 7.4 That the QPS and CMC consider options for increasing the use of targeted drug testing in the course of investigations where allegations of drug use are made against a member
- 7.5 That the QPS continue to monitor the strategic use of alcohol and drug testing through the OPR process, particularly in relation to the spread of hours for random alcohol testing and any perceived barriers to the use of targeted testing in appropriate circumstances.
- 7.6 That the QPS review the effectiveness of the current drug testing and education program by no later than 2010, with a view to determining whether a random drug testing program should be introduced.
- 7.7 That the QPS ensure appropriate resourcing for drug and alcohol awareness training programs for all members, with a particular focus on training for supervisors and managers in the short to medium term.

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- 7.8 That the QPS ensure that its alcohol and drug policies and educational resources clearly distinguish between the potential impairment issues associated with the misuse of alcohol and legal/prescription drugs and the core integrity issues associated with the use of illegal drugs.

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## Appendix F

### Ethical Practices Recommendations

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#### **Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers (Carter Report) October 1997 CMC**

13. That the Queensland Police Service review the procedures for the training and education of covert police officers and evaluate the level of emphasis currently being given to the need for adoption of proper ethical standards upon the reintegration of the covert police officer to mainstream policing. [Chapter 9: pages 73, 74]

#### **Protecting Confidential Information November 2000 CJC (Project Piper)**

##### **RECOMMENDATION 6.6 — PREVENTING CONFLICT OF INTEREST THROUGH OUTSIDE EMPLOYMENT**

That the Queensland Police Service promulgate an order:

- prohibiting members from being registered and/or licensed as a private investigator, commercial agent or sub-agent, and/or process-server
- prohibiting members from undertaking employment with any private-investigation, process-serving or other agency/organisation that is concerned with locating people or obtaining personal and/or confidential information.

The only exception to the above order should be for those members who obtain the formal authorisation of the Deputy Commissioner of Police to engage in this type of secondary employment after applying to establish that theirs is a special case.

##### **RECOMMENDATION 6.7 — ADDRESSING THE ISSUE OF ASSOCIATIONS BETWEEN POLICE OFFICERS AND PRIVATE INVESTIGATORS OR PEOPLE IN SIMILAR OCCUPATIONS**

That the Ethical Standards Command of the Queensland Police Service, in consultation with the Criminal Justice Commission, review the issue of associations between police officers and private investigators, or individuals in similar occupations, to determine policies and strategies to deal with the issue effectively and provide guidelines for police officers on what kind of association is appropriate.

#### **Enhancing Integrity in the Queensland Police Service April 2008 (Projects Castella and Grinspoon) CMC**

- 2.2 That the QPS establish an appropriately resourced project to examine options in the short, medium and longer term for the development of an effective early intervention system, and make recommendations to the Senior Executive Conference and Board of Management.
- 3.1 That the QPS, in consultation with the CMC, identify those groups or classes of members, or areas of responsibility, that may represent a higher integrity risk (e.g. detectives/plain clothes staff, intelligence staff, property office staff, watch-house staff).
- 3.2 That the QPS audit the ethics and integrity component of all QPS training programs, including programs directed at staff members, and report the results to the CMC. The audit should:

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- a) identify and describe the ethics and integrity-based component of each program
  - b) link specific client groups to those training programs (who receives what training and why), specifically noting client groups or areas of responsibility that have a higher integrity risk (see recommendation 3.1).
- 3.3 That the QPS and CMC use the audit to identify any education and training gaps, and examine options for filling those gaps.
- 3.4 That the QPS also consider providing selected individuals (e.g. professional practice managers, district officers) with the opportunity to undertake more advanced training in ethics, possibly through specialist courses or programs offered by appropriate external organisations. Those individuals could then take a leadership role in promoting ethical policing practice in their regions, commands or divisions.
- 4.1 That, after the CMC has carried out research, the QPS and CMC develop a draft policy framework and strategies for dealing with inappropriate associations, for consideration by the QPS Senior Executive and the CMC Commissioners.

### **SDPC Review June 2008**

#### **Recommendation 16**

The Commissioner, by 31 March 2009, review and regularly update all training and information sessions provided on ethical practice to ensure that they are still appropriate, meet desired outcomes, are targeted appropriately throughout an officer's career and reflect the findings of ongoing monitoring and analysis of trends in complaints and potential ethical slippage risks.

### **Operation TESCO initiatives 2010**

- Inappropriate Transport (blue light taxis) policy to be developed and implemented to ensure police vehicles are used only for operational purposes
- Conduct a review of recruitment policy, procedure and practices (statewide).
- Adopt 'Strengthening Ethical Practices and Behaviours within police agencies operating in Australia and New Zealand' a QPS commissioned ANZSOG report. (statewide)
- Reinforce recognition for good work, leadership, professional and ethical practice and consistent performance
- Expand, develop and formalise electronic and documented practical ethical case studies
- Finalise the development of the residential Supervisors course
- Finalise the QPS revised policy on gratuities, with focus on benefits at licenced premises
- Finalise QPS policy on inappropriate associations with individuals or entities, including financial disclosure aspects where there is an actual or potential conflict of interest.

### **Setting the Standard CMC December 2010**

#### **Recommendation 1**

The CMC recommends that the QPS develop a standard of practice and enhanced policies complementary to the proposed Queensland public sector code of conduct with a view to ensuring that:

- a. where inappropriate conduct is identified, it is linked to a clear ethical rationale
- b. indicative sanctions are identified for more serious, systemic and problematic misconduct.



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## Appendix G

### Performance Management Recommendations

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#### **Enhancing Integrity in the Queensland Police Service April 2008 (Projects Castella and Grinspoon) CMC**

- 1.5 That the QPS examine how the OPR process could be used to inform, where appropriate, the performance appraisal process. This should include considering the potential for greater alignment of the cycles for the OPRs and personal performance management systems, particularly at commissioned officer level
- 2.1 That the QPS give high priority to completing and appropriately resourcing, the planned review of the performance appraisal system under the auspices of the Commissioner's Standing Committee on Human Resources.

#### **SDPC Review June 2008**

##### **Recommendation 40**

The Commissioner, by 1 January 2010, develop and implement a revised performance planning and assessment system which at a minimum sets performance expectations, recognises good performance, provides guidance where improvement is required and opportunities for development and links to the Operational Performance Review process for relevant managers.

##### **Recommendation 43**

The Commissioner work collaboratively with key stakeholders to develop and trial preliminary performance standards for the Client Service Charter by 30 June 2009.

##### **Recommendation 44**

The Commissioner ensure all performance reporting is aligned with Council of Australian Government definitions and guidelines for all relevant data published by 30 June 2009.

##### **Recommendation 45**

The Commissioner, by 1 January 2009, enhance the Operational Performance Review process to include regular analyses of the central corporate functions of, as a minimum, human resource management, training and development and ICT, and other thematic reviews as deemed necessary by the organisation.

##### **Recommendation 50**

The Commissioner, by 1 July 2009, improve evaluation processes across the organisation by:

- a) including risk mitigation strategies in evaluation plans for organisationally significant evaluations prepared by the Review and Evaluation Unit, in accordance with the relevant Australian Standard
- b) developing a practical guide for members who are undertaking in-house evaluations or management contracts for an evaluation, including evaluation as part of project planning
- c) develop a method for ensuring significant research projects, reviews and evaluations are communicated to members where appropriate, and
- d) developing a system and process to monitor, report on and oversee the implementation of organisation endorsed recommendations arising from significant internal and external reviews/evaluations, to be oversighted by an appropriate governance board or deputy commissioner/chief executive.

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**Recommendation 51**

The Commissioner, by 1 January 2009, implement a consolidated report on key areas of strategic performance for consideration at each Senior Executive Conference to inform policy development and decision-making, which includes:

- a) performance on strategic objectives
- b) workforce planning and human resource management status and achievements, including establishment data on full-time equivalency basis, and
- c) analysis of complaints against police and discipline management.

**Operation TESCO Initiatives 2010**

- Reinforce recognition for good work, leadership, professional and ethical practice and consistent performance
- Develop a holistic annual organisation performance evaluation report card in conjunction with stakeholder entities and agencies
- Progression of the Service Delivery and Productivity Review recommendations relating to individual performance assessment reporting

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## Appendix H

### Transfer Tenure Recommendations

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#### **Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers (Carter Report) October 1997 CJC**

6. That appointments to any location or area in the Queensland Police Service carry a stated and explicit direction that any officer may expect a minimum of three (3) years' service and a maximum of seven (7) years' service at any such location or area, but subject to the Commissioner of Police having the unfettered discretion to transfer any officer from a location or area if, in the Commissioner's sole discretion, it is in the best interests of the Queensland Police Service that such transfer occur and that such transfer be not subject to costly, cumbersome and time-consuming reviews. [Chapter 7: page 57]

#### **Enhancing Integrity in the Queensland Police Service April 2008 (Projects Castella and Grinspoon) CMC**

- 1.12 That the QPS Standing Committee on Human Resources examine the reasons for delays in gazetting and filling vacant positions and ways of expediting the process, including any policy or process changes.
- 2.3 That the QPS review the management-initiated transfer process, with a view to determining whether policy or legislative amendment is required to enhance the capacity of the Service to transfer a member, in appropriate circumstances, on the basis of integrity or performance concerns.
- 2.4 That the QPS review its policy of recruiting members to a particular station or establishment, and consider options for appointing members to a district or region (where geographically feasible), with a view to enhancing the flexibility of the QPS to deploy members to meet operational and management requirements

#### **SDPC Review June 2008**

##### **Recommendation 37**

The Commissioner, by 31 December 2008, develop options around police officer transfers which allow a more flexible approach to meeting organisational needs and consider these in future enterprise bargaining negotiations.

#### **Operation TESCO Initiatives 2010**

- A range of HR actions to identify at-risk officers and provide flexible staffing solutions to meet the service needs of the community

#### **Setting the Standard December 2010 CMC**

##### Recommendation 9

The CMC recommends that the Queensland Government amend the:

- a. Police Service Administration Regulation 1990, for the purpose of s. 5.2 of the *Police Service Administration Act 1990* and;



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- b. the Police Service (Discipline) Regulations 1990 for the purpose of discipline and management action; to allow the Commissioner of Police to transfer a police officer in the public interest.

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## Appendix I

### Human Source Recommendations

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#### **Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers (Carter Report) October 1997 CJC**

4. That the Queensland Police Service, as a matter of urgency, establish an Informant Management Plan of the kind recently implemented in the New South Wales Police Service. [Chapter 4: pages 36–37]

#### **Enhancing Integrity in the Queensland Police Service April 2008 (Projects Castella and Grinspoon) CMC**

- 5.1 That official QPS policy include a requirement for members to document meetings with any person considered by a member to be a potential human source. This requirement should be included in the new QPS Human Source Management Policy or other QPS policy and/or standing orders such as the Operational Procedures Manual.
- 5.2 That the new QPS Human Source Management Policy specify that community sources must be centrally recorded by the Human Source Administration Unit within the State Intelligence Group. At a minimum the record should include verified identify of the community source and other basic personal particulars.
- 5.3 That the QPS and CMC conduct a joint evaluation of the operation and effectiveness of the new QPS Human Source Management Policy after 12 months of operation. The evaluation could be overseen by a suitably qualified person from an external agency such as the Australian Crime Commission or other Australian law enforcement agency.

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## Appendix J

### Information Security Recommendations

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#### **Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers (Carter Report) October 1997 CJC**

7. That those responsible for the management of the QPS computerised information system urgently consider:
- the insertion of a screen which requires the person accessing data to state the purpose for which the check has been made and, if the check is made on behalf of another person, the identity of that person and that person's user ID
  - establishing a full audit trail for electronic mail.

[Chapter 8: pages 62, 63, 65]

#### **Protecting Confidential Information November 2000 CJC (Project Piper)**

##### **RECOMMENDATION 6.1 — ENHANCING THE CORPORATE RESPONSE TO INFORMATION SECURITY**

6.1.1 That the Queensland Police Service, through the establishment of an information-security committee, or through current committee structures, ensure that the following duties are discharged on an ongoing basis:

- review and approve information-security policy and overall responsibilities
- monitor significant changes in the exposure of information assets to major risks
- review and monitor incidents involving information security
- recommend, to the Commissioner of Police, major initiatives to enhance information security.

6.1.2 That, as a matter of priority, orders, policies and procedures for information security be finalised and released to members of the Queensland Police Service.

##### **RECOMMENDATION 6.2 — REVIEW LOCATION OF THE INFORMATION SECURITY SECTION**

That the Queensland Police Service review the organisational structure as it relates to information security, giving particular consideration to the placement of the Information Security Section within the Ethical Standards Command so that the information-security goals and objectives of the Queensland Police Service can be more readily achieved. As part of this review, the functions of the Information Security Section should also be considered to determine whether or not they are grouped together appropriately.

##### **RECOMMENDATION 6.3 — PREVENTING INAPPROPRIATE ACCESS TO QUEENSLAND POLICE SERVICE COMPUTER SYSTEMS**

6.3.1 That the Queensland Police Service communicate, through an Order, that:

- authorised users are not permitted to access any computer system unless they do so as part of their official duties (such duties being those actions that a person is authorised to perform as a member of the Queensland Police Service)
- members are not entitled to access any computer system merely by virtue of their status, rank, office or level of authorised access.

6.3.2 That the Queensland Police Service formally provide members with specific examples of appropriate and inappropriate reasons for access. The examples should include the

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inappropriate reasons proffered by members who have come under investigation for accessing of police computer systems.

#### RECOMMENDATION 6.4 — PREVENTING USE OF ANOTHER USER-ID

- 6.4.1 That the Queensland Police Service develop and implement an order that requires users to always log out of the computer system if they have to leave their computer terminal unattended.
- 6.4.2 That the Queensland Police Service develop and implement an order prohibiting access to computer systems by means of another person's user-ID.
- 6.4.3 That, in developing any future standard desktop-operating environment, the Queensland Police Service give careful consideration to mandatory use, where appropriate, of a 'lock screen' or equivalent facility at the desktop level (e.g. for those members who are allocated their own personal computer).

#### RECOMMENDATION 6.5 — RISK MANAGEMENT TO ENSURE THAT MEMBERS LOG OUT

That, as part of risk management at the district and local levels, officers-in-charge and supervisors ensure compliance with the requirement to log out of computer systems before leaving a terminal unattended.

#### RECOMMENDATION 6.8 — ENSURING THE APPROPRIATE DISPOSAL OF PAPER COPIES OF IN-CONFIDENCE INFORMATION

- 6.8.1 That the Queensland Police Service formally provide guidelines, with examples, on how information from the computer systems should be classified to ensure that members understand which disposal methods are appropriate for paper copies containing this type of information.
- 6.8.2 That the warning screens for the access to Queensland Police Service corporate/mainframe computer systems include a condition that all information in these computer systems has a minimum classification of in-confidence unless otherwise specified, and that hard-copy print-outs should be disposed of in accordance with current QPS policies.
- 6.8.3 That an in-confidence notice be inserted on each computer screen that may contain in-confidence information within the Queensland Police Service corporate/mainframe systems to ensure that the in-confidence classification is included on all printed hard copies.

#### RECOMMENDATION 6.9 — TECHNOLOGY FOR INFORMATION SECURITY

- 6.9.1 That, as a matter of priority, the Queensland Police Service progressively incorporate information-technology capabilities within the next three years to:
- install an 'alert' monitoring feature for selected records and transactions
  - install a 'barring-access' function for selected records and information
  - develop and implement a system for detecting excessive transactions by authorised users.
- 6.9.2 That, as part of strategic planning, the Queensland Police Service continues to monitor the development of new IT capabilities that can assist in the protection of information and the detection of inappropriate use.

