Review of the Crime and Corruption Commission's activities

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Prenzler and Ransley Pre-print Queensland Chapter for Prasser ACCs Book.pdf
Prenzler and Maguire 2023 Reforming Queensland s police complaints system recent inquiries and the prospects of a best practice model.pdf
Prenzler et al 2025 The Police Ombudsman for Northern Ireland.pdf

Dear Sir/Madam

Thank you for the invitation to make a submission to the Queensland Parliamentary Crime and Corruption Committee's Five Review of the Crime and Corruption Commission (CCC).

This is a joint submission from me, Professor Tim Prenzler, University of the Sunshine Coast; and Professor Janet Ransley, Griffith University.

Our view is that the CCC requires major reform to be as effective as possible in preventing and remedying public sector corruption issues in Queensland.

As a matter of urgency, the Police Integrity Unit proposed by the 2023 Richards' Inquiry report should be fully implemented. This would also address the recommendations of the 2022 Mazerolle et al review, that the CCC independently investigate all police-related deaths.

More generally, the CCC needs to be much more engaged in directly investigating and preventing a wider range of unethical conduct across the public sector.

Our views on these issues are evidenced in the research findings reported in the following three publications, attached to this email:

Prenzler, T., & Ransley, J. (2025). Queensland's anti-corruption commission: History and critique. In S. Prasser & D. Clune (Eds.), *Strengthening trust: Australia's anti-corruption bodies*. Connor Court.

Prenzler, T., & Maguire, M. (2023). Reforming Queensland's police complaints system: Recent inquiries and the prospects of a best practice model. *Current Issues in Criminal Justice, 35*(3), 324-339.

Prenzler, T., Maguire, M., & Porter, L. E. (2025). The Police Ombudsman for Northern Ireland: A model agency for managing complaints against police and optimising police integrity? *Current Issues in Criminal Justice*. Online pre-print, 1-20.

Thank you for considering this submission.

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Prenzler, T., & Ransley, J. (2025, in press). Queensland's anti-corruption commission: History and critique. In S. Prasser & D. Clune (Eds.), *Strengthening trust: Australia's anti-corruption bodies*. Connor Court.

The creation of an independent anti-corruption agency was one of the primary recommendations of the ground-breaking 1989 Fitzgerald Report on corruption in Queensland. The resulting Commission included aspects close to a model agency as prescribed by Fitzgerald and supported by the scientific literature on public sector integrity management. Subsequently, the Commission was undermined by its own practices and legislative changes from successive governments, so that by 2025, 35 years later, it appears as a hollow shell of what was intended and what is needed. The best that can be said for this large and expensive organisation is that it appears to have conducted some successful investigations and prosecutions, exposing and shutting down targeted corruption incidents and schemes. However, the larger project of ethical conduct in government remains incomplete. Inquiries and critiques have shown the way forward through independent inquisitorial and restorative processes, promotion of higher ethical standards, and a more proactive prevention framework.

Introduction

This chapter adopts a narrative format that identifies major changes in the structure and operations of Queensland's anti-corruption commission, and associated rationales and critiques. Sources include Commission reports, inquiry and review reports, signal event analyses, media accounts and academic assessments. Many of the controversies over the Commission's performance have been centred on corruption involving police and politicians, although its approach to public sector probity as a whole has also been criticised. The commission has not reached its full potential due to declining performance and progressive capture by government agendas. The chapter ends by summarising the main assessments, making a clear set of recommendations to ensure best practice.

Origins: The Fitzgerald Inquiry, 1987-1989

In 1987 the Queensland Government was sufficiently embarrassed by repeated media exposés of corruption that it initiated the *Commission of Inquiry Pursuant to Orders in Council*. The 'Fitzgerald Inquiry' identified corruption across the public sector including numerous systemic abuses within the police (Lewis et al 2010). Politicians protected corrupt police from independent scrutiny through a system of internal investigations of complaints and disclosures. An ineffective form of oversight was provided by a token Police Complaints Tribunal. Political corruption was facilitated by the absence of enforceable ethical standards and independent institutions, maintained by a skewed electoral system. Fitzgerald recommended wide-ranging reforms, including the establishment of an anti-corruption commission.

The Fitzgerald (1989) Report set out the basics of what the anti-corruption agency should do, including an independent complaints management and investigations system – consistent with procedural justice principles – with a strong focus on police accountability and protecting internal whistleblowers. The Criminal Justice Commission (CJC), established by legislation in 1989 by the outgoing conservative government, was meant to serve as a permanent independent inquisitorial agency which would "receive complaints of misconduct or suspected misconduct … against police or other public officials" (Fitzgerald 1989: 374). Matters with sufficient evidence of criminal law breaches could be referred to the public prosecutor, while those involving "official misconduct" – "a broad term describing the misuse of authority and abuse of office by public officials" – were intended to be dealt with directly by the Commission (pp. 365, 386). These were administrative or disciplinary matters where the lower civil standard of evidence applied. Actionable cases would be pursued in an independent tribunal with authority to set administrative penalties, "including dismissal, reduction in rank, fines and forfeiture of benefits" (p. 315). Complaints against police considered "trivial or purely disciplinary" were referrable to the police for internal management, but with the Commission and police officers able to appeal outcomes to the tribunal. In an unusual move, Fitzgerald also recommended that the CJC facilitate coordination of the criminal justice system as well as combat serious and organised crime. These recommendations arose out findings of disfunction in these areas.

The system set out by Fitzgerald was carried through in the language of the *Criminal Justice Act 1989*. This included an organisational structure for the CJC involving five main divisions: Official Misconduct, Witness Protection, Research and Coordination, Intelligence, and Misconduct Tribunals (s19(1)). The lead definition for official misconduct was broad, including conduct by any person "that adversely affects, or could adversely affect, directly or indirectly, the honest and impartial discharge of functions or exercise of powers or authority of a unit of public administration or of any person holding an appointment in a unit of public administration" (s2.23(a)). While existing offences such as bribery and assault could still be dealt with criminally where sufficient evidence existed, the definition of official misconduct also covered a broader spectrum including unethical behaviour often considered minor, such as receipt of gifts or misuse of information, while requiring a lower standard of evidence. The commission was afforded broad inquisitorial powers modelled on those held by ad hoc royal commissions, including the capacity to hold public hearings, publish reports, compel self-incriminating evidence, and to use covert investigative methods. Political oversight of the Commission's work occurred through a cross-party Parliamentary Committee. Electoral reform was taken up by an Electoral and Administrative Reform Commission (EARC) (Ransley 2010).

The Criminal Justice Commission, 1990-2001

A 2004 Commission report claimed that, true to Fitzgerald's vision, "from its inception", the CJC "vigorously investigated all complaints of police misconduct or official misconduct that were deemed to warrant investigation" (Crime and Misconduct Commission 2004: 4). Despite this positive assessment, there were, in fact, early indicators of a retreat from a comprehensive approach to investigations and adjudication. The *Criminal Justice Act* originally required the Commission to "investigate all matters of complaint or information" related to "misconduct" for police and higher level "official misconduct" for other public officials (s2.20(2)(d)). The word 'all" was deleted from the Act in 1992, authorising the Commission to refer complaints back to government departments for internal investigation. The Commission's leadership claimed that its oversight prevented bias. However, in the police case, the shift back to internal investigations occurred despite the CJC later stating that "the QPS has not yet demonstrated the ability to effectively and impartially investigate complaints of misconduct against its own members" (1996: 21). The Commission also claimed that its jurisdiction over "official misconduct" was limited to matters that were either criminal or could result in a person's dismissal, and exclusively criminal in relation to elected officials (Criminal Justice Commission 1992a: 16, 41).

This interpretation came to prominence with the 1990-1992 "travel rorts affair", serving as one of the Commission's first major public performance tests and highlighting perennial problems with investigating elected politicians. The matter was brought to attention by media reporting. The investigation revealed 54 members of parliament engaged in 225 journeys which could not be justified in terms of parliamentary duties, and which amounted to "abuse of entitlements" (Criminal Justice Commission 1992b: 82). Some cases were blatant, including family holidays, and trips to sporting events and concerts. Several ministers were forced by public and political pressure to resign their portfolios, although not at the direction of the Commission. The public prosecutor advised that evidence for prosecutions was limited – due in part to the destruction of documents and in part to the absence of clear guidelines on how parliamentary entitlements should be used. No charges were laid, and no names were published, in what were, in many instances, clear cases of theft and fraud (Walker 1992).

Consistent with this problem of under-enforcement, the Commission was unable to generate adequate reforms across a range of areas of ethical risk in the public sector. These included gifts and benefits to senior public servants, especially in association with government procurement; non-competitive appointments; conflicts of interest; and politicisation of the Police Service (Prenzler 2009). The most high-profile case of politicisation involved a secret commitment by conservative party leaders to reduce the powers of the Commission in return for electoral support from the main police union.

In 1997, the CJC published a major assessment of police reform (Criminal Justice Commission 1997). The report noted that complaints against police had increased – something to be expected as public confidence in the complaints system improved. At the same time, there were indicators of improvements in police conduct, with reduced complaints in the areas of duty failure, fabrication of evidence and serious assault. The substantiation rate for investigated complaints rose from approximately 14% before the Fitzgerald Inquiry to an average of 27% per year in the four years after

the establishment of the new system (pp. 60-62). Survey data showed an improvement in public confidence in police probity. Key data were missing nonetheless, especially regarding complainants' and whistleblowers' experiences of the new system.

The 1997 report on police reform also identified a significant undermining of the Fitzgerald recommendations on discipline. The CJC referred judgements to the Police Service for action, and many of the matters were rejected as unsubstantiated or downgraded to reprimands or counseling. In addition, the central role of misconduct tribunals, as envisaged by Fitzgerald, was largely abandoned due to delays and numerous dismissals of cases related to an "excessively legalistic" approach (Criminal Justice Commission 1996: s3.15). The same applied to matters sent to the public prosecutor.

One of the most concerning aspects of the CJC's operations was its abrogation of the responsibility for independent investigations. Fitzgerald referred to a mix of seconded police and specialist civilian staff in the new Commission (1989: 313). However, the CJC was almost entirely dependent on police to carry out investigations, with limited supervision by lawyers in a situation conducive to regulatory capture. The problem was exacerbated by a trend towards referring complaints to the Police Service for processing. In 1994, 64% of public complaints were referred to police for investigation, 18% were investigated by the CJC and 7% investigated by both the CJC and the Police. However, the investigations by the CJC were most likely to be carried out by police officers on secondment (Criminal Justice Commission 1994: 53).

The move towards referring cases to police resulted from initial difficulties managing the volume of work, described as "an avalanche of complaints flowing from the release of a pent up demand for an independent investigation of complaints against police" (Criminal Justice Commission 1996: 13). In 1991, the Commission had published an analysis showing it was grossly understaffed compared to similar agencies (Criminal Justice Commission 1991: 16-18). With approximately 13 investigators reportedly on duty, the Commission received 1,918 complaints, with approximately three-quarters concerning police (pp. 31, 33, 53). At the same time, the government reported that the Commission was still in the process of hiring staff in 1990-91, and in 1991-92 had only spent $17 million out of the $20 million appropriated by parliament (Queensland Parliament 1992). The staff establishment was reported to be 263, including 93 police. Instead of adequately staffing the complaints section, the Commission sought and obtained discretion over responses to complaints (Criminal Justice Commission 1992a: 17).

