



QUEENSLAND POLICE SERVICE

STATEMENT OF WITNESS



Occurrence #: _____

Statement no.: _____

Date: **15/07/2022****Statement of**Name of witness: **SCANLON, Cheryl Lyn**

Date of birth: _____

Age: _____

Occupation: **Assistant Commissioner
Old Police Service****Police officer taking statement**

Name: _____

Rank: _____

Reg. no.: _____

Region/Command/Division: _____

Station
: _____**Statement:**

Cheryl Lyn SCANLON states:

Education and experience

1. I am an Assistant Commissioner of Police and have served with the Queensland Police Service for over 35 years. I've been an operational officer for almost all of my career and worked as an investigator at every rank up to and including Detective Chief Superintendent. I have held a range of leadership roles across both regional policing and Specialist Commands including two Director roles since 2015 as Executive Director (Operations Support Division) Crime and Corruption Commission and as QPS Child Safety Director. I spent sixteen years policing in North Queensland in positions including Officer in Charge, Child Protection & Investigation Unit, Detective Inspector, and Regional Crime Coordinator and have worked extensively within First Nations communities.
2. I hold a Bachelor of Adult and Vocational Education, a Graduate Certificate in Applied Management (Policing and Emergency Services), am a member of the Australian Institute of Company Directors (AICD), and a graduate of the Federal Bureau of Investigation (FBI) National Academy, Quantico, Virginia USA.
3. I was appointed as an Assistant Commissioner to Security and Counter Terrorism Command on 16th March 2020. In November 2020 I was moved at the request of Commissioner Carroll to take charge of Ethical Standards Command (ESC) following the departure of the former Assistant Commissioner.

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Recent reforms within ESC

4. As part of my assuming responsibility for ESC I progressed work that had already been commenced for the Service Alignment Program (SAP). This project was undertaken across the organisation and was aimed at improving QPS service delivery to the community including developing operational efficiencies and revising internal structures of various commands and divisions.
5. As part of the SAP work for ESC I made decisions to reform some activities, progress technology enhancements, re-align positions within ESC, as well as seeking growth in positions to enable pre-positioning for a heightened prevention and disruption focus. That work is ongoing and is necessary to develop a more agile and responsive Command.
6. One example of those changes includes the Risk Analysis and Intelligence Section (RAIS) within ESC. This area had operated as a tactical intelligence unit for many years providing front line support to internal investigators and the assessment of complaints. There was no strategic intelligence capability due to the limited positions (six including an Officer in Charge) in this work unit and no focus on predictive analysis. A range of activities have now been progressed with the establishment of a Risk Analysis and Intelligence Cell which commenced in January 2022 that provides (i) improved data capability with enhancements to the Police Integrity & Professional Standards (PIPS) IT system, (ii) recruitment of two specialist Business Analysts to extract data and create meaningful reports, and (iii) the addition of seconded staff to facilitate strategic intelligence gathering with a proposed permanent growth of two full time analysts.
7. On the 8th February 2021, I was advised by Commissioner Carroll that I would be moved immediately to another role temporarily to lead the Youth Justice Taskforce that was announced by the Premier on 9th February 2021. The Assistant Commissioner, Ethical Standards Command position was filled in a relieving capacity in my absence by my Operations Commander, Chief Superintendent Virginia Nelson until I returned permanently on 7th March 2022. In my absence Chief Superintendent Nelson was able to continue some of the reform work for the Command.

The role of ESC

8. 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. The QPS is an organisation of over 12400 sworn and over 4700 unsworn personnel.

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9. The ESC is staffed by 98 sworn and 14 unsworn personnel and there are two Groups within the Command. The Internal Investigations Group (IIG) and the Integrity and Performance Group (IPG). Both Groups are led by Superintendents who report to the Chief Superintendent.