#### RECOMMENDATION 6.10 — SYSTEMATIC AND ONGOING INTERNAL AUDIT

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6.10.1 That the Queensland Police Service give higher priority to the use of audit strategies to prevent this type of misconduct by developing and implementing a systematic and ongoing internal audit program, which is both random and targeted, of access to and use of the computer corporate/mainframe systems.

6.10.2 That, as part of the risk-management process, managers and supervisors incorporate a program of local internal audit of access to and use of computer corporate/mainframe systems.

#### RECOMMENDATION 6.11 — REASON FOR TRANSACTION

6.11.1 That the Queensland Police Service order that all members must record a reason for access for each transaction made on the corporate/mainframe computer systems, either through mandatory computer entry, police notebook entry, or some other systematic documentation process, except where:

- a series of transactions are logically linked, in which case a single reason for the multiple transactions will afford an appropriate level of accountability
- where other official police documents provide evidence of an appropriate reason for the transaction
- where the duties of an officer require an unusually high number of transactions in relation to information that would routinely be accessed (e.g. a traffic police officer performing vehicle registration checks).

The last proviso should not apply to those members accessing sensitive information, such as intelligence databases.

6.11.2 That, where transactions are conducted on behalf of another member, the requesting member be required to record a reason for the request through mandatory computer entry, police notebook entry, or some other systematic documentation process.

6.11.3 That, where transactions are performed on behalf of another member, the person conducting the transaction asks the requesting member the reason for their request and their name, and records that information through mandatory computer entry, police notebook entry, or some other systematic documentation process.

#### RECOMMENDATION 6.12 — RAISING AWARENESS OF INFORMATION SECURITY AND INDIVIDUAL ACCOUNTABILITY

6.12.1 That, in response to this report, the Commissioner of Police issue a notice to all members, addressing the issues arising from this Inquiry, areas of concern and policy developments in respect of information security.

6.12.2 That the Queensland Police Service require all members to sign an acknowledgment stating that they:

- agree to the information-security policies as specified
- fully understand that the QPS computer system is not for personal use and therefore should only ever be accessed and used in the performance of official police work
- have read the legislation and will abide by the legislation, orders, policy and procedural rules and guidelines on computer use and access, and release of information
- understand that a breach of the terms of the contract/agreement will result in criminal and/or disciplinary action and possibly dismissal.

To ensure that no significant administrative burden is placed on the QPS, implementation should be progressive and be applicable to all new recruits from January 2001.

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6.12.3 That a supervisor or manager witness the signing of the acknowledgment, and also attest that the member has demonstrated that he/she has read the contract/agreement and fully understands its content.

6.12.4 That, where a supervisor or manager is not satisfied that a member has the necessary understanding of legislation, orders, policies and procedures relating to security of computer information, access should not be granted until the member completes appropriate training and education

6.12.5 That all members be required to re-sign their acknowledgment when they request new, changed or renewed access to a mainframe/corporate system or database

#### **RECOMMENDATION 6.13 — EXTENDING INFORMATION SECURITY**

6.13.1 That the Queensland Police Service incorporate, in higher education and training programs, particularly those catering for supervisors and managers, training sessions/modules on computer use, information security, and supervision of computer use by subordinates.

6.13.2 That the Queensland Police Service educate managers and supervisors on the application of the principles of risk management to develop processes for the effective monitoring and supervision of subordinate staff in the use of and access to the police computer system.

6.13.3 That the Queensland Police Service complete the development of the Competency Acquisition Program module on computer use and information security.

#### **RECOMMENDATION 7.1 — ACCESS TO CRIMINAL HISTORY, DRIVER'S-LICENCE AND VEHICLE-REGISTRATION RECORDS**

That the Government should review the restrictions that currently apply to accessing criminal histories, and driver's licence and vehicle-registration particulars, to determine whether any of those restrictions can be varied or waived in certain cases.

#### **Enhancing Integrity in the Queensland Police Service April 2008 (Projects Castella and Grinspoon) CMC**

6.1 That the QPS provide a report to the CMC detailing their current information security audit policy and program.

6.2 That the QPS examine opportunities for greater alignment between the QPS early warning system and information security audit program, particularly as the early warning system is further developed.

#### **Operation TESCO Initiatives 2010**

- Review policy in conjunction with the CMC in relation to access and use of confidential information

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## Appendix K

### Supervision Recommendations

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#### **Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers (Carter Report) October 1997 CJC**

8. That the Queensland Police Service re-assess and critically appraise its supervisory and risk-management practices with the assistance of the Criminal Justice Commission's Corruption Prevention Division, in the course of which consideration should be given to the following:
- The Criminal Justice Commission and the Queensland Police Service should jointly study anti-corruption techniques, particularly those which include the value of the role of supervision in improving officer skills designed to reduce the incidence of corruption.
  - The Queensland Police Service operational procedures relating to property should be completely reviewed so as to focus on how best to preserve the property for evidentiary purposes from initial contact to final disposal. At present, the procedures seem to focus only on the role of the persons performing the storage job at the declared property point.
  - The Queensland Police Service should determine appropriate standards to ensure that property is appropriately preserved and recorded. All property points should be provided with minimum standard issues of equipment necessary to assist with property preservation and facilities for accurately weighing the quantity of drug seizures.
  - The Queensland Police Service Ethical Standards Command should be encouraged to continue to reinforce the need for better understanding of the process of risk management where it relates to investigations, with the focus placed more sharply on the processes adopted by the individual officer in the individual case.
  - Processes for improved supervision and risk management should be marketed as methods which the Queensland Police Service wishes to adopt so as to assist individual members with 'integrity preservation' rather than allow them to be seen merely as cumbersome and restrictive practices.
  - The Queensland Police Service should examine the feasibility of establishing a computer-generated tracking system from seizure to destruction.
  - Current legislation and procedures should be reviewed to facilitate the early identification and destruction of drug seizures. [Chapter 8: pages 67, 68, 69]

#### **Enhancing Integrity in the Queensland Police Service April 2008 (Projects Castella and Grinspoon) CMC**

- 1.1 That the QPS designate management, particularly supervision, as a priority emphasis area within the Professional Standards and Ethical Practices stream of the OPR.
- 1.2 That the QPS continue to develop the OPR process as a mechanism to enhance leadership and accountability, particularly at middle and executive managerial levels.
- 1.3 That assistant commissioners and directors designate management and supervision, especially at division/unit inspector and non-commissioned officer levels, as a priority emphasis area in their local performance review processes. The promotion of good practice in management and supervisory systems and risk management should also be encouraged.

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- 1.4 That the OPR Unit within the QPS continue to develop systems for effectively communicating and promoting good practice identified through the OPR (and by other means) throughout the QPS. Furthermore, that the unit use this mechanism to support the OPR emphasis on management and supervision.
  - 1.5 That the QPS examine how the OPR process could be used to inform, where appropriate, the performance appraisal process. This should include considering the potential for greater alignment of the cycles for the OPRs and personal performance management systems, particularly at commissioned officer level
  - 1.6 That the QPS continue the renewed emphasis in internal investigations on examining the role of the subject member's supervisors and managers in identifying and effectively managing problem behaviours, including misconduct.
  - 1.7 That the QPS consider how the findings of disciplinary investigation reports, particularly in relation to the role of supervisors, could be used to inform broader managerial training and development strategies.
  - 1.8 That the QPS examine the nature and level of management and leadership education and training available at different managerial levels as part of the current review of HRDB education and training programs.
  - 1.9 That the QPS examine strategies to deliver practical, experiential and competency-based education and training in management and leadership, particularly at non-commissioned and commissioned officer level.
  - 1.10 That the QPS examine how they could use existing programs, such the Management Development Program, the OIC Program and the Assessment Centre Program, as a means of promoting ethical policing and managing inappropriate behaviours through good supervision and management.
  - 1.13 That the QPS promote the importance of providing practical guidance and support to members newly promoted or relieving in supervisory and managerial positions through appropriate mechanisms.

## **SDPC Review June 2008**

### **Recommendation 17**

The Commissioner, by 1 July 2009, review and revise Management Development Programs to ensure that there is sufficient focus provided on effective leadership, human resource management and the role of the supervisor in individual performance management and the prevention and early identification of ethical slippage.

## **Operation TESCO Initiatives 2010**

- Higher level supervision during identified risk times, using District and Regional Inspectors (Gold Coast District)
- Independent senior officer reviews of CCTV footage of the Surfers Paradise Police Station
- A focus by division management on developing proactive supervisor attitudes aimed at reducing incidents of assault and use of force (Gold Coast District)
- Installation of an additional six CCTV cameras and signage within the Surfers Paradise Police Station bringing the total coverage within the police station to 26 cameras



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- Upgrade of the Officer in Charge position at the Surfers Paradise Division to be upgraded to Inspector, with an evaluation to see if a similar upgrade should be considered for other similar-sized establishments
  - Increase of District Duty Officer (DDO supervision, by doubling the number of DDOs in the Gold Coast District from five to 10)
  - Two additional Professional Practice Manager positions (Senior Sergeants) to support the regional PPM Inspector (South Eastern Region)
  - Develop a suite of supervisor training programs focusing on expectations, communications, professional and ethical standards, supportive leadership, performance and education
  - Finalise the development of the residential Supervisors course

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## Appendix L

### Management Initiated Lateral Transfer (MILT)

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#### Overview

The Management Initiated Lateral Transfer (MILT) process through the industrial instrument is cumbersome and does not meet the increasing complexities of the QPS for flexibility, agility of staff movements nor for matters requiring management intervention in performance or disciplinary matters.

With all lateral transfers required to go through the TAC process the ability of the Commissioner to quickly transfer or remove an officer from the workplace is diminished. The Region will often have to provide substantial evidence as to why an MILT should be supported, and all too often the QPUE delegate on the TAC will support the position of the officer. In these latter cases, a split decision of TAC will require the General Manager HR as the delegate to make a determination on the case or where there remains a difference of opinion with the Region the decision making is referred to the Deputy Commissioner Operations.

In the case study provided (Annexure 1), *Kennedy v Commissioner*, Justice Dalton referred to matters that were in the previous QPS Determination 2010 and we believe that comments relating to risk mitigation have been strengthened in the current QPS Certified Agreement 2013. However we are also of the view that this should be further examined and we have commented on this in the options section of this paper.

Additionally, two other strategies are briefly discussed in this paper, District Appointments and Maximum Tenure. A review of these strategies may provide increased flexibility for Regional Commanders to move resources to meet service delivery shortfalls and ensure officers do not get entrenched in positions that could create performance issues.

#### *Management Initiated Lateral Transfers*

Management initiated lateral transfers (MILT) is the process used to transfer a police officer from one position to another or from one location to another at the same rank level.

Whilst the legislative and industrial regimes for managing transfers are explained in the attached Hierarchy Matrix, there is evidence that clearly identifies that management initiated later transfers becomes a significant problem from a management perspective when the transfer is not agreed or supported by the officer.

In the highlighted case study *Kennedy v Commissioner*, Justice Dalton identified the difficulties of transferring a member as a risk mitigation strategy. Risk mitigation can be for a number of reasons, including

- to remove an individual from the immediate work place because of conflict;
- disciplinary in nature where the officer may require greater supervision as a result of complaint history;
- developmental issues; or
- where a member is experiencing difficulties coping in high volume areas;

In the Kennedy case as well as the matter relating to Irwin (yet to be finalised and not reported), both matters were as a result of a transfer as a risk mitigation strategy and each officer was opposed

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to any transfer either from their particular location (Irwin) or transfer to another position (Kennedy) and both officers sought judicial review. In the Irwin matter, the QPUE questioned the head of power to transfer members.

The Kennedy decision highlighted that MILT under legislation requires that the processes within the industrial instrument (the then Determination now enterprise agreement) are required to be adhered to: that is through the Transfer Advisory Committee (TAC) procedures in the Queensland Police Service Certified Agreement 2013 (the Agreement).

Additionally, the Police Service Administration Act at Section 4.8 (4) requires that the Commissioner is to abide by all relevant industrial instruments. Essentially, the legislation for lateral transfers whilst providing the head of power for lateral transfers references the industrial provisions and therefore reads down the power of the Commissioner to transfer officers immediately as initial decision making is also referred through the Transfer Advisory Committee (TAC) processes.

All lateral transfer applications concerning non-commissioned officers and Constables are considered by the TAC under the provisions outlined in the Agreement and specifically determined against the Operational factors highlighted within.

There are 17 Operational factors for management or employees to make submissions for a lateral transfer. The majority of these relate to officer initiated later transfers (ie an officer requests a transfer based on the Operational factors) with three specific Operational factors used by management (Organisational restructuring, Resource Management and Management of Staffing needs).

The TAC transfer process identified in the attached MIT process map can take upwards of 4 weeks to complete, and this is largely dependent on the Region finalising all necessary administrative matters. However when the individual officer opposes any move a number of different appeal mechanisms exist.

### *Appeal Mechanisms*

The first of the appeal mechanisms is through the grievance process. The Police Service Award – State 2012 provides a grievance mechanism and whilst the time lines require 28 days from a stage 1 to a stage 3 to be completed invariably these timelines are exceeded. A review right from the grievance is to the Queensland Industrial Relations Commission which can take a further 28 days or more to complete.

The next level of appeal mechanism is to the Police Review Commissioner. The PSAA provides a right of review to the Review Commissioner who will determine the matter and make a recommendation of supporting the transfer or otherwise. Again this adds further time delays in transferring officers.

Finally, reviews from any of these processes can be made to QCAT or in the recent cases of Kennedy and Irwin for judicial review in the Supreme Court. These latter matters can invariably take in excess of 12 – 18 months to conclude.

An individual officer can commence the appeal processes at any or all of the mechanisms and whilst these are being considered and investigated all movements can be halted.

We have provide a strategy in the option section that considers removing all appeal rights to the Queensland Industrial Relations Commission (QIRC).

### *District Appointments/Rostering*

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One of the measures to increase flexibility in resourcing identified in the 2010 enterprise bargaining negotiations was the ability for Regional commanders to move resources across the District. Whilst District rostering provide short term flexibility District Appointments were to provide more permanent transfers across Districts to meet service delivery standards and in the best interest of the Service.

The 2010 negotiations resulted in an arbitrated Determination and the QIRC supported the QPUE submissions for District Appointments to be introduced as vacancies occurred. This effectively reduced the ability to utilise this strategy as an immediate tool to allow District Commanders to move resources with vacancies in some areas taking in excess of 10 years to eventuate.

A number of 'safe guards' were also introduced including travel and time criteria. These provisions were not re-visited during the 2013 negotiations.

### *Maximum Tenure*

The QPS does not have a maximum tenure policy. The Minimum Tenure policy provides flexibility in setting or waiving the minimum tenure requirements for officers who are appointed to remote or difficult to fill locations. Currently, the standard minimum tenure is three (3) years except in certain remote locations or in difficult to fill positions where there will be a minimum tenure of two years.

Current arrangements provide (per Part 6 of the *Queensland Police Service Certified Agreement 2013*) that where an employee has completed tenure in an isolated/difficult location and seeks a return to less isolated areas, they may apply for a lateral transfer. Per the *Minimum Tenure Policy*, the completion of minimum tenure may be waived in certain circumstances. Further, the minimum tenure period may be reduced to 2 years (instead of the standard 3 years) in some remote or difficult to fill positions.

The Commissioner has authority under s 5.9(2)(c) and 5.10 of the *Police Service Administration Act 1990* to apply a limit on the duration of tenure for a non-commissioned officer employed in a prescribed position.

The introduction of maximum tenure arrangements have been considered in the past but only generally for isolated centres and for positions that present certain risks to officers' health and safety. However, to date there has been limited support to implement such arrangements and in the past the Queensland Police Union has outlined its opposition to maximum tenure arrangements for specified groups.

