



# **ACT POLICING COMPLAINTS REPORT**

**JULY – SEPTEMBER 2015**

## AFP Professional Standards Framework

- The AFP's Professional Standards framework is governed by Part V of *the Australian Federal Police Act 1979* (Part V) and the *Australian Federal Police Regulations 1979*. This framework is further supported by internal governance such as Commissioner's Order 2 on Professional Standards and the National Guideline on Complaint Management.
- The AFP's current professional standards model adopts a tiered approach according to the seriousness of the breach of Professional Standards:
  - 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.
- Complaints dealing with minor breaches (category 1 and 2) of the AFP's professional standards are managed by line managers through the Complaint Management Team, who are best placed to deal with minor misconduct.
- More serious matters that may result in employment suitability consideration (category 3) are investigated by the AFP's Professional Standards area with oversight from the Commonwealth Ombudsman.
- All complaints of corrupt conduct by AFP appointees are referred to the Australian Commission for Law Enforcement Integrity (ACLEI) which may investigate the complaint, undertake a joint investigation with the AFP or refer the matter back to the AFP.

## ACT POLICING COMPLAINT STATISTICS

### July – September 2015

During the third quarter in 2015 (July - September) the AFP's Professional Standards unit received 35 complaints, resulting in 76 alleged conduct breaches being recorded.

TABLE A1. ALLEGED CONDUCT BREACHES RECORDED DURING JUL -SEPT, LAST FOUR YEARS, BY CATEGORY <sup>1</sup>

ALL ALLEGED ACT POLICING CONDUCT BREACHES <sup>2</sup>	Jul - Sept 2012	Jul - Sept 2013	Jul - Sept 2014	Jul - Sept 2015
Category 1	29	40	14	24
Category 2	56	44	29	39
Category 3	45	32	18	10
Corruption issues	1	1	7	3
<b>Total</b>	131	117	68	76

TABLE A2, ALLEGED CONDUCT BREACHES RECORDED DURING THE LAST 12 MONTHS, BY CATEGORY

ALL ALLEGED ACT POLICING CONDUCT BREACHES	Oct - Dec 2014	Jan - Mar 2015	Apr - Jun 2015	Jul - Sept 2015
Category 1	9	23	21	24
Category 2	35	50	31	39
Category 3	22	31	17	10
Corruption issues	3	3	2	3
<b>Total</b>	69	107	71	76

<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.

<sup>2</sup> In the AFP's Complaint Recording and Management System the overall category of a complaint is determined by the most serious conduct breach applied. As such, some of the category 1 and 2 breaches above may belong to a higher category complaint.

TABLE A3. ALLEGED CONDUCT BREACHES RECORDED DURING JUL - SEPT 2015, BY SOURCE

SOURCE	ALLEGED CONDUCT BREACHES	PERCENTAGE
Anonymous member of the public	1	1.3%
Member of the public	60	79.0%
Reporting another AFP member	15	19.7%
Self-reported	0	0.0%
<b>Total</b>	<b>76</b>	<b>100%</b>

The number of alleged breaches by source relates to the following number of complaints received: 25 from members of the public, 1 from an anonymous person, and 9 were from AFP appointees reporting another AFP appointee.

TABLE A4. FINALISED CONDUCT BREACHES DURING JUL – SEPT 2015, BY CATEGORY <sup>3</sup>

ALL FINALISED ACT POLICING CONDUCT BREACHES	ESTABLISHED CONDUCT BREACHES	NOT ESTABLISHED CONDUCT BREACHES	WITHDRAWN	DISCRETION NOT TO PROCEED
Category 1	5	16	0	1
Category 2	4	10	1	5
Category 3	11	6	1	7
Corruption issues	1	0	0	1
<b>Total</b>	<b>21</b>	<b>32</b>	<b>2</b>	<b>14</b>

<sup>3</sup> This table only includes matters where the case was finalised. This table includes matters reported prior 1<sup>st</sup> July 2015

TABLE A5. ESTABLISHED CONDUCT BREACHES<sup>4</sup> DURING JUL – SEPT 2015

ESTABLISHED CONDUCT BREACHES	NUMBER ESTABLISHED
Failure to Act	2
False Time Recording	2
Information Access	2
Information Misuse	2
Breach of CO3 Failure to secure ammunition/accoutrements	1
Bullying	1
Diligence Failure	1
Discourtesy	1
Driving Misconduct	1
Drug Misconduct	1
Fail to comply with procedure	1
False Information / Statement	1
Inadequate Service	1
Misuse of Authority	1
Neglect of Duty	1
Supervision Failure	1
Theft of equipment	1
<b>Total</b>	<b>21</b>

<sup>4</sup> Breach of CO3 matters relate to the AFP Commissioner's Order on Operational Safety and gives effect to the AFP operational safety policy on using reasonable force.

TABLE A6. BREACHES YET TO BE FINALISED<sup>5</sup>, AS OF OCTOBER 10<sup>th</sup> 2015

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 LEIC 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	11	7	5	2	1
Category 2	15	4	10	3	-
Category 3	46	20	20	18	17
Corruption issues	15	-	-	-	-
<b>Total</b>	<b>87</b>	<b>31</b>			

### Complaint Trends / Systemic Issues

The overall number of conduct breaches submitted during the third quarter of 2015 has increased from the corresponding period in 2014, but has still decreased overall with respect to the last four years.

There has been a 7 per cent increase in alleged conduct breaches across all categories from the previous (Apr – Jun 2015) quarter and 12 per cent increase compared to the same period in 2014. However, the number of complaints received has decreased, 22 per cent from the previous quarter and 7 per cent from the same period in 2014.

Over the course of the last financial year the number of breaches has seen a gradual increase, with the exception of a spike in Jan – Mar 2015; Analysis of the complaints received during the Jan – Mar 2015 quarter, compared to previous quarters, has not revealed any particular cause for the increase in that quarter. Overall there has been a gradual increase in breaches alleged, while complaints received have decreased. This trend has been observed across the wider AFP over the last 6 months and no external factors have been identified that might have caused this increase. It appears to be a result of greater diligence on the part of PRS and complaint managers making efforts to address secondary complaint elements either in the initial assessment or throughout the investigation. Alleged corruption breaches have remained stable over the previous four quarters: down 57 per cent on the same period in 2014, but a small increase compared to the Jul – Sept quarter for 2012 and 2013.

### Finalised Conduct Issues

<sup>5</sup> This table includes all complaints recorded on the AFPs Complaint Recording and Management System (CRAMS) that have a status other than finalised and relate to a member of ACT Policing.

There were a total of 69 conduct breaches finalised during the July – September 2015 reporting period. Of these breaches, 21 were found established, equating to 30.4% of all conduct breaches raised against members of ACT Policing.

### Complaint data

The complaint data contained in this report was extracted from the AFP's Complaints Recording and Management System, which is a live system, updated on a daily basis. The data for this report was extracted and accurate as at 09 October 2015.