



PART 5

BARRIERS TO CHANGE

16 Assessment

The Commission was tasked with examining the adequacy of the current conduct and complaints handling process against police officers in Queensland.

Further, and independently of that term of reference, the Commission considered the conduct and complaints system in the context of the culture of fear and silence in the Queensland Police Service (QPS). Part 3 contains a consideration of how that culture of fear permits sexism and misogyny to persist in the organisation. The same issue was discussed in Part 4 in relation to the problem of racism within the organisation.

A robust conduct and complaints system would go some way to ensuring the problems of sexism, misogyny and racism are stamped out. Unfortunately, as the material considered in Part 3 and Part 4 demonstrates, the current conduct and complaints system does not inspire confidence in the QPS membership. Members are reluctant to report conduct which stems from sexism and misogyny and racism because they fear the system will not produce a just outcome or result in positive change, for themselves or the organisation.

This chapter considers the importance of a robust conduct and complaints system in ensuring community confidence in the QPS, as well as building police officers' confidence in their own organisation. It then considers the various models that can be used for conduct and complaints systems. Queensland's current model is a civilian review model. The last part of this chapter identifies the criteria the Commission has used to assess the adequacy of the current conduct and complaints model.

The next two chapters then assess Queensland's current model according to two central criteria of a robust conduct and complaints system: independence and effectiveness. Ultimately, the Commission concludes that the current system is neither independent nor effective. Accordingly, it is not likely to engender community confidence in the QPS, nor to ensure police officers' confidence in their own organisation.

The current system needs to be changed. The final chapter in this Part sets out the Commission's proposal for the establishment of a Police Integrity Unit.

WHY IS A ROBUST CONDUCT AND COMPLAINTS SYSTEM IMPORTANT?

The problems of sexism, misogyny and racism in the QPS cannot be meaningfully addressed without a robust conduct and complaints system.

A robust conduct and complaints system is also necessary to ensure that, when QPS responses to domestic and family violence fall short of community expectations, those responses can be reported, investigated and resolved in a way that respects the victim-survivor and leads to organisation-wide improvements to its responses.

A robust conduct and complaints system is also essential to the protection of human rights and community confidence that those police officers who do the wrong thing will be dealt with appropriately:

An independent and effective police complaints system in which the public have trust and confidence is fundamental to the protection of human rights and combating impunity.¹

ENSURING COMMUNITY CONFIDENCE

The QPS has a vital role in keeping the community safe, and its officers are routinely placed in challenging and dangerous situations to protect the public. All members of the community should have the confidence that officers who have sworn to serve and protect them respond in a way that is not influenced by sexism, misogyny, racism, or other negative attitudes towards domestic and family violence. They should expect that officers will respond appropriately and without bias.

While Queensland consistently records high levels of general community satisfaction with police,² in individual cases, negative experiences with police create distrust. This is even more significant for groups which have a history of mistreatment by, and mistrust of, the police, such as First Nations peoples, people from culturally and linguistically diverse backgrounds and people from the LGBTIQ+ community.

Victim-survivors can also lose trust in police when they are not believed or appropriately responded to when they report domestic and family violence.

The Commission heard many accounts from victim-survivors, and the organisations that support them, of poor police responses to domestic and family violence. One respondent to a survey of victim-survivors conducted by the Commission said:

I called for police assistance three times... as my ex-husband was coming over without my consent and emotionally / and financially threatening us (myself and 4 kids). The police got to my house, looked around and said if I am not physically hurt visibly, there was nothing they could do. I have never called them again. I suffer in silence.³

One community organisation told the Commission many of its clients said they would not call the police for help again after their experiences of not feeling heard or believed:

We have heard many, many times clients say they will not ever call the police for help again because, number 1, they're no help and, number 2, they're usually on the end of a protection order afterwards.⁴

A victim-survivor who experiences a poor police response to domestic and family violence may be reluctant to seek assistance from the QPS again, unless the organisation's conduct and complaints system is sufficiently accessible and effective to instil confidence that an individual complaint will result in improvement.

ENSURING POLICE CONFIDENCE

All QPS members should have confidence that when they go to work, they will be able to do their job to the best of their ability, and not be subjected to sexism, misogyny, racism or other negative workplace behaviours by their colleagues or supervisors. Similarly, every QPS member should feel able to raise and report cultural issues of this kind in their workplace without fear of retribution.

This is not always the case under the current system. As discussed in Parts 3 and 4 of the Report, there is a culture of fear and silence among the membership which inhibits the making of complaints by QPS members. That culture of fear and silence stems, in part, from a lack of confidence in the conduct and complaints system.

One former QPS member's separation letter to the QPS illustrates some of the problems with the current system:

I had the right to come to work and not be sexually harassed. After repeated attempts to shut the advances down, I asked for help. I was then victimised and bullied by another male colleague when all I had wanted was to come to work and be treated professionally. After being sexually harassed, I was then ignored, intimidated, ostracised, spoken badly about and punished for speaking up. My workplace was never the same.⁵

QPS members should also feel confident that any complaints made against them will be dealt with in a fair, transparent and independent manner. They also ought to be confident that, if they are cleared of wrong-doing, others in the organisation and community will respect that outcome because it was reached fairly, with no perception of actual or perceived bias on the part of the investigator. The Commission heard that many QPS members do not feel this confidence under the present system. As one QPS member told the Commission:

There is lack of transparency and consistency in receiving, processing and investigating complaints.⁶

It is only with the checks and balances of an independent and effective police complaints system that all Queenslanders, including police, can have confidence that officers who do not meet the organisation's expectations and community standards will be held accountable and that officers who have been wrongly accused will be exonerated. The importance of establishing and maintaining public trust was recognised by the QPS in its submission to the Commission:

A high level of community trust is essential for the QPS to fulfil its statutory functions. The effectiveness of policing agencies is heavily influenced by the level of trust the community has in police...The QPS recognises that it must strive to continually maintain public support in order to achieve its vision of making Queensland the safest State.⁷

The failures of the current police conduct and complaints system have been highlighted throughout this Report. The evidence collected by the Commission speaks of a system where poor behaviour can result in the most minimal of consequences, if any. Inadequate support for complainants and bystanders, and poorly communicated outcomes, create a sense of futility in those who have made a complaint. QPS members are also not confident that complaints will be fully investigated by an impartial officer, and this leads to a reluctance to report matters of misconduct.

The investigation of complaints is also hampered by a lack of understanding of the standard of proof, or a failure to appreciate the strength of the evidence required to substantiate a complaint, or both. QPS complaints files provided to the Commission show many investigations stalled because the subject member either denied the behaviour or shifted blame for the behaviour to the member who laid the complaint. The Police Commissioner conceded in evidence that where complaints involve a case of ‘word on word’ they are almost inevitably unsubstantiated.⁸ This demonstrates a fundamental flaw in the way complaints against police are handled. An unjustified bias towards the accused officer is the result. A different way of dealing with such complaints must be found.

BACKGROUND TO THE CURRENT CONDUCT AND COMPLAINTS SYSTEM

In 1989, the landmark Fitzgerald Report characterised the then Queensland Police Force as “*debilitated by misconduct, inefficiency, incompetence and deficient leadership*”⁹ and identified significant failings in the QPS conduct and complaints system.

The Fitzgerald Report described the former QPS Internal Investigation Section as “*a disastrous failure, inept, inefficient and grossly biased in favour of police officers.*”¹⁰ It also found that:

...the Internal Investigations Section and the Police Complaints Tribunal have both failed to combat police misconduct. The Internal Investigations Section has lacked will, competence and resources. The Police Complaints Tribunal, in spite of well-meaning efforts, has lost public confidence and therefore effectiveness. Both bodies should be abolished.¹¹

Since the Fitzgerald Report, there have been many changes to the way complaints about police are managed in Queensland. A summary of the key reports and reviews that have informed the development of the current system is at Appendix J.

Despite these changes, “*persistent problems*”¹² with the QPS conduct and complaints system have continued to be identified across multiple reports. They have included problems relating to:

- incorrect understanding and application of the civil and criminal standards of proof¹³
- inconsistent application of sanctions across the organisation¹⁴
- a reactive response to complaints rather than developing and improving preventative and early intervention strategies to avoid conduct issues¹⁵
- inadequate information handling systems, an inability to perform detailed trend-analysis on complaint data and a lack of reporting on complaint statistics¹⁶
- a practice of referring complaints out of the centralised Ethical Standards Command (ESC) to be handled by officers within the local districts or stations from which the complaint originated¹⁷
- damaged public confidence in the QPS complaints system because of concerns about a lack of independence linked to police investigating police, confirmed by several ‘signal events’¹⁸ illustrating inadequate responses to police misconduct.¹⁹

As will be discussed in the following chapters, the Commission has found that despite previous reports and findings, many of these issues persist today.

THE EXPERTS WHO INFORMED THE COMMISSION

The Commission also informed its understanding of the adequacy of Queensland's current police conduct and complaints system by obtaining a joint expert report from Professor Tim Prenzler, Professor of Criminology at the University of the Sunshine Coast and Dr Michael Maguire CBE, former Police Ombudsman of Northern Ireland (PONI).²⁰

WHO ARE THE EXPERTS?

Tim Prenzler is a Professor of Criminology in the School of Law and Society at the University of the Sunshine Coast. He teaches courses in policing, crime prevention, and criminal justice ethics and accountability. His research interests include crime and corruption prevention, police and security officer safety, security industry regulation, and gender equity in policing. He has been the recipient of numerous awards for excellence in teaching and research. Professor Prenzler's books include *Ethics and Accountability in Criminal Justice* (2021), *Regulating the Security Industry: Global Perspectives* (2018, with Professor Mahesh Nalla), *Understanding Crime Prevention: The Case Study Approach* (2017), *Civilian Oversight of Police: Advancing Accountability in Law Enforcement* (2016, with Dr Garth den Heyer), *Contemporary Police Practice* (2015, with Dr Jacqueline Drew), *Understanding and Preventing Corruption* (2013, with Professor Adam Graycar), *Police Integrity Management in Australia: Global Lessons for Combating Police Misconduct* (2012, with Dr Louise Porter) and *Police Corruption: Preventing Misconduct and Maintaining Integrity* (2009).²¹

Michael Maguire was Police Ombudsman of Northern Ireland between 2012-2019. As Police Ombudsman he was responsible for misconduct and criminal investigations into police officers, including high profile investigations into contemporary policing and allegations of criminality and misconduct within the Royal Ulster Constabulary during the Northern Ireland conflict. Prior to joining PONI, Dr Maguire was the Chief Inspector of Criminal Justice in Northern Ireland (CJNI) responsible for inspection into the main justice agencies including police, prisons, probation services, courts administration, public prosecution service, youth justice and third sector organisations in receipt of government funding. Dr Maguire was a Visiting Professor (Practice) at Monash University, Melbourne and is an Honorary Professor at the Senator George J. Mitchell Institute for Peace, Security and Justice, The Queens University of Belfast. Prior to the CJINI Dr Maguire spent 18 years (10 as partner in a global consulting firm) as a management consultant specialising in strategy and organisational development. He is currently a Lay Member of the UK House of Commons Select Committee on Standards, a Lay Member of the Legal Practitioners Disciplinary Tribunal in Ireland, and a member of the Yoorrook Justice Commission Expert Advisory Committee in Victoria. He was awarded a CBE in the 2019 Queen's Birthday Honours List for 'services to justice in Northern Ireland'.²²

In compiling the joint expert report, Professor Prenzler and Dr Maguire reviewed five decades' worth of local and international experiences with different types of systems for investigating complaints against police and regulating conduct. The sources reviewed by Professor Prenzler and Dr Maguire included commissions of inquiry and associated reviews of police integrity issues, public opinion surveys, complainant surveys, surveys of police, expert opinions, legislation and legal cases, agency performance data, and studies regarding reduced complaints against police and improvements in police conduct. Dr Maguire also drew on his 11 years of experience as the Police Ombudsman of Northern Ireland and as the Chief Inspector of Criminal Justice in Northern Ireland.²³

The joint expert report was tendered in evidence and Professor Prenzler and Dr Maguire both gave evidence in the public hearings.

The joint opinion reached by Professor Prenzler and Dr Maguire in their expert report was:

The weight of evidence from these diverse sources strongly supports the establishment of an agency with responsibility for the independent investigation and adjudication of allegations and disclosures about police as the best means of satisfying procedural justice criteria, meeting stakeholder expectations, and optimising public confidence. In the Queensland context this would require the redesign of current institutional arrangements to ensure a much more robust police oversight agency is in operation with access and outreach across the state.²⁴

None of the parties challenged the expertise or opinion evidence of Professor Prenzler or Dr Maguire. Their opinions on relevant matters are considered throughout this Part.

MODELS OF CONDUCT AND COMPLAINTS SYSTEMS

The Commission considered three widely-recognised models of conduct and complaints systems when assessing the adequacy of Queensland’s current system: internal affairs, civilian review, and civilian control models (Figure 37).²⁵



Figure 37: Different models of conduct and complaints systems

INTERNAL AFFAIRS MODEL

In response to the Fitzgerald Report recommendations, the QPS internal affairs model was replaced with a civilian review model overseen by the former Criminal Justice Commission.²⁶

Since then, however, the level of independent oversight in Queensland has decreased significantly through a process of devolution. As a result, the current system more closely resembles the previous internal affairs model, where the QPS has primary responsibility for the investigation and management of most complaints and integrity issues involving police.

There is utility in an organisation taking responsibility for, and control of, its own complaints management and discipline issues, however, the very nature of an internal affairs model creates a fundamental conflict of interest.

Professor Prenzler gave evidence to the Commission that, in practice, the internal affairs model has a “*record of abysmal failure*” which “*in the main has served to protect corruption through coverups, suppression of evidence and intimidation of complaints witnesses and whistleblowers*”.²⁷

This conflict of interest has been observed in Queensland. A report following the 20th anniversary of the Fitzgerald Report noted:

...there is further work to be done to address persistent shortcomings in the investigative process when police investigate police. Addressing these shortcomings is particularly important given that the QPS ‘has primary responsibility’ for handling police misconduct matters.²⁸

The difficulties arising from this conflict of interest have not only been observed in Queensland, they are observable in any internal affairs model. The Inquiry into the external oversight of police corruption and misconduct in Victoria (2018) reported that many inquiries have considered the internal affairs approach and “*found problems of partiality, lack of thoroughness, an unhealthy scepticism, or even hostility, towards complainants and a lack of transparency regarding processes and outcomes*.”²⁹ The Victorian inquiry also found that internal affairs models have a tendency to prioritise the avoidance of scandal at the expense of “*exposing and dealing with corrupt practices*”.³⁰

CIVILIAN REVIEW MODEL

Queensland’s current system is a civilian review model. The civilian review model is the most common model throughout Australia and New Zealand (see Appendix G). It involves police conducting internal investigations into complaints, with oversight provided by an independent body (currently the Crime and Corruption Commission (CCC) in Queensland).

Theoretically, this model provides the assurance of independent oversight, while encouraging policing agencies to build capacity to ‘self-regulate’ their ethical climate by retaining primary responsibility for investigating and handling complaints.³¹

However, the effectiveness of a civilian review model relies on the oversight body consistently scrutinising police activity. This can be resource intensive, result in double handling of complaints, and fails to address concerns about a fundamental lack of independence.³²

Professor Prenzler gave evidence that the civilian review model is “*a partial and frequently inadequate remedy to the inherent problems in the internal affairs model*”³³ because oversight agencies operate on “*one or two cylinders instead of six cylinders*”³⁴ and are unable to break through the “*culture of impunity*” that arises when police investigate police.³⁵

Civilian review models can also lead to dissatisfaction among both complainants and the police against whom complaints are made.³⁶ In a 2016 review of complainant satisfaction surveys from around the world, Professor Prenzler and his colleagues found that complainants felt betrayed when they learned of the ‘false promise’ that, despite the existence of an oversight body, their complaint against police was nevertheless investigated by police officers. This resulted in what was described to the Commission as “*generally quite high rates of dissatisfaction and frustration*”.³⁷

Professor Prenzler also told the Commission that surveys of police revealed some officers viewed any internal investigation by their own service as being “*biased against them if they’re not part of a particular network*”.³⁸ Certainly this was a complaint heard many times by the Commission. Many QPS members said there is a perception that certain police officers, typically more senior officers or those who are well connected to more senior officers, receive more favourable treatment through the conduct and complaints system than others.

CIVILIAN CONTROL MODEL

The central feature of a civilian control model is that an independent entity assumes responsibility for handling police complaints. Under such a model, while police retain control of staff disciplinary outcomes, the independent body:

- decides whether the complaint should be handled informally or formally
- investigates the complaint where appropriate
- provides input into disciplinary decision making.

Fitzgerald’s original concept of an independent agency to investigate the most serious allegations of official misconduct reflects the core concepts of a civilian control model, although it was envisioned that the agency would have the power to refer “*trivial or purely disciplinary matters*” to the Police Commissioner for investigation.³⁹

Various agencies in Canada and Asia also incorporate aspects of a civilian control model.⁴⁰ However, it is generally agreed by experts in police conduct and complaints systems that only the PONI has achieved the ‘gold standard’ of integrating all elements of a civilian control model.⁴¹

The PONI is led by a civilian and operates independently of the police service. It investigates all complaints about police except service delivery matters. The PONI was established in Northern Ireland in 1998 at a time when large sections of the community were deeply distrustful of police. The developed model recognised that independence is an essential component of any effective conduct and complaints system.⁴² The critical importance of an independent process was emphasised by Mr Maurice Hayes, the author of the report which followed the review of the police complaints system in Northern Ireland before the PONI was established. Mr Hayes said:

The overwhelming message I got from nearly all sides and from all political parties was the need for the investigation to be independent and to be seen to be independent...the main value impressed on me was independence, independence, independence.⁴³

In addition to facilitating independence, the PONI is committed to transparency, regularly publishing complaints data as well as results of surveys of participant satisfaction with its processes (which are generally high).

This is to be contrasted to the current position in Queensland. There are several measures which report on community satisfaction with police services, perceptions of police integrity and rates of complaints against police each year.⁴⁴ However, none of these mechanisms capture or report on complainant experiences of, or satisfaction with, the existing QPS conduct and complaints system.

CRITERIA FOR A STRONG CONDUCT AND COMPLAINTS SYSTEM

There are no established Queensland standards by which the present conduct and complaints system can be assessed. Instead, the Commission had regard to the following established international guidelines and frameworks to inform its work (Figure 38).



Figure 38: Relevant international and national human rights laws and standards⁴⁵

These guidelines and frameworks have previously been used to guide assessments for police conduct and complaint systems across other Australian jurisdictions.⁴⁶

For example, the Inquiry into the external oversight of police corruption and misconduct in Victoria (2018) based its review of the Victorian police integrity systems on the ‘best practice’ principles of independence, adequacy, promptness, public scrutiny and victim involvement as outlined within the Council of Europe’s Commissioner for Human Rights’ Opinion Concerning Independent and Effective Determination of Complaints Against the Police.⁴⁷

In 2010, the Crime and Misconduct Commission’s report into Queensland’s conduct and complaints handling system, *Setting the Standard*, proposed that a model police discipline system should be “*simple, effective, transparent and strong*”.⁴⁸ These criteria formed the basis of an independent panel report on QPS disciplinary procedures the following year.⁴⁹

The various criteria adopted by domestic and international authorities can be categorised according to the five key themes set out below:



Figure 39: Themes distilled from international and domestic criteria for strong police complaints and conduct systems

In undertaking its assessment of the current QPS conduct and complaints system, the Commission focused on the first and second of these criteria: *independent* and *effective and fair*. This is because most of the issues and concerns about the current system in Queensland, identified during the Commission's inquiry, related to these criteria.

The independence, effectiveness and fairness of the current QPS conduct and complaints system are discussed in the next two chapters. The remaining criteria, that the system be accessible and responsive, transparent, and timely, are discussed briefly at the end of Chapter 18 but are otherwise integrated into the Commission's overall analysis of the current system.

17 Independence

The previous chapter identified the importance of a robust police conduct and complaints system for ensuring community, and police, confidence in the Queensland Police Service (QPS). It identified three different models of complaints systems and the Commission's criteria for assessing the adequacy of the current system.

Although Queensland's current system is theoretically a civilian review model, the overwhelming majority of allegations against police officers are dealt with internally by the QPS with minimal oversight from the Crime and Corruption Commission (CCC). In fact, data obtained from the CCC demonstrates that over 99% of all allegations that are not dismissed⁵⁰ by the CCC are referred back to the QPS.⁵¹ As one QPS member told the Commission:

At the end of the day, it's just coppers investigating coppers.⁵²

With the vast majority of complaints being dealt with internally, the QPS finds itself in a difficult position. The organisation cannot improve its culture without an authentic and robust conduct and complaints system. At the same time, such a system cannot exist when, in effect, most complaints are managed internally within the QPS, an organisation where significant cultural issues have been found to exist.

This chapter assesses the independence of the current police conduct and complaints handling process and outlines the evolution of the system from a model of civilian review to one where police investigate police, with minimal oversight from the CCC. It also examines the inadequacy of current QPS procedures to identify and manage conflicts of interest when investigating complaints and discusses the way cultural attitudes such as sexism, misogyny, racism and poor attitudes towards domestic and family violence within the QPS impact its complaints processes.

FITZGERALD'S VISION

The establishment of an independent oversight body for police complaints, the Criminal Justice Commission (CJC),⁵³ was a key recommendation of the Fitzgerald Report following the finding that:

...it is apparent that the Queensland Police Force cannot, in general, be made responsible for the control of a system to address official misconduct.⁵⁴

The CJC was established in 1990 to undertake independent investigations of misconduct by the police or other public agencies. It represented a core strategy in Fitzgerald's reform agenda, with its structure, composition, and functions intended to be those of a permanent "*standing royal commission*."⁵⁵

The CJC quickly became inundated with allegations of police misconduct, culminating in an increase in its capacity to ensure it could focus on the most serious complaints. By 1997, the CJC's Official Misconduct Division consumed approximately half of the agency's total budget, and approximately 70% of that division's workload was dedicated to investigating complaints against police.⁵⁶

To alleviate the heavy workload, alternative 'internal resolution' approaches were jointly developed by the CJC and QPS to manage relatively minor complaints more efficiently. These alternative approaches were the platform for the formal introduction of the 'devolution principle'.⁵⁷

THE DEVOLUTION PRINCIPLE

The devolution principle allows for public sector misconduct complaints to be investigated by the agency in which the complaint arose, with notional oversight from the anti-corruption body.

In the context of police complaints, devolution means that complaints made or referred to the CCC are sent back to the QPS to be managed internally with minimal oversight from the CCC.

It was envisaged that the implementation of the devolution principle would allow the CJC to focus on the most serious matters. It was also intended to bring about a positive shift in QPS culture, to give the QPS an opportunity to prevent and deal with misconduct internally and to take charge of its own ethical health.⁵⁸

The impact of devolution was swift. In 1998, the then CJC referred approximately 20% of misconduct matters back to the QPS; by 1999, the proportion of referrals back to the QPS increased to 90%. By 2009-2010, the CJC's successor, the Crime and Misconduct Commission (CMC), retained only two per cent of complaints for investigation,⁵⁹ and conducted reviews of only five per cent of the matters it referred to the QPS.⁶⁰

This trend has persisted. As will be discussed in more detail in this chapter, data acquired by the Commission reveals that over the past six years, the CCC has retained less than one per cent of police allegations for investigation.