Any re-consideration of maximum tenure applying to isolated centres will need to be considered in light of the following potential benefits and issues:

### **Potential Benefits**

Maximum tenure arrangements may:

- provide opportunities to refresh the workforce and ensure prospects for the development of skills across a range of working locations;
- act as an anti-corruption tool;
- reduce the risk to the organisation in terms of officers becoming 'entrenched' in the remote communities and susceptible to corruption;

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## Potential Issues

Maximum tenure arrangements may:

- place costs and an administrative burden on the Service connected with establishing the automatic transfer of police officers out of certain locations after a specified period of time;
- have a negative impact on some officers, particularly where officers have strong family and community connections in a particular location (i.e. children in school). Options for extending the maximum tenure could be put in place to accommodate this.

A maximum tenure strategy may provide the ability for the Commissioner to transfer officers where demonstrated efficiency issues have been raised and where officers have been in positions for significant periods. This could be achieved whereby an option is provided to officers to justify why they should not be transferred after 5 – 7 years.

Maximum tenure was considered in the NSW Royal Commission as a risk mitigation strategy to prevent corruption and long term officers gaining familiarisation with criminal elements.

The down side of introducing such a strategy could create an increase movement of members and thus increase transfer and relocation costs.

The introduction of a maximum tenure strategy could be introduced through the enterprise bargaining process, or could be introduced through changes in either legislation or as a Commissioner's Directive.

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### Commissioner's Confidence

A review of current provisions associated with the termination of an employee (not on contract) has highlighted a bureaucratic, convoluted, and process driven regime that has overtime proven to be difficult to manage certain officers who's cumulative behaviour, integrity, competence or performance doesn't fall neatly within specific provisions for dismissal on medical or disciplinary grounds. These types of cases have been dealt with in other jurisdictions under the provisions of a head of power described as a Commissioners Loss of Confidence.



In its 2010 report to parliament on Queensland Police Service Discipline Review, the Crime and Misconduct Commission highlighted a number of matters relating to the discipline processes including the Commissioner's Confidence powers. .

A number of police jurisdictions throughout Australia have introduced Commissioner's loss of confidence (CLOC) provisions within their respective legislations. New South Wales, Western Australia, Tasmania and Victoria have differing provisions around CLOC, with Victoria more recently abandoning their CLOC regime.

A principal justification for CLOC provisions is that they empower a police commissioner to address an officer's overall conduct or performance, when assessing their suitability to hold the 'office of constable' (the appointment which confers on an individual the special responsibilities and powers that operate beyond the workplace and the formal hours of employment), and to take action in response to cumulative behaviour.

NSW Police have been the dominate jurisdiction with regards to CLOC provisions as these were originally derived from their Royal Commission and the provisions have been in operation since the 1990s. Section 181 of the *Police Act 1990 (NSW)* provides the statutory provisions for removal of an officer including the officers review rights. A copy of the relevant sections of the legislation is attached (Annexure 3).

NSW police officers also have legislative review rights which are established through their State Industrial Relations Commission NSW (IRCNSW). The *Police Act 1990 (NSW)* establishes the same standard test for unfair dismissals for any other industry; that is 'harsh, unjust or unreasonable. There is significant case law across the broad spectrum of tribunals including State, Federal and High Court decisions that have addressed the harsh, unjust or unreasonable test principles.

One of the leading authorities often quoted in various tribunals is the High Court matter of *Byrne v Australian Airlines*. Their honours McHugh and Gummow JJ in their judgement said:

*"It may be that the termination is harsh but not unjust or unreasonable, unjust but not harsh or unreasonable, or unreasonable but not harsh or unjust. In many cases the concepts will overlap. Thus, the one termination of employment may be unjust because the employee was not guilty of the misconduct on which the employer acted, may be unreasonable because it was decided upon inferences which could not reasonably have been drawn from the material before the employer, and may be harsh in its consequences for the personal and economic situation of the employee or because it*

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*is disproportionate to the gravity of the misconduct in respect of which the employer acted.*<sup>48</sup>

With any reviews of this nature, and more explicitly the *Police Act 1990 (NSW)* provides for the applicant to establish that his or her removal is harsh, unreasonable or unjust. And as can be seen from the above High Court case there can be many factors that tribunals will consider when adjudicating on dismissals of employees. Additionally, the legislation also requires that the IRCNSW must consider the interests of the applicant, but also the public interest (which includes the interest of maintaining the integrity of the NSW Police Force).

The IRCNSW has found in *Walsh v Commissioner* what would constitute public interest, indicating:

*...there are many factors, which the public may have an interest in upholding, including the interests of maintaining the integrity of the Police Service. Not the least of these will be the importance of ensuring that public officials who are conferred responsibilities by the Parliament, the exercise of which may affect the rights or reputation of individuals, carry out those responsibilities in a manner which is both just and reasonable*<sup>49</sup>

In supporting the public interest test in police is the High Court matter in the *Police Service Board of Victoria v Morris*, where the High Court commented on the purpose of a discipline regime in policing indicating:

*“The effectiveness of the police in protecting the community rests heavily upon the community’s confidence in the integrity of the members of the police force, upon their assiduous performance of duty and upon the judicious exercise of their powers. Internal disciplinary authority over members of the police force is a means – the primary and usual means – of ensuring that individual police officers do not jeopardise public confidence by their conduct, nor neglect the performance of their police duty, nor abuse their powers. The purpose of police discipline is the maintenance of public confidence in the police force, of the self-esteem of police officers and of efficiency.”*<sup>50</sup>

A legislative amendment to provide the Queensland Police Commissioner with similar loss of confidence provisions to be successful, needs to include the consideration of the public interest which is taken to include the integrity of the QPS.

The NSW CLOC provisions are of course not without its problems, when considering the long held authority that tribunals consider ‘a fair go all round’<sup>51</sup> which looks at weighing the interest of both sides in a balance and when taking into account the Byrne’s case above. All too often tribunals have overturned cases where the evidence does not support dismissal or the decision was disproportionate to the gravity of the actions.

In matters of performance or inefficiencies these will often be the more difficult cases to prove as there is generally a longer lead time in gathering data on performance.

This is demonstrated in the matter of *Reid-Frost v Commissioner*, where Bolam J said:

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<sup>48</sup> *Byrne v Australian Airlines Ltd* [1995] HCA 24; (1995) 131 ALR 422; (1995) 69 ALJR 797; (1995) 185 CLR 410 (11 October 1995)

<sup>49</sup> *Walsh v Commissioner of Police* [2011] NSWIRComm 26

<sup>50</sup> *Police Service Board (Victoria) v Morris* (1985) 156 CLR 397 at 412

<sup>51</sup> *Sheldon J re Loty and Holloway v Australian Workers’ Union* [1971] AR (NSW) 95.

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*“... that R-F’s removal was not harsh, unjust or unreasonable, and that R-F was unsuitable to continue as a police officer. He concluded: There were reasonable grounds for placing the applicant on a Remedial Performance Program. The applicant strongly resented that placement. The applicant demonstrated an unwillingness to conform to standards of conduct and performance required in a disciplined force. Her attitude, particularly toward superior officers, was unacceptable ... [R-F] consistently refused to accept or acknowledge, over a lengthy period, that she was in any way at fault or deficient in her performance, conduct or behaviour; the applicant failed, culpably, to recognise her shortcomings and, therefore, took no corrective action.*

*In weighing in the balance the competing interests, I have been acutely conscious of the fact that ... [R-F] is a person who is 60 years of age and has served in the Police Force for 13 years ... But considered overall, the evidence regarding the applicant’s conduct (including her attitude) and her performance ... left me with me no alternative other than to conclude that the applicant is unsuitable to continue as a police officer. The Police Commissioner should not be obliged to continue to accommodate an officer who resists authority, is unable to accept advice or criticism without resorting to an exaggerated emotional response, is disruptive in the workplace and is not able to attain consistently a reasonable standard of performance.”<sup>52</sup>*

The Police Act 1990 (NSW) also establishes a number of procedures that the Commissioner must undertake before a decision is made to dismiss an officer under the confidence provisions. These include:

- giving notice to the officer setting out the grounds the Commissioner does not have confidence in the officers suitability;
- give the officer at least 21 days to make written submissions to the proposed actions;
- the Commissioner must take into consideration the written submissions from the officer;
- the Commissioner must also set out the reasons to remove the officer.

These are fairly standard procedural provisions considering that dismissal is regarded at the higher end of the disciplinary processes.

One of the matters highlighted in a Full Bench NSW IR case is that the IRC task when reviewing a removal order is to make a fresh and independent decision based on all of the material before it and not just the material at the Police Commissioner’s disposal at the time the decision was made to remove the officer.<sup>53</sup>

What the legislation has established though is that any new evidence may only be introduced by leave of the Commission and without limiting such leave, sets out those matters that the leave must be granted:

- the Commission is satisfied that there is a real probability that the applicant may be able to show that the Commissioner has acted upon wrong or mistaken information;
- the Commission is satisfied that there is cogent evidence to suggest that the information before the Commissioner was unreliable, having been placed before the Commissioner maliciously, fraudulently or vexatiously;
- the Commission is satisfied that the new evidence might materially have affected the Commissioner’s decision.

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<sup>52</sup> *Reid-Frost and Commissioner of Police (No 2)* [2010] NSWIRComm 86, para. 12

<sup>53</sup> *Hosemans v Commissioner of Police (No.2)* 2004 138 IR 159



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The Commissioner's Confidence powers have also been considered and benchmarked against the legislative provisions with the *NSW Police Act 1990*. It is noted that the 2010 CMC report recommended that the Government amend the *Police Service Administration Act 1990* to provide a basis for the dismissal of a police officer on loss of confidence grounds.



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## Recommendations

### (1) Enterprise Bargaining Negotiations

Taking into consideration the decision in the matter of *Kennedy* in relation to management initiated transfers it will be necessary to re-visit the provisions contained in Lateral Transfers in the EB Agreement. It is noted that the next round of negotiations with the two police unions for a replacement enterprise agreement is due to commence from April 2016. This will provide sufficient time for the organisation to more fully consider amendments<sup>54</sup> to the agreement necessary to achieve a more effective organisational outcome.

To increase flexibility in resource allocation will also require the renegotiation of the District Appointment provisions in the current enterprise agreement. This would provide for all positions from Constable to Senior Sergeants to be designated as District Appointments from the date of the new Agreement and thus provide an additional tool for Regional Commanders to improve volume capacity.

### (2) Legislative Amendment – Transfer Provisions

A second option for consideration to improve transfer arrangements is to address legislative issues with amendment to the *Police Service Administration Act 1990*<sup>55</sup>. This reform would enable the Commissioner's head of power for transfer to be prescribed in the Act and could include reference to transfer to another location at the Commissioner's discretion for operational or other reasons. It could also prescribe transfer for risk mitigation purposes.

A legislative approach may be assisted by previous consideration of the issue by the organisation as part of the 2013 management log of claims for negotiations of a new enterprise agreement<sup>56</sup>.

### (3) Policy Review

Additionally, a review of the tenure policy to consider maximum tenure may also provide longer term flexibility in resourcing strategies.

### (4) Legislative Amendment – Commissioners Loss of Confidence

A legislative amendment is considered within the *Police Service Administration Act 1990* to enable the Commissioner to dismiss an officer when he does not have confidence in the police officer's suitability to continue as a police officer, having regard to the police officer's competence, integrity, performance or conduct (including in response to cumulative behaviour).

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<sup>54</sup> While there are a number of key issues underpinning EB negotiations, consideration could be given to:

- Amend the current Clause 49(5) – reword so that it states ...'transfer a member to a location or position as a risk mitigation strategy; AND
- Clause 49(5) – include a provision that these decisions do not go through TAC; OR in lieu of clause 49(5) - possibly include 'risk mitigation' as an operational factor (purpose to be defined) again without a requirement to go through TAC.

<sup>55</sup> As an indication, consideration could be given to s 5.2(3) and (4) of the PSAA to prescribe the following basis for a transfer - the Commissioner's decision to transfer an officer to another location or position as a risk mitigation strategy.

<sup>56</sup> A review of legislation to take the appeal mechanisms out of the PSAA and have all matters heard by the QIRC; and provide for a Directed Transfer provision in the PSAA.

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## **ANNEXURE M1**

### **CASE STUDY**

#### **Kennedy v Commissioner [2015] QSC 219**

In the Supreme Court appeal matter of Kennedy v Commissioner, his honour Justice Dalton made a number of observations relating to the later transfer of police officers. Of some significance his honour highlighted the difficulty with dealing lateral transfers and individual cases noting:

*“The statutory and other provisions for assigning roles to officers of the police force are complicated. Their application is not made any easier by the fact that under the Police Service Administration Act assigning an officer from one role to another is called a transfer, even though it does not involve changing the location of an officer’s employment. As well, both the legislative provisions and the provisions of the Industrial Relations Commission Determination are detailed and prescriptive, they are almost bound to cause trouble in their application, for no-one drafting statutes, regulations or determinations can foresee all the factual permutations which will arise in the future and be dealt with according to the rules they lay down. The more detailed and prescriptive the rules are, the less likely it will be that the necessary flexibility will be available to deal with particular cases when they arise. In addition, unfortunately, the relevant Industrial Relations Determination is poorly drafted.”<sup>57</sup>*

His honour additionally noted that:

*“the Commissioner’s case was not that the lateral transfer of the applicant ... was in response to any operating factor... . ... it was said to be a lateral transfer pursuant to what it was argued was an independent head of power in the Determination : to make a transfer as “a risk mitigation strategy ... What operation it could have in light of the definition of lateral transfer ... and the definition of operational factors ... is difficult to see.”<sup>58</sup>*

*I do not think this paragraph can assist the Commissioner. To begin with, it deals with the transfer of a member to a location, rather than between positions. It is difficult to see how the paragraph could be construed as an independent source of power... If “risk mitigation” were meant to be an operational factor, there is no reason why it would not appear in the list of operational factors ... with a brief explanation of the terms ...”<sup>59</sup>*

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<sup>57</sup> Kennedy v Commissioner of the Qld Police Service [2015] QSC 219: 24

<sup>58</sup> Ib id: 30

<sup>59</sup> Ib id: 32





**181D Commissioner may remove police officers**

- (1) The Commissioner may, by order in writing, remove a police officer from the NSW Police Force if the Commissioner does not have confidence in the police officer's suitability to continue as a police officer, having regard to the police officer's competence, integrity, performance or conduct.
- (2) Action may not be taken under subsection (1) in relation to a Deputy Commissioner or Assistant Commissioner except with the approval of the Minister.
- (3) Before making an order under this section, the Commissioner:
  - (a) must give the police officer a notice setting out the grounds on which the Commissioner does not have confidence in the officer's suitability to continue as a police officer, and
  - (b) must give the police officer at least 21 days within which to make written submissions to the Commissioner in relation to the proposed action, and
  - (c) must take into consideration any written submissions received from the police officer during that period.
- (4) The order must set out the reasons for which the Commissioner has decided to remove the police officer from the NSW Police Force.
- (5) The removal takes effect when the order is made.
- (6) Repealed
- (7) Except as provided by Division 1C:
  - (a) no tribunal has jurisdiction or power to review or consider any decision or order of the Commissioner under this section, and
  - (b) no appeal lies to any tribunal in connection with any decision or order of the Commissioner under this section.

In this subsection, **tribunal** means a court, tribunal or administrative review body, and (without limitation) includes the Industrial Relations Commission.

