

Government response to the independent review of the Queensland police complaints, discipline and misconduct system

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Queensland Government Response to the Independent Review of the Queensland police complaints, discipline and misconduct system

PREFACE

The Queensland Government is committed to ensuring that Queenslanders are served by a Queensland Police Service (QPS) comprised of professional and accountable police officers, who can be trusted to always act impartially and in the best interests of all. In doing so, the Queensland Government also believes that it is important to acknowledge and support the many QPS officers who live up to the high standards we expect of them and whose efforts make the QPS an organisation of integrity and honour.

The Queensland Government will introduce a new model for dealing with police complaints and discipline which makes the rules clearer to all, and will ensure that any breaches of the rules will be dealt with quickly and effectively.

The vast majority of police who perform their duties with integrity will benefit from significantly increased public confidence in a QPS where those who make a mistake will be expected to quickly remedy their behaviour and those who do not wish to change their ways will be removed.

It will also make things better for the public - they will have confidence that our police officers understand and adhere to the high standards Queenslanders expect of them and that any concerns will be dealt with in a more effective and timely manner.

BACKGROUND

In August 2009, the Queensland Government published a discussion paper on *Integrity and Accountability in Queensland*. Public submissions received during consultation included significant concerns raised by members of the public about the current discipline processes applying to members of the QPS.

As a result, in December 2010, the Crime and Misconduct Commission (CMC) tabled its report, *Setting the Standard* which reviewed the management of police discipline and misconduct matters. The report found that the police disciplinary system works well in many instances, but it noted there were issues of complexity, workload and timeliness. The CMC made 11 recommendations for improving the police disciplinary system, including that the QPS, together with the CMC, should review the policies and procedures in the current police disciplinary system and identify a discipline system which is simple, effective, transparent and strong.

In March 2011, following consultation with both the Chair of the CMC and the Police Commissioner, the Premier appointed a panel of independent experts to undertake the review recommended by the CMC report.

The panel comprised:

- Ms Simone Webbe, a barrister and former Deputy Director-General of the Department of the Premier and Cabinet with extensive experience in governance and accountability;
- Justice Glen Williams, a former Court of Appeal judge and chair of the expert panel that developed the model for the Queensland Civil and Administrative Tribunal which has jurisdiction over police disciplinary proceedings; and
- Mr Felix Grayson, a retired police Assistant Commissioner who has worked at the Crime and Misconduct Commission and has extensive experience in the handling and investigation of corruption and misconduct.

The report of the independent panel was tabled in Parliament on 24 May 2011 and made recommendations for both broad and specific improvements to the police disciplinary system. The report was made available for public consultation for six weeks until 5 July 2011.

All submissions have been fully considered in developing the Government response to the independent report's recommendations.

GOVERNMENT RESPONSE

Queensland police have a general satisfaction rate above the national average, but the negativity created by one instance of serious police misconduct can have a disproportionate impact on public confidence in police.

The Government accepts the need to take immediate action to address a decline in public confidence in the police complaints process.

It is important to note that the independent report also emphasises the need for a balanced perspective of police complaints within the broader context of public confidence in the police service itself:

- approximately one complaint is received for every 1,700 individual interactions with the public. For example, of the 5.2 million interactions with the public in 2009-10, there were only 2,939 complaints, with less than 3% substantiated in a disciplinary hearing; and
- The *National Survey of Community Satisfaction with Policing* (July 2010-March 2011) cites general satisfaction (a widely accepted measure of service quality) with Queensland police interaction with the community as being above the national average at 75.6%.

The independent report contained 57 recommendations to improve the police disciplinary system and restore confidence that the system deals with police misconduct in an impartial, ethical and effective manner.

Of the 57 report recommendations, the Government supports, supports in principle or supports with amendment all but one recommendation, Recommendation 46.

Recommendation 46 proposes that legislation be amended to include a review of action against an officer for breach of discipline in the QCAT's jurisdiction, instead of the current review available by a CMC Commissioner for Police Service Reviews. A breach of discipline is generally a less serious matter and the Government believes that reviews of breaches of discipline are more appropriately dealt with by a Commissioner for Police Service Reviews who is located within the CMC. This will maintain the integrity of the proposed new system in which less serious matters are processed remedially, rather than punitively, and ensure that recourse to QCAT is limited to more serious matters.

Police Investigating Police in CMC Investigations of Allegations of Police Misconduct

The Queensland Government agrees with the findings of the independent report that there is a need to take action to address community concerns about the use of QPS officers to conduct CMC investigations into police complaints.

The Government supports adoption of a CMC staffing model which provides for genuinely independent investigations and adjudication of complaints. In supporting this recommendation, the Queensland Government recognises that it is critically important that the CMC's operations are not unduly compromised by the workforce and operational change management issues which will arise as the CMC moves to a civilian staffing model.

A transitional approach is therefore proposed to ensure steady progress is made towards:

- progressively removing current serving and former police officers from police misconduct matters in the CMC misconduct area within 2 years (by the end of 2013); and
- the CMC immediately implementing administrative measures to stream police complaint investigations to teams that are mainly civilian.

The new arrangements will not preclude QPS officers from working at the CMC in areas other than police misconduct (such as non-police misconduct, witness protection, organised crime, joint taskforces and technical areas). Serving police officers from other jurisdictions could be engaged but their tenure would be limited.

The QPS will work with other Australian jurisdictions to develop national arrangement to facilitate interstate exchange opportunities for serving officers.

A New Model for Police Complaints, Discipline and Misconduct

In broad terms, the Queensland Government supports the independent report's recommendations for both broad and discrete changes to the current police complaints and discipline system. In particular, the report recommends a new model that is 'simple, effective, transparent and strong' and directed at achieving these fundamental objectives, namely:

- **Simplicity** – by reducing the current categories of complaints to three (Serious Misconduct Review, Misconduct Intervention and Local Management Resolution); clarifying the definition of 'misconduct' which currently has several meanings under various Acts; and by requiring that all disciplinary decisions remain on a police officer's record.
- **Effectiveness** – through improved timeframes for both the QPS and the CMC for an accelerated disciplinary process within six to seven months from receipt of complaint (in contrast to the current one to three or more years); time savings from a joint assessment process between the CMC and the QPS at the initial assessment stage of complaints; expediting of investigations and sanctioning by way of use of agreed facts and a show cause process; and not devolving QPS investigations to the operational, local level.
- **Transparency** – through publication of substantiated disciplinary information for serious cases of dismissal or demotion, and a special joint annual report, an *Ethical Health Scorecard for QPS*, by the QPS and the CMC to the Parliamentary Crime and Misconduct Committee.
- **A strong system** – a broader range of more serious sanctions and removal of the power to suspend a sanction of dismissal. The CMC oversight role is to be strengthened through a new adjudicative power to substitute a different disciplinary decision as well as a right of review to QCAT for police misconduct, including in respect of a QPS decision not to commence a disciplinary proceeding.

