
TRANSCRIPT OF PROCEEDINGS

**INDEPENDENT COMMISSION OF INQUIRY INTO QUEENSLAND POLICE
SERVICE RESPONSES TO DOMESTIC AND FAMILY VIOLENCE**

COMMISSIONER: HER HONOUR JUDGE DEBORAH RICHARDS

**COUNSEL ASSISTING: RUTH O'GORMAN QC
ANNA CAPPELLANO**

**Land Court of Queensland, Brisbane Magistrates Court,
Level 8/362 George Street, Brisbane.**

Friday, 5 August 2022

1 COMMISSIONER: Yes.

2

3 MS O'GORMAN: Good morning, Commissioner. I do have a
4 tender bundle to tender, but I need to add a couple of
5 documents into it. So I might do that at the end of
6 the evidence this morning.

7

8 COMMISSIONER: Sure.

9

10 MS O'GORMAN: There are three witnesses giving evidence
11 this morning from the Institute for Collaborative Race
12 Research, and it's intended that they will all be giving
13 evidence at the one time. Those witnesses are here, and
14 we're ready to proceed. So I call Professor Watego,
15 Dr Singh and Dr Strakosch.

16

17 <DAVID SINGH, affirmed:

18

19 <CHELSEA WATEGO, affirmed:

20

21 <ELIZABETH STRAKOSCH, affirmed:

22

23 <EXAMINATION BY MS O'GORMAN:

24

25 MS O'GORMAN: Professor Watego, Dr Singh and Dr Strakosch,
26 each of you are directors and principal researchers at the
27 Institute for Collaborative Race Research.

28

29 DR STRAKOSCH: That's right.

30

31 MS O'GORMAN: Your submission to the Commission, which was
32 done in collaboration with Sisters Inside, was provided to
33 us on 13 July 2022; that's correct, isn't it?

34

35 DR SINGH: Yes.

36

37 MS O'GORMAN: It sets out the purposes and focuses of the
38 institute and the work that it does and that each of you
39 contribute to?

40

41 DR STRAKOSCH: Yes.

42

43 MS O'GORMAN: All right. In terms of your own individual
44 background, Dr Singh, you're a race scholar with
45 qualifications in bachelor of arts, master of arts and PhD
46 in literature.

47

1 DR SINGH: Yes.

2

3 MS O'GORMAN: Professor Watego, you are a researcher in
4 the areas of race, racism and Indigenist health humanities;
5 you have qualifications which include a bachelor of applied
6 health science, honours in applied health science and a PhD
7 in public health.

8

9 PROF. WATEGO: That is correct.

10

11 MS O'GORMAN: And, Dr Strakosch, you have conducted
12 research over a long period of time which has focused on
13 Indigenous policy, colonialism, political relationships,
14 bureaucracy and new public management?

15

16 DR STRAKOSCH: That's right.

17

18 MS O'GORMAN: Your qualifications include a bachelor of
19 arts, honours in political science and a PhD in political
20 science?

21

22 DR STRAKOSCH: Yes.

23

24 MS O'GORMAN: Further to receiving the submission from
25 your institute, we have asked that you provide us with an
26 expert report further addressing some of the matters that
27 you raise in your submission. We've also sent you ahead of
28 this morning seven questions that we would ask that you are
29 able to address this morning to help inform the Commission
30 about some of the matters within your particular areas of
31 interest. I'm going to move through those questions in
32 turn, and it's totally a matter for the three of you as to
33 which one of you would like to take the lead in answering
34 any of those questions.

35

36 The first question that we have posed to you is: in
37 what ways are the continuing effects of colonisation being
38 experienced by First Nations people?

39

40 DR STRAKOSCH: I might respond to this. My area of
41 research has covered comparative colonialisms. So we
42 wanted to, with your indulgence, spend just a few minutes
43 explaining our understanding of colonisation based on the
44 political science and sociological literature because that
45 really informs when we talk about the different
46 relationships between the Queensland Police Service and
47 non-Indigenous people and the Queensland Police Service and

1 Indigenous people. It's really based on our understanding
2 of colonialism, how that connects to race and the ways in
3 which it's ongoing today.
4

5 So what we want to highlight is and what I have looked
6 at in my research is Australia as a settler colony. This
7 is a particular type of colonial environment. There are
8 four English-speaking settler colonies - Australia,
9 New Zealand, Canada and the US - and there's a distinction
10 that's often made between settler colonies and extractive
11 or conventional colonies. So conventional colonies, we
12 might think of India or Africa, where a minority of
13 colonisers from Europe come to exploit the resources and
14 the labour of Indigenous people and their land. Most of
15 those extractive colonies have decolonised structurally
16 after the Second World War.
17

18 But there is another type of colonisation that's known
19 as settler colonisation, in which a majority of colonisers
20 come to stay in a place. They come to stay to replace
21 Indigenous people on their land and to establish a new
22 political society and occupy that land. Now, most settler
23 colonies have not decolonised. There has not been a moment
24 of kind of institutional break or reformation so we can
25 meaningfully say that settler colonialism is an ongoing
26 relationship. The questions of jurisdiction, of land
27 ownership are very much live and unresolved.
28

29 That is the case in all of the four settler colonies
30 that I talked about. However, Australia has a particular
31 history which gives it a particular inflection especially
32 around race. In the other settler colonies, colonists
33 recognised the political sovereignty and/or landownership
34 of Indigenous people. That meant they proceeded through
35 colonisation - they still colonised. They proceeded by
36 treaties or conquest or other forms of kind of taking
37 political - what they saw as taking political control.
38

39 In Australia, based on a racial assessment of
40 Indigenous people as so inferior that they did not possess
41 either landownership or political sovereignty, Australia
42 was colonised on the basis of settlement; that is, just the
43 wholesale occupation of this place. In the absence of
44 political life here, that remains the legal justification
45 for the Australian State today. Even though landownership
46 has been contested by the High Court and some changes have
47 been made, the High Court has been very clear that it is

1 not able to make decisions on the question of Indigenous
2 sovereignty because that would potentially fracture the
3 legal skeleton of the Australian State and would call into
4 question its own authority.

5
6 So when we talk about colonialism and racism in
7 Australia we mean this in a very real sense, that there is
8 a structural conflict that's ongoing and that the
9 Australian State itself still rests on a legal
10 justification that is based on an assessment of the
11 inferiority of Indigenous people as so savage that they do
12 not have political institutions.

13
14 This, we would suggest, is one of the reasons that
15 it's quite difficult to talk about race in Australia,
16 because it's very much bound up with live political
17 questions, but it's also one of the reasons we talk about
18 the Queensland Police Service as having a particular
19 relationship with Indigenous people, because it has been
20 one of the instruments on the frontline of that process of
21 colonisation and dispossession.

22
23 MS O'GORMAN: Can I ask you then --

24
25 COMMISSIONER: Sorry, can I just ask one thing from that.
26 When you talk about Queensland Police I take it you mean
27 really it's all police or is it particularly Queensland?

28
29 DR STRAKOSCH: I do intend to address that in the second
30 question.

31
32 COMMISSIONER: Okay.

33
34 DR STRAKOSCH: It is all police, but it is also Queensland
35 Police specifically.

36
37 MS O'GORMAN: And that leads me to that question. Are you
38 able then to explain the role of policing more specifically
39 in relation to colonisation?

40
41 DR STRAKOSCH: Yes, definitely. So Queensland has a
42 particular colonial history. It's quite intense. It's
43 quite violent. The pearling and the opium industries were
44 particularly violent and caught up with Indigenous people
45 and their exploitation.

46
47 The earliest police in Queensland were the Queensland

1 Native Mounted Police. They were established here in 1864.
2 Henry Reynolds, who is an historian, has called them the
3 most violent organisation in Australian history. Their
4 specific task was to disperse native camps, including mass
5 murder and including sort of the dispossession and moving
6 on of Indigenous people from their land so that it could be
7 occupied by white settlement.
8

9 This is not a history that's been disavowed by the
10 contemporary Queensland Police Service. In 1964 at the
11 centenary of the establishment of the QPS a senior police
12 officer said, "Walker [who was the original lieutenant of
13 the Mounted Police] and his Force soon established
14 themselves. He tamed the natives, saved the whites, and
15 made the country comparatively safe."
16

17 "The Native Mounted Police had certain privileges.
18 Its officers could, and frequently did, transfer to the
19 [main] Queensland Police Force without loss of rank. Its
20 officers were chosen from men whose qualifications were
21 supposed to be education, breeding, knowledge of drill and
22 firearms, and ability to handle natives."
23

24 This period of frontier violence was burning itself
25 out by about 1910, and native police camps were moving
26 northwards. The native police then started operating much
27 more intensely in the Northern Territory after 1910 where
28 dispossession was still live.
29

30 But in Queensland we, if you like, pioneered another
31 regime of racial control here that is very well known
32 historically around the world and that is the protection
33 legislation, the Aboriginal Protection and Sale of Opium
34 Act 1897, which is an extremely draconian set of rules that
35 govern every aspect of Indigenous people's lives, including
36 if they could marry, where they could live, if they could
37 keep their children, where they could work. The money from
38 their work was taken by the government and often not given
39 back. This is the stolen wages case that we talk about.
40 They were overseen by a chief protector in Brisbane but by
41 local protectors in regional areas, and the local protector
42 was usually the police, the leading policeman in the area.
43

44 So that means right up until '50s, '60s in Queensland
45 up until the '80s, because we did not dismantle protection
46 legislation under Joh Bjelke-Petersen fully until the '80s,
47 in fact there is a famous quote from Rowland, who is an

1 historian, who says in the '80s you could be arrested in
2 Queensland either for committing a crime or for being
3 Aboriginal and you could be removed to any mission.
4

5 So what that means is police were often directly
6 involved in catching escapees from missions, they were
7 directly involved in removing children from their families,
8 and enforcing people to go to work in often very violent
9 and sexually violent situations.

10
11 So one other thing we would just like to mention quite
12 quickly is that there's a particularly history of sexual
13 violence in relation to Indigenous women all over
14 Australia. It's quite intense in Queensland and there's a
15 lot of documentation from here about that. Mass sexual
16 abuse of women, rape and murder was very common on the
17 frontier, including capturing Aboriginal women and taking
18 them to stations. The police were often complicit in that.
19 The police didn't act. There's a great deal of evidence
20 for that. In several cases police were accused and/or
21 prosecuted for killing Aboriginal women but they were never
22 convicted. It was seen as an accident or there was
23 assumption of the good intent of these police officers.
24

25 So when we say that there is a particular relationship
26 between the Queensland Police Service and Indigenous people
27 we mean it in a very tangible sense. We mean it's ongoing,
28 it's structural, and racism is foundational to it. The way
29 that the Queensland Police Service polices for settlers is
30 by content, but the way it has policed Indigenous people
31 has always been through control, and that is for political
32 purposes as we've outlined here.
33

34 MS O'GORMAN: Building on that then, can you explain for
35 us the ways in which the continuing effects of colonisation
36 contribute to one of the matters that we're tasked to look
37 at, which is the over-representation of First Nations
38 people in the criminal legal system today?
39

40 PROF. WATEGO: Yes, so I think if we look at the current
41 context, particularly here in the state of Queensland, the
42 violent relationship and the one of control over Indigenous
43 peoples is evidenced in a range of legislative changes --
44

45 COMMISSIONER: Can I just interrupt you for a second. So
46 this is Professor Watego speaking now.
47

1 PROF. WATEGO: Yes.

2

3 COMMISSIONER: If you can just identify yourself just for
4 the record when you speak.

5

6 PROF. WATEGO: Sure. So if we look at, for instance, the
7 introduction of the public nuisance charge here in the
8 state of Queensland, which was directed at Aboriginal and
9 Torres Strait Islander people in Far North Queensland quite
10 explicitly so, it's no surprise that within one year of its
11 introduction an Aboriginal man dies in custody.

12

13 We saw with the more recent youth justice reforms the
14 Queensland Police Service Union were very clear that they
15 were targeting Indigenous children. We've also seen with
16 this conversation around criminalising coercive control we
17 know that Indigenous women are going to be
18 disproportionately affected, yet the State has continued on
19 with the calls to criminalise coercive control. This is
20 despite the evidence put before the Royal Commission into
21 Aboriginal Deaths in Custody, where a recommendation was
22 made to reduce the ways in which Indigenous peoples become
23 incarcerated to prevent deaths in custody. What we've seen
24 is an expansion of police powers despite the evidence base
25 that Indigenous people are disproportionately affected and
26 that relationship is still a very violent one in a very
27 tangible sense.

28

29 Last year we were invited to give an expert report to
30 the Queensland Sentencing Advisory Committee to explain the
31 overrepresentation of Indigenous people, and particularly
32 Indigenous women, on assaults against first responders.
33 They didn't understand how that came about, and so we
34 looked at the relationship between first responders, from
35 police to ambulance officers, in its historical context,
36 and we found cases of police-assisted leprosy raids, the
37 nature of relationships of policing on Boundary Street here
38 in the City of Brisbane, to contemporary examples that were
39 on the public record where there had been allegations of
40 assaults against public officers by Indigenous peoples, yet
41 in those cases many were found to have been false claims
42 and in fact the police were the instigators of violence.
43 So we were able to conclude that the overrepresentation may
44 be a result of this violent relationship that the police
45 and Indigenous peoples have always experienced.

46

47 I think it's important to recognise that this is just

1 not some abstract theorising. Any Queensland police
2 officer who has had an engagement with an Aboriginal or
3 Torres Strait Islander community for any sustained period
4 of time is aware of the term "triple C". They know what
5 that means, and it's a very succinct articulation of the
6 role of police today in this country, particularly in the
7 state of Queensland.

8
9 DR STRAKOSCH: Yes, so I just wanted to follow up that too
10 by just highlighting the fact that when we talk about
11 colonisation as continuing this is really evidenced in the
12 rising incarceration rates in the last 30 years. So not
13 only since the Royal Commission have they not decreased, as
14 the Commission recommended; they have actually increased.
15 As part of an ARC-funded mapping project which maps
16 Indigenous-settler colonial relationships in Australia what
17 we saw was that at the end of the protection era, around
18 the 60s, when missions and reserves became self-governing
19 communities, that coincided with the establishment of a
20 police station in those communities and we saw people who
21 were effectively previously inmates of other types of
22 carceral systems, of missions and reserves, more and more
23 becoming incarcerated in prisons, so being moved to
24 different types of incarceration, and the police becoming
25 more central rather than less central to the violent
26 relationship of colonisation.

27
28 MS O'GORMAN: Some of the evidence that the Commission has
29 heard to date has included evidence of negative attitudes
30 being held by members of the Queensland Police Service
31 towards the issue of domestic and family violence
32 generally. Are you in a position to offer your views about
33 how those kinds of attitudes would impact upon Indigenous
34 women and girls uniquely?

35
36 PROF. WATEGO: Certainly. I think most definitely
37 Indigenous women experience the violent culture of misogyny
38 that this Commission has heard in terms of survivor
39 statements as well as the testimonies from Queensland
40 police officers themselves about not being believed and
41 being belittled. What we argue, though, because of the
42 racialised nature of policing with Indigenous peoples and
43 the intersection of being negatively racialised and
44 gendered that there is a unique form of violence that
45 Indigenous women experience, of which we provided some of
46 those accounts in the joint submission to Sisters Inside.

47

1 So how this plays out for Indigenous women is not only
2 are they not believed or they're belittled; what we're
3 seeing is that Indigenous women are cast as perpetrators,
4 as victims of violence, and there was - I think it was a
5 2017 study looking at deaths - family violence related
6 deaths in the state of Queensland and found that up to
7 50 per cent of those who had died as a result of family
8 violence had been named as a respondent on a domestic and
9 family violence order.

10
11 When they looked specifically at Indigenous women,
12 100 per cent had been named as a respondent prior to their
13 death. So, if you think about it, in the state of
14 Queensland not one Aboriginal and Torres Strait Islander
15 women who died as a result of family violence was ever seen
16 as an innocent victim. So we see the denial of victimhood
17 of Indigenous women, not just in their encounters with
18 police but even sometimes through the processes, certainly
19 through the Women's Safety Taskforce process, in terms of
20 not believing their accounts and dismissing them. That's
21 I guess - we really draw attention in our submission to the
22 testimonies of Indigenous women as well as the statistical
23 accounts that confirm what they're saying. The evidence is
24 very clear that Indigenous women experience a unique form
25 of violence.

26
27 I think the other thing we need think about also is if
28 we look at some of those testimonies we have the perceived
29 criminality of Indigenous women weaponised against them as
30 a way to deny them victimhood, and certainly I think Hannah
31 and Samantha's stories in our submission speak to that.
32 What's troubling here is that, if you look at women in
33 prison, over 90 per cent have experienced some form of
34 abuse. If we look at Indigenous - look at children in
35 detention, close to 100 per cent have experienced some sort
36 of sexual assault. So at no point in their lifecycle are
37 Indigenous women ever considered victims of violence, are
38 always criminalised, and that's our concern about police
39 responses particularly to Indigenous women as victims of
40 violence, is they're never seen as a victim in need of care
41 or protection, which is one thing, but they're framed as
42 perpetrators and all complicit in the violence that they
43 experience.

44
45 We see it not just in life but also in death. So work
46 that we've undertaken in informing coronial inquiries about
47 missing and murdered Indigenous women, and this is not just

1 unique to Queensland, though we have looked at Queensland
2 Police Service cases, is that even in death Indigenous
3 women are not deemed worthy enough for proper
4 investigation, hence the Senate's announcement of an
5 inquiry into missing and murdered Indigenous women in this
6 country, because the failure of police to properly
7 interrogate what has happened. So even in death Indigenous
8 women are denied victimhood in this country.

9
10 DR STRAKOSCH: Just to add on to that quickly, in doing a
11 lot of that research we engage quite extensively with
12 the Canadian inquiry into missing and murdered Indigenous
13 women, girls and gender diverse people, which is generally
14 regarded as a very good inquiry. It spoke to 2,500
15 witnesses and Indigenous communities, and produced a very
16 voluminous report. So some of the terminology that we use
17 in our submission comes from the findings of that report,
18 which found that the violence that Indigenous women
19 experience firstly can't be reduced to their socioeconomic
20 circumstances. Being Indigenous was enough if you
21 controlled for all other factors. We submit to experience
22 more violence not just in domestic and family situations
23 but also stranger violence.

24
25 The reasoning that they gave for why this was the case
26 was that there was a culture of impunity that existed in
27 which violence against Aboriginal and Torres Strait
28 Islander women or Indigenous women in Canada was not seen
29 as sufficiently problematic that it warranted proper
30 investigation by the police. There were many stories of
31 families of Indigenous women going to police asking for
32 help, to be told, "No, she's probably drunk. She's
33 probably a sex worker. Come back in three weeks." So
34 these families were left alone. That's not just a harm
35 that's done to those particular families. What they found
36 was this creates a culture within which people can
37 perpetrate violence, including domestic and family
38 violence, against Indigenous women and know that they're
39 safe, and that is the fundamental reason that Indigenous
40 people experience domestic and family violence in the way
41 that they do.

42
43 MS O'GORMAN: From your point of view then is there scope
44 for meaningful improvement in relation to police responses
45 to domestic and family violence, particularly in
46 First Nations communities, either by better training for
47 police or some other measures?

1
2 DR SINGH: I'm Dr David Singh. I'll take that question,
3 if I may. Inquiries such as this and many others often
4 introduce at their conclusion a raft of recommendations.
5 Most - they often are unevenly applied, implemented, and
6 those that are implemented rarely exist beyond two, three
7 years because there's not been sustainable funding for
8 their continuance. Initiatives such as training that
9 encompass race and gender are normally the first to go in
10 any cost-cutting exercise. They're rarely ring-fenced in
11 any kind of austerity push on the part of local councils
12 and NGO sectors.

13
14 Training itself, I'm originally from London,
15 I've worked with the Metropolitan Police in developing
16 joint training with local divisions, and this has had mixed
17 results. On the one hand, senior police officers embrace
18 the training. On the other hand, rank and file push back,
19 to the extent that the training didn't last beyond one or
20 two years before it was called into question.

21
22 In the aftermath of the Macpherson inquiry into the
23 murder of Stephen Lawrence we saw that the police
24 throughout the country accepted the definition of
25 institutional racism, accepted that they were
26 institutionally racist, and set in place plans to address
27 that institutional racism. Within about three years they
28 declared themselves no longer to be institutionally racist
29 and therefore in no need of remedial action.

30
31 From the point of view of community, certainly those
32 that I worked with in West and East London, they didn't
33 really want the promise of better professionalisation, they
34 wanted more police accountability, and that's certainly not
35 what they got through the various recommendations of the
36 various inquiries that they all sat patiently through.

37
38 So I would argue that there is a kind of negligible
39 impact that attempts to better professionalise the police.
40 On the one hand, training is put in place, but on the other
41 there has invariably been an increase in police powers,
42 oversaturation of policing in marginal areas. We've had
43 certainly here in Queensland Facebook groups where racist,
44 homophobic and sexist comments are traded freely without
45 censure. There is a particular canteen culture where this
46 training simply doesn't permeate or kind of advance police
47 understanding in any sustained way. So I would question

1 the value of training overall, having been personally
2 involved in co-designing training for the largest police
3 force in the world.
4

5 PROF. WATEGO: If I may add, I think if we look to the
6 Royal Commission into Aboriginal Deaths in Custody, where
7 things like cultural awareness training, the engagement of
8 Indigenous police liaison officers and even recruitment of
9 Indigenous police officers, they haven't been effective in
10 reducing deaths in custody, and I think there is a concern
11 that training accessorises the expanding authority of an
12 institution that we know to be violent to Indigenous
13 peoples. If we think about violent relationships, as this
14 inquiry is concerned with, we wouldn't tell a woman to stay
15 with her perpetrator who is abusing her and just give him
16 some better training. So I think if we think about these
17 violent relationships as taking place not just in homes but
18 at the hands of the State, the logic doesn't stack up here.
19

20 MS O'GORMAN: You suggest in the draft summary report that
21 you've provided to the Commission that the QPS ought to be
22 defunded and de-authorized in relation to domestic and
23 family violence. The Commission has heard from some
24 individuals and communities about the need for a better
25 policing response, including a greater police presence, in
26 some communities and an increase in police responses in
27 some communities. Would you explain for us how it is that
28 your suggestion to defund and de-authorise the police in
29 relation to domestic and family violence offers the safety
30 that from your point of view Indigenous peoples and
31 communities are seeking?
32

33 PROF. WATEGO: I think given we've explained the violent
34 relationship that Indigenous people have with police our -
35 we share a concern about a non-violent approach, a
36 non-violent society. What de-authorising and defunding of
37 police is is an appeal for a non-violent approach to
38 addressing violence, and unfortunately the Queensland
39 police have proven themselves incapable of doing that, as
40 the Women's Safety and Justice Taskforce has heard, as this
41 inquiry has heard.
42

43 It's also recognising that the police have long failed
44 Indigenous peoples and communities, and Indigenous peoples
45 and communities and Indigenous community-controlled
46 organisations have had to find ways to respond to family
47 violence in the absence of police who do not attend or

1 don't care without the necessary resourcing to do so. So
2 I guess we would argue that this is not really a radical
3 position but rather a responding to the reality of the
4 violent relationship that Indigenous peoples have with
5 police at this point.

6
7 DR STRAKOSCH: Just to build on that, while it might seem
8 like there's a contradiction between people talking about
9 the lack of police response to domestic violence and then
10 talking about the over-policing and the criminalisation of
11 Indigenous women, there's actually not a contradiction in
12 our understanding. These under-policing and over-policing
13 of particular types of experiences by Indigenous women all
14 relate to the fact that their status as genuine victims is
15 devalued. So they are over-policed as perpetrators but
16 they're under-policed as victims, and that is part of the
17 violent structure.

18
19 So it's not a question then of, well, where there's
20 under-policing, more police will solve that. In fact,
21 people are looking for a response, people are looking for
22 meaningful responses, and in the absence of those are
23 finding their own. When we talk about defunding and
24 de-authorising police, it might sound kind of confronting,
25 but what we're actually talking about is moving substantive
26 resources and authority and power to community-controlled
27 Aboriginal organisations in a systematic way over the whole
28 state. So not in terms of pockets of best practice that
29 kind of seem really appealing but don't actually change the
30 distribution of authority or funding in relation to this,
31 and the basic reality of making that change would require
32 enormous and sustained refunding of the Aboriginal
33 community-controlled sector, which has been systematically
34 defunded over the last 20 years, since the end of ATSIC,
35 and genuine resourcing for those organisations to be able
36 to take control of these situations. So defunding and
37 de-authorising police does align with some of the
38 suggestions that others have put forward. However, it
39 requires it to be done in a systematic, widespread way that
40 involves large amounts of funding and a real shift in
41 power.

42
43 PROF. WATEGO: If I can add, I think a lot of Indigenous
44 communities recognise that a police response to what is
45 effectively a social problem does not prevent or treat,
46 solve the issue of family violence in our communities.
47 When you speak to survivors of family violence there are

1 very tangible things they are seeking in terms of securing
2 their safety, from having the resources to have better
3 security on a rental property, to getting paid leave when
4 they have experienced strangulation and have no leave at
5 their job and are not entitled to crisis payments through
6 Centrelink. Like, there are very practical tangible things
7 that Indigenous women are seeking as victims of violence
8 that extend beyond incarcerating somebody for a short
9 period of time, because we know these men return to our
10 neighbourhoods and our communities often more violent than
11 what they were when they went in because of the violence of
12 incarceration. It doesn't solve the problem. So we share
13 the concern about solving the problem of violence in our
14 community. The challenging part is getting the State to
15 imagine what a non-violent response to violence might look
16 like, and unfortunately it can't see beyond that in terms
17 of its relationship with Indigenous people.

18
19 MS O'GORMAN: In explaining that answer then, you,
20 Dr Strakosch, already have referred to Aboriginal
21 community-controlled organisations and your view that there
22 needs to be a far greater funding of them in a systemic
23 way. My final question is whether there is merit in giving
24 consideration to the development of a co-responder model
25 which includes Aboriginal and Torres Strait Islander
26 community-controlled organisations as part of the model.

27
28 DR STRAKOSCH: Yes, and I suppose I did address some of
29 those core questions. Basically our experience, especially
30 Professor Watego's experience, in organising in the
31 community-controlled sector is that there are really
32 important, accountable things happening but that is being
33 done without a great deal of support or funding. So the
34 practices are there, but the community-controlled sector
35 has been - especially since 2014, when Tony Abbott brought
36 in the Indigenous Advancement Strategy, we saw over
37 30 per cent decrease in funding to the community-controlled
38 sector within a year, and most of that funding went to
39 churches, Anglicare, their big kind of social service arms.

40
41 So, unbeknownst to many people, there has been a
42 massive transformation and a kind of real attack on the
43 community-controlled sector. It's holding on, but when
44 talking about something like a co-responder model when
45 you're talking about community-controlled organisations it
46 has to take account of the situation they have been put in
47 and the fact that many are operating on - they're running

1 60 different government grants, they're always short-term,
2 there's no sustained funding. Those are the issues that
3 actually need to be addressed to make a meaningful change
4 in something like a co-responder model.

5
6 PROF. WATEGO: Our institute is working on a research
7 project funded by the Australian Institute of Aboriginal
8 and Torres Strait Islander Studies looking at the
9 community-controlled sector here in the state of Queensland
10 and have a strong sense of how structurally underresourced
11 the sector is. I'm sure if you did an audit of community
12 and social services funding here in the state of
13 Queensland, a very small proportion of funding for
14 community and social services goes to Aboriginal and Torres
15 Strait Islander community-controlled organisations, and
16 that has been by design, not because of poor Indigenous
17 governance.

18
19 There has been a mainstreaming of services. So we no
20 longer support Indigenous models of service delivery,
21 despite the fact that we know in health the Indigenous
22 model of primary health care is an exemplar of best
23 practice in health globally. So it's not that Indigenous
24 communities can't innovate, aren't providing services to
25 our communities, but are structurally underresourced. So
26 while the State seeks to get more police officers you've
27 got Indigenous families and communities carrying the burden
28 of not just their failings but also the subsequent violence
29 that they experience in this process.

30
31 So, for instance, Strong Women Talking is one
32 Indigenous community-controlled organisation that is
33 survivor led, victim centred, and they talk about when
34 Indigenous women seek to leave a relationship that they
35 have to counter the violence that they experience through
36 seeking help, from the police through to the social
37 services sector, and the risks of child safety of losing
38 their children having reported an experience of violence.
39 So we've got these very small pockets of Indigenous
40 organisations, not fully resourced, that are trying to
41 navigate the various layers of violence that Indigenous
42 women are experiencing in the course of seeking safety for
43 their families. So when we say de-authorise and defund the
44 police, there are clear ways in which that resourcing could
45 be better spent that actually attends to reducing and
46 addressing violence and safety.

47

1 MS O'GORMAN: Thank you for addressing our questions.
2 There may be some further questions now.

3
4 COMMISSIONER: Can I just ask you about that reduction in
5 funding to community organisations. That 30 per cent
6 reduction, when's that from?

7
8 DR STRAKOSCH: So Tony Abbott introduced when he became
9 Prime Minister the Indigenous Advancement Strategy, which
10 moved all federal funding for all grants and programs
11 related to Indigenous people into the Department of the
12 Prime Minister and Cabinet and required all organisations
13 to re-tender simultaneously for those. There have been
14 Senate inquiries into that process. It wasn't handled very
15 well. But what we saw at the other end of it without a
16 great deal of transparency was this massive defunding.
17 There have been efforts to kind of make some changes, but a
18 lot of organisations have folded since then.

19
20 COMMISSIONER: That's my next question. Have
21 organisations had to close as a result?

22
23 DR STRAKOSCH: A lot keep going because they have to.
24 Like, they're accountable to their communities, and that's
25 why they're doing what they're doing, and are piecing
26 together funding from all kinds of different places
27 creatively. But some simply have not been able to survive,
28 because it's been attrition as well. That was the last
29 body blow. But since mainstreaming, which became formal
30 policy in 2004 with the end of the self-determination
31 policy era and the end of ATSIC, there has been a steady
32 decrease in the funding of the community-controlled sector.

33
34 PROF. WATEGO: And this has occurred at both federal and
35 state level. So in terms of, you know, community and
36 social services that are state funded, as a board member of
37 an Indigenous community-controlled organisation in Inala,
38 we were largely volunteer based and have 80 buckets of
39 funding for discrete projects, of which creatively we have
40 to support families but are not directly funded to support
41 Indigenous women who are victims of violence, and this
42 plays out in lots of communities.

43
44 COMMISSIONER: When you've got to apply for a lot of
45 different grants, it takes a lot of time too.

46
47 PROF. WATEGO: Absolutely.

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COMMISSIONER: Time you could spend doing other things, I'm sure.

DR STRAKOSCH: It's probably also worth saying that there is a specific regime of acquittal that requires a higher level of reporting from Indigenous corporations and organisations, ORIC, which has been challenged as racially discriminatory, but in - basically on the assumption that Indigenous organisations governance is not as adequate as others requires more intensive reporting from Indigenous organisations. So there are often 30 per cent of time and effort routinely put into reporting and acquitting to government to show that these organisations are functional while they're delivering over and above the money that they're funded for to their communities.

COMMISSIONER: All right. Thank you. Ms Hillard, do you have questions?

MS HILLARD: I have a few.

<EXAMINATION BY MS HILLARD:

MS HILLARD: Can I just say that Women's Legal Service Queensland have few Indigenous women clients because when they contact Women's Legal Service they choose to engage with Indigenous organisations. So can I just ask you to bear that in mind when I ask my questions.

One of the things about giving the voice to First Nations women is I think understanding that when we talk about statistics of the experience of women that that is not because their community is violent; is that right?

PROF. WATEGO: Yes.

MS HILLARD: When we have a look at page 6 of exhibit C01053 at the bottom there you set out some statistics, and you talk about how a First Nations woman is 32 times more likely to be hospitalised due to domestic and family violence; 10 times more likely to die due to an assault; 45 times more likely to experience violence at all; and five times more likely to be killed because of domestic and family violence. In respect of those statistics is that a symptom of what you have described as under-policing a victim and over-policing the woman as a

1 perpetrator?

2

3 MS O'GORMAN: Can I just interrupt very briefly.
4 Mr Operator, would you mind putting this document on the
5 visualiser. The full number is [COI.053.0006].

