

QPS COMPLAINT RESOLUTION POLICY

1. Purpose and scope

Pursuant to the *Police Service Administration Act 1990* (PSAA) the Commissioner of Police is 'responsible for the efficient and proper administration, management and functioning of the Police Service', including the 'discipline of members of the Service'. These policies and procedures exist to provide for fair and timely resolution of complaints and a discipline management strategy which identifies instances of unacceptable behaviour and takes swift action to correct the behaviour and prevent a repeat of the conduct primarily through management intervention strategies.

The Service consists of police and staff members. For staff members, the Commissioner's responsibility is fulfilled in compliance with the PSAA and the *Public Service Act 2008* (PS Act).

The purpose of discipline is to:

- maintain public confidence in the Queensland Police Service (the Service);
- maintain the self-esteem of members of the Service;
- maintain confidence in the ability of the Service to fulfil its statutory functions;
- maintain proper standards of conduct for members of the Service (by specific and general deterrence principles);
- maintain the efficiency of the Service; and
- protect the reputation of the Service.

The discipline system is not punitive in nature and any strategies or sanctions must be imposed with the objectives of improving performance and protecting the reputation of the Service. The Service does recognise there will be instances of misconduct which are so serious, repeated in nature or of such public concern that a sanction provided in the PSAA or the PS Act, may need to be imposed. Even where a sanction is imposed, management strategies should also be considered as part of a holistic response to the inappropriate conduct.

The discipline system is a part of the overall performance management employed by the Service. General performance and conduct of a member of the Service is recorded through other systems such as the PDA system. The discipline system is used to record and deal with conduct which reaches the threshold to become a disciplinary complaint. Where appropriate, outcomes and management strategies will be recorded on the PDA system as well as a member's disciplinary record to ensure the required improvements in behaviour are achieved and supervisors are provided with the information required to effectively manage their staff.

One of the primary aims of the discipline system is to improve performance by providing appropriate training and guidance to members whose conduct has come into question due to an identified underlying issue. A member's willingness to show insight into their behaviour and take part in management strategies will alleviate the need to impose more arduous action to improve behaviour. Integrity, however, is the essential quality required to be a member of the Service. Members found to be lacking in integrity can expect to be dealt with harshly.



Line supervisors are an integral part of maintaining appropriate standards of discipline within the Service. Supervisors have a crucial role in setting and maintaining standards throughout the Service. Supervisors should also be involved in drafting and implementing management strategies to correct member behaviour which needs to be improved. Management strategies should be simple, effective, transparent and fair and provide measurable outcomes for subject members.

2. Receipt and assessment of complaints

A complaint against a member of the Service may be received by either the Crime and Corruption Commission (C&CC) or the Service. On receipt of a complaint, nominated officers of the CC&C and/or the Service will assess the complaint and determine the organisation which will manage the complaint.

3. Investigation of complaints

Due to the nature of policing duties, most disciplinary complaints will deal with allegations which may substantiate criminal (or regulatory) offences as well as grounds for discipline. As a general rule, consideration will be given to criminal allegations before considering disciplinary matters. All members detailed to investigate disciplinary complaints are to be cognisant of the need to silo information obtained using PPRA powers from disciplinary decisions. Similarly, any information obtained using coercive powers pursuant to the PSAA is not admissible in criminal proceedings. An investigator must be able to show a separation of relevant information in their decision making.

4. Method of investigation

The disciplinary system is not intended to be legalistic or adversarial in nature. Investigations are to be conducted in a timely manner. Flexible strategies may be employed by investigators to enable timely resolution of complaints providing they comply with all relevant legislation and policies. Such strategies may include email requests for versions and early contact with the subject member where appropriate. Once sufficient evidence has been obtained to establish the truth of a matter under investigation, an investigator should look at strategies to resolve the matter as soon as possible.

In a criminal interview, you have the right to silence and your rights as contained in the Police Powers and Responsibilities Act 2000 will be explained to you. Pursuant to the Police Service Administration Act 1990 the Commissioner has the authority to give lawful directions to police officers, staff members and other employees of the QPS. Consequently, in a discipline interview, you are required to fully, promptly and truthfully answer all questions put to you by a member conducting a discipline interview. Any material obtained in compliance with the preceding direction is not admissible in criminal proceedings but can be used in subsequent discipline proceedings.

5. Investigation Outcomes

Once an investigation is finalised, a report is to be forwarded to the Assistant Commissioner, ESC or delegated case manager with appropriate recommendations concerning proposed management and/or disciplinary actions. Where the complaint is not capable of substantiation or can be resolved by local management strategies, the subject member's discipline record is to clearly indicate that no decision concerning



substantiation was made. Any guidance provided will be noted in the form of a training record and actioned through the member's PDA.

If a disciplinary proceeding is required to resolve an allegation against a police officer, an Abbreviated Disciplinary Proceeding (ADP) may be commenced with the agreement of the C&CC. The ADP will provide the opportunity for a subject officer to resolve a complaint in a timely fashion with a known outcome. If the ADP is not successful, further investigations may be conducted before a full disciplinary proceeding is considered.

An ADP may be commenced at any time, including at the request of a subject officer or before an investigation is finalised.

Where a disciplinary proceeding is required to resolve a matter, but an ADP is not suitable or was unsuccessfully attempted, a full discipline proceeding can be commenced.

The purpose of discipline is best served when disciplinary complaints are resolved in a timely manner. Proposed amendments to the PSAA will introduce time limitations for commencing disciplinary proceedings against police officers. Prior to the amendments being enacted, the Service will have an aspirational goal to meet the proposed time limitations for police officers and staff members. For serious matters, proceedings for Corrupt Conduct can still be considered pursuant to the *Crime and Corruption Act 2001*. Appropriate management strategies can be imposed at any time and are not affected by time limitations.

Pursuant to the section 4.9 of the PSAA, the Commissioner has given a lawful direction to all members of the Service, to fully, promptly and honestly answer any question put to them by officers conducting a disciplinary or administrative investigation or enquiry. The requirement for members of the Service to answer all questions directed to them promptly, truthfully and fully and to comply with any lawful direction applies throughout the disciplinary investigation and during any subsequent disciplinary proceeding.



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