Professor Prenzler explained the extent of this shift from Fitzgerald's vision to the Commission. He noted that, on paper, the current system reflects a civilian review model. However, in practice, the QPS essentially assumes complete control over the investigation and management of complaints against police with minimal oversight by the CCC.⁶¹

THE 'FALSE PROMISE' OF OVERSIGHT

An effective civilian review model should provide external oversight of internal investigations and decisions. This means that, if the model was working as intended, the CCC should review conduct and complaints decisions made by police and identify if individual complaints are not being investigated properly. Professor Prenzler explained civilian review models at a Commission hearing as follows:

[T]he better ones scrutinise police conduct. They put a lot of pressure on police to engage in adequate discipline, and also to introduce procedures and processes that are more effective, less harmful to citizens, and that kind of thing. So they can make quite valuable contributions to police integrity.⁶²

If the current model was operating effectively, it would monitor and proactively build the ethical health of the QPS by identifying and bringing attention to poor behaviour that stems from negative cultural attitudes. As Professor Prenzler has explained:

...there are a number of reasons why the management of complaints can serve strategic purposes related to better policing. Research highlights the apparent honesty and sincerity of most complainants. Complaints can therefore draw attention to a larger underlying problem of community dissatisfaction.⁶³

Despite having the appearance of a civilian review model, Professor Prenzler said the current approach in Queensland is much closer to an internal affairs model:

The role of the Crime and Corruption Commission (CCC) in police integrity is now almost completely opaque. As far as can be ascertained, the discretionary powers it retains to independently investigate and review matters means that it remains marginally within the 'civilian review' category of oversight – although the system is very close to the 'internal affairs' model, with police having near-complete control.⁶⁴

THE ROLE OF THE CCC

The CCC is responsible for responding to corruption across the whole public service, investigating major crime, administering the proceeds of crime regime, and managing the witness protection program.⁶⁵ In his recent report *Let the sunshine in* (2022), Professor Peter Coaldrake AO described the CCC as a "giant in Queensland's integrity landscape".⁶⁶

Complaints related to police account for about half of all complaints received by the CCC.⁶⁷ In assessing these complaints, the CCC determines whether the allegations raised, if proven, would satisfy the definition of 'police misconduct'⁶⁸ or 'corrupt conduct'.⁶⁹ If not, the complaint is categorised as outside the scope of the CCC's jurisdiction and no further action is taken by the CCC.⁷⁰

POLICE MISCONDUCT

- Police misconduct means conduct, other than corrupt conduct, that is disgraceful, improper or unbecoming a police officer, shows unfitness to be or continue as a police officer or does not meet the standard of conduct the community reasonably expects of a police officer.
- Examples include behaviour which contravenes police policies and procedures, dishonesty, a failure of duty, or a criminal act that could affect the way a QPS member performs their role and responsibilities. However, it also encompasses most allegations of domestic and family violence perpetrated by a police officer and of failing to respond appropriately to a report of domestic and family violence.

CORRUPT CONDUCT

- Corrupt conduct includes conduct which would constitute a criminal offence or be serious enough to be reasonable grounds to terminate a person's employment. It is conduct which, in the performance of the officer's duties or in exercising their powers, lacks impartiality or is dishonest, involves a breach of public trust or involves the misuse of officially obtained information.
- Examples include conduct such as an officer stealing property during the execution of a search warrant, unauthorised release or misuse of confidential information, or use of excessive force that has caused serious injury. Maladministration of the state's funds and assets can also be considered corrupt conduct should it damage public confidence and would constitute a criminal offence or justify reasonable grounds for dismissal.

Figure 40: Police misconduct and corrupt conduct as defined by the Crime and Corruption Act 2001 (Qld)

While the CCC retains the potential for oversight of investigations into allegations of police misconduct, it predominantly focuses upon investigations into corrupt conduct.⁷¹ Ms Elizabeth Foulger, Executive Director of Integrity Services at the CCC, told the Commission that “*I think there is generally a lack of awareness that the CCC's ability to investigate under the legislation is quite restricted*”.⁷²

CLASSIFICATION OF ALLEGATIONS OF DOMESTIC AND FAMILY VIOLENCE INVOLVING POLICE

In June 2022, the CCC revised its interpretation of the legislation and updated its internal policy so that allegations of domestic and family violence perpetrated by police **may** now be considered ‘corrupt conduct’, where the act of violence involves a serious criminal offence.⁷³ A serious criminal offence is identified as “*rape, strangulation, grievous bodily harm, offences of that nature*”.⁷⁴ Previously, the CCC’s practice was to categorise those allegations as ‘police misconduct’ unless the alleged act of domestic and family violence occurred while an officer was on duty.⁷⁵

This is a policy decision of the CCC, not embedded in legislation, and it does not appear to have had a significant effect on the CCC’s continued referral of matters to the QPS given the current narrow definitions limiting CCC involvement in QPS complaints management.

Ms Foulger told the Commission at a hearing on 1 August 2022 that all six matters which had been considered by the CCC following this change in policy had been devolved back to the QPS, with only two matters subject to monitoring by the CCC.⁷⁶ Ms Foulger also indicated that it is likely that most complaints relating to domestic and family violence perpetrated by police will continue to be dealt with as misconduct and therefore be the responsibility of the QPS.⁷⁷

The CCC must ensure that allegations of corrupt conduct are dealt with appropriately.⁷⁸ It has the power to investigate the conduct itself or refer the matter back to the QPS for internal management.⁷⁹ The CCC can also decide to take no further action in relation to the conduct. The CCC retains the authority to audit the QPS (and other public sector agencies) in certain circumstances. These audits examine the strength of agencies’ complaints handling and corruption prevention mechanisms, with a view to improving integrity, reducing and preventing corruption and major crime, and raising the standards of conduct in agencies.⁸⁰ The last CCC audit of the QPS occurred in 2019.⁸¹

While the CCC does not have primary investigative responsibility for police misconduct it does have a legislated monitoring role, which may include providing guidance to the QPS about the investigation or reviewing the way in which the complaint was dealt with.⁸²

Figure 41 outlines the five potential outcomes for a complaint received by the CCC:

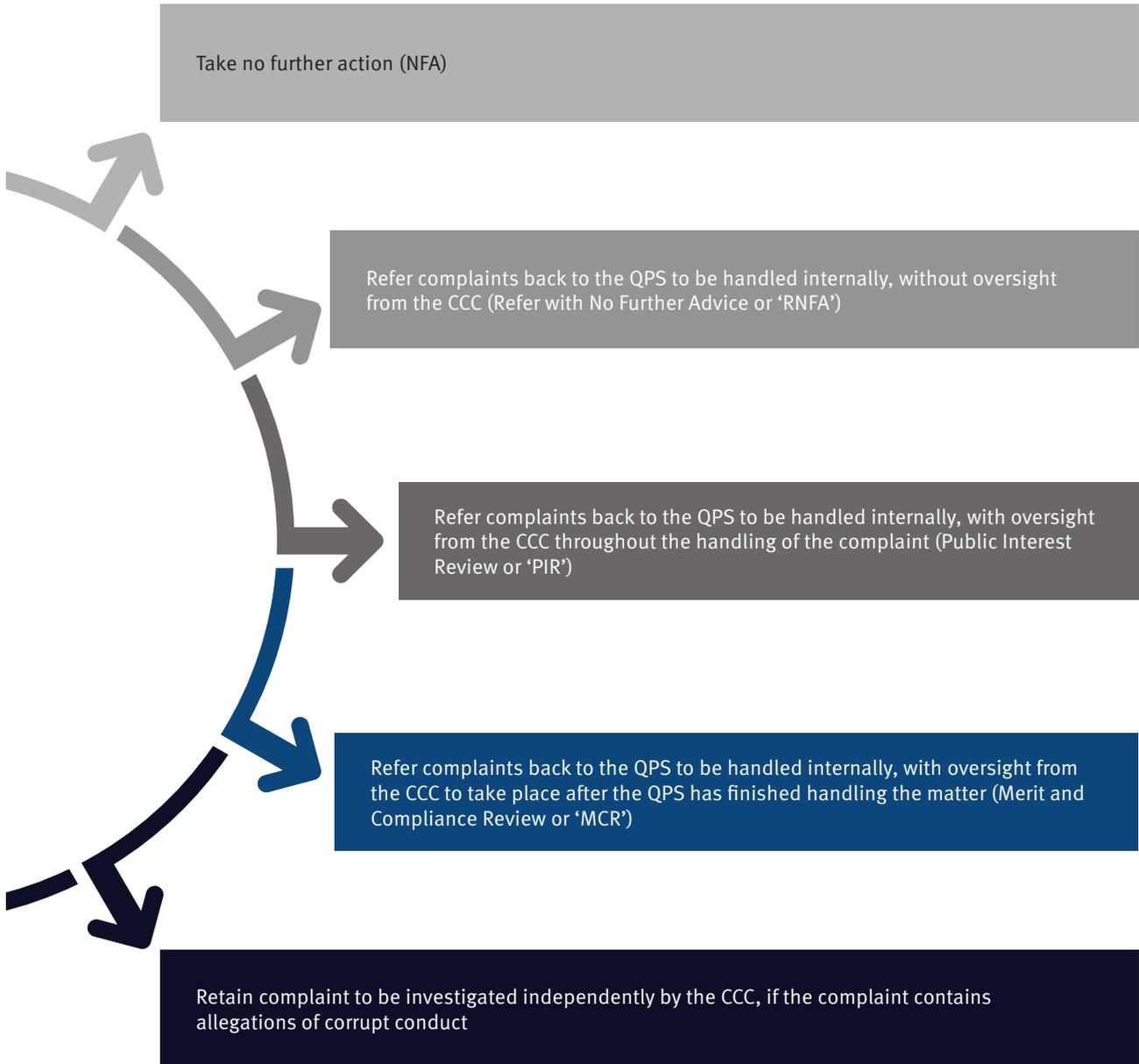


Figure 41: Potential outcomes for complaints received by the CCC

To assess how this agency manages allegations against police, and the outcomes of these complaints, the Commission obtained CCC data from the last six financial years.

This data showed that:

- the CCC investigated less than one per cent of allegations against police from 2016-17 to 2021-22
- the CCC had oversight of QPS investigations in less than 10% of allegations
- just under 90% of allegations were either dismissed with no further action or referred to the QPS without oversight.⁸³

Figure 42 provides a detailed breakdown of the CCC’s handling of allegations over the last six financial years:

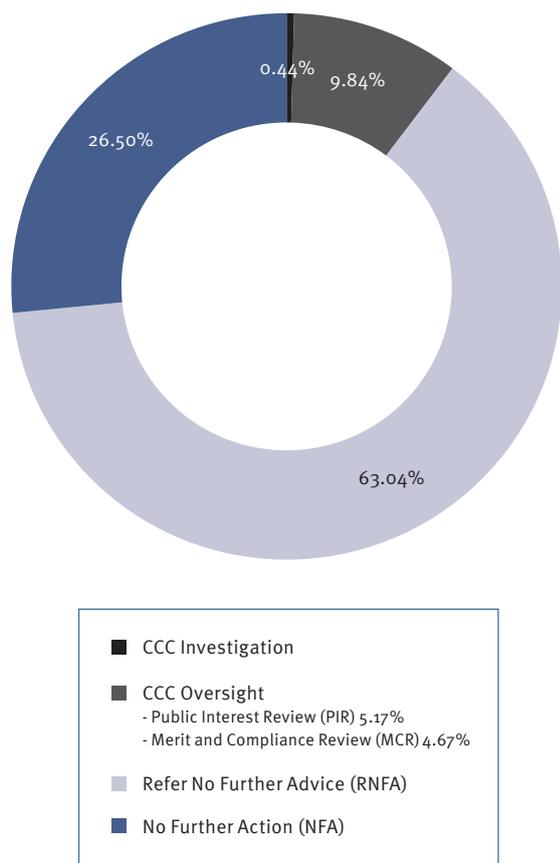


Figure 42: Breakdown of CCC assessments of allegations received against police between 1 July 2016 and 20 June 2022

DATA BREAKDOWN

- the CCC received 26,535 allegations⁸⁴ relating to police officers
- just over one quarter of these allegations (7,032 or 26.5%) were dismissed by the CCC with ‘No Further Action’ taken⁸⁵
- less than one per cent of these allegations (116 or 0.44%) were investigated by the CCC
- less than 10% of the allegations referred to the QPS (2,612 or 9.84%)⁸⁶ were subject to any oversight by the CCC⁸⁷
- the remaining allegations (16,728 or 63.04%) were referred to the QPS without any form of oversight⁸⁸

The data demonstrates the extremely limited oversight provided by the CCC under the current QPS conduct and complaints system, and the lack of authentic independence. This is particularly concerning given the longstanding, well-established recognition of the importance of Queensland having a “*separate oversight body ...to conduct an independent investigation, or to monitor one carried out by the QPS*”.⁸⁹

Criticisms of the CCC’s oversight of the QPS complaints system have persisted since its post-Fitzgerald establishment:

The current criticisms affecting public confidence due to ‘police investigating police’ relate [to] a view that devolution has gone too far.⁹⁰

This issue has been the focus of considerable attention over time and across the various iterations of the organisation from its inception as the CJC to the current CCC. Professor Prenzler’s research confirmed that “[p]erhaps the greatest disappointment, however, lies with the [then] CMC’s failures to engage in genuinely independent investigations”.⁹¹

Professor Prenzler explained the current lack of awareness in the community about the CCC’s very limited role in the investigation of complaints against police:

If you look at a civilian review commission website, there are a lot of strong statements about independence and authority over police and that kind of thing. So, people make complaints thinking that a civilian officer independent of the police will investigate that matter. Then they receive a letter saying that “your matter has been referred to the police and will be investigated by the police,” and, naturally enough, they feel completely betrayed and disillusioned.⁹²

The Commission also heard first-hand accounts of the sense of betrayal and disillusionment described by Professor Prenzler. One member of the public who had made a complaint about how police handled a domestic and family violence matter told the Commission:

I felt confident that my complaint would be looked at by a third person, an independent party to discuss with both sides and help make a fair decision...only to have my complaint forwarded straight back to the very station I believe not to have a sound understanding of DV situations, [which is] why I had [made] a complaint in the first place.⁹³

Ms Foulger explained that if a person makes a complaint to the CCC, the CCC “will write to the complainant and advise them that we’ve assessed the matter as appropriate to refer to the QPS. We’ll request their consent to do so and advise them that if they don’t consent that we will take no further action.”⁹⁴ As outlined above, Ms Foulger recognised that there is generally a lack of public awareness about the CCC’s restricted ability to investigate complaints about the police.⁹⁵

The data reviewed by the Commission demonstrates that there is minimal CCC oversight of QPS investigations. This lack of oversight has eroded the independence of the current conduct and complaints system.

THE ROLE OF OTHER AGENCIES

In addition to the primary roles of the QPS and CCC, three other Queensland Government entities are involved in the complaints management and discipline system. Each agency’s scope, influence, and degree of investment in the police complaints management and discipline system varies.

Figure 43 depicts those agencies and their roles:



Figure 43: Queensland Government agencies involved in the handling of complaints about police conduct

Both the Queensland Human Rights Commission (QHRC) and the Queensland Ombudsman told the Commission that they receive complaints about police which fall outside of their narrow remit. For example, in the six years between July 2016 to June 2022, the Queensland Ombudsman received 2,813 complaints about police. As the Ombudsman can only deal with complaints that relate to administrative matters such as purchasing decisions,⁹⁶ they only accepted 294 (or 10.5%) of those complaints.⁹⁷

The Queensland Ombudsman may directly refer a complaint about police to the CCC or QPS, however no requirement or formal process exists to ensure a consistent approach.⁹⁸ The Queensland Ombudsman advised the Commission that, in respect of the 90% of complaints categorised as being beyond its functional responsibility, complainants were typically advised to contact the CCC or the QPS to progress their matter.

Similarly, the QHRC can only accept complaints that relate to actions which may be a breach of the *Anti-Discrimination Act 1991* (Qld), the *Public Interest Disclosure Act 2010* (Qld), or the *Human Rights Act 2019* (Qld). If a complaint about police is beyond its functional responsibility, the QHRC may advise a complainant to report to the CCC or contact a community legal centre or, in the case of domestic and family violence, a domestic and family violence support service.⁹⁹

The fact that both organisations continue to receive complaints outside their jurisdiction could reflect a lack of knowledge within the community about where to make a complaint. It could also reflect a desire among the public to report concerns to an independent entity. The Commission was unable to ascertain whether the complaints rejected by the Ombudsman or the QHRC were subsequently received by the CCC or the QPS.

The Queensland Civil and Administrative Tribunal (QCAT) does not have jurisdiction to investigate complaints against police in the first instance. Instead, QCAT hears and decides reviews of decisions made in relation to police disciplinary matters. The QPS, CCC or the subject member have a right of review in relation to liability (whether or not an allegation is substantiated) or in relation to the sanction imposed on a subject member.¹⁰⁰ Once QCAT decides a matter, it is open to the CCC, the QPS decision-maker or the subject member to appeal to QCAT in its appellate jurisdiction.¹⁰¹ There is a further right of appeal to the Queensland Court of Appeal.¹⁰²

LACK OF INDEPENDENCE IN QPS INTERNAL COMPLAINT PROCESSES

An internal police conduct and complaints system could theoretically operate with sufficient safeguards to ensure an adequate level of independence and maintain a robust system. However, it is difficult to imagine a system where this could occur in practice.

This section considers the extent to which internal QPS procedures fail to ensure an adequate level of independence in the handling of police complaints.

INTERNAL PROCESSES FOR HANDLING COMPLAINTS AGAINST POLICE

Matters referred back to the QPS by the CCC are received by the QPS Ethical Standards Command (ESC) which is responsible for “*promoting ethical behaviour, discipline and professional practice in the QPS through deterrence, education and system improvements*”.¹⁰³

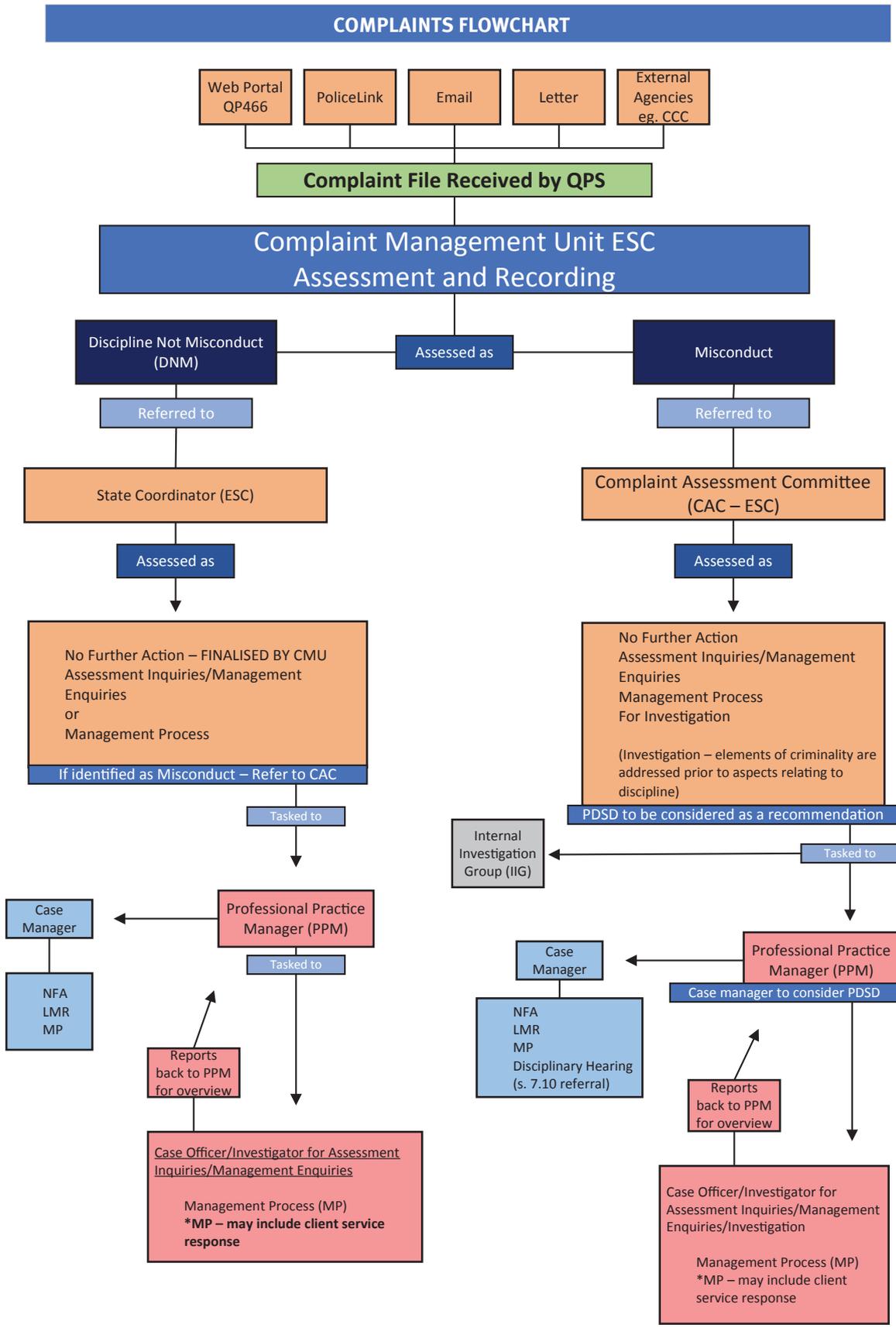
The Office of State Discipline (OSD) is a separate organisational unit to the ESC. The OSD is responsible for conducting disciplinary hearings and imposing any associated disciplinary sanctions. The Commission heard that a disciplinary hearing is, in fact, less likely to involve a hearing of evidence and submissions and more likely to involve a review of relevant documents to determine the appropriate outcome.¹⁰⁴

The ESC is primarily comprised of two distinct sub-units focused on handling complaints against police: the Internal Investigations Group (IIG)¹⁰⁵ and the Integrity and Performance Group (IPG).¹⁰⁶ The ESC also has line control of the Professional Practice Managers located at district and command levels throughout the QPS whose role it is to oversee complaints locally.¹⁰⁷

Assistant Commissioner Cheryl Scanlon is the most senior officer of the ESC and is responsible for leading the Command. In her evidence, she said that the IIG retains only the most serious complaints against police, which accounts for approximately 20% of active complaint files.¹⁰⁸ The remaining files are handled at a district or command level.¹⁰⁹

Detective Inspector David Nixon is the State Coordinator and supervising Inspector for the Complaint Management Unit of the ESC. He is responsible for day-to-day management of complaint files and participates in the consideration, assessment and referral of disciplinary complaints. He provided the following flowchart in his statement to the Commission which illustrates the operation of the QPS complaints management and discipline system:

COMPLAINTS FLOWCHART¹¹⁰



CAC – Complaint Assessment Committee
 CCC – Crime and Corruption Commission
 CMU – Complaint Management Unit
 ESC – Ethical Standards Command
 IIG – Internal Investigation Group
 LMR – Local Management Resolution

MP – Management Process
 NFA – No Further Action
 PDSB – Professional Development Strategy Document
 PPM – Professional Practice Manager
 QP466 – Complaint against member of the QPS
 QPS – Queensland Police Service

As illustrated by this flowchart, there are two pathways for dealing with complaints following assessment by the ESC Complaint Management Unit.

