

## SECTION F: PROFESSIONAL STANDARDS

The term *professional standards* relates to the Commissioner's expectations of all AFP appointees, including those in ACT Policing, that they will serve with integrity.

AFP Professional Standards, which sits within the AFP's Workforce Development and Culture function, is responsible for developing and maintaining the highest professional standards throughout the organisation, as well as overseeing and investigating complaints about the conduct of AFP appointees.

AFP professional standards are underpinned by the AFP Core Values (see Section D: Our Values) and the AFP Code of Conduct. Further information on the AFP Values and the AFP Code of Conduct is available on the AFP website ([www.afp.gov.au](http://www.afp.gov.au)).

### F.1 AFP PROFESSIONAL STANDARDS FRAMEWORK

The AFP's professional standards framework is governed by Part V of the *Australian Federal Police Act 1979* and the Australian Federal Police Regulations 1979.

This framework is further supported by internal governance such as the Commissioner's Order on Professional Standards and the National Guideline on Complaint Management. The Commonwealth Ombudsman and the Australian Commission for Law Enforcement Integrity (ACLEI) oversee the framework.

The AFP is committed to managing fraud and corruption risks as part of its everyday business and complies with the Australian National Audit Office Better Practice Guide on Fraud Control in Australian Government Entities. As a Commonwealth entity, the AFP has a Fraud Control and Anti-Corruption Plan which is subject to compliance with the Public Governance, Performance and Accountability Rule 2014 (Cth).

The Canberra community has the reassurance of regulation 18 of the Law Enforcement Integrity Commissioner Regulations 2017, which establishes a mechanism for the relevant ACT Government Minister to be informed about ACLEI's activities when investigating serious corruption and systemic corruption as defined by the *Law Enforcement Integrity Commissioner Act 2006*.

The AFP's current professional standards model adopts a tiered approach according to the seriousness of the breach:

- Category 1 conduct – relates to customer service matters
- Category 2 conduct – relates to minor misconduct
- Category 3 conduct – relates to serious misconduct including breaches of the criminal law or serious neglect of duty
- Corruption issues.

Complaints dealing with categories 1 and 2 of the AFP's professional standards are managed by line managers through the ACT Policing Complaint Management Team.

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More serious matters that may result in employment suitability consideration (category 3) are investigated by the AFP's Professional Standards area. Every category 3 matter is further reported to the Commonwealth Ombudsman for additional oversight.

Complaints/information about corrupt conduct of AFP appointees are immediately referred to ACLEI. Pursuant to section 26 of the *Law Enforcement Integrity Commissioner Act*, the Integrity Commissioner will determine whether a matter is investigated jointly with the AFP, solely by ACLEI or as an AFP-only investigation.

## F.2 ACT POLICING COMPLAINT STATISTICS

### Financial year 2017–18

During the financial year 2017–18 the AFP's Professional Standards received **161** complaints related to ACT Policing, resulting in **276** alleged conduct breaches being recorded.

TABLE F1. ALLEGED CONDUCT BREACHES RECORDED DURING LAST FOUR YEARS, BY CATEGORY <sup>1</sup>

ALL ACT POLICING BREACHES	2014–15	2015–16	2016–17	2017–18
Category 1	71	100	67	66
Category 2	155	131	120	143
Category 3	80	55	55	48
Corruption issues	15	10	9	19
<b>Total</b>	<b>321</b>	<b>296</b>	<b>251</b>	<b>276</b>

TABLE F2. ALLEGED CONDUCT BREACHES RECORDED DURING 2017–18, BY SOURCE

SOURCE	TOTAL BREACHES	PERCENTAGE
Anonymous member of the public	5	1.81%
Member of the public	162	58.69%
Reporting another AFP member	89	32.25%
Self-reported	20	7.25%
<b>Total</b>	<b>276</b>	<b>100%</b>

<sup>1</sup> Part V of the *Australian Federal Police Act 1979* defines the categories of conduct. Category 1 is the least serious category and predominantly relates to customer service breaches. Category 2 is minor misconduct and category 3 is serious misconduct. Corruption issues are referred to the Australian Commission for Law Enforcement Integrity.

TABLE F3. FINALISED CONDUCT BREACHES DURING 2017–18, BY CATEGORY <sup>2</sup>

ALL ACT POLICING BREACHES	ESTABLISHED	NOT ESTABLISHED	WITHDRAWN	DISCRETION NOT TO PROCEED
Category 1	7	59	2	6
Category 2	39	134	2	9
Category 3	16	66	1	11
Corruption issues	0	3	0	2
<b>Total</b>	<b>62</b>	<b>262</b>	<b>5</b>	<b>28</b>

TABLE F4. ESTABLISHED CONDUCT BREACHES DURING 2017–18

CONDUCT BREACH	NUMBER ESTABLISHED
Unauthorised discharge of conducted electrical weapon	10
Fail to comply with procedure	8
Inappropriate behaviour/conduct	6
Information release	4
Inappropriate behaviour/conduct – serious	4
Discourtesy	3
Due care/diligence failure	3
Fail to record and report	2
Conflict of interest	2
Misuse of authority	2
Property accounting failure	2
Breach of Commissioner’s Order 3 – non-serious nature	2
Information access	2
Inadequate service	2
Fail to declare association	1

<sup>2</sup> This table only includes matters where the case was finalised. This table includes matters reported before 1 July 2017.