In supporting this new model, the Queensland Government will implement the independent report's recommendations for a redesign of the police complaints, discipline and misconduct framework, with a focus to remedy the conduct of officers who can be assisted and remove from employment those who cannot. This will be achieved by:

- *For matters that do not indicate a sanction of dismissal or demotion*, devolve to the QPS to manage conduct improvement in the first instance by way of remedial intervention or local management resolution with flexibility to opt in a punitive element in specified circumstances e.g. if three complaints are substantiated within 12 months; and
- *For serious misconduct matters*, CMC to investigate, with some scope to devolve to QPS, plus new adjudicative and substituted decision making powers. Investigation and sanction will be by expedited procedures such as use of agreed facts and a show cause process on the papers, with disciplinary hearings only in exceptional circumstances where the evidence is complex or contested.

The independent report documents criticisms by stakeholders and commentators that the public interest principle may not be being accorded due weight as a precondition for devolution and notes the importance of treating the public interest as an overriding priority. The Queensland Government will legislate to ensure that, under the *Crime and Misconduct Act 2001*, the public interest becomes the primary factor taken into account prior to devolution of matters back to the QPS. Guidance will also be provided on the relevant factors to take into account when considering the public interest.

In addition, the Queensland Government supports the report's recommendation that investigations devolved back to the QPS are not devolved back to the local level, but are devolved to specialist senior positions in the regions which are supervised by the Ethical Standards Command.

The Government also supports the report's recommendations to confer two additional powers on the CMC and a new role for the Parliamentary Crime and Misconduct Commissioner. The CMC will be given the power to substitute a different disciplinary decision made by the QPS on police misconduct matters and will also be provided with a new authority to apply for a QCAT review. These powers will strengthen the oversight role of the CMC.

The Parliamentary Crime and Misconduct Commissioner will also be given an additional 'exceptional circumstances' role to safeguard public confidence in the CMC by mediating on fundamental system concerns or serious disputes between the CMC and the QPS.

Implementation

The Government will introduce legislative amendments to the *Crime and Misconduct Act 2001*, *Police Service Administration Act 1990* and the *Police Service (Discipline) Regulations 1990* by the end of 2012. In addition the QPS and the CMC will revise their policies and procedures and will institute significant change management processes for implementation within the next two years i.e. by the end of 2013.

It should be noted that the timeframes proposed for implementation will vary in accordance with the complexity, scope and interdependence of the recommendations. While some recommendations can be implemented relatively quickly, it is expected that implementation of others will require a longer timeframe, particularly those relating to implementation of a new IT system.

**Queensland Government response to the report by the independent expert panel
Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system**

Report Recommendation	Lead Agency	Government response	Timeframe
<p>RECOMMENDATION 1: (p. 35) It is recommended that-</p> <p>a) a new staffing model be developed for the CMC's misconduct function of dealing with police complaints to improve public confidence in the structural independence of external oversight of police complaints and minimise police investigating police concerns; and</p> <p>b) the Crime and Misconduct Act 2001 be amended to provide that for the misconduct function in the +CMC insofar as it deals with complaints and allegations of misconduct against officers of the QPS</p> <p>i) current or former Queensland Police Service Officers cannot be appointed, employed, or otherwise engaged to the service of the CMC;</p> <p>ii) the CMC may arrange for the secondment or engagement of a member of the Australian Federal Police; another State or Territory police service; or the police service of another country, as may be prescribed by regulation. Former police who have served at least 5 years in a meritorious capacity in those jurisdictions may also be engaged in the CMC;</p> <p>iii) tenure should be limited to maximum of five years; and</p> <p>iv) secondment of QPS officers for joint QPS/CMC investigations, or for case-specific tasking that requires QPS technical skills or capacities (e.g. forensic services, training) may be approved through an inter-agency memorandum of understanding.</p>	CMC	<p>Supported To improve public confidence in the impartiality of investigations into police misconduct, the Government will amend the <i>Crime and Misconduct Act 2001</i> to ensure neither current nor former Queensland police officers can be employed by the CMC to conduct investigations into allegations of police misconduct.</p> <p>The proposed new model will require significant change management and it will be important that the police misconduct functions of the CMC are not adversely affected.</p> <p>The Government will transition to the new staffing model over a two year period. A transition plan will be developed to:</p> <ul style="list-style-type: none"> • Progressively remove serving and former Queensland; and police officers from the police misconduct area of the CMC within two years; • Implement immediate measures to stream police complaint investigations to teams that are predominantly civilian. <p>The CMC and QPS will develop a memorandum of understanding in relation to the future secondment of police to the CMC solely for investigations into matters that do not relate to police misconduct.</p> <p>The CMC will continue to engage QPS officers for areas other than police misconduct, such as witness protection, non-police misconduct, organised crime, joint taskforces and technical areas.</p>	2 years
<p>RECOMMENDATION 2: (pp. 48-50) It is recommended that-</p> <p>a) joint Code of Conduct training with CMC and ESC officers whose duties involve dealing with the other agency in the police</p>	QPS (& CMC)	<p>Supported The QPS and the CMC will conduct joint Code of Conduct training between relevant officers of the QPS Ethical Standards Command and the CMC Misconduct function. For</p>	Within 12 months

<p>complaints system be held as a matter of priority; and</p> <p>b) following Code of Conduct training, the QPS and the CMC jointly identify and resolve agreement on known contentious complaint handling practices (e.g. outcome advice letters, internal policies such as the use of coercive powers, and assessments).</p>	<p>the purposes of the transition period, the CMC and QPS will document agreed roles and responsibilities and policies and procedures in complaint handling.</p>	
<p>RECOMMENDATION 3: (p. 49)</p> <p>It is recommended that appropriate workforce management and transition plans be developed and implemented in the CMC and the QPS to give effect to the following strategies aimed at-</p> <ul style="list-style-type: none"> • minimising concerns of 'capture' or 'bias' from long periods of incumbency; • keeping workplaces fresh and alert, and protecting currency of skills; • increasing opportunities for more staff to gain experience in preventing and dealing with misconduct; and • supporting exchange of inter-agency experiences and perspectives: <p>a) a strategy of limited tenure (of no more than four years in each role) for the following ESC roles: Assistant Commissioner, ESC; Chief Superintendent (Operations Coordinator); Superintendent, Internal Investigations Branch; State Coordinator, Internal Investigations Branch;</p> <p>b) if Recommendation 1 (p. 35) is not approved, then a strategy of limited tenure (two years minimum, four years maximum) in respect of the QPS secondees in the Misconduct area of the CMC;</p> <p>c) if Recommendation 1 is approved, then a strategy of limited tenure (two years minimum, four years maximum) in respect of the QPS secondees in the Misconduct area of the CMC who deal with non-police complaints;</p> <p>d) a strategy of recognising the service of QPS officers in ESC, Professional Practice Manager, and CMC roles as a relevant consideration in favour of promotional merit within the QPS, to assist in recruitment to the roles and to recognise the organisational priority of quality service in this function; and</p>	<p>Supported</p> <p>The CMC already has a limited tenure policy in place for QPS secondees (four years maximum), although at present this does not apply to officers who joined the CMC prior to 1 July 2010. Application of the policy to officers who joined before 1 July 2010 and who deal with police complaints will be addressed as part of the transition plan in which serving officers will be removed within two years.</p> <p>Given the benefits of rotation, especially in relation to handling misconduct, the QPS will introduce similar limited tenure arrangements for senior roles in ESC. The QPS will amend its promotion policy to recognise the desirability of service in ESC, as a Professional Practice Manager or non-police misconduct roles in the CMC</p>	<p>Within 12 months for policy changes. Within 2 years for legislative changes.</p>