- (7A) Nothing in this section limits or otherwise affects the jurisdiction of the Supreme Court to review administrative action.
- (7B) Nothing in Division 1C limits or otherwise affects the Commissioner's power to vary or revoke an order in force under this section.
- (8) For the purposes of this Act, removal of a police officer from the NSW Police Force under this section has the same effect as if the police officer had resigned (or, in the case of a police officer who is of or above the age of 55 years, had retired) from the NSW Police Force.
- (9) The Commissioner may take action under this section despite any action with respect to the removal or dismissal of the police officer that is in progress under some other provision of this Act and despite the decision of any court with respect to any such action.

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### 181E Review generally

- (1) A police officer who is removed from the NSW Police Force by an order under section 181D may apply to the Industrial Relations Commission (referred to in this Division as the **Commission**) for a review of the order on the ground that the removal is harsh, unreasonable or unjust.
- (2) An application under this section does not operate to stay the operation of the order in respect of which it is made.
- (3) Except to the extent to which the regulations otherwise provide, it is the duty of the Commissioner to make available to the applicant all of the documents and other material on which the Commissioner has relied in deciding that the Commissioner does not have confidence in the applicant's suitability to continue as a police officer, as referred to in section 181D (1).

### 181F Proceedings on a review

- (1) In conducting a review under this Division, the Commission must proceed as follows:
  - (a) firstly, it must consider the Commissioner's reasons for the decision to remove the applicant from the NSW Police Force,
  - (b) secondly, it must consider the case presented by the applicant as to why the removal is harsh, unreasonable or unjust,
  - (c) thirdly, it must consider the case presented by the Commissioner in answer to the applicant's case.
- (2) The applicant has at all times the burden of establishing that the removal of the applicant from the NSW Police Force is harsh, unreasonable or unjust. This subsection has effect despite any law or practice to the contrary.
- (3) Without limiting the matters to which the Commission is otherwise required or permitted to have regard in making its decision, the Commission must have regard to:
  - (a) the interests of the applicant, and
  - (b) the public interest (which is taken to include the interest of maintaining the integrity of the NSW Police Force, and the fact that the Commissioner made the order pursuant to section 181D (1)).

### 181G Application of Industrial Relations Act 1996 to reviews

- (1) The provisions of the Industrial Relations Act 1996 apply to an application for a review under this Division in the same way as they apply to an application under Part 6 (Unfair dismissals) of Chapter 2 of that Act, subject to this Division and to the following modifications:
  - (a) section 83 (Application of Part) is to be read as if subsection (3) were omitted,
  - (b) section 85 (Time for making applications) is to be read:
    - (i) as if a reference to 21 days in that section were instead a reference to 14 days, starting from the day on which the applicant is given a copy of the order to which the application relates, and
    - (ii) as if subsection (3) were omitted,
  - (c) section 86 (Conciliation of applications) is to be read as if it provided that a member of the Commission who is involved in any endeavour to settle the applicant's claim by conciliation must not subsequently be involved in the conduct of proceedings on the review,
  - (d) section 89 is to be read as if subsection (7) (Threat of dismissal) were omitted,
  - (e) section 162 (Procedure generally) is to be read as if the requirement of subsection (2) (a) of that section that the Commission is to act as quickly as is practicable were instead a requirement for the Commission to commence hearing the application within 4 weeks after the application is made,
  - (f) section 163 (Rules of evidence and legal formality) is to be read as if it provided that new evidence may not be adduced before the Commission unless:

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- (i) notice of intention to do so, and of the substance of the new evidence, has been given in accordance with the regulations under this Act, or
    - (ii) the Commission gives leave.
  - (2) The Commission may grant leave as referred to in subsection (1) (f) (ii) in such circumstances as it thinks fit and having regard to the nature of proceedings under section 181F, and without limiting the generality of the foregoing, the Commission must grant leave in the following circumstances:
    - (a) where the Commission is satisfied that there is a real probability that the applicant may be able to show that the Commissioner has acted upon wrong or mistaken information,
    - (b) where the Commission is satisfied that there is cogent evidence to suggest that the information before the Commissioner was unreliable, having been placed before the Commissioner maliciously, fraudulently or vexatiously,
    - (c) where the Commission is satisfied that the new evidence might materially have affected the Commissioner's decision.



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## Appendix M

### Position Description GD001

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**PD No:** GDO01

**Rank:** Constable/Senior Constable

**Function:** General Duties Officer

**Classification:**

**Location:** ALL REGIONS

#### **YOUR OBJECTIVE**

Provide operational policing services to the community by protecting life and property, preserving peace and safety, preventing crime and upholding law in a manner which has regard for the public good and rights of individuals.

#### **KEY ACCOUNTABILITIES**

Will include:

Maintain operational safety under varying work conditions and in diverse locations; and adhere to guidelines relating to uniform and safe practices for the use and maintenance of accoutrements and police equipment.

Undertake operational patrols, respond to situations to enforce laws and/or maintain public order, exercise police powers, investigate incidents or offences, and prepare and present evidence in a judicial or quasi-judicial setting.

Lawfully operate police vehicles safely in varying road, terrain and operational conditions, including the systematic, safe and efficient control of all vehicle functions, and effective management of hazardous situations.

Gather and exchange information from and with the community; and use analytical and keyboard skills, recording equipment and information systems to record, organise and analyse information.

Perform administrative duties in support of operational responsibilities; prepare forms, correspondence and reports and where required apply professional judgement in the issuing of licences and/or regulatory authorisations.

Manage a wide range of persons who are placed in care, detained in custody or require assistance pending the arrival of qualified personnel. Utilise appropriate communication, practical and physical skills in order to protect persons from harm or further casualty and to deal with uncooperative/aggressive people.

Perform duties in a professional and ethical manner, participate in teamwork, maintain and develop ongoing personal performance standards and competence, manage personal work priorities, assist and support other personnel, and maintain physical and emotional health.

Provide the public with service and support, utilise problem-solving techniques and adapt communication strategies to meet client needs, stay abreast of current affair, and foster a positive organisational image in the community.

#### **ESSENTIAL SELECTION CRITERIA**

ESC1 A serving sworn member of the Queensland Police Service who has successfully completed the Field Training Program (or previous equivalent).

ESC2 Demonstrated high level of personal integrity, emotional stability and professionalism.

#### **ARE YOU THE RIGHT PERSON FOR THE JOB?**

You will be assessed on the basis of relevant capability and capacity for the following which directly relate to the Key Accountabilities.

#### **Supports Strategic Direction**

- 
- Supports the QPS vision, mission and strategic goals; understands business area action plans and how own work contributes to team goals.
  - Identifies issues that may impact on tasks; alerts supervisor.
  - Knows where to find relevant information; asks questions to ensure full understanding; verifies information; uses common sense and dissemination protocols in conveying information to others.
  - Uses sound reasoning to assess situations and evaluate alternative courses of action. Knows when to escalate issues to supervisor.

### **Achieves Results**

- Understands team and individual capabilities; effectively uses own capabilities.
- Demonstrates familiarity with legislative and compliance with legislative policy and regulatory frameworks relevant to the QPS; develops technical proficiency in the use of equipment and programs.
- Prioritises, reschedules and reorganises own work to reflect changes in priorities, adjusts own schedule to suit colleagues' and business needs.

### **Supports Productive Working Relationships**

- Develops positive relationships with team members; actively participates in teamwork and activities to achieve objectives.
- Provides courteous, prompt and professional service; manages client expectations.
- Acknowledges and respects a broad range of social and cultural customs, beliefs and values; engages with the community and encourages their involvement.
- Understands and acts on constructive feedback.

### **Displays Personal Drive and Integrity**

- Demonstrates behaviours consistent with public sector and QPS values and standards of practice and behaves honestly, ethically, professionally and impartially.
- Remains calm and thinks clearly in a crisis. Maintains professional ethics even when pressured by others.
- Maintains productive performance even in difficult circumstances.
- Seeks to improve own performance.

### **Communicates with Influence**

- Seeks to understand audience and tailors communication style and message accordingly.
- Structures written and oral communication to ensure clarity.
- Considers diversity during fact-finding interviews and adapts approach to suit.
- Listens to, considers and acknowledges different ideas and discusses issues credibly and thoughtfully provides ideas in keeping with QPS values.

### **ADDITIONAL INFORMATION**

Occupants may be required to rotate through:

Watchhouse

Beat patrol

Communications rooms

Enquiry office

Court orderly duties

Tactical Crime Squad

Where one or more of these is attached to the station.

Officers need to be prepared to:

- \* undertake a mentoring role to junior staff;
- \* perform duties in varying and diverse locations throughout Queensland;
- \* perform shiftwork;
- \* face socialisation, cultural, organisational and management issues;
- \* deal with public perceptions of police and policing;

- 
- \* attend traumatic incidents (e.g. accident, fatality, and child abuse situation); and
  - \* perform duties in varying work conditions.

**Privacy Collection Statement**

*The Queensland Police Service (QPS) is collecting information for the purpose of processing your application for an advertised internal QPS vacancy. The collection of this information is authorised by the Police Service Administration Act 1990. Pursuant to the Merit Selection Standard, if you are the successful applicant, your application may be provided upon request to unsuccessful internal applicants as part of the feedback process. Your personal details (including private address, telephone numbers etc) will not be disclosed to a third party without your consent unless the disclosure is authorised or required by law.*

Date of Review: 09.04.2014

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## Appendix N

### Position Description GD005

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**PD No:** GDO05

**Rank:** Sergeant

**Function:** General Duties

**Classification:** Shift Supervisor

**Location:** ALL REGIONS

#### **POSITION SCOPE**

This generic position description covers roles in regional areas and involves assisting in the provision of efficient and effective policing services and support in the community.

Specific roles include:-

Shift Supervisor;

Shift Supervisor (ATSI Communities); and

Shift Supervisor (PSRT)

#### **KEY ACCOUNTABILITIES**

Will include:

Control available resources (internal and external) through effective management techniques aimed at service delivery, crime prevention and detection.

Research environmental factors and contribute through appropriate responses to serve community and Service needs.

Ensure proactive tasking, including patrols and investigations, are conducted to enhance the role of the Service within the community.

Implement, manage and apply problem solving approaches to bring about improved service delivery.

Identify and implement appropriate actions for performance management, personnel development and assessment procedures.

Establish and maintain effective communication with all stakeholders to complement service provision.

*For ATSI Community positions:*

Liaise with members of the Aboriginal and Torres Strait Islander communities and be aware of environmental factors and cultural beliefs impacting on such communities.

Officers applying for a position in an Aboriginal or Torres Strait Islander community should be aware that there may be an alcohol management plan in effect in that community. Further information on alcohol management plans and communities affected by such plans is available on website

<http://www.datsima.qld.gov.au/atsis/>

#### **ESSENTIAL SELECTION CRITERIA**

ESC1 A standard of personal integrity as required by the Commissioner of the Queensland Police Service.

ESC2 Existing appointment at the rank of Sergeant or higher

OR

Successful completion of Level 1 of the Management Development Program as at the date of closure of applications for the particular vacancy.

Officers at a higher rank who are appointed to a position designated at a lower rank are required to take a voluntary reduction in rank in order to take up the new position.

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## ARE YOU THE RIGHT PERSON FOR THE JOB?

You will be assessed on the basis of relevant capability and capacity for the following which directly relate to the Key Accountabilities.

### **Supports Strategic Direction**

- *Translates* the relationship between organisational goals and operational tasks.
- *Uses experience and judgement to analyse what is important, draws accurate, evidence-based conclusions.*
- *Uses experience and common sense to make sound judgements.*
- *Thinks laterally, identifies and implements improved work practices.*

### **Achieves Results**

- *Prioritises and delegates appropriately; monitors workloads; negotiates responsibility for outcomes.*
- *Monitors and evaluates task progress against performance expectations.*
- *Shares information with others; supports team in responding to changes; overcomes obstacles to achieve results.*
- *Complies with legislation and policy frameworks.*

### **Supports Productive Working Relationships**

- *Shares information and ensures others are kept informed of issues; seeks input to planning from team.*
- *Builds and sustains relationships with a range of internal and external stakeholders.*
- *Interacts with the community to understand local issues and build rapport.*
- *Matches capabilities and development needs of staff to opportunities.*

### **Displays Personal Drive and Integrity**

- *Demonstrates and promotes behaviours consistent with public sector and QPS values and standards of practice and behaves honestly, ethically, professionally and impartially.*
- *Operates within legal and policy constraints.*
- *Remains calm and thinks clearly in a crisis.*
- *Deals with issues and situations objectively.*

### **Communicates with Influence**

- *Confidently presents messages in a clear, concise and articulate manner.*
- *Structures written and oral communication to ensure clarity.*
- *Seeks to understand the audience and tailors communication style and message accordingly.*
- *Encourages the support of relevant stakeholders.*

### **Privacy Collection Statement**

*The Queensland Police Service (QPS) is collecting information for the purpose of processing your application for an advertised internal QPS vacancy. The collection of this information is authorised by the Police Service Administration Act 1990. Pursuant to the Merit Selection Standard, if you are the successful applicant, your application may be provided upon request to unsuccessful internal applicants as part of the feedback process. Your personal details (including private address, telephone numbers etc) will not be disclosed to a third party without your consent unless the disclosure is authorised or required by law.*

Date of Review: 18.02.2014

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## Appendix O

# Commissioners Instruction 1/2015

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### Commissioner's Instruction 1/2015 Effective 16/10/2015

DOC15/1135764

#### **BODY WORN CAMERAS**

The Service is commencing a state wide roll-out of Service-issued body worn cameras and an approved storage facility for audio and video recordings made by officers. The roll-out of Service-issued equipment will commence within the Gold Coast District and trial members within the Road Policing Command.

Officers with privately owned body worn cameras in all parts of the state are to comply with this instruction in addition to officers with Service issued devices.

**The following sections have been amended to reflect the policies and procedures revised in this instruction:**

#### **Service Manual Definitions:**

Body worn camera;  
In-vehicle camera; and  
Portable recording device,

#### **Digital Electronic Recording of Interviews and Evidence Manual:**

- s. 2.2: 'Field recording equipment';
- s. 2.3: 'Portable recording device specification guidelines';
- s. 3.1 – Deleted;
- s. 4: 'Field audio and video recordings';
- s. 4.1: 'Use of portable recording device';
- s. 4.2: 'Responsibilities of officers in charge of stations and establishments';
- s. 4.3: 'Storage, retention and production of personal recording device recordings';
- s. 4.4: 'Body worn cameras';
- s. 4.5: 'In-vehicle cameras'; and
- s. 5.10: 'Naming protocols'.

#### **Administration**

##### **POLICY**

The contents of this instruction have been incorporated into Service Manual Definitions and Chapters 2: 'Recording equipment', 3: 'Interview room recordings', 4: 'Field audio and video recordings' and 5: 'Management of recordings' of the Digital Electronic Recording of Interviews and Evidence Manual and have been highlighted.

##### **ORDER**

Members are to comply with the Manual amendments detailed in this instruction.

Officers in charge are to note the contents of this instruction and bring them to the notice of all members under their control.

#### **B M POINTING**

##### **DEPUTY COMMISSIONER**

##### **(STRATEGY, POLICY AND PERFORMANCE)**

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## Appendix P

### Review of Significant Event Review Panels (SERPs) including SERP Quality Control Committee (QCC)

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#### KEY FINDINGS

While OPM s.1.17.11 states a SERP QCC *has been established as an over viewing committee with an ongoing responsibility to monitor the findings of district/command SERPs*, the SERP QCC has not convened for more than fifteen months.

Management practices regarding the selection of significant event matters for consideration by SERPs were inconsistent across the State. Departmental traffic incidents are rarely considered. There were significant variations in the nature, type and number of events considered by SERPs. No matters were forwarded to the SERP QCC during the reporting period (1 July 2013 to 30 June 2014).

The majority of SERPs are using the process as a decision-making forum, particularly with respect to camera-detected offences involving police vehicles/vessels.