Internal Investigations Group (IIG)

10. The IIG manages the QPS discipline process State-wide, and comprises of the State Coordinators Office, Complaints Management, Risk and Analysis Intelligence Cell, Professional Practice Manager Coordinators, and Internal Investigation Teams. The investigation teams comprise of Detectives with a broad range of operational experience, who are responsible for investigating allegations of suspected criminal conduct and serious misconduct by members of the QPS. They also hold primary responsibility for investigating all deaths in police custody and deaths in police operations on behalf of the State Coroner, and any other matters as directed by the Commissioner, Deputy Commissioner (Crime, Counter-Terrorism, and Specialist Operations), or Assistant Commissioner ESC. The IIG liaises with the Crime and Corruption Commission (CCC) regarding the investigation and resolution of complaints of police misconduct or corrupt conduct through the State Coordinators Office. The more serious matters of misconduct may be retained by the CCC or IIG for investigation rather than referral to a District or Command where the incident occurred, and these matters may be subject to overview by the CCC or IIG before they can be finalised. The IIG routinely manage 18-20% of all active complaint files with the remaining files distributed to the Regions. Matters for the State Coroner are in addition to this 18-20% file load.
11. A team of twenty-four Professional Practice Managers (PPMs) are spread throughout the State but are part of IIG. These officers are at Senior Sergeant level and are hosted within Regions and Commands, but report to two PPM Coordinators who are at Inspector level within IIG.
12. The role of a PPM is the management and coordination of complaints made against QPS members which are assigned for investigation or inquiry by members attached to their area of responsibility. PPMs may also review and develop local policies, instructions and standing operating procedures at the request of senior management relevant to their area of responsibility.

Integrity and Performance Group (IPG)

13. The IPG is comprised of four teams:- (i) Education and Training (who deliver the Discipline Investigation Course and Prescribed Officer Course as well as other face

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to face forums such as QPS recruits before their induction, (ii) Inspections, (iii) Integrity and Corruption Prevention, and (iv) Strategic Risk.

Data capture and analysis capability for DFV

14. Allegations against QPS personnel relating to domestic and family violence are recorded in two categories, (i) officer/member involved, or (ii) allegations of failure of duty in responding to domestic and family violence. Data is captured in the PIPS system which is a relatively new system that went live in May 2021. Prior to this system the complaint recording was done in what was known as the Client Service System (CSS). This system had been in use for many years and needed replacement given the limit of its analytics capability.
15. At the time of providing this statement, the following data is provided as a snap-shot of complaints over a ten year period out of both CSS and PIPS (**Annexure A**). Complaints relate to the number of events reported and allegations are the matters contained within each complaint. For example, a complaint of excessive force is made about two officers during an arrest. One complaint is recorded but two allegations are made. Allegation outcomes is the data set that shows outcomes at the end of investigations within the time period.
16. The actions taken against staff who are respondents in domestic violence matters fluctuate as notices are issued and matters present to a court. As at 30th June 2022 the following actions were recorded:-
 - Number of Police Protection Notices (PPNs) issued and active = 9
 - Number of Temporary Protection Orders = 5
 - Number of Protection Orders = 24
 - Number of Private Applications = 5
17. Snap shots can be extracted to monitor member involved from the various parts of the overall workforce including sworn, unsworn and contractors. (**Annexure B, C, and D**).
18. The PIPS system is currently providing much more refined data and trends on complaints which is critical for State-wide oversight and briefing senior officers in charge of Regions and Commands.
19. At the present time the complaint trends for all matters over a three-year period (excluding domestic violence matters and those relating to the Commissioner's direction on Covid vaccine) are relatively stable. There is an increase in both domestic violence notifications and Covid direction matters which is expected given the focus on these issues both internal and external to the organisation.

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20. The importance of good data and analytics capability is critical to drive prevention and disruption of any complaint or crime class as it allows for early warning signs, trend analysis and detection of problem individuals or work units.