<p>e) a strategy that identifies and facilitates suitable secondment opportunities, or staff exchange programs, for officers of the CMC Misconduct area (including for 'senior officers') into the Queensland public service departments and agencies and for officers of public sector agencies into the CMC.</p>			
<p>RECOMMENDATION 4: (p. 49) It is recommended that a statutory preservation of rights provision in respect of officers at the CMC below 'senior officer' level (similar to section 249 of the Crime and Misconduct Act 2001) be made, as well as any other necessary legislative amendments to ensure that the current employment entitlements for officers of the CMC or of public sector agencies are not diminished or otherwise adversely affected by participation in the secondment and staff exchange strategy (see recommendation 3(d) above).</p>	DJAG	Supported	Between 6 months and 2 years
<p>RECOMMENDATION 5: (p. 50) It is recommended that the ongoing need for a maximum tenure of 15 years for assistant commissioners and 'senior officers' of the CMC (as provided for under section 247(3A) of the <i>Crime and Misconduct Act 2001</i>), be referred by the responsible Minister to the PCMC for its consideration in monitoring the CMC's progress in succession planning and recruitment strategies in the next three year review of the CMC in 2012.</p>	DJAG	Supported This issue will be referred to the Parliamentary Crime and Misconduct Committee in the course of the current three-yearly review of the CMC.	Immediate
<p>RECOMMENDATION 6: (p. 50) It is recommended that the Commissioner of Police and the Chairperson of the CMC exchange formal Statements of Expectations and of Intent to affirm their respective roles and what their agencies can contribute in making a mutual commitment to promoting public confidence in the police complaints and misconduct system and in the principles of section 34 of the Crime and Misconduct Act 2001. This exchange should occur every three years or within six months after the change of a chief executive, whichever occurs first.</p>	QPS & CMC	Supported The QPS and the CMC will prepare a formal Statement of Expectations and Intent upon commencement of the employment of the new Chair of the CMC and the new Police Commissioner in 2012.	Within 18 months
<p>RECOMMENDATION 7: (p. 50) It is recommended that the <i>Crime and Misconduct Act 2001</i> be amended to add an exceptional circumstances role for the Parliamentary Crime and Misconduct Commissioner in support of the section 34 principles.</p>	DJAG	Supported	Between 1 and 2 years

<p>RECOMMENDATION 8: (pp. 58-59) It is recommended that a new Police Complaints and Professional Standards Model (as summarised in Table 2) be approved, and include -</p> <p>a) simplifying the typology of conduct from five to three categories (including removing the definition confusion concerning 'misconduct');</p> <p>b) focusing devolution on responsibility for managing conduct improvement in the first instance by way of remedial intervention or local management resolution for all matters that do not indicate</p> <p>a sanction of dismissal or demotion, but with the flexibility to opt in a punitive element in specified circumstances;</p> <p>c) investigating and sanctioning when required by expedited procedures such as use of agreed facts and a show cause process on the papers, (with disciplinary hearings only in exceptional circumstances where the evidence is so complex or contested as to justify an oral hearing procedure); and</p> <p>d) actioning restorative justice principles as appropriate.</p>	<p>QPS, CMC & DJAG</p>	<p>Supported The Government will introduce the necessary policy and/or legislative changes to give effect to this recommendation.</p>	<p>2 years (subject to delivery of IT solution)</p>
<p>RECOMMENDATION 9: (pp. 65-66) It is recommended that in lieu of any additional monitoring powers, legislation be amended to provide for</p> <p>a) a new adjudicative power for the CMC to substitute a different disciplinary decision for new Category 1 and 2 matters (currently described as police misconduct and official misconduct)- including where the original QPS decision-maker decided-</p> <ul style="list-style-type: none"> • to impose a sanction the CMC considers inadequate; or • the allegation did not amount to misconduct; or • the allegation was not proved, but <p>excluding those matters the subject of an oral disciplinary hearing procedure; or where a decision was made not to commence disciplinary proceedings with respect to a police misconduct allegation.</p>		<p>Supported in part As the independent review panel found the timeliness of disciplinary decisions was impacted by the QPS 'overcooking' investigations to satisfy the CMC monitoring function, the Government supports legislative amendment for a simpler and more effective approach as outlined in Recommendation 9.</p> <p>In relation to recommendation 9 (d), the Government proposes the CMC retains its authority to institute proceedings at QCAT for Category 1 misconduct, either of the CMC's own volition or following a QPS decision to not commence disciplinary proceedings. The CMC will be given leave to institute a review of a Category 2 matter by QCAT, <u>but where the review relates to a QPS decision to not commence disciplinary proceedings, there will be no ability for the matter to be referred back to the QPS.</u></p>	<p>Between 1 and 2 years</p>

<p>b) the extinguishment of any right of review of the original QPS disciplinary decision upon the notice of a substituted decision by the CMC but those same rights of appeal for the subject officer to QCAT are preserved in respect of the substituted disciplinary decision made by the CMC, and would include a right of appeal to the QCAT for the QPS as employer.</p> <p>c) the possible delegation of the adjudicative power to the Chairperson of the CMC, or the Assistant Commissioner, Misconduct, only.</p> <p>d) a right of appeal for the CMC to QCAT for the new Category 2 and those Category 1 matters currently described as police misconduct, including ensuring a right of review for the CMC to QCAT of a decision to not commence a disciplinary proceeding with respect to a police misconduct allegation.</p> <p>e) specified timeframes for the new oversight powers, being- (i) for the adjudicative power: the CMC's notice to the QPS and the subject officer must be provided within 14 days of receiving notice of a decision of disciplinary proceedings under the Police Service Administration Act 1990; and (ii) for the QCAT review power: within 14 days of receiving notice of the decision.</p> <p>f) no power to assume responsibility for investigations (under section 47 of the <i>Crime and Misconduct Act 2001</i>) in respect of new Category 2 matters (currently described as Category B police misconduct matters but less those matters specified in an expanded section 40 direction under Recommendation 10 below).</p> <p>RECOMMENDATION 10: (p. 68) It is recommended that Category A misconduct matters be widened to include-</p> <ul style="list-style-type: none"> • unauthorised disclosure of confidential police information to a person involved or perceived to be involved in criminal activity and/or who is a member of an outlaw motorcycle gang or other criminal group; • a complaint involving a death in custody; • a complaint involving a serious injury in custody that is life-threatening; 	<p>This will ensure that there is no inadvertent 'looping' created by a situation where QCAT refers a matter back to QPS, where the QPS has previously determined that there is no basis to commence disciplinary proceedings. Instead, if QCAT decides that the matter requires further investigation, the CMC in its oversight role will be required to conduct the investigation.</p> <p>Further, the Government does not support recommendation 9(f), as the Government's view is that the CMC should retain the right to assume responsibility for investigations for all Category 1 and 2 matters, and not be limited to investigating only Category 1 matters.</p>	
<p>CMC</p>	<p>Supported</p>	<p>Within 6 months</p>