As the revelations of slippage piled up, informed stakeholders – including complainants, witnesses, journalists, civil libertarians and academics – became increasingly disenchanted with the Commission (Prasser and Aroney 2009; Prenzler 2009; Woodyat 1992). According to the Director of the Official Misconduct Division, the restricted jurisdiction of the CJC "is one of the problems that vexes the general public and the persons who approach us" (Senate Select Committee on Unresolved Whistleblower Cases 1995: 40). In 1995, Journalist Phil Dickie – whose investigations led to the Fitzgerald Inquiry – referred to the CJC as "a useful repository for burying complaints" (in *Good Weekend* 1995: 26). A rare report on complainant experiences found that 72.3% were dissatisfied with the formal investigation of their complaint, with 53.5% "very dissatisfied" (Criminal Justice Commission 1994: 60).

The travel rorts scandal was a "signal event" covered in the media, bringing public attention to key issues in the work of the Commission. Other events in this category similarly highlighted structural and cultural problems which prevented the CJC from ensuring genuine reform and accountability (Prenzler 2009). Amongst these were the death of Indigenous men Daniel Yock and Cameron Doomadgee in police custody in Brisbane and Palm Island respectively, the abduction of Aboriginal children in the "Pinkenba Six" case, the tasering of a 16-year-old girl at Southbank, and a Youtube video of a vicious assault by a police officer on a handcuffed man in the Surfers Paradise Police Station. These cases evinced a failure to bring the protagonists to justice and embed effective preventive systems, including through implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody regarding harm minimisation in custody procedures (Johnston 1991).

The Crime and Misconduct Commission, 2002-2014

Instead of correcting these deficiencies, the Beattie Labor government cemented them in new legislation for a modified agency named the Crime and Misconduct Commission (CMC). This involved undoing a restructure by the conservative Borbidge government which had relocated the crime fighting function

of the CJC to the Queensland Crime Commission. This had allowed each agency to focus on its specialist area. The new name signalled a purported greater focus on combatting serious and organised crime, but it also indicated a further retreat from public sector integrity management (Lewis 2010; Prasser and Aroney 2009). The new Act also removed the failed criminal justice coordination function of the Commission, and the misconduct tribunal function was moved to the Queensland Civil and Administrative Tribunal.

The *Crime and Misconduct Act 2001* made explicit the "devolution" principle which had been applied by the Commission to complaints since the early-1990s. This meant that, "subject to the cooperation and public interest principles and the capacity of the unit of public administration, action to prevent and deal with misconduct in a unit of public administration should generally happen within the unit" (s 34(c)). By 2002-03, with a budget of $30.5 million and 298 staff, 155 investigations were finalised by the CMC, representing approximately five percent of the 2,946 complaints of alleged misconduct; with 22 percent of investigations resulting in recommendations for criminal or disciplinary charges (Crime and Misconduct Commission 2003: 5, 62).

The new CMC also saw the introduction of "managerial resolution" for complaints against police, built on earlier experiments with informal resolution. The experiments had shown some success in improving complainant and police officer satisfaction through senior officers meeting with complainants and, in many cases, offering an apology. At the same time, most complainants clearly wanted an independently managed face-to-face mediation process, with support for this evidenced in a successful pilot project (Riley et al 2020). Managerial resolution was intended to improve processing times and take a less legalistic approach to complaints, enabling a focus on behavioural change (Crime and Misconduct Commission 2004). However, the program increased police control with no evidence of improved outcomes in terms of participant satisfaction or improved police conduct.

Signal events in the period of the CMC included recurring scandals over wide-ranging abuses by police, especially on the Gold Coast (Crime and Misconduct Commission 2011). The problem included police accepting numerous services from businesses, some of which compromised police impartiality. A subsequent campaign by the Police Commissioner to stamp out discounts and free services, featured in the media, failed in the face of a backlash from the police union (Prenzler et al 2013). Across 2009-11, a series of reviews were triggered by widespread dissatisfaction with the complaints system (Crime and Misconduct Commission 2010b: xii). The *Three Yearly Review* of the CMC by the Parliamentary Crime and Misconduct Committee (2009: 29) noted the following in relation to devolution:

> The Committee frequently receives feedback from members of the community expressing concern that their complaints about officers of a public sector agency have been devolved back to that agency for investigation, the argument often being raised that the process of devolution is akin to "Caesar judging Caesar." The Committee recognises that these are validly held concerns and that devolution is an aspect of the Commission's misconduct function that has perhaps the greatest potential to erode public confidence in the independence and integrity of the Commission as an oversight agency.

In response, the Committee recommended greater use of independent investigations. Soon after this, the Commission released its *Dangerous Liaisons* report, which documented extraordinary privileges granted by police to prison informants. The report revealed that police had failed to act on earlier complaints referred to them by the CMC, thereby allowing the problem to grow (Crime and Misconduct Commission 2009). In the same year, Chair Robert Needham admitted that the CMC was largely limited to a "not happy" response to adjudicative decisions made by others (in Viellaris 2009: 1). High-profile journalist Tony Koch alleged that "the feared watchdog was neutered" (2009: 13).

In 2009, release of a discussion paper *Integrity and Accountability in Queensland* generated submissions expressing distrust of the police discipline system, resulting in a brief to the CMC for review (Queensland Government 2009). The subsequent report, *Setting the Standard*, stated that "although there have been some significant improvements in the QPS discipline system since the Fitzgerald Inquiry, it is still plagued by a number of the debilitating problems identified by Fitzgerald and again in subsequent reviews" (Crime and Misconduct Commission 2010b: 10). These included under-resourcing, delays, weak discipline, and restrictions on the CMC's capacity to remedy these problems (p. 10).

Also in 2010, the CMC published a report highly critical of the lack of independence in the police investigation into the death of Cameron Doomadgee (Crime and Misconduct Commission 2010a; Ransley and Marchetti, 2008). In a separate development, as part of the complex, attenuated response to the death of Doomadgee, Coroner Brian Hine (2010) criticised partiality in the police investigation and recommended that investigations of deaths associated with police contact be "undertaken solely or primarily by the CMC, as the specialist misconduct and anti-corruption body for the State of Queensland. To enable this to occur, I recommend that the CMC be resourced and empowered [by legislative fiat] to undertake the role" (p. 150).

Subsequently, an Independent Expert Panel (2011) produced a report *Simple, Effective, Transparent, Strong: An Independent Review of the Queensland Police Complaints, Discipline and Misconduct System*, which described the system as "dysfunctional and unsustainable", fatally undermined by the practice of "police investigating police" (p. 5, 130). The report recommended curtailment of devolution, upgraded capacity for civilian investigations, exclusion of current and former Queensland Police from the CMC, greater adjudicative powers for the CMC, publication of disciplinary decisions, adoption of an early intervention system, updated drug and alcohol testing, and an updated surveillance system.

In the same year, the CMC published the last of a series of surveys which showed public support for independent investigations of complaints regarding police, public servants and local government at a consistently high level of 90 percent (Crime and Misconduct Commission 2011a, 2011b, 2011c). Two further reports about the CMC were released in 2013. The Callinan-Aroney report criticised the CMC's handling of politicised misconduct allegations against the Premier; while the second, by the parliamentary oversight committee, investigated the inadvertent release by the CMC of confidential documents (Scott, 2013).

The Crime and Corruption Commission, 2014-2025

In 2014, the conservative Newman government renamed the CMC the Crime and Corruption Commission (CCC), further signalling a focus on major crime and serious corruption. The devolution policy was maintained, with the *Crime and Corruption Act 2001* requiring the police commissioner to hold "primary responsibility for dealing with complaints involving police misconduct" (s 41(1)), and with direct authority over disciplinary matters under the *Police Service Administration Act 1990*. The CCC retains discretion to review the police process and take over investigations as it sees fit. It can also refer matters for adjudication to the Civil and Administrative Appeals Tribunal or the public prosecutor. In 2023-24, with a budget of $75.6 million and 366 staff, the CJC assessed 5,139 complaints of "suspected corruption". However, just 0.9 percent, or 46 investigations, were finalised. One person was charged with nine criminal offences, and another was subject to two disciplinary recommendations (Crime and Corruption Commission 2024: 17, 22).

In terms of signal events, 2015 saw extensive media coverage of renewed assault claims against Gold Coast Police. Taskforce Bletchley identified a pattern of excessive force and ill-discipline, influenced by the absence of an effective early intervention system (Queensland Police Service 2015). Soon after this, problems of local government corruption rebounded, requiring a belated CCC investigation of the Ipswich Council, which exposed embedded bribery and embezzlement (Davies 2022). A failed attempt to prosecute Logan Councillors on fraud charges was attributed in part to overzealous conduct by a prosecuting police officer seconded to the CJC (Fitzgerald and Wilson 2022; Parliamentary Crime and Misconduct Committee (PCMC) 2021). The highly critical report of the PCMC led to the immediate resignation of the CCC Chairperson (ABC 2022). A 2021 survey of public sector employees identified significant barriers to reporting suspected corruption (Crime and Corruption Commission 2021). As well, a crisis of confidence in criminal justice was precipitated by a scandal regarding faulty procedures at the state DNA testing laboratory (Sofronoff 2022). Serious recurring misconduct at the laboratory went undetected for years and became subject to a Commission of Inquiry, separate to the CCC, as a result of investigative journalism.

A great deal of media attention was given to the prosecution of Rick Flori, a police officer who released camera footage showing officers bashing a handcuffed man in the Surfers Paradise Police Station. Flori was prosecuted criminally for "misconduct in public office", and faced a possible seven years in prison, while the officers involved – who had histories of assault complaints – retained their

jobs (Holmes and Nedim 2020). In response to the prosecution of Flori, and issues of devolution and mistreatment of whistleblowers, the Queensland Council for Civil Liberties Vice-President Terry O'Gorman described the CCC as a watchdog without teeth, supporting "an 'attitude of impunity' among police" (in *Brisbane Times* 2015).

This apparent toothlessness of the CCC was further strengthened in 2020, with legal challenges to its ability to publicly report outcomes from two significant corruption investigations. In *Crime and Corruption Commission v Carne* [2023] HCA 28, the High Court found the CCC had no power to publicly release reports that did not explicitly find corrupt conduct for the purpose of recommending criminal or disciplinary actions. While the CCC had found evidence supporting disciplinary proceedings, the subject's resignation from the public service made proceedings impossible. The Court ruling meant the report could not be made public. Similarly barred was a report finding evidence of potential corruption against a former state Treasurer who had since lost her seat. The CCC advised that the Carne ruling had compromised some 32 other prior reports, and 256 public statements it had previously made (Queensland Government 2024). The government set up the Holmes Review to give advice, with the review recommending changes to the Act which would reintroduce a restricted right for the CCC to publish. However, after a change in government in 2024, the Act was changed to more broadly permit publication, albeit with some strengthened safeguards.