6

7 MS HILLARD: The paragraph right down the bottom. Thank
8 you.

9

10 MS O'GORMAN: Just in case you need the material in front
11 of you.

12

13 PROF. WATEGO: Thank you for the question and I think it's
14 an important point to make, is that a statistical story can
15 be used to reproduce these racialised imaginings of
16 Indigenous people's communities and cultures as inherently
17 violent. I think as Liz pointed out what makes Indigenous
18 women susceptible to violence is the culture of impunity
19 that exists in a settlor colonial context in relation to
20 the care and worth of Indigenous women's lives.

21

22 DR STRAKOSCH: So this is a really core issue. It's
23 something that has come up in a number of our kind of
24 expert reports in relation to violence experienced by
25 Indigenous women. People know these statistics. In fact
26 recitation of the statistics of violence that Indigenous
27 women experience is something that the government and state
28 agencies often do and that the media often does.

29

30 But there is an implicit assumption that those
31 experiences of violence in one way or another attach to
32 either the culture of Indigenous people, the behaviour of
33 Indigenous people, even in the most progressive formulation
34 the reverberating intergenerational effects of colonialism
35 always locate the harm and the behaviour that leads to that
36 harm in Indigenous people.

37

38 What we are talking about here, we say that's an
39 unacceptable reason to justify those kind of statistics.
40 It's a very racist reason to do that. In fact the only way
41 we can understand those is when we understand the series of
42 relationships that are taking place here within which
43 Indigenous people since first colonisation have lived
44 within a structure of violence. It has been an extremely
45 violent experience. It continues to be an extremely
46 violent experience.

47

1 Police - this is not a question of intention; this is
2 a question of structure - have been on the frontline of
3 that violence, and the interactions of all these different
4 agencies have led to a situation in which Indigenous women
5 live in a culture of fear because they know they can be
6 subject to violence and they know they don't have redress,
7 while perpetrators live in a culture of impunity.

8
9 PROF. WATEGO: And we also witnessed the contradiction of
10 victimhood. So the statistical story tells the story of
11 Indigenous women as agentless, as victims, yet we know when
12 Indigenous women present as victims they're never treated
13 as such. So we're conscious of the political function
14 which those statistical stories are used to further justify
15 more control over the lives of Indigenous women in this
16 country.

17
18 DR STRAKOSCH: We won't sort of recite particular cases
19 which are extremely violent, but there are many cases where
20 Aboriginal women are violently assaulted in great distress
21 in front of police officers and, even with the physical
22 reality of their victimisation in front of them, are
23 arrested or are treated as perpetrators or are ignored.

24
25 MS HILLARD: One of the things that you spoke about in
26 your answer there as well as has emerged in evidence before
27 the Commission is that there is often a fear of a
28 First Nations woman about the interference by the State and
29 the removal of her children and the involvement of the
30 Department of Child Safety. I know the statistics say that
31 a child is likely to be sexual abused or physically abused
32 in a domestic relationship if they're a First Nations
33 child. Do you want to say anything about that and how that
34 can be addressed in order to prevent violence and to
35 protect?

36
37 PROF. WATEGO: If I might, with the permission of my
38 sister I would just like to share her experience. She was
39 strangled by a former partner in Ipswich, one of the shitty
40 suburbs I guess that police would refer to. She had the
41 wherewithal to call Triple 0 in the midst of it so they
42 were aware of what was happening and the severity of this,
43 and her children also were on the phone to Triple 0.

44
45 The police presented in the middle of the night. She
46 passed out and managed to escape semi-naked down the
47 street. When the police presented they did not press

1 charges, despite the severity of the offence, on the basis
2 that in her state of distress she said she just wanted to
3 go to sleep.
4

5 They removed the perpetrator but did not press
6 charges. I had to advocate on her behalf. The police
7 subsequently apologised for, I quote, dropping the ball on
8 this one. Yet when she went to make her statement and with
9 her children they asked her to clarify the spelling of her
10 daughter's name for the reason that they couldn't find her
11 on the system. There was a presumption that as a victim of
12 violence that they would be clients of the system.
13

14 Then when she presented to her GP, who was a registrar
15 that wasn't experienced in dealing with trauma, within
16 hours of that assault made comments on her medical file
17 about child safety and "mum's mental health", which raised
18 concerns for her around contact with Child Safety.
19

20 Now, that matter was dealt with by the courts just
21 last Friday. She spoke in her victim statement about the
22 failings of police and all of those social services and
23 that it was an additional form of violence because these
24 were the agencies that were meant to care and protect, yet
25 she felt even more threatened through their interactions.
26 In fact it was her family who had to advocate for her. In
27 her victim statement her concern in relation to the
28 perpetrator, who has now since been released having served
29 time, is for him to get better and for there to be a
30 therapeutic response to what took place.
31

32 So these stories, yes, are very real for us in this
33 region of working mothers who are presumed, even in the
34 most severe cases, to not be legitimate victims and then
35 cast under the eye of the State, whether it's Child Safety,
36 at the local GP, and deemed unworthy of care by Queensland
37 Police, who in that instance should have pressed charges
38 regardless of what state she was in given the severity of
39 the crime.
40

41 DR STRAKOSCH: If I could just follow that up because that
42 does lead to something in our submission that we haven't
43 discussed where we talk about the interconnection between
44 violent care and violent control and that the way that care
45 from the State, whether it goes right back to the
46 protection era, the language of that, of missions caring
47 for Indigenous people while they controlled them, right up

1 to child welfare services have also been an instrument that
2 have interacted with those systems of control in the kind
3 of colonial context. So some of our concern around
4 particular types of justice re-investment that move
5 services from carceral systems like the police to State
6 social service systems is that in the experience of
7 Indigenous people those systems are really interconnected,
8 especially as it comes to family separation.
9

10 MS HILLARD: And just picking up on some aspects of your
11 answer and something that Counsel Assisting asked you, I'm
12 gathering from that example that you have just provided
13 which you would see many, many similar kinds of examples
14 that you're really saying that there needs to be a light
15 shone on the perpetrator who is the actual offender and
16 there needs to be preventive actions in place in a
17 culturally appropriate, trauma-informed but also a race
18 appropriate perspective; do you have anything you want to
19 say about that?
20

21 PROF. WATEGO: I think it's thinking about how do we take
22 a non-violent approach to dealing with domestic and family
23 violence. Given we know the violence of the State via its
24 various agencies, how do we de-authorise the power that
25 they hold, the violent power that they continue to hold
26 over Indigenous families, and it's witnessed in the
27 incarceration rates, it's witnessed in increasing
28 over-representation of Indigenous children under the
29 Child Safety system, which has proven to be not very safe
30 for our children. So the question is at what point do we
31 start to look at the violent relationships the State has
32 with Indigenous peoples and be as committed to the safety
33 of Indigenous women when it comes to violence perpetrated
34 by the State as well as those by intimate partners.
35

36 DR STRAKOSCH: And I suppose just to tie that back to the
37 current process that's ongoing, inquiries have been a
38 regular feature of the Queensland Police Service. So the
39 Queensland Native Mounted Police were subject to four
40 inquiries in the first 10 years of their operation. So
41 what we've seen in Queensland is inquiries often tracking
42 the violence of these organisations, perhaps making
43 adjustments that make them seem more palatable, but not
44 actually, for example in the case of native police, making
45 any substantive changes to the mandate and the resources of
46 those agencies.
47

1 So in the context of the current inquiry it's very
2 critical and important work but it's taking place in the
3 state in which there's a massive expansion of policing.
4 Queensland is leading the way in terms of expansion of its
5 police force and the expansion of bail and other laws which
6 are sharply leading to increasing incarceration for
7 Indigenous women specifically, many as a result of breaking
8 domestic and family violence orders that the police have
9 approved of issued in kind of domestic violence situations.

10
11 MS HILLARD: One of the things - and this is my last
12 question - that has emerged from different First Nations
13 communities, different First Nations representatives and
14 the like is that they want to be proactively involved in
15 helping the problem and they want to participate in working
16 around whatever the infrastructure is that exists. You've
17 spoken about funding. You've spoken about the need for
18 funding. A witness yesterday spoke about intergenerational
19 plans and funding. Did you want to say anything about
20 that?

21
22 PROF. WATEGO: I would just point out that Indigenous
23 families and communities are already involved in responding
24 to domestic and family violence. It is a matter of
25 resourcing and authorising that in a more formal structured
26 way. So I think it's really important. I think there
27 hasn't been an examination of the exemplars of success in
28 terms of Indigenous led models responding to domestic and
29 family violence, thus we can't imagine anything beyond a
30 police response despite the evidence of its violence that
31 we continue to hear about.

32
33 MS HILLARD: Thank you, Commissioner. That was my last
34 question.

35
36 COMMISSIONER: Thank you. Ms Morris?

37
38 MS MORRIS: Thank you, Commissioner. I would like to, if
39 I may, please, seek a short break to take some
40 instructions.

41
42 COMMISSIONER: Yes. That's fine. We'll just adjourn for
43 15 minutes.

44
45 **SHORT ADJOURNMENT**

46
47 COMMISSIONER: Ms Morris?

1
2 MS MORRIS: Thank you, Commissioner. I have no questions.

3
4 MS O'CONNOR: No questions, thank you, Commissioner.

5
6 MS O'GORMAN: I don't have any further questions and, in
7 the circumstances, might Professor Watego, Dr Singh and
8 Dr Strakosch be excused.

9
10 COMMISSIONER: Dr Strakosch, Professor Watego and
11 Dr Singh, thank you so much for coming in this morning.
12 It's been very informative, and you're free to leave.
13 Thank you very much.

14
15 <THE WITNESSES WITHDREW

16
17 MS O'GORMAN: Commissioner, there are two further
18 witnesses that we will be able to get through between now
19 and lunch. The first witness is Teressa Tapsell. I call
20 Ms Tapsell.

21
22 <TERESSA TAPSELL, sworn:

23
24 <EXAMINATION BY MS O'GORMAN:

25
26 Q. Ms Tapsell, you have provided a statement to
27 the Commission dated 12 July 2022?

28 A. Yes.

29
30 Q. All right. Thank you. As I understand it, you are
31 presently the acting senior research officer for the
32 First Nations and Multicultural Affairs Unit within the
33 Communications, Culture and Engagement Division; is that
34 right?

35 A. Yes.

36
37 Q. And your substantive position is as a police liaison
38 officer training officer with recruit training at the
39 Police Academy at Oxley within the People Capability
40 Command?

41 A. That's correct, yes.

42
43 Q. Now, although you've been in the acting role with the
44 FNMAU, is it the case that you have continued to also work
45 as the police liaison officer in your substantive role as
46 well?

47 A. That's correct, yes.

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Q. All right. Firstly, could we talk a little bit about the First Nations and Multicultural Affairs Unit?

A. Certainly.

Q. In terms of your observations of it and how it works since the time that you've been there can you help us to understand what the unit is and what it does?

A. Certainly. So I began my secondment at First Nations Multicultural Affairs Unit on 15 March 2021 and, as you mentioned, my role is acting senior research officer. So I come under the portfolio of governance. So in the First Nations Multicultural Unit - I'll just say FNMAU, if I may.

Q. Of course.

A. It's a bit of a mouthful. You've got the First Nations portfolio, Multicultural Affairs portfolio, and the state PLO coordinator or portfolio. So my role is providing research and reviews to help those three portfolios provide the service that they do for the service, which is cultural capability, ensuring that our staff, our members, have that cultural awareness, and they've been working on training programs with the SBS inclusion programs, looking at promoting our PLOs across the state. For so long - well, PLOs do a wonderful, wonderful job. They're magnificent people. A lot of the times they don't get showcased. A lot of the time people, even if they are in service, don't know what PLOs do. So we advocate for our PLOs. For our cross-cultural liaison officers, who are the supervisors of the PLOs, we also advocate for them also. We look at the issues and discuss issues and queries that come up and how we as the FNMAU can support our PLOs, our staff, our police go out and do their job and engage with communities, and the communities also how they can engage with the service.

Q. Now, in terms of the communities that you're talking about, the particular cultural communities that you're talking about I take it that the FNMAU would be involved in research and delivery of other functions to First Nations communities?

A. That's correct, yes.

Q. What are the other communities that are given attention by that unit?

A. Certainly. So when we talk about multicultural

1 communities we're talking about Indian, we're talking about
2 African, we're talking about Pacific islands, all the other
3 cultures that we have here in Queensland, as well as our
4 Torres Strait Island communities as well. So it's a very
5 diverse group. If I can say on behalf of the FNMAU they're
6 doing a magnificent job compared with the resourcing they
7 have and the engagements they're doing out there, like FPAR
8 dinners, mayor summits that we've just had in Cairns,
9 they're trying to get across all the communities to engage,
10 find out what's happening out there and how the
11 Police Service can look after these people.

12
13 Q. All right. In terms of the PLOs that you've referred
14 to you've already explained that they do a wonderful job
15 for the service.

16 A. Yes.

17
18 Q. Given that they're engaging with the different
19 communities that you've identified do the PLOs come from
20 diverse backgrounds themselves?

21 A. Very much so. Very much so, and more so now just
22 recently, I believe it was earlier this year, we've changed
23 our position descriptions now to make it more identifiable
24 that a PLO applying for a position is either a
25 First Nations identified position or whether it's a
26 multicultural position that they're applying for. Our
27 officers found it was difficult trying to recruit PLOs
28 because they didn't come from the actual communities,
29 different mobs for our First Nations had to have community
30 approval. So they were finding difficulty in trying to
31 recruit PLOs and then keep the PLOs online. So they look
32 after a diverse range and they come from diverse cultural
33 backgrounds, yes.

34
35 Q. Within your time at the FNMAU have you had feedback
36 about the usefulness of PLOs attending with police officers
37 at domestic and family violence incidents in the
38 communities?

39 A. I've heard conversations. I can't say myself that
40 I know what they're doing out there with the officers.
41 I've only heard certain conversations, and I have
42 conversations with some PLOs, not all. The majority of our
43 officers are very thankful that PLOs are going with them to
44 DV situations, more so because the PLOs can explain to the
45 people of their culture why the police are there, what
46 they're doing, and how they are going to help that
47 particular person. But, if I was to say what do they do

1 actually, I don't know. I don't know that side.

2
3 Q. One of the matters that you talk about in your
4 statement are barriers that have been identified to PLOs
5 applying for those positions, and you've touched on that a
6 little just now. In your statement you say a number of
7 districts are now conducting community workshops to provide
8 future applicants with the requirements necessary to
9 complete their applications and give them practical
10 assistance.

11 A. Yes.

12
13 Q. Is that sufficient? Are those barriers being able to
14 be overcome?

15 A. I think it's only newly trialled. So we're seeing a
16 lot of PLO positions advertised and they're actually
17 closing with quite a few people applying for the positions.
18 What we found with the community workshops were it was very
19 helpful for the people that wanted to apply for positions,
20 and I can say this because I went to one of the Logan
21 stations community workshops where it was for multicultural
22 PLOs, and one particular gentleman said he applied three
23 times and he missed out three times because he couldn't
24 meet the criteria of the actual written application. After
25 that workshop he felt so much more confident that he knew
26 what he had to address and he felt that he could speak to
27 all of us that were there about the role of the PLO and
28 what he was actually walking into. Actually I believe they
29 advertised a position recently and I think it's just
30 closed, but I don't know whether he was actually - if he
31 even actually applied. I don't know.

32
33 Q. Is there a push from within the FNMAU to increase the
34 number of applicants and therefore the number of PLOs?

35 A. Very much so, yes. We very much advocate for that.

36
37 Q. The jobs of the PLO training officers once the
38 applicants have applied and if they are successful, you've
39 set those out in paragraph 11 of your statement.

40 A. Yes.

41
42 Q. In paragraph 8 you talk about the role of the PLO
43 training officer.

44 A. Yes.

45
46 Q. Which is something that you do at the moment.

47 A. Yes, that's correct.

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Q. How many PLO training officers are there in the state?

A. There's only myself.

Q. And do you have any administrative staff?

A. No. No admin support, no.

Q. As I take it reading through your statement your role is extensive and this is quite aside from the work that you're doing at the FNMAU.

A. Correct.

Q. This is your PLO training role.

A. Yes.

Q. You're overseeing and coordinating two weeks of training for the new PLOs twice a year at the academy?

A. That's correct, yes. That is correct, yes.

Q. You're involved in developing the course that is taught at the academy?

A. Yes.

Q. You engage with stakeholders and subject matter experts to do so?

A. That's correct, yes.

Q. And you're also involved in all of the administrative side of things like arranging transport, accommodation, excursions and the like?

A. Yes. If I can say I only took on that role from 2014 onwards. Before that there were two of us, two PLO training officers. One was an A05 level and I'm an A04 level. So you are correct. Since 2014 it's just been myself. However, when I've been on secondments I've been lucky that recruit training at PCAP have provided a sergeant to co-facilitate as well. If I'm not in the classroom, he can co-facilitate and he does a marvellous job as well I can say. But otherwise it's just myself, yes.

Q. Ideally if resources permitted would it be better if there were more PLO training officers?

A. Very much. Very much so. Even if I could say it should be even at a PLO coordinator position at an A06 level, with A05s underneath. More so I say this because of the increase in PLOs. As part of the government election

1 commitment there's going to be another 65 PLOs coming on
2 board. We also have the school based officers as well
3 coming on board. With our PLO training we have our PLOs,
4 but we also have our Torres Strait Island PLOs and we also
5 have the PCYC PLOs and our one course doesn't cover all of
6 them. It covers the basic information, but it should be
7 specified for the Torres Strait Island PLOs and for our
8 PCYCs as well, and we don't do that. We've only just
9 started doing a one-week course about two weeks ago.

10
11 Q. As I understand it included within that two-week
12 course that you've referred to there's a three-hour session
13 in relation to domestic and family violence; is that
14 correct?

15 A. That is correct, yes. It's an introduction awareness
16 package for our PLOs.

17
18 Q. And how is that designed? Is that designed by you
19 alone or by you in collaboration with anyone else?

20 A. It's designed by me in collaboration with the DV
21 units. At that time back in 2019 I think we created that
22 presentation. What we've been trying to do is get subject
23 matter experts from the area to come and actually present
24 the session. We actually have senior PLOs come in and
25 present the session now with a sergeant and a
26 cross-cultural liaison officer present as well.

27
28 The reason we did this is because they're out there
29 doing the job, firstly. They know what's involved with
30 being out in the communities. Secondly, the CCLO there,
31 the newly appointed PLOs can ask the questions. They can
32 come up with some scenarios and it's a great discussion
33 platform for the PLOs to talk and discuss any queries or
34 any - I suppose if they're scared about something they can
35 talk about it and it's a safe environment to do that.

36
37 Q. There's going to be some changes to the law in respect
38 of domestic and family violence, and we've already heard
39 about some significant changes to the training that's going
40 to be delivered to police officers. Should there be
41 consideration given to the service providing you with some
42 more support or resources to incorporate some of that
43 additional training for police officers into your training
44 for PLOs?

45 A. That would be wonderful for the role of the PLO
46 training officer. However, I do believe that all police
47 liaison officers will be attending the three-day DV

1 training that's offered to police officers as well. That's
2 wonderful. It's going to be wonderful for the service and
3 communities for attendance by PLOs.
4

5 Q. All right. You have then set out at paragraph 14 of
6 your statement the support that the FNMAU provides to
7 statewide PLOs. In addition you've talked about some of
8 the research capability and other services that the FNMAU
9 is able to provide to the service more generally. In your
10 view would it be beneficial if the FNMAU was given more
11 resources and more personnel to be able to expand its
12 capability?

13 A. Very much, not only in the state PLO coordination role
14 and that portfolio but across our First Nations and
15 multicultural affairs portfolios. We're just going through
16 a review at the moment, but we've got a lot of temporary
17 positions in that unit. If they were to become permanent
18 and people could apply, we could have consistency and we
19 could have our foundation there to carry on and go forward
20 with what we're doing with cultural capability. It would
21 help immensely.
22

23 MS O'GORMAN: Those are the questions that I have for you.
24 Thank you, Ms Tapsell. There may be some others.
25

26 **<EXAMINATION BY MS HILLARD:**
27

28 Q. Just one topic, Ms Tapsell. You spoke about the
29 difficulty of resourcing and the like. There's been some
30 evidence about there being temporary positions compared to
31 full-time positions. I suppose that's only part of the
32 problem, because when people are seconded within the
33 Police Service then they have to go back to their other.
34 Can I ask you this: have you got a view about the ability
35 to be able to recruit externally or outsource to fill the
36 positions that you would hypothetically need if you had the
37 budget to do so?

38 A. I think that would be a good idea, too. I've always
39 believed that the more information you have and if it's
40 outside external agencies it's only for the better. It's
41 more so if there's subject matter experts out there that
42 can come into the unit and give us an outside view.
43 Sometimes we've got our focus what we're going to do and
44 sometimes it's really good to get an outside view of how
45 things work, and if we can get somebody into the unit, or
46 two, three people into the unit as well, it's only a good
47 thing I believe.

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Q. I just noticed you were asked a lot of questions about training and I see at paragraph 17 of your statement the PLO training budget is only \$25,000?

A. That's correct.

Q. And from that you're expected to do the training that you've talked about at PCAP a couple of times a year as well?

A. That's correct, yes.

Q. Currently that's two days or three days as part of the PCAP course?

A. So when they come down to the course out of our budget I pay for airfares, I have to pay for travel allowance, meals, accommodation, transportation - what else is there - and training materials, printing of materials, it has to come out of that budget. The most times we've gone over that budget, more so when we bring our Torres Strait Island PLOs down from the islands. But, yes, we do go over that budget, yes.

MS HILLARD: I would have thought so. Thank you.

COMMISSIONER: Not that surprised, no. Ms Morris?

MS MORRIS: I have no questions.

MS O'CONNOR: No questions.

MS O'GORMAN: I don't have any further questions. If Ms Tapsell might be excused.

COMMISSIONER: Thanks very much, Ms Tapsell. Thank you for coming in.

<THE WITNESS WITHDREW

MS O'GORMAN: Commissioner, I call Acting Inspector Brett Jackson.

<BRETT JACKSON, sworn:

<EXAMINATION BY MS O'GORMAN:

Q. Inspector, one of the things that the Commission is interested to inform itself about are good initiatives that

1 are being stood up around the state to help deal with the
2 issue of domestic and family violence in the community. As
3 part of the Commission's consultations a domestic and
4 family violence service provided information about an
5 initiative that has been stood up under your watch and
6 we're interested to hear a little bit about it. Firstly,
7 I should establish that you're the Acting Inspector for the
8 northern patrol group, Logan district, south-east region
9 for the QPS?

10 A. That's correct.

11

12 Q. And your substantive role is senior sergeant officer
13 in charge of the Logan Central Police Station which you've
14 performed since April of 2019?

15 A. That's correct.

16

17 Q. And to give some context to the domestic and family
18 violence challenge within the community in the Logan
19 district you've set out in your statement something about
20 the numbers of people within the Logan Central police
21 division?

22 A. Yes, that's correct.

23

24 Q. As of at least the 2016 census the population in that
25 division was more than 63,000 people?

26 A. Yes, that's correct.

27

28 Q. And you've identified that the Logan Central police
29 division is a low socioeconomic area?

30 A. Yes, that's correct.

31

32 Q. With significant problems in respect of unemployment
33 and public housing?

34 A. Yes, that's correct.

35

36 Q. And it's also one of the most, you say, culturally and
37 linguistically diverse communities in Australia?

38 A. Yes, that's correct.

39

40 Q. Over the page you talk about the numbers of domestic
41 and family violence calls for service in the 2020 to 2021
42 financial year?

43 A. Yes, that's correct.

44

45 Q. You've identified there that the division experienced
46 2,253 calls for service in relation to domestic and family
47 violence?

1 A. Yes, that's correct.

2

3 Q. And in the 2021/2022 financial year that number had
4 increased to 2,297?

5 A. Yes, that's correct.

6

7 Q. In addition to the numbers themselves increasing
8 you've also identified that the average time being taken to
9 respond is increasing?

10 A. Yes, that's correct.

11

12 Q. It's one thing for us to hear those kind of numbers
13 given over a financial year or a calendar year and talk
14 about average times for response, but could you take a bit
15 of time to explain for the Commission what that looks like
16 on a daily basis at your station; how many calls might be
17 coming through, how much time your crews are spending
18 responding to domestic and family violence matters in the
19 community?

20 A. Yes, certainly. So most officers when they attend
21 work at Logan Central and many other stations, for that
22 matter, they're going to expect that they will be primarily
23 responding to calls for service in relation to
24 domestic violence. The officers undergo a fair amount of
25 training in relation to how to respond and how to resolve
26 the initial incident, which is only the first step in
27 relation to responding to domestic violence.

28

29 The reason why the amount of time we see anecdotally
30 that it's starting to grow is because we're putting a lot
31 more emphasis on training and I guess teaching our officers
32 to be more curious when they attend domestic violence, to
33 take more time to actively listen to aggrieveds to find out
34 the entire nature of their relationship, to use all those
35 pieces of information to then make a better informed
36 decision on where we go in relation to our response for the
37 incidents that's occurred. We've taken those learnings
38 through a number of recent inquiries that are conducted
39 because we're continually learning to be able to respond
40 better in relation to domestic violence.

41

42 COMMISSIONER: So when you say "we" who is "we"?

43 A. We, myself --

44

45 COMMISSIONER: It doesn't sound as though it's the
46 academy. So who is doing that?

47 A. So myself. I have a team of sergeants. I'm fortunate

1 to have 10 sergeants. Those sergeants and myself lead a
2 junior fleet of officers at Logan Central. We have
3 officers who are in their first year as well as second and
4 third and senior constables. So our sergeants will go out
5 on the road. I talk to the officers in the day room about
6 their investigations and also undertake reviews from their
7 body-worn camera to find out how they're investigating, how
8 they're communicating.

9
10 My skill set is an ex-detective and also a police
11 negotiator. So I pay particular attention to how they're
12 actively listening to aggrieveds and getting the full story
13 not only of the incident but also of the entire
14 relationship. Then those sergeants who go out to supervise
15 are making sure that they are being curious, we're
16 investigating, we've taken a look around the residence, and
17 it's that additional time that we're spending there which
18 provides a better service to the aggrieveds and also gives
19 us a better service delivery.

20
21 COMMISSIONER: So when you look at the body-worn camera
22 footage are you taking the officers through that to point
23 out how perhaps they might have done it better?

24 A. Absolutely. Opportunities for improvement and it's
25 the best sort of I guess facility that I've experienced in
26 my service of how to teach. Teaching and learning is best
27 done in the field, in my opinion. What I do is find
28 opportunities. So some of my officers will review footage
29 for domestic violence regularly, especially where we're not
30 taking action, because that is an additional risk. So
31 those body-worn footage will be reviewed. If there's any
32 opportunity to improve that will be reported to myself and
33 I'll bring those officers in and then use my experience to
34 be able to watch the footage and provide opportunities for
35 them to be able to improve and to do better and, if need
36 be, rectify what's occurred.

37
38 MS O'GORMAN: How do you manage the fine line between
39 offering officers the opportunity to improve by sitting
40 down with you and going through body-worn camera footage,
41 particularly if you've noticed discrepancies in their
42 responses, and not having officers feel like they are under
43 scrutiny by the service and therefore worn down by that
44 process as opposed to being built up by it? Can you give
45 us a sense of how you manage that?

46 A. I believe that's in delivery of the message and
47 I guess for me what type of leader you're seen by your

1 troops. So for me supportive, and it's always an
2 opportunity to improve. So when we watch the footage
3 together it's normally about, "There's an opportunity
4 perhaps could you do this?" So it's more an inquisitive
5 review. It's definitely not disciplinary. There's no
6 punitive outcome that the officer is fearful of. Most of
7 the time when it's done the officer actually appreciates
8 the feedback. What I do find is they're keen to come back
9 and say, "Do you want to take a look at my next one? This
10 is what I did here." So it costs a lot of extra time but
11 it's an investment in time that's really worth it for the
12 end product.

13
14 Q. You said you have a lot of first year constables at
15 your station.

16 A. That's correct.

17
18 Q. How important in your view is it that the first year
19 constable training officers are well suited to that role?

20 A. Extremely important. As a matter of fact there are
21 occasions were if the personalities aren't quite gelling,
22 so we're not getting the best learning environment, then we
23 are able to move. So the current format that we do is a
24 four-week block and we provide two different mentors. We
25 get the information from the academy and through our
26 education and training department on the best, I guess,
27 summary of what that officer is like and we'll then try to
28 tailor fit our supervisors or our training officers.

29
30 What I do is also bring those first year training
31 officers into my office on day one to let them know that if
32 they don't gel that's okay; they just need to come and tell
33 me because we can rectify that. It has happened in the
34 past, we have changed our training officers and then we
35 have a better training learning environment.

36
37 COMMISSIONER: How do you pick them?

38 A. How do we pick them? Just knowing your people,
39 knowing what type of personality types. We have all kinds.
40 It's also one of, I guess, the skill sets of a negotiator,
41 just understanding a person's personality type and who will
42 work well with each other. A lot of the time if they're
43 the same personality type you might actually get a bit of
44 banging heads, so to speak. So we just try to manage our
45 people as best we can.

46
47 MS O'GORMAN: I imagine that you would observe that the

1 officers who work in your station have varying levels of
2 commitment to or interest in responding to domestic and
3 family violence matters?

4 A. Yes.

5
6 Q. Is it important to you as part of your decision making
7 about picking your FTOs that they be people who have
8 positive attitudes towards attending to and responding to
9 domestic and family violence matters?

10 A. Yes. I guess the different attitudes on responding to
11 domestic violence comes about for me when I've seen the
12 officer about what they are looking at doing within their
13 career, there are some officers that are looking down the
14 investigative stream, they're a lot more investigative
15 focused. So they will pay a lot more emphasis on training
16 the officer in investigative steps. There are officers
17 that are more operationally or tactically focused who want
18 careers in some of more the operational areas like our
19 public safety response team, for example. They are a lot
20 more safety focused when they attend jobs. So we just try
21 to make sure that we get a good blend of that so, one, we
22 can keep the officers safe, but also we can teach them good
23 investigative skills as well.

24
25 Q. Turning back then to the demands of responding to
26 domestic and family violence in the Logan district, are you
27 able to tell us sitting here now what proportion of your
28 officers' time would be taken up responding to DFV?

29 A. Around 60 per cent.

30
31 Q. And we've heard, that is the Commission has heard,
32 accounts from police officers who work within the Logan
33 district of things like turning up to work to see that
34 there's already a number of domestic and family violence
35 matters on the job list, getting started on those, moving
36 through the next few hours, only to find that the numbers
37 have increased, not decreased, on that shift. How often is
38 something like that happening for your officers?

39 A. Every day.

40
41 Q. Do you get a sense of how your officers are feeling or
42 responding to that sort of relentlessness?

43 A. It's a difficult question. It comes in varying
44 degrees and I think it also is a lot about how influential
45 you can be with the messaging of it. We're fortunate to be
46 and myself am fortunate to be supported by my management
47 that we're able to trial and try a lot of things and try to

1 work in the preventative space. I do think the Logan
2 police respond and investigate quite well. But, as you've
3 seen, the numbers are increasing, whether that be through
4 further reporting or just sheer more domestic violence
5 occurring in the home. But we're working in the
6 preventative space and that gives us hope that the numbers
7 just won't continue to climb, if we can work more in the
8 preventative space. So for me that hope is important and
9 to talk and acknowledge when we're doing well in that
10 preventative space and we're having those successes.

11

12 Q. Speaking of the preventative space, as I understand it
13 you were involved in about June or July of last year in
14 establishing a Domestic Violence Engagement Team. Can
15 I just check that I've got that name correct?

16 A. Yes, that's correct.

17

18 Q. Within the station that you work at. Firstly, were
19 you involved in that?

20 A. Yes, that's correct. As the officer in charge
21 I formed that team and selected officers who were very
22 passionate about domestic violence, especially in the
23 prevention space, and how we can help the aggrieved more
24 not just in responding to the incident at hand but how we
25 can try to provide support measures around to prevent. So
26 what I did was formed a team that could really focus
27 on - whilst we call it case management in essence what it
28 is is how can we help vulnerable people to stop being
29 victimised. So that's what that team was created with its
30 mission to be.

31

32 Q. Now, one of the things that that team did in the
33 course of its examination of how things might be prevented
34 within the community was to look through your calls for
35 service records and identify where there were noticeable
36 repeat calls for service from the same household or the
37 same couple?