<ul style="list-style-type: none"> • a complaint involving an Indigenous person concerning an allegation of assault whilst in custody; • offence of taking reprisal under the <i>Public Interest Disclosure Act 2010</i>; • a complaint concerning a police officer who has a significant complaints history (to be defined by explanatory note); and • a complaint that a police officer or QPS staff member investigating an alleged Category A misconduct complaint, has improperly failed to carry out their duties in that investigation. 			
<p>RECOMMENDATION 11: (p. 70) It is recommended that the current Performance Planning and Assessment (PPA) process-</p> <p>a) be delinked from paypoint progression in the QPS; and</p> <p>b) be replaced as a matter of priority by a quality strategic performance management system as recommended by the (former) Service Delivery and Performance Commission (2008, at recommendation 40), and with its design also accounting for use in remedial and early intervention processes.</p>	QPS	<p>Supported A revised Performance Planning and Assessment is being progressed within the QPS.</p> <p>The new performance management system will focus on a continuous process of early intervention for unacceptable performance and behaviour and managerial action to address the behaviour and improve the conduct.</p>	Within 18 months
<p>RECOMMENDATION 12: (p. 71) It is recommended that the executive performance agreements for the chief executive officers and their executives in the QPS and the CMC include a performance measure for meeting key benchmarked timeframes in the police complaints system.</p>	QPS & CMC	<p>Supported The Government supports implementation of this recommendation from the next performance planning cycle, although it is acknowledged that full achievement of benchmarked timeframes will be contingent on full implementation of all recommendations.</p>	2 years (subject to delivery of IT solution)
<p>RECOMMENDATION 13: (p. 73) It is recommended that time savings be made at the initial assessment stage of complaints at the CMC through better information support for assessments and that a Joint Assessment process conducted in cooperation with the QPS as summarised in Appendix E, be approved.</p>	QPS & CMC	<p>Supported The Government notes that the QPS and the CMC are already progressing a joint assessment process. The joint assessment process is to focus on the “public interest” principle.</p>	Within 6 months
<p>RECOMMENDATION 14: (p. 79) It is recommended that timeframe benchmarks in Tables 6, 7 and 8 be adopted, subject to review within three years.</p>	QPS & CMC	<p>Supported with amendment The Government supports implementation of the benchmarked timeframes, but notes that the timeframes expected to be met by the CMC and the QPS do not take account of factors beyond the control of the CMC/QPS e.g. time taken for court processes (where it is agreed that the</p>	2 years (subject to delivery of IT solution)

		<p>outcome of court proceedings is essential to finalisation of a matter). Where specifically agreed between the CMC and the QPS (or the CEOs of the CMC and QPS), the clock may be stopped to allow for judicial processes. The clock will recommence as soon as an outcome is available.</p> <p>In instances of remedial or management intervention, there will be a 28 day timeframe for resolution except in exceptional circumstances. QPS polices will be amended to clarify how the exceptional circumstances will apply.</p> <p>Achievement of the benchmarked timeframes is contingent on implementation of the full suite of recommendations and progress will be reviewed in the second half of 2014.</p>	
<p>RECOMMENDATION 15: (p. 79) It is recommended that the QPS procedures and protocols be amended to permit CMC and ESC requests for evidence or information in support of their functions to be made directly to and from the ESC and the subject area at even a local level of the QPS.</p>	QPS	Supported	Within 6 months
<p>RECOMMENDATION 16: (p. 79) It is recommended that the section 40 Directions be amended to provide that the QPS can commence dealing with a matter notwithstanding its inclusion on the (expanded) Category A list, once 14 days has lapsed since the complaint was first provided to the CMC.</p>	CMC	Supported	Within 6 months
<p>RECOMMENDATION 17: (p. 81) It is recommended that the current situation where two discipline systems operate in the QPS (due to the Project Verity trials) should be remedied as soon as possible once further changes to the QPS system are determined.</p>	QPS & CMC	Supported	2 years (subject to delivery of IT solution)
<p>RECOMMENDATION 18: (p. 81) It is recommended that all policies and procedures documents concerned with the police complaints system should include an explanatory note that sets out the four essential principles: simple, effective, transparent and strong, as well as a statement of system fundamentals that must be taken into account in exercising discretions and in interpreting policies and procedures, and which include timeliness, risk management, restorative justice</p>	QPS	Supported	2 years

<p>principles, remedial intent, and devolution never to the same local level.</p>	<p>QPS</p>	<p>Supported In the interests of impartiality and timeliness the Government supports complaint investigations being removed from local operational units. The QPS will establish complaint management teams in the regions which comprise:</p> <ul style="list-style-type: none"> responsibility for central control of investigations and charges in the region lying with the Assistant Commissioner; all investigations to be conducted by Professional Practice Managers (PPMs) or Assistant PPMs, supported by ESC staff as necessary; and same time reporting by PPMs to Assistant Commissioners and ESC. <p>This model of complaints management will ensure investigations are kept at arm's length from the officer determining the matter.</p>	<p>2 to 3 years</p>
<p>RECOMMENDATION 19: (p. 85) It is recommended that complaints investigations should not be devolved to operational police at a local level but that centralising investigations at regional level under the management of PPMs and Assistant PPMs (and with greater ESC support), be approved.</p>	<p>QPS</p>	<p>Supported Changes will be implemented to reflect the changed role of the PPMs.</p>	<p>2 years</p>
<p>RECOMMENDATION 20: (p. 86) It is recommended that the critical capacity of the PPMs to improve the timeliness, efficiency, effectiveness and thus economy of the police complaints system is recognised as a priority organisational strategy, and is supported by</p> <ol style="list-style-type: none"> quality selection and recruitment strategies, including, <ul style="list-style-type: none"> (i) reassessment of the role of PPMs to indicate whether Superintendent or Inspector rank is appropriate under new arrangements and as an incentive for quality candidates; (ii) a new Professional Standards Stream for appointment of Inspectors, which is in addition to the current General, Education, Legal and Investigation Streams; (iii) entitlement for the ESC, and Assistant Commissioners in selection of PPMs, to have first selection rights from newly commissioned officers on a rotational turn basis with other commands such as Crime; and (iv) inclusion of the ESC in the selection process for PPMs (either through inclusion on the selection panel or in consultation with the ESC), determination and promotion throughout the QPS of a clear, supported, and dedicated new role for PPMs, including- 	<p>QPS</p>	<p>Supported Changes will be implemented to reflect the changed role of the PPMs.</p>	<p>2 years</p>