There was no evidence to indicate SERPs had identified opportunities for improvement to whole-of-Service level systems, practices, policies or equipment.

The identification of common operational behaviours, patterns and/or trends and risks to front-line officers are infrequently quantified or collated by SERPs nor are they reported to the SERP QCC or referred to the Strategic Risk Management and Business Continuity Coordinator, Ethical Standards Command.

Numerous significant event matters were not recorded on SEMS.

Data to inform SERPs is extracted from varying sources. Some use SEMS while others use a combination of SEMS and QPRIME (though they contained differing data), and others used only commissioned officer referrals.

Control weaknesses requiring immediate management action were identified.

#### RECOMMENDATIONS (Summary – Refer Section 4, Further Analysis and Recommendation)

##### RECOMMENDATION 1

*That the Deputy Commissioner (Regional Operations) reviews the requirement for the SERP QCC to function as an overseeing body and, if not, identify an appropriate reporting structure to enable a holistic response to district/command SERP findings.*

##### RECOMMENDATION 2

*That the Assistant Commissioner, Operational Capability Command, establishes a forum which maintains ongoing overview of the management of SERPs.*

##### RECOMMENDATION 3

*That the Deputy Commissioner (Regional Operations) ensures a meeting is convened by the SERP QCC to consider issues in relation to Sharepoint functionality.*

##### RECOMMENDATION 4

*That the Deputy Commissioner (Strategy, Policy and Performance) amends section 1.17.6 of the Operational Procedures Manual to include relevant QPRIME occurrences in data sets for consideration by SERPs.*

##### RECOMMENDATION 5

*That the Deputy Commissioners (Specialist Operations and Regional Operations) disseminate the data collection aide to all SERPs.*

##### RECOMMENDATION 6

*That the Deputy Commissioners (Specialist Operations and Regional Operations) ensure all personnel involved in conducting significant event reviews and/or are members of a SERP are conversant with section 1.17 of the Operational Procedures Manual.*

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#### RECOMMENDATION 1

*That the Deputy Commissioner (Regional Operations) reviews the requirement for the Significant Event Review Panel Quality Control Committee to function as an overseeing body, and,*

- a. if yes, convenes three-monthly meetings as proposed in the Committee's Terms of Reference; or*
- b. if no, identifies an appropriate reporting structure to enable a holistic response to district/command SERP findings,*

*to ensure compliance with section 1.17.11 of the Operational Procedures Manual, and reports to the Commissioner by 31 March 2015 on the outcome, and forwards a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

#### RECOMMENDATION 2

*That the Assistant Commissioner, Operational Capability Command, establishes a forum which maintains ongoing overview of the management of SERPs to enable better management of QPS resources, and reports to the Commissioner by 31 March 2015 on action taken, and forwards a copy to the Assistant Commissioner, Ethical Standards Command.*

#### RECOMMENDATION 3

*That the Deputy Commissioner (Regional Operations) ensures a meeting of the SERP Quality Control Committee is convened to consider the identified concerns relating to SharePoint functionality, and reports to the Commissioner by 31 March 2015 on action taken, and forwards a copy to the Assistant Commissioner, Ethical Standards Command.*

#### RECOMMENDATION 4

*That the Deputy Commissioner (Strategy, Policy and Performance) considers amending section 1.17.6 of the Operational Procedures Manual 'Conducting significant event reviews':*

- from (in part) Policy: 'Sources of information may include reports generated from an incident debriefing, shift and occurrence logs, significant event messages, dog bite incident reports, QPRIME 'Use of Force Reports' and any other documents produced from the subsequent criminal, coronial, disciplinary and/or workplace health and safety investigation',*
- to Policy: 'Sources of information should include reports generated from an incident debriefing, shift and occurrence logs, significant event messages, dog bite incident reports, QPRIME 'Use of Force Reports', relevant QPRIME occurrences and any other documents produced from the subsequent criminal, coronial, disciplinary and/or workplace health and safety investigation',*

*and reports to the Commissioner by 31 March 2015 on action taken, and forwards a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

#### RECOMMENDATION 5

*That the Deputy Commissioners (Regional Operations and Specialist Operations) disseminate the data collection aide (Appendix F) to all SERPs to enable consistent data collection State-wide, and reports to the Commissioner by 31 March 2015 on action taken, and forwards a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

#### RECOMMENDATION 6

*That Deputy Commissioners (Regional Operations and Specialist Operations) ensure all personnel:*

- involved in conducting significant event reviews; and/or*
- are members of a Significant Event Review Panel,*



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*are conversant with section 1.17 of the Operational Procedures Manual, and report to the Commissioner by 31 March 2015 on action taken, and forward a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

## **1. BACKGROUND**

A review of Significant Event Review Panel (SERP) policy and processes was conducted by a working group (chaired by the Chief Superintendent, Operations Support Command), commencing 13 May 2010, following a request by the Deputy Commissioner (Regional Operations).

The review identified seventeen recommendations in relation to reporting requirements, management procedures, and recording and overviewing of SERP matters.

One of the recommendations related to the appointment of a responsible position to overview State-wide SERP determinations. As a consequence, the first SERP Quality Control Committee (QCC) meeting was convened on 12 May 2011.

Operational Procedures Manual (OPM) s.1.17.11, *Significant Event Review Panel Quality Control Committee*, states:

*The SERP QCC has been established as an over viewing committee with an ongoing responsibility to monitor the findings of district/command SERPs to:*

- (i) ensure consistency of decision making;*
- (ii) identify trends and causal factors in relation to categories of incidents reviewed by SERPs;*
- (iii) implement measures to address adverse trends and causal factors in relation to categories of incidents reviewed by SERPs;*
- (iv) make and where approved, guide implementation of any recommendations to SERP policy, procedures or practices; and*
- (v) in consultation with relevant stakeholders, promote good practice and a culture of continual improvement on a Service-wide basis.*

*The SERP QCC reports to the Deputy Commissioner (Regional Operations). The SERP QCC is to, where appropriate, take action in response to the recommending SERP's findings, consistent with the Service's continual improvement philosophy.*

*The SERP QCC comprises an assistant commissioner as Chairperson and three district officers from different regions/commands.*

*Committee members are appointed for a twelve month period, unless extended by the Deputy Commissioner (Regional Operations), and membership will be rotated annually.*

*The Assistant Commissioner, Ethical Standards Command is to nominate a commissioned officer from Ethical Standards Command to provide the secretariat including reviewing SERP matters, attending all committee meetings and providing appropriate advice consistent with the Committee's role.*

### **Recording and Reporting Meeting Outcomes**

#### **POLICY**

*All decisions of the SERP QCC will be formally documented in a timely manner and in a format that is suitable to the Committee.*

In 2013, OPM s.1.17 was amended to clarify the operating parameters of command and district Significant Event Review Panels (SERPs).

OPM s.1.17.2 identifies the purpose of Significant SERPs *is to critically analyse the appropriateness of the police actions during a significant event review matter so that opportunities for learning and improvements may be identified at the individual, work unit, district or whole-of-Service levels (e.g. improved practices, changes to equipment, more effective policies and procedures).*

OPM s.1.17.3 states:

*SERPs are to be established at district level and within State Crime Command, Road Policing Command, Community Contact Command and Operations Support Command. For other corporate areas and commands, the establishment of a SERP is at the discretion of the relevant assistant commissioner or executive director where there is a demonstrated need. SERPs*

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*should meet monthly to review significant event review matters and any other matters the chair deems appropriate.*

As such, the role of SERPs is vital where instances that may be subject to review are prevalent due to core operational activities undertaken by the QPS. Accordingly, the policy compliant operation and administration of SERPs, and the SERP QCC, mitigates the serious strategic risk of failing to undertake considered analyses of activities to identify and address casual factors and trends, and to promote good practice. Additionally, the non-compliant operation and administration of SERPs and the SERP QCC may result in a loss of organisational improvement opportunities.

This issue-based inspection considered the efficiency and effectiveness of the current operation and administration of SERPs and the SERP QCC. Further, a consideration of SERP operations in terms of identified and potential risks, quality standards, and consistency within, and across, SERPs was undertaken. Accordingly, an assessment of the timeliness of SERP functioning and the use of existing reporting frameworks, that is SERP SharePoint, has been made.

## **2. METHODOLOGY**

This inspection comprised a desktop analysis of relevant documents and records. No field work was undertaken. The review included quantitative and qualitative elements.

A pre-formatted document was forwarded to the responsible officers for each command/district SERP for the provision of information concerning the period 1 July 2013 to 30 June 2014.

The received responses were assessed in relation to the number of SERP meetings, the number and nature of matters subject to SERP review and the nature of information sources used by the SERP.

An analysis of reported significant events, as defined in OPM s. 1.17.1, as recorded in the Significant Event Message System (SEMS), and documented in relevant reports and occurrences within QPRIME, was the basis of the quantitative analysis. QPRIME occurrences and reports involving Police Pursuits, Police Use of Force (firearm, Taser and OC spray) and Departmental Traffic Crashes (with and without injury) were interrogated for the period 1 July 2013 to 30 June 2014 for the respective areas of control for the district SERPs.

This review did not interrogate QPRIME in the case of command SERPs, as OPM s.1.17.5 identifies:

*Significant event review matters are to be reviewed by the SERP of the district or command to which the officers involved in the significant event review matter are attached, or 'centrally functioned' to.*

*Where a significant event review matter involves members of more than one district, command or division, the SERP of the district in which the event occurred should complete the review.*

Relevant QPRIME occurrences involving significant event review matters, specifically the use of a Service firearm and crashes involving a Service vehicle/vessel (recorded in SEMS if considered to be by exception), were then selected and analysed to assess the degree of convergence/discrepancy with a range of similar significant event review matters identified in SEMS.

### **2.1 Limitations**

This inspection was largely qualitative in nature and subjective to the extent the review team had to make a judgement or assessment of the standard of SERPs' selection of matters for review. Conversely, it is acknowledged it is not outside of the scope of current policy that district officers, or their delegate, arbitrarily select matters for review. However, the lack of consistency in the application of OPM s.1.17.2 significantly impacted on the ability to draw plausible conclusions that would be applicable across all SERPs.

It was not within the scope of this review to determine why SERPs chose some matters, not others, or none at all.

## **3. FINDINGS**

### **3.1 Data**

Only data recorded in SEMS and QPRIME, and the provided SERP responses, was analysed.

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The data (Appendix B) identified:

- a significant discrepancy, at a whole-of-Service level, between the number of incidents reported in SEMS and QPRIME;
- 360 occurrences involving police use of a Service firearm were reported in QPRIME, however, only 242 incidents were reported in SEMS;
- 443 departmental traffic crash occurrences were reported in QPRIME (67 involving injury) whereas only 62 incidents were reported in SEMS (43 involving injury);
- inconsistencies in the reporting of departmental traffic crashes in SEMS (i.e. a significant number of injury traffic crashes NOT reported in SEMS but non-injury crashes have been);
- serious concerns regarding the validity of SEMS as being an accurate/effective data source for SERPs;
- insufficient methods utilised by districts to identify and collate significant event review matters (i.e. North Brisbane District identified 5 incidents involving Service firearms, referred 4 to SERP whereas 33 incidents were reported in SEMS);
- inconsistencies and/or ineffective use of reporting categories in SEMS (i.e. departmental traffic crashes categorised as 'Injury to member' and use of Service firearm not a specific category - must be reported as 'Police Related Firearm Incident');
- QPRIME is not universally used at district level to identify significant event review matters and as such potentially matters may not have been referred to SERP as required;
- data quality deficiencies in QPRIME (i.e. Use of Force reports not completed as required, *Police Use of Force – Human (1704)* offence type not linked to occurrence as required, *Traffic Crash – Departmental (1409)* not linked to occurrence as required) are not reviewed/rectified;
- lack of auditability surrounding the determination of whether a matter is suitable to be subject to SERP consideration (i.e. District Officer, Townsville District, overviewed 268 matters and identified nil matters suitable for SERP review); and
- significant variations concerning the number of SERP matters reviewed between districts generally, and between districts within regions (e.g. Mackay District held no SERP meetings as the DO considered nil matters suitable for review whereas the Capricornia District SERP considered 28 matters, Sunshine Coast District SERP considered 31 matters and Wide Bay Burnett District SERP considered 23 matters).

### 3.2 SERP Quality Control Committee (QCC)

The SERP QCC is a decision-making body responsible and accountable to the Deputy Commissioner (Regional Operations) for providing appropriate and timely advice in relation to incidents and categories of incidents reviewed by district/command SERPs.

The SERP QCC Terms of Reference proposed committee meetings be convened on a quarterly basis, or as at such times as are resolved by the Committee and at any other time determined by the Chair. However it appears the committee has not been convened for more than fifteen months. As such the SERP QCC has not fulfilled its prescribed responsibility *to monitor the findings of district/command SERPs*.

Inspector Trevor Gould, Integrity and Performance Group, as the ESC-nominated commissioned officer for providing SERP QCC secretariat functions, advised he is reviewing matters arising from SERPs in accordance with OPM s.1.17.11.

While SERPs have continued to function, the absence of an overseeing body has resulted in:

- no supervisory level for SERPs to report to; and
- the inability of the QPS to effect executive-level identification of trends and/or causal factors associated with SERP reviewed incidents in accordance with OPM s.1.17.11.

### 3.3 SERP Operations (risks/quality/consistency)

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OPM s.1.17.3 states, in part, *SERPs are to be established at district level and within State Crime Command, Road Policing Command, Community Contact Command and Operations Support Command. ... SERPs should meet monthly.*

Responses were sought from all command/districts concerning the operation of SERPs in their area of control. Responses were received from all areas.

### **3.3.1 Command SERPs**

Generally, command SERPs held very few meetings, if any, and considered only traffic-related breaches involving Service vehicles or vessels.

Community Contact Command (CCC) held no meetings and stated in their response, *Since CCC was established in July 2013, there has been no need to conduct a SERP.*

In the case of State Crime Command (SCC), fifteen meetings were held in the twelve-month review period, however only one matter was reviewed by the SCC SERP. Road Policing Command (RPC) SERP advised it had held four meetings in the review period, however SharePoint records only one traffic-related matter involving a Service vehicle was reviewed during the period.

Similarly, Operations Support Command (OSC) held one meeting during the review period and considered eight camera-detected and/or other traffic breaches involving a Service vehicle or vessel. A review of QPRIME data indicated a number of potential significant event review matters involving use of force by OSC officers did occur however, in the case of dog bites, these matters are generally reviewed within OSC through a process incorporating supervisor, peer and third party review. Inspector Gary Pettiford, Specialist Services Coordinator, Railway and State Dog Squads, Specialist Services Group, advised, *All Dog Bite Incidents are reviewed on a daily basis (including weekend days) via SEMS ... Any incidents that require follow-up are attended to immediately and the Supt SSG (Superintendent Specialist Services Group) briefed accordingly. Local DDOs (District Duty Officers), RDOs (Regional Duty Officers), Hosting Inspectors etc. also play a part in this process as required. The Dog Bite Committee sits on the last Tuesday of each month (this is flexible) ...*

While the OSC SERP considered eight traffic-related offences involving Service vehicles/vessels, no other types of matters were considered. It is noted OPM s.1.17.5 states, in part, *Significant event review matters involving police dogs are to be reviewed by the Operations Support Command SERP*, however it is acknowledged the daily review of dog bites by the State Dog Squad Training Coordinator and Inspector Pettiford includes the reporting of exceptions to the OSC SERP.

During the data review it was noted ninety-one 'Use of Force' reports involving a police dog were recorded in QPRIME, however twenty-two of these were not recorded in SEMS. There were sixty-two incidents recorded on SEMS under the category of 'Dog bite (police dog)' and all of these had a corresponding 'Use of Force' report recorded in QPRIME. Six dog bite related incidents reported in QPRIME had not been represented in the SEMS holdings as those incidents were not reported under the category of 'Dog bite (police dog)'.