A series of further reviews from 2022 to 2024 found the work of the Commission seriously deficient in key areas and contributed to an ongoing perception of a problematic institution. *The Review of Culture and Accountability in the Queensland Public Sector* emphasised the need for greater "independence, transparency, integrity, accountability and impartiality" across government (Coaldrake 2022: 4). The Coaldrake Review recommended creation of a centralised complaints "clearing house", to ensure better tracking of complaints. At the same time, Coaldrake's claim that the CCC needed to focus more on "serious corruption" meant that it failed to address the concerns of the many thousands of complainants and whistleblowers whose matters were not classified as serious (p. 3).

The *Commission of Inquiry Relating to the Crime and Corruption Commission* found that the CCC's ongoing dependence on seconded police created a potential conflict of loyalties and risk of "institutional capture" (Fitzgerald and Wilson 2022: 6). The Fitzgerald and Wilson Report recommended adoption of "a predominantly civilianised model in (the CCC's) anti-corruption work", including through a dedicated training program for non-police investigators (p. 142). The Report also recommended a sharper focus on misconduct prevention and adoption of a broader set of responses to complaints. In addition, the Report noted the likely incompatibility of the CCC's corruption and crime functions, and the likely inadequacy of the devolution policy.

The *Independent Review into Investigations of Police-related Deaths, and Domestic and Family Violence Deaths in Queensland* (Mazerolle et al 2022) found that the practice of the Police Ethical Standards Command investigating police-related deaths, with CCC oversight, did not meet community expectations regarding independence; and it recommended the CCC take control of the process.

The *Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence*, led by Judge Deborah Richards, was established as part of the Government's response to a Women's Safety and Justice Taskforce (2021) report. The Taskforce had received numerous complaints of biased internal investigations regarding alleged police perpetrators of domestic violence, and of inadequate investigations of complaints about domestic violence investigations. The Richards Inquiry found that management of complaints, including internal complaints, was entirely substandard – entailing intrinsic conflicts of interest, cronyism, sexism, racism, lack of communication with complainants, persecution of complainants, inadequate discipline, neglect of behavioural issues, and opaque data. The system failed to ensure staff confidence and "meet community expectations of independence and transparency" (Richards 2022: 324). The Inquiry also uncovered extensive internal sex discrimination and sexual harassment, including hostile responses to complainants (see also Queensland Human Rights Commission 2024). Local Management Resolution of complaints was described as "broken" (Richards 2022: 324). The Inquiry reported that 83% of complaints actioned by the Police Service went through Managerial Resolution – including "serious conduct stemming from sexism, misogyny and racism or systemic bullying" – when the system was originally designed for only very minor matters and not for repeat complaints (p. 19). Among the Report's recommendations were the creation of a civilian-based Police Integrity Unit within the CCC to independently process all matters involving police. The Unit would make use of mediation, protect whistleblowers, support victims, work

with police on early intervention, ensure a regional presence, and engage in extensive performance monitoring and public reporting.

In response to the Richards Inquiry recommendations, the Palaszczuk and Miles Labor Governments made vague commitments but took no substantive action. Bizarrely, the CCC spent $409,000 on a consultancy report to assess the Police Integrity Unit concept, with no effect, despite the clarity and practicality of Richards' recommendations (Gillespie 2023). None of the recommendations from any of the inquiries and reviews pertaining to the CCC had been implemented in any substantive manner by the time of Labor's demise at the election in October 2024. The new conservative Crisafulli government failed to signal its intentions (Parnell 2024).

Assessment and Recommendations

Queensland's evolving anti-corruption commission was given a central role in exposing, remedying and preventing incidents of public sector misconduct; and an overlapping responsibility for optimising ethical conduct in government. Specifically, the Commission is required to "continuously improve the integrity of, and to reduce the incidence of misconduct in, the public sector" (*Crime and Corruption Act 2001*: s2(4)(1)(b)). This was never meant to be a task to be carried out alone, so that reform must be seen in the context of other changes to laws and institutions, including the establishment of audit, human rights, public sector, and electoral commissions; the creation of an independent integrity commissioner; and changes to the electoral system. These have evinced modest, but limited, achievements in the scrutiny of government, and in specific areas such as elected officials' disclosures of financial interests, disclosures of donations and gifts, whistleblower protection, access to information, and codes of conduct (Prasser and Aroney 2009; Queensland Government 2009; Ransley 1992, 2010).

Nonetheless, the anti-corruption commission is the peak agency, and its work has consistently been regarded as fundamental to public sector probity. With this in mind, the available data indicate a very mixed set of achievements. Perhaps the best construction which can be put on the evidence is that, over the long-term, the Queensland Commission appears to have achieved some success in, bringing offenders to justice, shutting down corruption schemes, and improving public confidence (Fitzgerald and Wilson 2022; Prenzler 2009). At the same time, the evidence is overwhelming that the structure and functions of the Commission require a complete overhaul.

The present chapter documented how the introduction of an independent complaints process for the Queensland public sector led to what was considered an unmanageable surge in cases. Ironically, this triggered a reversion to internal investigations and high levels of stakeholder dissatisfaction. In fact, the literature shows that an increase in complaints is predictable when a more robust complaints system is introduced. Thereafter, however, complaints should decline substantially as impunity declines and effective prevention measures take effect (Prenzler and Porter 2022). In Queensland, this process was stymied by an over-reaction to an unexpected effect of a fundamental improvement in accountability. The result was a substantive return to the situation pre-Fitzgerald: opaque, self-interested, internal processing of disclosures of wrongdoing; and a hostile environment for complainants, whistleblowers and witnesses.

Recommendations from the many subsequent inquiries and reviews provide a remedy, with a set of practical, easily implemented, reforms. In the first instance, there needs to be a dramatic improvement in transparency. This includes regular reports by the Commission on integrity and corruption levels in key sectors including parliament, the public service, local government, police and corrections; and the likely impacts of specific anti-corruption strategies in these sectors. These assessments need to be supported by publicly reported stakeholder surveys, including complainants, the subjects of complaints, and staff.

In addition, the Commission needs to be much more proactive in preventing misconduct, including through reducing impunity, establishing early intervention systems, ensuring regional access and outreach, researching and countering opportunities for misconduct, conducting ethical climate surveys, auditing integrity programs, and making greater use of covert methods (Prenzler and Porter 2022; Richards 2022). The capacity to reduce impunity and deter misconduct is likely to be achieved through a robust and independent system of direct management of complaints, disclosures and suspicions, including establishment of a Police Integrity Unit as recommended by the Richards Inquiry.

Although the key issue here is often framed in terms of 'police *investigating* police' versus 'independent *investigations*', it is more about "civilian" management or control of the complaints process, including initial assessments which do not lead to formal investigations. In that regard, there should be a more developed process of negotiation with complainants about how they would like their matter managed, with restorative justice options for complaints involving a grievance. As per the Richards Inquiry Report, a much more personalised and supportive approach should also be available for complainants and whistleblowers. The model should apply across all public sector complaints and disclosures.

Conclusion

This chapter summarised the complex history of Queensland's anti-corruption commission, identifying a major decline in its scope and commitment from an early stage. Despite some successes in exposing, remedying and reducing public sector misconduct, for a long time the Commission has been viewed as not fit for purpose. In particular, its approach to complainants and whistleblowers represents a deep betrayal of democracy and the victims of misconduct. A radical overhaul is required, based on principles of procedural and restorative justice, focusing as much as possible on primary prevention, with much greater transparency. The Queensland experience also highlights the institutional and performance risks faced by permanent commissions, particularly the possibility of capture and manipulation by government agendas. Commissions need to be vigilant and politically skilled to navigate these challenges.

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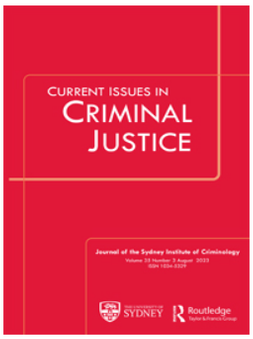

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RESEARCH ARTICLE

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Reforming Queensland's police complaints system: recent inquiries and the prospects of a best practice model

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ABSTRACT

This paper critiques three recent inquiries and recommended changes in practice around the management of complaints against police in the state of Queensland, Australia, with a view to advancing a best practice model internationally. A civilian oversight system, closely aligned to a 'civilian control' model, was introduced in Queensland as part of a reform program following the 1989 Fitzgerald Inquiry into police corruption. However, external control of complaints was almost completely eroded over a 30-year period. The resumption of police control resulted in recurring scandals and widespread stakeholder disaffection. These issues came to a head and were addressed to varying degrees through three inquiries across 2022: the Review of Culture and Accountability in the Queensland Public Sector ('Coaldrake Review'), the Commission of Inquiry relating to the Crime and Corruption Commission ('Fitzgerald and Wilson Inquiry') and, in particular, the Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence ('Richards Inquiry'). The combined findings and recommendations demonstrated the need for rigorous institutional independence and transparency in the processing of complaints, along with a range of complementary integrity management strategies to ensure adequate accountability of police.

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civilian oversight of police; complaints against police; mediation of complaints against police; police accountability; police integrity; police misconduct.

Background

Police reforms in post-Fitzgerald Queensland have been the subject of extensive scholarship, including national and international interest in the state's anti-corruption commission as a possible model agency suitable for adoption in other locations (Lewis, Ransley, & Homel, 2010; Liberty, 2000; Ransley & Johnstone, 2009). The 1987–1989 'Fitzgerald Inquiry' into the Queensland Police identified pervasive corruption reinforced through a failed system of police investigating police. Fitzgerald (1989) described the police Internal Investigations Section as:

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> woefully ineffective, hampered by a lack of staff and resources and crude techniques. It has lacked commitment and will and demonstrated no initiative to detect serious crime. ... The Section has provided warm comfort to corrupt police. It has been a friendly, sympathetic, protective and inept overseer. It must be abolished. (p. 289)

A degree of very limited, highly tokenistic oversight was provided at the time by the Police Complaints Tribunal, described by Fitzgerald as a fraud on the public:

> The Tribunal is an illustration of an administrative body with the superficial trappings of quasi-judicial impartiality and independence, set up as a façade for Government power ... a generally unsuspecting community is deceived. ... [The Tribunal] has no power of determination and it can only make recommendations to the Minister which, if acted upon, almost always involve reference of the matters back to the Police Force. ... The Tribunal is top heavy, its structure, functions and powers are misconceived, it is cumbersome and expensive ... its role overlaps with tasks already performed elsewhere. (pp. 290, 293)

The Fitzgerald Report recommended wide-ranging reforms, including the establishment of a powerful anti-corruption commission, which put the investigation and adjudication of allegations against police in the hands of an independent civilian agency. However, over the decades, the jurisdiction of the commission was eroded through a combination of external political influences and internal cultural factors, so that by the 2020s, the commission was largely a shell of its former self. Associated problems of recurring scandals and declining stakeholder confidence across the public sector led to a crisis situation in the early 2020s, forcing the state government to instigate a series of major inquiries.

The present study focuses on the findings and recommendations of the three official examinations of integrity issues occurring in 2022. The topic is salient both across Australia and internationally, given the constant problems of police misconduct and the challenges of the democratic management of the police. It would seem that a key part of the solution to ensuring optimal police integrity is to create a complaints management system that is fair and independent and also able to contribute to a broader set of integrity management strategies that minimise the use of force and build resilience against corruption.