<p>(i) review and approval of a revised role statement for PPMs that is clear, current, and specific to the PPM role (not a generic Inspector role);</p> <p>(ii) wherever practicable, PPMs should be applied as a full-time professional standards resource;</p> <p>(iii) inclusion in, and support for, a broader responsibility for development and implementation of prevention and proactive risk minimisation strategies;</p> <p>(iv) an 'ethical network' of PPMs and ESC representatives for sharing learnings, developments in roles, and emerging risks - the CMC should have a standing invitation to participate in the ethical network also, in its capacity building function;</p> <p>(v) ICT improvements directly supporting the PPMs (and their Assistant Commissioners) in the regions in early intervention capability;</p> <p>(vi) encouragement of limited terms of appointment in PPM and Assistant PPM roles (minimum of two years and a maximum of four years) to ensure sufficient expertise in the role but minimise incumbency risks of capture or bias; and</p> <p>(vii) engagement of Assistant PPMs at Senior Sergeant and Sergeant level, as well as administrative staff support, as approved by region, on a case needs basis,</p> <p>(c) expert training and skills certification (as may be described in the specific role statements) for the PPM and Assistant PPMs; and</p> <p>(d) a feedback loop from PPMs in supporting effective QPS training through ensuring specific input by PPMs from their experience of the particular needs of their regions into ethical standards scenario based training packages developed by QPS, in consultation with the CMC, for targeted delivery to officers on a region by region basis.</p>		
<p>RECOMMENDATION 21: (p. 88) It is recommended that changes in the respective roles, responsibilities and procedures in the event of a police-related death, be agreed and resolved with the CMC, QPS and the Coroner as a priority.</p>	<p>CMC, QPS & DJAG</p>	<p>Supported The Government supports the execution of a Memorandum of Understanding (MOU) between the CMC, the QPS and the Coroner in relation to police-related deaths. The MOU will clarify roles and responsibilities, resourcing and conflict resolution.</p> <p>Between 6 and 12 months</p>

<p>RECOMMENDATION 22: (p. 89) It is recommended that in respect of the extent of investigations as provided for in the HRMM that guidance on the relevant factors to take into account in determining the 'public interest', be included.</p>	<p>QPS</p>	<p>Supported The Government will amend section 34 of the <i>Crime and Misconduct Act 2001</i> to clarify that consideration of the 'public interest' becomes a pre-condition of devolution. Further, the CMC and QPS will amend their guidelines to reflect the factors which should be considered in the 'public interest'.</p>	<p>2 years</p>
<p>RECOMMENDATION 23: (p. 89) It is recommended that PPM and investigator training ensure an understanding of the distinction between disciplinary standard of proof and the criminal standard as well as a competency in meeting procedural fairness without undue excess. That training should include decision-writing.</p>	<p>QPS</p>	<p>Supported Training on decision-writing and the difference between the standards of proof is already available, but training products will be modified by QPS for PPMs and ESC investigators to further strengthen these elements and address the issue of procedural fairness.</p>	<p>Within 2 years</p>
<p>RECOMMENDATION 24: (p. 90) It is recommended that the QPS and the CMC settle an agreed position concerning acting in good faith that includes a purported exercise of power on the mistaken or ignorant understanding of the law as a matter for remedial intervention. In the event that an agreed position is not settled between the QPS and the CMC, the matter should be made the subject of an appropriate reference to the Queensland Law Reform Commission.</p>	<p>QPS & CMC DJAG</p>	<p>Supported with amendment In the event the QPS and the CMC are unable to settle an agreed position concerning acting in good faith, the Attorney-General will consider options for resolution which may include referral to the Queensland Law Reform Commission.</p>	<p>Within 6 months</p>
<p>RECOMMENDATION 25: (pp. 91-92) It is recommended that the QPS amends the relevant policies dealing with</p> <p>a) sick leave or other health or fatigue related absence during a disciplinary matter to ensure it is addressed through-</p> <ul style="list-style-type: none"> • the written show cause notice processes, including benchmarked timeframes; • exercise of the discretion of the Assistant Commissioner, ESC, including a positive obligation on an officer responsible for dealing with a complaint to refer a matter to the Assistant Commissioner, ESC; and • assessment by the forensic medical officer, where appropriate. <p>b) Extended Sick Leave of Subject Members in s.18.2.5 of the HRMM should be amended to -</p> <ul style="list-style-type: none"> • remove 'extended' when referring to sick leave; and 	<p>QPS</p>	<p>Supported In the past the timeliness of resolution of complaints has been impacted by the absence of some officers on 'extended sick leave'. The QPS will amend policies to help achieve benchmark timeframes and establish a positive obligation of an officer dealing with a complaint to refer an extended sick leave matter to the Assistant Commissioner, ESC and assessment, where appropriate, to the forensic medical officer.</p>	<p>Within 12 months</p>