The first pathway is used for resolving complaints assessed as police misconduct. This includes behaviour by a police officer that is disgraceful, improper or unbecoming, which shows unfitness for duty or a failure to meet community expectations.¹¹¹

The second process is for complaints assessed as involving grounds for discipline, but which do not constitute police misconduct. These complaints are referred to the relevant district or command to be resolved. The case manager, at Superintendent (or equivalent) level, is responsible for resolution of the complaint, which may include taking no further action, applying a Local Management Resolution strategy or other management process.¹¹²

CONFLICTS OF INTEREST

Strong safeguards to protect against actual or perceived conflicts of interest are critical for securing the independence and integrity of any internal investigation systems.¹¹³ Research has shown that perceptions of impartiality are critical for complainant satisfaction, and that distrust develops when the perception of impartiality is eroded.

In relation to the significance of conflicts of interest to the perception of the independence of a complaints system, research presented by Professor Prenzler observed:

[A] common theme was distrust of investigating police. Complainants frequently referred to officers appearing to take the side of their colleague under investigation. This was the case even with investigations where some oversight was involved, including external ‘supervision’. In many cases, it was ‘who’ handled the complaint, more than ‘how’ it was handled, that was critical.¹¹⁴

Procedures to effectively manage actual and perceived conflicts of interest are particularly critical in a complaints system where around 80% of allegations are dealt with internally by the district or command where the complaint originated, as is the case in the QPS system.¹¹⁵

The Commission recognises that, even with the strongest safeguards, perceptions of conflicts of interest might not be effectively managed under such a model.

Evidence before the Commission demonstrated that current procedures for identifying and effectively managing conflicts of interest within the QPS system are inadequate because:

- there are ad hoc procedures to identify conflicts of interest
- the system is not effective at ensuring the investigating officer is independent from the subject member.

INADEQUATE PROCEDURES TO IDENTIFY CONFLICTS OF INTEREST

Despite being a key component of an independent conduct and complaints system, the current framework for managing conflicts of interest in QPS investigations lacks structure, clarity and rigour.

The QPS itself concedes that this aspect of the conduct and complaints system is less than optimal. Assistant Commissioner Scanlon gave evidence that QPS processes for managing conflicts of interest is “*an area that needs to be strengthened.*”¹¹⁶

The QPS Complaint Resolution Guidelines contains only a single paragraph in relation to the management of conflicts of interest. Section 5.1 provides:

5.1 CONFLICTS OF INTEREST

Where a case officer is assigned a matter for investigation and an actual or perceived conflict of interest is identified between the case officer and the subject member, or the complainant, the case officer is to notify the case manager at the earliest opportunity. The case manager is to consider the circumstances of the conflict and whether an alternate case officer should be appointed. Where practicable, case officers should not be appointed to investigate subject members who they supervise (does not apply to assessment inquiries).¹¹⁷

The Complaint Resolution Guidelines also provide that, for matters not investigated by the IIG, case officers conducting investigations should, where practicable, be senior in rank to the person being investigated.¹¹⁸

The term ‘conflicts of interest’ is not defined in either the Complaint Resolution Guidelines or the Service Manual Definitions.¹¹⁹ This is despite a significant assessment of the QPS discipline system over a decade ago emphasising the importance of impartiality and the need to give staff guidance in relation to the identification of potential conflicts of interest. In 2010, the Crime and Misconduct Commission’s report, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* recognised:

The discipline policy must not only prescribe against partiality, but also give officers involved in investigating and resolving complaints examples of situations in which real or perceived conflicts of interest may arise, clear guidelines on how to act in such situations, and the rationale for doing so.¹²⁰

This lack of a formal framework for identifying and dealing with actual and perceived conflicts of interest presents obvious difficulties for the operation of the QPS conduct and complaints handling system.

Detective Inspector Nixon gave evidence to the Commission that despite the minimal guidance and lack of formal procedures, conflicts of interest are considered at the following three points in the complaints handling process:

- when members of the ESC’s Complaint Assessment Committee consider whether the complaint is suitable for referral outside the ESC (internal devolution)
- when a Professional Practice Manager in a command or district, having received the complaint from the ESC, considers real and potential conflicts¹²¹ before assigning it to a case officer
- when proposed case officers self-report conflicts of interest.¹²²

At the first two points at which conflicts of interest might be considered, assessments are undertaken by people who may not have sufficient information to identify a potential conflict. It may not always be the case that the decision-maker at the Complaint Assessment Committee or Professional Practice Manager level has sufficient information to avoid a referral or assignment which results in a conflict of interest.

Assistant Commissioner Scanlon conceded at a Commission hearing that the obligation for identifying and managing conflicts of interest ultimately remains with the nominated case officer (who may have a conflict of interest in respect of the matter).¹²³ Accordingly, under the current system, the primary safeguard against conflicts of interest in an internal investigation is a reliance on individual officers to self-declare any actual or perceived conflicts of interest, in circumstances where there is no clear guidance on that concept within the QPS policy framework.

In the event that a case officer self-reports a conflict of interest, a decision-maker must determine whether the conflict of interest exists and assess its potential to affect the impartiality of the process. This determination is based largely on information provided by the case officer. However, the QPS does not require a formal declaration about potential conflicts of interest in respect of a matter,¹²⁴ and does not retain an internal register or record of declared conflicts of interest.¹²⁵ The safeguard is not, in fact, much of a safeguard at all.

SYSTEM INEFFECTIVE AT ENSURING INDEPENDENCE OF INVESTIGATING OFFICERS

The Police Integrity and Professional Standards (PIPS) software was introduced in 2021 as the new complaints management database “*allowing for enhanced reporting and analysis capability*”.¹²⁶ However, PIPS is unable to identify conflicts of interest, such as a case officer having worked with the officer being investigated, or the two officers having other personal connections.

Given that investigations are typically sent by the ESC to the district or command where the complaint originated, the current system results in the majority of complaints being dealt with by case officers in the same district or command as the officer under investigation. This proximity significantly increases the likelihood of an actual or perceived conflict of interest affecting investigations.

QPS members expressed concern to the Commission about how frequently conflicts of interest arise because of a personal or professional relationship between the investigator and the subject member.

One QPS member said:

They say that there is confidentiality in the complaints process, but I don’t believe this to be true. The officers who are investigating the complaint, usually know, have worked with, or are friends with the subject of the complaint, especially if it is about a senior officer. During my matter, the District Officer at the time, which is the officer that I had to report the incidents to, was the [relative] of the subject member the complaint involved.¹²⁷

It was not possible for the Commission to clearly identify where conflicts of interest existed from a desktop review of the material provided by the QPS. However, a QPS member told the Commission about a matter where an officer was tasked to investigate a failure of duty complaint against himself and his colleagues and did not declare any conflict of interest.¹²⁸ The conflict of interest that the Commission was told about was confirmed on a subsequent review of QPS documentation. The circumstances of that conflict of interest are set out below:

CASE STUDY: OFFICER TASKED TO INVESTIGATE HIMSELF

This case involved the investigation of an allegation of domestic and family violence against a police officer. The initial investigation was conducted by an officer relieving at a higher level (as a supervisor) at a different station but who, in his substantive position, worked alongside and socialised with the nominated respondent.

The initial investigating officer found the allegation to be unfounded. The aggrieved then applied privately for a Protection Order and a Temporary Protection Order was granted. Two subsequent breaches were reported and the investigating officer for those matters determined that the reports were unfounded. The officer investigating the breaches also “*...had meetings, enjoyed coffees with, and socialised at work functions*” with the nominated respondent and the first investigating officer.

When the aggrieved made a formal complaint of inaction to the ESC, the officer assigned to investigate the complaint was the initial officer from the first investigation who had, by that time, returned to his substantive position. This officer did not declare his previous involvement in the matter. The result of his “investigation” was that he found that the complaint to the ESC (against himself and his colleagues) was unsubstantiated.¹²⁹

Tasking an officer to investigate a complaint about a subject member who works in the same unit or establishment clearly raises a potential conflict. One QPS member gave the following example of how such a conflict might manifest:

[An officer accused of perpetrating domestic and family violence against his wife] was placed in an office within earshot of me. I could regularly hear him talking with everyone about the allegations of DV and giving his version of events. I would hear him on the phone to friends and family members as well. I would also hear other male officers continuously support him and reaffirm his version...

[The Professional Practice Manager] sat on the same building level, approximately 10-15 meters away from [his] office. Their offices were close enough that you could hold a conversation whilst being in each office.¹³⁰

While the Commission appreciates it may be necessary in rural and remote locations to assign complaint matters to workplaces where the investigator and subject member are co-located, on review of discipline files provided by the QPS, the Commission observed this occurring at Police Headquarters and in police districts and stations in metropolitan areas including Brisbane. In these circumstances, it is reasonable to expect that complaints could have been assigned to officers outside of the subject member’s district, command, and work location.

An increased risk of conflicts of interest also occurs when complaints about an officer are investigated by officers of an equal or lower rank than the subject member. Assistant Commissioner Scanlon agreed that these scenarios were “not ideal”¹³¹ and should not occur “because you can’t rule out the conflict of interest... In fact, it puts police in a very difficult position when that happens”.¹³²

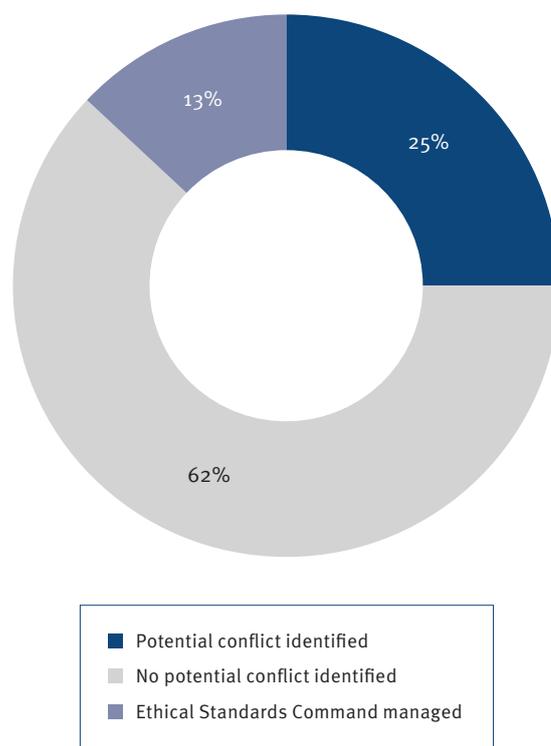
Detective Inspector Nixon’s evidence identified the situation in which an officer of a lower rank investigates a subject member as problematic for reasons beyond conflicts of interest concerns. In a disciplinary investigation, an officer can be compelled to answer questions, but only if directed to do so by a senior officer.¹³³ Accordingly, an investigating officer would be unable to issue a direction to compel a response during an investigation of someone at equal or lower rank than them.

The Commission reviewed ESC records relating to allegations about QPS members as perpetrators of domestic and family violence, and failures of duty in responding to domestic and family violence matters, made between 30 May 2021 and 30 May 2022, to gain an insight into how frequently conflicts of interest of this kind might arise.

CASE STUDY: POTENTIAL CONFLICTS BY RANK AND LOCATION

Between 30 May 2021 and 30 May 2022, 60 complaints relating to police officers alleged to have perpetrated domestic and family violence were identified. One quarter involved a potential conflict of interest where either the case officer was in the same work unit, station or establishment as the subject member, or the case officer was at the same or lower substantive rank as the subject member, as per the following graph:

CASE OFFICER LOCATION AND RANK – MEMBER INVOLVED DOMESTIC AND FAMILY VIOLENCE



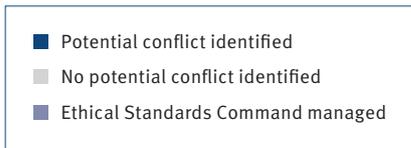
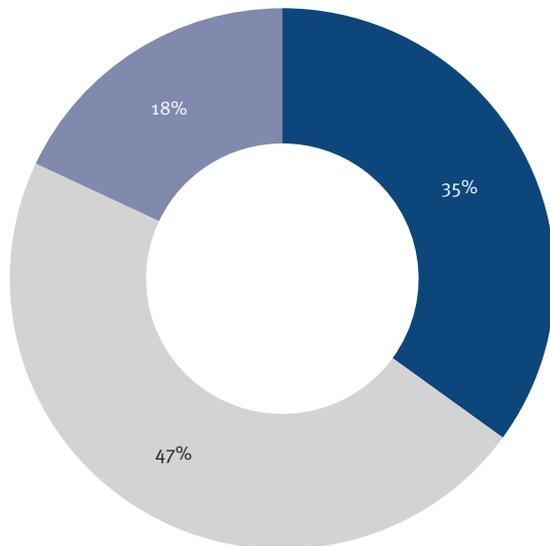
Potential conflicts identified includes:

- Case Officer in same work unit/station/ establishment as subject member
- Case Officer same substantive rank as subject member
- Case Officer lesser rank than subject member

Figure 44: Location and Rank of Case Officers in relation to the Subject Member they are tasked with investigating – Member Involved Domestic Violence Complaints – 30 May 2021 to 30 May 2022

Of the 114 complaints which alleged a failure of duty relating to a domestic and family violence matter over the same one year period, more than one third involved a potential conflict:

CASE OFFICER LOCATION AND RANK – FAILURE OF DUTY



Potential conflicts identified includes:

- Case Officer in same work unit/station/ establishment as subject member
- Case Officer in same location and same substantive rank as subject member
- Case Officer in same location and lower substantive rank as subject member
- Case Officer same substantive rank as subject member
- Case Officer lesser rank than subject member

Figure 45: Location and Rank of Case Officers in relation to the Subject Member they are tasked with investigating – Failure of Duty complaints – 30 May 2021 to 30 May 2022

The Commission prepared this analysis by undertaking a desktop review of data specifically requested from the QPS. It required confirmation of the various terms used in free-text fields and clarification of missing or ambiguous data in the QPS material, a manual and time-consuming process that demonstrated that the current QPS systems lack the capability to easily capture the required data to identify the more obvious sources of potential conflicts of interest. The lack of reliable and complete data limits any meaningful and regular analysis within the QPS.

The Commission recognises that PIPS is a new system which was introduced in May 2021, which means its full capability has not yet been realised. However, the potential for information systems such as PIPS to meaningfully enhance the ethical health of the QPS will only occur if the QPS is committed to:

- ensuring the integrity of data entered into PIPS
- employing qualified staff to capture and analyse this data
- reporting these analyses across the organisation and to the broader community.

The Commission considers that the full benefits of PIPS will not be realised unless the QPS invests in its data quality and employs people who can effectively analyse and interpret this data for use by the organisation, and to report publicly. The Commission considers this represents a logical step given the significant investment of public money in PIPS and the persistent calls over time to build a data-informed approach to organisational ethics.

Even with a fully operational data management capability, the current conduct and complaints system does not have appropriate measures to avoid conflicts of interest. As a result, the system is incapable of ensuring a basic level of independence in the investigation of complaints against police.

CULTURAL ISSUES IMPACTING INDEPENDENCE OF THE SYSTEM

Preserving independence in the police complaints system is not just a question of structure. It is also one of culture. Assistant Commissioner Scanlon acknowledged the role of the ESC in QPS integrity and public confidence:

The purpose of the ESC is to protect the high standards of integrity and professionalism necessary to maintain the trust and support of the community.¹³⁴

This Report has identified that sexism, misogyny, racism and poor attitudes towards domestic and family violence exist within the QPS. Given the extent to which these negative cultural attitudes are, or may be, held by QPS members, it is reasonable to consider that those who are investigating such complaints against their colleagues and shaping the ethical health of the organisation may also hold similar views.

It is not suggested that all QPS members hold these attitudes but given the pervasiveness of the problem it is likely that at least a proportion of officers tasked with upholding the QPS “*high standards of integrity and professionalism*”¹³⁵ may not themselves authentically reflect this standard in their attitudes, beliefs and conduct.

One QPS member spoke of her experience within the ESC in 2019 in the following way:

I spent 3 months working in the complaint management area of Ethical Standards Command. During this time, I frequently witnessed negative attitudes towards women displayed to both civilian victims and serving female officers by ESC officers.

Examples of this include:

- **victim blaming a female officer complainant for being intoxicated when she was a victim of a sexual assault by a colleague**
- **questioning the validity of an officer inflicted domestic violence complaint on his police officer partner because it was the second time, she had been a victim of domestic violence stating, “you’d think she’d learn the first time.” Further comments were made in the presence of high-ranking officers however I am unable to document them as they may identify the complainant officer**
- **Senior officers were also heard making comments regarding the newly created complaints area Juniper, that “just because you chicks don’t like getting grabbed on the arse anymore we have to behave.”¹³⁶**

Material obtained by the Commission from the QPS included information about some instances where officers within, or previously associated with, the ESC had behaved in ways which did not meet high standards of integrity and professionalism. Rather, they demonstrated sexist and misogynistic conduct.

In one case, an officer who had worked in the ESC engaged in inappropriate sexual conduct toward a female subordinate officer under his supervision over a four month period while he was on a secondment from the ESC. The officer’s role, when working within the ESC, included work in the Integrity and Performance Group which is responsible for providing support, assistance and advice to members regarding professionalism and integrity matters.¹³⁷ The offending behaviour included taking the female officer to his home and asking her to take photos of him without his clothes on, approaching a desk with his penis protruding from his jeans and placing his penis on her desk and taking the female officer to a nudist beach where he removed his clothes and swam naked in front of her, again asking her to take photographs of him.¹³⁸

In another case, the Commission learned that a senior police officer who made a sexist ‘joke’ during a senior leadership conference in early 2022 had previously been an Inspector within the Internal Investigations Group of the ESC. He was removed from that role, around 13 years ago, after having behaved inappropriately by involving himself in a local police matter while intoxicated and off-duty and making inappropriate and disparaging comments about local police officers.¹³⁹

The documented sexist behaviour of these two QPS members who were or had been members of the ESC, demonstrates that the ESC is not siloed or immune from negative cultural issues within the QPS.

Consciously or unconsciously, the culture of sexism, misogyny and racism is likely to impact individual investigations as well as organisational integrity and professionalism more broadly. A QPS member expressed this concern to the Commission in this way:

The internal Ethical Standards Branch of QPS protects their own, and the internal complaints system relies on other QPS officers reviewing decisions of their colleagues, which is futile given the QPS culture.¹⁴⁰

In this way, there is a risk that the lack of separation between the QPS membership and its complaints management system creates a situation where problematic cultural issues may negatively affect the integrity of complaint investigations. This compounds the problem which arises because of the structural inability of the system to ensure that all conflicts of interest will be appropriately identified and managed. Both issues are serious deficiencies, and they are made worse by the lack of oversight by the CCC of the system.

The transition to a civilian control model through the establishment of an independent oversight body would address these issues and ensure independence is achieved. This is discussed in further detail within Chapter 19 of this Report.

CONCLUSION

The QPS conduct and complaints system is not currently the subject of sufficient oversight and monitoring by the CCC which is the independent body best able to provide that oversight.

Further, the internal conduct and complaints system lacks robust mechanisms to deal with potential conflicts of interest. There are ineffective mechanisms for ensuring the independence of investigating officers. Further, under the present system, the impact of cultural issues within the organisation, including in relation to sexism, misogyny and racism, cannot be siloed from the conduct and complaints system.

Further limitations with the conduct and complaints system are considered in the next chapter.



18 Effectiveness

During its inquiry, the Commission heard of many shortfalls in the effectiveness of the current conduct and complaints system. They included, but were not limited to:

- numerous examples of complaints about sexist, misogynistic and racist conduct resulting in inadequate consequences for the members who engaged in the conduct
- a lack of support for the people who endured the conduct
- missed opportunities to develop the ethical health of the organisation.

Some of those cases were brought to the attention of the Police Commissioner when she gave evidence on 5 and 6 October 2022. She accepted that those cases resulted in inadequate outcomes.

In the days after the Police Commissioner gave evidence, the Honourable Mark Ryan, Minister for Police and Corrective Services and Minister for Fire and Emergency Services was reported as saying:

We've seen over the last couple of weeks with the commission of inquiry is that there is some quite appalling behaviour and there has been some instances where the system has failed victims, not only in the community but victims in the workplace.

I'm particularly appalled by that behaviour of police officers harassing or abusing their colleagues. I think that's disgraceful and goes against everything I believe in around safe workplaces.

Those people need to be called out and there needs to be consequences for that action.

Victims need to know and have confidence in the system, that [the] discipline framework will support them but also their workplace will support them.¹⁴¹

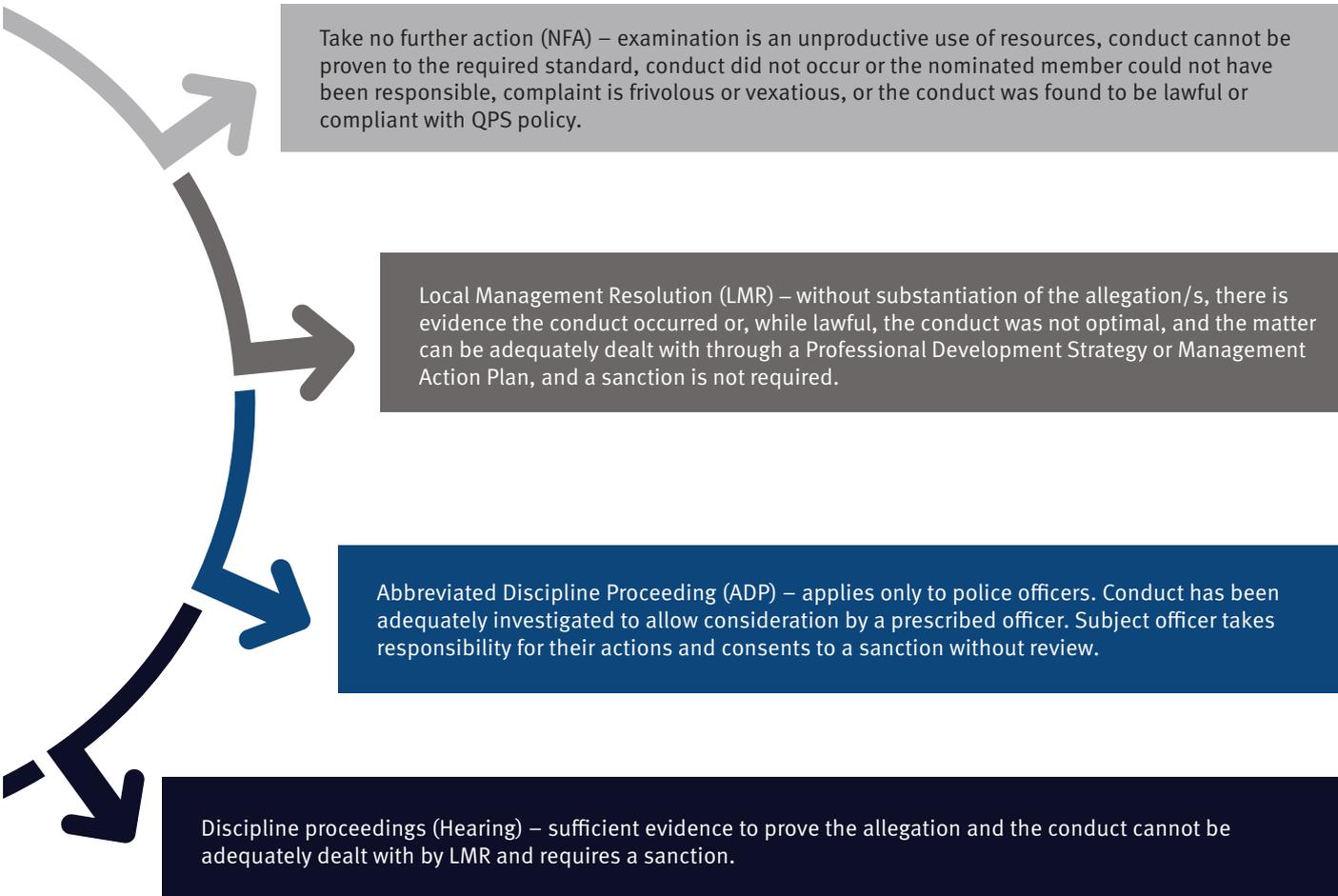
The Commission has found that sexism, misogyny and racism are significant problems within the organisation. In addition, there is a culture of fear and silence which prevents many people from speaking out about their experiences of such conduct, and even prevents witnesses from doing so. The culture of fear and silence speaks to a conduct and complaints system which is ineffective and unfair.