Civilian oversight of police

Policing is widely recognised as an activity that attracts large numbers of citizen complaints. Scholars have identified the task environment—including exercising authority, depriving persons of their liberty and intervening in disputes—as the main source of intense pressures and temptations towards misconduct (van Dijk, Hoogewoning, & Punch, 2015). Under modern compulsory disclosure regimes—designed to break the traditional culture of silence, solidarity and cover ups—internal allegations and reports are also generated in large numbers (Porter, Prenzler, & Fleming, 2012). How to manage and try to reduce the large and diverse numbers of complaints and allegations against police is a major policy challenge for governments. Police complaints systems have been analysed using various typologies depending on the levels of internal versus external involvement in investigations and adjudication. Prenzler and Ronken's (2001) three-part model has been adopted in recent years by scholars and government reviews (eg, Parliament of

Victoria, 2018; Puddister & McNabb, 2021; Savage, 2013). The model refers to (1) 'internal affairs', (2) 'civilian review' and (3) 'civilian control'.

Reliance on internal affairs has characterised much of the history of policing. Under this system, all complaints were processed by police, with some very limited oversight by coroners, prosecutor offices, police boards, courts and commissions of inquiry; and with some attempts to generate impartiality at times through the engagement of senior officers and officers from other departments. Nonetheless, the model is strongly associated with the protection of corrupt officers and the persecution of complainants and whistleblowers.

In an attempt to reduce the problems of internal bias, some governments, mainly from the 1970s, established review-style bodies. These took diverse forms but were mainly tasked with 'desk-top' audits of police processes, with powers limited to criticisms and recommendations. Some more advanced agencies engaged in field investigations for more serious cases and could refer matters recommended for criminal prosecutions to the public prosecutor. Evaluations tend strongly to the view that the work of these agencies is largely tokenistic, undermined by police control of much of the process—including final control over disciplinary outcomes (Prenzler & Ronken, 2001).

The civilian control model purports to cut through these problems by placing all complaints under the control of an external body, with extensive inquisitorial powers and a mission for improving police conduct. Ensuring procedural justice and improving public confidence in police are key goals. Agencies can also seek to integrate restorative justice into the complaints process through mediation services as well as deploying a range of advanced integrity management strategies such as covert surveillance and strategic analyses of police conduct issues. The model also includes a mission to encourage and monitor police internal integrity strategies, including, for example, training and procedural measures, internal discipline and remediation, early intervention systems, drug and alcohol testing and staff surveillance systems (such as body-worn cameras and station cameras, computer log-ins and conflict of interest checks).

There is an emerging consensus that the democratic accountability of police requires the independent investigation and resolution of complaints against police—free from the actual or perceived conflicts of interest entailed in internal investigations. The view is consistent with emerging human rights principles. For example, the Council of Europe's Commissioner for Human Rights (2009) set out five principles for effectiveness in the management of complaints against police, consistent with democratic accountability: 'independence', 'adequacy', 'promptness', openness to 'public scrutiny' and 'victim involvement' (pp. 7–8). Independence is defined as the absence of 'institutional or hierarchical connections between the investigators and the officer complained against' (p. 7). In Smith's (2018) summary of the position in the European Union, 'An independent and effective police complaints system in which the public have trust and confidence is fundamental to the protection of human rights and combating impunity' (p. 96). A major United Nations (2011) review of oversight mechanisms, with a focus on optimising police compliance with human rights standards, argued that successful oversight requires 'full operational and hierarchical independence from the police' (p. 70; see also Hopkins, 2009).

This human rights perspective is consistent with the growing body of research showing that procedural justice principles—emphasising 'voice, neutrality, respect and

trust' (Tyler, 2003)—constitute an essential precondition for public confidence and cooperation with police (Bolger & Walters, 2019). The application of these principles through non-police investigations of complaints has a particular resonance for minority groups, who often perceive police as biased in their interactions (Bolger & Walters, 2019), with grievances aggravated by internal investigations of complaints. This includes the fraught history of relations between Indigenous people and police in Australia, where numerous inquiries and reviews, including the 1987–1991 Royal Commission into Aboriginal Deaths in Custody, have called for completely independent processes for complaints by Indigenous persons (Johnston, 1991, s 29.5.23; Victorian Aboriginal Legal Service, 2022).

Elements of the civilian control model have been reported to be in operation in diverse jurisdictions internationally (Ho et al., 2021; Quah, 2020; Smith, 2010). However, there is very little on the public record about most of these systems. The Police Ombudsman for Northern Ireland, on the other hand, is widely considered to be the best incarnation of the model and one of the most studied oversight agencies (McCulloch & Maguire, 2022; Savage, 2013). It appears that the Ombudsman's independent management of complaints, and its work with the police service to improve officer conduct and eliminate sectarianism, have been crucial to the police reform project in Northern Ireland and the wider peace process (Topping, 2016). Since its inception in 2000, the Ombudsman has attracted extraordinarily high levels of public confidence and complainant and police officer confidence, and contributed to long-term improvements in police conduct and reduced complaints (McCulloch & Maguire, 2022; Prenzler & Porter, 2022). This contrasts with the high levels of stakeholder dissatisfaction in internal affairs and review-style systems and the tendency for jurisdictions with these systems to have major recurring police conduct problems (McCulloch & Maguire, 2022; Prenzler & Porter, 2022).

The Queensland experience

As noted in the background section, the first iteration of Queensland's post-Fitzgerald anti-corruption agency—titled the Crime and Justice Commission—appeared to fit many of the requirements of the civilian control model in its police jurisdiction (Prenzler & Maguire, 2022). The persecution of police whistleblowers had been a major theme of the Inquiry. Consequently, protecting officers making complaints or disclosures was intended to be a key feature of the new system, along with protections for civilians. Part of this response involved the creation of a Witness Protection Division within the Commission. Overlapping this concern was the need for a fair and impartial investigative process, adequate discipline and the use of strategic intelligence to guide corruption prevention programs. The primary method to achieve these goals was the independent and rigorous processing of complaints, supported by proactive auditing, intelligence gathering and research. The new agency, established in 1989, was meant to serve as a permanent inquisitorial royal commission. Matters involving 'official misconduct'—'a broad term describing the misuse of authority and abuse of office by public officials'—were meant to be dealt with directly by the Official Misconduct Division (Fitzgerald, 1989, p. 365). Actionable cases would be prosecuted in a 'Misconduct Tribunal', located within the Commission but independent of it, headed by a judge, assessing evidence on the balance of probabilities, with authority to set administrative penalties including

'dismissal, reduction in rank, fines and forfeiture of benefits' (p. 315). Criminal matters would be referred to the Public Prosecutor. Complaints considered 'trivial or purely disciplinary' would be referred to the police, but with capacity for the Commission (and subject officers) to appeal outcomes to the Tribunal (p. 315).

The subsequent history of the various integrity commissions in Queensland has entailed a major departure from this vision. Much of what occurred in the early years remains undocumented, although one report stated that, 'from its inception, the Criminal Justice Commission ... vigorously investigated all complaints of police misconduct or official misconduct that were deemed to warrant investigation' (Crime and Misconduct Commission, 2004, p. 4). A major assessment of the first five years of the reform program by the Criminal Justice Commission (1997) found that the proportion of investigated complaints that were substantiated rose from approximately 14% pre-Fitzgerald to an average of 27% per year in the four years after the full establishment of the new system (pp. 60–62). Survey data also showed a strong improvement in public confidence in police integrity, although the report lacked data on complainant and police officer experiences of the system.

The 1997 review of reform also identified a number of operational problems (Criminal Justice Commission, 1997). The Commission's lack of phone tapping powers—since corrected—was a major handicap, as was the absence of adequate adjudicative powers—a situation that was never rectified. The report identified the police weakening of Commission disciplinary recommendations as a significant problem. Too many matters were downgraded, with tariffs such as reprimands or counselling. The problem was compounded by a misdirection of the Commission's efforts towards criminal prosecutions, many of which were unsuccessful. This was despite Fitzgerald's recommendation that disciplinary and administrative action occur independently of criminal prosecutions (1989, p. 386). Overall, very little use was made of tribunals as envisaged by Fitzgerald. This was partly because tribunals reportedly involved unacceptable delays and took an 'excessively legalistic' approach, resulting in an unexpected number of dismissals (Criminal Justice Commission, 1996, s 3.15). The overall result was that the Commission found the three adjudicative options unsatisfactory. With no apparent control over outcomes, the Commission often found itself impotently expressing a 'not happy' response over final decisions and sanctions administered by the police or courts (eg, Viellaris, 2009, p. 1).

One of the most concerning aspects of the Criminal Justice Commission's operations was its failure to engage in genuinely independent investigations. Fitzgerald referred to a mix of seconded police and specialist civilian staff in the new commission (1989, p. 313). However, despite being institutionally separate to the police service, the Commission remained heavily dependent on approximately 100 seconded officers to conduct its investigations, with limited supervision by lawyers. This situation was exacerbated by a trend towards referring complaints to the police for in-house processing. The reasons for this are unclear, although the volume of complaints and slow turnaround times might have been a factor. By 1994, it was reported that 64% of public complaints were investigated by the police, with 18% investigated by the Commission (most likely by seconded police) and 7% investigated jointly (Criminal Justice Commission, 1994, p. 53). In effect, the old system of police investigating police predominated, with the presumption—supported by limited evidence—that civilian review would solve the problem of apparent

or real bias. Numerous complaints were also directed to an informal resolution process controlled by police, introduced as an initiative of the Commission. The option somewhat improved the low rate of complainant satisfaction, although the process was often tokenistic, and many complainants expressed a preference for an independently managed mediation option (Riley, Prenzler, & McKillop, 2020).

As the 1990s progressed, and more information emerged about the operations of the Commission, the revelations evinced a profound disenchantment amongst journalists, scholars and civil libertarians (Prenzler, 2009). Journalist Phil Dickie—whose investigations led to the Fitzgerald Inquiry—described the Criminal Justice Commission as 'a useful repository for burying complaints' (in Prenzler, 2009, p. 588). In a rare report on complainant satisfaction in 1994, only 27.8% of survey respondents were satisfied with the formal investigation of their complaint, with 18.8% 'fairly dissatisfied' and 53.5% 'very dissatisfied' (total dissatisfied = 72.3%) (Criminal Justice Commission, 1994, p. 60). By the end of the decade, the situation had deteriorated to the extent that one academic assessment was forced to the conclusion that very little had changed since Fitzgerald's comprehensive condemnation of the Police Complaints Tribunal as highly detached and ineffective (see background section above). For example, the Crime and Misconduct Commission, which replaced the Criminal Justice Commission in 2002 (Prenzler, 2009, pp. 582–583):

> generally complies with the principle of devolution set out in the Act in Section 34C. It investigates fewer than 2 per cent of the approximately 3,500 complaints it receives each year – despite a budget of $37 million and a staff of 350. The remaining complaints are dealt with in house by government departments and local government. The commission also lacks public accessibility. It is bunkered down in the Brisbane CBD, with no offices in regional centres in an enormous decentralised state.