<ul style="list-style-type: none"> include consideration of risks and need for medical assessment as part of the decision to direct a subject member on sick leave to an interview. 			
<p>RECOMMENDATION 26: (p. 93) It is recommended that the ESC include in its business case for the replacement IT solution for the management of discipline and complaints, the ability to</p> <ol style="list-style-type: none"> maintain a central record of declared frivolous or vexatious complainants that should be checked in the initial vetting of all complaints in regions; and communicate to members the data, risks and treatments in place to manage evidence-based perceptions. 	QPS	<p>Supported in principle The Government supports a new IT solution which includes an enhanced capacity to record frivolous or vexatious complaints. However, the Government does not support the declaration of complainants as frivolous or vexatious.</p> <p>Instead, the Government prefers to have due regard to a person's complaint history (as recorded on the IT system) but this will not be the determinative factor in assessing what action should be taken in relation to new complaints.</p>	Minimum of 2 years
<p>RECOMMENDATION 27: (p. 95) It is recommended that an independent review be undertaken to -</p> <ul style="list-style-type: none"> consider whether the privilege from self incrimination should be abrogated in disciplinary as distinct from criminal matters; examine the direct and derivative use and disclosure of information obtained during disciplinary or coercive proceedings in the whole Queensland public sector (including in the police disciplinary context); identify an appropriate balance between competing public interests; and make recommendations that set out the circumstances when coercively obtained information or evidence cannot be used. 	DJAG	<p>Supported The Government recognises the need for an independent review to be undertaken in this matter. The Attorney-General will commission an independent review and provide a report to Cabinet with a recommended position.</p>	Within 12 months
<p>RECOMMENDATION 28: (p. 97) It is recommended that the Public Service Commission and the QPS review the first year of implementation by the QPS of the risk management approach under the <i>Public Interest Disclosure Act 2010</i>.</p>	PSC	<p>Supported The Public Service Commission will incorporate the review of QPS implementation of the risk management approach as part of an existing commitment to review the implementation of the Public Interest Disclosure Act. The PSC will work with officers of the QPS in the development of the terms of reference for this review. The QPS has commenced preparing for this review.</p>	12 months
<p>RECOMMENDATION 29: (p. 99) It is recommended that-</p> <ol style="list-style-type: none"> the QPS provides an open invitation for the CMC to attend any Operational Performance Review in its capacity building role, for 	QPS	<p>Supported The QPS Operational Performance Reviews have been attended by the CMC in the past, both upon invitation by the QPS and by request by the CMC. The QPS is committed to a</p>	Part (a) – immediate implementation

<p>the professional standards and ethical practice agenda; and</p> <p>b) an Early Intervention Working Party be established to support the continuous improvement and review cycle for the QPS Corruption Prevention Plan 2009-2013 and in particular in review of-</p> <ul style="list-style-type: none"> • early intervention strategies and tools and an examination of leading practice opportunities; and • specific treatments for 'at risk' officers and/or environments or workplaces. <p>The QPS working party should include the CMC and the unions.</p>	<p>collaborative relationship with the CMC and reaffirms its invitation for the CMC to attend future OPRs.</p> <p>The independent panel has highlighted the Corruption Prevention Plan 2009-2013 as an important prevention tool that can be further enhanced and supported through the establishment of an Early Intervention Working Party. The QPS will establish such a group, which will include the CMC and the Unions, to assist in the continuous advancement of prevention strategies within the Service.</p>	<p>Part (b) – within 12 months</p>
<p>RECOMMENDATION 30: (p. 102)</p> <p>It is recommended that-</p> <p>a) the Queensland Government, and the QPS, accord strategic and operational priority to the consideration and implementation of a new discipline and complaints management information technology system that responds to the urgent need for improvements in accessibility, integration and functionality to support a more timely and effective police complaints, discipline and misconduct system; and</p> <p>b) in the interim, the QPS and the CMC implement additional immediate measures to improve real time information access for the CMC to QPS complaints management data.</p>	<p>Supported</p> <p>The QPS will progress this recommendation through the development of a business case and, in consultation with the Government, the prioritisation of an appropriate IT system.</p> <p>The QPS has already addressed part (b) of this recommendation to ensure that the CMC has the necessary access to QPS complaints management data. The QPS has expanded the number of computer terminals at the CMC with access to such data, which will address the situation prior to the establishment of a new IT solution.</p>	<p>Part (a) – Minimum 2 years</p> <p>Part (b) – Implemented</p>
<p>RECOMMENDATION 31: (p. 104)</p> <p>It is recommended that, subject to amendments for privacy requirements, the QPS develop a report within the new Discipline and Complaints Management (IT) System that allows the publication of disciplinary information concerning decisions under the new police complaints and discipline system of substantiated matters involving a sanction of a reduction in rank or dismissal, on the QPS Bulletin Board and external QPS website.</p>	<p>Supported</p> <p>The QPS will progress this recommendation with the development of the new IT solution (see recommendation 30 above). All privacy obligations regarding the publication of information will be adhered to by the QPS, in consultation with the Department of Justice and Attorney-General.</p>	<p>Dependant on the roll-out of the new IT solution (2 to 3 years)</p>
<p>RECOMMENDATION 32: (p. 104)</p> <p>It is recommended that intranet and internet publication of de-identified disciplinary outcomes (including below sanction level of demotion) in the form of case studies focusing on topical issues be supported.</p>	<p>Supported</p> <p>The QPS will progress this recommendation and will consult with DJAG to ensure that all privacy obligations are fulfilled.</p>	<p>Between 6 and 12 months</p>
<p>RECOMMENDATION 33: (p. 105)</p> <p>It is recommended that the QPS continues a prevention program</p>	<p>Supported</p> <p>On 1 July 2009, the QPS released a matrix outlining indicative</p>	<p>Between 1 and 2 years and ongoing</p>

<p>that, through using matrices (such as the drink driving matrix) or other concise tools, communicates to members clearly and unambiguously the consequences of serious misconduct.</p>		<p>sanctions for a disciplinary matter involving an officer who was caught drink driving. This action was taken by the Service in recognition of the high standards of behaviour expected from Queensland police officers. The matrix was distributed throughout the Service and also publicly available.</p> <p>The independent panel noted the success of this initiative and the widespread praise the QPS has received. The QPS is continuing to look for opportunities to use such preventative tools to communicate its conduct expectations to its officers and to the wider community.</p>	
<p>RECOMMENDATION 34: (p. 108) It is recommended that except in cases where demotion or dismissal is appropriate, a prescribed officer should generally deal with the matter through Remedial Intervention unless there are circumstances, which in the opinion of the prescribed officer (in consultation with the ESC) warrant a disciplinary sanction.</p>	QPS	<p>Supported This approach lies at the heart of the proposed new police complaints, discipline and misconduct system. A system that is remedial in focus will work to correct officers' behaviour and effect real change in preventing future misconduct both in individual officers and within the organisation as a whole.</p>	1 to 2 years
<p>RECOMMENDATION 35: (p. 108) It is recommended that the available range of disciplinary sanctions be amended as detailed in Table 9 (at p. 107), which includes repeal of the sanction of reprimand, and replacement of the provision for two penalty units with a range of penalty units (of 10, 30 and 50), and that legislation be amended accordingly.</p>	QPS	<p>Supported While the new model for police discipline places remedial intent at its heart, it also provides for a strong punitive capability for appropriate circumstances. The punitive component of the system will be enhanced through, for example, allowing a range of penalty unit fines (10, 30 and 50) rather than simply 2 penalty units as currently exists.</p> <p>The Government supports the removal of the sanction of cautioning or reprimand, noting the importance that the new system places upon remedial and management intervention. If a matter is deemed worthy of a punitive response in the new model, then it will be appropriate to apply more serious sanctions than a caution or reprimand.</p> <p>The QPS will progress the required amendments to legislation to effect this recommendation, whilst consulting with DJAG on the appropriateness of the level of penalty units.</p>	Between 1 to 2 years
<p>RECOMMENDATION 36: (p. 108) It is recommended that the QPS make amendments to policy and procedures to ensure management action and remedial intervention is recorded on a member's personnel file and that the</p>	QPS	<p>Supported</p>	About 2 years (as part of IT solution)