The reformed QPS disciplinary system

21. The *Police Service Administration Act (Discipline Reform) and Other Legislation Act 2019* (Qld) was assented to on 30th October 2019 and brought into effect a new discipline system for the organisation. The commencement of this reform was led by the Crime and Corruption Commission and QPS and involved bipartisan support from Government and Opposition Police representatives, as well as from relevant unions. The system prior to reform was not overly effective for victims, complainants, the officers and staff involved, or the community and lacked timeliness, governance and appropriate outcomes.
22. The revised discipline system is not yet three years old but is focused on enhancing the fair and timely resolution of complaints. Where areas for improvement are identified, swift action is taken at a local level to correct the behaviour and prevent a repeat of the conduct through management intervention strategies. The authority to impose sanctions is maintained to address conduct which is serious, repeated or detrimental to the reputation of the Service.
23. Key aspects of the revised discipline system are: (i) discipline complaints are treated as an opportunity to reflect on how we provide services to the community and identify areas for improvement, (ii) the system is remedially based, (iii) management strategies are undertaken to address inappropriate conduct even in circumstances where sanctions may be imposed, (iv) responsibility for developing and imposing management strategies to improve conduct is devolved to managers and supervisors who are best placed to have a positive impact on the conduct of subject members, and (v) timeliness is improved by placing responsibility on all members to resolve complaints fairly and in a timely manner.
24. When a disciplinary complaint is detailed to a case manager by the Complaint Management Unit (CMU) ESC, the case manager is to promptly consider whether it is desirable to implement a Professional Development Strategy (PDS) for sworn officers or a Management Action Plan (MAP) for unsworn members as referenced in paragraph 23(iii) above. This action is to manage the member and the risk and reputational harm to the Service during the conduct of a disciplinary investigation and/or court proceedings. The imposition of any PDS or MAP does not involve a finding in relation to the allegation/s and should not cause a subject member any

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financial detriment. PDS and MAP are routinely used in allegations relating to Domestic and Family Violence. A sample of a domestic violence PDS template is attached (Annexure E).

Reports of DFV involving QPS members

25. With respect to reporting domestic and family violence there are a range of options inclusive of calls direct to 000 (emergency), direct calls to local police, reporting at local stations, or reporting through Police-link via phone or online.
26. In a matter involving a complaint against police officers or unsworn personnel, if a complainant does not feel comfortable reporting to local or other police, they are able to bypass the QPS with a complaint directly to the Crime and Corruption Commission who will assess the matter and engage with the Ethical Standards Command as necessary.
27. In March 2021 it was identified that Section 9.12.1 Operational Procedures Manual (OPM) *'Responsibilities of members who initiate or become aware of domestic violence proceedings against a member of the Service'*, only placed obligations on officers to submit a QPS form QP466 *'Complaint against a member of the Police Service'* on members named as respondents in Domestic and Family Violence matters in certain circumstances. In addition, there was no requirement for an Executive Briefing Note (EBN) to be submitted for the AC ESC to consider suspension or stand down action of the member. This led to inconsistent reporting and management of members named as respondents.
28. The OPMs were changed requiring an EBN to be completed and submitted when it becomes known that a member is named as a respondent in any domestic violence proceeding for the AC ESC to consider whether there is a need to stand down or suspend a member.

Other developments within ESC concerning DFV

29. There are other activities within ESC that are specific to domestic and family violence which have commenced operations from January 2022 to improve service delivery.
30. A QPRIME screening process was introduced across all occurrences to detect where a QPS member is involved. A specific search is automated to extract names of any employee who appears in each twenty-four hour cycle on a DV occurrence. This allows for prompt follow-up to the owning Region or Command for advice to ESC inclusive of submission of a 466 complaint where required and Executive Briefing



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Note (EBN) from the owning Assistant Commissioner or Executive Director to the AC ESC.

31. Two Domestic and Family Violence Liaison Officers (DVLOs) are appointed within the ESC and a specific DVLO instruction has been put in place to define the roles and functions of these officers. The members selected are an experienced Detective Sergeant and Detective Senior Sergeant within IIG who have extensive history working with children and vulnerable victims through their former placements in both Criminal Investigation Branches, and Child Protection Investigation Units. The officers also bring experience from working in discreet indigenous communities and the Crime and Corruption Commission.
32. These officers will be engaged to conduct auditing of each of the files that *screen in* as occurrences outlined in paragraph 34 above, to ensure correct recording and follow-up is documented. The same officers will also be available across ESC as specialist investigators for advice on domestic and family violence complaint files and are the ESC nominees for the future five-day specialist domestic violence course under development.
33. During 2021 the ESC IPG Inspections team conducted a desktop analysis of Qprime data at State-wide level to monitor trends on action of files across a twelve-month period at the request of the QPS Executive Leadership Team (ELT). This was a new audit process for the ESC IPG Inspections team and was a means to gather insights into DFV activities. This process has limitations and is not an in-field exercise. 120,985 DFV related occurrences were part of the data set examined with a specific focus on officer compliance with Service policy and legislative requirements: - (1) when investigating DFV matters reported at a front counter, (2) the submission of street checks for recording DFV incidents, and (3) when deciding about bail for DFV offenders. The learnings were shared with the Domestic, Family Violence and Vulnerable Persons Command and I have directed that this audit should be replicated as part of ongoing ESC audits annually to monitor trends over the next two years.
34. Work is currently being developed within the Integrity and Performance Group to examine prevalence and impact of member involved DFV to develop prevention activities as this audit capability becomes more refined. These types of activities are part of the ongoing continuous improvement in prevention and disruption.
35. Two separate ESC officers have been selected for the new three day Train the Trainer Course being delivered by the People Capability Command and Domestic, Family Violence and Vulnerable Persons Command in July & August 2022. These officers