An explicit 'devolution' policy, embodied in the Crime and Misconduct Act 2001, was developed by a working party involving police and members of the anti-corruption commission. Among other things, the group sought to reduce delays in complaints processing and adopt a less punitive, more behaviourally oriented approach to complaints management through 'managerial resolution'. This involved counselling of an officer by a more senior officer, completely cutting out the complainant (Crime and Misconduct Commission, 2004). Devolution entailed a further enlargement of the police role in processing complaints—with the Commission's supervision and auditing functions and capacity to conduct independent investigations, ostensibly creating an effective balance between 'encouraging police managers to take responsibility for promoting integrity in their workplace and ensuring an appropriate level of external investigation and independent review' (Crime and Misconduct Commission, 2004, p. 13).

The devolution policy became entrenched, with the current *Crime and Corruption Act 2001* requiring the police commissioner hold 'primary responsibility for dealing with complaints involving police misconduct' (s 41(1)), and with direct authority for disciplinary matters under the *Police Service Administration Act 1990*. The Crime and Corruption Commission has discretion to review the police process and take over investigations as it sees fit. It can also refer matters for adjudication to the Queensland Civil and Administrative Appeals Tribunal or the Public Prosecutor. The Commission's oversight covers 'corrupt conduct' in the public sector, and 'corrupt conduct' and lower-level 'misconduct'

in the police (*Crime and Corruption Act 2001*). It also has a large role in combatting serious and organised crime. In 2021–2022, according to the Crime and Corruption Commission's *Annual Report*, it assessed 3889 complaints of 'suspected corruption', involving 8859 allegations, across the Queensland public sector. Of these complaints, 26 investigations were commenced (0.7%) and 3126 were forwarded on to other agencies (2022, p. 37). Of 21 investigations finalised in 2021–2022, 73 criminal charges were made against 8 persons and 19 recommendations were made regarding disciplinary action against 12 persons. The proportions of these data relating to police were not included in the report, nor were stakeholder experience data, and there was no evidence to suggest a substantial role for the Commission in regard to complaints against police. The role of the anti-corruption commission in police integrity had become almost completely opaque. As far as can be ascertained, the discretionary powers it retained to independently investigate and review matters meant that it remained marginally within the 'civilian review' category of oversight—although the system was very close to the 'internal affairs' model, with police having near-complete control.

The various versions of Queensland's anti-corruption commissions have been granted many of the investigative powers and resources consistent with a best practice external model of police integrity management. They have had powers to compel answers to questions, seize evidence, arrest suspects, apply for search warrants and conduct covert operations, and they have had own motion powers to pursue any matters regardless of complaints (see Fitzgerald, 1989, p. 313). Over the decades there has been a fairly steady stream of convictions, dismissals and resignations of police emanating from the commissions' work that have provided some reassurance of vigilance and determination in combatting misconduct (Prenzler, 2009). At the same time, there have also been recurring problems with misconduct scandals; findings of inadequate investigations, discipline and prevention; stakeholder disaffection; and repeated calls for a decisive shift away from the dominant system of police investigating police (eg, Crime and Corruption Commission, 2015, 2017; Crime and Misconduct Commission, 2011; Crockford, 2021; *Flori v Winter* [2019]; Gregoire, 2019; Independent Expert Panel, 2011; Prenzler, 2009; Queensland Council of Civil Liberties, 2010; *Wotton v State of Queensland* [2016]).

One of the most high-profile and protracted signal events that encapsulated these problems concerned the death of Aboriginal man Cameron (Mulrunji) Doomadgee on Palm Island in 2004 (Anti-Discrimination Commission Queensland, 2018). Doomadgee was arrested for a public nuisance offence, and died from a split liver and ruptured portal vein at the local watchhouse following an altercation with the arresting officer. An internal police investigation was conducted in an environment of intense controversy. Communication of the autopsy results sparked a riot on the island in which the courthouse, police station and other buildings were burnt down. Police then shut down the island and masked officers raided the homes of 18 families. The case resulted in three inquests, a review by a former Chief Justice, the suicide of a key witness, a failed manslaughter charge, a parliamentary select committee inquiry, a class action for racial discrimination and a failed appeal. The police investigations were found to be compromised and flawed but recommendations for disciplinary action against six officers were ignored. The class action against the Queensland government over the post-riot raid resulted in a $30 million settlement and apology with 447 persons in 2018 (Anti-Discrimination Commission Queensland, 2018, p. 42). Much of what occurred would have been prevented

had the anti-corruption commission conducted a fully independent initial investigation and, earlier, directed the police service to implement recommendations of the Royal Commission into Aboriginal Deaths in Custody regarding health services for intoxicated arrestees. One inquest report recommended that deaths associated with police contact be 'undertaken solely or primarily by the CMC (Crime and Misconduct Commission)' (Hine, 2010, p. 150). However, this recommendation was ignored by the government (Mazerolle et al., 2022, p. 17).

The precise reasons for the failure of reform are unclear. The leadership of the main political parties gave unqualified support to Fitzgerald's recommendations in the immediate aftermath of the Inquiry (Prasser, 1989). Subsequently, the powerful Queensland Police Union of Employees conspired with the conservative coalition at times to reduce the anti-corruption commission's powers and give more authority back to police (Prenzler, 2009). However, the conservatives have only held power for short periods on two occasions in the last 34 years. It might also have been the case that the ruling Labor Party sought to appease the Union, although less explicitly, and Labor governments have been accused of seeking to avoid scrutiny by the Commission. Labor's support for a weak civilian review model of public sector accountability has flown in the face of public opinion and key stakeholder opinion. It also appears to have been the case that successive management regimes in the Commission have lacked the necessary commitment to support the civilian control model. Critics have referred to the dominance of lawyers, an excessive concern with legal processes and disinterest in complainants (see Prenzler, 2009).

Three investigations

The following subsections describe the main police-related findings of the three high-profile examinations of public sector accountability issues occurring in Queensland in 2022. The focus is on the Richards Inquiry, which included a systematic critique of the police complaints system with major reform implications.

The Fitzgerald and Wilson Inquiry

The Commission of Inquiry Relating to the Crime and Corruption Commission was established in January 2022, primarily to investigate a controversial failed criminal prosecution of local government councillors. The commissioners were former Fitzgerald Inquiry head Tony Fitzgerald and retired judge Alan Wilson. The Inquiry operated within very narrow terms of reference but was able to address some issues with implications for the Crime and Corruption Commission's police jurisdiction. These included the compatibility of the Commission's crime and corruption fighting roles and the adequacy of the devolution policy. The report stated explicitly that the Commission was overly dependent on seconded police, whose role entailed a conflict of loyalties and potential for 'institutional capture' (Fitzgerald & Wilson, 2022, p. 6). One major recommendation included the adoption of 'a predominantly civilianised model for (the CCC's) Corruption Division', through a reduced reliance on police investigators, installation of a civilian as the Executive Director in Corruption Operations and specialised training for corruption investigators (p. 142). The report also recommended a much

stronger focus on prevention (p. 143) and use of a wider set of case disposition options beyond criminal prosecutions (p. 6).

The Coaldrake Review

The Review of Culture and Accountability in the Queensland Public Sector was established in February 2022. Peter Coaldrake held senior positions in Queensland universities and the Queensland public service, with expertise in public sector management. The review was initiated by the government in response to a series of issues around probity, including issues of lobbying, ministerial standards, public service standards and complaints management. Coaldrake described 'an integrity system under stress trying to keep check on a culture that, from the top down, is not meeting public expectations' (2022, p. 1). The findings emphasised the need for enlarged 'independence, transparency, integrity, accountability and impartiality' across government (p. 4). This included a recommendation for a centralised complaints 'clearing house', to ensure better tracking of complaints and a stronger focus by the Crime and Corruption Commission on 'serious corruption' (p. 3). Overall, despite the criticisms of ethical standards, the review showed almost no interest in the key area of police integrity and simply reinforced the Commission's devolution policy.

The Richards Inquiry

The Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence, led by Judge Deborah Richards, was established by the Queensland Government in May 2022 as part of its response to a Women's Safety and Justice Taskforce report (2021). Among other things, the Taskforce recommended an investigation into cultural issues within the police that might impede an optimal response to domestic violence, especially towards victims (p. xxviii). There were specific concerns about 'the way police deal with officers alleged to be perpetrators of domestic violence' and 'about the way police deal with complaints about police handling of domestic violence matters' (p. x). The Commission's terms of reference included 'the adequacy of the current conduct and complaints handling processes against officers to ensure community confidence in the QPS' (Richards, 2022, p. 354). This topic allowed the Commission to engage in a comprehensive assessment of the management of all complaints against police.

The Richards Commission approached its task via interviews; surveys of police and victims of domestic violence; receipt of submissions; extensive questioning of witnesses; and analysis of policies, practices and administrative data. Unexpectantly perhaps, significant testimony centred on responses to internal complaints by officers about sex discrimination and sexual harassment. The Commission also engaged contract research by Dr Michael Maguire and Professor Tim Prenzler on the issue of complaints management. Dr Maguire had been the Police Ombudsman for Northern Ireland between 2012–2019 and also the Chief Inspector of Criminal Justice in Northern Ireland responsible for inspections into the main justice agencies. Professor Prenzler had 30 years' experience researching police accountability issues, including extensive work on the Queensland case.

The consultancy report (Prenzler & Maguire, 2022) reviewed five decades of experience internationally with different types of systems for investigating complaints and regulating

police conduct. Sources included commissions of inquiry, government reviews, public opinion surveys, complainant surveys, surveys of police, expert opinions, legislation, high-profile signal event cases, agency performance data and studies regarding reduced complaints against police and improvements in police conduct. Dr Maguire also included reflective material on his 11 years as the Police Ombudsman and as Chief Inspector of Criminal Justice in Northern Ireland. The report concluded that the weight of evidence strongly supported the creation of an external civilian-dominated body for managing complaints and other sources of information about possible police misconduct as the best method of fulfilling procedural justice criteria—including for police officers—satisfying stakeholder expectations, maximising public confidence and optimising police integrity.

Richards' final report—*A Call for Change*—was handed down in November 2022. The Inquiry found that complaints management was deficient in every aspect, particularly in terms of intrinsic bias, including extensive conflicts of interest between officers receiving complaints and officers conducting investigations and carrying out disciplinary interventions. There was entrenched cronyism, sexism and racism; persecution and harassment of complainants; substandard discipline; failure to address behavioural issues; an excessive burden on local commanders; opaque data; and lack of communication with complainants. The system 'fail(ed) to meet community expectations of independence and transparency', and also failed to generate the confidence of police employees (p. 324). Of particular note was the description of the Local Management Resolution system as 'broken' (p. 324).

The recommendations went straight to the heart of the problem of police control of the process with an unequivocal requirement for the adoption of a civilian control system. This would be operationalised through the creation of an 'independent Police Integrity Unit', modelled on the Police Ombudsman for Northern Ireland, located within the Crime and Corruption Commission. The unit, intended to be fully functioning by May 2024, would 'deal with all complaints in relation to police' (Richards, 2022, p. 30) and 'must, at a minimum':

- be led by a Senior Executive Officer who is a civilian
- provide for whistleblower protections
- include a victim advocate
- include identified positions for First Nations staff in the intake and victim advocacy teams
- include civilian investigators, and transition to a predominantly civilianised model as soon as possible
- implement an adequate complaints management system, including fit for purpose data collection and reporting, including providing for aggregate trends analysis
- publicly report annually on activities and outcomes.