files are provided to an officer in charge when the member transfers or moves on promotion.			
RECOMMENDATION 37: (p. 108) It is recommended that the prescribed officers authorised to determine the amended range of sanctions, namely Inspectors and above as detailed in Table 9 (at p. 107) be approved, and that legislation and delegated authorities be amended as necessary.	QPS	Supported	1 to 2 years
RECOMMENDATION 38: (p. 108) It is recommended that an indicative range of sanctions be provided to the prescribed officer with the investigation report as a matter of course.	QPS	Supported Legislation will be amended to provide for penalty points of ten, thirty and fifty units (with pay deductions commensurate with what is reasonable and the intent of the penalty), in addition to reductions in pay point, demotion and dismissal. The range of officers able to prescribe a punishment will also be broadened to include Superintendents and Chief Superintendents.	Between 1 to 2 years
RECOMMENDATION 39: (p. 110) It is recommended that the Police Service (Discipline) Regulations 1990 (and related policies and procedures manuals) be amended to permit remedial intervention, and other management initiatives concerned with the performance and conduct of an officer, either before, after or contemporaneously with formal disciplinary sanction processes (including investigations).	QPS	Supported	1 to 2 years
RECOMMENDATION 40: (p. 111) It is recommended that the power to suspend a sanction of dismissal, be removed.	QPS	Supported A sanction of dismissal is imposed for the most serious cases of misconduct where it is no longer appropriate for an officer to remain a member of the Service. To allow the suspension of such a sanction does not reflect the high standards expected of QPS officers by the community and the Service itself. The independent panel's recommendation reflects the view of the CMC in its <i>Setting the Standard</i> report [Recommendation8(b)].	1 to 2 years
RECOMMENDATION 41: (p. 111) It is recommended that the power to suspend a sanction other than dismissal be retained and used only where there are circumstances justifying imposition of penalty but mitigating circumstances warrant	QPS	Supported with amendment To ensure that appropriate monitoring is in place to limit the use of this suspension of sanction provision, QPS will report the number of instances of use by the PCMC in the annual <i>Ethical Health Scorecard for QPS</i> (Recommendation 47).	Part (a) – 1 to 2 years Part (b) – ongoing

<p>suspension.</p> <p>In respect of sanctions other than dismissal that the legislation be amended, to ensure-</p> <ul style="list-style-type: none"> • the presumption is against suspending a sanction; • sanctions are suspended only where particular circumstances justify suspending the sanction; • relevant mitigating factors are not first taken into account in the determination of sanctioning; and <p>b) the ESC subjects the frequency and appropriateness of the use of the suspension power to scrutiny.</p>			
<p>RECOMMENDATION 42: (p. 111) It is recommended that suspended disciplinary decisions should never be expunged from an officer's record.</p>	QPS	<p>Supported The QPS supports the proposition that suspended disciplinary decisions not be expunged from an officer's records. To assist in effectively managing staff (including correcting behaviour and addressing misconduct) it is important for the QPS to have a complete picture of an officer's conduct over the course of his or her service. This will allow the QPS to better assess any future issues and misconduct of officers.</p> <p>This recommendation will be implemented through amendments to the Police Service (Discipline) Regulations 1990 and subsequent changes to internal policy and procedure.</p>	1 to 2 years
<p>RECOMMENDATION 43: (p. 113) It is recommended that the <i>Police Service Administration Act 1990</i> be amended to provide that if a suspension without pay is proposed, then a 14 day show cause is required.</p>	QPS	<p>Supported</p>	6 to 12 months
<p>RECOMMENDATION 44: (p. 113) It is recommended that the <i>Police Service Administration Act 1990</i> be amended to provide that if a disciplinary charge is not brought against the subject officer within 90 days of the decision to stand down or suspend, then the decision to stand down or suspend is reviewable by the QCAT.</p>	QPS	<p>Supported in part Matters in which an officer is stood down or suspended fall into the most serious category, and often relate to serious misconduct or criminal investigations and charges. Stand down means officers attend work on full pay but do not have police powers. Officers are generally suspended without pay.</p> <p>Currently, only public service officers suspended without pay have a right of review. The Government supports a similar approach for police officers, so that only suspension without</p>	Between 1 and 2 years

		<p>pay is reviewable. Further, as disciplinary proceedings do not generally commence until criminal matters (or other hearings) are decided, an exception from the right to review will be provided in the Act for matters involving court proceedings.</p> <p>In the instances of exception, decisions of stand down or suspension will be reviewed by the Deputy Commissioner.</p>		
	QPS	<p>RECOMMENDATION 45: (p. 113) It is recommended that the QPS give further consideration to appropriate opportunities for including a civilian capacity in QPS governance mechanisms or quality control committees.</p>	<p>Supported</p>	Within 12 months
	QPS	<p>RECOMMENDATION 46: (p. 114) It is recommended that the legislation be amended to include review of action against an officer for breach of discipline in the QCAT's jurisdiction, instead of the current review available by a Commissioner for Police Service Reviews.</p>	<p>Not supported As a breach of discipline is generally a less serious matter, and review of these less serious breaches is more appropriately conducted by a Police Service Review Commissioner located within the CMC. This will align the treatment of police officers on a less serious disciplinary charge with the treatment of other public servants (who are initially dealt with by their respective agencies, with appeals heard by the Public Service Commission). It will also ensure that an appropriate threshold is maintained on matters that can be reviewed by QCAT, to ensure that QCAT resources are appropriately utilised.</p>	
	QPS & CMC	<p>RECOMMENDATION 47: (p. 116) It is recommended that the QPS and the CMC provide to the public, through the Parliamentary Crime and Misconduct Committee, a joint annual report <i>Ethical Health Scorecard for QPS</i> that includes an integrated, whole system account of performance and activities in misconduct prevention, risk management and performance management, and the operation of the police complaints, discipline and misconduct system.</p>	<p>Supported The QPS will work jointly with the CMC to develop the Scorecard, including the measures and independently validated data to be reported.</p>	2 to 3 years (subject to delivery of IT solution)
	QPS	<p>RECOMMENDATION 48: (p. 118) It is recommended that the QPS include as part of the IT solution for the discipline and misconduct system a receiving form to ensure that when a complaint has been assessed by a Commissioned Officer and entered onto the QPRIME system, an acknowledgement receipt is generated and provided to the complainant (either personally, by mail, email, sms).</p>	<p>Supported</p>	2 to 3 years (subject to delivery of IT solution)