If the system was effective and fair, Queensland Police Service (QPS) members would universally feel comfortable reporting such conduct, appropriate action would be taken to deal with the conduct, and the person reporting the conduct would be treated fairly. Evidence considered by the Commission shows that this does not consistently occur. People are not always called out, and there are not always consequences for poor behaviour. Victims do not know or have confidence that the system will support them.

These are all failings of the current conduct and complaints system. There is plainly a need for change.

COMPLAINT OUTCOMES

As outlined below, there are four ways complaints are resolved within the current QPS conduct and complaints system:



Take no further action (NFA) – examination is an unproductive use of resources, conduct cannot be proven to the required standard, conduct did not occur or the nominated member could not have been responsible, complaint is frivolous or vexatious, or the conduct was found to be lawful or compliant with QPS policy.

Local Management Resolution (LMR) – without substantiation of the allegation/s, there is evidence the conduct occurred or, while lawful, the conduct was not optimal, and the matter can be adequately dealt with through a Professional Development Strategy or Management Action Plan, and a sanction is not required.

Abbreviated Discipline Proceeding (ADP) – applies only to police officers. Conduct has been adequately investigated to allow consideration by a prescribed officer. Subject officer takes responsibility for their actions and consents to a sanction without review.

Discipline proceedings (Hearing) – sufficient evidence to prove the allegation and the conduct cannot be adequately dealt with by LMR and requires a sanction.

Figure 46: Options for complaint finalisation

Over the last five and a half years, just under 26,500¹⁴² allegations about police conduct were received by the QPS and 24,348 (92.2%) of these allegations were finalised through the internal QPS conduct and complaints system.¹⁴³

As shown in Figure 47:

- no further action was taken in respect of 76% of the allegations¹⁴⁴
- 20% were finalised through Local Management Resolution¹⁴⁵
- 4% progressed to a disciplinary process of some kind (3% proceeded to hearing)¹⁴⁶
- approximately 1% (0.8%) were finalised by an Abbreviated Discipline Proceeding.¹⁴⁷

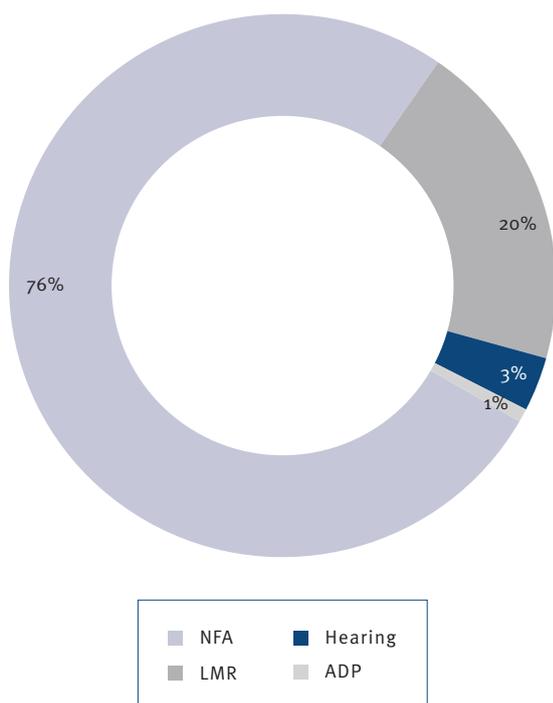


Figure 47: Outcomes for finalised allegations between January 2017 and June 2022

Though the figure of 76% of allegations finalised with no further action may seem high, it is not markedly different from other Australian jurisdictions. For example, in Victoria less than 10% of all complaints to police are substantiated.¹⁴⁸ The effectiveness of a complaints system is also not necessarily reflected in the number of substantiated complaints. Instead, the effectiveness of a complaints system should be assessed by:

- its ability to investigate the truth of an allegation
- how it guides, corrects, or disciplines officers using appropriate and timely responses or sanctions
- whether those who make complaints are respected and supported
- whether it supports and upholds an organisation’s ethical standards.¹⁴⁹

RECENT AMENDMENTS TO THE CURRENT SYSTEM

Major amendments to the current conduct and complaints system occurred as a result of the *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019* (the 2019 amendments). These reforms sought to facilitate structural changes within the QPS system, and to enable new management practices to identify and correct behaviour and improve performance in a timely way.¹⁵⁰

A key legislative reform was an explicit recognition that the purpose of discipline is to guide, correct, rehabilitate and, where necessary, sanction officers to uphold high levels of professionalism and integrity across the organisation.¹⁵¹ This emphasis on restorative principles within the conduct and complaints system culminated in the formalisation of the Local Management Resolution process, which resolves complaints by empowering managers to build the ethical and professional practice of those they manage.

The 2019 amendments also aimed to improve the timeliness of the complaints management and discipline system by introducing Abbreviated Disciplinary Proceedings¹⁵² and statutory time limits.¹⁵³ Detective Inspector David Nixon, of the Ethical Standards Command (ESC), informed the Commission that where a complaint file is subject to a six month time frame, “...the expectation is it would be completed in three months so there is sufficient time to process it for a sanction if that was required”.¹⁵⁴ QPS data on domestic and family violence related complaints obtained by the Commission indicate the 2019 amendments have enhanced the timely resolution of complaints.¹⁵⁵

The Commission appreciates that streamlining discipline matters was prioritised in response to general stakeholder dissatisfaction about excessive delays that were revealed during reviews of the discipline system. The explanatory notes to the Bill for the 2019 amendments observed that there had previously been “unnecessarily lengthy timeframes taken to investigate and resolve some complaints”. However, imposing strict timeframes may also have implications for the thoroughness of the investigations.¹⁵⁶

While improvements appear to have been realised with respect to timeliness, an over-reliance by the QPS on Local Management Resolution has also resulted in unintended consequences. These include:

- superficial investigations of serious conduct
- inadequate outcomes which fail to address the concerning behaviour or protect the ethical health of the organisation
- insufficient support for those impacted by the conduct.

LOCAL MANAGEMENT RESOLUTION

As outlined above, under the current conduct and complaints system, three quarters of allegations against police result in no further action by the organisation.

Local Management Resolution (LMR) is used in 83% of the remaining matters where action is taken.¹⁵⁷ The graph below shows the range of outcomes associated with those cases on which the organisation did take further action over the same period:

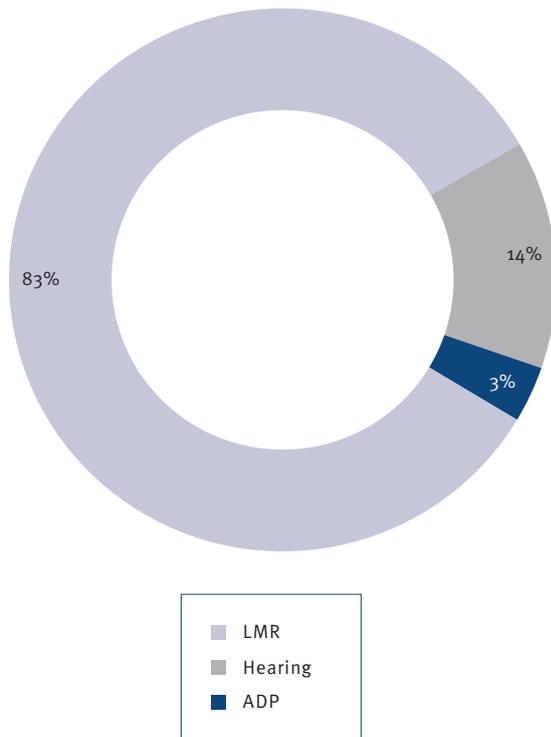


Figure 48: Outcomes of finalised allegations handled by the QPS not resulting in 'no further action' between January 2017 and June 2022

An evaluation of the adequacy of the Local Management Resolution process is fundamental to an assessment of the overall effectiveness of the current conduct and complaints system, given its frequency of use.

Local Management Resolution is intended to apply to conduct that:

- is minor in nature
- is unlikely to be repeated
- is not indicative of a course of conduct
- the subject member's manager believes it is best suited to a swift local management strategy response.¹⁵⁸

A full investigation or substantiation of the allegations is not a prerequisite for the imposition of Local Management Resolution.

Local Management Resolution has a rehabilitative focus, which is an important aspect of any conduct and complaints system. The QPS Complaint Resolution Guidelines confirms the rehabilitative focus of Local Management Resolution, and recognises that there must be authenticity in its application:

LMR is a remedial approach which recognises members will make genuine mistakes and provides a learning and development approach aimed to

improve performance and align the member's behaviour with the organisation's principles. LMR should not merely default to the delivery of managerial guidance or chastisement as a tool to address behaviour. Rather, it should involve genuine engagement by a supervisor with the member, where a raft of management options is explored.¹⁵⁹

Corrective measures such as appropriate training, including by way of online learning products, are accessible to support Local Management Resolution. However, in practice, almost half of the matters resolved by Local Management Resolution involve a manager engaging in a private conversation with the officer about their behaviour, without further measures being used.¹⁶⁰

The fact that Local Management Resolution has taken place is recorded on the QPS member's employment and disciplinary history, along with any associated professional development strategy.¹⁶¹

USE OF LOCAL MANAGEMENT RESOLUTION FOR SERIOUS CONDUCT

Local Management Resolution is intended to be used to address minor errors such as a failure to check a court brief, a failure to update QPRIME records in accordance with QPS policy, or inappropriate use of a police vehicle. However, the Commission observed many examples of Local Management Resolution being used inappropriately, including in instances of sexism, misogyny and racism or cases of protracted bullying. The Commission also identified examples of Local Management Resolution being used where a police officer is alleged to have been the perpetrator of domestic and family violence.

Where allegations are made that a police officer has been the perpetrator of domestic and family violence, Protection Orders are often made in the courts without the need for findings of fact because, in many cases, orders are made by consent and without admissions. However, a robust conduct and complaints system should nonetheless ensure a full investigation is conducted into what are often serious allegations. A failure to do so represents a failure by the organisation to demonstrate consistent and appropriate responses to domestic and family violence that meet community standards.

The QPS data for the 10 year period from January 2012 to December 2021 demonstrates that over 70% of allegations that a police officer had perpetrated domestic and family violence were resolved by 'no further action'. In some cases, this was because:

- there was insufficient evidence to proceed
- an investigation was an unjustified use of resources
- the officer resigned or retired prior to any outcome.

Of the allegations that were assessed as having sufficient evidence to proceed, almost a third¹⁶² were resolved by way of Local Management Resolution.¹⁶³

Disciplinary files obtained from the QPS include an example of a Senior Constable who was a respondent in a Protection Order which named his wife as the aggrieved. During an episode of violence he punched a hole in a door in front of his wife and son. Although he admitted the conduct, he was dealt with by way of Local Management Resolution, which included being provided with guidance about ethical principles and the personal conduct expected of QPS members.¹⁶⁴

THE BELOW EXAMPLES OF THE ISSUES OF SYSTEMIC BULLYING, SEXISM AND MISOGYNY, RACISM, AND INADEQUATE RESPONSES TO DOMESTIC AND FAMILY VIOLENCE IN THE QUEENSLAND POLICE SERVICE WERE ALL RESOLVED THROUGH LOCAL MANAGEMENT RESOLUTION.

Sexual harassment of three female police officers by a **Senior Constable** over a **six month period**. Conduct included asking female colleagues if they enjoyed anal sex; stating **“I just wanted to watch you bend over”**; commenting that a female colleague’s “ass” looked like a pancake and she should let him help her by taking her to the gym to make it bigger; and taking photos of female officers and sharing them with friends without consent.

“I just wanted to watch you bend over”

“These lickers will never get a job in this office”

REPEATED/SYSTEMATIC BEHAVIOUR

“Would you like to lick their moot?”

Bullying and continual sexualised comments by an **Officer in Charge** over a period of **seven months**. Conduct included asking junior officers under his supervision **“would you like to lick their moot?”** when pointing at females, then hounding them for a response if they did not answer and creating a toxic work environment for his employees.

Inappropriate and sexist behaviour by a **Sergeant** over a **two year period**. Examples include stating “we need a hot little piece like [female employee name]” to attract males to the workplace and the Sergeant indicating that he undercharged a female because she was standing there **“with those big tits”**.

“Hot little piece”

Systemic bullying and repeated negative workplace behavior by an **Officer in Charge** over a **13-year period**. Conduct included:

- Yelling, making threats, swearing, openly criticising members, making inappropriate comments, referring to members by inappropriate names (such as fuck-head) and extending favoritism all of which created a working environment where discord and enmity flourished.
- Allowing sexist material to be displayed including an image of a female in swimwear titled “Tap and Go” and allowing five magnets of females in lingerie on the work fridge.
- Sending pornographic images to officers in the station.
- Stating **“these lickers will never get a job in this office”** in respect of two female job applicants.
- Racist behavior such as referring to an officer as **“Osama”** or **“Towel Head”** and allowing mock certificates for completion of **“Al Qaeda Car Bombing”** course, **“Covert Al Qaeda Operative”** course and **“Suicide Jacket Making”** course to be displayed on the work notice board.

“My lovely”

Repeated sexual harassment by a **Sergeant** in the position of **shift supervisor** of **three junior female officers** under his supervision over a period of **at least 10 months**. Conduct included stretching his groin in front of one of the women while groaning; putting his hand on top of hers to move a computer mouse, telling her she had nice “pins”, and singing to her **“oh [female employee name] you’re so fine you blow my mind”**; sitting overly close to another female officer, including on her desk, and finding reasons for them to be alone at the station by changing taskings. He sent a text message about a female officer stating, **“is it obvious I think she is breathtaking”**.

Repeated sexual harassment of a female **First Year Constable** by a **Senior Constable**. On her **first day** at the new station the more senior officer asked for her phone number and from that point sent her daily messages and referred to her using pet names such as **“love”, “darling”, “my lovely”, and “babe”**. The behavior culminated in the Senior Constable inviting her to massage him.

“You’re so fine you blow my mind”

A **Senior Constable** using terms including **“dog”, “snake”, “cunt”, “gay”** and **“fuck knuckles”** to **bully** colleagues.

“Dog”

“Vagina-whisperer” Deputy Commissioner describing a gynecologist while delivering the opening remarks at a leadership conference, on behalf of the Police Commissioner.

“I’m not trying to be a creep or anything, but I really like what you’ve got going on here.” A male officer moving his arms and hands around in a waving motion towards a female employee.

“She is nothing but a cunt, and if she doesn’t give me a relieving role, I am going to punch her in the cunt.” Senior Constable about his female Officer in Charge.

SEXISM AND MISOGYNY

“Did she shut her legs on you?” Acting Chief Superintendent at a Senior Leaders Conference, shouted out to the Master of Ceremonies who had a visible injury to his face and had in just referenced a rough promotional process.

Inappropriate and offensive comments made by a Senior Constable while responding to a domestic and family violence matter, which included telling the male respondent **“we don’t just come and start believing the bitches”** in response to the respondent claiming his assault was justified because of the women’s behaviour, the male officer stated **“that’s exactly right, fucken oath”**.

Inappropriate behavior towards a female victim in a domestic and family violence matter by a Senior Constable on two occasions. Conduct included the police officer telling the domestic and family violence victim that he was **“a bad boy and probably shouldn’t be a police officer”** and that she was **“too good looking to be dealing with the breaches”**. On a later date the officer sent texts to the victim in relation to the breach investigation, including one text which said that they should **“hook up soon”**.

POOR RESPONSES TO DOMESTIC AND FAMILY VIOLENCE

“Too good looking to be dealing with the breaches”

“We don’t just come and start believing the bitches”

“Fucking dumb slut” A male officer, who attended a domestic and family violence call for service, can be heard to call the woman a **“fucking dumb slut”** on his body-worn camera.

“She’s a psycho. Why would you want to go there anyway?” A Senior Constable to a male respondent in a domestic and family violence matter when serving a Police Protection Notice. The officer also told the respondent that he would look after him.

“Smelly old dugong”. Senior Sergeant in reference to female Aboriginal officer to a more junior female officer of Aboriginal heritage and in front of a group of officers in the station meal room.

A non-Indigenous Senior Constable officer conducted an Acknowledgement of Country to an Indigenous support organisation. He used a mocking ‘First Nations’ accent.

“If it wasn’t for me, you’d still be driving a taxi”

Racist Facebook posts made by a Senior Constable including:

- Posting a picture of a dark-skinned baby sleeping with their arms positioned behind them captioned **“How cute! Baby dreaming about being arrested like his father”**.
- Posting a video of a naked Aboriginal woman captioned **“somebody just fucked my day up so I’m gonna do the same for you”**.

RACISM

“The boong car” A junior officer referring to a police vehicle painted with First Nations artwork.

“Coons” and **“the black ones”**. A Sergeant working in the watchhouse referring to First Nations prisoners and Sudanese prisoners.

Systematic bullying of **10 Police Liaison Officers** by the **Officer in Charge of the Cross Cultural Liaison Office**. Conduct included yelling, swearing, belittling staff and threatening three Police Liaison Officers over the security of their jobs, stating he would fire them, cause them to lose their job or be sacked and in relation to one officer stating **“I got you your job”** and **“if it wasn’t for me, you’d still be driving a taxi”**.

NO IMPEDIMENT TO PROMOTION

The Commission identified further issues in relation to the extent that Local Management Resolution is considered during promotion.

Although the outcome of Local Management Resolution is recorded on an officer's employment and disciplinary history, the conduct which prompted the Local Management Resolution may not be adequately considered during any subsequent promotional process.

Consideration of Local Management Resolution action, or indeed any disciplinary history, is at the delegate's discretion during vetting for promotion. As Local Management Resolution does not involve a full investigation or substantiation of any allegations, there may be limited information available to the delegate about the behaviour that led to the complaint.

As noted earlier in this Report, a then-acting Chief Superintendent was promoted approximately a month after receiving Local Management Resolution for a public display of sexism at a QPS senior leadership conference in early 2022. A promotion in such circumstances has consequences for the wider culture of the organisation. Promoting an officer shortly after a display of sexism or misogyny reinforces the perception that the organisation does not take sexism and misogyny seriously and may further discourage complainants from coming forward to report poor behaviour.

The Commission received many submissions from QPS members expressing disappointment about the handling of the acting Chief Superintendent's matter, particularly his subsequent promotion. It is clear that there is a perception among the QPS membership that the complaints system is not effective or fair. Members feel disillusioned when they hear about the promotion of senior officers who they feel are undeserving because of their conduct. One QPS member, expressing a view heard by the Commission many times, said:

Commissioned officers are generally not disciplined when they do something intentionally wrong. It is known that Commissioned officers will not discipline their own. If any type of discipline is given, it is in the form of Local Managerial Resolution, as you have found with [the Deputy Commissioner] and [Chief Superintendent]. When the QPS Commissioner says they were dealt with by LMR, that means nothing happened. As evidenced when [the then acting Chief Superintendent] was promoted shortly after.¹⁶⁵

Another QPS member, again expressing a view heard many times by the Commission, said:

When you constantly see poor performance and bad behaviour rewarded, and watch hard working genuine people, who are excellent at the job get pushed aside, you just get disillusioned with the entire system...¹⁶⁶

These, and other submissions which expressed similar views, demonstrate a lack of trust in, and a view of the ineffectiveness of, the conduct and complaints system among QPS members.

A BROKEN SYSTEM

When Local Management Resolution is used to deal with conduct arising from sexism, misogyny, racism, or an allegation that a police officer has perpetrated domestic and family violence, the conduct and complaints system fails the parties involved, the membership as a whole, and the community.

Local Management Resolution does not require the manager to conduct a full investigation into the conduct which is the subject of complaint. In cases of sexist, misogynistic and racist conduct, an outcome of Local Management Resolution represents a failure to appreciate the gravity of the matter and conduct a proper investigation.

A failure to adequately deal with serious complaints discourages officers from reporting the cultural issues that permeate the QPS. Where such conduct is dealt with in an informal way, the organisation sends a message to its membership that the matter is not taken seriously. Where the offender is subsequently given a promotion or relieving duties, then the message is clear – this type of behaviour will not impede career progression in any discernible manner.

In this way, the conduct and complaints system fails to address sexism, misogyny and racism, or other serious conduct dealt with by Local Management Resolution. By demonstrating a tolerance for inappropriate or unacceptable conduct, the organisation creates the conditions in which such cultural issues can flourish.

The QPS recognises Local Management Resolution has been overused. The Police Commissioner accepts that the Local Management Resolution system is “*broken*”.¹⁶⁷

In a Commission hearing on 5 and 6 October 2022, the Police Commissioner was taken to a number of the examples of conduct involving sexism, misogyny and racism that had been dealt with by way of Local Management Resolution. She acknowledged this was inappropriate and resulted in a failure to make it clear to the organisation that such conduct would not be tolerated.¹⁶⁸ She continued:

But it's not just that. It's also that the offender has not been dealt with appropriately. But in LMR it's currently difficult for me to find how the victim was supported as well.¹⁶⁹

The Police Commissioner agreed that female QPS members, and the organisation as a whole, are “*repeatedly let down*” when Local Management Resolution is used in such cases.¹⁷⁰ She agreed that sexist and misogynistic conduct should be “*called out and better dealt with*” than the use of Local Management Resolution permits.¹⁷¹

The Police Commissioner also agreed that dealing with this type of conduct by way of Local Management Resolution sends a message to women who are anxious about speaking out about sexist and misogynistic conduct that there is really no point because doing so will result in no consequence.¹⁷²

The negative consequences that flow when serious matters are not managed properly by the conduct and complaints system are considered in the next section.