Drawing on the example of the Police Ombudsman for Northern Ireland, Richards specified the proportions of former police in the new Integrity Unit, with some allowance for a greater proportion during the implementation phase to optimise the capabilities of experienced officers (p. 328):

> It is envisaged that, after the first six years of the [Police Integrity Unit's] operations, the number of investigators who are or who have been police officers should not be more than 40% in any PIU office. After 10 years of the PIU's operations, the number of investigators who are or who have been police officers should not be more than 25% in any PIU office.

There was also a recommendation for specialist training of non-police investigators (p. 329), and scope was also provided for the unit to receive appeals against decisions made in the previous dysfunctional system (p. 327). The Unit would also work with the Coroner on deaths during police operations. All complaints would be channelled to the Unit through the central clearinghouse recommended in the Coaldrake Review (p. 327).

The Police Integrity Unit was intended to be part of fundamental 'cultural change' in the Police Service (p. 147ff). The Unit would manage complaints regarding 'sexism and misogyny', and it was posited that its work would 'go a considerable way to addressing the cultural issues of sexism and misogyny in the organisation' (p. 163). To buttress the cultural change process, the report recommended a focus on providing welfare assistance to complainants in this category through the availability of a 'Peer Support Office' (p. 163). It was posited that the system would also encourage victims of sexist behaviours to make complaints.

The Inquiry also responded to the allegation that the Crime and Corruption Commission was remote from its constituency, including in terms of its single location in the state capital CBD. A range of outreach activities was prescribed, including (Richards, 2022, p. 326):

- ensuring that [the Police Integrity Unit] has a regional presence, and capacity for people to make complaints in person
- promoting the establishment of the PIU and increasing awareness of how to make a complaint, and relevant confidentiality protections
- embedding regular community awareness and participant (police and complainants) satisfaction surveys
- reporting (at a minimum) annually on the number and types of complaints, declared conflicts of interest, progress and outcomes of investigations, and data on public awareness and participant satisfaction surveys.

Discussion

The three Queensland police integrity-related inquiries reviewed here generated diverse findings, depending on their terms of reference, methods and rigour. Nonetheless, they all identified a common problem of poor performance in the area of integrity—a situation strongly related to inadequate 'independence'.

The Coaldrake Review was the most limited in its reach, diagnosing an integrity problem and a lack of independence in public institutions, but ignoring the issue of what counts as an adequate response to complaints across the steps of reception, assessment, investigation and adjudication. Surprisingly, and somewhat out of step with current conventions, the Coaldrake Report did not include a review of the scientific literature. Consequently, it failed to consider the merits of a civilian control model of integrity management and failed to provide a solution to the problem of internal biases in the existing system in Queensland.

The Coaldrake Review also ignored issues of complainant and other stakeholder dissatisfaction and the link between complaints management and behavioural improvements. Some merit could be seen in the recommendation for a central clearinghouse for complaints in terms of ensuring that all public sector complaints are recorded and

forwarded to the appropriate authority. However, the concern with 'serious corruption' in the anti-corruption commission's jurisdiction left complainants with matters deemed intermediate or minor without an adequate recourse. There was an associated lack of empathy with complainants as likely victims of abuses. The concern with serious complaints also ignored the tendency of agencies to understate the impacts of matters leading to complaints and the problem of patterns of repeated 'minor' complaints. A clearinghouse could easily provide just another 'repository for burying complaints' (Dickie in Prenzler, 2009, p. 588).

The Fitzgerald and Wilson Inquiry was a little more promising in its findings and recommendations. As noted, the Inquiry was restricted by its narrow terms of reference. Nonetheless, it found scope to recommend 'a predominantly civilianised model' for the CCC's anti-corruption work (p. 142). At the same time, the report stopped short of advocating a mature civilian control system. There was a recommendation to review and reduce reliance on seconded police, although no caps or exclusions were specified in regard to the role of current or former police in the Commission. Overall, the Inquiry represented only a minor advance in improving the independence and reach of the anti-corruption commission in regard to police accountability.

The Richards Inquiry, on the other hand, demonstrated an extraordinarily well-informed grasp of the issues at stake in the management of complaints against police and in police integrity management more broadly. The Inquiry generated a very clear set of recommendations that should lead to something very close to a genuine civilian controlled complaints system and optimum integrity management system. For example, the Report referenced Fitzgerald and Wilson's concern with 'institutional capture' of the anti-corruption commission while taking the very practical step of placing a quota on former and current police within the Police Integrity Unit (Richards, 2022, p. 328).

The Richards Report adopted the large majority of the recommendations of the Prenzler and Maguire (2022) review, including some very specific elements, such as regular independent audits of Integrity Unit investigations, adoption of a state-of-the-art early intervention system (operated by police but supported and overseen by the unit) and the strategic use of complaints data to design behavioural improvement and complaint reduction strategies. At the same time, the full array of integrity management strategies recommended to support a mature complaints system was not cited. Examples include drug and alcohol testing, and overt and covert surveillance systems. It might have been the case that the Inquiry felt these were outside its scope in not being directly related to complaints.

One area where the report clearly departed from the recommendations of the literature review was in regard to Local Management Resolution. This system was criticised by Prenzler and Maguire as a convenient and superficial means of disposing of complaints. The Richards Inquiry (2022) described the system as 'broken' and a 'toothless tiger' (p. 16). It found that 83% of complaints actioned by the police service were managed this way—including 'serious conduct stemming from sexism, misogyny and racism or systemic bullying'—when the system was originally designed for only very minor complaints and not for repeat complaints (p. 19). Despite this, the report recommended the retention of Local Management Resolution for minor disciplinary matters, albeit under the direction of the independent Police Integrity Unit (p. 328). This position

also went against the evidence that strongly favoured a restorative justice approach—involving face-to-face, independently managed mediation between complainants and officers—as a default option for many complaints, with a strong learning component built in (Prenzler & Maguire, 2022, p. 35).

Another area where the prescribed reforms potentially departed from best practice was in the adjudication of cases. Prenzler and Maguire (2022) emphasised the absolute importance of this element of the process, given that police control of discipline frequently undermines the authority of external investigative agencies, and the consultancy report emphasised the advantages of the Northern Ireland system. Sections 59(5)(b) and (6)(a) of the *Police (Northern Ireland) Act 1998* state that if 'the Chief Constable is unwilling to bring (the recommended) disciplinary proceedings, the Ombudsman may, after consultation with the Chief Constable, direct him to bring disciplinary proceedings... it shall be the duty of the Chief Constable to comply with a direction under subsection (5)'. In practice, as Dr Maguire testified, concern for the Police Service's reputation and a shared interest in combatting poor behaviour have meant that this authority was rarely invoked; but it exists as a crucial fall-back mechanism. The Richards Report also placed responsibility for disciplinary recommendations in the hands of the Police Integrity Unit, but the Unit would be obliged to seek redress for unsatisfactory police responses through judicial review (p. 326). Police would 'retain control for member discipline outcomes (with input from the PIU)' (p. 328). Given the problems with tribunals and courts in the past, as outlined earlier, and the absence of guidelines for managing police misconduct matters in the courts, this is a potential point of major weakness in the new system.

On a more positive note, the Richards Inquiry's concern with complainants, and potential complainants, as victims of abuse is particularly commendable. The recommendation for victim advocacy and support as part of the functions of the Police Integrity Unit is highly innovative and adds a major additional role for oversight agencies world-wide, entailing a shift away from a strictly legal evidence-based and adversarial approach to complaints towards a more therapeutic model. The recommendation included dedicated positions for First Nations officers.

Overall then, the Richards Inquiry represents the most comprehensive, rigorous and well-informed assessment of the police complaints system in Queensland since the 1989 Fitzgerald Report. The Richards Report addressed the critical issues referred to in the Fitzgerald and Wilson Report and spoke to the silences in the Coaldrake Report. It also came on the heels of numerous earlier inquiries, reviews and studies pointing in the same direction (eg, see Richards, 2022, Appendix J). The recommendation regarding the adoption of the civilian control model represents the best opportunity to date to correct the almost complete erosion of civilian authority and the disastrous restoration of police control of the police integrity management system in Queensland.

Genuine implementation of Richards' recommendations is now the key issue. Some optimism might be garnered from the fact that the core recommendation regarding a Police Integrity Unit was reportedly supported by the majority of key parties with legal representation at the Inquiry: the Police Service, Crime and Corruption Commission and the Women's Legal Service Queensland (p. 326). The Queensland Police Union of Employees defended the existing system, without providing substantive evidence. The Union is likely to remain a source of opposition to the reforms, with potential influence on the Labor government and, in particular, the conservative opposition. To

date, the government has given 'in-principle' support to the recommendations but stopped short of an unequivocal commitment to implementing the full package of changes (Attorney-General, 30 March, 2023). Unqualified commitments were made by politicians at the time of the Fitzgerald Report and subsequently abandoned. Presumably it was with this scenario in mind that the Richards Inquiry set out a detailed implementation timetable, appointment of an 'independent implementation supervisor' and a long-term system for monitoring reform (2022, p. 31). Nonetheless, the record of reform in Queensland, and politicisation of the process, does not bode well.

Conclusion

The three recent integrity probes conducted in Queensland and analysed here contain valuable lessons for policy-makers grappling with issues of police accountability. As outlined briefly in the literature review for this paper, vulnerability to misconduct is a primary feature of modern democratic policing, and optimal integrity management strategies are needed to ensure police operate in the public interest at all times and refrain from abusing their authority. In that regard, the Queensland experience over more than three decades demonstrates the redundancy of both the internal affairs and the civilian review models of complaints management, and the urgent need for adoption of the civilian control model. Ideally, based on the recommendations of the Richards Inquiry, Queensland will soon join Northern Ireland in demonstrating the benefits of a robust independent complaints management and integrity oversight system for police.

Disclosure statement

No potential conflict of interest was reported by the authors.

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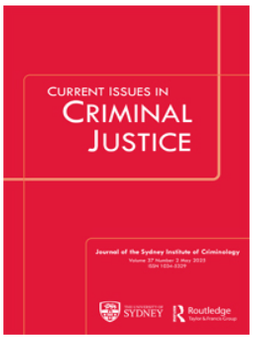

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The Police Ombudsman for Northern Ireland: a model agency for managing complaints against police and optimising police integrity?

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ABSTRACT

This paper addresses the critical issue of independence in police complaints processes through an evaluation of the work of the Police Ombudsman for Northern Ireland. Civilian independence from police in handling complaints against police is widely regarded as essential for public confidence in making complaints and for police accountability more generally. The Police Ombudsman for Northern Ireland has been widely acclaimed as the closest example internationally of a 'civilian control' agency. However, it has been the subject of only limited critique. The aim of this paper is to provide a focused assessment of the performance of the Ombudsman against criteria associated with the civilian control model. Based on available research and reports from the Ombudsman, the main finding is that the Ombudsman appears to have made a valuable contribution to police accountability and better policing in Northern Ireland, primarily through the adoption of key features of the civilian control model. At the same time, some areas of possible improvement were also identified, which could also be applicable in other jurisdictions. These include improving the experiences of complainants, reducing complaints, and coverage of police internal complaints and disclosures.