38 A. That's correct, yes.

39

40 Q. And do I understand it correctly that, having gone
41 through that process, you before engaging with any external
42 domestic and family violence service had your team
43 specifically look at how they might engage with that
44 particular cohort in the community?

45 A. Yes, that's correct. So traditionally in policing we
46 would normally respond to an incident when it's occurred in
47 the height of the moment. What we found by looking at our

1 repeat calls is we get better outcomes if we can actually
2 go not at the point of crisis, especially for the victim,
3 that we can get a more calm environment and try to offer
4 some additional help. So it was about trying to service
5 the victim at a point not in crisis where we could offer
6 more help and through additional referrals and try to get
7 more success out of our referrals.
8

9 Q. When you had officers going out to aggrieved people in
10 those circumstances, so not in that moment of crisis but
11 where you could take a little bit more time, and in light
12 of what you've told us about Logan being so culturally and
13 linguistically diverse did you have any system in place
14 where officers would turn their mind as to whether or not
15 interpreters should be taken along to particular
16 households?

17 A. Yes. So it's quite difficult to get interpreters to
18 come out in the field. We use substantially a large amount
19 of interpreters within Logan station, so much so that we
20 have the direct line for interpreters in our statement room
21 and all our coding is done so the officers can simply call
22 an interpreter as soon as they have a language barrier.
23 That is one of the barriers for us in our community, to
24 overcome that. But there's a lot of barriers that we have
25 to overcome.
26

27 Simply driving a marked police vehicle to the front of
28 someone's house at a time when no-one called the police can
29 be a barrier in itself. So we had to overcome that by
30 identifying an unmarked police vehicle just to give them a
31 little bit of discreteness when we turn up to try to ease
32 that barrier. But, yes, there were still barriers that we
33 had to overcome.
34

35 Q. What about when your officers are in an aggrieved's
36 home and is trying to take a statement from him or her? To
37 what extent is it appropriate for them to ask family
38 members to interpret for your officers if you're asking
39 them about matters related to domestic and family violence?

40 A. From my experience I find it's not very appropriate at
41 all, just because of some particular cultures especially in
42 the Logan community with sensitivity on what should be
43 shared and what should not be shared. It's our intent and
44 what I teach the officers to do is if we're struggling to
45 be able to overcome that language barrier is to see if we
46 can encourage or facilitate the person to be brought back
47 to the police station, because that's I guess another

1 barrier we have in Logan is just the transportation for
2 some of our aggrieveds to simply make an appointment to
3 attend a police station. That's a difficult thing for them
4 to do.

5
6 Q. All right. As I understand it as part of the rolling
7 out of or the work that your DVET team was undertaking the
8 team identified that some 30 per cent of calls for service
9 resolved by way of referrals but that in turn there was
10 only low numbers of those referred people taking up
11 support?

12 A. Yes, that's correct.

13
14 Q. Firstly, do you know why that was happening?

15 A. A myriad of reasons, and I guess I later found out
16 through my engagement with the Centre for Women at Logan
17 that the referral demand for them was quite significant,
18 and that's not only police referring but to a lot of other
19 government agencies from teachers to health and so forth.
20 So their normal response would be to make initial telephone
21 contact. That alone causes an issue, especially in our
22 community, whether that phone call is answered; whether
23 there's an opportunity for the aggrieved to be able to
24 openly communicate at that point in time; and whether that
25 then offer of referral is taken up. We found that there
26 was actually low levels, especially in our repeat calls
27 where the victim was repeatedly subject to violence, they
28 weren't taking up that referral.

29
30 Q. You and the Centre for Women & Co, also located in
31 Logan, then engaged with each other?

32 A. Yes, that's correct.

33
34 Q. And, as I understand it, essentially sat down and
35 worked out that some of your records in relation to your
36 respective organisation's identification of repeat calls
37 for service overlapped?

38 A. That's correct.

39
40 Q. And what did the two of you do, that is the QPS and
41 the Centre for Women & Co, to deal with that identified
42 problem?

43 A. We, I guess, entered into an agreement to work
44 together to try and overcome that. A barrier for Centre for
45 Women in their service delivery was that they were trying
46 to call a lot of these vulnerable aggrieveds. We decided
47 we had the opportunity to provide an element of getting and

1 knowing who the vulnerable people were and how to get to
2 them. So we entered into a deed of agreement, so a legal
3 document, to allow us to facilitate doing outreach with a
4 non-government worker. We brought that Centre for Women
5 case worker and teamed up with our Domestic Violence
6 Engagement Team. We conducted outreach to our most
7 vulnerable aggrieveds to provide additional support.
8

9 Then what we found was we were able to then utilise
10 each other's skill sets, the police providing an element of
11 protection, because there had been cases where once we
12 implemented the model that we would come across a
13 respondent who perhaps shouldn't have been in the home, so
14 we were able to provide that level of safety to the Centre
15 for Women worker, and I guess in other situations when we
16 did find the aggrieved who normally probably wouldn't
17 converse with police that well, and once the house or the
18 dwelling was made safe, then the Centre for Women worker
19 could come in, and what that helped was to break down that
20 barrier of just a police response and we were able to get
21 mutual benefits of helping our groups.
22

23 Q. Did you find that once that model got implemented and
24 was well under way that aggrieved people would, by and
25 large, be more willing to engage with police officers from
26 the outset if you had someone there from the Centre for
27 Women & Co?

28 A. Yes, absolutely. For me it, I guess, changed the way
29 in which I see how police can work in the prevention space.
30 In the past for me prevention was about referring to other
31 agencies. But we were now actually working with an agency
32 that we can work in the prevention space.
33

34 The side benefits were what I identified was the
35 officers working in that engagement team, their knowledge
36 skyrocketed just in relation to simple things like safety
37 planning. These are terminologies that normal first
38 response officers weren't aware of because it's more in the
39 field of your social case working, working with vulnerable
40 aggrieveds. So that shared learning and shared knowledge
41 really enhanced our ability because, whilst working with
42 the Centre for Women case worker was really good, it wasn't
43 a 24/7 scenario. But with our large workforce those
44 learnings were able to be carried on for other shifts into
45 the evening and onto the weekends as well. So we got a lot
46 of benefit out of that and saw some really significant
47 decreases, especially to some of our most vulnerable

1 aggrieveds who for various reasons and previous trauma were
2 not trusting of police. So we weren't able to make inroads
3 in relation to that space.
4

5 Q. As I see it from your statement there's been a couple
6 of different trials funded in slightly different ways since
7 you've started?

8 A. That's correct.
9

10 Q. If there's the opportunity to, do you see benefit in
11 your model continuing to be implemented within your
12 station?

13 A. Absolutely. The Centre for Women have been fortunate,
14 I believe, to secure some additional funding to continue
15 the trial, and for me that outreach is extremely important
16 because it overcomes the other models that I'm aware of
17 where we won't have a worker within the station. That
18 still relies in our community specifically for the
19 aggrieved to be able to come into a police station, which
20 is a significant barrier in itself. So for me that model
21 is the best for our fit for our community, and I'm very
22 pleased that we're able to continue that.
23

24 Is the model at the level that it needs to be to be
25 able to service our entire community? Probably not. That
26 I guess will require additional funding for the Centre for
27 Women and probably both police to be able to grow it.
28 We're working at the moment with one FTE from the Centre
29 for Women, and we partner that with four FTE from QPS to be
30 able to service that and we're trying to do one division
31 within a district. So it would take additional resources.
32

33 COMMISSIONER: That's full-time employees?

34 A. Yes, sorry, full-time employees.
35

36 MS O'GORMAN: What's your experience been of the
37 professionalism and the commitment of the workers at the
38 Centre for Women & Co?

39 A. Yes, fantastic. Their commitment and their desire to
40 help people and their willingness to teach our officers has
41 been fantastic. They also acknowledge that police do
42 sometimes have a different viewpoint when they attend a
43 job, but that shared learning has just been invaluable.
44

45 Q. What about improvements in relation to morale at your
46 station generally in respect of that relentless call-out
47 for domestic and family violence? Knowing that you have a

1 specialised team working in that prevention space,
2 particularly coupled with a domestic and family violence
3 agency, has there been any sense of relief within the
4 station or hope amongst your police officers?
5 A. I'd label it as hope, yes. We talk about prevention,
6 especially in the policing aspect. But frontline police
7 rarely see it occurring. They are actually seeing it and
8 witnessing it. What's happening is that that learning is
9 shared amongst, I guess, the entire team of response. So
10 our supervisors are aware of it and engaging with the
11 Centre for Women worker when she's in the station. What
12 they're doing is referring then crews who are going to a
13 difficult job where they, I guess, haven't been able to
14 engage with the aggrieved and provide help, they're able to
15 actually go and speak to someone and go, "How do we do
16 this? Can you come with this? Could you book that in for
17 tomorrow," as opposed to simply clicking a referral and
18 then seeing if it works.

19
20 Q. You said that this model works very well at your
21 station and in your community. Given it has worked well
22 and even allowing for the fact that different communities
23 will have slightly different needs, do you consider that
24 it's a model that should be considered more broadly across
25 the state?

26 A. Absolutely. It would be my recommendation that it is
27 strongly considered, yes.

28
29 MS O'GORMAN: Thank you, Acting Inspector. Those are the
30 questions that I have for you. There may be some more now.

31
32 COMMISSIONER: Can I just ask you something that just
33 occurred to me. Those referrals, they're Redbourne
34 referrals?

35 A. That's correct.

36
37 COMMISSIONER: Do you ever get feedback about whether they
38 have been taken up or not?

39 A. Very limited. We can request or seek that. But the
40 individual officer, the responding officer, would very
41 rarely get feedback.

42
43 COMMISSIONER: Okay. So would that be something that
44 would be useful?

45 A. It would. It would help the officer know that doing
46 that referral, it would provide that encouragement to
47 continue to do that, because I believe that the

1 referral - offering one can be - depending on how it's
2 delivered and how that offer is delivered will also,
3 I guess, influence, "Will that aggrieved pick up that phone
4 tomorrow?" So I believe the delivery of that offer can be
5 influenced by feedback and the officers believing, "Geez,
6 this really works."
7

8 COMMISSIONER: Of course it might not encourage it if it
9 doesn't work. There is that other side of it. Ms Hillard?

10
11 MS HILLARD: Just a couple of questions.

12
13 **<EXAMINATION BY MS HILLARD:**

14
15 Q. Acting Inspector, just in respect of the co-responder
16 positive aspects, you talked about safety planning and how
17 it's been very effective. One of the things before
18 the Commission has been there's often an absence of charges
19 and recognition of charges as also a protective layer in
20 safety planning. Is that something that you've seen
21 improved, the laying of charges to protect and help an
22 aggrieved where it's appropriate to do so?

23 A. Significantly, yes. So what we've found is that again
24 police will respond to the incident in the height of the
25 incident at the critical point where the communication
26 barriers can be there. So that follow-up is done by the
27 co-responders. They try to get there the next day or the
28 day after when passions have cooled, and we've also got
29 that expert to be able to communicate with the aggrieved.
30 Because the police are there we're giving them confidence
31 to tell us more information, especially that historical
32 information to see that pattern of behaviour. That officer
33 then takes that information and, yes, so we would often see
34 that we're proceeding with far more significant charges
35 than what would have been taken on the night due to that
36 information wasn't able to be elicited from the victim.
37

38 Q. And I'm assuming and I'm gathering from the way that
39 you're describing your co-responder model works is that
40 you're taking that account from the aggrieved or the victim
41 and it's not in the vicinity or the presence or line of
42 sight of the perpetrator.

43 A. Absolutely.

44
45 MS HILLARD: Thank you, Commissioner.

46
47 MS MORRIS: I have no questions, Commissioner.

1
2 MS O'CONNOR: No questions.

3
4 MS O'GORMAN: I don't have any further questions. If
5 Acting Inspector Jackson might be excused?

6
7 COMMISSIONER: Yes. Thanks very much, Acting Inspector.
8 We've heard very positive feedback about you.
9 A. Thank you.

10
11 COMMISSIONER: With all the publicity, I thought you would
12 like to know that certainly --
13 A. Very pleasing. Thank you.

14
15 COMMISSIONER: -- the respect from the Centre for Women is
16 very much mutual.
17 A. Thank you very much.

18
19 <THE WITNESS WITHDREW

20
21 MS O'GORMAN: The next witness isn't available until
22 2 o'clock. There will then be two witnesses this
23 afternoon.

24
25 COMMISSIONER: Thank you. Can you tender the documents?

26
27 MS O'GORMAN: I can tender the tender bundle of statements
28 now, but the remaining two documents need some further
29 reaction.

30
31 COMMISSIONER: Yes, that's all right.

32
33 MS O'GORMAN: I'll do the tender bundle, tender bundle Q,
34 and it comprises the statements of the following people:
35 Professor Chelsea Watego, Dr David Singh, Dr Elizabeth
36 Strakosch, Brett Jackson, Teressa Tapsell, Ian Leavers,
37 Rosie O'Malley, Sarah Vuzem and David Longhurst. I should
38 say that those last four witnesses have provided statements
39 but are not giving evidence in the hearings.

40
41 COMMISSIONER: Yes.

42
43 **EXHIBIT #27 TENDER BUNDLE Q**

44
45 MS O'GORMAN: There will be two further documents that
46 I will be in a position to tender after lunch.

47

1 COMMISSIONER: Thank you.

2

3 **LUNCHEON ADJOURNMENT**

4

5 COMMISSIONER: Yes.

6

7 MS O'GORMAN: Commissioner, the next witness for this
8 afternoon is Acting Assistant Commissioner for People
9 Capability Command, Mark Kelly. I call him.

10

11 <MARK KELLY, on former oath:

12

13 <EXAMINATION BY MS O'GORMAN:

14

15 Q. Acting Assistant Commissioner, a couple of days ago
16 the Commission notified you that it has questions arising
17 from matters that you had spoken about in your evidence
18 last time but also evidence given by other witnesses in the
19 course of the hearings to date?

20 A. That's right.

21

22 Q. And in response to those --

23

24 COMMISSIONER: Acting Assistant Commissioner, I'm going to
25 have to ask you to take off that mask while you're giving
26 your evidence.

27 A. Sorry, Your Honour.

28

29 COMMISSIONER: That's all right. It's just heard to hear
30 sometimes with those masks.

31

32 MR HUNTER: There's some sensitivity around that issue
33 because the health directive requires persons --

34

35 COMMISSIONER: Which health directive?

36

37 MR HUNTER: By the Chief Health Officer. I did raise this
38 issue with another of the witnesses this afternoon about
39 whether the masks (indistinct) people who are within seven
40 days after recovering from COVID must do, and that is they
41 must wear a mask when outside of their homes at all times.

42

43 COMMISSIONER: After seven days?

44

45 MR HUNTER: Isolate for seven days and then for the next
46 seven days you have to wear a mask when you're outside the
47 home.

1
2 COMMISSIONER: Okay. I suppose you'd better get it on,
3 sorry.

4 A. I'll speak up.

5
6 COMMISSIONER: That was my fault.

7
8 MR HUNTER: You're aware we can't have police not --

9
10 COMMISSIONER: Yes, okay. Sorry.

11
12 MR HUNTER: It's part 1(b), paragraph --

13
14 COMMISSIONER: I believe you. I just didn't realise.

15
16 MS O'GORMAN: Fortunately for us, the Acting
17 Assistant Commissioner has provided written responses to
18 those questions, and you've provided that document to me
19 just now. I will tender that document. It's an 11-page
20 written document.

21
22 COMMISSIONER: Exhibit 28.

23
24 **EXHIBIT #28 WRITTEN RESPONSES BY ACTING ASSISTANT**
25 **COMMISSIONER KELLY**

26
27 MS O'GORMAN: In light of the provision of those answers,
28 I just have some questions for you based on the document
29 which you have to hand. On the first page there's a
30 reference to 557 QPS officers, I presume, utilising the
31 external mental health clinician providers services?
32 A. That's correct. That's the early intervention
33 program.

34
35 Q. My question in respect of that, is that an ongoing
36 service that's provided externally or is it a one-off or
37 one of those short-term services?

38 A. The services are provided for a dedicated number of
39 services, but if an officer or a member needs to extend
40 that they speak to their human services officers and the
41 services are extended.

42
43 Q. All right. If you could go then, please, to --

44
45 COMMISSIONER: Just before you leave that front page,
46 what's a brief counselling support under that second
47 answer, "How often are human services officers used"?

1 Individual brief counselling support, how's that
2 classified, do you know?

3 A. Is that under the how are they used?
4

5 COMMISSIONER: How often are they used, yes.

6 A. Yes, so - Your Honour, so those brief counselling can
7 be anything from a person having personal circumstances, so
8 it could be a marital breakdown, you know, difficulties
9 with children, their own children. So the services that
10 the HSOs provide could be a phone contact with the HSO,
11 because they are also on call, but certainly also in person
12 where those services are local.
13

14 COMMISSIONER: So is it just meant to be, "I've got a
15 crisis here," have a chat to the human services officer and
16 if there's something more needed they would then be
17 referred out to the external mental health person?

18 A. Certainly --
19

20 COMMISSIONER: Is that the way it works?

21 A. It could, or it could have more than one contact with
22 the human services officer, depending on what I suppose the
23 challenge for the officer is, and then possibly - I'm
24 assuming - I'm not a HSO, but their assessment about what
25 further assistance or treatment they might need. So they
26 also - in addition to offering early intervention program,
27 they also encourage people to see their own GP to get
28 potentially a mental health plan, so that you can, you
29 know, speak to your own GP, which is - certainly all the
30 work that I've done in Toowoomba about mental health, it's
31 about trying to encourage people generally in the community
32 to go to their GP first and then try and get, you know,
33 referred assistance from that.
34

35 The online program that they're hoping to release
36 later this year is just another way of providing those
37 services, but certainly - you know, there's 21.5 positions.
38 I think there's about 18 people there at the moment.
39 They're just filled five vacancies, and they're coming on
40 in stages. Like, for example, one HSO who is coming on is
41 closing his own practice to become a HSO.
42

43 COMMISSIONER: Thank you.
44

45 MS O'GORMAN: We asked some questions around field
46 training officers, how they were chosen and the like, and
47 on page 5 of your document you indicate that following

1 Dr McLeod's review she has made three recommendations for
2 improving the field training officer program?

3 A. That's correct.
4

5 Q. I'm just wondering if you're in a position to indicate
6 when it is that that new course that's being designed by
7 PCAP is likely to be completed?

8 A. There's the new - what we will call the foundations
9 course. So it will be a two-day course. It did go back to
10 one day during COVID, with one day online. We recognise
11 that it needs to be two days. There needs to be a
12 concerted effort on leadership and supervision in that
13 space, and responsibilities, but also to put some scenarios
14 in that, including domestic and family violence scenarios,
15 about leadership. As has been detailed, domestic and
16 family violence is a large part of police work, and
17 certainly for general duties, and that's where first-year
18 constables go for the first 12 months at a minimum and
19 where they'll spend a number of years. So that two-day
20 program will be completed this year for new field training
21 officers. Then we have to develop the refresher course, as
22 Dr McLeod recommended, for existing field training
23 officers.
24

25 Q. Okay. Thank you. In respect of the questions related
26 to specific cohorts, if you could turn over to page 6,
27 please.

28 A. Yes.
29

30 Q. You've indicated there that the Commissioner of Police
31 has committed to at least an additional two days training
32 for all police and relevant staff members in the 2023/2024
33 financial year?

34 A. Yes.
35

36 Q. And you say that training in respect of specific
37 cohorts is in scope for that?

38 A. Yes.
39

40 Q. What does that mean?

41 A. So, if I go back to the Commissioner's commitment, in
42 the submissions by the QPS to the inquest for Hannah Clarke
43 and the children, the Commissioner committed to doing five
44 days of - at least five days of DV training over the next
45 two financial years, which includes the current year we're
46 in and the next year. So we've developed the three days.
47 This next two days is about trying to develop enhanced

1 training to the three days that we've already developed,
2 and cohorts, as has been detailed, particularly around
3 CALD, and we want to work with CALD communities, and we've
4 already had conversations with Multicultural Australia;
5 First Nations, so we're working with CCE to find the best
6 members of community to try and support that process, and
7 also organisations - First Nations organisations;
8 understanding disabilities, so that people with perhaps a
9 mental health impairment, that we can make sure that we're
10 providing the best possible support to victims and
11 witnesses by providing - making sure we provide support
12 persons but also making sure that we've got qualified ICARE
13 interviewers or a capability.

14
15 So currently our ICARE trained officers, which are
16 primarily plainclothes people/detectives from CPIU or CIB,
17 they're the people trained to do those 93A statements. So
18 it will be about informing any new policy to make sure that
19 our staff are aware that if they interact with a victim or
20 a witness who has an intellectual disability that we can
21 make sure that we take the appropriate statements,
22 admissible statements, and that we gather the best possible
23 evidence.

24
25 Q. So the development of that additional two days that
26 you've been talking about, when is it expected to be
27 completed?

28 A. So we will deliver that training for the 23/24
29 financial year. So we're going to develop - so now that
30 we've developed the train-the-trainer courses for the
31 three-day course, we're now moving to the specialist
32 course, and I have an outline of the specialist course,
33 which I can talk about, and that will also inform or assist
34 the additional two days, or however long that training ends
35 up being, similar to - I think my commitment in the
36 statement for this year was two days initially and, once we
37 scoped what we had to deliver, immediately we established
38 that it had to be done over three days to be meaningful.
39 So, again, it's going to be at least two days in the 23/24
40 year. But as soon as we develop the first specialist
41 course for November, pilot it, start the other specialist
42 course for next year, we'll start developing the two-day -
43 at least two days - program for the next financial year.

44
45 There could be capacity for some districts to start
46 that training earlier than 1 July. It will depend if they
47 have completed the training. But if I give the example of

1 Ipswich and the Gold Coast districts, they're both doing
2 the video-recorded evidence trial. So it would be hard for
3 those districts to start that other training earlier from
4 an operational point of view.

5
6 Q. You've mentioned the five-day specialist course. Have
7 you brought this afternoon a summary of that course to be
8 piloted in November of this year, 2022?

9 A. Yes. So it's titled "QPS DFV and VPU specialist
10 course". It's a two-page document, there's 19 sections,
11 and again it's a draft, and one side has the 19 topics and
12 then on the other side of the document there's the
13 organisations - some of those are internal - who we're
14 hoping to partner with or gain information from,
15 universities and other organisations, to help the
16 development of that training.

17
18 MS O'GORMAN: I'll tender that document titled "QPS DFV
19 and VPU specialist course".

20
21 COMMISSIONER: Exhibit 29.

22
23 **EXHIBIT #29 DOCUMENT TITLED "QPS DFV AND VPU SPECIALIST**
24 **COURSE"**

25
26 MS O'GORMAN: You mentioned also as part of your answer a
27 little earlier a scoping document in respect of the
28 2023/2024 training program, that two-day program you
29 mentioned?

30 A. Yes.

31
32 Q. Have you brought along this afternoon that scoping
33 document for us?

34 A. Yes. "Scoping for 2023/2024 training program".

35
36 MS O'GORMAN: All right. I'll tender that document as
37 well.

38 A. If I could just talk to that?

39
40 Q. Yes, sure.

41 A. So this is early stages but it's trying to come up
42 with a framework for the next course, but particularly so
43 that we can use the specialist course and use the products
44 that are developed, not all of them obviously, but
45 specifically products and learnings and advice from other
46 agencies so that we can try and inform that two-day course
47 the best we can, so that we have consistency between

1 material that's delivered to specialists but also frontline
2 police.

3

4 Q. Did you need to say anything more about that scoping
5 document?

6 A. No. No, thank you.

7

8 Q. Would you mind turning over to page 7, please. You've
9 indicated there about halfway down the page that the QPS
10 has engaged with Multicultural Affairs Australia to
11 co-design and co-facilitate a session in relation to
12 domestic and family violence in CALD communities. That's
13 going to be included in the five-day DFV specialist course;
14 correct?

15 A. Yes.

16

17 Q. When is that co-design going to be completed?

18 A. So I've done an initial meeting with
19 Christine Castley, the CEO, and her team. So they're doing
20 proposals around how they would deliver services for that.
21 We will obviously fund the delivery of those services for
22 the programs, and we'll work over the next three months to
23 inform that specialist course. But, as I've also
24 indicated, I've asked them to prepare a proposal for the
25 recruit program, and, again, we can leverage off the same
26 material and information to make sure that the program's
27 delivered.

28

29 So we'll start our curriculum - our next intake is
30 12 September. We've got our current 19 days. But my
31 commitment is that as we further inform our domestic and
32 family violence training we will adapt our training for
33 recruits.

34

35 Q. Okay. Over the page on page 8 you make reference
36 there to having obtained in-principle support from
37 Ms Liddell to co-design and co-facilitate a session in
38 respect of disability, again for inclusion in that five-day
39 specialist course?

40 A. Yes.

41

42 Q. Given what you've just said about the other inclusion
43 element, are you intending that that will be completed by
44 November as well so that it can be included in the pilot?

45 A. That's correct. And, as I gave in my original
46 evidence, we're working with the Domestic and Family
47 Violence Command, and they - Inspector Mel Dwyer has been

1 working with other organisations and asking them for their
2 assistance to help inform our programs.

3
4 Q. Okay. Now, over on page 9 in response to some of
5 the questions on cultural training, and in particular the
6 first question there in respect of training on the various
7 topics set out, you've said that empathy and bias are
8 definitely covered in the three-day training course?

9 A. Yes.

10
11 Q. And all topics can be included in the recruit training
12 cultural training?

13 A. Yes.

14
15 Q. When you say "can be included", does that mean they
16 are or they're going to be or they might be?

17 A. They will be. What I'd asked the DV Command is to
18 again research and talk to the organisations that would
19 help best inform that.

20
21 Q. Okay.

22 A. But, yes, again, our commitment is that we will
23 address that.

24
25 Q. Thank you. Over on page 10, we had posed the question
26 as to the feedback that you, the QPS, had received by
27 ANROWS in relation to the three-day domestic and family
28 violence training program?

29 A. Yes.

30
31 Q. You've indicated there that details are to be
32 provided. In fact, you've provided me this afternoon with
33 an 18-page document which is their written formal review of
34 the three-day training program. As I understand it, you
35 only have one copy, but are you content for me to tender it
36 and you can provide some further copies later?

37 A. Yes.

38
39 MS O'GORMAN: I tender that document. It's titled "Review
40 of Queensland Police Service, DFV, The holistic approach,
41 Content review", and it's a document - I take it on face
42 value that it's prepared by ANROWS. I can't see their name
43 on it, but I understand it's been prepared by ANROWS?

44 A. That's correct.

45
46 COMMISSIONER: Exhibit 30.

47

1 A. Yes, and we can --

2

3 COMMISSIONER: But the recruits need to be told that
4 that's a possibility, don't they, because they don't seem
5 to be aware and it's not very clear in the OPM that that
6 can be done?

7 A. I agree. I agree, Your Honour. We need to make sure
8 that everyone is informed about it, so there's policy. If
9 there's 15 districts, a lot of districts - and you would
10 have heard about district duty officers?

11

12 COMMISSIONER: M'hmm.

13 A. They could be the go-to person, you know, to enable
14 ICARE-trained - in a perfect world everyone would be
15 trained in ICARE. We would like to train more people.
16 It's a joint training initiative. But certainly if we
17 trained in time our specialist units and our DV
18 coordinators - there is always the immediate need obviously
19 to be able to gather information quickly so we ensure the
20 protection of victims.

21

22 COMMISSIONER: Yes.

23 A. And we need to work with any other support persons
24 that we can get on the day to try and get the information
25 to take that critical action. But I definitely agree with
26 you that the best-case scenario, everyone would be trained
27 in ICARE. It would be very, very difficult.

28

29 COMMISSIONER: Yes. I'm not suggesting necessarily that
30 they have to be trained in ICARE. I'm just - it seems from
31 the evidence that WWILD gave that there seems to be a
32 reluctance from police to do 93A interviews for people with
33 intellectual disabilities in the absence of some sort of
34 medical assessment, which obviously is not necessary at
35 first instance in any case. So it was really more a
36 suggestion perhaps that there's room for that in training
37 at first instance.

38 A. I'll commit to us trying to develop better-informed
39 officers and also to continue our efforts to try and make
40 sure we've got as many people trained or, best case there,
41 93A statements. But, as you said, if they're in very Far
42 North remote Queensland and there are limited numbers of
43 officers there, we need to get what evidence we can and
44 act.

45

46 COMMISSIONER: Yes. All right. Thank you. Ms Hillard,
47 do you have any questions for --

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<EXAMINATION BY MS HILLARD:

Q. Assistant Commissioner, just on the 93A statements - and the Commissioner was asking you some questions about that - the clear evidence from the disability advocate services were that when they ask a police officer to do a 93A they often get met with resistance and get told a 93A is not available because they're not a child or for some other reason. I think that's what the Commissioner is getting at and that training covering that sort of thing. Is that the case?

A. Yes, we are definitely happy to work with the advocacy services to improve our responses for people with intellectual disabilities and taking 93A statements.

Q. In this document here I couldn't - and, forgive me, I've only recently received it - really see anything specifically that talked about elder abuse and awareness about elder abuse?

A. Yes, so if you'd just give me a moment.

COMMISSIONER: There's something in here about that, in the specialist training?

A. Yes. So we definitely want to cover that in the five-day specialist training, and in the - as I mentioned about the specific cohorts for the two-day training, we need to cover that. It is covered - I'm not going to use the word "covered". It's mentioned. It's referenced. It's in some online products for recruits. But it definitely needs to be included in our specialist course but also in terms of different cohorts so that we're delivering the best service to cohorts, including elder abuse, to really understand that, and, again, we are more than happy to work with the right agencies, all the groups, and leveraging off DV Command and working with Acting Inspector Mel Dwyer to actually make sure that it's the best informed that we can, and if there's opportunities for stories, scenarios - it's certainly from - where I work in Toowoomba, it is an issue, particularly financial elder abuse.

MS HILLARD: In respect of page 6 you speak about investigative interviewing under the context of the heading right down the bottom there about CALD people. The interviewing, as I recall your evidence, is only at present five days out of the 27 days of the recruit course that

1 they do - or, sorry, five days out of the 27 weeks that
2 they do; that's correct?

3 A. That's correct.
4

5 Q. Is that going to be extended, those five days
6 investigative skills?

7 A. At this stage we haven't planned to extend it. But
8 certainly I think - so the Commissioner's priority is
9 around victim-centric and trauma-informed responses, and
10 that's one of her operational priorities. I think we need
11 to look at that investigative interviewing and making sure
12 that those concepts that we've developed for the three-day
13 course for the - including - you know, continuing in all
14 our training, that there's opportunities to include that.
15 It may not be possible for the September group, but we will
16 endeavour to at least start that process to make sure that
17 there is some of that information. Again, it's probably
18 making - we want to make sure that recruits get to a
19 baseline, and then we can develop them. There's also the
20 option in the first-year program with additional training
21 days to continue that training.
22

23 Q. I appreciate that you don't know what the extra
24 domestic and family violence training would look like, but
25 would you agree that that should have specific interviewing
26 and investigative skills included as part of that?

27 A. It's definitely - in the two-day scoping exercise -
28 I think I've got it there, victim-centric and
29 trauma-informed responses, and part of that is actually
30 interviewing people, but it's also about making sure it's a
31 safe environment, people are supported, that there's
32 support people, so that we can gain the best evidence that
33 we can to make sure they're protected.
34

35 Q. At page 10 of this document you refer in the last
36 paragraph to the three-day domestic and family violence
37 training that's being rolled out, and you speak about who's
38 involved with that. But I couldn't actually see any
39 external domestic and family violence specialists involved
40 in that.

41 A. Okay, so what I've covered there is I've mentioned
42 about empathy and bias are covered in the three-day course.
43 At this stage in our three-day course we haven't, you know,
44 unless locally people can get lived experience and people
45 will come in for those three days, and because of the speed
46 that we're trying to develop this training to get the
47 information to our police to start the learning process,

1 but we want to do that and it's in the scoping that we want
2 to have some co-facilitation, and local, and, again, if
3 I talk about - when it comes to delivering that, some
4 places may be harder, but certainly we want in the next two
5 days - a minimum two days that we develop, we want to bring
6 people from agencies in to present locally. But that would
7 have to be a local approach, I think, because I'm not sure
8 that there would be one service that could provide that for
9 the whole state.