RPC advised it had undertaken a review of the RPC SERP in August 2014 and identified *that not all SERP matters involving members from RPC were being referred to local (hosting) SERPs or RPC SERP*. Whilst this review may indicate the apparent misapplication by district SERPs of OPM 1.17.5, which states, *Significant event review matters are to be reviewed by the SERP of the district or command to which the officers involved in the significant event review matter are attached, or 'centrally functioned' to*, other factors should be considered. For instance, where the matter is either a camera-detected or other traffic breach involving a RPC vehicle, the initial advice of the event, being the traffic infringement notice, is forwarded to the region/command to which the vehicle is allocated. In these cases, the hosting district/group would not be aware of the event. Accordingly,

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the self-initiated RPC SERP review demonstrates 'good practice' in identifying a recurrent risk in the SERP process.

SCC advised current SERP policy had permitted a reduction in red tape where the consideration of potential significant event review matters were now considered by group commanders and matters were not generally progressed to the SCC SERP. This approach reflects the inherent nature of the existing policy in relation to permitting an arbitrary approach to the selection of matters for SERP consideration. However, this poses a potential risk for matters not to be reviewed in a manner which could assist in identifying emerging or existing patterns of behaviours or operational risks across regions/commands and/or the whole-of-Service.

### **3.3.2 District SERPs**

A comparative analysis of district responses was undertaken in relation to numbers of meetings held, identified significant event review matters and information sources.

#### Meetings

Generally, the numbers of SERP meetings for the twelve month period varied significantly across districts, ranging from none (Mackay District and Townsville District) to ten<sup>60</sup> (Wide Bay Burnett District) (refer Appendix B). The number of meetings were, generally, in the range of two to eight per annum.

#### Consistency

In terms of the consistency of operations across district SERPs, the analysis (Appendix B) revealed significant discrepancies between the numbers of matters considered by SERPs in comparison to the number of matters recorded in SEMS. There were notable differences ranging from 5% (Gold Coast District) to 93% (Capricornia, Sunshine Coast and Darling Downs districts). The lack of consistency, as evidenced in these discrepancies, is concerning in that SEMS was nominated by most districts as the primary, and in some cases the sole, data set from which the respective SERPs selected matters for review. It is acknowledged the selection process evidenced in this review falls within the existing policy. However, the current process for selecting matters to be considered by SERPs does not provide a reliable source for identifying emerging or existing patterns of behaviours or operational risks across regions/commands and/or whole-of-Service.

#### Data sets

Further, an analysis of responses revealed four<sup>61</sup> SERPs across fifteen districts do not use QPRIME as part of their data set in selecting and/or identifying matters for review.

While many SERPs are selecting a limited number of matters for SERP review, this review has identified marked discrepancies in the number and type of potential significant event review matters recorded in SEMS and in QPRIME. These discrepancies were evident across all districts (refer Appendix B).

### **3.4 SERP processes**

#### SharePoint

The SERP Sharepoint was rolled out State-wide on 1 July 2012 following an operational trial in Operations Support Command and then Far Northern Region.

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<sup>60</sup> Wide Bay Burnett District conducted three separate SERPs, being the Bundaberg, Gympie and Maryborough Patrol Group SERPs with a combined total of 10 meetings.

<sup>61</sup> Far North, Logan and Mount Isa Districts SERPs, and Bundaberg Patrol Group SERP, as part of Wide Bay Burnett District, indicated they do not use QPRIME to select/identify matters for review

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Inspector Trevor Gould, Integrity and Performance Group, who reviews SERP matters in accordance with OPM s.1.17.11 advised:

*SERP Sharepoint, in itself as a database, provides excellent opportunities for the recording of matters.*

*There does exist future possibilities to consider whether there is capacity to expand the SERP Sharepoint functionality – particularly for the ability to search:*

- *by member*
- *create a member's history (containing information of any matter type, such as camera-detected offences, pursuits, use of Taser, etc.) and*
- *for districts to search for items outside their own meeting agendas.*

*However, the current application of the SERP Sharepoint is generally not being used in accordance with the intent and purpose of s.1.17 of the OPM.*

Advice was sought from all SERPs in relation to how Sharepoint and associated processes could be improved. Generally, comments related to:

- non-specific improvements in the SharePoint User Guide;
- the consideration of significant event review matters while a concurrent disciplinary investigation was being undertaken;
- issues arising from district SERPs considering matters involving hosted officers;
- the search and audit capacity of SharePoint; and
- the amendment of current policy to discontinue command SERPs with the establishment of SERPs at group/district level only.

Several of these issues are already addressed, to some extent, in OPM s.1.17. Sound familiarity with the policy would assist SERPs in the application of the SERP process and their corresponding responsibilities.

The responses from North Brisbane District (NBD) and RPC in relation to the general effectiveness and efficiency of the current SERP process and the usability of SharePoint in its current form and application is attached as Appendix C. The breadth of the issues raised warrant the attention of the SERP QCC. It is reasonable for the SERP QCC to examine the suitability and capacity of SharePoint as a suitable platform given its use during the review period.

#### Data sets for consideration by SERPs

QPRIME occurrences, in addition to QPRIME Use of Force reports, should be included as a source of information for SERPs as these would provide a more accurate awareness of potential significant review matters rather than SEMS alone. While a SEM is required to be submitted in accordance with the definition of a significant event, as defined in OPM ss.1.18(i)–(xvii), numerous matters that are significant events are not recorded in SEMS. The reason for this non-recording is beyond the scope of this review, however the resultant effect upon available data is considerable. The inclusion of a general review of all QPRIME occurrences in the pre-SERP selection process would enhance the quality of data available to be reviewed by SERPs.

### **3.5 Timeliness of Reporting**

As previously stated, the number and frequency of district SERP meetings varied significantly, generally from two to eight per annum. In some cases, matters were held over from one meeting to the next, pending the need for further advice or data. This practice, while not outside policy, raises the risk of matters becoming dated in terms of identifying improvements to training or systems that would otherwise be remedied with a more timely consideration of the matter. For example, the initial 2013/2014 NBD SERP meeting held on 27 March 2014 considered matters

ranging from March 2012<sup>62</sup> to February 2014. Similarly, the NBD SERP meeting held on 25 September 2014 considered matters ranging from March 2012<sup>63</sup> to September 2014. Additionally, the initial 2013/2014 Gold Coast District SERP meeting held on 16 October 2013 considered matters ranging from February 2013<sup>64</sup> to September 2013. In the case of the matter from February 2013<sup>65</sup>, the respective SERP overview had not been completed as at September 2014. It is acknowledged the nature of the matters being overviewed by SERPs are such that further inquiries are often required to augment initial SEMS and/or QPRIME data.

The State Coordinator, Internal Investigations Group, Ethical Standards Command advised he is not aware where a delay in SERP has had any effect (adverse or otherwise) on the investigation/completion of internal investigations.

### 3.6 Opportunities for Improvement

There was some evidence district SERPs had identified and actioned some systems improvements in the form of officer training and/or amendments to station/establishment instructions.

However, there was no evidence to indicate SERPs identified deficiencies or opportunities for improvement to whole-of-Service level systems, practices, policies, operational equipment or infrastructure. Inquiries with the Operational Skills Training Unit, Education and Training, Public Safety Business Agency, revealed neither the current Operational Research Advisory Section nor its predecessor, the Operational Research Advisory Unit, had received any advice from SERPs that could assist in determining opportunities for improvement in equipment training, use and/or the identification of related deficiencies. While there may not have been any such identified deficiencies or opportunities during the review period, the lack of a central review mechanism may have impacted on the prospect of identifying and/or reporting such deficiencies. It is noted no SERP provided advice on any matters to the SERP QCC, or the assigned ESC commissioned officer nominated to assist the SERP QCC.

### 3.7 Rating

An audit rating of Significant is appropriate given the findings.

• Rating		• Equivalency
1	Low	No major control weaknesses. Some efficiencies are available.
2	Moderate	Some control weaknesses, improvements in efficiency could be made.
3	<b>Significant</b>	<b>Control weaknesses. Requires immediate management action.</b>
4	High	Represents risks that could have a material impact on QPS operations. Significant work is required in this area.

## 4. FURTHER ANALYSIS AND RECOMMENDATIONS

### 4.1 SERP QCC

The SERP QCC has not convened for more than fifteen months.

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<sup>62</sup> Injury in custody (Gabriel Vincent Orchard dob 10/06/1973)

<sup>63</sup> Injury in custody (Gabriel Vincent Orchard dob 10/06/1973)

<sup>64</sup> SERRCI 13/4383 Pursuit

<sup>65</sup> SERRCI 13/4383 Pursuit

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The convening of regular SERP QCC meetings would:

- provide a forum to respond to SERP recommendations/findings, consistent with the Service's continual improvement philosophy;
- enable SERPs to report issues which have whole-of-Service application for consideration (OPM s.1.17.10); and
- enable the functions of the SERP QCC (as outlined in its Terms of Reference) to be fulfilled.

In May 2013, an Issues Paper (refer Appendix D) was prepared by Ethical Standards Command regarding the review and proposed amendment of SERP and SERP QCC policy.

The following three options were identified:

1. Retain SERP at a regional level with responsibility increased from Chief Superintendent to Assistant Commissioner.
2. Repealing SERP and SERP QCC policy ceasing the requirement to conduct SERPs.
3. Maintaining SERP policy but devolving responsibility to District Officer level.

The Paper was forwarded to all staff officers on 6 May 2013 for urgent feedback. Fifteen of the sixteen responses supported Option 3. OPM s.1.17 was amended in July 2013 to reflect the devolvement of responsibility.

There is an opportunity for Operational Capability Command to augment its role in driving organizational improvement by enhancing the operation of SERPs through maintaining an ongoing responsibility of overseeing the management of SERPs, e.g.

- the selection of matters for consideration by individual SERPs;
- the recording of reasons for non-inclusion of significant event matters for consideration by SERPs; and
- the quality of data accessed for pre-SERP consideration.

#### • **Risks**

The lack of overarching administration/analyses of SERP processes/findings exposes the QPS to the potential consequences of:

- embarrassment from non-compliance with policy;
- failure to identify significant risks;
- inadequate treatments for significant risks;
- lack of accountability;
- ineffective management of resources; and
- limitation of continuous improvement

#### RECOMMENDATION 1

*That the Deputy Commissioner (Regional Operations) reviews the requirement for the Significant Event Review Panel Quality Control Committee to function as an overseeing body, and,*

- a. if yes, convenes three-monthly meetings as proposed in the Committee's Terms of Reference; or*
- b. if no, identifies an appropriate reporting structure to enable a holistic response to district/command SERP findings,*

*to ensure compliance with section 1.17.11 of the Operational Procedures Manual, and reports to the Commissioner by 31 March 2015 on the outcome, and forwards a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

#### RECOMMENDATION 2

*That the Assistant Commissioner, Operational Capability Command, establishes a forum which maintains ongoing overview of the management of SERPs to enable better management of QPS resources, and reports to the Commissioner by 31 March 2015 on action taken, and forwards a copy to the Assistant Commissioner, Ethical Standards Command.*



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## 4.2 SharePoint

A number of issues were identified in relation to functionality of SharePoint which warrant the attention of the SERP QCC.

### RECOMMENDATION 3

*That the Deputy Commissioner (Regional Operations) ensures a meeting of the SERP Quality Control Committee is convened to consider the identified concerns relating to SharePoint functionality, and reports to the Commissioner by 31 March 2015 on action taken, and forwards a copy to the Assistant Commissioner, Ethical Standards Command.*

## 4.3 Data set inconsistency

The combination of an impaired data set, where QPRIME occurrences are not usually considered, and the arbitrary selection of limited numbers of generally SEMS-only recorded events by SERPs has led to numerous instances of relevant events not being subject to assessment and/or review.

SEMS, on its own, provides an imperfect data set for identification of matters for review and permits inconsistency.

At present there is no guiding instruction for SERPs except for OPM 1.17.2 which, in part, states, *The general intent of SERP is to consider matters by exception. SERPs should not consider matters that are minor in nature, policy compliant or already dealt with through other avenues, forums or review mechanisms. Only those matters reviewed by SERPs should be recorded on the SERP SharePoint database.*

Accordingly, should the SERP QCC determine a need to address the operations of SERPs to promote consistency, appropriate guidance may be provided through its overseeing role without amendment to the OPM.

Additionally, OPM Appendix 14.8 provides a quick reference guide concerning 'Use of Force' reporting requirements. This guide overwhelmingly focuses on recording matters involving the 'Use of Force' within QPRIME and the submission of a SEM is required in four of nine possible 'Use of Force' actions involving a Firearm, Taser or OC Spray (Table 1). Of the remaining fourteen instances described in Table 2, a SEM is required in only one of those instances. (Refer Appendix E).

Accordingly, the use of SEMS, as the sole data set, to determine which matters may be reviewed by a SERP is fraught with the risk of failing to consider all relevant matters.

A risk treatment option in this regard would be to focus on the use of QPRIME occurrences as part of the primary data set for consideration of review. The attached pre-SERP data collation aide (refer Appendix F) highlights the enhanced role of the command/district crime manager and the application of QPRIME occurrence data, in a whole-of Service data set. This allows for a wider and potentially more representative and accurate data set. This option permits an audit trail of the selected data which can be subject to a recorded review and selection process including the recording of why, or why not, the matter was selected for SERP consideration.

To use SEMS and other sources, without the consideration of relevant QPRIME occurrences, fails to appreciate the number and nature of relevant matters recorded in QPRIME besides 'Use of Force' reports. QPRIME occurrences coupled with existing identified information sources would provide a superior data set to complement SEMS and has the potential to promote consistency across the organisation in the identification of relevant events for potential SERP review.

### • **Risks**

Use of inconsistent data sets exposes the QPS to the potential consequences of:

- non-identification of significant event matters for review;
- non-identification of significant risks; and
- inadequate treatments for significant risks.

### RECOMMENDATION 4

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*That the Deputy Commissioner (Strategy, Policy and Performance) considers amending section 1.17.6 of the Operational Procedures Manual 'Conducting significant event reviews':*

- *from (in part) Policy: 'Sources of information may include reports generated from an incident debriefing, shift and occurrence logs, significant event messages, dog bite incident reports, QPRIME 'Use of Force Reports' and any other documents produced from the subsequent criminal, coronial, disciplinary and/or workplace health and safety investigation',*
- *to Policy: 'Sources of information should include reports generated from an incident debriefing, shift and occurrence logs, significant event messages, dog bite incident reports, QPRIME 'Use of Force Reports', relevant QPRIME occurrences and any other documents produced from the subsequent criminal, coronial, disciplinary and/or workplace health and safety investigation',*

*and reports to the Commissioner by 31 March 2015 on action taken, and forwards a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

#### **RECOMMENDATION 5**

*That the Deputy Commissioners (Regional Operations and Specialist Operations) disseminate the data collection aide (Appendix F) to all SERPs to enable consistent data collection State-wide, and reports to the Commissioner by 31 March 2015 on action taken, and forwards a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

#### **4.3 Application of policy**

An opportunity exists for SERPs to better inform themselves concerning their operations by being conversant with OPM s.1.17. For instance, the consideration of significant event review matters while a concurrent disciplinary investigation is being undertaken is addressed in that section, as well as the responsibilities of district SERPs when considering matters involving hosted officers.

- **Risks**

An incomplete understanding and application of SERP policy exposes the QPS to the potential consequences of:

- protracted review of significant event matters;
- non-identification of significant events for review; and
- the ineffective operation of SERPs.