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Introduction: the challenge of police integrity

Policing in many locations is characterised by recurring conduct scandals and relatively high numbers of citizen complaints compared to other public sector agencies (Prenzler, 2009). Measurable levels of police integrity vary widely around the world. However, the nature of police work entails a range of misconduct risks, including excessive force, discrimination, negligence, bribery and evidence tampering. Policing can also involve internal corruption, including fraud, discrimination, favouritism, bullying and sexual harassment. Misconduct has been associated with opportunity factors—such as offers

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of bribes—as well as frustrations and provocations in enforcing the law. These conditions can be exacerbated by a culture of solidarity and impunity, facilitated by internal complaint management processes that fail to hold officers and managers accountable for misdeeds (Smith, 2018).

As a result of this risk profile, police organisations in most democracies have adopted an array of internal integrity strategies, including ethics training and remedial early intervention systems (Prenzler & Porter, 2022). Oversight agencies represent an external mechanism developed over time to deter misconduct and address internal management limitations. Globally, the number of these agencies in operation is unclear. The Canadian Association for the Civilian Oversight of Law Enforcement (2024) lists 28 agencies. A 2016 study in the United States identified 144 agencies at a local government level (De Angelis et al., 2016, p. 7). Police oversight is sometimes included within a broad anti-corruption commission, given that misconduct risks occur across the public sector. The more common form, however, involves a specialist agency limited to police (De Angelis et al., 2016).

Oversight agencies are widely seen as essential to mitigate ethical risks in police work and improve public trust and confidence in police (Mashaka et al., 2024; Schulenberg et al., 2017). However, international scholarship has shown that most agencies lack adequate powers to operate effectively (Schulenberg et al., 2017). Consequently, research urgently needs to identify what counts as best practice in this domain, with lessons for police accountability around the world. While a good deal of work has been done at the theoretical level, and in terms of what does not work, there is a shortage of studies of successful practice (Prenzler & Porter, 2022; Schulenberg et al., 2017).

The Police Ombudsman for Northern Ireland has frequently been described as embodying 'the gold standard' of oversight, playing a key role in comprehensive reform of policing in Northern Ireland (Hopkins, 2009, p. 43; PONI, 2023a, p. 3; Richards, 2022, p. 289; Savage, 2016, p. 31). One implication is that the Northern Ireland model should be considered in the design of other police oversight agencies (McCulloch & Maguire, 2022; United Nations, 2011). However, its performance has been subject to little academic scrutiny. The present article seeks to address this gap.

There are several publications that include partial quantitative comparative assessments of the Ombudsman's performance, which are now almost a decade old: primarily Porter and Prenzler (2016), Prenzler (2016a, 2016b) and Prenzler and Porter (2016). A more recent, strongly theoretical, study by Boyd and Marnoch (2023) made use of limited quantitative data. A report by Prenzler and Maguire (2022) made use of selected quantitative and qualitative sources, with insider accounts. There are also historical assessments of police reform in Northern Ireland which include observations of the work of the Ombudsman (e.g., Ellison, 2007; Murphy, 2013; Topping, 2016). The present study aims to update and enlarge this work by providing a systematic assessment of the performance of the Ombudsman, based upon the Ombudsman's own publicly-available data and relevant literature.

This article begins by reviewing complaint management models, emphasising the importance of independence from police, compliance with procedural justice, transparency, and oversight agencies working with police to optimise ethical conduct and

minimise complaints. Background material is then presented on the origins of the Police Ombudsman for Northern Ireland before assessing its performance based on available sources. These include data on complaint trends and substantiation rates, complainant and police officer experiences, public perceptions, and the use of informal dispute resolution procedures. These sources relate directly to criteria associated with the core functions and outcomes of a 'civilian control' model of oversight centred on independence through 'a clear institutional separation of the person being investigated from the person doing the investigation' (Prenzler & Ronken, 2001, p. 168; also Council of Europe 2014, p. 44; Savage, 2016). An independent oversight agency is 'staffed by persons wholly unconnected with the Police Department' (Knapp, 1972, p. 14) and operates 'entirely independent(ly) of the police', with 'complete responsibility for the investigation of all complaints against the police' (Seneviratne, 2004, p. 332). The article argues that the Police Ombudsman for Northern Ireland comes close to meeting these core criteria but would benefit from operationalising a wider set of integrity management strategies.

Models of police oversight and complaints handling

Police complaints and integrity management systems have been analysed using a variety of typologies. Prenzler and Ronken (2001) proposed a three-part model based on the level of independence, or control, ranging from (1) 'internal affairs', (2) 'civilian review' and (3) 'civilian control'. The typology maps degrees of control over complaints from predominantly in-house systems through to substantively independent systems. This framework—detailed below—has been favoured by scholars (Mashaka et al., 2024; Mugari & Olutolab, 2023; O'Brien & Butler, 2018; Puddister & McNabb, 2024; Savage, 2016), civil liberties groups (Hopkins, 2009; Victorian Aboriginal Legal Service, 2022), and government and judicial reviews (Independent Broad-based Anti-corruption Commission, 2022; Independent Panel, 2011; Parliament of Victoria, 2018). Most recently, the Police Ombudsman for Northern Ireland has been influential in shaping the recommendations of the Yoorrook Justice Commission (2023) in Victoria and the Richards (2022) Inquiry in Queensland in terms of greater independence in police integrity management.

For much of the history of policing, complaints and discipline were managed internally. Recurring corruption scandals and high volumes of complaints prompted the creation of 'internal affairs' units to investigate and adjudicate allegations, providing some detachment and the capacity to initiate prevention programs (Prenzler & Ronken, 2001). 'Professional standards unit' is now a more common term. These systems usually operated with a degree of external scrutiny and control, including through elected officials, civil litigation, criminal prosecutions, inquests and judicial inquiries. However, inquiries into police corruption have almost invariably condemned reliance on internal affairs as involving inherent conflicts of interest and inevitable perceptions of bias, signalling the need for independence (Prenzler, 2016c).

Internationally, primarily from the 1970s, governments set up review-style agencies in response to the problems of internal bias and failure. Civilian review agencies take diverse forms, but their main purpose is to provide an independent check on police investigations and discipline without excessive interference in police management. Monitoring

typically involves audits of complaint investigation files, reporting on the quality of police processes, suggesting improvements, and, in some cases, responding to appeals from complainants (Finn, 2001). In some cases, review agencies have been associated with improvements in complaint substantiation rates, public confidence and police practices (Criminal Justice Commission, 1997; De Angelis et al., 2016; Porter, 2016). Nonetheless, they have also been universally criticised for lacking the means to independently investigate and adjudicate complaints, contributing to deficient discipline and ongoing misconduct (Fitzgerald, 1989; House of Commons Home Affairs Committee, 2013; Schulenberg et al., 2017). Review agencies often appear to be independent, but complainants experience a double betrayal when their grievance is referred to police (Landau, 1996; Criminal Justice Commission, 1997, p. 67). This approach has a particularly profound resonance for minority groups, who feel that racial discrimination is perpetuated through weak oversight (Johnston, 1991, s 29.5.23; Victorian Aboriginal Legal Service, 2022). In that regard, review agencies—ostensibly tasked with policing the police—typify Brodeur's (2010) concept of 'high policing' in adopting a highly selective, legalistic, elitist and tokenistic approach to their task.

In terms of principles of justice, review systems fail to satisfy fundamental criteria of procedural justice (Schulenberg et al., 2017), provoking critiques by civil liberties bodies (Amnesty International, 2009; Human Rights Watch, 1998; Liberty, 2000; Police Accountability Project, 2017). Limited review processes violate core procedural justice principles; formulated by Tyler (2003) in terms of 'voice, neutrality, respect and trust' (350). Police complaints processes are also increasingly being viewed through a human rights lens (Hopkins, 2016; Smith, 2018). A United Nations (2011, p. 70) review of oversight mechanisms, with a focus on optimising police compliance with human rights standards, concluded that successful oversight requires 'full operational and hierarchical independence from the police'.

'Civilian control' describes a best practice form of oversight. The agency processes all complaints and disclosures involving police with a range of inquisitorial powers free of undue influence (Prenzler & Ronken, 2001). The agency is statutorily independent of the police and government, with the majority of staff from outside policing backgrounds and no current or former officers from the regulated police agency. Complaints are investigated and adjudicated 'by the agency itself, rather than merely reviewing cases' (Prenzler & Ronken, 2001, p. 177). Given their independence, these agencies are also suitable to operate mediation programs between complainants and police, consistent with restorative justice principles. A key function is to assess the effectiveness of police prevention strategies. At the same time, civilian control agencies should work with police professional standards units to develop effective corruption prevention and complaint reduction strategies, with the aim of reducing the number of complaints made by civilians through more professional policing (Porter, 2016). The core principle of institutional independence in the model is strongly supported in public opinion surveys (Ilchi et al., 2022; Kwon & Wortley, 2022; Prenzler, 2016a) and by complainants (Maguire & Corbett, 1991; Porter & Prenzler, 2016; Worden et al., 2018) and police (Liberty, 2000; Maguire & Corbett, 1991; Prenzler, 2016b; Shea et al., 2024). Scholars have identified one agency—the Police Ombudsman for Northern Ireland—which most closely resembles the civilian control model (McCulloch & Maguire, 2022; Seneviratne, 2004).

Police reform in Northern Ireland and the establishment of the Police Ombudsman

The Police Ombudsman for Northern Ireland became operational in late-2000 in the wake of the 1998 Good Friday Agreement. The Agreement ended the Northern Ireland 'troubles', which had lasted for 30 years and resulted in over 3,500 deaths (Murphy, 2013, p. 13). The establishment of the Ombudsman occurred as part of a major reform program, including the restructuring of the Royal Ulster Constabulary (RUC) as the Police Service of Northern Ireland (PSNI). Policing during the conflict was a contested space and the RUC had limited support from within the Catholic community. In 1995, in the lead up to the Agreement, the government appointed Maurice Hayes (1997) to review the police complaints system. According to Hayes, 'On the vexed question of public order … almost two-thirds of Catholics had little or no confidence in the fairness of the police' (p. 7). The existing civilian review-style Independent Commission for Police Complaints was characterised as exemplifying all the standard problems of the civilian review model in failing to properly expose, sanction or prevent misconduct, and in losing stakeholder confidence. The primary problem lay in the fact that all complaints were investigated by police and disciplinary decisions were dominated by police (Hayes, 1997, pp. 38–40). Hayes was clear about the central problem with complaints management: 'The overwhelming message I got from nearly all sides and from all political parties was the need for the investigation to be independent and to be seen to be independent' (v). To fix the problem, Hayes recommended that 'the Complaints Body should have complete control of the process' (p. 47). Despite this, Hayes endorsed a transition back to police control of intermediate and minor matters following an initial reform period. Subsequently, the Independent Commission on Policing in Northern Ireland (1999)—charged with making recommendations for democratic and accountable policing—supported a 'fully independent Ombudsman' (p. 37), free from any influence from police, including capacity to investigate any matters and to analyse complaint patterns and address problems in cooperation with the Police Service (p. 111).