CONSEQUENCES OF THE SYSTEM'S INEFFECTIVENESS

MISSED OPPORTUNITIES TO IMPROVE THE ORGANISATION'S CULTURE

The Commission heard repeated concerns from QPS members about the current conduct and complaints system being used by the organisation to “sweep matters under the carpet”¹⁷³ instead of calling out behaviour which is contrary to community or QPS standards.

A female police officer subjected to systemic bullying by her supervising Sergeant over a protracted period told the Commission about her experience of discovering the matter had been dealt with by way of Local Management Resolution:

Despite the investigation being conducted, it was clear that the result of the complaint was “*written off.*” I received a letter advising that the complaint had been finalised but I was never informed of the outcome. I have heard that my boss and the OIC who were the subject of the complaint joking and boasting about “*only getting an OLP [online learning product] out of it.*”¹⁷⁴

The following case study provides another example of the conduct and complaints system resulting in an inadequate outcome which is unlikely to improve the organisation's culture:

CASE STUDY: REWARDING POOR BEHAVIOUR

The CCC sought review by the Queensland Civil and Administrative Tribunal (QCAT) of a decision made in July 2021 by a prescribed officer of the QPS Office of State Discipline, on the basis that the sanctions were inadequate, failed to meet the need for deterrence, did not reflect the seriousness of the conduct and did not meet the purpose of discipline proceedings. The substantiated misconduct of the subject member, a Senior Constable, included wilfully and repeatedly following, watching and harassing a junior female officer with whom he had previously been in an intimate partner relationship, and of accessing official and confidential information in connection with the female officer without authority.

The Senior Constable was also charged criminally with unlawful stalking, which was discontinued and a restraining order put in place, and two counts of computer hacking for which the officer pleaded guilty and was fined with a conviction not recorded.

The sanction imposed as part of the Abbreviated Discipline Proceeding was demotion from Senior Constable 2.5 to Constable 1.6 for a period of six months, to be suspended after three months subject to no further misconduct being substantiated during the period of demotion, and the completion of two training products related to professional practice and ethics.

While the Senior Constable had no relevant misconduct history and he did not contest the substantiation of the allegations, the CCC submitted the conduct of the officer demonstrated lack of judgement and restraint, misuse of agency resources and displayed grave on and off-duty conduct, including criminal acts.

The Senior Constable acted in direct contravention of training, experience, QPS policies and procedures and the direction of a superior officer. He continued to contact the female officer, on the same day, after being told by an Inspector he was not to do so under any circumstances. Further, the Senior Constable's unauthorised access of QPS information in connection with the female officer commenced more than two years prior to the relationship ending, suggesting unlawful surveillance of her from the outset. The discipline file notes the Senior Constable was aware of the impact of his behaviour and that his conduct was improper and unacceptable to the QPS but he appeared unable to stop himself. The conduct only ceased upon a formal police response to a Triple Zero call by the female officer, which resulted in the Senior Constable being detained and charged.

Since the imposition of the discipline sanction, the Senior Constable has been given relieving opportunities at Sergeant level, placing him in a position of greater responsibility and where he has provided direct supervision and mentorship of junior officers.

QCAT's decision remains pending.¹⁷⁵

Failing to hold police officers who engage in serious misconduct accountable in a meaningful way amounts to missed opportunities for the QPS to set the ethical tone for the organisation by reinforcing professional behaviours and admonishing unacceptable behaviours. The importance of imposing adequate sanctions cannot be underestimated.

NO BEHAVIOURAL CHANGE

The current conduct and complaints system also does not necessarily lead to individual behavioural change, particularly given the prevalent use of Local Management Resolution. As one QPS member told the Commission:

...one thing that I find with respect to these types of things that occur is that there's no consequence for these officers. They conduct themselves in this way, and regardless of whether a shift supervisor speaks to them in relation to their behaviour and how they may be able to do things better in the future, whether it is escalated to the officer in charge and that officer speaks to them, there's no behaviour change with these people.¹⁷⁶

The Police Commissioner agreed that when Local Management Resolution is used for serious conduct, there is a risk that behavioural change will not occur.

She said, of sexist and misogynistic conduct dealt with by way of Local Management Resolution:

When it's not dealt with appropriately it almost gives people like this permission to act the way they do.¹⁷⁷

The Commission received a number of submissions from QPS members who raised concerns with the ineffectiveness of the conduct and complaints system in creating behavioural change. One QPS member said:

The issue of culture that I want to speak about is the "discipline system". I as a low level police officer with 20 years experience see how this system affects the "subordinates". When you see someone who has been under investigation multiple times, or have heard the rumours, then you become very disgruntled with the whole system. You start to feel that the best way to get promoted is to stuff up. The QPS does not seem to deal with the problem, they move it, or promote it.¹⁷⁸

Local Management Resolution is particularly ineffective when poor behaviour is the result of entrenched cultural attitudes held by officers. This is demonstrated by the number of police officers who were the subject of several complaints, each separately finalised by Local Management Resolution. The following case study highlights this issue:

CASE STUDY: REPEAT USE OF LOCAL MANAGEMENT RESOLUTION FOR DOMESTIC AND FAMILY VIOLENCE RELATED ALLEGATIONS

The Commission undertook a manual analysis of data and additional material requested from the QPS¹⁷⁹ in relation to officers who had accumulated more than one complaint across a 10 year period from 1 November 2012 to 31 December 2021 involving allegations associated with domestic and family violence.

After this initial assessment, the Commission conducted a detailed examination of all events associated with officers who accumulated three or more complaints, as this reflected a strong measure of their behaviour, and the QPS response to their behaviour over time.

In total, there were 24 individuals over the 10 year period who accumulated three or more separate complaints involving at least one failure of duty allegation or one member involved domestic and family violence allegation. Of these 24, almost 30% (seven individuals) accumulated complaints over the period involving both failure of duty allegations and domestic and family violence related allegations.

Of the 24 officers who accumulated more than three complaints over the 10 year timeframe, one third (eight individuals) recorded at least one Local Management Resolution in response to a domestic and family violence related allegation. In all but one of these eight cases (or 88%), the individual accumulated an additional complaint involving a domestic and family violence related allegation after receiving their Local Management Resolution outcome.

The subsequent domestic and family violence related allegations for five of these seven (or 71%) individuals were either assessed as having sufficient evidence to proceed (three officers) or resolved again using Local Management Resolution (two officers). For these five individuals, the average time between their first Local Management Resolution outcome and their next complaint involving domestic and family violence was under one year.

This analysis confirms concerns about the ineffectiveness of Local Management Resolution as a driver of behavioural change, even over a short timeframe. The assessment of these cases demonstrates that Local Management Resolution did not achieve its goal as described in the QPS Complaint Resolution Guidelines: “[t]he intention of resolving disciplinary complaints through LMR is to provide a remedial approach to improve the conduct of members as an outcome to a complaint”.¹⁸⁰

It also highlights the need to consider the appropriateness of any use and reuse of Local Management Resolution for individuals who attract multiple allegations of the same conduct, particularly given the intended use of this approach as outlined within the QPS Complaint Resolution Guidelines:

...conduct which is appropriate to be addressed by Local Management Resolution (LMR) and is a ground for discipline other than misconduct (is minor in nature, unlikely to be repeated, is not part of an existing course of conduct, and is suited to expeditious LMR).¹⁸¹

While the Commission’s analysis focussed exclusively on allegations relating to domestic and family violence, it also identified problems with the use and reuse of Local Management Resolution in other categories of serious conduct repeated by individuals. Consistent with the QPS Complaint Resolution Guidelines,¹⁸² the Police Commissioner said in evidence that Local Management Resolution “*should never be applied twice, three, four times, and it should never be applied to ... serious matters. It was not brought in for that purpose*”.¹⁸³

The Senior Constable referred to earlier who was dealt with by way of Local Management Resolution for domestic and family violence toward his wife, is another example of its ineffectiveness in achieving behavioural change. Five months after his Professional Development Strategy was finalised, he used sexist language and threatened violence to a superior female police officer after she advised him that he had been unsuccessful in his application for relieving in a higher role.¹⁸⁴

The effectiveness of Local Management Resolution as an outcome is also undermined if it is administered in a way that normalises or fosters problematic attitudes, or where the importance or seriousness of that guidance is trivialised. An example of this was provided to the Commission in one of the very few complaint files that contained an electronic record of the Local Management Resolution conversation.¹⁸⁵

A Superintendent providing Local Management Resolution to another male Senior Constable who had sexually harassed a female constable over a four month period, including at times when he was her supervisor, showed familiarity with the officer he was investigating (they had previously worked together) and at times trivialised the process by various statements he made to the subject member, including:

Mate, I’m sorry to do this to you.

Just so you are aware it’s not a disciplinary matter at this stage, it’s just a management issue and I just want to talk through what I think we should be doing and some other stuff.

I am aware of a few things that have occurred, unfortunately the matter has gone above me.

I don’t want you to think that I am blaming you in any sense.¹⁸⁶

In this case, the use of Local Management Resolution as the appropriate outcome was approved on the basis that the Senior Constable had acknowledged the inappropriate nature of this conduct. However, in fact, the Senior Constable minimised and denied his conduct throughout the Local Management Resolution process. The recording demonstrates he made the following minimising statements:

I can see where she has misconstrued it.

I can see how she has read it as being inappropriate but that wasn’t its intention.

It was a joke.¹⁸⁷

Two weeks after this conversation, the Senior Constable was advised by his Assistant Commissioner that:

I am satisfied that this complaint has been adequately addressed through managerial process. No further action will be taken in relation to the complaint and no adverse inference will be placed on your personal file.¹⁸⁸

Despite the Local Management Resolution being acknowledged as appropriate, there was no understanding or ownership by the Senior Constable of the seriousness of his behaviour and accordingly, Local Management Resolution is likely to have had limited impact on the attitudes and values that underpinned his behaviour.

Ultimately the only person who suffered a consequence was the junior female officer, and she resigned two years later. Her separation letter indicated the primary reason for her resignation was the inappropriate resolution of the Senior Constable’s harassment, and the bullying inflicted on her by other officers after she had made her complaint.

Her letter informed the organisation that:

After being sexually harassed, I was then ignored and intimidated, ostracised, spoken badly about and punished for speaking up.... My workplace was never the same. I had various male colleagues ignore me and deliberately not include me in discussions or in social events like morning coffee. The level of distrust was soul destroying and it destroyed my career. I could not rectify it. I often wonder how these colleagues would react if their wives or daughters were unfairly victimised like this in a workplace on top of being sexually harassed.¹⁸⁹

Six months later, the Superintendent who conducted the Local Management Resolution was himself the subject of discipline, also resolved by Local Management Resolution, for passing a note with the word “loose” written on it to another panel member when he was the convenor of a job interview panel, in reference to a female interviewee.¹⁹⁰

THE LEADERSHIP’S CONTRIBUTION TO THE INEFFECTIVE SYSTEM

Following the Fitzgerald Report the link between professional practice and leadership and the importance of authenticity in police conduct and complaints systems was confirmed by researchers. The *Report on the Service Delivery and Performance Management Review of the Queensland Police Service* (2008) cited research which found:

An effective supervisor who can detect potential poor conduct or disciplinary issues and, through good leadership and formal and informal management techniques can “turn them around” will provide a greater benefit to an organisation, the individual and the community than the most rigorous application of disciplinary processes.¹⁹¹

After being presented with the evidence of the use of Local Management Resolution in cases involving sexism, misogyny and racism, the Police Commissioner gave evidence that “*the whole process around LMR [gave her] concern*”¹⁹² and accepted that the Local Management Resolution system was “*broken*”.¹⁹³ Despite this acceptance, the Police Commissioner did not take responsibility for the poor health of the QPS complaints management and discipline system. Rather, she sought to attribute the inappropriate use of Local Management Resolution to:

- an inconsistent application of the system in districts¹⁹⁴
- limited training over the past three years on how Local Management Resolution should be utilised¹⁹⁵
- difficulties in oversight “*because at the moment it is a manual system*”.¹⁹⁶

The Police Commissioner told the Commission:

The LMR system as it currently stands is looked at at Ethical Standards when complaints come in. It goes out into the districts, and since the legislation has come in three years ago very little training because of many reasons—...So what we find is – and just recently because they have to pull the data manually – is extraordinary inconsistency how it’s applied but inappropriately applied, and that’s what’s occurring here.¹⁹⁷

The Commission does not consider that the blame for the failing of the Local Management Resolution system lies squarely at the feet of the districts or results from limited training. Rather, both the ESC and the Police Commissioner, as the leader of the organisation, have played a role in that failure.

ROLE OF THE ESC

Following the Police Commissioner’s acceptance that the Local Management Resolution system was broken, the Commission received correspondence from Assistant Commissioner Cheryl Scanlon of the ESC, to advise amendments to the current system had been approved. Specifically, she noted the QPS had approved a “*...temporary central Case Manager (Superintendent level and support staff) to determine complaints involving allegations of sexist, misogynistic, racist and/or homophobic behaviour.*” The letter also announced centralised oversight and control of decision-making in assessing the suitability of outcomes and sanctions, including Local Management Resolution.

However, as the command responsible for discipline, professional practice and ethical health, the ESC already assumes an influential role in how Local Management Resolution is applied and promoted. The Police Commissioner’s evidence, coupled with the recently approved amendments, inaccurately downplays the ESC’s current influence on Local Management Resolution.

ESC officers, including Professional Practice Managers, have an integral role at many decision points when resolving matters by Local Management Resolution, through consultation, approval, overview or review.¹⁹⁸ Consequently the influence of the ESC in the Local Management Resolution process extends beyond an initial assessment.

An example of the influence of the ESC was referred to the Police Commissioner during evidence on 6 October 2022. The Police Commissioner acknowledged the inappropriate use of Local Management Resolution for an Officer in Charge who had engaged in repeated bullying and negative workplace behaviour toward nine complainants over a 13 year period.¹⁹⁹

The complaint files for this case demonstrate that the decision to resolve the matter by Local Management Resolution was reviewed at the highest levels of the ESC, that is by the Assistant Commissioner. The original outcome decision was recommended by a Senior Sergeant Professional Practice Manager from the ESC and approved by the Superintendent District Officer.

One of the officers impacted by the conduct of the Officer in Charge challenged the adequacy of the outcome. The decision to impose the Local Management Resolution was reviewed by the Assistant Commissioner of the ESC who confirmed it was an appropriate response to such behaviour and that it upheld the remedial and restorative principles of the QPS discipline system.

The letter advising the outcome of the review of the Local Management Resolution in that case provided:

Having had the investigation reviewed, I am satisfied that the investigation was complete with the recommendations supported by facts established from the investigations. I am also satisfied that the approach of applying a management response to treating the behaviours is consistent with the requirements of the *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019*.²⁰⁰

ROLE OF THE POLICE COMMISSIONER

The legislative reform which formalised the Local Management Resolution process occurred in October 2019, approximately three months after the current Police Commissioner assumed her role. It is not suggested that the failings of the Local Management Resolution system are attributed solely to the Police Commissioner. However, given that the system came into effect during her tenure, the Police Commissioner, as the head of the organisation, has had significant influence over the implementation and practical expression of the legislative reform, including the delivery of sufficient training on the new system.

The Police Commissioner sets the ethical tone for the QPS leadership, establishing formally and symbolically the standards of behaviour that are tolerated by the organisation, and dictates the organisational direction of the QPS.

The Police Commissioner's handling of the complaint about a Deputy Commissioner's sexist comment was a missed opportunity to set the ethical tone of the organisation. As discussed in Chapter 7, a Deputy Commissioner made a sexist comment about a "vagina whisperer" during a leadership conference in 2022 which the Police Commissioner subsequently addressed by way of Local Management Resolution.²⁰¹ The Police Commissioner accepted that she received advice on several different measures that could have been added to the Local Management Resolution. These additional options included the imposition of a period of supervision, a requirement that the Deputy Commissioner prepare a paper in respect of the Code of Conduct and impact of this behaviour on others, or an apology to the audience.²⁰²

These measures would have gone some way to addressing the public sexist comments by the Deputy Commissioner and restoring confidence in the QPS values and professional standards. Despite this, the Police Commissioner decided to impose a Local Management Resolution that consisted of only a private conversation, of which there is no audio recording.²⁰³

The briefing note which set out the various options for dealing with the matter also identified the following issue for the Police Commissioner's consideration:

The issue may receive negative media coverage and has the potential to cause significant reputational harm.²⁰⁴

The Police Commissioner denied in evidence that a concern about negative media reporting influenced her decision to deal with the matter only by way of a private conversation with the Deputy Commissioner without taking further action such as requiring a public apology.²⁰⁵ Rather, she said she dealt with the matter in that way because she was aware of another pending but unrelated disciplinary matter which she thought would be likely to involve "a lot harsher consequences" for the Deputy Commissioner.²⁰⁶

The Commission considers that, if the reason the Police Commissioner did not act was because it was likely that some other (unrelated) conduct which was also unacceptable would be established against the Deputy Commissioner in the future, the Police Commissioner's lack of action in those circumstances did not embody good leadership. The QPS has been reminded about the importance of these principles previously:

If disciplinary and police complaints outcomes are not timely or fair, then public confidence is likely to be adversely affected.²⁰⁷

The identification and rectification of inappropriate behaviour by leaders is critical.

During her evidence, the Police Commissioner also demonstrated a lack of understanding about the principles and practices of the conduct and complaints system, including Local Management Resolution processes.²⁰⁸

The Police Commissioner's lack of knowledge was demonstrated by her following response to questioning about the ESC's role in assessing matters for Local Management Resolution:

"[it has] only been brought to my attention properly in the last week through going through [the material provided by the Commission] and understanding how Ethical Standards assesses and sends LMRs to the regions and the districts to deal with these; that when I look at these they should not be LMRs".²⁰⁹

The Police Commissioner's evidence inaccurately downplayed the ESC's influence on Local Management Resolution, the most frequently applied outcome of the conduct and complaints system. As discussed above, as the command responsible for discipline, professional practice and ethical health, the ESC assumes an influential role in the application and promotion of Local Management Resolution.

Evidence before the Commission further challenged the characterisation of the overreliance on Local Management Resolution as an unintended consequence of the 2019 amendments and the associated limited training or oversight.

It is concerning that it took appearances before a Commission of Inquiry for the leader of the QPS to gain a full understanding of how the Local Management Resolution processes within the conduct and complaints system work.

The Commission also notes that the Police Commissioner is, by legislation, contract and strategic planning, responsible for promoting a professional organisation characterised by ethical conduct. Her lack of understanding of her organisation's complaint system in circumstances where the system is supposed to monitor and control the ethical health of the membership reflects poorly on her leadership.

INEFFECTIVENESS OF COMPLAINT INVESTIGATIONS

The Commission accepts that many investigations of police by police are conducted in accordance with the QPS Complaint Resolution Guidelines and completed to a high standard. However, the relatively low proportion²¹⁰ of investigations conducted and the familiarity that can exist between the investigator and the subject member generates concerns about the adequacy of internal complaint investigations.

As previously identified, in respect of allegations of police perpetration of domestic and family violence, the proportion of complaint matters assigned for investigation are relatively low, with almost three quarters of these matters being resolved after an initial assessment.²¹¹

On review of the complaint files provided by the QPS, the Commission observed occasions where complaint matters were unable to be progressed due to the lack of corroborating evidence, in particular the availability of body worn camera footage. As identified in the 1989 Fitzgerald Report:

Some of the procedures adopted have been amazing; for example, disclosing the material available to suspected police officers prior to interrogation and seeking and acting on reports from sections which are the subject of complaint or allegation. Regularly, no more has been required as a basis for a finding in favour of a police officer than his denial of the case against him, which was seen to put one word against another and therefore make the allegation unsustainable, a proposition so absurd as to be risible. On other occasions, nothing was done because of a claimed perception that the witnesses against the police officer would not be considered sufficiently reliable.²¹²

During the public hearing of 6 October 2022, the Police Commissioner accepted that complaints which may be characterised as one person's word against another are almost invariably not substantiated. The following exchange occurred between the Police Commissioner and her Counsel:

Mr Hunter:

*...[D]o you accept that the way the discipline system works at the moment, that **where it's word on word that the result is inevitably or almost inevitably that the complaint is not substantiated?***

Police Commissioner:

It would appear that way and, as I said, that's difficult. I would like someone to probably come up with a better way of, you know, doing that one issue. It's very difficult.²¹³

This evidence, that complaints which involve one officer's word against another are almost inevitably not substantiated, highlights a deficiency in the current conduct and complaints system. Investigations which stall on the basis that the complaint involves one officer's word against another are inadequate. In the criminal jurisdiction, where complaints must be proven to a much higher standard than is required by the QPS conduct and complaints system, convictions are regularly obtained even in circumstances where the case can be described as involving word against word. In this way, the failure of investigations for lack of corroborating evidence where the standard of proof is the 'balance of probabilities' is further demonstration of an ineffective conduct and complaints system.

The Commission received several submissions from QPS members who raised dissatisfaction with the seriousness with which investigations are undertaken by the organisation. One QPS member said:

Focus is not on what occurred but what the QPS feels will be perceived and the image that will have on "the reputation" of the service without consideration of the officers involved.

There appears to be arrangements made behind closed doors as to what will happen and how it will happen.

Sufficiency of evidence in internal investigations is of a poor standard and then bullying, coercion and threats are made to "play the game" and do as you are told – "or else".²¹⁴

The concerns expressed to the Commission about complaints not being taken seriously and investigated thoroughly are evidently shared by a sizeable cohort of the organisation. The 2021 Working for Queensland survey, which was completed by 11,029 members, showed only 50% of the membership feels confident that if they raise a complaint, it will be taken seriously. This result is six points lower than across the Queensland public sector generally. The full range of results to that question are as follows:

Question	Distribution	vs 2020	vs Qld public sector	Response scale		
				FAVOURABLE	NEUTRAL	UNFAVOURABLE
Q32f. If I raised a complaint, I feel confident that it would be taken seriously		-2	-6	POSITIVE	NEUTRAL	NEGATIVE
				Agree Strongly agree	Neither agree nor disagree	Disagree Strongly disagree

This lack of confidence in the system may have many causes, but it is likely that at least one of them is the inadequacy of investigations that result in so many matters being unsubstantiated if they are assessed as word against word complaints. Such outcomes send a message to the membership that complaints are not taken seriously.

ACCESSIBLE, RESPONSIVE AND TRANSPARENT

Police conduct and complaints systems must be accessible and responsive to the needs of complainants, be straightforward, transparent and open to review, and be timely. The Commission was made aware of the flaws in the current system, relating directly to these criteria, by victim-survivors, organisations, experts and QPS members. Generally, the Commission was advised that the current system is:

- not accessible
- not responsive enough
- not sufficiently transparent, particularly given the lack of engagement with complainants.