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will be responsible for ensuring all members of ESC are trained and remain current year on year.

Stand down and Suspensions

36. The authority to stand down or suspend police officers or suspend staff members has been delegated to Deputy Commissioners and the AC ESC by virtue of the *Human Resource Delegations and Approval Authorities Schedule (Delegated Decision Maker)*. Generally, the AC ESC performs this function and this occurs out of business hours if required.
37. The same delegation applies to revoking the stand down or suspension, or making a determination concerning the pay of an employee who is suspended from duty. Subject to appropriate delegation level, suspension and stand down action may also be cancelled by the delegate level response for administering disciplinary action, subject to the finalisation of any disciplinary action determined to be appropriate or the matter under investigation being unsubstantiated. *The Ethical Standards Command Guideline, Suspension and Stand Down (Annexure F)* provides the policy and practice advice on these processes. A comparison table is provided with data as a point in time snapshot as at 30th June 2022 of the numbers of personnel sworn and unsworn who are stood down or suspended across Domestic Violence matters, other matters and Covid contravene direction matters.

Statistics (as of 1400hrs 30th June 2022)

- Number of staff sworn and unsworn suspended, stood down for DV related matters

Member – DV	Stood Down	Suspended
Staff member	NA	NIL
Police Officer	14	6

- Number of staff sworn and unsworn suspended, stood down for all other matters

Member (non DV or COVID)	Stood Down	Suspended
Staff member	NA	6
Police Officer	29	9

Member – Covid	Stood Down	Suspended
Staff member	NA	54 (9 with pay & 45 without pay)
Police Officer	NA	70 (24 with pay & 46 without pay)

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Monitoring and improving QPS response to DFV

38. ESC policy is reviewed routinely and will continue to be modified as changes are made from Commissions of Inquiry, Taskforce findings, Coroner's findings or other matters of practice direction that impact discipline investigation.
39. To effect cultural change and operational efficiency in any law enforcement environment, it is necessary to have a robust system of performance monitoring. The *Organisational Performance Management Framework (OPM Framework)* was introduced in 2020 and provides a three-level system of performance measurement focused on enhancing the business practices of all levels of the organisation. It provides transparency of performance from the organisational level through to individual employees and supports a "One QPS" approach to solving issues and challenges. The Framework was developed following a Strategic Review of the Queensland Police Service at Commissioner Carroll's request in 2019. It is focused on connecting the entire organisation as 'one' organisation, reinforcing accountability, driving a culture of continuous improvement, and underpinning with measures and data sets (dashboards).
40. At the highest level (Level 1) is the Commissioners Performance Review (CPR). This is an examination of the work of Districts or Commands by the Commissioner, Deputy Commissioners, and an Assistant Commissioner with each Region, District, Command or Division to assess what's working well, share success and highlight areas for improvement.
41. Domestic and Family Violence is captured in the Primary Business Functions and is examined routinely in any CPR. Data and analytics dashboards including the High Risk High Harm Dashboard, and strategic discussion points are used to facilitate evaluation, discussion, and future planning. External partners are invited to participate at the invitation of the Region, District, Command or Division. At the conclusion of each CPR a Post Review Report and Continuous Improvement plan highlighting the responsible area's 'explicit improvement agenda' is completed. This plan is then monitored and revisited in any subsequent CPR or Business Unit Review.
42. Business Unit Reviews are at Level 2 and are conducted within each District, Command or Division and mirror the Commissioners CRP. These reviews are facilitated by District Officers and Command Managers, but allow for the same opportunities to bring staff together, examine functional areas of business and undertake a continuous improvement process and reporting.