#### **RECOMMENDATION 6**

*That Deputy Commissioners (Regional Operations and Specialist Operations) ensure all personnel:*

- *involved in conducting significant event reviews; and/or*
- *are members of a Significant Event Review Panel,*

*are conversant with section 1.17 of the Operational Procedures Manual, and report to the Commissioner by 31 March 2015 on action taken, and forward a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

### **Appendix Q**

## **SERP Issue-based Inspection Recommendations**

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(File PR/INS/69/IEB)

#### **RECOMMENDATION 1**

*That the Deputy Commissioner (Regional Operations) reviews the requirement for the Significant Event Review Panel Quality Control Committee to function as an overseeing body, and,*

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- c. *if yes, convenes three-monthly meetings as proposed in the Committee's Terms of Reference; or*
- d. *if no, identifies an appropriate reporting structure to enable a holistic response to district/command SERP findings,*

*to ensure compliance with section 1.17.11 of the Operational Procedures Manual, and reports to the Commissioner by 28 February 2015 on the outcome, and forwards a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

**Response (as at 23/2/15)**

The SERP QCC was re-initiated with the secretariat function being provided by Ethical Standards Command.

**RECOMMENDATION 2**

*That the Assistant Commissioner, Operational Capability Command, establishes a forum which maintains ongoing overview of the management of SERPs to enable better management of QPS resources, and reports to the Commissioner by 28 February on action taken, and forwards a copy to the Assistant Commissioner, Ethical Standards Command.*

**Governance Renewal Group Response (as at 7/1/15)**

The QPS Board Handbook is currently being rewritten to incorporate the findings of the report. The Renewal Program Board will consider the matter on 21 April but changes will not be ratified until considered by BOM on 29 May 2015. Once this has occurred, there may be an OPM rewrite and that will not be known until the Terms of Reference are settled.

**RECOMMENDATION 3**

*That the Deputy Commissioner (Regional Operations) ensures a meeting of the SERP Quality Control Committee is convened to consider the identified concerns relating to SharePoint functionality, and reports to the Commissioner by 28 February 2015 on action taken, and forwards a copy to the Assistant Commissioner, Ethical Standards Command.*

**Response (as at 23/2/15)**

The SERP QCC convened on 9/1/15 where the issues relating to SharePoint were considered as being relevant to the function of QCC and a matter that requires attention. Several action items were generated during this meeting to progress the SERP SharePoint functionality.

**RECOMMENDATION 4**

*That the Deputy Commissioner (Strategy, Policy and Performance) considers amending section 1.17.6 of the Operational Procedures Manual 'Conducting significant event reviews':*

- *from (in part) Policy: 'Sources of information may include reports generated from an incident debriefing, shift and occurrence logs, significant event messages, dog bite incident reports, QPRIME 'Use of Force Reports' and any other documents produced from the subsequent criminal, coronial, disciplinary and/or workplace health and safety investigation',*
- *to Policy: 'Sources of information should include reports generated from an incident debriefing, shift and occurrence logs, significant event messages, dog bite incident reports, QPRIME 'Use of Force Reports', relevant QPRIME occurrences and any other documents produced from the subsequent criminal, coronial, disciplinary and/or workplace health and safety investigation',*

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*and reports to the Commissioner by 28 February 2015 on action taken, and forwards a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

**Operational Improvement Unit Response** (as at 7/4/15)

A/Inspector Randle has recommended the modifications appear in issue 47 of the OPM which is due for publication on 26 June 2015.

**RECOMMENDATION 5**

*That the Deputy Commissioners (Regional Operations and Specialist Operations) disseminate the data collection aide (Appendix F) to all SERPs to enable consistent data collection State-wide, and reports to the Commissioner by 28 February 2015 on action taken, and forwards a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

**DCSO Response** (as at 30/4/15)

This recommendation has been implemented. Overview of matters within this ambit are undertaken at ICMC Board of Management meetings which are convened on a monthly basis.

**DCRO Response** (as at 14/4/15)

A copy of the data collection aide has been provided to all regions for use by SERPs to enable consistent state-wide data collection.

**RECOMMENDATION 6**

*That Deputy Commissioners (Regional Operations and Specialist Operations) ensure all personnel:*

- *involved in conducting significant event reviews; and/or*
- *are members of a Significant Event Review Panel,*

*are conversant with section 1.17 of the Operational Procedures Manual, and report to the Commissioner by 28 February 2015 on action taken, and forward a copy of the report to the Assistant Commissioner, Ethical Standards Command.*

**DCSO Response** (as at 30/4/15)

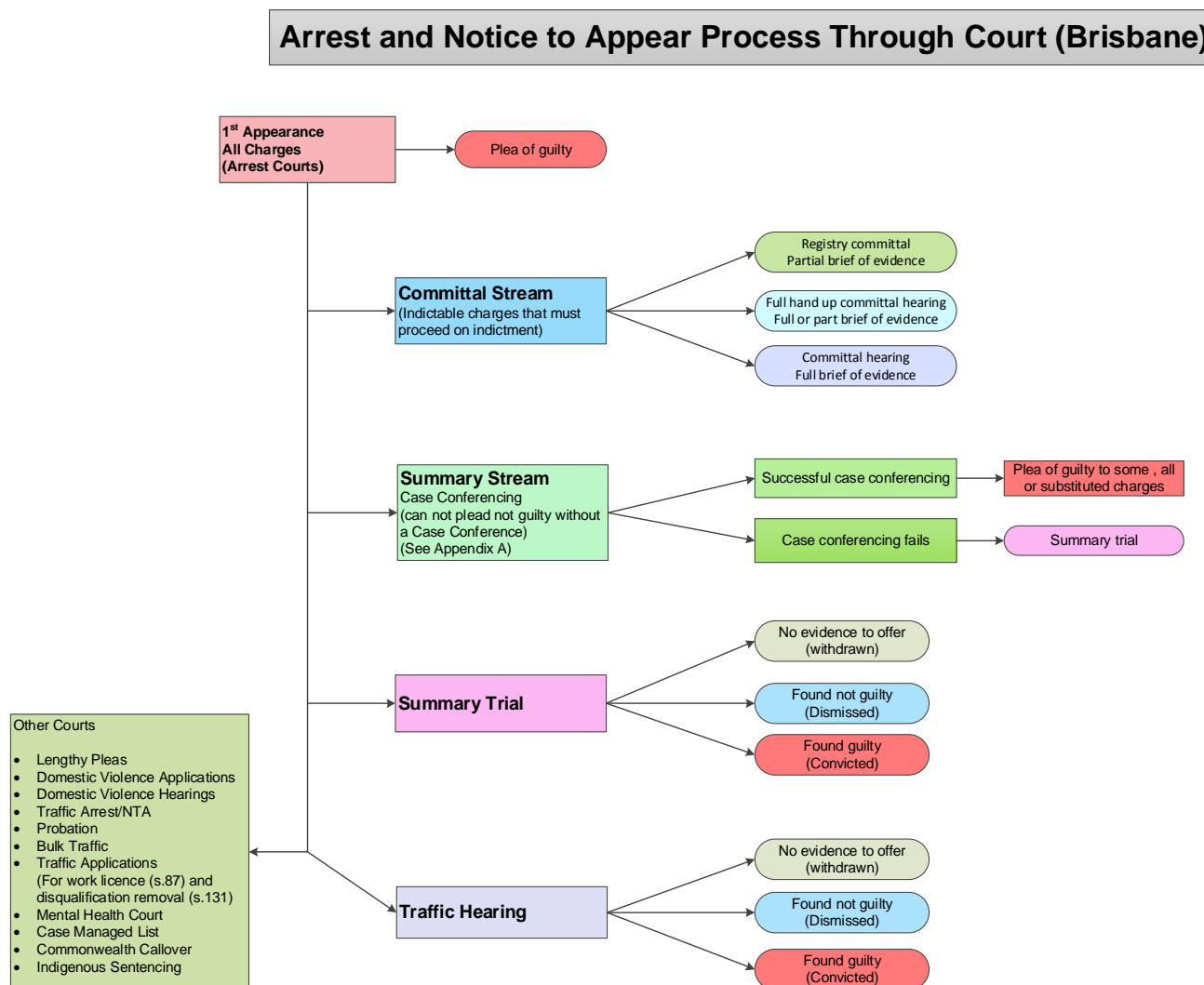
This recommendation has been implemented. Overview of matters within this ambit are undertaken at ICMC Board of Management meetings which are convened on a monthly basis.

**DCRO Response** (as at 14/4/15)

Instructions have been provided to SERP personnel and panel members to review s.1.17 of the OPM to ensure the proper intent and purpose of SERP is being applied.

## Appendix R

### Arrest and Notice to Appear Process Through Court (Brisbane)



## Appendix S

### The Role of the Police Prosecutor

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Judge Marshal Irwin, then Chief Magistrate, in his address to the 51<sup>st</sup> Police Prosecutors Training Course on 9 September 2004 stated:

*The police prosecutor has a large responsibility. These responsibilities include:*

- *Determining what evidence to place before the court*
- *Determining what witnesses to call*
- *A myriad of other complex decisions*

*As such the police prosecutor wields enormous power. The unethical or unprofessional use of that power has the potential to undermine the rule of law. It also has the potential of affecting the creditability of the prosecutor and also that of the police service.*

*.....you must look beyond being a representative of the charging police officer or even the victim. Albeit you must be sympathetic to the victim and you must make the victim feel as if they have had their day in court and that their interests have been properly represented, you must consider yourself as a representing society as a whole. You are in court as an officer of the criminal justice system. Therefore you must keep your professional distance in the way in which you prosecute the case and you must keep your objectivity and be even handed. At the end of the day you are in the court to assist the court to get to the truth and not to obtain a conviction at all costs.*

#### **The day-to-day duties of the police prosecutor in the QPS**

1. The Police Prosecution Corps (PPC) becomes involved in a matter after a defendant has been charged and a Court file has been prepared. The arresting officer is responsible for the court brief (QP9) to be forwarded to the relevant prosecution office.

2. Each and every court brief must be reviewed by a prosecutor prior to the first court appearance. This requires a physical check to ensure that all relevant documents are present. It will also require a review for all issues that may arise in the presentation of the matter in Court, such as whether the evidence is capable of proving each and every element of the charge/s, whether the antecedents are current, where applicable a Notice of Intention to Allege Previous is attached, and whether extraneous information is included such as compensation and restitution details. There are a range of issues which may arise for consideration, assessment and judgment at this stage, including whether the correct charge has been laid, whether charges and/or offenders are correctly joined and whether identity will be an issue.

3. Where deficiencies in the QP9 are identified at this point, the prosecutor will need to request additional information from the arresting officer. This can be problematic when the officer may be on rest days or night work for example.

4. The prosecutor will also have to determine the jurisdiction of the charge/s and make the appropriate election on whether the charges need to proceed on indictment or not.

5. As the matter moves through the early stages of the Court process, what follows will depend on what the defendant's plea is and whether the defendant wishes to enter in case conference with

the prosecution. Should a defendant plead not guilty, the court will generally require the defendant to enter into a case conference with the prosecution first to try and resolve the issues to avoid a trial. If the matters cannot be resolved, then a summary trial date will be set down by the court, together with disclosure dates. Once that occurs, the prosecution will generate a task on the QPRIME system for the arresting officer to prepare and submit a full brief of evidence (FBOE). Once the FBOE is completed it is submitted to the officer's local Brief Manager who will check the brief for completeness. Should the Brief Manager detect any issues he/she will arrange to have the arresting officer correct deficiencies.

6. Once the FBOE is deemed complete, the Brief Manager submits it to the PPC. The summary trial will be allocated to a prosecutor who will review the FBOE in preparation to present the evidence and prosecute the matter in a summary trial. Should the prosecutor identify a significant deficiency in the brief, there will often be insufficient time before the hearing to remedy this.

7. The listing practices at Courts will vary. At some of the small centres, the hearing will be part of the day's list for a particular courtroom. At large court complexes, the matter may be called on in one courtroom at a particular time for a status report, then referred to a different magistrate in a different courtroom in the complex for hearing.

8. It is common practice for the court to 'overlist' summary trials on the (usually) safe assumption that only a small proportion of matters will proceed to hearing on the day. Depending on staffing and the court list, prosecutors may be allocated up to 4 or 5 summary trials on any one day. The prosecutor must be across all the evidence, legislation, case law and ready to negate defences and argue the issues of each matter in order to prosecute the trial. Each file may have 1 or multiple charges, multiple witnesses, have vast differences in charge types and their own unique issues. The prosecutor needs to absorb a great deal of information in order to know the evidence intimately. The prosecutor must have contact with all the arresting officers, prepare witnesses and attend to any last minute issues such as certificates, delegations, witness availability, admissibility of exhibits, and rules of evidence. In these circumstances, it is impossible to know unequivocally which matters will proceed to hearing, and as the callover commences it is possible that a prosecutor has more than one matter that will proceed to hearing. When this occurs, ideally the least complex matter will be handed to another prosecutor to take to trial on that day. Therefore a core feature of the prosecutor's daily work is the capacity to pick up a brief of evidence and run with it at very short notice. Officers will often have very little, if any time to read the brief prior to conducting the hearing. If there is time to read it, there will be very little, if any, time to conference witnesses, to research relevant matters of law, or to develop a hearing strategy. Sometimes, when the prosecutor has not been able to read the brief, he or she will learn about the case as the witnesses give their evidence in chief. The 'inheriting' prosecutor is usually someone who has managed to have an office day set aside to attend to an accumulation of paperwork and enquiries due to being in court most days of the week. This in itself is stressful when the prosecutor realises that their work back at the office is not only going to be neglected for another day but is going to increase while they are tied up in court again.

9. This places significant pressure and stress upon the prosecutor, who is subject to expectations to perform from victims of crime and witnesses. The prosecutor will often be appearing against the legal representatives of the defendant, who will have read the brief and prepared for hearing well in advance of the trial. It is often in these situations that the prosecutor will be criticised by the magistrate for being under prepared.

10. The prosecutor must prove each and every element of all charges beyond reasonable doubt, argue admissibility of evidence and negate defences. Quite often the objections are not advanced by the defendant but the magistrate. Defence always have the advantage in that they only need to attack the prosecution case to win.

11. Despite these difficulties, the conviction rate of defendants in Queensland criminal courts in 2013-2014 was 91.3% (Australian Bureau of Statistics). The remaining 8.3% of matters failed because the defendant was acquitted (0.6%); the matter was transferred to a higher court (2.2%); or it was withdrawn by the prosecution (5.9%). Compared to the rest of Australia, Queensland had the second highest proportion of defendants proven guilty; the highest number of finalised defendants; and the largest increase in the number of finalised defendants.

12. The above example of day-to-day duties of the police prosecutor is limited to what occurs in the first appearance/arrest courts and the summary trial courts. There are a myriad of other courts that the PPC must also manage such as Case Conference, Committals, Lengthy Pleas, Indigenous Sentencing, Domestic Violence applications and hearings, Traffic (arrests / NTA's / Bulk Traffic / work licence applications / disqualification removals), Probation, Mental Health, Case Managed (Late) List, Commonwealth callover and other jurisprudence courts (eg. special circumstances and drug courts). Each and every court has unique challenges and levels of file preparation required. Case conference files are without doubt the most administratively intense of all these call overs due to the volume of files; pressure from legal representatives to disclose material, answer submissions and negotiate charges; and pressure from the court to resolve matters within strict timeframes and pressure from police officers to pursue their charges. Magistrates Practice Directions place significant pressure on the prosecution and the arresting officers to disclose evidential material within tight timeframes.