10
11 So, by way of example, we'll have 360 trainers that
12 have completed the three-day DFV training by mid-September.
13 They train in pairs. So there's 180 - probably won't be
14 180 locations. There's 15 districts. There's commands in
15 Brisbane. There's - the training will probably be done
16 over 50 or 60 locations, I'm assuming. So it's difficult
17 to have one provider deliver lived experience. So what
18 we'll have to do is work with our education and training
19 officers, our DV specialist units to identify local
20 agencies.

21
22 Some of our training officers already do that for the
23 first-year constable domestic and family violence training.
24 It's a one-day program. They do two days. I know in
25 Toowoomba the Domestic Violence Action Centre come and
26 provide information, lived experience. They also involve
27 local Elders from First Nations. So there are
28 opportunities to do that into the future. It will be
29 difficult for this initial three days to - because people
30 are already - well, I know there's a course at Goondiwindi
31 next week.

32
33 Q. If I can perhaps impress upon you some of the evidence
34 that's been given of the officers, particularly the very
35 junior constables, and the junior officers spoke very
36 positively about the experience of seeing the people who
37 were those external providers and those specialists, and it
38 resonated with them - perhaps impressing upon you that
39 evidence and the effect and desirability to include it as
40 much as can be mandated in that three-day, because this is,
41 for lack of a better word, a stopgap until you get the more
42 extensive training up and running; isn't that right?

43 A. I would say it's better than a stopgap.

44
45 Q. It's my word. I'm not dismissing it. It's what we're
46 delivering at this point in time?

47 A. It is being informed. We will encourage our education

1 and training officers if they can bring lived experience
2 and work with their local agencies to present, as long as
3 they can fit it in in the three days because there's a lot
4 of material for that training, and there are some videos -
5 and I do agree that a person standing in front of you is
6 more impactful than a video. But the benefits of a video
7 is that the same message gets to everyone, and we also want
8 to make sure that - we want to work with the agencies so
9 that the people that come along or the agencies themselves
10 might be more prepared to talk about their insights rather
11 than a victim presenting to us in terms of trying to -
12 creating trauma.

13
14 So in the larger regional centres we've definitely
15 already engaged with the first-year constable training
16 days. So I think it will be an easy adjunct to try and get
17 those agencies to support that training. But I definitely
18 make the commitment we're going to have lived experience
19 for recruits and we're also going to have it for the next
20 minimum two days. It will probably be more, in reality.

21
22 Q. In respect of the document there that's titled "QPS
23 DFV and DVU specialist course" - it was tendered and marked
24 as exhibit 29.

25 A. Yes.

26
27 Q. This is the five-day specialist course that's referred
28 to. Can I just clarify is this an aspirational document of
29 people we would like to engage with, or have these
30 organisations been identified and we have some in-principle
31 discussions that are actually taking place?

32 A. So No.1, definitely conversation; No.2, definitely;
33 No.3 I'm not sure about.

34
35 COMMISSIONER: You might have to actually identify them a
36 bit better because --

37 A. Sorry. The First Nations, so Associate Professor
38 Marlene Longbottom. Associate Professor Longbottom has
39 also indicated that QIFVLS will be involved. So
40 Inspector Dwyer has had those conversations. I've
41 personally had those conversations for DFV CALD with
42 Christine Castley and her team. The LGBTIQ, that hasn't
43 occurred yet.

44
45 COMMISSIONER: Considering he's a police officer, it's
46 probably a fair bit he will be involved?

47 A. A co-founder, yes. Acting Inspector Mel Dwyer has

1 spoken with the Caxton Legal Service, as I understand. QPS
2 witness protection are on board. Queensland Corrective
3 Services, they have ongoing conversations with them.
4 ANROWS have definitely been spoken to. Ethical Standards,
5 they're very much on board. A DV agency around vicarious
6 trauma, that's - we need to do some more work there. The
7 Crime and Intelligence Command, they're on board. The
8 Domestic Violence Prevention Centre, and that's the In Her
9 Shoes program, so I believe Acting Inspector Dwyer has had
10 some discussions. I think that's probably a pretty good
11 program to run, and we need to work out how we'd best
12 deliver that. eCrime, both - Acting Inspector Dwyer has
13 had those conversations. She's had it with Karni Liddell
14 for DFV disability. I'm not sure about Heather Douglas.
15 I don't think that's been done as yet. DV Command,
16 definitely on board. And then the others are still
17 potentials. That's why they're listed.

18
19 MS HILLARD: So some good progress, I suppose, that's been
20 made since you last gave your evidence.

21 A. Yes.

22
23 Q. But I notice a lot of these are South East Queensland
24 specific. Will there be consistency of delivery across the
25 state?

26 A. So we will run those courses from Brisbane for
27 definite consistency, and those trainers will be conducted
28 by the super-trainers, who are training the trainers at the
29 academy in the three-day course, and they're members of the
30 DV Command. But it's important to say that they're
31 coordinating and doing their parts of the course with
32 lesson plans but will be heavily working with these other
33 agencies.

34
35 Q. Appreciating that the recruit training, the 25-,
36 27-week course that they do, much more involved, this level
37 of engagement is being contemplated perhaps is the best you
38 can say?

39 A. Yes, and I guess we need to work out what's the best
40 parts of this course to inform the recruit course. So
41 awareness, obviously witness protection is important for a
42 first-year constable, but needing to understand the whole
43 process, not particularly. But certainly, as I said about
44 specific cohorts, the potential of In Her Shoes, that type
45 of training, and whether it's included in the recruit
46 training or in the first-year, and whether we extend
47 training days, and we've already had some discussion around

1 the training days for first-year constables. We've always
2 tried to do the DV training within the first eight weeks.
3 We may move to a one-day DV training initially, and then
4 two or three months in or maybe slightly longer an extra
5 two days of DV training, potentially with In Her Shoes,
6 certainly with the external agencies coming in and
7 presenting. But you obviously couldn't get all these
8 agencies throughout the state to present.
9

10 Q. So a couple of weeks ago there was VRE, video-recorded
11 evidence, specialist training to fit in with the new
12 legislation. External engagement in that?

13 A. I believe there's no-one actually presenting at those
14 different locations, the Gold Coast and the Ipswich, for
15 the trial. I would have to check. I believe ANROWS might
16 have had a look at the victim-centric and trauma-informed
17 practices, but I would have to check that.
18

19 Q. One of the things that has come from particularly the
20 more junior officers who have given evidence is
21 inconsistency in their understanding of domestic and family
22 violence in different areas, and I'll just give a couple of
23 examples. I won't list them all. The PAF questions and
24 whether they actually have to ask them, how they apply
25 them; their understanding about gender and that it really
26 should be a power imbalance consideration as well; and
27 understanding about systems abuse - that's just a couple.
28 I have just picked a few. Is that something that is going
29 to factor into all of the training that we've been talking
30 about, the three-day, the five-day, plus the recruitment?
31

32 A. Yes.

33 Q. In respect of the document that you've provided about
34 the 18-year-old tertiary qualification data --

35 A. Yes.

36
37 Q. -- we can see that there were quite a number of
38 youthful applicants but very few actually made it through?

39 A. So, yes, about 10 per cent.
40

41 Q. And we can see that the recruitment grad data, is that
42 through the alternate recruitment pathway that's on the
43 website or are they applicants straight at the beginning
44 applying as new recruits?

45 A. They are - they would be a slight mixture, but the
46 majority of those are - aren't people with previous police
47 experience. So they're pretty well all people that have

1 come from other I suppose occupations, not policing.

2

3 Q. We can see that in the table below the social work
4 qualifications, human services, whatever words one wants to
5 use, there's really not a great many of those, 19 in total?

6 A. Nineteen, that's correct.

7

8 Q. I asked you this last time as well about recruiting or
9 engaging social workers or - and, as the evidence has
10 emerged, many of the people who work in that space in the
11 VPU's within the Police Service have those extra degrees.
12 Is that something that the Police Service will be looking
13 at to recruit?

14 A. Yes. So we've always had relationships with
15 universities to recruit because we want a diverse sort of
16 workforce. We've just engaged a contractor to help us
17 develop a strategy to market to universities. I must say
18 that's for all qualifications, but it certainly will
19 include social work.

20

21 Q. In respect of one of the officers who gave - one of
22 the report writers who gave evidence, Mr Ainsworth - and
23 I'll just give this reference for the recording, but we can
24 pull it up if you need. It's [COI.037- - sorry, I've
25 written it as page number 1, but that can't possibly be
26 correct. 037.0001 to page number 2, and it's got "_R".
27 There was an interview with a particular officer who said
28 that they were involved with the panel process, and they
29 felt that some people involved in the panel process who had
30 some good communication skills and the like were not
31 favoured through the recruitment process. Is the
32 recruitment process and the panel interview process also
33 under review?

34 A. No, I wouldn't say it is. So it's one of - an
35 interview is one of the aspects of our selection. We
36 sometimes have stories of people who are not happy that
37 they didn't get accepted. Yes, so we've really got to rely
38 on our panels and their judgment around their selection of
39 people and whether people are appropriate to be police
40 officers.

41

42 Q. So is that a "we might look at it or take it under
43 advisement to consider as part of our review"?

44 A. We will always look at our recruitment processes, but,
45 I mean, if I had further information or evidence that
46 I could test that claim, certainly. There are often many
47 examples of people saying, "Well, this person didn't get

1 through. They should have got through." Recently I had
2 one where someone said that they didn't get through because
3 of the psychological testing. I actually asked recruiting
4 to ring that person. They actually didn't ever do the
5 psychological testing, and the person decided they weren't
6 going to proceed because they weren't happy with police
7 having to enforce the COVID restrictions.

8
9 But certainly people can review those decisions, and
10 there's the recruiting appointment board who can review
11 those. We must always look at the composition of our
12 panels and we rotate members through the selection process,
13 and it's one element of our testing.

14
15 Q. On the recruitment website there is reference to some
16 of the skills of officers: good communications, analysis
17 and problem solving; taking responsibility; ability to
18 defuse situations; compassion; caring; time management; and
19 a willingness to help. So I've just read through them.
20 That's on the website, publicly available. Some of the
21 evidence from some of the more experienced officers or some
22 of the officers who came to the police force with past life
23 experiences spoke about how there seems to be a lack of
24 communication skills and some of these skills that I've
25 just described. Is that something that's going to be under
26 review as part of the recruitment training?

27 A. Communication skills are a key part of our program,
28 and those communication skills are assessed across every
29 competency, whether it's in theory, certainly in the
30 scenario-based practice, the assessments, the operational
31 skills centre. It's something that's continually assessed.
32 So I think a lot of our junior police are very good
33 communicators and they're very responsive. Can I say they
34 all are? I definitely can't. But I think it's something
35 that we need to continually focus on to make sure that our
36 people are good communicators, and certainly, as has been
37 addressed today, we need to make sure that they can address
38 with all different cohorts of people.

39
40 Q. You may or may not have any knowledge of this, but are
41 you involved in the training or retraining that involves
42 where misconduct is identified and someone has to undergo
43 some developmental training? Is that your department or
44 not?

45 A. It will depend what the training is for. So it's
46 obviously in this context about domestic and family
47 violence. But we would work with - if, say, there was a

1 discipline outcome or corrective action that needed to be
2 done straight away, the district would generally work with
3 the Education and Training Office to develop a plan of
4 training.

5
6 Q. So you say generally a plan of training. Is that for
7 every matter where retraining is identified, or are they
8 just rolled out at times, an online training product to
9 review?

10 A. It would depend on what the decision of the discipline
11 is or the decision of management around what training was
12 necessary. So it could be, for example, now we're
13 doing - back to doing face-to-face training, somebody might
14 have already done the training, they might have done the
15 three-day training, and then we're still in this current
16 year and it's recognised because of some discipline matter
17 that they need more training, they may do their three days
18 again. That would be one scenario. It could be that they
19 would work with the DV specialists or be mentored by
20 someone, by their sergeant. It could be about making sure
21 that there's an extra layer of supervision about their
22 performance.

23
24 Q. Are those decisions that Ethical Standards Command
25 make about what is required, or is that your ambit?

26 A. No, it's not, it's not PCAPs. It's done normally with
27 the district officers and local management with the Ethical
28 Standards Command.

29
30 Q. So you've never been asked, am I correct, to do a
31 tailored training program for a misconduct issue that may
32 have been identified?

33 A. No. No.

34
35 MS HILLARD: Thank you, Commissioner. Those are my
36 questions.

37
38 COMMISSIONER: I'm just looking at exhibit 29, which is
39 the specialist course. Can I just suggest that you might
40 want to contact WWILD about the intellectual disability
41 side of things?

42 A. Sorry?

43
44 COMMISSIONER: Karni Liddell is physically disabled, isn't
45 she?

46 A. Yes, so who was that, Your Honour?

47

1 COMMISSIONER: WWILD.

2 A. WWILD.

3

4 COMMISSIONER: They're the ones who gave the evidence
5 about the lack of training or the lack of utilisation for
6 93As?

7 A. Thank you.

8

9 COMMISSIONER: Ms Morris?

10

11 MS MORRIS: I have no questions, thank you.

12

13 MR HUNTER: No questions.

14

15 MS O'GORMAN: Might Acting Assistant Commissioner Kelly be
16 excused?

17

18 COMMISSIONER: Ms Juhasz, do you have any questions?

19

20 MS JUHASZ: I have no questions either. Thank you.

21

22 COMMISSIONER: I didn't think you would. Yes. Yes, thank
23 you very much, Acting Assistant Commissioner.

24 A. Thank you, Your Honour.

25

26 COMMISSIONER: Thank you.

27

28 <THE WITNESS WITHDREW

29

30 MS O'GORMAN: Just before I hand over to Ms Cappellano
31 I have just a couple of housekeeping matters to attend to,
32 if I may.

33

34 COMMISSIONER: Yes.

35

36 MS O'GORMAN: The first is there were two documents the
37 subject of evidence by Assistant Commissioner Codd
38 yesterday.

39

40 COMMISSIONER: Hang on. Apparently I haven't given a
41 number to something. Exhibit 32. "Scoping for 2023/2024
42 training program" will be exhibit 32.

43

44 **EXHIBIT #32 DOCUMENT TITLED "SCOPING FOR 2023/2024 TRAINING**
45 **PROGRAM"**

46

47 MS O'GORMAN: Of the two documents which were the subject

1 of evidence by Assistant Commissioner Codd yesterday but
2 which were not tendered yesterday, one of those has been
3 redacted and all the parties are content with it, and
4 I tender that now. It's the document titled
5 "Domestic violence - review of bail, street checks and
6 front counter reporting"
7

8 COMMISSIONER: Exhibit 33
9

10 **EXHIBIT #33 DOCUMENT TITLED "DOMESTIC VIOLENCE - REVIEW OF**
11 **BAIL, STREET CHECKS AND FRONT COUNTER REPORTING"**
12

13 MS O'GORMAN: Thank you. The second document is still the
14 subject of some discussion between the parties and, if it's
15 going to be tendered, that will happen in one of the Mt Isa
16 sittings.
17

18 COMMISSIONER: All right.
19

20 MS O'GORMAN: The other matter is that within the last
21 couple of days a series of documents under two headings,
22 one titled "CCC documents produced re Pollard and Trinder
23 complaints" and the other titled "QPS material produced re
24 Pollard and Trinder complaints", were disseminated to the
25 parties with a request by the Commission team that they
26 only be used by the legal representatives for the purposes
27 of this inquiry and destroyed at the end of the inquiry.
28 For completeness, I seek an order to prohibit publication
29 of that evidence beyond access by the legal representatives
30 of the QPS, the QPUE and Women's Legal Service.
31

32 COMMISSIONER: Yes, I'll make that order.
33

34 MS O'GORMAN: Thank you. Those were the matters that
35 I needed to attend to. Ms Cappellano will be taking the
36 last witness for today.
37

38 COMMISSIONER: Thank you.
39

40 MS O'GORMAN: I'll just step aside so that she can come
41 up.
42

43 MS HILLARD: Excuse me, Commissioner, while that
44 changeover is happening, just in respect of that order that
45 has just been made can I just clarify - there will
46 obviously be questions that I will have to ask or that
47 I intend to ask, and I will ask them in an appropriately

1 sensitive way - whether Your Honour wanted to make clear to
2 the media that what I say also cannot be published?

3
4 MS O'GORMAN: I think the concern related to
5 identifications of particular persons within those
6 documents that had not been redacted. If Ms Hillard's
7 questions don't identify any particular person - that would
8 be a police officer, I expect - then there would be no need
9 for any extension of the non-publication order, in my view.
10 But, if any of the parties have a different view, they
11 could say as much.

12
13 MR HUNTER: (Indistinct).

14
15 MS MORRIS: We don't wish to be heard at this stage.

16
17 COMMISSIONER: All right. Ms Juhasz?

18
19 MS JUHASZ: No. Thank you.

20
21 MS CAPPELLANO: Thank you, Commissioner. While
22 the Commission is tendering documents, can I present the
23 last tender bundle for the day, which contains a statement
24 of Cheryl Scanlon and then a number of documents, "A
25 summary regarding officer A", "Summary regarding
26 officer B", "A summary regarding officer D", "Summary
27 regarding officer E", "A summary regarding officer F", "A
28 summary regarding officer G", "Summary of investigations
29 conducted by rank and location", and an ABC news article
30 "Queensland Police grappling with 'concerning increase' in
31 domestic violence by officers".

32
33 COMMISSIONER: Exhibit 34.

34
35 **EXHIBIT #34 TENDER BUNDLE CONTAINING "SUMMARY REGARDING**
36 **OFFICER A", "SUMMARY REGARDING OFFICER B", "SUMMARY**
37 **REGARDING OFFICER D", "SUMMARY REGARDING OFFICER E",**
38 **"SUMMARY REGARDING OFFICER F", "SUMMARY REGARDING OFFICER**
39 **G", "SUMMARY OF INVESTIGATIONS CONDUCTED BY RANK AND**
40 **LOCATION", AND AN ABC NEWS ARTICLE "QUEENSLAND POLICE**
41 **GRAPPLING WITH 'CONCERNING INCREASE' IN DOMESTIC VIOLENCE**
42 **BY OFFICERS".**

43
44 MS CAPPELLANO: Commissioner, I call
45 Assistant Commissioner Scanlon. Can I indicate that
46 Assistant Commissioner Scanlon is required by mandate to
47 keep her mask on as well.

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COMMISSIONER: All right.

<CHERYL SCANLON, sworn:

<EXAMINATION BY MS CAPPELLANO:

Q. Thank you, Commissioner. Assistant Commissioner Scanlon, you've been a police officer for approximately 35 years and have served across Queensland during that time?

A. That's correct.

Q. Sixteen of those years you served in Northern Queensland?

A. I did.

Q. And you've been an operational officer for the majority of your career as well as holding a variety of leadership roles?

A. That's correct.

Q. Is it the case that you were appointed Assistant Commissioner in 2020?

A. I was.

Q. And your current role is the Assistant Commissioner of the Ethical Standards Command?

A. That's correct.

Q. Also referred to as ESC?

A. That's right.

Q. And you've been in that role since November 2020, in May?

A. In May.

Q. However, since November 2020 you've also spent approximately 13 months seconded in a different role with the Youth Justice Taskforce?

A. That's correct.

Q. The Chief Superintendent Virginia Nelson relieved in that role during your absence?

A. Yes, she did.

Q. And you have been back in your substantive position as

1 the Assistant Commissioner for the Ethical Standards
2 Command since March of this year?

3 A. Correct.

4

5 Q. And in your capacity as the Assistant Commissioner of
6 the Ethical Standards Command you've provided a statement
7 to the Commission?

8 A. I have.

9

10 Q. You have a copy of that statement with you, if you
11 need to refer to it?

12 A. I do.

13

14 Q. We can also place aspects of it on the screen if
15 needed. In the course of preparation for evidence today
16 you've also been provided by the Commission with a number
17 of files from the ESC, spreadsheets and other documents
18 that have been created by the ESC and provided to
19 the Commission under notices to produce?

20 A. That's correct.

21

22 Q. You've also been provided with a variety of other
23 documents, including summaries of those relevant files?

24 A. Yes.

25

26 Q. And you've had an opportunity to review those matters
27 prior to giving evidence today?

28 A. Some of them very briefly, given I was still reading
29 some of them last night. But, yes, I have.

30

31 Q. Now, Assistant Commissioner, the first topic that
32 I would like to ask you about is the adequacy of the
33 current Queensland Police Service complaints handling
34 system when it comes to investigating and holding to
35 account police who are alleged to be perpetrators of
36 domestic and family violence. The Commission heard
37 evidence on the second day of our public hearings from
38 Acting Assistant Commissioner Mark Kelly, who has given
39 evidence today as well, about the practice of the
40 Police Service as far as recruitment is concerned when a
41 person is subject to a domestic and family violence order.
42 The evidence that Assistant Commissioner Kelly gave was
43 that such a person will not be considered to be eligible to
44 apply to be a member of the Queensland Police Service while
45 they are a respondent to a domestic and family violence
46 order, and that that is a position that will always be
47 taken by the QPS in respect of applicants for police who

1 are on an order; you're aware of that position of the QPS
2 more generally?

3 A. Yes, I'm aware he made those comments.
4

5 Q. Acting Assistant Commissioner Kelly also gave evidence
6 about people who have had a domestic and family violence
7 order in which they were a respondent expire but in certain
8 circumstances that they were still excluded from applying
9 as a recruit for the Police Service because they were
10 considered unsuitable due to this history, even though the
11 order had expired. Are you aware of that?

12 A. Yes.
13

14 Q. You would also be aware of Chief Superintendent
15 Virginia Nelson's comments to the ABC in June of this year
16 to the effect that, "Even one police officer subject to a
17 DVO is really bad for us. We don't want those people in
18 our organisation. If they are committing DV, it's totally
19 inconsistent with the office of a constable and with our
20 values as an organisation, and there is zero tolerance."
21 Are you aware of those comments?

22 A. Yes, I'm aware of them.
23

24 Q. Assistant Commissioner, it's the case, isn't it, that
25 having regard to the statistics that are attached to your
26 statement, which indicate that as of 30 June 2022 there
27 were 38 members of the QPS who were subject to a domestic
28 and family violence order, it cannot be said by the QPS
29 that there is zero tolerance for officers who are subject
30 to an order, can it?

31 A. The challenge we will always have as an organisation
32 is that, whilst certain action can be taken to prevent
33 people coming into the organisation, we're a large
34 organisation of 17,000 people, similarly to the community,
35 we will have people's relationships who fail, we will have
36 officers who find themselves in that position, it is not
37 something that you could expect we won't see in our
38 organisation given the size of it. We are normal people
39 doing an extraordinary job, and at times there will be
40 officers who will find themselves in a relationship that
41 breaks down or where there are allegations of
42 domestic violence, unfortunately.
43

44 Q. In terms of not just there being allegations of
45 domestic violence but order - domestic and family violence
46 orders made in which that officer is a respondent?

47 A. That's correct.

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COMMISSIONER: So they're not allegations; they're proven?

A. M'hmm.

MS CAPPELLANO: If I understand your evidence correctly, Assistant Commissioner, you've indicated, given the size of the organisation, police officers are in effect - and correct me if I'm misunderstanding you - members of the community and, like members of the community, they will be perpetrators of domestic and family violence?

A. Potentially, yes.

Q. Would you accept, however, that the Queensland community generally speaking doesn't rely on other domestic and family violence perpetrators who aren't police officers to uphold, investigate and enforce our laws, including laws in relation to domestic and family violence?

A. Correct.

Q. Would you also accept that the police who are perpetrators of domestic and family violence are in a different situation to ordinary members of the community who might have committed domestic and family violence because those people aren't in a position where they are able to have nuanced understandings of how systems work or access to databases which could find information out about other people, including the aggrieved on domestic and family violence orders?

A. Yes, that's correct.

Q. Do you also agree that, looking at the difference between police who are perpetrators of domestic and family violence and other members of the community who are perpetrators of domestic and family violence, it is police officers who are more likely to have connections with the other people who are investigating the allegations of domestic and family violence, they might have personal connections with prosecutors, with other lawyers, with even magistrates, and that's places it in a different situation to ordinary members of the community who are perpetrators of domestic and family violence?

A. Absolutely. It's very difficult for a police officer in our organisation to operate if you are a respondent in a domestic violence matter.

Q. I'm less concerned at this point in time with how difficult it is for the individual police officers who are

1 the respondents to a domestic and family violence order,
2 but perhaps more asking about the community who are still
3 being policed by these members, and the differences between
4 a police officer who has committed domestic and family
5 violence and continues to serve as a police officer as
6 opposed to an ordinary member of the community who has
7 committed domestic and family violence. Would you agree as
8 well that - everything that the Commission has heard about
9 domestic and family violence, that issues of power and
10 control are central to the commission of domestic and
11 family violence, given that, do you accept that the very
12 fact that somebody is a police officer with the additional
13 powers, with additional connections in itself exacerbates a
14 power imbalance that's already existing in a domestically
15 violent relationship?

16 A. Yes.

17
18 Q. Would you also accept that a police officer who
19 breaches a court order - so this isn't somebody who has a
20 court order made against them, but then after a court order
21 is made against them then breaches that court order by
22 committing the criminal offence of contravening a domestic
23 and family violence order - demonstrates a disregard for
24 the system of laws that they're obliged to uphold?

25 A. Absolutely. If they have committed a criminal offence
26 and they have breached an order, they're police officers
27 who work in the environment, will know those things. So it
28 is a very difficult situation for the police department
29 when we have people who are subject to those types of
30 orders and then breach. You know, it places our
31 organisation in a different light in the eyes of the
32 community.

33
34 Q. Would you accept that by somebody who is a police
35 officer and then has breached - committed the criminal
36 offence of breaching the court order, that shows such a
37 disregard for the laws that they're supposed to be
38 upholding that it calls into question whether such an
39 officer would be actually able to impartially investigate,
40 prosecute and enforce laws, whether domestic and family
41 violence laws or otherwise?

42 A. Would do.

43
44 Q. Can I ask you now about some of the statistics that
45 are contained in the attachments to your statement as they
46 relate to police perpetrators of domestic and family
47 violence. Mr Operator, could you place on the screen

1 annexure A to Officer Scanlon's statement, which
2 I understand is EIC. - [CLS.002.0002]. Thank you. Excuse
3 me for a moment. Sorry, Assistant Commissioner, I'm just
4 getting my scribbly copies up. Am I correct in my
5 understanding that this graph or this series of graphs
6 shows data over a 10.5-year period?

7 A. It does.

8

9 Q. And it's data in relation to domestic violence that
10 has been perpetrated by police officers?

11 A. Member involved, yes.

12

13 Q. That's also referred to as member involved?

14 A. Yes, that's right.

15

16 Q. That's the heading at the top; is that correct?

17

18 MR HUNTER: That's a misdescription. It's a graph that
19 depicts complaints and allegations, not perpetrated acts,
20 of domestic violence.

21

22 COMMISSIONER: So not actual orders?

23

24 MR HUNTER: No.

25 A. So they're complaints out of two systems. So previous
26 to the current system that you probably heard Detective
27 Inspector Nixon talk about, there are two different systems
28 that have collated that. So that was going back into the
29 old CSS system, as it was known, to look at the data over
30 the 10-year snapshot that was requested by the Commission,
31 as I understand it, and the newer information from 21, 22
32 is out of the new PIPS database, but that's about the
33 complaints and allegations against officers that are member
34 involved matters.

35

36 MS CAPPELLANO: Yes. I may have misspoke before. What
37 I meant to say is this data shows allegations of police
38 having perpetrated domestic and family violence, also known
39 as allegations involving member --

40 A. Member involved, that's right.

41

42 Q. -- involved domestic and family violence?

43 A. Yes.

44

45 Q. If I refer to either of those terms of member involved
46 or police perpetration in this context I'm talking about
47 the allegations contained within this data?

1 A. M'hmm.

2

3 Q. Now, as Mr Hunter just identified, the first box on
4 the top left-hand side is the total complaints and
5 allegations. We understand from evidence that's been given
6 by Detective Inspector Nixon that the difference between a
7 complaint and an allegation is that a single complaint
8 could contain a number of allegations?

9 A. That's correct.

10

11 Q. Moving down, where it says "SM gender", that graph
12 shows the gender of the average - the gender breakdown --

13 A. Correct.

14

15 Q. -- of the member involved or police perpetrating
16 allegations over that 10.5-year period, being 78 per cent
17 male and 21 per cent, or thereabouts, female?

18 A. M'hmm.

19

20 Q. The next graph "SM age" demonstrates the ages, so it's
21 showing the profile over that 10.5-year period and it
22 demonstrates - I think we saw this with some of the other
23 graphs we've seen earlier in the week - that the majority
24 of people who are being alleged to be police perpetrators
25 of domestic and family violence fall within that 30- to
26 50-year age range?

27 A. That's correct.

28

29 Q. Moving on, the next, if we're going across, shows the
30 ranks, and again I think this has been consistent with some
31 other data that we've seen showing that the ranks of senior
32 constable, constable and sergeant are the highest ranks
33 that are represented when it comes to allegations of police
34 perpetrating domestic and family violence?

35 A. That's correct.

36

37 Q. I will come back to this page, but if we just go to
38 the next attachment, which is attachment B, [CLS.002.0003].
39 Sorry, when I said attachment - yes, thank you,
40 Mr Operator. Just in terms of those similar trends there,
41 this is not allegations of member involved or police
42 perpetration, but failure of duty in relation to domestic
43 and family violence?

44 A. Correct.

45

46 Q. But over the same period?

47 A. Correct.

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Q. And it shows really, doesn't it, that there's similar trends when it comes to age and rank, being between that 30- to 50-year, and senior constable, constable or sergeant level --

A. Yes, it does.

Q. -- being more highly represented? Would you accept that what those figures demonstrate is that it's not the - the issues perhaps with attitudes when it comes to domestic and family violence and even actions doesn't sit with the youngest cohort of the Queensland police, or doesn't sit exclusively, and in order to address any change culturally within an organisation there would have to be focus not just on the new recruits but on targeting those people who are at the senior constable, constable and sergeant level who are aged between 30 and 50 and may in fact have another 30 years of service?

MR HUNTER: Commissioner, I don't want to keep getting to my feet but the --

COMMISSIONER: You can get to your feet as often as you like, Mr Hunter.

MR HUNTER: This question is premised upon a proposition that is not established by the data because the question assumes that there are substantiated allegations of domestic violence in a particular cohort, whereas all this data demonstrates is that there are allegations made against a particular cohort.

COMMISSIONER: Yes, that's a fair objection.

MS CAPPELLANO: In terms of you would know with early warning systems and that sort of statistical analysis, when looking at ways in which to address potential issues within an organisation, a large organisation like the QPS, it's the case, isn't it, that the substantiation of allegations is not the only thing that's looked at and even the fact of there being an allegation means there might be something further to investigate in terms of looking forward to what can be done about whether there are particular issues that need to be addressed?

A. Look, I don't think it's a surprise that the cohort sit - because they're the largest part of our workforce. Our senior constables are, you know, the majority of our

1 frontline, along with our sergeants and the constables. If
2 you look at the age group in there, there is more to be
3 considered there, and whilst officers come into our job
4 when they're young - though not everybody joins when
5 they're young either, but you also have to look at the
6 passage of time when people are in relationships and those
7 things over the span of their life. But that data is not a
8 surprise to me, that I would expect to see the largest part
9 of our workforce showing up with that sort of information.
10 Does that mean other things in terms of how long those
11 people have been in the job and about, you know, their
12 attitudes towards domestic violence, but it's not a
13 surprise that the largest figures sit where the biggest
14 part of the workforce are.

15
16 Q. Yes. And of course anything to address any issues
17 within the workforce would be having to target not just new
18 people but the largest part, which might be at that
19 different level of --

20 A. Correct.

21

22 Q. -- senior constable, sergeant level; is that correct?

23 A. Yes, absolutely.

24

25 Q. Moving on, where it goes up to the member districts,
26 it just indicates on this failure to duty chart that that
27 Gold Coast district is a lot higher. Is there any reason
28 why or do you have any insights into why those figures
29 might be particularly high in the Gold Coast?