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Fail to comply with direction	1
Use of force with injury	1
Theft	1
Misuse of AFP ID	1
Practice or procedure issue	1
Property-holding failure	1
Criminal misconduct	1
False information statement	1
False time recording	1
<b>Total</b>	<b>62</b>

TABLE F5. COMPLAINTS YET TO BE FINALISED<sup>3</sup>, AS OF 1 JULY 2018

Timeliness benchmarks are applied to each category, with a target of 90 per cent to be finalised within the specified number of days. The benchmarks are: 42 days for category 1 matters, 66 days for category 2 matters and 256 days for category 3 matters. Corruption issues fall under the *Law Enforcement Integrity Commissioner Act* and are not subject to a timeliness benchmark.

ALL ONGOING ACT POLICING COMPLAINTS	COMPLAINTS ONGOING	NUMBER OF COMPLAINTS OVERDUE	EXCEEDS 7 DAYS OVER BENCHMARK	EXCEEDS 30 DAYS OVER BENCHMARK	EXCEEDS 90 DAYS OVER BENCHMARK
Category 1	12	4	2	2	0
Category 2	20	7	2	4	1
Category 3	24	10	-	3	7
Corruption issues	27	-	-	-	-
<b>Total</b>	<b>83</b>	<b>21</b>	<b>4</b>	<b>9</b>	<b>8</b>

#### Complaint data

The complaint data contained in this report was extracted from the AFP's SAS Visual Analytics, which is a live system, updated on a daily basis. The data for this report was extracted and accurate as at 16 July 2018.

<sup>3</sup> This table includes all complaints recorded on the AFP's Complaint Recording and Management System that have a status other than finalised and relate to a member of ACT Policing.

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## TRENDS ANALYSIS

### Alleged conduct breaches submitted

While 2017-18 has seen an increase in total alleged conduct breaches (251 to 276), ACT Policing has observed a reduction in the number of alleged breaches reported over the longer term, decreasing a total of 14 per cent over the last four financial years, since 2014-15.

In 2017-18 ACT Policing has seen a significant increase in the number of complaint breaches arising from within the organisation, from AFP members reporting alleged misconduct of others and self-reporting. Combined, these internal sources of reporting make up 39.5% of complaint breaches (up from 25.1% in 2016-17).

This indicates a strong cultural commitment to the AFP Values and delivering on the expectations of the Canberra community.

Category 1 – ACT Policing as seen a decrease of 1.4 per cent over the last year and a 7 per cent decrease since 2014-15.

Category 2 – Whilst there has been an increase of 19 per cent (from 120 to 143) during this period, ACT Policing has seen a 7.7 percent decrease in this category since 2014-15.

Category 3 – These matters have decreased 12 percent since 2016-17 and 40 per cent since 2014-15.

ACT Policing has seen an increase in reports of alleged corruption, with 19 matters being reported during this reporting period (up from 9 in 2016-17). Each of these matters were referred to the Australian Commission for Law Enforcement Integrity (ACLEI) for investigation. ACT Policing are working with, office of the Ombudsman to determine any underlying causes for this increase and address gaps in workforce skills and knowledge.

The most consistent reported behaviours over the last two financial years involved:

- non-serious breaches of AFP Commissioner's Order 3, which governs the use of force and operational safety by AFP members
- inappropriate behaviour/conduct
- inadequate service and discourtesy.

This information is being examined by Professional Standards and ACT Policing to understand performance gaps and maintain a continuous improvement culture.

### Finalised conduct issues

In 2017–18, 357 conduct breaches (174 complaints) were finalised, a 42 per cent increase on the 250 conduct breaches (128 complaints) finalised in 2016–17.

In 2017–18, 73 per cent of all breaches were not established, compared with 57 per cent of all breaches in 2016–17.

ACT Policing, in collaboration with Professional Standards is currently undertaking work to determine any underlying factors in this increase.

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To maintain proper oversight and ensure AFP complaint investigations maintain integrity and fairness in practice and process, the Commonwealth Law Enforcement Ombudsman undertakes a review of randomly selected complaint investigations every year. For the Ombudsman reporting period, 1 March 2016 to 28 February 2017, the Ombudsman reviewed 431 AFP complaint investigations, of which 139 (32%) related to ACT Policing matters. No systemic issues were identified.

### **Established matters**

Whilst there has been an increase in not established matters, it should be noted there has also been an increase, when compared with the previous financial year, in established breaches (from 31 to 62). In 2017–18, 17 per cent of all breaches were established, compared with 12 per cent in 2016–17. The cause of these increases are not yet fully understood, however ACT Policing is working closely with Professional Standards in an effort to analyse these trends and identify underlying causes.

2017-18 observed 10 established findings of unauthorised discharge of conducted electrical weapons (CEW), a notable increase on the 1 established finding in 2016/17. The majority of these discharges were found to have occurred during function tests performed at the commencement of shift, during which officers are required to test the conducted electrical weapons to ensure they are in proper working order.

While this short term increase in established breaches is notable, this increase may be attributed to an increased distribution of CEW to ACT Policing officers. In late May 2018, the AFP also released changes to the CEW station test, load and unload process to enhance operational safety and where possible, mitigate the risk of unauthorised discharge.

2017-18 has also seen a notable increase in the number of established breaches related to serious inappropriate behaviour/conduct, with 10 breaches established, up from 1 in 2016-17.

Behaviours associated with established findings of inappropriate behaviour/conduct include inappropriate off-duty behaviours (such as intoxication and traffic offences), inappropriate personal or business relationships, and breaches of AFP Commissioner's Order 3 (which regulates the use of force and operational safety in the performance of duties).

ACT Policing and Professional Standards are continuing to examine data and developing trends to provide an evidenced based approach to education, prevention and professional standards enhancement. ACT Policing, in collaboration with Professional Standards, continues to promote positive cultural change across ACT Policing via direct to member publications, interactive training courses and professional mentoring programs. These approaches are key to improving cultural change.