A lack of communication about the progress of complaints gives the impression that the system is not accessible, responsive or transparent. Many victim-survivors have experienced this lack of communication. For example, a client of WWILD spoke of the lack of communication from police in relation to complaints:

I've made complaints and nothing happens. They should follow up the complaint. They don't tell you anything. Once you make the complaint you get cut out. They don't tell you what's happening. They should let the person know what's going on.²¹⁵

Additionally, WWILD told the Commission that many of their clients have said they felt their complaints about police were not listened to and were not taken seriously. The WWILD submission stated:

A client made a complaint directly to the police and a Senior Constable came out to the client's mother's house to speak to them. The Constable was "very intimidating and judgmental".²¹⁶

In a similar vein, Micah Projects told the Commission that even the organisations that support victim-survivors sometimes find it hard to navigate the conduct and complaints system.

The Micah Projects submission said:

As specialist DFV workers we can find it difficult to question police and be confident to raise complaints. Imagine then how hard this can be for women subject to DFV. Police can be defensive and limited in their willingness to reflect critically on police actions.²¹⁷

Organisations stressed that an accessible, responsive, and transparent conduct and complaints system is essential. As Brisbane Youth Service put it:

There is a need for QPS to have a robust, transparent, easily accessible and independent complaints handling process...people need recourse to be able to file complaints against police conduct and responses.²¹⁸

THE SYSTEM IS NOT ACCESSIBLE

Many factors influence a person's decision to make a complaint, including the seriousness of the allegation, self-confidence, confidence in the police and the complaints system, an awareness of the relevant procedures, and the availability of support during the process.²¹⁹

The Commission heard from members of the public that reasons for not making a complaint about police officers varied from confusion about the process to a lack of confidence in the police conduct and complaints system.

Some submissions to the Commission revealed that community members are confused about how and where a complaint about a police officer can be made.²²⁰ For example, Ms Hayley Grainger, Principal Lawyer of the North Queensland Women's Legal Service, gave evidence that many "*clients did not know they could make a complaint about their interactions with police*".²²¹

For others, while they knew they could make a complaint, many do not trust the system to protect them or to act. This is particularly the case for those who have a longstanding distrust of police, or those who may be reluctant to complain because they are in a personal relationship with an officer.

Dr Michael Maguire CBE, former Ombudsman of the Police Ombudsman of Northern Ireland (PONI), explained to the Commission that it is important that a police conduct and complaints system is generally accessible, but particularly for people from marginalised communities.

He said:

You want to make the complaints process accessible, particularly to those from marginalised communities who may distrust government generally, the criminal justice system generally and policing in particular.²²²

Part 4 of this Report identified that the relationship between police and First Nations peoples can be plagued by historical and contemporary police violence and intimidation. It is particularly important that the police conduct and complaints system is accessible to First Nations peoples. An officer who resigned from the QPS in 2022, after 26 years of service stated in his letter of separation from the QPS that:

I no longer feel that the QPS affords a working environment that is 'culturally safe' for me, to bring my true, authentic self to work as a recognised indigenous person and POC [Person of Colour].

Whilst my experiences, have accumulated over the course of my service, there has always been a genuine sense of fear and reprisal by coming forward and speaking up about my experiences of racism. The fear existed as the QPS has never established a culturally appropriate and culturally sensitive area (or Unit) to support members coming forward to report instances. Existing reporting measures (ESC) only causes fear, anxiety, and trauma for indigenous people and POC. How does an indigenous person or POC feel confident coming forward to report racism, when there is a high probability that the senior assessment/investigating officer will be white? Where is there fairness if the member taking the complaint has no context or understanding of racism, particularly from a member who is already marginalised by being indigenous or POC.²²³

Other marginalised groups, or groups whose members may distrust police, are also unlikely to feel confident or comfortable about making a complaint about a police officer to the organisation itself. The Brisbane Youth Service told the Commission about the experience of one of their young clients:

[O]ne young woman who wanted to make a complaint against an officer after she felt she had an inadequate response to a DFV incident. She was encouraged by another community domestic violence support service to contact her local Member of Parliament as that was the only method the service had which had led to a transparent outcome.²²⁴

Research has also identified additional barriers faced by people experiencing domestic and family violence when making a complaint about police. These include:

- a fear of repercussions (such as a reduced likelihood of receiving police assistance in the future)
- a perception that it is pointless to make a complaint
- being too overwhelmed or stressed to make a complaint.²²⁵

The Commission conducted a survey of victim-survivors which revealed that 44% were unsatisfied or partially unsatisfied with police action in their matter and considered making a complaint against police. However, only 29% of those participants who considered making a complaint against police actually did so.²²⁶

The Commission heard that the current conduct and complaints system is inaccessible even for QPS members. This is largely due to the culture of fear and silence in the organisation which tends to discourage QPS members from making a complaint. The culture of fear and silence, and the effect it has on the willingness of many QPS members to make a complaint, is considered in Parts 1, 3 and 4 of this Report.

In addition to the culture of fear and silence that discourages officers from reporting misconduct, the Commission heard examples of officers who raised concerns about the conduct of other officers becoming the subject of complaints themselves. The following case study is an example of that issue:

CASE STUDY: COMPLAINTS AGAINST SUSAN FORTE AND CATHERINE NIELSEN

In April 2021, an inquest began into the shooting deaths of Senior Constable Brett Forte and offender Ricky Maddison on 29 and 30 May 2017 respectively. During the inquest, Brett Forte's widow, Senior Constable Susan Forte, challenged, through her Counsel, some of the evidence given by police officers about the circumstances leading up to her husband's death, and a formal direction was given to her to provide all relevant information to the Court that was not already in evidence. Senior Constable Susan Forte provided an affidavit. Brett Forte's police partner Senior Constable Nielsen, who was in the car with him when he was shot, was a witness at the hearing and during her evidence also raised some matters of concern for consideration by the coroner.

As a result of the matters outlined in Senior Constable Susan Forte's affidavit and the evidence given by Senior Constable Catherine Nielsen, a Senior Sergeant ESC investigator made a complaint against both officers for failing to report misconduct and a criminal charge of perjury.²²⁷ Both women were victims of serious criminal offending and were entitled to be treated accordingly. Further, the complaint was made while the inquest was still in progress and no findings had been made. In the Commission's view, it was ill advised for the complaints to have been brought against either woman in these circumstances.²²⁸

The ESC investigated the perjury allegations and found there was insufficient evidence, additionally noting that it was *"important to understand that both Catherine Nielsen and Susan Forte are affected persons and victims of crime"*.²²⁹ With respect to the disciplinary investigation, the ESC found that *"the positive obligation to report this type of misconduct can result in the revictimisation of these members...and [was] not consistent with the principles of victim support"*.²³⁰

The report also noted that the *"reintegration of any officer returning to work after a critical incident, should be managed with an appropriate level of compassion, understanding and support. This is...in line with Qld Victim of Crime principal rights of being treated with respect, courtesy, compassion, dignity and considering victim needs"*.²³¹

Both officers should have been supported in raising reasonable concerns in the investigation, rather than being referred for poorly considered disciplinary proceedings.

Many QPS members expressed disquiet and sorrow at the organisation's treatment of Senior Constable Susan Forte and Senior Constable Catherine Nielsen, including in having complaints filed against them after raising their concerns at the inquest. There is a view that the filing of complaints of this kind has only added to the culture of fear of speaking up in the organisation.

THE SYSTEM IS NOT RESPONSIVE

The victim-survivor survey conducted by the Commission returned strong agreement with statements which reflected:

- a lack of confidence that the making of a complaint would make a difference
- concerns about the complaint not being treated seriously
- a perception that police would not help if a complaint was made.²³²

These themes were also seen in submissions received by the Commission from both victim-survivors and community organisations, with research further noting that:

To complain requires a certain degree of personal capability or power, a fact that can be seen to disadvantage some sections of society who may feel intimidated by the power and authority of the police.²³³

LACK OF TRANSPARENCY AS A RESULT OF FAILURES TO ENGAGE WITH THE COMPLAINANT

The Commission heard that complainants are more likely to be satisfied with outcomes when they are actively engaged in the complaint handling process. One community organisation said:

[Complaints] have ended positively for clients when, on a couple of occasion[s], officers or prosecutors have take[n] the time to meet face to face with clients and explain the reasons why certain decisions were made...

If the complaint handling process is to have value it must be widely known, easy to access, be perceived to be independent of the police members complained about, be timely and to achieve something for the person who has taken the time to [make] a complaint – even if this is just simply being heard.²³⁴

The Commission was advised that restorative justice practices such as apologies do occur informally from time to time, but it is difficult to establish how often this occurs as the QPS does not collect any data on the use of these practices, and there are no formal policies or processes in place with respect to mediated outcomes or apologies.²³⁵

Further, the Commission heard that while decision-makers within the Office of State Discipline can request that case officers obtain victim impact statements, whether they are obtained as a matter of course “*varies broadly*”.²³⁶

Consequently, complainants’ voices can become lost in the conduct and complaints system. In appropriate circumstances, the use of alternative dispute resolution processes such as independently facilitated conciliation conferences may help restore complainants’ voices throughout the process.

Restorative justice responses aimed at supporting officers to improve their performance also aligns with complainant expectations. Various surveys of complainants have shown that the majority do not want a sanction against the police officer. Rather, as Professor Tim Prenzler, Professor of Criminology in the School of Law and Society at the University of the Sunshine Coast, explained:

They’re looking for an apology, and in particular they’re looking for behavioural change... they want something done so that other people don’t have the same adverse experience from the same or another officer that they had...²³⁷

The Commission received many submissions²³⁸ that highlighted the importance of victim advocacy in allowing complainant experiences to be considered when determining outcomes. If the QPS fails to understand what complainants are seeking when they make a complaint, opportunities are lost to resolve matters promptly and with higher satisfaction rates for all involved. Further, the QPS acknowledged the need to improve communication about the progress and outcome of complaints.²³⁹

Many QPS members also told the Commission of their experiences of a lack of meaningful communication as their matter progressed through the conduct and complaints system. Some QPS members told the Commission that, having made a complaint, they did not hear anything about its progress. Others told the Commission that, after being advised a complaint had been made against them, they heard nothing further about the matter.

While the Commission observed outcome letters addressed to complainants on QPS discipline files, these letters were often brief and relatively uninformative.

The Police Ombudsman of Northern Island (PONI) is an example of an entity that communicates well with victims. As each complaint is finalised, PONI sends to the complainant a closure letter, setting out “*the nature of the complaint, the process of the investigation, and the findings and broad conclusions*”.²⁴⁰

The New Zealand Independent Police Complaints Authority (IPCA)’s use of Facilitated Resolutions – which involve a representative of IPCA acting as an independent mediator between complainants and police – provides another example of successfully integrating victim voices into the complaints process.

The Commission heard that many organisations supported the recommendation of the Women’s Safety and Justice Taskforce that the Queensland Government establish a victims’ commissioner to promote and protect the needs of victims at systemic and policy levels, including in making complaints.²⁴¹ This is considered in Part 6 of the Report.

LACK OF TRANSPARENCY IN DATA

The lack of transparency in the current system was also made clear to the Commission through the difficulties the QPS encountered in providing material from its disciplinary and complaints system in an accessible and streamlined way. For example, it was not easy to obtain an overview of a QPS member’s disciplinary history from the files provided by the QPS, which were often dense records. At times they consisted of numerous different files and hundreds of pages of documents, with no overview or summary of the member’s disciplinary history attached. In response to some requests the Commission was also told the relevant material had to be extracted manually.

If QPS data systems are not transparent, it is difficult for them to be used effectively to inform and drive strategic and operational decision-making²⁴² which, in turn, does not inspire public confidence.

These issues have been longstanding in Queensland.²⁴³

In 2008, the Service Delivery and Performance Commission (SDPC) recommended urgently addressing signs of ethical slippage by investigating its complaints information systems because of concerns about the loss of institutional memory regarding the Fitzgerald Inquiry.²⁴⁴

QPS advised the Commission that the current system, PIPS, was designed to address previous concerns about the validity and accessibility of data. However, the Commission is cautious as to whether this system will achieve its stated intent given the poor record of delivering reform in the QPS complaints system:

There is increasing support for the view that police services are reasonably adept at the formulation and publication of plans and strategies, but not so capable in achieving the implementation of them.²⁴⁵

The Commission also notes the *Queensland Police and Community Safety Review* (2013) which reiterated concerns about the integrity of QPS data for informing decision-making and the propensity of the QPS to suggest improvements were pending.²⁴⁶

Poor data integrity within the QPS also compromises attempts at early intervention in police misconduct.

The SDPC reinforced persistent concerns about the capacity of the QPS to prevent ‘gradual’ slides into misconduct and recommended that incidents of ‘low level’ misconduct represented a useful diagnostic tool for signifying more entrenched misconduct trends at individual or collective levels as an early warning mechanism.²⁴⁷

Theoretically, the capacity for existing complaints data to inform both proactive and reactive decision-making at strategic and operational levels is significant, given the volume of complaints policing attracts.²⁴⁸ However, the data must be clear and robust. The Commission makes a recommendation regarding this at the end of Chapter 19.

CONCLUSION

In response to the evidence of repeated inappropriate use of Local Management Resolution, the QPS submitted to the Commission that the current conduct and complaints system was relatively new and was still “*bedding down*”.²⁴⁹ The Queensland Police Union of Employees submitted that “*the current system is appropriate. No changes are required to it*”.²⁵⁰

In the Commission’s view, while the system may still be relatively new, there is clear evidence of over-use of Local Management Resolution for serious discipline and police misconduct matters. The fact that, in such a short time, Local Management Resolution has become the most common form of resolving complaints that progress beyond no further action suggests that leaving the conduct and complaints system in the hands of the organisation is not working.

The inappropriate use of Local Management Resolution demonstrates a number of significant shortcomings with the current conduct and complaints system. It adversely impacts the effectiveness of both complaint investigations and outcomes. It undermines public confidence in police professionalism and legitimacy. It also undermines the confidence of the QPS membership in the system.

The concerns raised about the inappropriate use of Local Management Resolution are exacerbated by the evidence given by the Police Commissioner that, in most cases where a complaint involves ‘word against word’, the complaint is unsubstantiated.

In the Commission’s view, the failings of the current conduct and complaints system are so great, and the risks that these failings may lead to the dismissal of serious misconduct matters within the QPS is so significant, that the only prudent way forward is to move to a civilian control model whereby the conduct and complaints system operates externally to the organisation.

It is clear that the current system does not instil community confidence in the QPS. It is also clear that it fails to engender confidence among the membership of the organisation. These are important matters. The damage done to the organisation by the significant problems of sexism, misogyny and racism cannot be improved under the present system. The culture of fear and silence cannot be combatted through the current approach.

The shift to an independent civilian control model and the resource investment it will require is significant. But the cost to the organisation and community of allowing the current system to continue is greater.

If the conduct and complaints system is to be the most independent, effective, transparent and accountable possible, bold change is needed. There is little sensible alternative at this point.

FINDINGS

- **The Queensland Police Service conduct and complaints system is not sufficiently independent, effective, fair, accessible, responsive, transparent or timely. It does not always manage complaints about police conduct in an appropriate way and does not inspire community or police confidence in the Queensland Police Service.**
- **The establishment of a civilian control model in Queensland is required to ensure that complaints about police will be handled in an independent and effective manner, which inspires community and police confidence.**

19 The Police Integrity Unit

A CALL FOR CHANGE

In response to the release of Professor Peter Coaldrake AO's review of the culture and accountability of Queensland's public sector, Premier Anastacia Palaszczuk stated she was seeking reforms that were "*bold, comprehensive and visionary*" and that, once implemented, they would make Queensland "*the most transparent and accountable government in Australia*".²⁵¹

The Commission heard significant evidence of a clear and compelling call for change in the approach taken to the management of police conduct and complaints. This included evidence about:

- confusion about where complaints against police should be made
- inappropriate devolution of discipline matters resulting in police investigating police and failing to meet community expectations of independence and transparency
- an inadequate system for the management of conflicts of interest
- a lack of oversight and monitoring of complaint handling
- fear of reprisal for reporting disciplinable conduct, for both members of the community and police
- discipline outcomes failing to adequately address or positively influence a change in members' behaviour
- failure to keep complainants informed, or engaged in a meaningful way, throughout the complaint process
- inadequate systems for recording and reporting on complaints
- missed opportunities for early intervention and the application of strategies to address a course of conduct
- discipline outcomes that fail to properly address the severity of the offending reported
- misconduct that is not sufficiently considered in promotional or relieving opportunities due to a failure to investigate complaints properly.

The Commission also received submissions that highlighted the need to change the approach to the police conduct and complaints system in Queensland. Community-based organisations and those advocating for victim-survivors, communicated a clear need for:

- a new independent process and/or body for the management of complaints against police
- enhanced sanction outcomes which positively impact police conduct
- general publication of outcomes and improved transparency of information
- greater complainant engagement, including maintaining contact and ensuring the participation of the complainant in the process (if desired)
- the establishment of an external complaints portal to facilitate access to information for complainants.²⁵²

As discussed in more detail in Chapter 16, experts in police accountability agree that the civilian control model is the most effective model for securing public confidence and ensuring the integrity of a police conduct and complaints system.²⁵³ This is because an internal affairs model does not provide sufficient protection against corruption, and a civilian review model represents a 'false promise' of independence.

This conclusion is consistent with recent findings and recommendations made by other bodies tasked to examine integrity-related matters (as outlined in Appendix J) which have included:

- the establishment of a single, independent 'clearing house' for complaints against public servants tasked to triage complaints to the appropriate integrity body. The clearing house would work with relevant entities to document a complaint and its progress (for the complainant's benefit also)²⁵⁴
- greater civilianisation of the corruption division of the Crime and Corruption Commission (CCC) to avoid 'institutional capture' by the Queensland Police Service (QPS).²⁵⁵

As outlined in more detail within Chapter 18, QPS members have also been clear that they lack confidence in the current complaints management and discipline system. The Police Commissioner herself described the Local Management Resolution system as "*broken*".

The current devolution of complaint matters to the district or region where the complaint originated also means that officers are required to take on additional tasks, such as making preliminary inquiries or an investigation of their colleague, in addition to their regular workload. The Commission observed instances where case officers needed extensions to complete their complaint-related work because their workload exceeded their capacity.

Adopting a centralised civilian control model shifts the responsibility of investigations away from police. This reduces the administrative burden for officers and increases their capacity to focus on their core tasks, which was a key concern raised with the Commission and in the *Greenfield Review* (2019).

The ability for complaint management processes to be shared across a team as opposed to being the responsibility of an individual QPS case officer is also likely to result in timelier processes and outcomes for subject members (that is, investigations are unlikely to be delayed because of a case officer's workload or unavailability).

There are also benefits for members who are subject to a complaint. For example, in their report to the Commission, Professor Prenzler and former Ombudsman of the Police Ombudsman of Northern Ireland (PONI) Dr Michael Maguire CBE, discussed findings from a previous study where subject members expressed the view that “...civilian investigators would help filter out trivial or malicious complaints at an early stage without presumptions of bias”.²⁵⁶

Dr Maguire also told the Commission that the Northern Ireland Police viewed an independent model as beneficial, which is supported by surveys of police who were the subject of a complaint.²⁵⁷

The PONI undertakes an annual survey of police who were the subject of a complaint to measure their experience, including perceptions of service and treatment by PONI staff. In 2022:

- 88% of police officers felt they had been treated with respect
- 77% felt they had been treated fairly
- 77% believed PONI staff were knowledgeable
- 80% felt their complaint was dealt with independently.²⁵⁸

The proportion of subject members who are satisfied with the process has steadily grown since PONI's inception. Dr Maguire said:

I always took the view that a report that said the police had done no wrong was equally important as one which was critical of the police, because they were evidence based and they were demonstrable to say, “This is what happened”.²⁵⁹

Providing a single independent point where all police related complaints can be made also assists in improving public confidence, and addresses many of the known barriers to reporting faced by complainants, including a fear of retribution and a fear of being dismissed or ignored. This is particularly beneficial for communities or individuals who distrust police.

From the evidence, the Commission has drawn the conclusion that to achieve a timely and fair response to complaints, with greater confidence in the quality and veracity of investigations, a separate entity for police conduct and complaints management is required.

A Police Integrity Unit (PIU) should be established as a purpose-specific, mostly siloed, team within the CCC. The PIU should be responsible for handling all complaints made about police (be it a sworn police officer, police recruit or unsworn staff member).²⁶⁰

While incorporating the PIU within the existing infrastructure of the CCC²⁶¹ will be less costly than establishing a new standalone body, the Commission recognises the establishment of a new police integrity model will nevertheless require appropriate and significant ongoing resourcing. The establishment of the PIU will also require a commitment from all stakeholders, especially the Queensland Government, the QPS and the CCC, to work positively and proactively towards the implementation of such a reform in order to make Queensland's police conduct and complaints handling system the most transparent and accountable in Australia.

THE POSITION OF THE PARTIES

Prior to the finalisation of this Report, a draft of this chapter outlining the recommendation for, and the proposed structure of, the PIU was given to the QPS, the CCC, the Women's Legal Service Queensland and the Queensland Police Union of Employees (QPUE).

In response, the QPS did not oppose the recommendation to establish the PIU, except to note that the QPS did not support the PIU dealing with “*all complaints*” in reference to the importance of the ESC continuing to have a role in investigating deaths in custody.²⁶²

The CCC submitted that the establishment of the PIU is a reasonable and appropriate response given the evidence the Commission has received during its inquiry.²⁶³

The Women's Legal Service Queensland also supported the recommendation and gave feedback as to how to better tailor the proposed structure of the PIU for victim-survivors of domestic and family violence.²⁶⁴

The QPUE was the only party to express opposition to the proposal. The QPUE submitted that the current system is appropriate and that no changes are required. The QPUE submitted that the CCC has adequate oversight and control over the existing system, by virtue of legislative provisions for the CCC to initiate a formal review of decisions including Local Management Resolution outcomes, and that what is needed is appropriate education and training.²⁶⁵

The Commission accepts the *Crime and Corruption Act 2001* (Qld) does in fact provide the CCC with the power to have decisions made by the QPS regarding complaints against police reviewed by the Queensland Civil and Administrative Tribunal.²⁶⁶ However, in practice the CCC is only able to do so where they have knowledge or oversight of the complaint matter.

Complaints involving behaviour categorised as grounds for discipline but not involving misconduct are assessed by the ESC and devolved to the district or command for resolution. In these matters there are no referrals or notifications made to the CCC, thereby removing any possibility of oversight or review of QPS decision-making. The QPS complaints flowchart illustrates how these complaints are managed.²⁶⁷

By way of example, the complaint involving the Deputy Commissioner who made the “*vagina whisperer*” comment at a leadership conference was assessed by the QPS as grounds for discipline, not misconduct, which meant that the CCC was not notified of the complaint. The CCC only became aware of the behaviour from media reporting of the Commission's public hearings. If the CCC has no knowledge of complaints (as is the case for all allegations that are assessed by the QPS as discipline, not misconduct) then it has no ability to perform oversight or review QPS decisions in relation to such allegations.

In relation to matters that are not categorised as discipline matters, the current legislative framework provides the CCC with broad jurisdiction to oversee matters involving misconduct and corrupt conduct. However, in practice, the legislative emphasis on devolution means that the QPS has primary responsibility for the resolution of allegations involving misconduct, with the CCC's predominant focus on corrupt conduct. As demonstrated in Figure 42, the practical effect of the current legislative framework is that the CCC retains oversight in less than 10% of allegations against QPS members.