30 A. Look, I don't have an explanation for that other than
31 to say that when you look at the bigger districts that's
32 where the larger populations of our policing contingent
33 sit. So when I certainly look at the Gold Coast,
34 North Brisbane, South Brisbane, you know, those top areas
35 are some of our larger policing contingents, and, again,
36 you would expect to see that where the population sits if
37 those things are going to arise, and also about how much
38 interaction - we're talking about failure of duty here, so
39 how much interaction there may be in terms of dealing with
40 domestic violence matters, and those are very busy areas
41 where you would expect interaction in high levels of DV.

42

43 Q. Then in relation to the top graph on the right-hand
44 side, "Allegation outcomes", does that graph
45 demonstrate - we've been through some of the terminology,
46 being NFA, LMR, open and hearing, with Detective
47 Inspector Nixon. Does that demonstrate that there is about

1 seven per cent of allegations which are still open, so just
2 haven't been resolved yet?

3 A. Yes, that's correct.

4

5 Q. Then of the remaining 93 per cent, about 0.3 per cent
6 have gone to hearing?

7 A. Yes.

8

9 Q. Then is it the case that there's no indication of
10 what - I know there's no indication on this graph, but of
11 what the outcome is at a hearing?

12 A. Not depicted in this graph, no.

13

14 Q. Does the ESC keep that information?

15 A. The Office of State Discipline and ESC, because we
16 have a separate office to State Discipline dealing with
17 hearings. But there is data kept on that. But this is
18 really a snapshot document, and if I can just --

19

20 Q. Sorry, is this the 10-year data, not snapshot?

21 A. Sorry?

22

23 Q. Is this the 10-year data rather than the snapshot?

24 A. Yes, it is, and that had to be manually collated
25 because we were working out of two systems to actually
26 generate this. As the PIPS system, which is only 12 months
27 old - it's only been introduced since May 2021.

28

29 Q. Yes.

30 A. We will actually start to get better datasets, and
31 there is also more build to be done inside of that
32 particular piece of technology that we have. So it's very
33 early days. So in terms of the NFA --

34

35 Q. Can I just ask what you mean by "build to be done"?

36 Does that mean there is more capabilities to be --

37 A. Yes, there is, and it has about 50 per cent capacity
38 to grow other data and reports, so I'm told by the vendor,
39 and that has to be done in a staged process as the system
40 is built. So this is very early data out of the first
41 12 months of that work. But that will over time be
42 developed further.

43

44 Q. So is it the case that over time you would be able to
45 get a snapshot which then shows of those
46 three per cent - sorry, 0.3 per cent that went to hearing,
47 X amount per cent were substantiated, these are the

1 sanctions, those sort of things?

2 A. Yes, absolutely, and in terms of the NFA it was a
3 really - it's an interesting point that's been made during
4 the inquiry about that no further action. Now, no further
5 action doesn't mean that nothing's happened. I think we
6 heard Mr Nixon's evidence about no further action could
7 mean that you might view the body-worn camera and it might
8 be lawful and reasonable action. You might see other
9 things. One of the learnings out of this is that as that
10 NFA area within PIPS is developed there is opportunity to
11 break that down further in future, which needs to be done
12 so that you can actually get more succinct data about what
13 it actually means, into the report builder in behind this
14 system.

15
16 Q. So, in terms of that, is that a gap in the current
17 capability of the data system but it's intended as PIPS
18 progresses and matures that will be matured?

19 A. Absolutely, and I do have funding moving forward on
20 that program of work for the PIP system over the next year
21 or two to actually continue to develop these datasets and
22 the reports that that system will generate to give us
23 better visibility of the sorts of matters that we're
24 dealing with.

25
26 COMMISSIONER: Can I just ask a question about that NFA.

27 A. Yes.

28
29 COMMISSIONER: Am I right in thinking that that covers
30 exonerated, lawful and reasonable, unsubstantiated,
31 insufficient evidence? Are they the sorts of things NFA
32 covers?

33 A. So, Your Honour, these are just the allegations as
34 they are at the moment. Later on we'll be able to have
35 other datasets that will build us the outcome in behind it.

36
37 COMMISSIONER: I understand that, but is that what NFA
38 covers at the moment?

39 A. So there a number of the ones that Dave Nixon spoke to
40 the other day about - we did a cut of some of them about
41 the sorts of things. But, yes, there are different parts
42 of NFA, that it's not as defined as it should be in here,
43 and that will have to be built because it will just give us
44 a better understanding of what it is that the outcomes are.

45
46 COMMISSIONER: But are they the sorts of outcomes that are
47 covered?

1 A. Yes. So the tabs will need to be built in. Tabs will
2 have to be factored into that NFA to get more specific.

3
4 MS CAPPELLANO: Is it also anticipated that tabs will be
5 built in in the future to determine, for example, of the
6 0.3 per cent that went to hearing, how many of those
7 hearings were substantiated?

8 A. Well, it will depend what the vendor can build for us,
9 but the idea is to end up with a report capability that can
10 very easily generate reports for us to get almost instant
11 data on these things.

12
13 Q. Just in terms of that question I asked about building
14 in to see whether or not something was substantiated, would
15 it be anticipated that then the outcome of any
16 substantiated hearings would also be able to be identified?

17 A. Yes, because that's the sort of datasets that you want
18 to be able to look at, is to extract certain points in time
19 to have a look at what's actually occurring in your
20 outcomes. Look, we're not there yet. As I said, it's only
21 12 months old. But over time hopefully we will be able to
22 develop this into a better piece of technology that will
23 give us closer scrutiny on these things.

24
25 Q. The Commission had made enquiries about whether
26 that - I know you referred previously to the Office of
27 State Discipline perhaps having some of these statistics.
28 But in enquiries that have been made with the Ethical
29 Standards Command it was indicated that those statistics
30 don't exist in an accessible form currently. Is that your
31 understanding as well?

32 A. Well, if we had to back-build into something like
33 this, so - you know, Office of State Discipline is
34 independent to my office. That's a separate question
35 I guess for the Office of State Discipline on data.

36
37 COMMISSIONER: Do we get from that pie chart that over the
38 last 10 years three matters have gone to hearing? Is that
39 what I'm getting from that? On the pie chart, is that what
40 that's saying, three matters went to hearing in 10 years?

41 A. So they have got the 0.3 per cent, so three matters in
42 there.

43
44 COMMISSIONER: Yes. In 10 years?

45 A. No, that shouldn't be right. No, I would have to seek
46 advice on that, Your Honour, about that last pie graph.

47

1 COMMISSIONER: All right.

2

3 MS CAPPELLANO: My reading of the graph is that the number
4 above the percentage is the number of allegations outcomes.
5 So, where it comes down to NFA, that's 888; where it comes
6 to LMR, that's 205, which makes up 17 per cent of
7 the unresolved, is the 84 number. That's how I read this
8 police document. Would that be consistent with your
9 understanding?

10 A. I believe so, but I would have to seek clarity from
11 the PIPS team around that.

12

13 Q. In terms of just to clarify the Commissioner's
14 question, those numbers would be the allegation number, not
15 the complaint number, on my reading of the graph; would
16 that be consistent with your reading?

17 A. So that, for me, is allegation outcomes on the
18 right-hand side, but I would have to clarify.

19

20 COMMISSIONER: Are allegation outcomes different to
21 allegations? Would there be less?

22

23 MS CAPPELLANO: They're different to complaints. So there
24 could be one complaint that went to hearing that had three
25 allegations. Is that correct, Assistant Commissioner?

26 A. So your allegations and complaints are to the left,
27 and the allegation outcomes are to the right, is the way
28 I read that. But I would have to clarify on the 10 years
29 of that snapshot to the right.

30

31 Q. Thank you. And can you please do that?

32 A. Yes. Most definitely.

33

34 Q. On my reading of that pie chart, what that
35 demonstrates is, of the 93 per cent that are still open,
36 92 per cent were resolved by way of no further action or
37 local managerial resolution; is that your reading of the
38 graph?

39 A. (Indistinct).

40

41 Q. If we could turn back to the first page, because that
42 graph relates to failure of duty allegations; is that
43 correct?

44 A. Yes.

45

46 Q. Now, if we turn back to the same graph in relation
47 to - this is the member involved allegations?

1 A. Yes.

2

3 Q. The outcomes there demonstrate that about 17 per cent
4 are still open?

5 A. Yes.

6

7 Q. Of the remaining 83 per cent, the significant
8 majority, which on my calculation was 76 per cent, were
9 resolved by way of a local managerial resolution --

10 A. Yes.

11

12 Q. -- or no further action, and the breakdown between
13 those were 76 per cent no further action and nine per cent
14 local managerial resolution. The graph indicates that two
15 matters resolved by way of ADP, which is the alternative
16 disciplinary procedure, where there is an agreed sanction
17 between the Police Service and the CCC that's offered to a
18 subject member. If the police officer accepts that
19 sanction it can be resolved in that way without a need for
20 a hearing. That's my understanding of the ADP process. Is
21 that correct?

22 A. Yes.

23

24 Q. In relation to that process, while it indicates that
25 two per cent of matters resolved in that way, again the
26 current capability of PIPS - and I understand this isn't
27 just PIPS but also the old system - doesn't tell us what
28 the sanctions imposed were as a result of the ADP process;
29 is that correct?

30 A. Not by this - if you wanted a history of that by
31 individual cases are you talking about or --

32

33 Q. Well, what the results are in terms of the overall
34 outcomes, what sanction was imposed for ADP processes?

35 A. Well, they'd have to be looked at separately. That's
36 simply saying that's the number of or percentage of ADPs.
37 But, as for what the outcomes were, individual cases would
38 have to be looked at to give you that.

39

40 Q. Yes, and the Commission has in fact asked - at the
41 start of this process - to receive the outcomes, and by
42 outcomes I mean the sanctions or the substantiations, in
43 relation to police complaints and had been advised by the
44 ESC that that can't be done in an accessible way over the
45 time parameters of this Commission.

46 A. It's very --

47

1 Q. Would that be consistent --

2 A. Yes.

3

4 Q. -- with your understanding of how the systems work?

5 A. You would have to go into each file manually, and
6 that's part of the challenge in - when you have had old,
7 clunky systems, is it takes an extraordinary amount of time
8 if you have to do this manually file by file.

9

10 Q. From what I understand, the issues with the data
11 management system when it comes to complaints have been
12 identified over a course of time, even since the Fitzgerald
13 inquiry, as something that needs to be improved from a
14 police perspective?

15 A. Absolutely.

16

17 Q. Is that your understanding?

18 A. Most definitely, yes.

19

20 Q. And the new system came in May 2021?

21 A. That's right.

22

23 Q. In terms of just finishing off the data there, it
24 indicates that six per cent of matters and, on my
25 understanding, 28 actual allegations went to hearing?

26 A. That's what it says.

27

28 Q. If we could turn now to the statistics which give the
29 snapshot. So that's annexures B to D of your statement.
30 If I could place annexure B on the screen, please, which
31 is - that one, yes, thank you. Now, do I understand these
32 next three documents correctly to be this snapshot in time,
33 point in time?

34 A. Yes.

35

36 Q. So as at 30 June 2022 you have a snapshot data which
37 demonstrates how many police - how many police - member
38 involved or police perpetrators are within the Queensland
39 Police Service, and these are not allegations but these are
40 actual orders?

41 A. Correct.

42

43 Q. And that's been broken down into three different
44 categories, one being members who are sworn police
45 officers?

46 A. Yes.

47

1 Q. One being unsworn members, which is C?

2 A. Yes.

3

4 Q. And one being contractors?

5 A. Correct.

6

7 Q. If we look at annexure B there on the screen, what
8 that demonstrates is that as at 30 June 2020 there were 19
9 total orders?

10 A. So if you look at the orders one of the other things
11 that has to be changed in PIPS - what that is a count of -
12 they have counted PPNs, or the police protection notices,
13 as part of that, so that includes - the total is current
14 orders, temporary orders and the PPNs. It doesn't count
15 the five private, which sit separately. So that's as at
16 30 June.

17

18 Q. So do those five private add onto the 19?

19 A. Yes.

20

21 Q. Okay. That was my next question, whether or not they
22 were in or added onto?

23 A. Yes. Because as these reports are being built, and
24 this is some of the capability that we'll have, we'll be
25 able to extract this very, very quickly, and it's broken
26 down by those three types of category of sworn, unsworn and
27 contractors, but also to give us visibility of some of the
28 other types of orders, and private applications have become
29 important in capturing those. So they have been included
30 in this dataset.

31

32 Q. So when it comes to the overall figure that I stated
33 at the start of 38 police currently subject to domestic and
34 family violence orders, that didn't include the 15 private
35 applications; is that correct?

36 A. Depending on what day this - because these move
37 around, of course --

38

39 Q. I was talking as at 30 June from this snapshot data.

40 A. So we've kept the private ones calculated separately
41 in there so we can see them. But, likewise on the others,
42 you'll see that, you know, current orders, temporary orders
43 and - you know, they add up to the total orders, but
44 private separate. So you have 19 in - on the sworn there,
45 19 plus five on those, 16 and five on the other, and three
46 and eight.

47

1 Q. So it would actually be 53 if we add an additional 15
2 to the 38?

3 A. Yes, and bearing in mind that your police protection
4 notices are just the initial notice and then by the time
5 that gets to court - so that's why these things can move
6 daily - by the time it becomes either a temporary matter or
7 the matter is dealt with and it is struck out or whatever
8 it might be. So this is - you know, the idea is to get
9 into a position where we have a database that can produce
10 this stuff with the click of a button.

11

12 COMMISSIONER: So the PPNs, generally speaking, are only
13 for a short time?

14 A. Yes. Yes, Your Honour.

15

16 COMMISSIONER: Temporary orders might last for a bit
17 longer?

18 A. Yes, Your Honour.

19

20 COMMISSIONER: Particularly if it's going to a full
21 hearing?

22 A. Correct.

23

24 MS CAPPELLANO: When I had initially read this data I had
25 included the five as being part of the total orders. But
26 on my calculation that makes 53. Is that correct?

27 A. Yes, so effectively if we were going to - you know,
28 look, if we were going to call - in the next piece of work
29 that's done by PIPS we may have to look at calling it
30 "total matters" and then changing some of the headings in
31 the tabs with this, because, you know, protection notices
32 aren't actually a temporary order or a full order; so just
33 the terminology. But when you add up the actions by way of
34 those things - private applications, PPNs, current orders
35 or temporary orders - you know, you just need to - as
36 I said, we'll alter this in the next run of PIPS to give a
37 total. But I particularly want to see in these reports the
38 private applications separately.

39

40 Q. In terms of the other data that's captured within this
41 graph, within this page, the next - sorry, two over where
42 it says, "Contravene order in the last 31 days: 1," does
43 that involve charged or convicted of a breach of domestic
44 and family violence?

45 A. That's where we've had a contravention --

46

47 Q. Charged or conviction?

- 1 A. Charged, as I understand it.
2
- 3 Q. So that would show that in the month before this
4 snapshot, so in June, one sworn police officer was charged
5 with a criminal offence of breach of --
6 A. Or if there has been a contravene and it's being
7 investigated we pick up that contravention in there.
8
- 9 Q. What's the difference between that and the charged,
10 sorry?
11 A. I would have to check with the PIPS people about the
12 recording of that, but a contravene has come into the
13 system, and so that's showing as a contravene. I'll have
14 to check whether that's charged or - no, not --
15
- 16 Q. Or investigated?
17 A. Or investigated.
18
- 19 Q. Okay. Can you please do that, Assistant Commissioner?
20 A. Yes.
21
- 22 Q. In terms of the next one over, that shows a gender,
23 all but one of the people subject to the order being male?
24 A. Correct.
25
- 26 Q. Is there any reason why some of them are faded, or
27 that's just a printing or formatting issue?
28 A. I'm not sure what that is.
29
- 30 Q. But it's not faded out because it's not relevant?
31 A. No, no.
32
- 33 Q. Then again the age similar to the trends we've seen
34 previously?
35 A. Yes.
36
- 37 Q. The rank here again similar to the trends that we've
38 seen previously?
39 A. Correct.
40
- 41 Q. And in particular sergeant is quite high on this
42 member involved domestic violence orders?
43 A. Yes.
44
- 45 Q. The rank of senior constable is quite high as well?
46 A. Correct.
47

1 Q. In terms of a police perpetrator of domestic and
2 family violence, if somebody is at a rank of sergeant, they
3 would be expected generally if they're a sergeant to have a
4 supervisory role; is that the case?

5 A. Mostly.

6

7 MR HUNTER: Can I just object to the use of the word
8 "perpetrator" because some of these orders may have been
9 ones that were made by consent without any determination on
10 the merits. So the fact that the order exists does not
11 mean that the officer in question is a perpetrator
12 necessarily.

13

14 COMMISSIONER: Well, I would've thought you would've told
15 us about that, Mr Hunter. I would have thought that
16 material would have been told to us if it was important to
17 the Police Service.

18

19 MR HUNTER: The assumption --

20

21 COMMISSIONER: Just use "respondent".

22

23 MS CAPPELLANO: Thank you. In terms of that issue that
24 has just been raised by Mr Hunter, are you able to identify
25 how many of the orders in which there is a police officer
26 that is a respondent to a domestic and family violence
27 order were agreed with conditions that - sorry, were by
28 consent and with no admissions?

29 A. I can't tell you that off that graph.

30

31 Q. Is that information that is kept by the police?

32 A. Look, as I said, that would be something we would have
33 to go and examine each file to look at the outcome of each
34 of those orders.

35

36 Q. Thank you. Back to the question in relation to the
37 supervisory role --

38 A. Yes.

39

40 Q. -- a person who is at the rank of sergeant would
41 ordinarily be expected to have a supervisory role within a
42 station; is that correct?

43 A. Mostly.

44

45 Q. In terms of the people who are the people who respond,
46 were the first responders to occurrences, they're more
47 likely to be at the constable, senior constable level?

1 A. Sergeants as well, though.

2

3 Q. If, for example, there was a car going to be a first
4 responder, it would be more likely that the senior
5 constable or the sergeant would be the senior person in
6 that car?

7 A. Yes, could be. Could be two constables together.

8

9 Q. Finally on that graph if we look at the regions does
10 that demonstrate that the region in which the person - the
11 police officer who is the respondent to a domestic and
12 family violence order is located?

13 A. Yes.

14

15 Q. So that, among a number of regions, demonstrates that
16 one of the police respondents to a domestic violence order
17 is at the culture and engagement region?

18 A. Yes, that's correct.

19

20 Q. One is with Ethical Standards Command?

21 A. Correct.

22

23 Q. And one is with PCAP, the training command?

24 A. Correct.

25

26 Q. In terms of - if we could place annexure C up on the
27 screen. This graph, as I understand it, involves members
28 who are - members involved in domestic violence, and I'm
29 using that given that's the title on the screen, but that's
30 people who are not sworn officers but are staff of the QPS;
31 is that correct?

32 A. That's correct.

33

34 Q. That's demonstrating that there's a total of 16
35 orders, but in addition to that there's the five private
36 applications, so 21 total orders for staff members of the
37 QPS?

38 A. On 30 June, yes.

39

40 Q. As at 30 June this year. You've given the evidence
41 about what the contravene is and whether that's a charge or
42 an investigation, but, again, that's in addition to the
43 previous slide because this is a staff member who has
44 contravened or is being investigated or charged with
45 contravening a domestic and family violence order in the
46 month of June, and there's similar trends that you see with
47 the members as you did with the members who are unsworn

1 with the sworn members in terms of age?

2 A. Correct.

3

4 Q. And gender?

5 A. Yes.

6

7 Q. Finally, annexure D is in relation - as I understand
8 it, it's not marked on this, but it's in relation to QPS
9 members involved in domestic violence who are contractors?

10 A. Correct.

11

12 Q. And, again, that's three additional orders?

13 A. So five private on top of the three.

14

15 Q. So there would be eight all up for contractors. What
16 are contractors as opposed to - where do contractors work
17 as opposed to staff?

18 A. So we have contractors come in and do all sorts of
19 things for QPS, that are hired in, and, again, you know,
20 they might be with us doing something for a couple of
21 months. It could be something to do with building works,
22 it could be something to do with our IT systems, it could
23 be a range of things that we contract people in for. But,
24 again, they're a part of the workforce for a period of
25 time, so it was important to try and capture the data on
26 that group as well.

27

28 Q. This might be one of the groups that fluctuates
29 more --

30 A. Could do.

31

32 Q. -- in a snapshot?

33 A. Could do.

34

35 Q. Or are there more long-term contracts?

36 A. It's a bit early to say I think yet, but it was
37 important that - they are part of our workforce at
38 different times, and it was important to capture that.

39

40 Q. Yes. And the one contravention, either in
41 investigation or charged, is in addition to the other two?
42 So there's three over - in the month of June there were
43 three QPS staff members or contractors who have been
44 already subject to a domestic and family violence order who
45 have then been either charged or investigated for an
46 additional criminal offence of contravening that order?

47 A. Contravention, yes.

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47

COMMISSIONER: How do you find that out from a contractor?

A. Well, we've started a new process, Your Honour, and this is about making sure that we can see some of these private applications, and I had - Dave Nixon did talk briefly about some of this, I think, but in our system what we could see is that some of the private applications were falling through the gaps, so that we wouldn't necessarily know about them in Ethical Standards Command. So, if someone went and got a private matter dealt with and then the order was registered with the police, we might not see that in QPS. So what we did is we introduced a search through QPRIME, that every 24 hours it runs a search now across our 17,000 workforce and it will pick up anybody named as a respondent so that Ethical Standards can see that.

COMMISSIONER: Okay, and it runs that on contractors as well?

A. They're part of our workforce. So it runs it right across the workforce, and that's a mechanism to try and pick up when really I should be seeing an executive briefing note as the AC for Ethical Standards about what's being done and whether a complaint has been lodged about that in terms of the discipline. So that's allowed us to actually start to get better visibility on some of the private applications across the workforce.

MS CAPPELLANO: In terms of the data, as we've established, that shows that about - sorry, it shows that as of 30 June 53 members of the QPS were subject to a domestic and family violence order, or the respondents to a domestic and family violence order?

A. At that point in time.

Q. Yes, as at 30 June 2022. Do you agree with the evidence that was given by Assistant Commissioner Codd on the first day of the hearings of the Commission that there could be a level of underreporting of police officers in relation to domestic and family violence orders?

A. Look, I would agree with that because I think the degree of underreporting right across the community, and we're part of that community, so that's not a surprise statement to me.

Q. Would you agree that it might be a higher level of under-reporting when it comes to people who are in a

1 relationship with a person who is a police officer and also
2 committing domestic and family violence and, to use
3 Assistant Commissioner Codd's word, it would be very hard
4 at time for victim survivors of DV with a police partner to
5 feel the strength to report?

6 A. Most definitely.

7
8 Q. Now, in terms of another issue that was raised in our
9 earlier hearings, and that is looking at counselling for
10 people who have been charged with domestic and family
11 violence offences or as respondents to domestic and family
12 violence orders, am I correct in my understanding that one
13 of the major changes to the 2019 amendments to the police
14 complaints system was that there's this increased focus on
15 the rehabilitation of police officers in the disciplinary
16 system?

17 A. Correct.

18
19 Q. And I think in your statement you refer to some of the
20 amendments around section 7(1) where the Act now explicitly
21 indicates that one of the main purpose of the police
22 discipline system is to provide a system for guiding,
23 correcting, rehabilitating, but where necessary
24 disciplining officers to maintain high levels of
25 professionalism and integrity?

26 A. Correct.

27
28 Q. Despite this explicit focus on rehabilitation, a
29 serving police officer who is a respondent to a domestic
30 and family violence order is not subjected to any mandatory
31 counselling or assessment by a psychologist or a health
32 professional prior to continuing or returning to their
33 duties, are they?

34 A. No, during the course of when a matter is under
35 investigation there is a process in terms of professional
36 development strategies or management action plans in the
37 case of the unsworn where we actually have officers
38 interact with - we usually have in those PDSs that they
39 contact one of our human service officers who are
40 psychologists. But, as for any mandatory counselling
41 beyond that, not at that stage.

42
43 Q. Mandatory assessments from a health --

44 A. When they visit a human service officer, bearing in
45 mind that at that stage on a professional development
46 strategy early in an investigation that's really about
47 protecting the reputation of the organisation but also

1 about dealing with the risk for the individual involved,
2 they will see a human services officer. But as the senior
3 human services officers have, you know, spoken to me at
4 different times about this is that to force somebody to
5 counselling - they certainly offer it; they certainly offer
6 opportunities to attend counselling or seek other help,
7 that's part of their role, is to offer those referrals when
8 they meet with a person who is the subject of a PDS or a
9 MAP. But to actually force them to undertake counselling,
10 and that doesn't matter whether it's a police officer or
11 not, to try to force somebody into counselling is not
12 always that effective in my advice from human services
13 officers. But they certainly make every effort to try and
14 refer anybody that comes to them on to services if they're
15 open to it.

16

17 Q. And in terms of if we just put counselling to one
18 side, which I understand would be more about member
19 welfare, but in terms of an assessment as to whether they
20 would be fit to continue in the nominated role, is there
21 any process like that?

22 A. No.

23

24 Q. And would you agree with Assistant Commissioner Codd's
25 evidence earlier in this Commission that there would be
26 merit in police officers being required to undertake an
27 assessment in relation to their fitness to continue or
28 resume duties prior to or after an order is made against
29 them?

30 A. Yes, I would agree with that.

31

32 Q. We've looked, Assistant Commissioner, at some of the
33 statistics in relation to allegations involving police
34 perpetrators of domestic and family violence, including
35 some of the outcomes, and we've heard the statistics about
36 the number of staff. If I could move away now from
37 statistics and figures and just take you to some of the
38 case examples which you've been referred to where it's
39 looking at police are respondents of domestic and family
40 violence orders. If I could ask you, first, about
41 officer A.

42

43 COMMISSIONER: Just before we move to the examples, can
44 you just tell me the difference between being stood down
45 and being suspended?

46 A. Sorry, being?

47

1 COMMISSIONER: The difference between being stood down and
2 being suspended?

3 A. Okay. Certainly. So when an officer is stood down
4 they no longer have their powers. So their firearm, their
5 identification, those things, they no longer fulfil those
6 powers but they're in the workplace and assigned usually to
7 alternative duties. So they are stood down for the purpose
8 of the investigation. Once we get to a suspension stage
9 they're no longer in the workplace.

10
11 COMMISSIONER: So they're stood down but they're still
12 working?

13 A. Yes. But they don't have their powers and they don't
14 operate as a sworn officer.

15
16 MS CAPPELLANO: Now, just in relation to officer A, if
17 I could ask some questions about that officer first, and
18 I understand you've been given some summaries as well as
19 the reference to the officers so that you can review the
20 case file in as much detail as you wish.

21 Assistant Commissioner, I understand that you don't have a
22 copy of some of the brief summaries that have been provided
23 to the QPS. I'll just provide you with those as well. I
24 think you have been given an earlier copy of these
25 summaries but perhaps not the finalised one.

26 A. Thank you.

27
28 Q. Now, Assistant Commissioner, I understand that you're
29 not the person who was necessarily involved or a decision
30 maker in these matters. But by way of example I would like
31 to take you through some of the facts which on the
32 understanding of the Commission are displayed on the record
33 and ask you some questions about those. So if I could turn
34 first to officer A. Would you agree that the record
35 demonstrates that officer A and his wife separated in late
36 2019, and then in February of the next year his former wife
37 attended a police station and made a complaint about
38 non-physical domestic and family violence that she said had
39 been perpetrated against her by officer A over a period of
40 several years. I will have to get you to --

41 A. Yes, I can see that, sorry.

42
43 Q. And this was investigated by an officer in the
44 vulnerable persons unit at the time.

45 A. Correct.

46
47 Q. And that the officer in the vulnerable persons unit

1 who was investigating concluded that they could not
2 establish that domestic violence had occurred on the
3 balance of probabilities, and they noted on the record in
4 relation to the investigation that the reasons for an
5 insufficiency of evidence was, among other things, a lack
6 of corroborating evidence; that is they were not relying on
7 the aggrieved's word or the complainant's word alone?

8 A. Yes.

9
10 Q. That they noted that officer A had either - had
11 offered conflicting versions of events or had firmly denied
12 the allegations?

13 A. Yes.

14
15 Q. And that was other than one - at one point he agreed
16 that he had called his former wife an "f-ing C", and that
17 was the only allegation that he had agreed to?

18 A. Yes.

19
20 Q. The investigator also noted on the record that verbal
21 abuse - that the verbal abuse was, and this was his or her
22 quote, "In any case not being of the worst characterisation
23 such as threats to kill, harm, sexually assault, intimidate
24 or damage property;" that officer A expressed to the
25 investigating police officer that he had a strong desire to
26 have nil further contact with his former wife?

27 A. Yes.

28
29 Q. And that there was a finding by the officer from the
30 vulnerable persons unit that the single example of verbal
31 abuse might amount to domestic violence but that a
32 protection order wasn't necessary or desirable because, and
33 this is a quote, "The ongoing conflict between the parties
34 is predominantly based around custody and settlement issue
35 pertaining to the breakdown of their relationship, with
36 the available evidence being based in this context and not
37 particularised need for ongoing protection"?

38 A. Yes.

39
40 Q. And so in essence there was a finding that, while
41 there was ongoing conflict, there was not an ongoing need
42 for protection. And this conclusion was supported by the
43 PPM and the chief superintendent district officer that
44 there was an insufficient basis to apply for a protection
45 order against officer A.

46 A. Yes.

47

1 Q. There was also insufficient evidence to establish a
2 case of misconduct; that's right?

3 A. That's what it says here.
4

5 Q. And that that was finalised then and no further action
6 being taken.

7 A. Yes.
8

9 Q. It's the case, isn't it, that officer A's former wife
10 then went on to make her own private application for a
11 protection order?

12 A. Yes.
13

14 Q. And that was in fact granted by the court?

15 A. Yes.
16

17 Q. And that officer A continued to serve as a police
18 officer, although he was - didn't have access to his
19 firearm and didn't have frontline duties; so it was the
20 stood down position, is that correct?

21 A. Well, that's what the summary says.
22

23 Q. And, despite officer A expressing to the police
24 officer who was investigating him that he had a strong
25 desire to have nil further contact with his former wife,
26 the record indicates that officer A then went on to commit
27 and plead guilty to a number of domestic violence offences
28 against his former wife and has been subsequently sentenced
29 to periods of imprisonment in relation to those?

30 A. Yes.
31

32 Q. That's one example of how an investigation in relation
33 to a police officer - allegations against a police officer
34 who had been committing domestic violence has been dealt
35 with by police investigations. Would you agree that in
36 that case there wasn't a proper understanding that
37 uncorroborated evidence is acceptable in terms of being a
38 ground for a domestic and family violence order?

39 A. Yes, look, I don't know the case personally. But on
40 the basis of what you've given me and the summary here that
41 could be well the case that they haven't understood what
42 that actually meant. But what the depth of the
43 investigation was and statements taken and those types of
44 things, I can't comment on. But on the face of it I would
45 agree with that.
46

47 Q. And would you accept - you've obviously heard evidence

1 being given, you personally as the Assistant Commissioner
2 of Ethical Standard Commands would be abreast of the issues
3 that have been raised in the course of the Commission,
4 would you agree that this example is indicative of some of
5 those issues in terms of taking statements from respondents
6 and particularly problems that can arise when a respondent
7 is a police officer?

8 A. Yes, depending on as I said not knowing the file
9 personally, not going through the file myself to actually
10 have a look at what the history of this whole job was, it's
11 very difficult to comment on that. But like any other
12 person who would come in to make those sort of allegations
13 I would expect a full statement to be made and recorded
14 correctly and then an investigation to be carried out.
15

16 Q. And of course you have access to these files, given
17 that all the material came from your office or your
18 command, and submissions could be made in relation to
19 those. But just if you take it at face value you would
20 accept that's an example of some of the issues that have
21 been raised in the course of the Commission?

22 A. Yes, I've heard that.
23

24 Q. Can I take you to another example now which is
25 officer B. Now, officer B - in terms of the background to
26 the case involving officer B, he and a woman, who I'll
27 refer to as Z, were married and had children. The records
28 from the police indicate that in October 2018 Z's mother
29 reported to the police that officer B had been domestically
30 violent towards Z and her children, and Z's mother also
31 alleged that he had accessed confidential information on
32 QPRIME unlawfully and had regularly failed to safely store
33 his police firearm in their home.