## Appendix T

### Police Prosecutor Stressors and Working Conditions

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Everyday stressors faced by prosecutors include:

- Lack of preparation time
- Overwhelming workload
- Requirement to maintain knowledge of constantly changing legislation, policy and procedures
- Pressure to pursue matters that lack evidence
- Criticism by police for not pursuing their matters
- Criticism by defence for pursuing matters
- Criticism by magistrates for being underprepared
- Criticism by the media, the public and senior officers

The Industrial Relations Commission New South Wales conducted a comprehensive review of the New South Wales Police Force and the following findings regarding police prosecutors has been extracted directly from the official report (*Crown Employees (Police Officers - 2009) Award* [2011] NSWIRComm 43). The role of Queensland Police prosecutors is not dissimilar:

In describing the duties of the police prosecutor the report adopted the following:

*The title Police Prosecutor could be considered a rather inadequate way to describe the range of duties of police who have been selected to work within the Police Prosecutions Command. Although their primary function involves the presentation of criminal matters before the courts, the task extends far beyond pure advocacy and litigation. A Police Prosecutor has additional duties relating to checking court documentation and briefs, and advising and educating operational police on a wide range of police operational functions, law and legal procedure.*

Then at 657: *...the Prosecutors Education Program was the most academically challenging course of any within the NSW Police Force. Even so, the evidence revealed that police prosecutors were not fully equipped to carry out what was asked of them until they had at least three to four years' experience as a qualified police prosecutor.*

The report accepted that there has been an inherent undervaluation of the work performed by police prosecutors.

*The body of knowledge required for Police Prosecutors to perform their work, acquired through the Police Prosecutors Course (widely recognised as the most academically difficult and intellectually demanding of Police education courses) and courtroom experience, is extensive.*

And further, there is a requirement for police prosecutors:

*...to have a very broad scope of knowledge relating not only to the technical aspects of the criminal law and the proofs of a relevant offence ... but also procedural matters associated with the tender and receipt of evidence, and Local Court procedures more generally. **This body of knowledge requires continuous updating in line with developments in the criminal law similar to the professional responsibility of the barrister.** It is important to note in this context that despite having this attribute of the professional, police prosecutors have never been industrially recognised or paid as professionals.*

*Police prosecutors' work, which fundamentally involves trial advocacy and preparation for trial, is intellectually intense, demanding and stressful to a degree not found elsewhere in the Police Force.*

*The listing procedures and case-load of the Local Court and the other courts before which Police Prosecutors appear means that Police Prosecutors are required to carry an **extremely onerous workload primarily consisting of a large number of cases to be prosecuted in court with little if any time to properly prepare such cases for hearing.***

*The long term attraction and retention problems suffered by the PPC (and its predecessors) are symptomatic of this inherent undervaluation.*

Since the Moynihan reforms (*Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010*) were implemented there has been a significant increase in matters dealt with by the Magistrates Court system with no increase in resources to police prosecution corps. This lack of increases only heightens the stress already faced by officers.

### Judicial Bullying

The police prosecutor operates under the scrutiny of the magistrates, police, victims, the community and the media. The stress placed on advocates like police prosecutors in what is called 'judicial bullying' was addressed by the Hon Michael Kirby QC and Mr Jeffrey Phillips SC, and acknowledged by the NSW ODPP and Senior Crown Prosecutor Mark Tedeschi SC.

Mr Kirby stated "*In serious and repeated cases, bullying by judicial officers should be recognised as an abuse of public office warranting commencement of proceedings for the removal of the offender from the judicial office*" and further "*Those who deploy public power do so on behalf of the people and for the limited purposes and period for which the power is conferred. It is not granted to bully or intimidate or to discriminate unlawfully or misbehave or to humiliate or belittle others*" (*Judicial Stress and Judicial Bullying*, The Hon Michael Kirby AC CMG, QUT Law Review Volume 14, Number 1, 2014). In an article in the Sydney Morning Herald on 23 March 2013, Senior Crown Prosecutor Mark Tedeschi SC said that Mr Kirby was '*absolutely right*' and that belittling by judges was the greatest source of stress faced by advocates.

It is generally accepted that the above is all part of the job, however feedback from police prosecutors over an extended period of time in the setting of prosecutor conferences, indicate that it is judicial bullying that causes the most stress and can make all the above job stressors seem catastrophic. Judicial bullying has been referred to as the 'great unmentionable' and it has the most devastating effect on prosecutors.

### Police Prosecution Corps Staffing Model

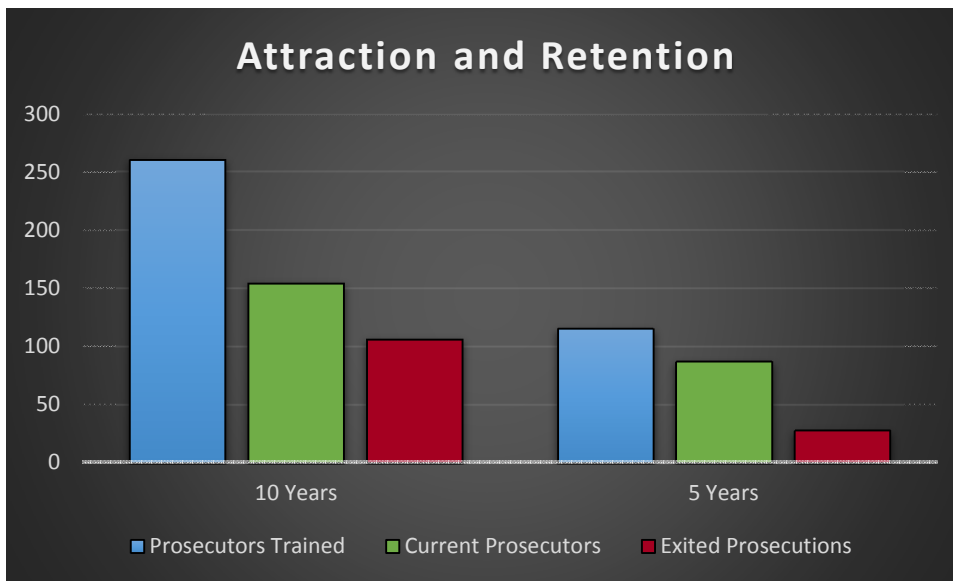
There are currently 32 Police Prosecution Corps in Queensland covering 120 Magistrates courts across Queensland (some of these are circuit courts – therefore require travel to remote areas). As of 1 August 2015, the staffing model for the 32 PPC offices was 259 (1FTE) sworn officers, with 25 (1FTE) of these vacant.

Considering the changes reflected as a result of the Moynihan reforms and the upcoming increasing pressures associated with legislative changes it may be necessary this be reviewed to establish whether the model reflect contemporary and future needs.

### Attraction and Retention of Police Prosecutors

The below chart obtained from Prosecution and Brief Management Coordination unit, Legal Division illustrates the retention rate of newly trained prosecutors.

In an examination of a 5 year period 28 of the 115 prosecutors that were trained have since exited prosecutions (24% of prosecutors are leaving within a 5 year period). In a 10 year period, 106 of the 260 prosecutors trained have exited prosecutions (therefore 40% of prosecutors are leaving within a 10 year period).



In May 2005, the QPS Senior Executive supported a then Legal Services Branch proposal for alternate delivery of prosecutor training to address prosecution recruitment and retention pressures. As a result, the Police Prosecutors Education Program (PPEP) was introduced and was conducted eight times between 2007 and 2012. The PPEP incorporated a *Graduate Certificate in Legal Studies (Summary Prosecutions)* comprising four tertiary units of law study delivered by the Queensland University of Technology (QUT). PPEP graduates choosing to study for a Bachelor of Law at QUT received credit for the Graduate Certificate. Recognition of the PPEP into a Law degree provided an important prosecution attraction benefit, as well as, increasing police prosecutors' professional capacity and standing in an ever increasingly complex legal environment.

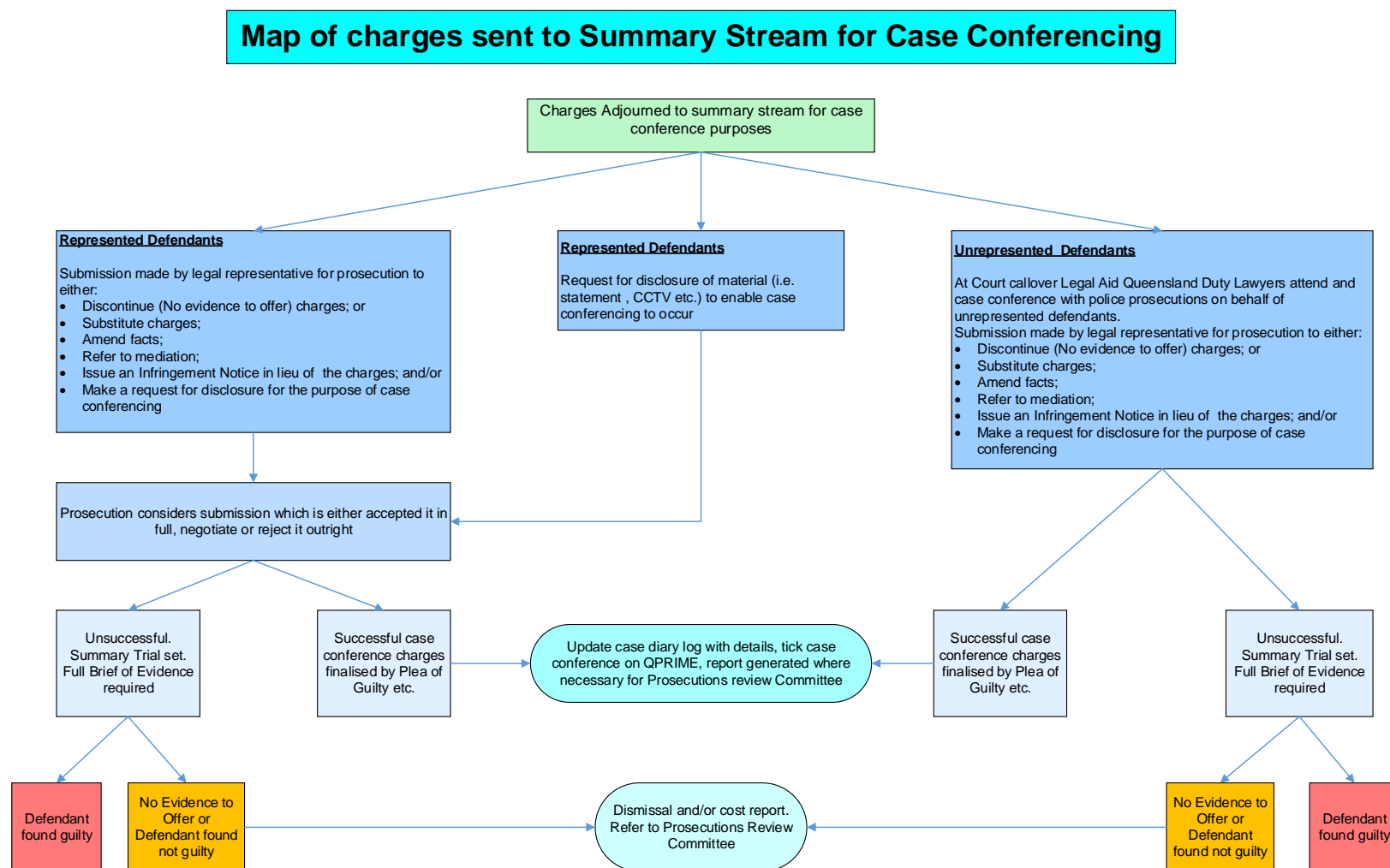
Responding to a need for greater flexibility and budgetary pressures, in 2012/13 the *Graduate Certificate in Legal Studies (Summary Prosecutions)* for trainee prosecutors was disbanded and replaced with 'in house' training towards a lower level *Vocational Graduate Certificate in Public Safety (Police Prosecution)*. The certificate is available on successful completion of the prosecutor course (46 weeks) and completion of one year as a serving police prosecutor (inclusive of the course).

Whilst the *Vocational Graduate Certificate in Public Safety (Police Prosecution)* provides a qualification, Prosecutor course training staff indicate the new qualification appears to have no greater or lesser benefit in attracting and retaining staff. Anecdotally officer's move to police prosecutions for a variety of reasons including a desire to be a prosecutor or for greater work life balance (8-4 M-F) and the reasons appear to not have changed since before the PPEP course.

The QPS needs to review current attraction and retention practices to determine the viability of police prosecutors.

## Appendix U

### Map of charges sent to Summary Stream for Case Conferencing



## Appendix V

### Module 1 to 6 Professional Standards

TOPIC	PARENT CODE	MODULE 1 - FOUNDATIONS	MODULE 2 - LEADERSHIP	MODULE 3 - DISCIPLINE INVESTIGATIONS (2 day training course) QC1144_01	MODULE 4 - DISCIPLINE RESOLUTION STRATEGIES (2 day training course) QC1145_01	MODULE 5 - PROFESSIONAL PRACTICE	MODULE 6 - INSPECTIONS
Topic 1	QC1153_01	<b>'The Operational Impact of Behaviour'</b> QC1135_01 [Recruit training and on needs basis to regions and commands]	<b>'Front Line Leadership Responsibility'</b> QC1141_01 [CDP and on needs basis to regions and commands]	<b>'How the Discipline System Works'</b> [Delivered to regions and commands]	<b>'Conduct Discipline Hearing'</b> [Delivered to regions and commands]	<b>'CSS'</b> QC1146_01 [IIG investigators and needs basis to regions and commands]	<b>Inspections Process</b> [ESC Inspections Officers and on a needs basis to regional and command staff undertaking Inspections]
Topic 2	QC1153_01	<b>'The Discipline System'</b> QC1136_01 [Recruit training and on needs basis to regions and commands]	<b>'Supporting Professionalism'</b> QC1142_01 [MDP Sergeants and on needs basis to regions and commands]	<b>'Assessment Inquiries'</b> [Delivered to regions and commands]	<b>'Instant Hearing'</b> [Delivered to regions and commands]	<b>'Critical Incidents - Foundations'</b> QC1147_02 [FYC Program and needs basis to regions]  'Critical Incidents - Investigators' QC1195_01 [On needs basis to critical Incident Investigators]	<b>Planning Process</b> [ESC Inspections Officers and on a needs basis to regional and command staff undertaking Inspections]

Topic 3	QC1153_01	<b>'Protecting our Values'</b> QC1137_01 [Recruit training and on needs basis to regions and commands]	<b>'Management'</b> QC1143_01 [MDP Management Senior Sgts and on needs basis to regions and commands]	<b>'Management Process'</b> [Delivered to regions and commands]	<b>'ACDP'</b> [Delivered to regions and commands]	<b>'Professional Practice Management'</b> QC1148_01 [Needs Basis to Professional Practice Managers]	<b>Managing Compliance</b> (Code Pending)  [ESC Inspections Officers and on a needs basis to regional and command staff undertaking Inspections]
Topic 4		<b>'Staff member Behaviour and Discipline'</b> QC1338_01 [Delivered on needs basis to staff members]		<b>'Full Discipline Investigation'</b> [Delivered to regions and commands]	<b>'Show Cause'</b> [Delivered to regions and commands]		<b>QPRIME and Inspections</b> [ESC Inspections Officers and on a needs basis to regional and command staff undertaking Inspections]
Topic 5		<b>'Detectives and Professionalism'</b> QC1139_01 [Phase 1 Detective Training and on a needs basis to regions and commands]					<b>Reporting</b> [ESC Inspections Officers and on a needs basis to regional and command staff undertaking Inspections]
Topic 6		<b>'Professional Standards and Intelligence Officers'</b> QC1140_01 [Intelligence Tradecraft Course and on a needs basis to regions and commands]					<b>Role of the Inspectorate</b> [ESC Inspections Officers and on a needs basis to regional and command staff undertaking Inspections]