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Crime & Misconduct & OLAB 2014 Submission 017

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4/4/2014

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Reference your 11.1.43.c of 20 March 2014

Dear Sir/Madam

Submission - Crime and Misconduct and Other Legislation Amendment Bill 2014

Following the Fitzgerald Inquiry the Criminal Justice Committee and the Queensland Crime Commission were established to reduce corruption within the Queensland Police Service. Subsequently the Beattie government abolished these entities and produced a watered down replacement, the Crime and Misconduct Act. Judging by the memo you sent me (referenced above) the proposed act appears to be aimed at watering the legislation down even further.

In your memo you say that the government will try to achieve certain "policy objectives" and "to refocus it (i.e. the commission) on more serious cases of corruption and reduce the number of complaints the commission is to deal with and investigate." ??

What does this mean? Does it mean that if a policeman steals cash or property to a value of less than \$x, or assaults someone causing non-lethal injuries that any complaint from the

aggrieved party will be either ignored or handed over to the offending policeman's fellow officers for resolution? (This seems to be essentially what happens now in many cases.)

The complaint I made about the theft of approximately \$400 (in 2006 dollars) by a policeman was far less serious than what was uncovered by the Fitzgerald Inquiry or what happened on Palm Island in 2004, but an underlying factor in these examples was the misguided loyalty to their colleagues that police officers seem to place above their responsibility to uphold justice and the law. Perhaps this display of "loyalty" is a way for police officers, tasked with investigating a complaint, to avoid the wrath of their fellows, being ostracised and called a dog etc. should they, however honestly, find one of their number guilty of a crime. An investigating body completely independent of the QPS should handle all complaints against police officers. (All Government Departments should have complaints against its officers handled independently.)

To show how simple it is for an investigating police officer to dismiss a genuine complaint, I will briefly describe something that happened when my complaint was "investigated".

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The lack of an effective complaints handling process is a major factor leading to corruption within large organisations like the QPS, as corruption can spread from any level of the organisation to any other level. Mainly because of featured media articles and a dutiful Acting Premier the Fitzgerald Inquiry was established and revealed rampant corruption within the QPS, and legislative action was taken to reduce it. (Organizations run by humans

will never be completely free of corruption, but this is no excuse for not trying to minimise it.)

As part of an effective complaints processing procedure, the body responsible for processing complaints against police officers should be completely independent of the QPS and politicians, and should also compile the relevant statistics so that we really know what is going on. At present these crime statistics seem to be produced, at least in part, by the QPS itself, which raises doubts about their accuracy and objectivity.

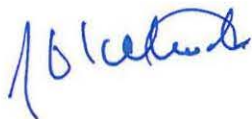
Another important recommendation of the Fitzgerald Inquiry was that the Police Commissioner should come from a jurisdiction other than Queensland. If this recommendation was ever adopted, the Commissioner should have the full support of the State Government and should not be treated the way Ray Whitrod was.

Your memo Reference 11.1.43.c of 20 March 2014 seems to indicate that the present government is heading in the same downwards direction started when the CMC Act was passed, a direction that will more than likely lead to the evolution of another "pre – Fitzgerald" landscape within the QPS.

Perhaps one day Queensland will have a Premier and State Government capable of realising the harm done to ordinary Queenslanders by corrupt individuals within government departments and agencies, and be competent enough to frame appropriate laws for minimising this corruption. "The buck stops here."

Yours sincerely

J.D. Ketwick



4/4/14