34 A. Yes.
35

36 Q. Now, in December 2018 the records indicate that Z
37 called the police in relation to a domestic and family
38 violence incident. The record indicates that officer B
39 waited outside and down the street, met the police and
40 spoke to the police first.

41 A. Yes.
42

43 Q. Officer B told the police that he had argued with - he
44 gave a version to police in which he said that he had
45 argued with Z, that after she kicked him he used a
46 restraint technique against her, he talked about Z going
47 and getting his firearm that wasn't stored properly at the

1 time, and the record from the police also indicated that Z
2 gave a similar account but was described by police as not
3 forthcoming in her version of events. It's the case on the
4 record, isn't it, that despite Z being the person who
5 called the police and police previously having information
6 from her mother about allegations of previous violence and
7 failing to store a firearm, the police applied for a
8 protection order against the woman, Z, naming officer B as
9 the aggrieved on that order?

10 A. Yes.

11
12 Q. It's the case, isn't it, that Z later made her own
13 private application for a protection order against officer
14 B?

15 A. Yes.

16
17 Q. That was made by a court, but at a later time
18 withdrawn by Z?

19 A. Yes.

20
21 Q. Police have never applied for an order to protect Z
22 against officer B?

23 A. That's what it says.

24
25 Q. And the record also indicates that in relation to
26 further offending involving officer B investigations by
27 police and that were recorded in the ESC files indicate
28 that between May 2017 and May 2019 officer B repeatedly
29 used QPRIME to unlawfully access information about his
30 former wife and other people in their lives.

31
32 It also indicates that - and if we just look at that
33 activity from that two-year period in late - sorry, in May
34 2018 to May 2019, a one-year period, and the investigators
35 of the police noted that officer B had conducted a
36 significant number of checks with respect to previous DV
37 matters that he has been involved in, previous partners,
38 associates and subsequent partners of his current and
39 previous partners and other family members.

40
41 The police investigator also noted that officer B
42 accessed and viewed forensic reports, officer notebook
43 entries, intelligence reports, DV files, orders and
44 associated paperwork for domestic violence matters in which
45 he was an involved person.

46
47 The record in relation to actions towards Z

1 specifically involved officer B accessing material,
2 including things that she had said to the police about him,
3 searching for records in relation to her car, viewing her
4 history, and in 2019 there was a period of time where the
5 ex-wife, Z, and her children were staying at a
6 domestic violence shelter and the manager of the shelter
7 contacted police to report that they believed officer B was
8 trying to locate Z and her children. The record indicates
9 that.

10
11 The investigator from police concluded that the
12 searches that officer B was doing on QPRIME were consistent
13 with him having to tried to use QPRIME to locate his
14 ex-wife at a shelter. Officer B at one point in 2019 found
15 a report by the manager of the shelter and tried to call
16 the investigating police officer who took the report to
17 tell them that it was not true. It's also part of the
18 record.

19 A. It says that.

20
21 Q. In February 2020 officer B pleaded guilty in a
22 Magistrates' Court to the criminal charge of having
23 breached the protection order protecting his ex-wife, Z,
24 and that occurred when in the context of an attendance at a
25 house where she was living. In terms of the - at that
26 point in time when that breach occurred officer B was also
27 on bail for the criminal charge of computer hacking and
28 misuse to gain a benefit relating to the unauthorised
29 QPRIME use.

30 A. Yes.

31
32 Q. Later in February 2020 the record indicates that the
33 police investigated whether a police application should be
34 made but didn't apply for an order to protect Z.

35 A. M'hmm.

36
37 Q. The files also indicate that officer B gave a version
38 of events and purported to have a transcript of a phone
39 conversation that a sergeant from the vulnerable persons
40 unit who he seemed to have known called him to check on his
41 welfare and told him that she hadn't looked at all the
42 material but that that person wouldn't be applying for an
43 order against him. That's material that was provided by
44 officer B to the police investigator.

45
46 In August 2020 officer B pleaded guilty to computer
47 hacking and misuse in the Magistrates' Court in relation to

1 some of the matters we've already outlined. Just in order
2 to understand this behaviour in terms of the content of
3 officer B continuing to serve as a police officer in
4 Queensland, to put that in context it's the case that when
5 officer B was a constable in 1995 and 1996 he released
6 information from QPRIME to help a person in that person's
7 civil proceedings; that was quite early in his days with
8 the police force?

9 A. Yes.

10

11 Q. Sorry, you'll just have to vocalise your answers.
12 It's a bit difficult with the --

13 A. Sorry, I'm just going off your summary here. I can
14 only agree with what's here.

15

16 Q. And you have had those - the names of these files are
17 all documents that have come from the ESC in relation to
18 officer B.

19 A. Yes.

20

21 Q. And this was reported and investigated in 2000, at
22 which point officer B was a senior constable. The outcome
23 of his disciplinary action at that time was that his pay
24 was reduced for a few months. Do you agree with that?

25 A. Yes.

26

27 Q. Then between 2000 and 2009 officer B continued to
28 serve in the police as a senior constable, except for a
29 brief period of time where he was an acting sergeant.
30 During this time as a senior constable he accessed
31 pornography while at work on multiple websites. The
32 outcome of that disciplinary action was that his pay was
33 reduced for a few months. You agree with that?

34 A. Yes.

35

36 Q. Between 2010 and 2021 his role was generally that
37 of - he was at the rank of a sergeant and was acting in
38 positions such as - sorry, had positions such as being an
39 officer in charge of police stations or also acting up in
40 the acting role of senior sergeant officer in charge over
41 that period of time. That's on the front page of your
42 summary.

43 A. Okay, yes, I see that.

44

45 Q. Piecing that together with the disciplinary history,
46 in 2016 officer B was an acting senior sergeant and an
47 officer in charge of a station when he was undergoing a

1 management development program to try to transition to a
2 senior sergeant role. It was at this point in time he was
3 caught and admitted to plagiarising an assessment piece for
4 that program and the outcome of that disciplinary action
5 was described as managerial guidance, and he was told to do
6 some training and excluded from the program for a year.

7 A. Yes.

8
9 Q. One year after the discipline for the plagiarising he
10 at this time was still an acting senior sergeant and
11 officer in charge of a station. He again started using
12 QPRIME unlawfully in relation to the domestic and family
13 violence matters that I referred to earlier, and that over
14 a period of two years used those records to find out
15 confidential information about his ex-wife and other people
16 in their lives. He also looked at coronial files that
17 related to his first wife's sudden death when he was in
18 that acting senior sergeant role.

19
20 Then moving on to 2019 when he breached the domestic
21 and family violence order he was an acting senior sergeant.
22 He was still in that role for the second breach - when he
23 pled guilty to that breach in 2020. When the final order
24 was made protecting his ex-wife, on the same day that that
25 order was made he pled guilty to computer hacking and
26 misuse offences, further criminal offences in the court.
27 Later in that year still in 2020 when he was still a
28 sergeant it was at that point in time that the QPS
29 disciplined him in relation to the unauthorised QPRIME
30 action and the breach of protection order and the failing
31 to secure his firearm. So that's when the police action
32 came in.

33
34 At that point in time he was a sergeant and the police
35 disciplinary action for those offences were - sorry, for
36 those charges were that he was put on probation for six
37 months and that his salary was reduced for two months and
38 that he was reprimanded and directed to do training and get
39 mentoring. It was after this disciplinary action for the
40 domestic and family violence matters that he was
41 transferred to another position. His role that he was
42 transferred to at that point in time was as a sergeant
43 acting as a district education training officer; is that
44 correct?

45 A. Yes.

46
47 Q. Most recently in May of this year the QPS told

1 officer B that he would be disciplined for having breached
2 the order protecting his ex-wife from a disciplinary point
3 of view and that was a breach of the domestic and family
4 violence order. Officer B requested as part of his
5 sanction that he would be able to stay in his current
6 training role and have that be made his substantive
7 position.
8

9 Then the records as part of the material in relation
10 to the position of that sanction, officer B, who at that
11 point in time earlier this year was an officer with a
12 significant disciplinary history, who was a respondent to a
13 domestic and family violence order, who had been convicted
14 of criminal offences of breaching the domestic and family
15 violence order as well as criminal offending of computer
16 hacking in relation to domestic and family violence
17 offending, he wrote - sorry, this was in June 2021 - to the
18 Assistant Commissioner of the Office of State Discipline
19 saying that he was excelling in the position as a training
20 officer and he felt as though he was making a difference to
21 the team and that he was enjoying his work.
22

23 Up until three weeks ago officer B continued to be
24 employed as a district training officer where, to use his
25 own words, he described his work as actively contributing
26 to the team and that he was using his broad and extensive
27 experience to mentor and develop junior officers.
28

29 Now, that's a summary taken from the ESC files of the
30 way in which a particular police officer who is not only a
31 respondent to a domestic and family violence order but
32 somebody who has breached that order, has committed other
33 domestic and family violence related criminal offences, has
34 been dealt with by the Queensland Police Service. It
35 outlines a disciplinary history in which the sanctions
36 imposed were quite limited; would you accept that?

37 A. Look, I can't - I won't make comment about at the time
38 what people were dealing with. But if that's the sanctions
39 that's the sanctions that were administered at the time,
40 and it is a lengthy history. That paints a very serious
41 picture.
42

43 COMMISSIONER: He shouldn't have been at training, surely?
44 A. In the training office my understanding more recently
45 that was purely an administrative role, because I have
46 checked what he was tasked with; not training individuals
47 but doing training records, recording, was involved in some

1 other road policing couple of training courses as
2 I understand it, but not face-to-face training in the true
3 sense of the word with a district training role with young
4 ones.

5
6 COMMISSIONER: Okay. That's good.

7
8 MS CAPPELLANO: In terms of some of the roles that he had
9 were facilitating skill sessions in terms of road policing
10 and protection courses and things like that?

11 A. Yes, so tyre deflation device training, because this
12 officer has some road policing experience, but there will
13 be other officers there. But that's just a specific number
14 of courses that would have been run with others present for
15 that. It's road policing related. It's not
16 domestic violence related.

17
18 Q. I'm not suggesting that this particular officer who is
19 a respondent to domestic violence orders and has breached
20 domestic violence orders is conducting domestic and family
21 violence training. But would you accept that it's
22 concerning that a person with that history is in a role
23 which, to use his own words, he's using his broad and
24 extensive experience to mentor and develop junior officers?

25 A. Yes, well, I'm not sure that's what he would be doing.
26 But I understand from the district officer that he's been
27 quite limited in what he's been allowed to do.

28
29 Q. That's certainly his impression of what he is doing,
30 though?

31 A. That may not be actually what he's doing. But
32 I understand the district officer, who has to manager this
33 individual, has some restrictive placements on him which is
34 not easy to do. But I'm certainly aware that he's
35 attempted to do that to keep this officer in a position
36 where he's not interfacing with too many officers at all.

37
38 Q. If we are talking about the different roles that are
39 given to police officers who are subject to domestic and
40 family violence orders, as respondents to domestic and
41 family violence orders, can I ask you about some of the
42 other officers, and this is officers F and G in the case
43 studies who have been located in different positions but
44 including the watchhouse.

45
46 In relation to officer F would you accept that
47 officer F - the record indicates that officer F joined the

1 police as a recruit in 1995, but before this he had been in
2 the New South Wales Police and when he joined the police he
3 was subject to a domestic and family violence protection
4 order from New South Wales? This is obviously a long time
5 ago.

6 A. Yes.

7
8 Q. He's been a senior constable with the Queensland
9 Police since 2001, and in March 2007 he became a respondent
10 to a second domestic and family violence protection order.

11 A. Yes.

12
13 Q. Two months later he was transferred from a station to
14 a position of a watchhouse, and he's been serving in
15 watchhouses since this period of time. It's the case,
16 isn't it, that while he was working at the watchhouse he's
17 been convicted of another - he's been convicted of a dink
18 driving offence in 2009, he's also been convicted of a
19 second drink driving offence in 2011, and in 2019 a third
20 domestic violence protection order was made against
21 officer F which was in place from 2019 until a period of
22 time in 2021.

23 A. Yes.

24
25 Q. And would you agree that the records indicate that
26 during the operation of this third domestic and family
27 violence order officer F not only continued in his
28 substantive position as a senior constable in Queensland
29 watchhouses but he was also offered and took temporary
30 relieving positions of a higher rank, that being a shift
31 supervisor sergeant of a Queensland watchhouse, during the
32 period of this order?

33 A. That's what it says.

34
35 Q. Do you think it's problematic that - sorry, again,
36 these are records taken - produced by the QPS. Do you
37 think that it's problematic in your role when you look at
38 discipline that somebody who is subject to a domestic and
39 family violence order would be offered to act up in higher
40 positions and in shift supervisor roles?

41 A. If their matters are cleared and they have no further
42 outstanding matters, that might be the case.

43
44 Q. Sorry, I'm talking about during while subject to a
45 domestic and family violence order like in the case of
46 officer F?

47 A. I guess it depends on the duties too. As I say,

1 they're not under investigation. If their matters have
2 been dealt with it's a non-operational role. But,
3 depending on the interface of that, it's very difficult to
4 place people that are subject to these orders because they
5 can't operate in too many places without having their
6 accoutrements and being able to operate as a normal police
7 officer. Is it ideal? No, it's not. But if the matters
8 had all been cleared the officer is still on an order, but
9 they're performing --

10
11 Q. What do you mean by "cleared"?

12 A. So if the matter has been dealt with and discipline is
13 completed and the person is placed in a non-operational
14 role and they're performing and they're offered an
15 opportunity to relieve, if they don't have any existing
16 investigations or other matters that could impede that - if
17 you're asking me, you know, that might not prohibit them
18 from relieving higher duties. But if you're suggesting
19 that because they have a domestic violence order that's
20 grounds to stop them relieving higher duties, is that what
21 you're putting to me?
22

23 Q. I'm suggesting that to offer somebody that - is it
24 problematic - I'm asking you in your opinion is it
25 problematic to offer someone who is a respondent to a
26 current domestic and family violence order to be working in
27 a shift supervisor position within a watchhouse?

28 A. It depends on the responsibilities, I guess, and what
29 role they could be playing and what they're dealing with.
30 The Brisbane watchhouse is a very big establishment --
31

32 COMMISSIONER: Are shift supervisors always prescribed
33 officers for bail?

34 A. Well, depending on - that's why depending on which
35 watchhouse it is. If it was relieving as a sergeant they
36 could be. I would have to have a look at when they
37 fulfilled that role, what they were doing on the roster,
38 what duties they were assigned, Your Honour. It's a bit
39 like the other case in officer B. We actually had to go
40 back to the superintendent to say, "What actual roles did
41 you assign that officer between the nominated dates?" So
42 I don't know what he might have done.
43

44 COMMISSIONER: So he may or may not have been a prescribed
45 officer?

46 A. May not have been. I don't know. I can't tell from
47 this. We would have to ask the actual OIC of the

1 watchhouse.

2

3 MS CAPPELLANO: Is it the case if we're looking at that
4 prescribed officer role that generally speaking a shift
5 supervisor, and I guess it will depend on the size of the
6 watchhouse, would be a prescribed officer under the
7 Bail Act?

8 A. Yes.

9

10 Q. And then they would as a prescribed officer have the
11 power to decide whether or not to grant bail to people in
12 the watchhouse, including in relation to domestic and
13 family violence matters?

14 A. Correct.

15

16 Q. And it could be the case, as I understand your other
17 evidence in your statement, that because of a PDS there
18 might be restrictions on the particular duties that a
19 person can undertake.

20 A. Yes.

21

22 Q. So, for example, it might be that a person working in
23 a watchhouse who is otherwise a prescribed officer couldn't
24 make decisions on bail in relation to domestic and family
25 violence matters, something like that?

26 A. Yes.

27

28 Q. Even if a person in that position wouldn't be able to
29 make specific decisions on bail in relation to domestic and
30 family violence matters, it would still be the case that as
31 a shift supervisor you're likely to be the senior officer
32 on shift, if not - or one of the senior officers if not the
33 senior officer on shift?

34 A. Yes.

35

36 Q. We've heard evidence throughout the course of
37 the Commission how sergeants and senior sergeants in a
38 particular unit or workplace really can set the tone for
39 the behaviour and attitudes within that station or that
40 unit. Would you agree with that?

41 A. Yes.

42

43 Q. And would you agree that even if that particular
44 officer, in this case officer F, wasn't able to make the
45 special decisions in relation to bail, by being in the
46 position of the shift supervisor he's still likely to have
47 a significant effect on the attitudes and the culture

1 within that workplace of the people under his supervision?

2 A. Yes.

3

4 Q. Just in relation to the watchhouse issue, if I can
5 move now to officer G. Officer G was a respondent to a
6 domestic and family violence order between March 2019 and
7 August 2021. His substantive position was those of a
8 constable or senior constable at a police station.
9 However, through periods of that order he also worked as a
10 training officer; do you accept that?

11 A. Yes, it's listed as a training officer.

12

13 Q. And he also was offered and took the opportunity to
14 relieve again at that higher rank in a training role as a
15 sergeant at the district education and training office.
16 It's also the case that throughout periods of 2020 and 2021
17 whilst still subject to the domestic and family violence
18 order he worked in watchhouses both as his substantive
19 rank, the lower rank, but also again relieving higher as a
20 shift supervisor sergeant of a watchhouse?

21 A. Yes.

22

23 Q. And again does that raise the same issues in terms of
24 people being in a supervisory role or at that higher rank,
25 a sergeant for example, either in training or at a
26 watchhouse has the ability to influence those beneath them?

27 A. Yes.

28

29 Q. And do you think that it's problematic that people are
30 offered those higher positions, supervisory positions,
31 particularly in relation to training or in a watchhouse
32 where you're making bail decisions while the subject of an
33 order?

34 A. Yes, looking at that it could be problematic for the
35 officer.

36

37 Q. And I'm thinking more for the public.

38 A. Most definitely.

39

40 Q. And do you accept that there is a conflict between the
41 attitude that has been expressed by Acting
42 Assistant Commissioner Kelly in relation to the QPS being
43 of the view that anybody subject to an order is not
44 suitable at all to even apply to become a police officer,
45 and the actions that we've seen in cases such as officer B
46 - officer F and officer G were not only people employed,
47 they're being offered to act up and at a higher rank where

1 they have supervisory capabilities?

2 A. Yes. That's concerning. I think the other thing in
3 context here, you know, I support Mark Kelly's comments
4 about that. Domestic violence is a very difficult issue,
5 as we all know. Interestingly, our Commissioner doesn't
6 have no confidence - she doesn't have the no confidence
7 powers that perhaps others do. We have a process that has
8 to be followed. So when these things get investigated
9 there is a legal process that we have to follow in terms of
10 the discipline process and the outcomes. Then there are
11 appeal processes of course around when certain sanctions
12 are handed down. So we have a fair bit of rigour around
13 the process that we have to follow in terms of trying to
14 discipline people. But it is concerning when - that's not
15 a good look in terms of putting people into those positions
16 where they may have to make decisions about members of the
17 public when confronted with domestic violence, and I accept
18 that, accept your comments on that.

19
20 Q. We also have received evidence of people who are
21 subject - police officers who are respondents to domestic
22 and family violence orders being sent to work in
23 prosecution roles, as one of the non-operational roles; is
24 that the case?

25 A. I've looked back into those matters. Some of them
26 date back to 2016, and they are things where a person was
27 subject to an order and might be working in a different
28 court, not DV court, could be doing traffic court or other
29 things, because again they are not operational roles where
30 someone wouldn't wear a firearm. Now, I did look back over
31 some of those and there were only a small number of them.
32 But one individual is no longer in the job. One I think
33 was a trainee that moved on from prosecutions, and another
34 dated back as I said back to 2016 and that order has
35 finished. But again there was only a very limited number
36 where that had occurred. I'm not aware of any others.
37 But, as I said, it's one of those roles where they could be
38 working in the prosecution office doing correspondence as
39 opposed to having any contact with the public. It just
40 depends. But it's not that common to see someone placed in
41 a prosecutions office.

42
43 Q. Okay. Can I ask you about a different topic now, and
44 that's about the adequacy of the current QPS complaints
45 handling system when it comes to independence and conflicts
46 of interest. Now, earlier this week we heard evidence from
47 Detective Inspector Nixon explaining the current complaints

1 process in a fair amount of detail, and I won't ask you to
2 go through - it is quite a detailed process, and I won't
3 ask you to go through the detail of that. But after going
4 through that process it appeared that the Queensland
5 current complaints handling process does almost always
6 involve police investigating police; do you accept that?

7 A. Yes.

8
9 Q. And while the idea of the Internal Investigations
10 Group might investigate somewhere between I think you put
11 it at 18 to 20 per cent of cases in your statement, that
12 would mean that the other around 80 per cent of cases are
13 then sent to the district or the command where the subject
14 member of the complaint is located. So in effect it is
15 police investigating police from the same district.

16 A. Yes.

17
18 Q. In most cases.

19 A. Yes.

20
21 Q. You state at paragraph 26 of your statement in the
22 context of looking at member involved domestic violence
23 that, "If a complainant does not feel comfortable reporting
24 to local or other police, they are able to bypass the QPS
25 and complain directly to the Crime and Corruption
26 Commission, who will assess the matter and engage with
27 Ethical Standards Command as necessary." We've heard and
28 seen statistics this week as well from the CCC in relation
29 to police complaints. What those statistics demonstrated
30 is that in practice less than 1 per cent of police
31 complaints that actually go to the CCC are investigated by
32 the CCC, therefore demonstrating that really in 99 per cent
33 of the cases the matters are either not continued with by
34 the CCC or are sent back to the QPS for investigation.

35
36 Would you accept that your evidence at paragraph 26
37 that a complainant who doesn't feel comfortable reporting a
38 matter to the QPS could bypass them and go to the CCC in
39 practice doesn't really provide comfort or independence to
40 that complaint given that almost every single one of those
41 investigations then come back down to the QPS for
42 investigation?

43 A. Look, I put that in my statement because that's always
44 been an option for people who have an issue and want to
45 complain about police. They can complain about a police
46 officer to their - there's various ways I'm sure Mr Nixon
47 spoke to about going online or making a complaint at a

1 police station or contacting the officer in charge or
2 whatever it might be. But there has always been an
3 opportunity for members of the public to bypass the police
4 completely if they don't want to talk to the police and
5 they want to make a complaint about our officers. So
6 that's always been an option.

7
8 The process around the assessment and recording of
9 complaints and the monitoring that is over complaints now,
10 whilst the CCC mightn't investigate it, there are certainly
11 very rigorous processes over the top of their public
12 interest monitoring and about how they review our files.
13 So that happens, and I'm sure Detective Inspector Nixon
14 talked about some of the things with the Joint Assessment
15 Management Committee and how those committees work and
16 being across our files. I can certainly say the Crime and
17 Corruption Commission aren't backwards in coming forward in
18 expressing their views about something they are unhappy
19 with with the police, and that's the role of an oversight
20 body.

21
22 I worked at the CCC myself for a couple of years. So
23 the processes over that, whilst they mightn't have the
24 investigators, bearing in mind that they have oversight on
25 a lot of units of public administration, I think our
26 processes are such that they keep a pretty close eye on
27 what we're doing and certainly scrutinise our activities
28 around those complaints when they come in.

29
30 Q. Now, while I accept wholeheartedly that on the matters
31 which the CCC are having some oversight on that that is a
32 rigorous process, and we've heard other evidence that CCC
33 aren't backwards in coming forward and that's part of the
34 Joint Management Action Committee, but the reality is that
35 even when you're looking at the - that can only happen in
36 the cases in which there is actual oversight. The
37 statistics that we saw from the CCC is that in relation to
38 matters which related to - complaints relating to domestic
39 and family violence matters there is only oversight in 5 to
40 6 per cent of cases. So for the remaining 90-plus cases
41 where there is no oversight, where there is no
42 investigation, then those matters do come back to the QPS
43 and are handled entirely internally by the QPS; would you
44 accept that?

45 A. Yes.

46
47 Q. And would you accept - I gave the figure of 5 to

1 6 per cent matters oversight when it relates to domestic
2 and family violence matters. To be fair, when it looks at
3 total complaints involving police the figure, whether being
4 in merit and compliance or public interest review, is more
5 at the 10 per cent mark, but again that is 90 or
6 89 per cent of cases which are heading back to the police
7 for police to handle and investigate and impose any
8 sanction if that does occur about police by police?

9 A. Yes.

10
11 Q. Would you also accept that given that in the vast
12 majority of cases it is a model - the current model is
13 police investigating police mainly in the district where it
14 comes from, the processes for handling potential conflicts
15 of interest are imperative?

16 A. Most definitely.

17
18 Q. And we've been through the complaint resolution
19 guidelines --

20 A. Yes.

21
22 Q. -- in a fair amount of detail with DI Nixon, and in
23 relation to there being conflicts of interest and the
24 different ways in which that can be managed. One of the
25 things in those guidelines is that where practicable the
26 case officer investigating shouldn't be at a more senior
27 rank - or should be a more senior rank than the person
28 being investigated. Why is that important?

29 A. It depends really because when you're going into - so
30 if you're a senior constable, you know, you would
31 expect - and these sorts of investigations should go to
32 more senior people, particularly on the domestic violence,
33 and the more experienced officers who can manage these, so
34 they really should be of senior rank because they're going
35 to direct interviews and those sorts of things. We aim to
36 have the next rank up at least where we can.

37
38 Q. There are also comments broadly within the guidelines
39 which talk about case managers to try to appoint people
40 where - not appoint people where they know there is an
41 actual or perceived conflict of interest.

42 A. Yes.

43
44 Q. And one thing that DI Nixon referred to was going back
45 to the same unit or the same location as being where there
46 would be at least a perceived if not an actual conflict of
47 interest; would you agree with that?

1 A. Yes.

2

3 Q. And the specific guideline which we did again spend
4 some time looking at was 5.1, and I won't take you through
5 that in any detail, but of course you would be aware that
6 that talks about the conflict of interest being up to the
7 individual case officer to identify and declare if they
8 have a conflict of interest.

9 A. Yes.

10

11 Q. Is "conflict of interest" defined in the guidelines
12 anywhere?

13 A. It is in the guidelines, but it probably needs to be
14 strengthened.

15

16 Q. I know it's in the guidelines in terms of saying --

17 A. Who has to declare it and --

18

19 Q. Who has to look at it, but there is no definition of
20 "conflict of interest", is there?

21 A. Not specifically written into the guideline. We have
22 conflict of interest recorded in other places. But I do
23 think it's an area that needs to be strengthened. It's
24 also one of the things that's got to be built into the PIPS
25 system because there really should be tabs built in that
26 can be filled in that that conflict of interest has been
27 addressed.

28

29 Q. And that was something that DI Nixon spoke about,
30 saying at present in other fields within the police you
31 have to actually declare whether or not there's a conflict
32 of interest, but when it comes to police complaints no
33 formal declarations are required; it's up to that
34 particular person to declare that they are in fact in
35 conflict.

36 A. And the guideline spells that out as to who is
37 required to do what and manage those things. But it can be
38 improved. We've talked about that with the senior
39 leadership group in Ethical Standards, and we do think that
40 we probably should move down the track of adopting a not
41 dissimilar process to what we do with panels at the moment
42 where you do have to fill out - declare your knowledge of
43 someone personally and privately and also about your
44 supervision of that person. So it is a piece of
45 improvement that has to be put into the system, both into
46 the guideline but also into the PIPS system so we can
47 definitely see that and check that it's been done every

1 time that it's been considered. It is considered now.
2 I do think there is a lot of discussion about that.
3 Certainly --

4
5 Q. Yes, at ESC level --

6 A. Certainly at ESC level when it comes into the
7 Complaint Assessment Committee, and they meet 6, 6.30 every
8 morning to assess the overnight files. There's discussion
9 there about where best to place that file. Certainly in
10 some of the more complex matters around domestic violence
11 they're considerations that have to be discussed about
12 where should it go. For instance, my team in the Internal
13 Investigation Group, certainly since I've been back in the
14 last five months, there are some matters that we have
15 retained and we've actually done the investigations. There
16 are some where we might say, "Well, it's going to a country
17 location but maybe it shouldn't go to that particular town,
18 it should go to a neighbouring area." But it also has to
19 be - so that might happen. Then when it gets to a district
20 officer or the delegate for the PPM to discuss where the
21 file should be allocated if it goes to the region, again
22 that's a consideration. There is superintendent level in
23 discussion with PPMs about where that should be
24 investigated. But I do think we can make improvements in
25 terms of conflicts of interest, beyond what's written in
26 the resolution guideline.

27
28 Q. And there's no register of conflicts of interest kept?

29 A. Not for that particular purpose, no. But I think in
30 terms of every investigation file that might be a way to go
31 to record that conflict of interest individually, although
32 there's notations made in places to set up a separate area
33 where it's recorded.

34
35 Q. And you would agree that while there might be
36 consideration at the ESC level when you just look at the
37 wording of the guidelines the primary onus is on the person
38 who might in fact be in conflict to declare that they are
39 in conflict?

40 A. Yes.

41
42 Q. Just in terms of the way in which this has played out
43 in real life you've been provided with the amount of data
44 which again came from your office in terms of the location
45 of investigating officers compared to investigating case
46 members; would you agree?

47 A. You're talking about?

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Q. Location data. If you see these spreadsheets?
I might remind you of the spreadsheets that you and your
representatives have been provided.

A. Mr Nixon might have spoken to that or somebody else.

Q. Just to make sure we're talking about the same
document I can provide my copies. I'm not going to go
through those spreadsheets but instead the summary of those
spreadsheets. These might be updated copies because
the Commission staff have been in constant communication
with the ESC to confirm the accuracy of this information.
But these are spreadsheets which have outlined the
different places where complaints are investigated and
where subject members the subject of the investigation are
located. Those documents - and you should also have a
single piece of paper in front of you entitled "Summary of
investigations conducted by rank and location". Here is
the most up-to-date version of that copy perhaps.

A. So that's separate to these?

Q. Yes. That's a summary of the matters contained in the
spreadsheet, and again that's been checked with the ESC for
accuracy. Would you accept that that summary demonstrates
that if we look first at the member involved matters - and
I should just clarify what the Commission asked for from
the ESC was a spreadsheet - was data outlining where
matters were being investigated, so who the investigating
officer was and where they were by rank and location
compared to the subject member.

As a result of that, material has been provided from
May 2021 to May 2022, so again at that PIPS date,
I understand prior to that that data set wasn't able to be
accessed, and what that data - those spreadsheets
demonstrate is that if we just look at the complaints
involving allegations of member involved domestic and
family violence 63 records were provided which contained an
allegation of domestic and family violence - 64 records,
sorry.

A. Sixty-four, yes.

Q. Now, of those some of the records - so nine were
investigated by Ethical Standards Command. Five of
the records established that the allegations were
investigated by an officer of the same work unit or at the
same station or establishment as the subject member.

1 I understand that in some cases that might be unavoidable.
2 I think you refer to that in your statement, that if it was
3 a very remote area there might not be an ability to quickly
4 take that to a different unit.

5 A. That's right.

6
7 Q. However, in terms of those five matters three of the
8 locations actually were from Brisbane, two from
9 headquarters and one from Oxley. Would you accept that,
10 given that there are 4,000 people working in police
11 headquarters alone, there certainly is capacity for those
12 investigations to be done by someone other than an officer
13 within the same unit or the same station as the person who
14 is the alleged subject member who is alleged to have
15 committed domestic and family violence?

16 A. Yes.

17
18 Q. It is also the case that those spreadsheets
19 demonstrate that on five occasions, this is an additional
20 five occasions, the case officer is identified as being
21 somebody from the same substantive rank as the subject
22 member under investigation, and on one of the occasions the
23 case officer was of a lesser rank than the subject member.

24 A. The only thing I would say to some of those, depending
25 on where it is, I certainly know in my office I've got
26 detective sergeants and detective senior sergeants.
27 I could have a detective sergeant allocated as a case
28 officer but I might have a detective senior sergeant
29 working with them. So in terms of a lesser rank, and
30 I don't know the individual one there, routinely it
31 shouldn't be someone of a lesser rank, and I see there's
32 one of those, or whether the person was acting at the time
33 when they got that particular job, I don't know.

34
35 Q. Well, the analysis indicates that the case officers
36 who were acting at that time were counted in their
37 substantive rank. That analysis also does not count
38 anybody from Internal Investigations Group or Ethical
39 Standards Command being of a different rank because it is
40 accepted that they are independent and there's different
41 expertise there.