<p>RECOMMENDATION 49: (p. 118)</p> <p>It is recommended that an additional step of acknowledging possible police complaints information for a member of the public attending at a local station should be adopted and included in the information technology transition from the current police complaints system to a QPRIME solution.</p>	<p>QPS</p>	<p>Supported with amendment</p> <p>While supporting acknowledgement of possible complaints received at local police stations, the Government believes that it would be unwieldy to require acknowledgement of all complaints at a local station, as many complaints are resolved immediately. Consideration will therefore be given to only counting matters where there is a reasonable suspicion misconduct has occurred and which have been assessed as a complaint.</p>	<p>2 to 3 years (subject to delivery of IT solution)</p>
<p>RECOMMENDATION 50: (p. 121)</p> <p>It is recommended that the capacity of QPS supervisors to deliver front-line leadership and management of ethical and professional standards be significantly improved by the development of an Integrated Supervisors' Capability Plan that includes-</p> <ul style="list-style-type: none"> a) integrity screening of officers before appointment or promotion to supervisory roles in the QPS (including a legislative framework based on the s.71 of the NSW Police Act 1990 precedent); b) supervisor induction training courses to support officers 'stepping up' into supervisor roles and supervisor-specific scenario-based components to model meeting the challenges of ethical and performance contextualised dilemmas such as 'managing mates' and policing in volatile and/or remote environments; c) stand alone Supervisor Professional Standards and Strategies Brief (reviewed regularly) as an ongoing ready resource for supervisors on-the-job, which includes a plain English concise summary of the roles and responsibilities of a supervisor including their obligations in the performance management and police complaints systems (with links to the various sources, further reference materials and recommended contacts for further advice or guidance such as for avoiding legal or grievance issues); as well as a range of the typical ethical and performance management scenarios and the best choices involved; d) regular mandatory refresher courses in supervisor training that involves the ESC and the CMC in course delivery/attendance to facilitate identification of areas of concern, and where further 	<p>QPS</p>	<p>Supported</p> <p>To build the capacity of QPS supervisors to lead and manage ethical and professional standards, the QPS will review its existing supervision training and identify further opportunities for improvement, including by way of the development of an Integrated Supervisors' Capability Plan.</p>	<p>Between 1 and 2 years</p>

<p>training and development is needed, as an early alert of supervisory concerns before a complaints pattern, or workplace morale picture, emerges for possible detection later in the system;</p> <p>e) consideration of a supervisors network or mentoring program, supported by the ESC and the CMC; and</p> <p>f) support in organisational knowledge management of staff concerning the conduct improvement or professional standards development of staff through timely and regional access to an integrated quality performance management system and police complaints, discipline and misconduct information technology management system.</p>		
<p>RECOMMENDATION 51: (p. 123) It is recommended that the ESC review its proactive communications and publication series-</p> <p>a) in consideration of a risks/needs analysis,</p> <p>b) in consultation with the CMC, the human resources management section of the department, and the executive and staff (e.g. sample or online survey), to develop an integrated ethical conduct and professional standards communication strategy with staff,</p> <p>that further develop its publications plan and communication outputs to include additional leading practice techniques from other jurisdictions, timely reminders of ethical obligations, and to respond to the needs and interests of QPS staff. Adverse media coverage of misconduct matters should trigger an opportunity for the ESC to communicate key misconduct messages and facts on current issues with staff.</p>	<p>QPS</p> <p>Supported The ESC has implemented a number of proactive measures to build misconduct resistance within the QPS and will continue to identify and implement best practice strategies in this area.</p>	<p>Between 12 to 18 months</p>
<p>RECOMMENDATION 52: (p. 124) It is recommended that in consultation with the CMC and relevant unions, a review and business case for targeted drug and alcohol testing consistent with developments of leading practice in other jurisdictions and occupations be conducted.</p>	<p>QPS</p> <p>Supported</p>	<p>Between 12 to 18 months</p>
<p>RECOMMENDATION 53: (p. 124) It is recommended that the CMC, in consultation with the QPS and in consideration of a QPS/CMC training needs analysis, develop and implement a regional training program in the QPS for</p>	<p>CMC & QPS</p> <p>Supported</p>	<p>Between 1 and 2 years</p>

<p>building QPS capacity in preventing and dealing with misconduct.</p> <p>RECOMMENDATION 54: (p. 124) It is recommended that the off duty application of the new Code of Conduct and Standard of Practice for QPS officers be confirmed through the chain of command and in direct communications with staff as soon as possible.</p>	<p>QPS</p>	<p>Supported The QPS has undertaken a number of steps to ensure its officers are aware of the strict standards which apply to them both on and off duty. The Code of Conduct and QPS Standard of Practice is part of an on-line learning package on ethical decision making and supplements an orientation booklet “Ethical Decision Making in the QPS” and the training course “Meeting the Challenge” which is delivered widely throughout the Service and to all recruits.</p> <p>The QPS will undertake further steps to ensure that there is no confusion for officers in the off-duty application of the Code of Conduct. Off-duty application is referred to in the QPS Standard of Practice (and will be updated in a review of the QPS Standard of Practice) and will be the focus of an article in the 2011 September edition of the Police Bulletin.</p>	<p>Within 6 months</p>
<p>RECOMMENDATION 55: (p. 125) It is recommended that a review of the resourcing numbers, skills mix and physical resources of the ESC and the misconduct function of the CMC be supported.</p>	<p>QPS & CMC</p>	<p>Supported The CMC’s <i>Setting the Standard</i> report recommended a review be conducted of the ESC. The recommendation by the independent panel has broadened the scope of any such review to include the CMC (Misconduct). The Government supports this broad review, recognising the important role that the CMC also plays in the system. In doing so, the Government also acknowledges the need to take account of the outcomes of the Parliamentary Crime and Misconduct Committee three yearly review of the <i>Crime and Misconduct Act 2001</i>, that is currently underway.</p>	<p>Within 2 years</p>
<p>RECOMMENDATION 56: (p. 126) It is recommended that a memorandum of understanding be negotiated between the CMC and the QPS to facilitate a timely and cooperative joint resourcing model in support of respective peakloads in preventing and dealing with misconduct.</p>	<p>QPS & CMC</p>	<p>Supported</p>	<p>Within 12 months</p>
<p>RECOMMENDATION 57: (p. 126) It is recommended that a business case be developed and assessed for a surveillance capability at the CMC dedicated to the misconduct function (i.e. the ready availability of surveillance resources not in competition with the crime functions), and available to the ESC as may be agreed with the CMC.</p>	<p>CMC</p>	<p>Supported The Government is supportive of the CMC, in consultation with the QPS and other relevant public sector agencies, developing a business case regarding the viability of a dedicated surveillance capability for misconduct.</p>	<p>Within 12 months</p>

		<p>The CMC will develop specific protocols to support the QPS and other public sector agencies in the making and assessment of requests for assistance from the CMC (which includes the exercise of a specific power such as surveillance).</p>	
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