EXPERT ASSISTANCE

Apart from critical elements identified in this chapter, the Commission has not prescribed any specific structures and processes to implement the PIU and recommends stakeholders engage external experts with expertise or experience of civilian control models.

The external experts might advise on establishment, structural, transitional, and procedural matters. The formal engagement of external experts should conclude by the time the PIU is operational, to ensure its independence from the outset.

BUILDING CONFIDENCE AND TRUST



- Growing public presence and profile
- Measuring public awareness and confidence
- Transparent and regular reporting
- Information sharing to assist in misconduct prevention
- Managing conflicts of interest
- Routine independent audits

It is critical there is a focus on building confidence and trust in the PIU for both police and the community. This can be achieved through a range of strategies including:

- ensuring that it has a regional presence, and capacity for people to make complaints in person
- promoting the establishment of the PIU and increasing awareness of how to make a complaint, and relevant confidentiality protections
- embedding regular community awareness and participant (police and complainants) satisfaction surveys
- reporting (at a minimum) annually on the number and types of complaints, declared conflicts of interest, progress and outcomes of investigations, and data on public awareness and participant satisfaction surveys.

The Parliamentary Crime and Corruption Committee should, at least every five years, engage a small independent panel to conduct a review of a random sample of investigations. That panel should publish a report on the panel's satisfaction with the PIU's conduct.

LEADERSHIP OF THE PIU

THE SENIOR EXECUTIVE OFFICER OF POLICE INTEGRITY

The PIU should be led by a Senior Executive Officer of Police Integrity at the CCC. The person in the role must not have previously served as a police officer in any law enforcement agency, however, they should have experience in the management of integrity and conduct matters in public sector agencies. They should be appointed by the Chief Executive Officer, with the endorsement of the five person Crime and Corruption Commission established under the *Crime and Corruption Act 2021* (Qld), for a five year term, which can be extended only once.

The role of the Senior Executive Officer of Police Integrity should be inclusive of:

- **Maintaining a visible public profile:** in unison with the Chairperson of the CCC, including by making public comment and engaging with the media about matters pertaining to integrity, investigations, and the work of the PIU to build community confidence and trust.
- **Responsibility for all significant decisions:** including the decision to substantiate a serious complaint, and the decision to refer a matter to the Director of Public Prosecutions (for potential criminal prosecution) or a decision involving a senior member of the QPS.
- **Responsibility for making recommendations about disciplinary matters:** including the appropriate disciplinary sanction when misconduct is found to have occurred. In cases where the Office of State Discipline does not impose the recommended sanction, they should be required to notify the Senior Executive Officer of Police Integrity for reporting, appeal, and review action decisions.
- **Responsibility for initiating any appeals or applications for judicial review:** including in circumstances where the Office of State Discipline does not accept a disciplinary recommendation from the PIU where it is considered in the public interest to do so (such as instances of serious misconduct or corrupt conduct).

THE EXECUTIVE DIRECTOR OF INVESTIGATIONS

The Senior Executive Officer of Police Integrity should be supported by an Executive Director of Investigations, responsible for providing strategic investigative advice and for overseeing all investigations. The Executive Director must have a background in law enforcement. They should also be appointed by the Chief Executive Officer, with the endorsement of the five person Crime and Corruption Commission established under the *Crime and Corruption Act 2021* (Qld), for a five year term (on a different cycle to the Senior Executive Officer), and the term should be renewed only once. This position should not be filled on a secondment basis by a current serving police officer.

THE MANAGER OF OPERATIONS

The Senior Executive Officer of Police Integrity should also be supported by a Manager of Operations, who is responsible for the day-to-day functioning of the PIU. The Manager would have a range of responsibilities that fall outside the investigative functions, including supervision and support of staff.

RESPONSIBILITIES AND FUNCTIONS OF THE PIU

The establishment of the PIU is not an opportunity to revisit previous complaints. At intake, the PIU should use discretion to determine whether there is new evidence or exceptional circumstances to warrant a fresh investigation of a matter which has already been investigated under the current system. This preserves the finality of earlier decisions, but also mitigates an expected initial surge in demand for the PIU's services. All complaints received by the QPS should also be referred as soon as practicable to the PIU.

The Commission acknowledges the recommendation of Professor Coaldrake AO in *Let the sunshine in*, that all complaints should be made to a public clearing house, where they can be recorded and the complainant's dashboard established.²⁶⁸ If the Government establishes a public clearing house for complaints, with the exception of QPS service delivery issues, all complaints made to the clearing house and related to QPS members are to be forwarded by the clearing house to the PIU for resolution.

Institutional powers vested in the PIU should largely replicate those vested in the CCC more broadly.²⁶⁹ For relevant staff, this should include access to:

- QPS databases including QPRIME, PIPS, ITAS, CAD and evidence.com
- comparable powers to those of the office of a constable of police (so, for example, the power to search)
- the power to compel attendance and answers to questions.

The PIU would play a role in investigations into deaths in police custody or police operations under the direction of the State Coroner. This responsibility is currently shared across the QPS, CCC and Coroner's Office, and it is anticipated that the CCC's involvement in any multidisciplinary team would be reflected in the functions of the new PIU.

Complaints made about police might be categorised as follows:

CATEGORY A	CATEGORY B	CATEGORY C
<ul style="list-style-type: none">• Matters generally involving death or serious injury, corruption, domestic and family violence, sexual assault and other allegations of serious misconduct.	<ul style="list-style-type: none">• Matters generally involving injury, theft or fraud, serious neglect or failure of duty, firearm discharge, misuse of information, improper disclosure of information, drug use and other allegations of misconduct.• Matters involving discrimination, harassment, bullying, and any sexist, misogynistic, racist and homophobic behaviour.• Matters that are related to domestic and family violence investigations, such as failure of duty or misuse of information.• Category C matters where there has been repeat offending by the subject member, that is, more than 3 complaints of any category within a 5 year period.	<ul style="list-style-type: none">• Matters which are currently classified as discipline not misconduct such as incivility and minor breaches of police procedure.

As a civilian control model, the PIU assumes authority for receiving and assessing police complaints in all categories. After assessment the PIU will decide whether the complaint should be handled formally (where a complaint requires a conclusion about whether the complaint is substantiated) or informally (where a complaint does not necessarily require that conclusion).

Formal investigations of matters in any category will be conducted by the PIU. The QPS will retain control for member discipline outcomes (with input from the PIU).

The Commission recognises the strong utility of local QPS management taking responsibility for the response to and resolution of a complaint about an action or behaviour stemming from deficiencies in knowledge or understanding. The creation of the PIU is not intended to remove the use of Local Management Resolution strategies or minimise the importance of the education and rehabilitation of QPS members. Instead, the focus is on ensuring that the decision to impose Local Management Resolution as an outcome are applied independently and appropriately. Accordingly, where the PIU assesses that it is appropriate for a matter to be resolved informally, then the matter should in most cases be referred back to QPS for the resolution to take place at the local level. This type of outcome is likely to be appropriate for the majority of Category C matters, and may in exceptional cases apply to Category B matters. A Category A complaint could never be handled informally.

STRUCTURE AND COMPOSITION OF THE PIU

The proposed structure of the PIU is outlined in Figure 49. In addition to staff with technical and operational skills, there should be an emphasis on creating and sustaining a culturally competent and culturally safe team whose practice is trauma-informed.

In particular, the Victim Advocacy and Intake Teams should be staffed by members who authentically represent the diversity of the Queensland community. At a minimum, the team should include representation from First Nations

peoples and culturally diverse communities, specifically a First Nations Liaison Officer (as an identified position) and a Cross-Cultural Liaison Officer, and specialists who have experience in providing trauma-informed practice as Victim Advocate Communications Officers. The PIU should also include identified positions for First Nations peoples in the Victim Advocacy team.

While it is important that the PIU includes mostly civilian staff, consistent with the experience of the PONI and the themes of the recent *Commission of Inquiry relating to the CCC Report (2022)* (the second Fitzgerald Report), the PIU would benefit from the experience and expertise of QPS investigators.

During the period in which the investigative capability of the PIU is developed it is anticipated that higher numbers of seconded police will be required. In the PONI's infancy, a small team of police officers were selected from the Metropolitan Police to be seconded as investigative staff.²⁷⁰ However, currently, none of the staff of the PONI are members of the Police Service of Northern Ireland, although several police officers are seconded from other police services.²⁷¹

It is envisaged that, after the first six years of the PIU's operations, the number of investigators who are or who have been police officers should not be more than 40% in any PIU office. After 10 years of the PIU's operations, the number of investigators who are or who have been police officers should not be more than 25% in any PIU office.

A secondment to the PIU from the QPS should be for a period of no more than three years. Seconded police officers should have relevant experience in investigations. They should not have a disciplinary history of concern. They should not be the subject of any court order (for example, a Protection Order) or ongoing investigation.

Monitoring and working toward reducing the number of police PIU investigators is essential to avoid the "institutional capture" referred to in the second Fitzgerald Report, and to balance the need for specialist investigative skills.

The PIU (led by the Senior Executive Officer of Police Integrity, who has not served as a police officer previously) should represent a strong step away from the practice of police investigating police.



Figure 49: Proposed structure of the Police Integrity Unit

ESTABLISHMENT AND TRANSITION

TIMEFRAMES

The Government should establish the PIU within 18 months.

While the establishment of the PIU should be carefully implemented, the Commission also considers the timely reform of the police conduct and complaints system must be a priority of the Queensland Government.

In order to ensure consistent and transparent progress the Queensland Government should develop and publish an implementation plan within three months of acceptance which clearly identifies timeframes for key activities, with a view to the PIU being fully operational within 12 months of the plan's publication.

The CCC, in consultation with the QPS, must report to the Parliamentary Crime and Corruption Committee, and the Premier, or the Attorney-General in support of the Premier, on the achievement of implementation plan milestones every three months until the PIU is fully operational.

TRAINING

Training civilian members will be fundamental to the establishment of the PIU investigative capability. The Commission consulted with experts to understand the availability and effectiveness of current courses and was assured that training in investigative skills has previously been delivered by tertiary institutions, as evidenced by the qualifications held by investigators in other fields.

To build a strong civilian capability in Queensland both initially and into the future, the Queensland Government must also invest in the development of courses in this field (at a tertiary level or equivalent).

EVALUATIONS

The Parliamentary Crime and Corruption Committee should conduct a review of the PIU three years after commencement of operations. The review should consider the efficacy of the PIU and any deficiencies in its resourcing or legislative powers, as well as the appropriateness of its use of seconded police officers. The Senior Executive Officer should contribute meaningfully to the evaluation, and the evaluation should be published.

The Parliamentary Crime and Corruption Committee should conduct a further evaluation of the PIU after its first five years of operation, and continue these reviews every five years thereafter. These reviews should be independent and distinct from the review cycle of the balance of the CCC's operations.

TECHNOLOGICAL CAPABILITY

The PIU must be equipped with an adequate complaints management system, including fit for purpose data collection and reporting software. The following functionality needs to be included within the system:

- the ability to record all stages of the complaint resolution process, including information relating to conflict of interest declarations, actions taken in respect of the complaint and staff who have taken those actions
- the ability to produce 'at a glance' records of complaint and disciplinary history, with accurate information about findings and outcomes
- the ability to produce datasets which can be used to inform policy, training initiatives and early intervention system efforts.

The systems must be capable of creating, in an automated way, the disciplinary history of a subject member. It must also be capable of sharing information with the public-facing dashboard hosted by the public clearing house and the QPS.

The establishment and use of early intervention systems should remain the responsibility of the ESC.

To assist the ESC in identifying misconduct trends and conducting ethics audits within the QPS workforce, the Senior Executive Officer of Police Integrity should, on a quarterly basis (or as any urgent need arises), provide information to the ESC that outlines the complaints received during that period. That information should include the number and types of complaints, and the details of QPS members who are subject to a complaint.

ADDITIONAL CONSIDERATIONS FOR THE POLICE INTEGRITY UNIT

'NO CONFIDENCE' POWER

While the introduction of a power for the Police Commissioner to dismiss an officer on grounds of no confidence has not been a focus of the Commission, it was briefly raised by the Police Commissioner during her evidence to the Commission to potentially address the issue of ongoing, cumulative unsatisfactory behaviour by officers who fundamentally lack integrity.

A 'no confidence' power for the Police Commissioner is not a new idea. Its introduction was recommended by the Crime and Misconduct Commission in 2008²⁷² and in 2010.²⁷³ It was also recommended for consideration by the QPS itself in its *Taskforce Bletchley Report* (2015) which discussed the issue at length and recommended that the power "*be considered as part of a future disciplinary reform process*".²⁷⁴

The Commission has not considered the issue in detail and does not make any recommendations for the introduction of a no confidence power. Instead, the Commission considers the utility, or otherwise, in granting the Police Commissioner a no confidence power could be considered by the external experts as part of the broader reforms necessary for the establishment of the PIU.

WHISTLEBLOWER PROTECTIONS

Protection of whistleblowers has been identified as a key element to ensuring the effectiveness of independent oversight.²⁷⁵

The *Public Interest Disclosure Act 2010* (Qld) provides protections for Queensland public sector employees where the disclosure stems from a genuine concern about corrupt conduct in the public sector.²⁷⁶ These provisions include protection from disciplinary action for making the disclosure or otherwise causing detriment to the person making the disclosure.

The Parliamentary Crime and Corruption Committee (PCCC) *Inquiry into the CCC's investigation of former councillors of Logan City Council; and related matters* (2021), recommended a review of "*...the effectiveness and appropriateness of protections afforded to public interest disclosers under the Public Interest Disclosure Act 2010, including the roles of the CCC and other relevant entities*".²⁷⁷

The Commission supports previous recommendations for the review of current provisions related to whistleblowers to ensure measures encourage reporting and adequately protect public sector employees who make a disclosure.

FINDINGS

- **A Police Integrity Unit (PIU) should be established as a purpose-specific, mostly siloed team within the Crime and Corruption Commission. The PIU should be responsible for handling all complaints made about police (be it a sworn police officer, police recruit or unsworn staff member).**

Recommendation 68

Within 18 months, the Queensland Government establish the Police Integrity Unit as an independent and separate unit of the Crime and Corruption Commission to deal with all complaints in relation to police. The Police Integrity Unit must, at a minimum:

- be led by a Senior Executive Officer who is a civilian
- provide for whistleblower protections
- include a victim advocate
- include identified positions for First Nations staff in the intake and victim advocacy teams
- include civilian investigators, and transition to a predominately civilianised model as soon as possible
- implement an adequate complaints management system, including fit for purpose data collection and reporting, including providing for aggregate trends analysis
- publicly report annually on activities and outcomes.

Recommendation 69

Within three months of acceptance of Recommendation 67, the Queensland Government create and publish an implementation plan which clearly identifies timeframes for key implementation activities, with a view to the Police Integrity Unit being fully operational within 12 months of acceptance.

Recommendation 70

The Crime and Corruption Commission engage external experts in, or those with experience of, civilian control models to assist in the development and implementation of the Police Integrity Unit up until it becomes operational.

Recommendation 71

The Crime and Corruption Commission, in consultation with the Queensland Police Service, report to the Parliamentary Crime and Corruption Committee, and the Premier, or the Attorney-General in support of the Premier, on the implementation plan milestones every three months until the Police Integrity Unit is fully operational.

Recommendation 72

The Parliamentary Crime and Corruption Committee conduct and publish a review of the Police Integrity Unit three years after commencement of operations. The review should consider the efficacy of the Police Integrity Unit and any deficiencies in its resourcing or legislative powers, as well as the appropriateness of its use of seconded police officers.

Recommendation 73

Thereafter the Parliamentary Crime and Corruption Committee conduct a further evaluation of the Police Integrity Unit every five years. These reviews should be independent and distinct from the review cycle of the Crime and Corruption Commission.

Recommendation 74

Within six months, the Queensland Government partner with and fund tertiary institutions to develop and deliver tertiary courses which provide training in investigative skills.

Recommendation 75

Within six months, the Queensland Police Service implement the following mechanisms to enhance the ethical health of the Service:

- employing data and strategic intelligence analysts to design robust reporting which supports organisational decision-making
- engaging an external evaluator to assess the Queensland Police Service's capacity to adopt and integrate early warning systems that incorporate discipline and HR information into decision-making
- undertaking annual public reporting of de-identified sanctions and outcomes of disciplinary hearings to uphold transparency and community confidence.

HUMAN RIGHTS CONSIDERATIONS

The recommendation for an independent Police Integrity Unit to investigate complaints involving police will remove any perception of bias, ensure transparency of process, and the independence and effectiveness of any investigation. It promotes the rights of both the victim making the complaint and the officer who is the subject of the complaint, to recognition and equality before the law (s 15 HRA) and the right to a fair hearing (s 31 HRA). The Commission does not anticipate any limitation of human rights.

Making a complaint about police can be challenging for victims and there is a need for access to support both during the complaint process and the investigation. The recommendations provide for a victim advocate to assist victims generally, as well as a First Nations victim advocate and staff to support First Nations peoples and to ensure they can make a complaint in a way that is culturally safe and appropriate. The recommendations promote the rights of recognition and equality before the law (s 15 HRA) and cultural rights (ss 27 and 28 HRA).

ENDNOTES – PART 5

- 1 Graham Smith, 'Effective investigation of alleged police human rights abuse: Combating impunity' in Ralf Alleweldt and Guido Fickenscher (eds), *The Police and International Human Rights Law* (Springer International Publishing, 2018) [pp 83–101].
- 2 82.4% of adults were 'satisfied' or 'very satisfied' with police responses generally, compared to the National average of 80.7%. Amongst community members who had contact with police over the previous 12 months, 82.5% in Queensland were 'satisfied' or 'very satisfied' with police versus the national average of 81.9%; Steering Committee for the Review of Government Service Provision, *Report on Government Services 2022* (Productivity Commission Report, 25 January 2022) [pt C, s 6, Table 6A.6].
- 3 Domestic and family violence survivors' experiences of the QPS survey, conducted by the Commission of Inquiry via Qualtrics, July 2022 (emphasis added).
- 4 Transcript of proceedings, Hayley Grainger, 19 July 2022, Cairns [p 643: lines 16–20].
- 5 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement NTP 2.065, Item 2, requested 21 September 2022.
- 6 Confidential, Commission of Inquiry Submission 520, 5 September 2022.
- 7 Queensland Police Service, Closing submissions to the Commission of Inquiry, Attachment B, 22 August 2022 [p 3].
- 8 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2342: line 40–43].
- 9 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 200].
- 10 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 81].
- 11 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 366].
- 12 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 10].
- 13 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 73]; Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [pp 85–87].
- 14 Max Bingham and Jill Bolen, Queensland Police Service Review, Report on the Review of the Queensland Police Service (Report, 1996); Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 80].
- 15 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [pp 19, 157] citing Crime and Misconduct Commission, *Enhancing Integrity in the Queensland Police Service* (Report, 2008); Queensland Police Service, *Task Force Bletchley* (Report, 2015) [pp 131–132].
- 16 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [pp 100–101; 114–116]; Queensland Police Service, *Task Force Bletchley* (Report, 2015) [p 124].
- 17 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 22].
- 18 Tim Prenzler, 'Reform in politics, crime justice and the police' (2009) 18(3) *Griffith Law Review* 576 [pp 587–591].
- 19 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 32]. The Steering Committee (which included the Commissioner of Police and Chairperson of the CMC) appointed to oversee this report sought that the authors not explore 'significant structural changes' regarding devolution.
- 20 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022.
- 21 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [pp 1-2].
- 22 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 2].
- 23 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 2].
- 24 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 2].
- 25 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1413: line 6]; Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 10].
- 26 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1417: line 44].
- 27 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1418: line 13].
- 28 Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds), *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010) [p 69].
- 29 Independent Broad-based Anti-corruption Commission Committee, Parliament of Victoria, *Inquiry into the external oversight of police corruption and misconduct in Victoria* (PP No 432, Session 2014-18, September 2018) [p 43]; Police Accountability Project, *Independent investigation of complaints against the police* (Briefing Paper, 2015) [p 17].
- 30 Independent Broad-based Anti-corruption Commission Committee, Parliament of Victoria, *Inquiry into the external oversight of police corruption and misconduct in Victoria* (PP No 432, Session 2014-18, September 2018) [p 11].
- 31 Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds), *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010) [p 72].
- 32 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1428: line 2].
- 33 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 10].
- 34 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1422: lines 46–47].
- 35 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1422: line 42].
- 36 Tim Prenzler, Mateja Mihnjac and Louise E Porter, 'Reconciling stakeholder interests in police complaints and discipline systems' (2013) 14(2) *Police Practice and Research* 155; *Police Accountability Project, Independent investigation of complaints against the police* (Briefing Paper, 2015) [p 11].
- 37 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1422: line 27]; Tim Prenzler and Louise E Porter, 'Complainants' views on police complaints and discipline systems: The Gap between aspiration and experience' in Tim Prenzler and Garth den Heyer (eds) *Civilian oversight of police: Advancing accountability in law enforcement* (Taylor & Francis, 2016) [pp 73–93].
- 38 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1430: lines 1–2].
- 39 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 315]; Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds) *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010).
- 40 For example: the Manitoba Law Enforcement Review Agency, the Washington Office of Police Complaints, the Hong Kong Independent Commission Against Corruption and the Singapore Corrupt Practices Investigation Bureau.
- 41 Tim Prenzler and Garth den Heyer (eds) *Civilian oversight of police: Advancing accountability in law enforcement* (Taylor & Francis, 2016) [p 32].
- 42 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 25].
- 43 Maurice Hayes, *A Police Ombudsman for Northern Ireland? A review of the police complaints system in Northern Ireland* (Final Report of the Northern Ireland Office, January 1997) [p v].
- 44 For example, at the national level: Steering Committee for the Review of Government Service Provision, *Report on Government Services 2022* (Productivity Commission Report, 25 January 2022); the state level: Queensland Treasury, *Service Delivery Statements Queensland Police Service 2022-23* (2022); and the agency level: Queensland Police Service, *Annual Report 2021-2022* (26 September 2022).
- 45 In order: International Covenant on Civil and Political Rights, opened for signature 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976); Code of Conduct for Law Enforcement Officials, GA Res 34/169, UN Doc A/RES/34/169 (5 February 1980); Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials, ESC Res 19/89/61, UN Doc E/RES/19/89/61 (14 July 1989, adopted 24 May 1989); Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, GA Res 57/199, UN Doc A/RES/57/199 (22 June 2006, adopted 18 December 2002); Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, GA Res 43/173, UN Doc E/CN.4/RES/19(XXXIV) (9 December 1988); United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (United Nations Guidance, 2011); International Criminal Police Organization (INTERPOL), *Global Standards to Combat Corruption in Police Forces/Services*, Doc No. AG-2001-RES-04, General Assembly, 70th sess, 24-28 September 2001; Council of Europe, Committee of Ministers Recommendation Rec(2001)10 of the Committee of Ministers to Member States on the European Code of Police Ethics, Doc No Rec(2001)10, Committee of Ministers, 756th Meeting of Ministers Deputies, 19 September 2001; Council of Europe, Commissioner for Human Rights, Opinion of the Commissioner for Human Rights Concerning Independent and Effective Determination of Complaints against the Police, Doc No ComDH(2009)4, 12 March 2009; 'Four Dimensions of Trust', *Australia and New Zealand Police Advisory Agency* (Web Hosted Document) <<https://www.anzpa.org.au/homepage-announcements/four-dimensions-of-trust>>; 'ICCS Plus: A Common Approach to Incident Management', *Australia and New Zealand Police Advisory Agency* (Web Hosted Document) <https://www.anzpa.org.au/publications/general#iccs_plus>.