42 A. Correct

43
44 Q. Those figures are from people who were not considering
45 Internal Investigations - sorry, Ethical Standards and are
46 not acting in different rank.

47 A. Okay. Yes.

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Q. Would you accept that that is concerning?

A. It's not ideal. It's not ideal. Not in the same work unit. For a member involved, certainly not in the same work unit.

Q. If we move on now to member - sorry, if we move on now to complaint allegations involving failures of duty as it relates to domestic and family violence matters, and this is in a different spreadsheet but I don't think you need to go to the spreadsheet. That data indicated that of that 126 records where there was an allegation of a failure of duty in relation to domestic and family violence 26 of those records indicated that the subject members were investigated by a case officer in the same work group or at the same station or establishment. Again, of those records there were not all from remote or regional areas, and a number of those matters went back to the same station in the south-east region, whether it be the south eastern, either being the Gold Coast or Logan, or in Brisbane again.

It also indicated that on 20 occasions the subject member and the case officer were the same substantive rank. Again it wasn't including acting and wasn't including Ethical Standards Command. On three further occasions the case officer was of a lesser rank than the subject member. Of those matters there was also seven occasions in which both of those problems were present, on seven occasions it went back to the same unit but also was of a lesser or same rank as the subject member.

On my calculations, and this is rough, but in 30 per cent of those cases - and I haven't counted the double-up - it's in about a third of those investigations relating to failure of duty of domestic and family violence matters were sent back by ESC and dealt with by somebody either in the same unit or of a lesser or same rank. Would you accept that that is problematic?

A. Not in the same unit. Failure of duty can be - depending on what it is, I'm certainly probably not as concerned about the member involved piece because that really should be external because they work together. That should be outside. Failure of duty. But again there's opportunities, depending on where it is, to actually put that outside the unit. It doesn't need to be in there. It can be put outside for somebody else to examine it.

1 Q. And so those figures demonstrating that on about a
2 third of cases it was in fact at the same unit or somebody
3 of a lower rank. That is not ideal?

4 A. No, it's not ideal.

5

6 Q. Now, just in terms of a brief example of this type of
7 problem, and it just came up by coincidence in one of the
8 other case files, in the file officer B that we discussed
9 at the start, the person who was previously a district
10 training officer, even just looking through that
11 disciplinary history in that file it demonstrated that
12 there was a complaint - one of the complaints made against
13 him in relation to a traffic matter was in fact tasked back
14 by ESC to officer B to examine, and in effect he was asked
15 to investigate himself.

16 A. A traffic matter, not back to the officer himself?

17

18 Q. It did. So the circumstances of that were broader.
19 I can give a little more detail in relation to that. So it
20 wasn't - it got sent back. There's a traffic matter, a
21 traffic complaint made by a member of the public in
22 relation to a police officer speeding, crossing double
23 lines and driving in a dangerous matter. It was an unknown
24 officer at that time. That was sent to officer B to
25 investigate.

26

27 Officer B in this case did indicate that he had - that
28 he was the officer involved. At the time - if I take back
29 one step. At the time when he was tasked to investigate
30 that he had already had a disciplinary history for
31 releasing the QPRIME information about a friend for their
32 personal litigation and had already accessed prohibited
33 non-official as well as pornographic websites in the course
34 of his work. So I guess the first issue is that that
35 demonstrates that the person being asked to conduct an
36 investigation on behalf of ESC is somebody who already has
37 a disciplinary history. If we just look at that aspect of
38 it would you accept that that's less than ideal?

39 A. It is. It depends what job - because I think at one
40 point he was doing some things about vehicle impoundments
41 and other things and he was doing a desk job.

42

43 Q. He was an officer in charge at that stage. I'm not
44 suggesting he was subject to domestic and family violence
45 orders at that stage. This was prior to this.

46 A. But if he got sent a file and then he realised it was
47 himself, if the officer was unknown and he declared that

1 and said, "It was me," it would have to be reassigned to
2 somebody else.

3
4 Q. The records as the Commission read them, and by all
5 means you can take time after this hearing as well to
6 investigate any of those documents, but what that indicates
7 on the Commission's reading of the documentation is that it
8 wasn't assigned to a different officer but instead he said
9 that it was him, that he was involved and that he hadn't
10 done anything wrong, and then the investigation was sent
11 back to the complainant unsubstantiated and no further
12 action was taken. The complainant was told that the driver
13 probably had been identified but that the complaint
14 couldn't be proven because the probable driver didn't
15 remember or agree that he had done anything wrong and no
16 further action was taken in relation to officer B but
17 instead he was reminded about public perceptions of police.
18 So would you accept that that just - again it's a case
19 study that came up coincidentally but demonstrates the way
20 in which in circumstances where it's police investigating
21 police investigations can be problematic?

22 A. Yes, they can. But, you know, I wouldn't suggest that
23 that is - whilst things have played out in this inquiry,
24 police have been involved in investigating police the same
25 way that when we have - other policing jurisdictions do,
26 the way the military do in terms of disciplining our own
27 people. But some of these scenarios are really things that
28 shouldn't be happening. They shouldn't on the read of this
29 be assigned to people in those work units to manage them
30 because you can't rule out the conflict of interest, it
31 makes it very difficult, in the same workplace. In fact it
32 puts police in a very difficult position when that happens.
33 So it really should limit that. So they shouldn't be,
34 being returned --

35
36 Q. And some of the evidence that has been heard from
37 experts earlier in the week is that in circumstances where
38 it is police investigating police that can be negative
39 towards the police because if police were found to be not
40 guilty of anything or exonerated then it might still have
41 question marks about their behaviour if there is a
42 perceived conflict of interest; do you accept that?

43 A. Yes.

44
45 Q. Now I want to move on to the final topic which we have
46 discussed a little bit earlier right at the start and
47 that's in relation to data collection and early warning

1 interventions. You've talked already about PIPS and how
2 that's a much improved system compared to the old system
3 and that it will potentially allow there to be more refined
4 data and trends, and one of the things that you identify in
5 your statement as critical for good data and analytics,
6 they're critical so there can be early warnings, prevention
7 detection, investigation of problem areas and people within
8 the organisation; would you agree with that?

9 A. Yes.

10
11 Q. And I understand that PIPS is a vast improvement on
12 the previous system. Would it be correct from the evidence
13 you've given earlier to assume that there's still a long
14 way to go in terms of growing this data capability?

15 A. Yes, there is. It's not just about data and it's not
16 just about the machine learning that you get from these
17 things. One of the capabilities I don't have in Ethical
18 Standards, I've got staff on loan, but is having a
19 strategic intelligence capability because some of the work
20 that you can do around problem people and problem places is
21 when you've got that capability to examine it in more depth
22 and having a look at the intelligence and then you start to
23 see some of the early warning signs showing up, you
24 actually need capacity to do those things quite separately
25 to the normal day-to-day business.

26
27 Q. That was my next question for you, is do you have
28 analysts who are able to - it's one thing having that data,
29 but do you have analysts who can analyse it and prepare
30 meaningful reports so that it can be used?

31 A. I have six positions in there that are tactical
32 intelligence. They simply are there just in the small
33 numbers that they are to support the front end of the
34 investigative teams. What I don't have is the strategic
35 intelligence capability, but I'm actually applying for a
36 couple of officers at level 5. That's going to be
37 important because that's some of the work that we need to
38 do around the sorts of individuals that come up in these
39 types of pieces of work that we have to deal with. But
40 I don't have it at the moment, but I do have someone on
41 loan, but I hope to make that permanent with two permanent
42 positions inside the ESC to allow us just to look at people
43 who are coming up on our radar.

44
45 Q. So that's a current gap in terms of --

46 A. It is a gap. We've tried to fill it temporarily. But
47 longer term that's something that's needed permanently

1 inside of Ethical Standards.

2

3 Q. I think we've also identified some other gaps in terms
4 of the hearings, the things that you're hoping to develop
5 in terms of outcomes, substantiation, things like that.

6 A. Most definitely.

7

8 Q. Is there any other explicit gap that you're aware of
9 in terms of this data management point of view?

10 A. No, I think if I look back CSS was an old system. It
11 has been around for a very long time. It had outlived its
12 lifespan effectively. We needed to do something else.
13 These things all cost money and there is resourcing
14 obviously that has to be available. As I said, the PIPS
15 system, we have an opportunity to take that to another
16 level and we have vendors involved with us about the build
17 of that system to give us better visibility. We also need
18 to be able to do that because that has to be able to assist
19 district officers and commanders who have to manage not
20 just people involved in domestic violence but other people
21 who come to our notice on discipline matters. So there's
22 good opportunity for that.

23

24 It will take time. That's just early. These things
25 were really just added as a snapshot to my statement so
26 the Commission could get some idea of what we're starting
27 to be able to do with it. Clunky old systems don't help
28 when you're doing this work because you want to be able to
29 get that predictive analysis. There is work to be done,
30 and that's about growing the capability because the Ethical
31 Standards Command is quite a small unit really.

32

33 Q. In terms of the reporting and things like that, is
34 there public reporting on complaints?

35 A. So if you look at - we have an annual report, like
36 other government departments. I mean, certainly the CCC
37 you see that their data is published as well about
38 complaint data right across the sector. Police are
39 included in that. Our complaint reporting shows up in
40 there. But we have a way to --

41

42 COMMISSIONER: It doesn't show up separately.

43 A. Sorry?

44

45 COMMISSIONER: It doesn't show up separately, apparently.

46 A. No. So they do have a dashboard. The dashboard runs
47 from 2015. Anyone can access that to see that --

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MS CAPPELLANO: That shows total complaints, it might be total allegations under CCC, but not outcomes.

A. Yes. And that's a piece of work that as this builds we will be able to get better data about those outcomes and what it looks like.

Q. But currently there's no public reporting of ESC outcomes?

A. No.

Q. Is there any public - is there an ethical scorecard?

A. So the ethical scorecard, I'm aware of this having come up in discussions and I know that was mentioned in a document from some years ago now. That was a project.

Q. Just in terms of the context, the ethical scorecard was a recommendation of the report, an independent review of the police complaints and discipline system in 2011.

A. Correct.

Q. Which led to the Simple Effective Transparent Strong report.

A. Yes.

Q. And there was a recommendation there that there be an ethical scorecard for the police.

A. Yes.

Q. Every year published jointly by the police and CCC.

A. Yes. So that particular project, I have spoken to officers who worked that project back in the day. When there was a change of government, with the Newman government changed that piece of work, didn't proceed is my understanding. But certainly the dashboard that the CCC publishes, and that dates back to 2015, there is data publicly published there that anyone can access in terms of where you might see that reported openly.

Q. And in terms of the another thing that was mentioned in that report around those ethical scorecard recommendations is that surveys to gauge public confidence or to gauge user satisfaction, whether it be police or complainants; that's not something that gets done regularly by the ESC?

A. No, but the police generally - the police as an organisation, we're involved in public satisfaction surveys

1 and those sorts of things across the country.

2

3 Q. I'm more thinking specifically from the complaints and
4 disciplinary point of view?

5 A. Not specifically for Ethical Standards.

6

7 Q. Yes. But that is something that has been raised for
8 over a decade or something as something that would be
9 important in terms of assessing public confidence in the
10 system?

11 A. It could be.

12

13 Q. Are you aware that it was as part of the broader
14 recommendation within the Simple Effective Transparent
15 Strong report?

16 A. Yes, I've read the report.

17

18 Q. And is it also fair to say that the ESC involvement
19 with the complainants is quite limited? So it might be
20 when a complaint is received and then an outcome or is
21 there continuing contact with complainants --

22 A. It depends what it is. But outcome letters are
23 written to complainants. If we're working with a matter in
24 Internal Investigation Group we're obviously in touch with
25 complainants because we're dealing with their matter, as
26 you do out in the regions. So I've been a regional
27 investigator. I've worked in the regions for a number of
28 years, and I did internal investigation when I was in
29 regions as a senior officer because you have to do those
30 things. And that is about - any normal investigation you
31 would do you would have contact with the complainant from
32 time to time about what's happening with the investigation.
33 But outcome letters are part of what we produce at the end
34 of an investigation.

35

36 Q. And some evidence that DI Nixon gave was that really
37 when you're looking at the current complaints and handling
38 system the focus is between the relationship between the
39 QPS as an employer and the subject member as an employee.

40 A. Correct.

41

42 Q. And so the focus is really on that subject member as
43 opposed to, I guess, a more holistic approach where the
44 complainant's views are more central; would you accept
45 that?

46 A. When you get a member of the public that's complaining
47 about something we do have to correspond back with them

1 about what's actually transpired.

2

3 Q. That's the outcome?

4 A. Yes, and you might have some interaction with the
5 complainant during the course of an investigation,
6 depending on what it is.

7

8 Q. Yes. And in terms of the nature of the data that's
9 kept by the ESC, that's quite confidential the data on
10 PIPS?

11 A. Yes, that's correct.

12

13 Q. It's not generally available to any --

14 A. It's a system that's restricted to our people, and
15 that's for good reason because it houses confidential
16 information about people in the organisation. So it's
17 restricted to Ethical Standards.

18

19 Q. And I can understand the reasons for that, but is it
20 also the case that - and this is something that we talked
21 to DI Nixon about as well, that the focus in an
22 investigation about a police complaint is really on that
23 individual allegation, that isolated incident, as opposed
24 to any pattern of behaviour throughout the disciplinary
25 history; would you accept that?

26 A. Your job at the time is to investigate the matter that
27 is before you. You know, there are considerations down the
28 track. But a complaint has been made. The complaint has
29 to be investigated. The issues about discipline and
30 sanctions and those things come later. But your job is to
31 investigate the matter before you. That said, in amongst
32 that certainly things might arise about a course of
33 conduct. Like any investigation, you know, it would be
34 included in your report when you do that. But when they're
35 allocated a file that's the matter they have to
36 investigate, and those considerations come later.

37

38 Q. And the nature of the way in which the data is stored
39 is that an individual case officer in a district wouldn't
40 in fact have access to the broader disciplinary file of the
41 person they're investigating?

42 A. That's right. There's a process that feeds that
43 through the PPM, because what you don't want is really in
44 terms of people's privacy that it's open to anybody to look
45 at it, even an investigating officer. So there is a way
46 that material is fed to the investigator to just view that
47 piece that they're involved in.

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Q. But that would make it difficult to look for patterns of behaviour or --

A. Yes, but they certainly liaise with the PPM. So the PPM, the professional practice manager, is their conduit out and about when they're doing those files. So the investigating officer should be working back through that PPM.

Q. Just in terms of the data management and what the PPM would see, from the small sample of files that the Commission has had access to the files are quite siloed and contain massive dumps of information. A PPM, my understanding is that - sorry, I'll start that again. On the files that the Commission has seen there isn't a single disciplinary history for each file or anything like that that would be able to give a quick view of a particular subject member's discipline history or other things that might lead to somebody knowing that a course of conduct would be relevant?

A. So these are some of the things over the build of the life of PIPS that we have got to be able to do to extract those reports easily.

Q. Am I correct that that is a gap? We haven't seen it on the files that we have had --

A. Look, I don't personally work in the PIPS system. I've had demonstrations on it. It's got lots of capability, how certain things can be extracted out. But, as I say, there's a way to go to build the various reports that should be easily accessible, the staff just to go straight to it.

Q. And as the Assistant Commissioner of Ethical Standards Command you're certainly not aware of an easily accessible disciplinary history that's available?

A. I'll have to go back and check it all. No, it's not an easy process, I'd suggest. But, no, hopefully with time we'll have a system that can do it.

Q. Would that follow, therefore, that even a PPM or another ESC officer who is a person who is supposed to be feeding any information about course of conduct back to an individual investigating officer might have some difficulty in terms of establishing what their course of conduct is because they would have to trawl through these very archaic siloed files to even establish what's happened in

1 somebody's disciplinary history?

2 A. I wouldn't suggest so. I think the PPMs are fairly
3 well trained in using the system, as I understand it. I'm
4 not sure that the PPMs would struggle with that. They're
5 in the system all the time.

6

7 Q. But some of the files that they would be looking at
8 would contain hundreds of documents.

9 A. Yes, absolutely.

10

11 Q. One of the ones we received had 7,000 - had 300
12 documents in one file, of which one document was 7,000
13 pages.

14 A. Yes.

15

16 Q. It would be difficult for a PPM to get a grasp even if
17 they were very good at managing the system of that?

18 A. Yes.

19

20 Q. And in terms of the data and analytics you indicated
21 that it is critical to drive prevention and disruption of a
22 complainant to have early warning signs and trend analysis.
23 We've heard evidence from Professor Prenzler, one of the
24 experts in the complaints field, about the importance of in
25 misconduct prevention having those early intervention
26 systems and I think you gave evidence about it right at the
27 start of your evidence today, and I do understand correctly
28 that's a computer based program for identifying people who
29 have abnormal number of complaints or allegations against
30 them or other adverse indicators?

31 A. So it will be - not only do you look at what you've
32 got on file, but that's where the strategic analyst piece
33 comes in to have a look. You also need a research
34 capability to have a look back over those things. So, you
35 know, as I say, it's not just the machine learning. It
36 also takes people to actually physically work in that and
37 analyse the data and what we are seeing. So it's a piece
38 of work that's got to be done about what are the early
39 warning signs, and that's well on track within ESC about
40 where we want to go with that.

41

42 Q. So there's not currently an early warning system?

43 A. In its infancy. But certainly the people that we have
44 had on loan to assist Ethical Standards Command from a
45 strategic intelligence point of view, that's where we're
46 hoping to get that permanency down the track to be able to
47 continue that work.

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Q. In terms of those early warning systems what's relevant to those aren't just substantiated complaints but also allegations, even if they're withdrawn, even if they're unfounded, even things like sick days or HR indications might all be relevant as part of that early warning system?

A. Absolutely. But, as I say, that will take time to evolve. But that's some of the predictive work that's got to be done. You look for where you might have problem people or problem places. So if you've got a workplace that's got issues and we see various complaints coming out of a workplace out of a particular station or a location, that starts to paint a different picture that we might need to have a look in there about what's actually going on. The same way if the same officer keeps appearing making the same - we're getting allegations about that officer all the time, there's clearly an issue, it's got to be looked at.

Q. Even if the allegations aren't substantiated.

A. Yes. So if you start to see those things arising, you know, you need to have a good look at that.

Q. But currently that capability from a strategic point of view isn't existing within the police?

A. Look, not in the long term. But I think because Ethical Standards and because of the processes, like, the staff get to know the files very, very well because they're working in it all the time. There's a Complaint Assessment Committee every morning. There's a Professional Practice Committee that's been established to connect both sides of Ethical Standards. One side is integrity and performance and the other side is the investigators.

So, you know, some of that prevention work. So when we start to see trends somewhere in the investigations that could generate then something from our inspections side of the house to go and have a look at that and do some work around having a look at what's actually going on in a particular area. So the inspections program of work can actually tie in to our investigators about picking up those early warning signs of something starting to go wrong.

Q. And in terms of these patterns of behaviour and early warning signs there are just two final case studies that I want to take you to and that's officer D and officer E. I'll start with officer D. The ESC files which we have

1 received indicated that in November last year officer D's
2 partner alleged that there had been domestic violence
3 offences against that officer over the previous decade.

4 A. Yes.

5
6 Q. In November 2021 officer D was served with a PPN, and
7 it's alleged that he breached that PPN about 33 minutes
8 after being served with a copy of that. I understand that
9 matter is still - that is only an allegation at this stage
10 and it is still continuing.

11
12 At that time - and this is in November last year -
13 officer D was stood down which as I understand meant that
14 his firearm was removed, he didn't have frontline contact
15 with the public, but he continued to work for the police in
16 a non-frontline position. Four days after that PPN the
17 court made a temporary protection order with a no contact
18 condition and three days later officer D breached that
19 condition and he subsequently pleaded guilty to the breach
20 of the temporary protection order.

21
22 Last month on 7 July officer D was arrested and
23 charged at the watchhouse with domestic violence offences
24 based on his former partner's allegations, and they
25 included historical sexual offences and allegations of
26 strangulation. In the aftermath of being charged in the
27 watchhouse a decision was made to suspend officer D with
28 pay.

29
30 Now, looking at officer D's disciplinary history
31 demonstrates that he is an officer who had been a police
32 officer for 20 years. His disciplinary history indicated
33 that he had 17 previous complaints. Some of the more
34 common complaints included assault, excessive force, sexual
35 misconduct, victimisation or harassment outside of the
36 workplace, improper use of government resources, and
37 specific complaints involving assaulting people in custody.
38 One of the complaints was an allegation that a person's
39 wrist was broken when they were put into an arm lock.

40
41 As a result of that, the outcome in relation to almost
42 all of those complaints were that they were not
43 substantiated or validated. They were all investigated -
44 involved police officers investigating this police officer
45 D. Is this the type of matter that falls through the
46 cracks in terms of early warning systems? Surely this is
47 the type of officer who should be on the ESC's radar if

1 there are any preventative measures?

2 A. And they're the sorts of things that we need to have
3 analysts to be able to do that, is look at that predictive
4 work, what does it actually mean about the officer's
5 behaviour. That won't tell you everything of course.
6 That's only people looking at it from afar.

7
8 Certainly I'm familiar with this matter because it was
9 dealt with out of my office in recent times. But that's a
10 separate issue that's dealt with here. But if you look
11 back at the history, and you've painted the picture of
12 other histories here over time, that's the sort of
13 predictive work that might help us to identify officers
14 early, particularly if they move around.

15
16 But, look, I can't comment on the other matters that
17 were dealt with. But that's the sort of work we want to be
18 able to do, is to get more visibility of some of these
19 things and about what it actually means. That said, you
20 know, a person can have a career of 30 years in this job
21 and have discipline matters stretched out over that time,
22 particularly if they're an operational officer on the
23 frontline. So it could be possible that you might see
24 officers - would it have led to something different in this
25 matter? I can't predict that. But some of the work we
26 really want to do is what are those early indicators that
27 might suggest that we've got a problem person in the
28 workplace that we can deal with quicker.

29
30 Early intervention in the workplace, particularly
31 where you know for domestic violence matters where you
32 might have officers on your staff or unsworn members on
33 your staff that are having marriage difficulties or
34 relationship difficulties, child custody matters, there's
35 those sorts of things that I won't see that at Ethical
36 Standards but a frontline officer and a supervisor looking
37 at that, some of those things that are starting to bubble
38 for that particular individual officer, may well be the
39 early warning sign that you're looking for that something
40 is not tracking too well in that person's life.

41
42 Q. And what would the types of early interventions mean
43 or look like?

44 A. So early interventions, so some of the things that we
45 can do that would highlight those things, if we start to
46 see a pattern occurring in someone, that might be an
47 officer that needs closer attention by a supervisor. So

1 that early intervention could be, "We've got an officer
2 starting to develop a certain pattern here." I'll use
3 excessive force as an example. You might see an officer
4 where excessive force matters are escalating. There might
5 be something wrong with that officer's practice at that
6 particular time that needs to be targeted. So that allows
7 us to then quickly get involved, which we should be, to
8 say, "We think this officer has a problem here. What's
9 going on? Is it a training issue? Is there something
10 about their personal life at the moment that's causing that
11 that needs to be looked at?"
12

13 So there's opportunities to intervene earlier, and
14 that's really, you know, some of the best measures. But we
15 won't necessarily see that. We'll be able to pick up some
16 of it by complaint history. But the day-to-day behaviour
17 of that officer in the workplace comes down to supervision
18 of others.
19

20 Q. And would you get - the problem perhaps is that it was
21 clear from Professor Prenzler's evidence that these early
22 warning systems have been developed and in practice since
23 the 1980s, and here we are in the Commission of Inquiry in
24 2021, some 30 to 40 years later, where there are examples
25 of police officers who are committing domestic and family
26 violence offences, so they're in that position of power
27 committing domestic and family violence offences, where
28 they have disciplinary histories of 17 different serious
29 offences and they're still isn't the capability of the
30 Queensland Police Service to address that despite this
31 technology being around for periods of 30 to 40 years?

32 A. Yes, I accept that. But every officer that comes has
33 to be dealt with - as I said earlier about there are
34 particular legislative requirements about these matters
35 that have to be taken to discipline hearings and other
36 processes that have to occur, just for those decisions to
37 be appealed.
38

39 There isn't an opportunity for our Commissioner to
40 have no confidence powers at the present time, and
41 I understand what you're saying about those histories look
42 dreadful when you look at them and I would concede that.
43 An officer who has, you know - thankfully they're not a
44 common occurrence, but it's concerning when you see that.
45 Could we pick up some of these things earlier? I daresay
46 we should have and could have.
47

1 Q. Yes. And just in terms of the prevalence of this, and
2 I'm not asking you to comment on how common this is, but
3 the examples here are taken off a few examples of the few
4 files in which the Commission have had access to. Another
5 example just to demonstrate that of those limited number of
6 files that the Commission has access to that another
7 example of that is that the officer E, who up until a few
8 weeks ago, about six weeks ago in June 21, 2022, was a
9 serving Queensland police officer, and he's another person
10 who has been subject to domestic and family violence
11 orders. In 2020 allegations are made of officer E
12 committing domestic violence and a PPN was issued naming
13 him as a respondent.

14
15 Officer E contravened that PPN the same day.
16 Officer E, still a serving police officer, breached that
17 DVO again two days later. In June 2020 a temporary
18 protection order was made in the Magistrates' Court. The
19 very next day officer E, who at that time was still a
20 serving police officer, breached the temporary protection
21 order. At that point in time he was stood down from
22 the Queensland Police, but again by being stood down you
23 might not have a gun, you might not be in frontline duties,
24 but you're still employed by the Queensland Police.

25
26 Then only about a couple of weeks to a month later
27 officer E contravened the order again by logging onto the
28 email account of the aggrieved. He was charged in relation
29 to these breaches and has pled guilty to them all.

30
31 Now, again, that by itself is troubling and
32 particularly would you accept demonstrates the powers that
33 police have and that there's accessing information and that
34 it's troubling that somebody is a police officer and
35 continuing to breach orders and commit those criminal
36 offences while a serving police officer?

37 A. Yes.

38
39 Q. The other aspect to this is that the criminal - again,
40 the disciplinary history of officer E demonstrates that
41 prior to the domestic and family violence orders
42 allegations occurring that he has 30 different disciplinary
43 complaints over a period of 17 years, 10 of which included
44 allegations relating to assault or excessive use of force;
45 one of the complaints involved allegations that the officer
46 E threatened to skull-drag a woman down to the police
47 station, and this was found to be substantiated following

1 an internal investigation, but was resolved by way of
2 managerial guidance and chastisement.

3
4 Another complaint from 2017 involved the allegation
5 that officer E assaulted a young person who was in care by
6 kneeling on that person's chest while they were on the
7 ground. The QPS determined that there was insufficient
8 evidence to commence a criminal prosecution against
9 officer E in relation to this on the basis that the child
10 in care didn't want to provide a statement, but there were
11 other witnesses, adult witnesses, to the assault. That
12 disciplinary matter was resolved by way of a local
13 management resolution.

14
15 That's another example of not only - would you accept
16 that not only is that concerning from the domestic and
17 family violence point of view but that this person with
18 such a significant criminal history not only received
19 managerial type sanctions for assault offences but also
20 wasn't detected in any sort of early warning intervention
21 until the domestic and family violence matters progressed
22 by way through the courts? Is that problematic in your
23 view?

24 A. It can be. So it's over 17 years that's spaced out.
25 You know those things --

26
27 Q. That's two complaints a year.

28 A. Yes, as I say, a succession of complaints around an
29 individual repeatedly is very concerning.

30
31 Q. You weren't saying it's acceptable because it's a long
32 period of time?

33 A. No.

34
35 Q. Sorry, I misunderstood you, Assistant Commissioner.
36 Finally, we've heard evidence from experts throughout
37 the Commission about the merits of police complaints being
38 dealt with by an independently civilian controlled body,
39 and the arguments in favour of that we've heard from
40 experts are that that can create independence and public
41 confidence but it can also benefit the police potentially
42 for the reasons that I discussed earlier about if police
43 are found to be not guilty then there's uncertainty about
44 the independence of those investigations.

45
46 In the hearing yesterday Assistant Commissioner Codd
47 indicated when asked about the merit of an independent body

1 who can - an internal oversight body that's fully
2 independent from the police indicated that, "For me the
3 notion of there's independent oversight is if - if that's -
4 I think, if I quote even Coroner Terry Ryan, if at the end
5 of the day even there's nothing that's gone wrong with the
6 investigation and it's been thorough, if the community - if
7 it can improve community confidence in the system, then
8 those sorts of things can't be ignored."
9

10 He talks about a study being conducted at UQ along
11 these lines currently and indicates, "So if community
12 confidence can be improved by having that level of
13 independence, I think it's got to be considered." Would
14 you agree with the Assistant Commissioner's remarks in that
15 regard about the merits of an internal independent
16 oversight body for police?

17 A. Look, I think we already have that. You have the
18 Crime and Corruption Commission who are set up for that
19 reason. That's part of their functions, is the oversight
20 on us. So that's independent. They're not part
21 of - they're independent of us, and I obviously understand
22 they have a review under way and a report that's due as
23 well.
24

25 You know, I saw the evidence of Mr Prenzler and then
26 the gentleman from Northern Ireland about that particular
27 model, and there are different models that could work in
28 different jurisdictions. But I think we have that
29 independent oversight. I think we've got it here in the
30 CCC. Some of the other things in the past that the CCC
31 have done is have areas of focus. So things like whether
32 it's information access or body-worn camera or whatever it
33 might be, the CCC have had those areas of focus on us.
34 I think that is the independence; that is the oversight.
35 Someone completely independent? That's a completely
36 different model.
37

38 Q. In terms of what you've called independent oversight
39 by the CCC would you accept, however, that there is only
40 independent oversight in perhaps a maximum 11 per cent of
41 cases?

42 A. Look, that might be their data. The lower level stuff
43 that we're talking about that doesn't necessarily go to
44 them on the breach of discipline is in the lower level
45 area. So you're talking about the high-end cases that they
46 assess.
47

1 Q. Looking at the statistics in relation to member
2 perpetrated, allegations of member involved domestic and
3 family violence, the level of oversight was even less,
4 around the 5 to 6 per cent, and that included the lower
5 levels of oversight. The levels of investigation were also
6 at less than 1 per cent. So in your view can that really
7 be regarded as independent investigation or independent
8 oversight given that it's such a small percentage?
9 A. Look, whether there's capacity for the CCC to do more
10 than that, but you're talking about creating a whole new
11 system, I suggest. An independent oversight, you're
12 talking about a whole different agency? Is that what
13 you're suggesting?

14
15 COMMISSIONER: Possibly. Possibly.

16 A. Look, you know --

17
18 COMMISSIONER: We haven't made a final determination yet
19 obviously, but that's possibly a recommendation.

20 A. Okay. So, look, you know, as I said, I think there
21 are other things that can be done. The discipline system
22 we have, as you know, the reform was in 2019. It only
23 started in October. That system is not yet three years
24 old. It hasn't been reviewed. So that may be an
25 opportunity. As I say I'm - could it be a different model
26 of practice? It might be. The logistics and the actual
27 how that would look or work, I mean, I'm not sure. But
28 I would think there's other work to be done in terms of the
29 current system that we've got, given that it's a very young
30 system in terms of when you make significant reforms about
31 that and if it hasn't been reviewed there may be an
32 opportunity to explore that further.

33
34 MS O'GORMAN: Thank you. They are my questions,
35 Commissioner.

36
37 COMMISSIONER: Can I ask you about something completely
38 different. This is this bail, street check report from
39 Ethical Standards.

40 A. Yes.

41
42 COMMISSIONER: Are you familiar with the report?

43 A. Yes, I am.

44
45 COMMISSIONER: The only thing I wanted to ask you, and
46 Assistant Commissioner Codd said you'd be the person to
47 know --

1 A. I'm sure he did.

2

3 COMMISSIONER: Have the recommendations been executed?

4 A. Yes. So it's a very labour-intensive piece of work,
5 but I thought - Virginia Nelson actually had this put in
6 place while I was absent with other duties. But it took a
7 couple of officers - it's a desktop review. We hadn't done
8 anything of that magnitude on that volume of data before.
9 It took two officers, so two full-time equivalent, about
10 three, three and a half months, four months each to
11 actually drill that data. That was about the police
12 station counters and other things, and it was important to
13 have a look at that to give us some - again, some of what
14 are the lessons learnt; what else can we tell from the data
15 that we're sitting on.