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43. During 2022 whilst leading the Youth Justice Taskforce, I adopted the Level 2 Business Unit review process as a "thematic" review across all Districts to gather insights into responses to youth crime. A thematic review on DFV was also undertaken in Logan and Gold Coast Districts following the death of Doreen Langham to examine domestic violence as an additional review beyond routine Level 1 and 2 examinations. These reviews provide excellent insights into what is working and what needs improvement at a local level and allow staff from all levels to contribute to the conversation and continuous improvement plans.
44. Although not a first response unit, the ESC has undertaken a Domestic and Family Violence Business Unit thematic review on 30th November 2021. This process allowed all parts of the Command to come together to examine how business is conducted and develop a continuous improvement plan. Another Business Unit review will be undertaken in November 2022 to follow up actions and ensure changes have been implemented.
45. Level 3 is the Development and Performance (DAP) process which underpins the organisational Performance Management Framework by devolving strategic goals and objectives to individual employee level for all QPS personnel. This system was introduced from January 2022 and replaced the previous performance recording which had become ineffective. The DAP system provides a streamlined platform to support and formalise development and performance discussions and comprises of three components: - (i) goal setting at the start of the calendar year, (ii) DAP notifications completed throughout the year, (iii) and annual performance reviews assessed at the end of the year. The DAP provides a user-friendly system to help guide staff and allows opportunities to have performance conversations and document guidance or set specific areas for improvement.
46. As work progresses on a range of reforms within QPS, there needs to be improvement by ESC on an explicit communication and engagement strategy to build partnerships across the Domestic and Family Violence sector. It was identified during the ESC Business Unit Review that there is opportunity through the PPM network around the State to connect with the Communications, Culture and Engagement Division, DFVLOs in Districts and to Domestic and Family Violence service providers.
47. A specific communication activity is to be developed to ensure agencies are fully informed about the complaints process and options open to their clients should there be a need to report matter against QPS personnel. That work is currently being

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progressed by the two Inspector PPM coordinators and will require a particular focus on First Nations and Culturally and Linguistically Diverse Communities. Many DFV agencies are already fully aware of how to report matters on behalf of clients including the process to report directly to the CCC if necessary.

48. The setting of the tone at the top is a fundamental building block for forming and shaping a robust, resilient, and ethical culture in any law enforcement organisation.
49. To contribute to enhancing that culture within QPS, from September 2022 both myself and Assistant Commissioner Maurice Carless (Office of State Discipline) will undertake a program of Regional and Command visits to discuss discipline issues with a key focus on early intervention and disruption.
50. Domestic violence complaints and responses will be captured in that program of work which is focused on Sergeant and Senior Constable levels. This group is of particular interest not only because they are the largest part of the workforce and not unexpectedly the group where most complaints are generated from, but they are also our on-road supervisors managing less experienced staff.

Conflicts of interest

51. Conflicts of interest are specifically addressed in the ESC Complaint and Resolution Guidelines. 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 so that the matter can be reassigned.
52. Conflict of interest or selection of suitable investigator/s to avoid actual or perceived conflict, is a matter that must routinely be considered when files are assessed and allocated. The issues relating to who is best placed to investigate a matter for the files being assigned to Regions is a process that requires consideration by the PPM and Case Manager. Prior to allocation from ESC, discussions also take place in the daily Complaint Assessment Committee (CAC) in consideration of complaint history on a member and other intelligence. Similarly, any matter in IIG being allocated has oversight by the Detective Superintendent and Chief Superintendent to ensure that officers being assigned can remain impartial.
53. No two investigations are the same and allocation of who is best placed by rank, skill set (particularly when a matter is complex) or need for investigation externally to the station or section where the member works, forms part of the decision making on allocation of a file. For example, a DFV matter may have allegations of serious



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sexual offending or child protection matters interwoven. In such cases, suitably qualified detectives should be allocated to investigate.

54. Geographic location can also impact who is selected to manage an investigation particularly in smaller centres. Whilst a first response crew might attend the initial call for service for a report of DFV, the assessment and allocation of any subsequent internal/discipline investigation is a matter for consideration by ESC including PPMs and Case Managers who are senior officers.

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Cheryl Scanlon
Assistant Commissioner
Ethical Standards Command

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