46 For example: Victorian Office of Police Integrity, *Review of the investigative process following a death associated with police contact* (Report, June 2011) [p 28].

47 Independent Broad-based Anti-corruption Commission Committee, Parliament of Victoria, *Inquiry into the external oversight of police corruption and misconduct in Victoria* (PP No 432, Session 2014-18, September 2018) [p 43], citing Council of Europe, Commissioner for Human Rights, *Opinion of the Commissioner for Human Rights Concerning Independent and Effective Determination of Complaints against the Police*, Doc No CommDH(2009)4, 12 March 2009; United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (United Nations Guidance, 2011).

48 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 12].

49 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 1].

50 As is outlined later in this chapter, the CCC outcome for dismissal of allegations is recorded as 'no further action'.

51 72.93% of all allegations received by the CCC about police are primarily handled by police. This figure represents 99.15% of all allegations that do not result in 'no further action'; Exhibit 20.2, Statement of Elizabeth Foulger, Tender Bundle N, tendered 1 August 2022 [p 21: para 120]; and Exhibit 20.3, Complaints breakdown contained in CCC Statement prepared by COI Statistician, Tender Bundle N, tendered 1 August 2022 [p 2].

52 Confidential, Commission of Inquiry Submission 738, 30 August 2022.

53 Note that in 2001, the CJC merged with the Queensland Crime Commission, and was renamed the Crime and Misconduct Commission. In 2014, the Crime and Misconduct Commission was renamed the Crime and Corruption Commission.

54 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 299].

55 Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds), *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010) [p 57].

56 Ross Homel, 'Integrating Investigation and Prevention: Managing the Transformation of the Queensland Criminal Justice Commission' (1997) 4(2) *Queensland Review* 37 [p 39], citing Criminal Justice Commission, *Complaints Statistics – to 31 July 1997* (Report, 1997).

57 The informal devolution of matters began around 1999, but devolution was formally implemented by the then Crime and Misconduct Commission (CMC) in 2001. G E Fitzgerald and A Wilson, *Commission of Inquiry relating to the Crime and Corruption Commission Report* (Report, 9 August 2022) [p 185]; Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds), *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010) [p 70]; *Crime and Corruption Act 2011* (Qld) s 34(c); 'Why we refer complaints to agencies', *Crime and Corruption Commission* (Web Page, 20 September 2019) <<https://www.ccc.qld.gov.au/complainants/why-we-refer-complaints-to-agencies>>.

58 Tim Prenzler, 'Reform in politics, crime justice and the police' (2009) 18(3) *Griffith Law Review* 576 [p 582]; Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds), *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010) [pp 70–71].

59 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 18], citing P Beattie, *Parliamentary Debates*, Wednesday 6 November 2002.

60 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 19], citing Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 10]; Tim Prenzler, 'Reform in politics, crime justice and the police' (2009) 18(3) *Griffith Law Review* 576 [p 583].

61 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1414: lines 19–28; p 1416: lines 10–17].

62 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1422: lines 20–25].

63 Tim Prenzler et al., 'Reducing public complaints and use of force: the Portland Police Bureau experience' (2016) 2(4) *Journal of Criminological Research, Policy and Practice* 260 [p 261].

64 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 8].

65 *Crime and Corruption Act 2011* (Qld) s 4; *Witness Protection Act 2014* (Qld) s 5.

66 Peter Coaldrake, *Let the sunshine in: Review of culture and accountability in the Queensland public sector* (Final Report, 28 June 2022) [p 32].

67 Each financial year since 2016/17, complaints about police account for between 42 per cent and 65 per cent of all complaints received by the CCC: Exhibit 20.2, Statement of Elizabeth Foulger, Tender Bundle N, tendered 1 August 2022 [p 6: para 27].

68 *Crime and Corruption Act 2011* (Qld) sch 2.

69 *Crime and Corruption Act 2011* (Qld) s 15.

70 Based on information provided by the Crime and Corruption Commission in response to the Commission Requirement, NTP 3.002, Item 1, requested 13 June 2022.

71 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1383: lines 35–43].

72 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1398: lines 10–12].

73 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1375: lines 38–42].

74 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1375: lines 45–46].

75 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1377: lines 12–18; p 1382: lines 21–22; p 1383: lines 15–18]; Exhibit 20.2, Statement of Elizabeth Foulger, Tender Bundle N, tendered 1 August 2022 [para 56].

76 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1384: lines 10–16].

77 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1384: line 29].

78 *Crime and Corruption Act 2001* (Qld) s 33.

79 *Crime and Corruption Act 2001* (Qld) s 35(1).

80 *Crime and Corruption Act 2001* (Qld) s 4, 23, 33, 32, 47 and 48.

81 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1393: lines 40–42].

82 *Crime and Corruption Act 2001* (Qld) s 47.

83 A very small number of allegations (0.18%) were awaiting assessment.

84 An 'allegation' is each individual accusation about what a police officer did. A 'complaint' is each instance a person (the complainant) makes a complaint. A single complaint could contain multiple allegations.

85 Exhibit 20.2, Statement of Elizabeth Foulger, Tender Bundle N, tendered 1 August 2022 [p 21: para 120]; Exhibit 20.3, Complaints breakdown contained in CCC Statement prepared by COI Statistician, Tender Bundle N, tendered 1 August 2022 [p 2].

86 The CCC can oversee police complaints in two ways. Public Interest Review, the higher level of oversight, was applied to 1,373 allegations (5.17%). Merit and Compliance Review, the lower level of oversight, was applied to 1,239 allegations (4.67%).

87 Exhibit 20.2, Statement of Elizabeth Foulger, Tender Bundle N, 1 August 2022, [para 120]; Exhibit 20.3, Complaints breakdown contained in CCC Statement prepared by COI Statistician, Tender Bundle N, 1 August 2022 [p 2].

88 A very small number of complaints (47) were still 'under assessment', which means the CCC has not decided how to handle them yet.

89 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 15].

90 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 14].

91 Tim Prenzler, 'Reform in politics, crime justice and the police' (2009) 18(3) *Griffith Law Review* 576 [p 587].

92 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1424: lines 22–30].

93 Confidential, Commission of Inquiry Submission 187, 6 July 2022.

94 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1398: lines 33–37]. Unless the allegations are so serious they involve a significant risk of harm: then the CCC will refer the complaint to QPS, regardless of the complainant's consent.

95 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1398: lines 10–12].

96 'Police misconduct, operational and administrative actions', *Queensland Ombudsman* (Web Page, 8 November 2021) <<https://www.ombudsman.qld.gov.au/how-to-complain/complaints-process/common-complaints/police-misconduct-operational-and-administrative-actions>>; See also *Ombudsman Act 2001* (Qld) ss 6–7, 9.

97 Based on data for the period 1 July 2016 to 30 June 2021, provided by the Office of the Queensland Ombudsman in response to the Commission Requirement, NTP 8.001, requested 1 July 2022.

98 Based on data for the period 1 July 2016 to 30 June 2021, provided by the Office of the Queensland Ombudsman in response to the Commission Requirement, NTP 8.001, requested 1 July 2022.

99 Statement of Neroli Holmes, provided by the Queensland Human Rights Commission in response to the Commission Requirement, NTP 7.001, received 1 July 2022.

100 *Crime and Corruption Act 2001* (Qld) sch 1 – reviewable decisions.

101 *Queensland Civil and Administrative Tribunal Act 2009* (Qld) s 142.

102 *Queensland Civil and Administrative Tribunal Act 2009* (Qld) s 149.

103 'Ethical Standards Command', Queensland Police Service (Web Page, 14 October 2021) <<https://www.police.qld.gov.au/organisational-structure/strategy-and-corporate-services/ethical-standards-command>>.

104 Transcript of proceedings, Detective Inspector David Nixon, 1 August 2022, Brisbane [p 1300: lines 30–33].

105 A team of police dedicated to investigating complaints about police.

106 This unit is responsible for strategic intelligence, risk analysis and the development of policy and training.

107 Their responsibilities include the delegation of day-to-day activities such as preliminary inquiries or the investigation itself to a QPS member (described in this context as a 'case officer').

108 Exhibit 34.1, Statement of Assistant Commissioner Cheryl Scanlon, Tender Bundle R, 5 August 2022 [p 3: para 10].

109 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 202, Brisbane [p 1718: lines 9–16].

110 Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment B (Complaint Flowchart), Tender Bundle N, tendered 1 August 2022.

111 *Crime and Corruption Act 2001* (Qld) sch 2 – Dictionary.

112 Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment B (Complaint Flowchart), Tender Bundle N, tendered 1 August 2022.

113 Police Accountability Project, *Independent investigation of complaints against the police* (Briefing paper, 2015) [p 11].

114 Tim Prenzler, Mateja Mihinjic and Louise E. Porter, 'Reconciling stakeholder interests in police complaints and discipline systems' (2013) 14(2) *Police Practice and Research* 155 [p 159].

115 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1720: lines 29–36].

116 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1721: line 23].

117 Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment A (Ethical Standards Command Complaint Resolution Guidelines), Tender Bundle N, tendered 1 August 2022 [p: 34]; 'assessment inquiries' refers to the preliminary investigation conducted once a complaint is received.

118 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1720: lines 29–36]; Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment A (Ethical Standards Command Complaint Resolution Guidelines), Tender Bundle N, tendered 1 August 2022 [p 26]. The Guidelines also indicate that consideration may be given to detailing the investigation to a member who is not senior in rank to the subject member and allocating a more senior member to overview the investigation.

119 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1721: line 21]; 'Service Manuals Definitions', Queensland Police Service (Web Hosted Document, 26 November 2021) <<https://www.police.qld.gov.au/sites/default/files/2021-11/Service%20Manuals%20Definitions.pdf>>.

120 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 15].

121 A member of the ESC stationed within the various QPS Districts and Regions.

122 Transcript of proceedings, Detective Inspector David Nixon, 1 August 2022, Brisbane [p 1329: line 16 – p 1333: line 47].

123 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1722: lines 35–40].

124 Transcript of proceedings, Detective Inspector David Nixon, 1 August 2022, Brisbane [p 1334: lines 36].

125 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1722: lines 28–29].

126 Exhibit 20.1, Statement of Detective Inspector David Nixon, Tender Bundle N, tendered 1 August 2022 [p 3: para 8].

127 Exhibit 39 (B19), Summary of Interviews with affected female officers involved in case study 3, Tender Bundle W, tendered 5 October 2022 (emphasis added).

128 Exhibit 6.3, Statement of James Treanor, Tender Bundle C, tendered 13 July 2022 [p 5: para 30].

129 Exhibit 6.3, Statement of James Treanor, Tender Bundle C, tendered 13 July 2022 [p 4: para 20–33].

130 Confidential, Commission of Inquiry Submission 768, 4 July 2022 [p 5].

131 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1723: line 32 – p 1726: line 4].

132 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1727: lines 28–32].

133 Transcript of proceedings, Detective Inspector David Nixon, 1 August 2022, Brisbane [p 1333: lines 11–21].

134 Exhibit 34.1, Statement of Assistant Commissioner Cheryl Scanlon, Tender Bundle R, 5 August 2022 [p 2: para 8].

135 Exhibit 34.1, Statement of Assistant Commissioner Cheryl Scanlon, Tender Bundle R, 5 August 2022 [p 2: para 8].

136 Confidential, Commission of Inquiry Submission 12, 9 June 2022.

137 Based on information provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.039, Item 1, requested 21 August 2022.

138 Exhibit 39 (B22), Case study 5, Tender Bundle W, tendered 5 October 2022; Disciplinary file, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.065, Item 1, requested 21 September 2022.

139 CCC Investigation File, provided by the Crime and Corruption Commission in response to the Commission Requirement, NTP 3.008, Item 2, requested 25 August 2022.

140 Domestic and family violence survivors' experiences of the QPS survey, conducted by the Commission of Inquiry via Qualtrics, July 2022

141 Eden Gillespie, 'Queensland police discipline system 'failed' officers sexually assaulted by colleagues, minister says', *The Guardian Australia* (online, 12 October 2022) <<https://www.theguardian.com/australia-news/2022/oct/12/queensland-police-discipline-system-failed-officers-sexually-assaulted-by-colleagues-minister-says>>.

142 The exact figure is 24,335 allegations.

143 Based on data for the period 1 January 2017 to 30 June 2022 provided in Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment C (ESC Domestic Violence Statistics – Commission of Inquiry Report, 1 January 2017 to 30 June 2022), Tender Bundle N, tendered 1 August 2022.

144 18,566 allegations.

145 4,791 allegations.

146 785 allegations.

147 193 allegations.

148 Police Accountability Project, *Independent investigation of complaints against the police* (Briefing Paper, 2015) [p 4]; Office of Police Integrity, *A fair and effective Victoria Police Discipline System* (Report, October 2007).

149 For example: *Police Service (Discipline Regulations) 1990* (Qld) s 3; Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011); Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010); Office of Police Integrity, *A fair and effective Victoria Police Discipline System* (Report, October 2007).

150 *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019*: Amendments included implementing timeframes, modernising sanctions, formalising the role and range of management strategies, and addressing review provisions that apply to the CCC. New sanctions included suspension from duty without pay for a period not exceeding 12 months; disciplinary probation; demotion for a specified period (in addition to permanent demotion); comprehensive transfer; local transfer; performance of up to 100 hours community service; and increasing the maximum fine for 2 penalty units to 50 penalty units. Amendments also removed the ability to impose a sanction by way of pay point reduction.

151 *Police Service Administration Act 1990* s 7.1; Exhibit 20.1, Statement of Detective Inspector David Nixon, Tender Bundle N, tendered 1 August 2022 [p 2: para 6].

152 ADP is a "plea bargain" type arrangement where a subject officer takes responsibility for their actions and consents to receiving an agreed sanction and professional development strategies for the allegation, knowing there will be no review. ADPs are designed to be straight forward, timely and as simple as possible, having regard to the seriousness of the allegation.

153 The amendments also led to the introduction of statutory time limits, of one year from the date the discipline ground arose or six months from when the complaint was made, for the commencement of disciplinary proceedings against officers for misconduct and other disciplinable conduct complaints. Circumstances do exist to "stop the clock" in specific circumstances.

154 Transcript of proceedings, Detective Inspector David Nixon, 1 August 2022, Brisbane [p 1361: lines 36–39].

155 Based on data for the period 1 January 2012 to 31 December 2021, provided by the Queensland Police Service in response to Commissioner Requirement, NTP 2.002, requested 2 June 2022.

156 Explanatory Notes, *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019* (Qld) [p 2].

157 Based on data for the period 1 January 2017 to 30 June 2022 provided in Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment C (ESC Domestic Violence Statistics – Commission of Inquiry Report, 1 January 2017 to 30 June 2022), Tender Bundle N, tendered 1 August 2022.

158 Queensland Police Union of Employees, Closing submissions to the Commission of Inquiry, 25 August 2022.

159 Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment A (Ethical Standards Command Complaint Resolution Guidelines), Tender Bundle N, tendered 1 August 2022 [p 22].

160 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 5, 28 October 2022 [p 3].

161 Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment A (Ethical Standards Command Complaint Resolution Guidelines), Tender Bundle N, tendered 1 August 2022 [p 25].

162 31.7% of allegations assessed as having sufficient evidence to proceed.

163 Based on data for the period 1 January 2012 to 31 December 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.002, Items 2 and 3, requested 2 June 2022.

164 Exhibit 39 (B2), Case study 1, Tender Bundle W, tendered 5 October 2022.

165 Confidential, Commission of Inquiry Submission 462, 2 September 2022.

166 Confidential, Commission of Inquiry Submission 371, 1 September 2022.

167 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2228: lines 40–43].

168 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2179: lines 5–13].

169 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2179: lines 13–17] (emphasis added).

170 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2183: lines 31–43].

171 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2184: lines 2–4].

172 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2184: lines 17–23].

173 Confidential, Commission of Inquiry Submission 702, 5 October 2022.

174 Exhibit 39 (B19), Case study 3, Tender Bundle W, tendered 5 October 2022.

175 QCAT Review file, provided by the Crime and Corruption Commission in response to the Commission Requirement NTP 3.007, Item 2, requested 4 August 2022.

176 Transcript of proceedings, Sergeant Paul Trinder, 14 July 2022, Brisbane [p 333: lines 16–23] (emphasis added).

177 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2184: lines 9–10] (emphasis added).

178 Confidential, Commission of Inquiry Submission 371, 1 September 2022.

179 Based on data provided by Queensland Police Service in response to the Commission Requirement NTP 2.002, requested 2 June 2022

180 Queensland Police Service, *Ethical Standards Command: Complaint Resolution Guidelines* (QPS Guidelines, 7 January 2021) [p. 10].

181 Queensland Police Service, *Ethical Standards Command: Complaint Resolution Guidelines* (QPS Guidelines, 7 January 2021) [p. 10] (emphasis added).

182 Queensland Police Service, *Ethical Standards Command: Complaint Resolution Guidelines* (QPS Guidelines, 7 January 2021) [pp 10, 25].

183 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2109: lines 42–45].

184 Exhibit 39 (B2), Case study 1, Tender Bundle W, tendered 5 October 2022.

185 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2161: lines 11–18]. The Police Commissioner accepted that Local Management Resolutions are not ordinarily recorded.

186 Exhibit 39 (B20), Case Study 4, Tender Bundle W, tendered 5 October 2022 (emphasis added).

187 Exhibit 39 (B20), Case Study 4, Tender Bundle W, tendered 5 October 2022 (emphasis added).

188 Exhibit 39 (B20), Case study 4, Tender Bundle W, tendered 5 October 2022 (emphasis added).

189 Exhibit 39 (B20), Case study 4, Tender Bundle W, tendered 5 October 2022.

190 Exhibit 39 (B20), Case study 4, Tender Bundle W, tendered 5 October 2022.

191 Service Delivery and Performance Commission, *Report on the Service Delivery and Performance Management Review of the Queensland Police Service* (Report, 2008) [p 83].

192 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2108: line 40–41].

193 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2228: lines 40–43].

194 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2178: line 38 – p 2179: line 3].

195 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2109: lines 18–20].

196 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2109: lines 16–17].

197 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2178: line 40 – p 2178: line 3].

198 Exhibit 20.1, Statement of Detective Inspector David Nixon, Tender Bundle N, tendered 1 August 2022 [p 9: para 50 – p 10: para 54] and Attachment A (Ethical Standards Command Complaint Resolution Guidelines) [pp 22–25].

199 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2125: lines 5–7].

200 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.060, Item 13, requested 15 September 2022.

201 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2083]; Exhibit 39 (B5), Paul Taylor complaint briefing note and Local Management Resolution outcome, Tender Bundle W, tendered 5 October 2022.

202 Exhibit 39 (B5), Paul Taylor complaint briefing note and Local Management Resolution outcome, Tender Bundle W, tendered 5 October 2022; Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2086: line 45 – p 2087: line 31].

203 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2087].

204 Exhibit 39 (B5), Paul Taylor complaint briefing note and Local Management Resolution outcome, Tender Bundle W, tendered 5 October 2022; Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2092].

205 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [pp 2092–2093].

206 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2087: line 45 – p 2088: line 8].

207 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 132].

208 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2185: line 11 – p 2186: line 34].

209 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2185: lines 11–14].

210 As previously noted, the CCC investigated less than 1% of allegations against police received between 2016-7 to 2021-2; and only 4% of allegations about police misconduct finalised by the QPS between January 2017 and June 2022 progressed to any disciplinary process, 1% proceeding to an ADP and 3% proceeding to a Hearing.

211 As previously noted, no further action was taken in respect of 76% of allegations finalised by the QPS between January 2017 and June 2022.

212 G E Fitzgerald, Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 81] (emphasis added).

213 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2342: lines 36–43] (emphasis added).

214 Confidential, Commission of Inquiry Submission 520, 5 September 2022 (emphasis added).

215 WWILD Sexual Violence Prevention Association, Commission of Inquiry Submission 158, 27 June 2022.

216 WWILD Sexual Violence Prevention Association, Commission of Inquiry Submission 158, 27 June 2022.

217 Micah Projects, Commission of Inquiry Submission 198, 8 July 2022 [para 4.10].

218 Brisbane Youth Service, Commission of Inquiry Submission 93, 23 June 2022.

219 Graham Smith, 'Why don't more people complain against the police?' (2009) 6 (3) *European Journal of Criminology* 249.

220 Ending Violence Against Women Queensland, Commission of Inquiry Submission 186, 6 July 2022; WWILD Sexual Violence Prevention Association, Commission of Inquiry Submission 158, 27 June 2022; Confidential, Commission of Inquiry Submission 58, 17 June 2022; Confidential, Commission of Inquiry Submission 131, 24 June 2022; Confidential, Commission of Inquiry, Submission 80, 22 June 2022.

221 Transcript of proceedings, Hayley Grainger, 19 July 2022, Cairns [p 650: lines 7–9]; North Queensland Women's Legal Service, Commission of Inquiry Submission 146, 24 June 2022.

222 Transcript of proceedings, Dr Michael Maguire CBE, 2 August 2022, Brisbane [p 1466: lines 1–5] (emphasis added).

223 Exhibit 39 (C6), QPS Officer's separation notice email dated 7 September 2022, Tender Bundle W, tendered 5 October 2022 [p 2].

224 Brisbane Youth Service, Commission of Inquiry Submission 93, 23 June 2022.

225 Jane Goodman-Delahunty and Anna Corbo Crehan, 'Enhancing Police Responses to Domestic Violence Incidents: Reports From Client Advocates in New South Wales' (2016) 22(8) *Violence Against Women* 1007 [p 1019].

226 Domestic and family violence survivors' experiences of the QPS survey, conducted by the Commission of Inquiry via Qualtrics, July 2022.

227 Email to State Coordinator ESC regarding 466 Forte-Maddison inquest, 30 April 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.053, Item 2, requested 6 September 2022.

228 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2309: lines 21–32].

229 Assessment Inquiries – Criminal Allegations CS 2021/00497, 19 July 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.053, Item 2, requested 6 September 2022 [p 7].

230 Assessment Inquiries – Disciplinary Allegations CS 2021/00497, 26 July 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.053, Item 2, requested 6 September 2022 [p 10].

231 Assessment Inquiries – Disciplinary Allegations CS 2021/00497, 26 July 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.053, Item 2, requested 6 September 2022 [p 9].

232 Domestic and family violence survivors' experiences of the QPS survey, conducted by the Commission of Inquiry via Qualtrics, July 2022.

233 Katie Strudwick, 'Is independence the only answer to complainants' satisfaction of the police complaints process? A perspective from the United Kingdom' (2003) 4(1) *Police Practice and Research* 35 [p 41], citing Andrew Goldsmith, *Complaints Against the Police: The Trend to External Review* (Clarendon Press, 1991).

234 North Queensland Women's Legal Service, Commission of Inquiry Submission 146, 24 June 2022.

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