16

17 So that exercise was very labour-intensive, but even
18 some of the things about the bail, the issues raised about
19 the bail, there's an extensive amount of work being done by
20 Mark Kelly's team out at PCAP to bring that bail piece
21 through now all the training. So I've had a summary on
22 some of that work that they have done. Certainly Brian
23 Codd talked about the counter, putting out information to
24 try to improve that counter service delivery.

25

26 I think, although it's labour-intensive, one of the
27 things I want to try and do with that work is develop if we
28 can some consistency around auditing at station level.
29 Now, that's not easily done because it takes - as I said,
30 I had two officers off-line for three, four months. But
31 it's such a worthwhile exercise in my view that we're going
32 to replicate it in the ESC for the next couple of years to
33 see what that trend looks like.

34

35 COMMISSIONER: To see if there is a change?

36 A. Yes, to see if we can get a change in that, as we
37 implement new things to watch that. One of the things I've
38 sought assistance from Operation Capability is is there a
39 way we can drill that data more quickly or do it another
40 way that we could perhaps develop some consistent auditing
41 at station level. I don't know whether that can be done
42 yet, but I'm going to need some technical assistance and
43 I've had that offer from the AC of operational capability.

44

45 COMMISSIONER: It's a hard thing to pick up, isn't it, if
46 something is recorded as street check instead of --

47

A. So we drill through every QPRIME report but, although

1 it was labour-intensive, there were some interesting
2 learnings out of that and I think it's worth replicating.

3
4 COMMISSIONER: Right. Thank you. Ms Hillard?

5
6 MS HILLARD: Commissioner, I'm happy to continue, although
7 I'm mindful that the Assistant Commissioner has been going
8 for almost three hours straight and I wonder if she would
9 like a bathroom break.

10 A. I'm fine.

11
12 **<EXAMINATION BY MS HILLARD:**

13
14 Q. Assistant Commissioner, just in respect of the
15 questions that Counsel Assisting asked you concerning an
16 independent or external body, I suppose one of your
17 responses earlier on in your evidence was about police
18 disciplining police and that needs to be seen to be done.
19 That was one of the things that you spoke about, wasn't it?

20 A. Yes. If you look at the military or you look at other
21 policing jurisdictions, when you're running police stations
22 you're an officer in charge, you're a senior officer, the
23 value in being able to give guidance and manage your own
24 people, it's part of your responsibilities. But if you're
25 talking about the higher level of matters involving
26 criminal investigation and other things when things are at
27 the serious end of the spectrum, that's a little bit
28 different in terms of who should investigate those things.

29
30 Q. I suppose that there is a difference, though, isn't
31 there, between disciplining your people compared to an
32 independent body independently investigating to remove the
33 appearance of bias?

34 A. Yes.

35
36 Q. And I suppose that that's really one of the key
37 elements of an external oversight body, is that they're
38 undertaking that independent investigation to remove that
39 perception of bias?

40 A. Yes.

41
42 Q. So in that circumstance, acknowledging that they can
43 also still - QPS can still maintain the disciplinary part
44 of it, there is still a benefit, isn't there, then to
45 external oversight

46 A. So if the external oversight is not --
47

1 Q. When I say "external oversight", external
2 investigation?

3 A. So you're talking about removing the investigative
4 capacity away from police altogether on all matters?

5

6 Q. When Mr Maguire or Professor Maguire was giving his
7 evidence he really spoke about there needs to be
8 investigations still maintained within the policing system
9 but also independent investigation externally and that the
10 two combined make it a stronger system. I'm perhaps
11 ineloquently paraphrasing his evidence, but that was really
12 part of what he said made a gold standard model.

13 A. Independence is great. But the capacity and the
14 reality of that are probably a couple of different things.
15 CCC do do investigations independent of us.

16

17 Q. You've already been spoken to, I suppose, by
18 Counsel Assisting about the investigations. But you would
19 accept as a general proposition that the CCC at the present
20 point in time do not investigate in the sense that they
21 contact complainants, they get material and form their own
22 fact-finding exercise of complaints?

23 A. Yes.

24

25 Q. And when there is an internal Ethical Standards
26 Command, as I understand it, in not all cases is a
27 complainant who's made the complaint to Ethical Standards
28 Command, whether it be a police officer, whether it be
29 someone from the public or whatever pathway it is, there is
30 not always an investigation in the sense of contacting the
31 person who has made the complaint to get statements and
32 fact-finding; is that right?

33 A. For domestic violence matters or --

34

35 Q. Complaints. Just complaints generally.

36 A. It depends what it is. If it is preliminary - if it
37 is assessment inquiries to establish what the complaint's
38 about or the extent of the investigation will depend on how
39 much information is known. If there is body-worn camera it
40 could limit some of the activities in an investigation.
41 But, in terms of contacting complainants, I would expect a
42 complainant to be contacted.

43

44 Q. And in each of these examples officers A through to F
45 that Counsel Assisting has been talking to you about, some
46 of them indicate that a complainant has been spoken to, but
47 a number of them don't. I don't have the primary

1 documents. I've just got the summaries.

2 A. So I would --

3

4 COMMISSIONER: I don't know that I would rely on those
5 documents as to whether the complainant was contacted.

6 That's not addressed in those documents, Ms Hillard.

7 A. No. So if I needed to go and look at how many times a
8 complainant was contacted on each one of these and when, we
9 would have to go to each one of the matters to have a look
10 at when the complainant was contacted.

11

12 MS HILLARD: If we're talking about contact with
13 complainants and one of the questions that you were asked
14 about perhaps the longitudinal disciplinary history of an
15 individual, and you've talked about how hard that can be to
16 assess that on the system, is there capacity for the ESC
17 when you're doing matters to go back and revisit old
18 disciplinary matters despite --

19 A. Yes.

20

21 Q. And in respect of doing that it can involve getting
22 the file in the past and revisiting the fact-finding on
23 that previous ruling?

24 A. Yes.

25

26 Q. And in respect of the matters that Counsel Assisting
27 took you to, and you made an observation about the newness
28 of the independent process or the review from 2019 onwards,
29 some of the examples of the officers were from 2019
30 onwards, still from the perception of the public perhaps
31 unsatisfactory outcomes on some of them?

32 A. So some of the matters listed in this group?

33

34 Q. Yes. Officer B, for example, there's 2019 onwards.
35 We have some allegations from May 2019, 2020, those kinds
36 of things. Officer E certainly had many ongoing things.

37 A. Yes.

38

39 Q. Some of those come under the new system but we still
40 have people employed by the service, don't we, in both of
41 the those ones: B and E?

42 A. Police investigating police, you're suggesting?

43

44 Q. Officer B is still employed; is that correct?

45 A. Yes.

46

47 Q. And officer E is still employed?

1 A. Officer B has been dismissed.

2

3 Q. Sorry, it might be one of the other --

4 A. That's okay.

5

6 Q. I'll deal with officer E. Officer E is still
7 employed?

8

9 COMMISSIONER: I think you have it the wrong way around.
10 Officer E is no longer working there, been dismissed, as
11 I understand it?

12 A. Yes.

13

14 COMMISSIONER: And B is still working.

15

16 MS HILLARD: Thank you. So if officer B is still
17 employed, the one in the district tasking in the
18 coordination centre?

19 A. Yes.

20

21 Q. That's captured under this new system but they're
22 still engaged by the Queensland Police Service --

23 A. Correct.

24

25 Q. Despite having accessed QPRIME to try to find out the
26 domestic violence shelter that a person complaining about
27 him, that's occurred and he's still employed. How is the
28 new system any better from the previous system then,
29 bearing this scenario in mind that he's still there?

30 A. How is it any better? I can't change the past of that
31 officer. I can't change what the history is. Matters
32 still get investigated and dealt with. The discipline
33 process, they still have to go through the same process of
34 if there's sufficient evidence matters are such that they
35 go to a prescribed officer to go to hearing. Each case on
36 its merits has to go before a hearing.

37

38 So I can't go back and say no different to anybody
39 else charged, divulging their criminal history before
40 they're actually dealt with. That's a matter after
41 sanction - for sanction. But if you're saying that - like,
42 that officer has a particularly bad history; I concede
43 that. But the process has to be followed as we go through.
44 I'm not sure whether you're saying it's any different since
45 2019 in terms of police investigating police or no
46 different because there's further activity from that
47 officer.

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Q. Well, officer B has engaged in relatively recent conduct, remains employed, doesn't appear to be an ongoing issue, it's finalised; is that right?

A. Yes.

Q. That's B for Barry that I'm talking about. Is there any capacity for any ongoing oversight, for example, of officer B to see whether or not they're complying or re-engaging in their other previous bad conduct?

A. So he will be - because there's an order in place, that officer is on restricted duties. So that officer is not working operational. So they're in close ranged supervision and where they can't work operational.

Q. I'm only working off the summary, but it talks about a wholly suspended short-term period of community service and then there was formal sanction of a formal transfer.

COMMISSIONER: He's on a current domestic violence order, that's what the Assistant Commissioner is saying, therefore he's on restricted duties. Is that right?

MS HILLARD: I don't know.

COMMISSIONER: The Assistant Commissioner said yes.

A. So this is the officer that was raised about whether they're in the watchhouse or in the DTCC or the training office?

MS HILLARD: Yes. So this is the District Tasking Coordination Centre, right at the last paragraph. That's the work that they're doing on 16 July of this year. He's been transferred there.

A. So this is where you're talking about the sanction was wholly suspended, short period of community service?

Q. Yes.

A. Transferred to a position. And that's one that's had inquiries made on it in the last couple of days about where that officer is actually placed. So that officer in a training office is not doing normal face-to-face training, apart from tyre deflation device, I think there are about five courses, but not in a full training role.

Q. Hypothetically, that's the case because they're on a protection order at present. When that protection order

1 expires, they can return or not?

2 A. Yes.

3

4 Q. They can return to other duties?

5 A. Yes.

6

7 Q. So my question then is, whether or not there is a
8 protection order in place, what is in place from Ethical
9 Standards Command to monitor and check whether or not
10 people like this revert back to their prior bad behaviour?

11 A. So they're under supervision in the workplace. But
12 Ethical Standards Command won't continue to track that
13 person once a matter is at an end. We deal with the
14 complaints as they come in. So, in terms of the monitoring
15 that person over the longer term, that responsibility
16 doesn't rest with my command. It goes back to the owning
17 district to monitor that person in field.

18

19 Q. I see. So it would depend on their immediate
20 supervisor --

21 A. Yes.

22

23 Q. -- or an officer in charge to recognise whether or not
24 they're misbehaving?

25 A. Yes.

26

27 COMMISSIONER: Would the officer in charge be told that
28 there's a history?

29 A. If they're placed in a position like this where
30 they're on an order, so they're on restricted duties --

31

32 COMMISSIONER: Yes, but once the order finishes and
33 they've returned to normal duties?

34 A. Not necessarily.

35

36 MS HILLARD: And I suppose the difficulty, if we just stay
37 on officer B's example, is that we can see that from 2017
38 onwards there is misbehaviour and, for example, some of it
39 only comes to the attention because a Triple 0 call is made
40 rather than it's picked up by other means. That monitoring
41 perhaps relying on a supervising officer is not
42 particularly ideal, would you agree?

43 A. So a supervising officer in the --

44

45 Q. The person has a history of misbehaving and there is
46 no real monitoring for their behaviour, and you're saying
47 that it goes back to a district or a supervisor or an

1 officer in charge to check for their behaviour.

2 A. Yes.

3

4 Q. It's not particularly ideal when we look at the
5 history of this person where a lot of it wasn't perhaps
6 checked up?

7 A. Yes.

8

9 Q. So when we talk about the oversight of the CCC as well
10 and the role of the CCC as well you would agree with me
11 that there are a significant number of failure of duties in
12 domestic and family violence matters that come back to the
13 Queensland Police Service and are dealt with as misconduct?

14 A. Yes.

15

16 Q. When things are dealt with as misconduct there might
17 be some retraining. You use a particular term for it, but
18 I just refer to retraining. Is the Ethical Standards
19 Command involved in delivering that training or does it get
20 delegated to someone else to deliver that training?

21 A. It depends what it is. So if it's about that
22 officer's behaviour on a particular issue, if they have got
23 to be retrained on certain things, it would depend where
24 they go. They could do online learning products. It could
25 be - say if it's an issue around incorrect use of
26 accoutrements they might have to go back through post and
27 firearms training or they could be retrained with that
28 particular training unit by the firearms unit. It just
29 depends what it is and what the behaviour is that we're
30 dealing with.

31

32 Q. And I suppose again there would be no formal follow-up
33 where there is the retraining to assess the effectiveness
34 of that retraining unless the supervisor or the officer in
35 charge of the district was aware and took it upon
36 themselves to follow it up?

37 A. Yes. So if there was a failure of duty, so say a
38 failure of duty in someone is not taking out domestic and
39 family violence applications correctly, and that's dealt
40 with, the officer in charge and the supervisor would be
41 checking for that. So if you've got someone
42 who - complaints about failing to take out a protection
43 notice, and those matters are dealt with, you'd be having
44 that - as an officer in charge you would be making sure
45 that that person is monitored with the supervisor. So say
46 a constable who is failing to do that and then they're
47 dealt with, you would put them with a supervisor when they

1 come back on road to make sure that behaviour is monitored
2 by a supervisor. That's a station level issue.

3

4 Q. How long would it be monitored for, though?

5 A. You would be looking to see if the officer stays on
6 track. If they make further mistakes or there's further
7 behaviour, that corrective action needs to happen. That's
8 a normal day-to-day supervision issue. They're not things
9 that - we don't monitor - at ESC we don't monitor officers
10 for ever and a day that have come to our notice. We deal
11 with the investigations. The responsibility for their
12 day-to-day supervisions rests with their station and their
13 district.

14

15 Q. There is, for example, no auditing of an officer who
16 has to be retrained of their body-worn camera footage to
17 see if the behaviour has in fact been changed outside of
18 anyone at that local level that might do that?

19 A. So if it was not attending to their body-worn camera
20 as in not operating it, are you talking about?

21

22 Q. Well, they have got out on a domestic and family
23 violence call-out. They have got their body-worn camera
24 footage. Someone does an audit of that to see if they're
25 behaving appropriately.

26 A. Yes.

27

28 Q. Or they're doing the discharge of their duty.

29 A. Yes.

30

31 Q. There is no formal follow-up by anyone of that audit
32 of their body-worn camera footage, for example, unless it's
33 taken upon at a supervisor or a district level?

34 A. Yes. That's the role of a supervisor, to be
35 monitoring that. We have started looking at - we have
36 started looking at failure of duties within Ethical
37 Standards Command because we've got access to the body-worn
38 camera. So we have been looking at their previous
39 attendances at domestic violence recently to have a look at
40 that in the previous jobs they have done.

41

42 Q. And of the data that has been obtained about the
43 street check analysis that the Commissioner referred you to
44 and the recording about that, was there any data analysis
45 for whether or not individual officers had made multiple
46 errors?

47 A. Look, as in --

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Q. One officer might have made the same mistake 20 times or 20 different officers may have made the one mistake.

A. That's the sort of stuff that you're looking for, and there is auditing of body-worn camera that occurs out in the station.

Q. On a station by station basis?

A. Yes.

Q. In respect of one of the witnesses who gave evidence earlier on in these proceedings he spoke about making a complaint in respect of two officers concerning their behaviour. One of them was a task that wasn't completed for a period of time and a complaint was made. You've been given notice about this in relation to today; is that right?

A. So this is an officer who didn't action something in QPRIME for a couple of months?

Q. That's correct.

A. Yes.

Q. And in respect of that particular matter I understand from looking at the file as it has been provided to me is that it was referred to as being a breach of a domestic violence matter of a relatively minor nature; is that correct?

A. I don't --

MS O'CONNOR: Perhaps if the document could be identified.

MS HILLARD: The document hasn't been tendered and I understand it won't be tendered. I know it is a 101-page document that was emailed to me at quarter to two this afternoon. So I don't have a physical copy of it. I only have an electronic copy of it.

COMMISSIONER: For the purposes of the question --

MS HILLARD: Yes, I'll just come to the part.

COMMISSIONER: Assistant Commissioner, assume that it was a breach that was not particularly serious.

A. So this was I think I read somewhere about a comment from that witness about, "Just do your job;" is that the one?

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MS HILLARD: That's right. And the officer who is alleged to have been deficient provides a response, talks about it being relatively minor in nature and that the aggrieved wasn't in any immediate danger from the respondent. Do you remember having a look at that prior to coming today to give your evidence?

A. M'hmm

Q. But elsewhere in that same document it refers to it being an aggravated breach and bail opposition had to be considered and it would have taken four hours to arrest and interview the respondent. So that indicates, does it not, that that is an offence of violence to be an aggravated breach of bail requiring opposition to bail; isn't that correct?

A. Yes.

Q. And in this particular scenario the officer who was complained about provided a response and indicated that it had been assigned to the first year constable to attend to, and the first year constable was expected to do this matter that was going to take four hours; is that right?

A. Well, it shouldn't happen.

Q. And in this scenario there was contact with the first year constable and there was contact with the officer complained of. However, no-one appears on the material that I've been provided to have contacted Officer Trinder or the complainant about their complaint.

A. So this was in a statement of an officer who says he experienced that and the constable moved station or et cetera and the file hadn't been dealt with?

COMMISSIONER: Yes, that's it.

A. So you're asking has someone contacted the officer who gave the statement?

MS HILLARD: On the information that I've got and that I've been provided in the 101-pages is that it doesn't show that Officer Trinder was spoken to or that the complainant was followed up about in respect of it. So there's that. Then we have Officer Trinder's evidence saying he wasn't contacted either and he doesn't know the outcome.

A. I would have to have a look at the file to see what's actually occurred.

1 Q. All right. If it is the case that there has been no
2 contact and there is only - sorry, no contact with
3 the complainant and there is only contact with the person
4 complained about, that's a problem, isn't it?

5 A. So the complainant should be contacted. But for a
6 first year constable to be doing that matter without
7 supervision is an issue around supervision.

8

9 Q. Well, interestingly that you say it's an issue around
10 supervision because the officer who was complained about
11 appeared to try to turn it back on to his supervisor and
12 say that they were responsible for the supervision of the
13 first year constable. It doesn't really resolve the issue,
14 though, does it? You want to have a look at that, do you?

15 A. I'll have to because if the allegation is that the
16 matter still hasn't been dealt with - Trinder's statement
17 is about the QPRIME file and the officer not attending to
18 the work and following that up with the supervisor.

19

20 Q. There is an outcome letter that gets sent to the two
21 people the subject of complaint but there's no outcome
22 letter that's been provided to me anyway that's sent to
23 Officer Trinder. That's not normal process, is it?

24 A. So you're talking about Trinder being the complainant
25 or are you talking about the person --

26

27 Q. The person that lodged the complaint.

28 A. So you're talking about advising Trinder of the
29 outcome?

30

31 Q. The shift supervisor was Trinder. He makes the
32 complaint. And on the material that I have --

33

34 COMMISSIONER: Yes, I think Ms Hillard is talking about
35 Trinder being advised.

36

37 MS HILLARD: He's not advised of the outcome, and he's
38 given evidence in this hearing that he saw no change in
39 behaviour and no consequences.

40 A. I would have to have a look at it.

41

42 Q. In respect of Ms Pollard, who gave evidence, she spoke
43 about attending a police station and making complaint of
44 about domestic and family violence that may or may not have
45 amounted to elder abuse; are you aware of that one?

46 A. Yes, I am.

47

1 Q. In respect of that matter on the material it appears
2 that she spoke about \$7,000 being taken out of a bank
3 account, her mother's car being sold for \$500, medications,
4 payments, electricity payments, shop, care necessities, all
5 of those things, there's nothing in the bank account
6 statements to show that her mother was being taking care
7 of. You're aware of this complaint?

8 A. Yes.

9
10 Q. In respect of that complaint there then was at some
11 point in time a street check that was undertaken; is that
12 right?

13 A. I believe so.

14
15 Q. And in respect of this matter I again couldn't see
16 anything where Ms Pollard seems to have been contacted,
17 aside from her initial written complaint, or any inquiry
18 made about the veracity around the \$7,000, the care and
19 necessities that were provided, about the selling of the
20 car, there doesn't appear to have been any of that
21 investigation that I could see.

22 A. So that was a matter from Wynnum station, as
23 I understand it.

24
25 Q. That's what she said, yes.

26 A. So again the file would have to be gone through about
27 who made contact and who they corresponded with, because
28 I understand there were other family members involved here,
29 there were issues about powers of attorney, all sorts of
30 things raised. But I will have to go back and read the
31 actual QPRIME file to look at what transpired.

32
33 Q. But we don't know, it doesn't appear, you might be
34 able to have a look, Ms Pollard doesn't appear to have been
35 spoken to about the veracity of her claims; rather other
36 people might have been. Again there is nothing about an
37 outcome sent to her and certainly her evidence was she was
38 never advised or contacted about an outcome. So that's a
39 bit of a concern, isn't it?

40 A. Well, she should have - if she made a complaint,
41 I would have expected the complaint to be taken at the
42 police station. But if further inquiries are made and then
43 feedback given to her, that could have been an officer
44 contacting her, I don't know, I would have to have a look
45 at what actually transpired out of the station when she
46 made that complaint because I think that one went through
47 Policelink. Is that the Policelink complaint?

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Q. She made a complaint - sorry, so she went and made at the police station and then she went and made a separate complaint. I can't recall if it was through Policelink, but it was a 465 comparable.

A. Yes.

Q. And she also made a complaint to someone at the VPU.

A. So she should have had advice from somebody about the outcome of her complaint.

Q. One of the concerns, I suppose, is the lack or apparent lack at the very least - bearing in mind you said you would have to go and have a look at it - of contacting the victim, the complainant or the person making the complaint to establish the veracity of what they're complaining about rather than simply doing this desktop type review an independent and proper investigation. It needs to happen in every case, doesn't it?

A. She comes to the counter to make a complaint and the allegations are that money has been stolen from her mother and her mother is a vulnerable person. I would expect inquiries to be made for that matter to be investigated. Then she should have advice back about what 's actually transpired with that complaint.

Q. If I move on to a different topic. In the evidence yesterday from Assistant Commissioner Codd there was reference to an intelligence assessment report, and this is not a report that you have prepared by I just wanted to ask you about --

COMMISSIONER: Is this the Torres Strait Island one?

MS HILLARD: It is. I don't know what exhibit number it has been marked yet, Your Honour.

COMMISSIONER: It's not an exhibit yet.

MS HILLARD: The intelligence assessment report, I have a copy. I can give it to you if you would like it. But I just wanted to ask you generally about the use of these reports and where they go to and if there is a domestic and family violence concern does it come to the ESC's attention?

A. That particular matter has been referred to my office, and that matter was assessed and it will be investigated

1 because certainly from what I heard of that evidence about
2 the issues that have been raised about whether there are a
3 failure of duty and very serious ones, regardless of the
4 content of that report and what I heard in evidence, the
5 matter has been referred to my office and it will be
6 investigated.

7
8 COMMISSIONER: Is that via the Assistant Commissioner
9 yesterday or was it before then?

10 A. So, no, it's been referred to me from Far North.

11
12 COMMISSIONER: When?

13 A. After Mr Codd's evidence, I heard some of that
14 evidence yesterday, and the Assistant Commissioner from
15 Far North had contacted me about it. So I had never seen
16 the document. It was simply that we heard that. But it is
17 in the complaints system.

18
19 COMMISSIONER: You're not on the distribution list?

20 A. Not for that area. So that is in the complaints
21 system, that particular issue. So intelligence assessments
22 like that, intelligence assessments are done across a whole
23 range of areas, you know, whether that be major and
24 organised crime or domestic violence in this case, serious
25 assaults alleged, and usually those assessments give an
26 indication on the intelligence available. So that's not
27 just complaints. So there could be other information in
28 the intelligence system, and intelligence officers take
29 that and they formulate that into a document that gives us
30 some assessment of what might be happening based on what we
31 know. So, look, I understand the commentary was around
32 whether the officer is a junior et cetera. I mean, the
33 matter's got to be looked at as to whether what's in all of
34 those reports that might be in that document.

35
36 MS HILLARD: Can I just ask this, though. It's
37 particularly concerning that first of all the report
38 exists, but also that it doesn't appear to have come to the
39 necessary people's attention, for example the ESC, until it
40 happens to come to light in this inquiry and Officer Codd
41 talks about it yesterday. What is the usual mechanism for
42 an intelligence assessment that might relate to domestic
43 and family violence to come to your attention?

44 A. Well, if it's about - that really should go to senior
45 officers in the local area. Like a chain of command, you
46 have intelligence officers embedded in the various areas.
47 It should be put up the chain of command to senior officers

1 who can deal with those things, what does it actually mean
2 about responding to those things. So I don't know the
3 trail of that document, but it really - if I was working in
4 a region, if I was a district officer or I was a detective
5 inspector working in the region and those matters were
6 raised on an intelligence report to action them around what
7 might be happening, if there's failure of duty, a failure
8 of duty is what it is, it should be reported.
9

10 Q. We understand that this formed a basis for what is
11 then later referred to as a training manual, and whether
12 it's a training manual or not, but this informed some other
13 steps or changes that took place. Despite that perhaps
14 being maybe positive coming from it, it still should have
15 gone to ESC?

16 A. The actual document itself or the failure of duty
17 allegation?
18

19 Q. Well, the document discloses the failure of duty
20 allegation; so one or the other?

21 A. So once that comes to light that potentially you've
22 got officers who aren't responding, that needs to be
23 addressed.
24

25 Q. And when we are talking about intelligence
26 assessments, and this one relates to domestic and family
27 violence, is there any other way to do a check of the
28 system to see if there are any others that relate to
29 domestic and family violence specifically?

30 A. Yes, there will be, because the intelligence system
31 itself will be able to be searched around whatever
32 assessments are in there.
33

34 Q. You would probably just do a key word search and pull
35 up relevant matters?

36 A. Yes.
37

38 Q. I'm not the one who has the notices or issues the
39 notices. If the Commission wants it they'll --

40 A. Sometimes if you're operating in a district you ask
41 your intelligence people to prepare those assessments. If
42 you're concerned about something going on, whatever it
43 might be, intelligence is used all the time and those
44 reports can paint a pretty interesting picture at times
45 about what - whether it's domestic violence, whether it's
46 youth crime or whether it's issues about armed robbery, we
47 use those intelligence documents to guide how we respond

1 and some of the issues that we might have. If there are
2 emerging issues that come up and they are about a police
3 response - in that particular case by the sounds of it this
4 is about the sorts of reports and things that could
5 constitute a failure of duty once we dig into what's in
6 there. I don't know the answer to that, but that's what
7 the investigation is about.

8
9 Q. All right. I'll leave it to the Commission if they
10 want to ask you for anything else about that. Just in
11 respect of the domestic and family violence orders just
12 generally, even if an order is by consent without
13 admissions the ESC makes its own fact-finding exercise,
14 don't you, about whether or not it's substantiated
15 independent of whether it's by consent or not?

16 A. Yes.

17
18 Q. And even if something is not - if it goes to a
19 hearing, for example, and an order isn't made, you still
20 engage in that same fact-finding exercise to satisfy
21 yourself in that scenario or not?

22 A. So if they're screened in, and this is where the piece
23 about private matters had to be picked up another way in
24 QPRIME, is that if those matters had gone through -
25 previously they could have gotten through and we wouldn't
26 have seen them because we weren't looking for them. So
27 that screening process allows us to look at that and see
28 that coming through and go, "Okay, what's going on here?
29 We need to go to the origins of where that matter is with
30 that particular officer."

31
32 Q. And when you do that fact-finding exercise of whether
33 or not the domestic and family violence order that is in
34 place, maybe it is not on the high end of the spectrum, it
35 might be on the lower end of the spectrum, is that
36 something that then determines the action that is taken
37 against an officer where they are the one that is said to
38 be the respondent on those?

39 A. So now what will happen is because we get that
40 screening in, we've had that for a little while into - that
41 was started in the last 12 months. But what we then do is
42 call for the executive briefing note from that area to
43 follow up. So that as AC Ethical Standards I will get to
44 see a briefing note then; whereas in the past that could
45 have gone through the system and we wouldn't know about it.
46 But that's how it is actioned, and then we will ask the
47 area to send an EBN to us about what is involved in that

1 order.

2

3 Q. And that's prepared by the supervisor, the officer in
4 charge or someone at the local level?

5 A. It will be in the owning command or area, so the
6 owning region.

7

8 Q. So it could be someone's immediate supervisor that's
9 sending that briefing note that then you're relying on?

10 A. Not necessarily. They generate from
11 the Assistant Commissioner's office and with a district
12 officer usually involved. So they're normally very senior
13 people who sign off the executive briefing notes to me.

14

15 Q. When someone does have a domestic and family violence
16 order against them and they're a police officer, do you
17 contact the aggrieved in that circumstance and engage in a
18 fact-finding exercise in that way or do you just rely on
19 the papers?

20 A. It would depend how that's come to our notice, but
21 that has to be - you couldn't produce the EBN without
22 getting some details.

23

24 Q. And is the aggrieved or the victim given the
25 opportunity to provide additional information? I mean,
26 sometimes they might not want to, but are they given the
27 opportunity to?

28 A. Look, I can't tell you specifically of the ones that
29 we can now see because if the order is made the order is
30 made by the court and it's put into our system and it's
31 flagged et cetera.

32

33 Q. One of the questions that I asked Officer Nixon and
34 I raised yesterday with Assistant Commissioner Codd was
35 about the timeliness of some of the complaints
36 investigation when it relates to domestic and family
37 violence failure of duties. The timeframe can vary. Do
38 you recall me asking both of them around the fact of an
39 officer can be going out two or four or five times on a
40 shift to a domestic and family violence incident when there
41 might be a complaint about their conduct in the sense of a
42 failure to perform duties or they might not be performing
43 properly? Timeliness, what mechanisms are in place to
44 prioritise a domestic and family violence failure of duty
45 complaint?

46 A. So when they come in, depending on what the severity
47 of that is on the failure of duty, you know, it would go

1 straight out to the PPM. So it's only a very short space
2 of time from when the file would come into us, it's
3 assessed and it goes out to the relevant PPM and then it's
4 allocated. In terms of the length of that, I would hope
5 that it's not too long a period of time. We've got
6 district duty officers who are across the supervision of
7 some of those things out in the field. But those files
8 when they come through our process within a matter of days
9 out of ESC from when it is reported it comes into the
10 committee and then if it is a 466 or the complaint comes in
11 and it's processed very quickly through ESC back out, so
12 usually it would be only a matter of days, I would hope,
13 before a file is allocated at local level to go and respond
14 to it.

15

16 Q. And when you say allocated at local level is there
17 intervention, is there pulling that person off those
18 domestic and family violence tasks, what are we talking
19 about in order to protect the vulnerable people that they
20 are still going to be going to see?

21 A. And that, as I say, depends on the nature of what the
22 breach is and how quickly it can be corrected. The same
23 way that if you saw a young officer and a supervisor picks
24 it up in the station that that officer is not getting
25 something right, it should be immediate. It should be
26 immediate supervision rather than - so if someone is at the
27 front counter and they're not dealing with something and
28 someone detects it, the supervisor should be stepping in
29 and fixing that.

30

31 COMMISSIONER: It is probably unlikely to be subject to a
32 compliant.

33 A. Yes, that's right.

34

35 COMMISSIONER: Because presumably the officer would say,
36 "I'm really sorry. This person is still learning. Can we
37 help you?"

38 A. Yes, absolutely. You would expect them to because
39 that's what the supervision is all about

40

41 MS HILLARD: Thank you, Commissioner.

42

43 COMMISSIONER: Ms Morris?

44

45 MS MORRIS: Thank you, Commissioner. I do wish to clarify
46 one matter if I may that's arisen out of evidence today.
47 So I apologise that I haven't sent through the request

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COMMISSIONER: Thanks very much for coming in,
Assistant Commissioner. You are free to leave.
A. Thank you.

<THE WITNESS WITHDREW

COMMISSIONER: That's the end of the Brisbane sittings.

MS CAPPELLANO: So we're next on at 12 o'clock on Monday
in Mt Isa.

COMMISSIONER: 12 o'clock on Monday in Mt Isa.

**AT 6.25PM THE COMMISSION WAS ADJOURNED UNTIL 8 AUGUST 2022
IN MT ISA AT 12.00PM**

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