The Ombudsman was never intended to act as a solo accountability institution driving police integrity and reform (McCulloch & Maguire, 2022). Changes to policing were made in tandem with other reforms to the criminal justice system. These included the establishment of an independent Director of Public Prosecutions, and protections for persons in custody through the work of the Criminal Justice Inspection Northern Ireland. The Northern Ireland Policing Board (2020) is intended to be a representative body with management oversight of the police. It has responsibilities for promoting compliance with human rights standards and encouraging close engagement between the police and the community. The UK Criminal Cases Review Commission also has capacity to investigate potential miscarriages of justice, many of which derive from initial actions by police.

Method

The study integrates secondary and primary sources—based on searches of Criminal Justice Database (Proquest) and Criminal Justice Abstracts (EBSCO) and general internet

searches—with the primary data consisting of information and statistics at the Ombudsman's website. Sources were selected for their relevance to issues around the management of police complaints in Northern Ireland. There were no restrictions in terms of date of publication. In that regard, the study also assesses the quality of transparency and accountability of the Ombudsman. The focus is on the management of 'current policing' complaints, rather than complaints about 'historical matters', given the wider relevance of this aspect (PONI, 2020b, p. 24 and 16; see Maguire, 2023 on issues associated with legacy investigations). The results also provide a useful framework for more in-depth studies, utilising interviews for example, to obtain a better understanding of processes and outcomes involved in the Ombudsman's work.

The following findings section organises outcomes data and assessments under headings based on the key themes associated with the civilian control model. As described earlier, this includes the extent of operating the fundamental functions of independent complaints handling, as well as complaints mediation and efforts to prevent or minimise misconduct and, therefore, complaints. In line with these functions and associated expected outcomes, the criteria against which the Police Ombudsman for Northern Ireland is evaluated are: the independent handling of complaints, complaint trends, complaint dispositions and substantiation rates, mediation and informal resolution, complainant experiences, police views, public perceptions, and indicators of security and confidence in police (Ilchi et al., 2022; Kwon & Wortley, 2022; Liberty, 2000; Maguire & Corbett, 1991; McCulloch & Maguire, 2022; Porter, 2016; Prenzler, 2016a, 2016b; Prenzler & Ronken, 2001; Seneviratne, 2004; Shea et al., 2024; Worden et al., 2018). The data sources derive primarily from the Ombudsman, hence the findings section begins with a discussion of transparency and information sharing to acknowledge potential criticisms of bias. However, there has not been any evidence of manipulation of results. The data evidence a willingness to be self-critical and transparent. In some cases, the results are set against targets, including many results below target. Further, each of these subsections provides an overview of relevant data and research utilising a comparative perspective wherever possible.

Findings: assessing the Police Ombudsman for Northern Ireland

Transparency and information sharing

The Police Ombudsman for Northern Ireland has a detailed reporting structure which appears unique internationally (Porter & Prenzler, 2016; Prenzler, 2016a, 2016b). The Ombudsman provides statistical information to a range of bodies including the Police Service, Policing Board and the Department of Justice. The website provides annual data on complaints and allegations received by the Ombudsman, as well as trend information for five years. The reports are produced independently by the Northern Ireland Statistics and Research Agency. Other data cover complainant and subject officer experiences, and public awareness and confidence. An 'equality monitoring' component of the complainant survey includes questions across a wide range of demographic categories including religious affiliation (PONI 2023a, 31). Key data are matched against ambitious performance targets (PONI, 2023a, p. 10). Complaint disposition data are also reported on an annual basis, as are the details of more prominent cases, including findings supporting and criticising police actions.

All of these publicly available data are subject to a UK Statistics Authority (2022) *Code of Practice*. The code sets out three primary governing principles (p. 4):

> First, those producing statistics must demonstrate their integrity and professionalism. Their behaviours and actions should reflect the public interest as shown in their public commitments, attitudes and processes. Above all, the confidentiality of individuals and of business information must be protected.
>
> Secondly, statistics have to be based on the right data sources, with transparent judgements about definitions and methods, and judgements about the strengths and limitations of the statistics. Producers should demonstrate how they assure themselves that their statistics are robust and reliable.
>
> Thirdly, statistics must be equally available to all, and not be released partially or to selected audiences. They should be aimed at society's important questions and be produced efficiently. Producers need to constantly connect to users so their needs can be anticipated and statistics kept up to date.

The Office for Statistics Regulation, within the Authority, is responsible for independent audits and reviews of the quality of publicly reported data. There is also a system for managing complaints and correcting errors (PONI, 2025).

The statistics and reports are also scrutinised by multiple agencies who operate independently of the Ombudsman. For example, information is used by the Police Service to monitor trends and patterns in complaints, including problem areas requiring remediation. The data supplied to police by the Ombudsman's statistical team includes information about individual officers attracting multiple complaints. This information has been used as part of successful complaint reduction strategies by the Police Service (see below). The data are also used by the Policing Board to enhance their understanding of police conduct issues attracting public concern (Prenzler & Maguire, 2022). Searching across 25 years of reports and critiques, the authors of the present article were unable to find any criticisms of the reliability of the official statistics associated with the Ombudsman's work, although we do identify some shortcomings and areas where improvements can be made (below).

Independent handling of complaints

The Ombudsman was established by the *Police (Northern Ireland) Act 1998*. It is located within, but is statutorily independent of, the Department of Justice, and is an entirely separate agency from the Police Service. Section 51(4) of the Act makes the Ombudsman responsible for the police complaints and discipline system:

> The Ombudsman shall exercise his powers under this Part in such manner and to such extent as appears to him to be best calculated to secure—
>
> (a) the efficiency, effectiveness and independence of the police complaints system; and
> (b) the confidence of the public and of members of the police force in that system.

Despite discretion to devolve responsibilities, successive Ombudsmen have maintained direct control over all complaints (PONI, 2016, p. 1). The published values of the Ombudsman cover procedural justice and human rights principles, including a commitment to complete impartiality, fidelity to the evidence, respect for all parties, and providing complete explanations for decisions (PONI, 2023a, p. 25). The Ombudsman as a

Corporation Sole, appointed by Royal Warrant. The Ombudsman is accountable to the Northern Ireland Assembly and is required to consider guidance from the Department of Finance and Department of Justice (PONI, 2021). The operational protocol between Ombudsman and the DoJ specifically excludes any DoJ interference in the casework of the Ombudsman.

The jurisdiction of the Ombudsman covers the Police Service of Northern Ireland, as well as seven smaller agencies. In 2023 it had 147 staff FTE, with 100 working in 'complaints and investigation' (PONI, 2023a, p. 61). The bulk of the work comes from citizen complaints, although the Ombudsman has the discretion to investigate more serious matters that come to its attention without a complaint. The Ombudsman undertakes automatic investigations into deaths in custody and weapons discharges by police. Up until May 2024, it had a role in investigating serious matters of an historical nature to do with the 'Troubles'. The Ombudsman has the power to publish the findings of its investigations without political or police interference.

Ombudsman investigators have the same powers as a police constable, with authority for searches, seizures and arrests (Prenzler & Maguire, 2022). Police officers can be interviewed under caution. Police must provide information to investigators, including video footage. Matters deemed as criminal cases are referred to the public prosecutor. In the case of a decision not to prosecute, or a not guilty verdict, officers can face investigation for misconduct at the civil standard of evidence. This can result in a recommendation for discipline or remedial action to the Chief Constable, who is responsible for enforcing discipline. Sections 59(5)(b) and (6)(a) of the Act state that if 'the Chief Constable is unwilling to bring (the recommended) disciplinary proceedings, the Ombudsman may, after consultation with the Chief Constable, direct him to bring disciplinary proceedings... it shall be the duty of the Chief Constable to comply with a direction under subsection (5)'. However, while the Ombudsman can direct a hearing, they cannot determine the outcome. In 2020, the Ombudsman recommended changes to the Act to ensure that police disciplinary panels include a chair with legal qualifications and lay representation, along with an option for public hearings (PONI, 2020a). However, the Act remains unchanged.

Investigative staff within the Ombudsman are drawn from a variety of backgrounds including social welfare, other ombudsmen, military and auditing sectors, as well as through training and experience within the Ombudsman (Prenzler & Maguire, 2022). Staff from outside a policing background complete the Accredited Investigator Training Program delivered by Portsmouth University. The issue of the role of former police attracted attention in 2011 when a review found that some investigations into legacy cases might have lacked adequate independence (Criminal Justice Inspection Northern Ireland, 2011). However, the review supported the Ombudsman's independence in processing contemporary complaints. The review noted that 'there is a substantial proportion of investigative staff (around 41%) from a former police background' (p. 32). Nonetheless, when selection standards and 'operational protocols' were considered, the review found that, 'in the main, the necessary safeguards are in place to protect the operational independence of the Police Ombudsman' (p. 32; see also PONI, 2016). In other words, it was deemed that the Ombudsman operated free

from influence from the police. At the same time, the Ombudsman has argued that the governing legislation should be amended to ensure that the Ombudsman is not from a policing background (PONI, 2020a). The integrity of the investigative process is also determined by line management arrangements (including interventions by senior management) and a Quality Assurance Board.

Complaint trends

As noted above, a long-term reduction in complaints is a common expectation associated with the work of a civilian control agency in addressing police conduct issues lying behind complaints. Prenzler and Porter (2016) reviewed long-term complaint trends, finding that complaint numbers increased for two years following the creation of the Ombudsman. This was considered 'consistent with the view that a more open and independent system will attract more complaints' (p. 61). Subsequently, complaints fluctuated for eight years, then trended down slightly across the last four years of the study, from 3,542 in 2009/10 to 3,265 in 2012/13 (−8%). At the same time, 'in a more promising trend, the number of allegations fell more sharply and consistently', from 6,501 to 5,200 (−20%) (p. 61; see also Boyd & Marnoch, 2023). Multiple complaints against individual officers also declined.

The downturn in complaints coincided with a 'focused PSNI Complaints Reduction Strategy', beginning in 2010, which boosted the existing partnership with the Ombudsman to improve police conduct (PONI, 2013, p. 6). Ombudsman recommendations implemented by the police included the areas of 'search procedures, baton usage, firing of baton rounds, vehicle pursuits, handcuffing, and police responses to hate crimes and child abuse ... two areas of cooperation that appear to have been particularly fruitful involved measures to address incivility allegations and duty failure allegations related to investigations' (Prenzler & Porter, 2016, pp. 61–62). These outcomes are significant when viewed in comparative perspective. There are few studies in the literature showing substantial downward trends in complaints against police. Nonetheless, some studies have shown much larger sustained reductions—between 60% and 80% for example—associated with a wider range of complaint reduction strategies, including early intervention systems (Prenzler & Porter, 2022).

The last five years to 2023/24 have shown some regression. Complaints trended upwards, from 2,529 to 3,353 (PONI, 2024c, p. 8). Allegation numbers also increased, although multiple complaints (three or more) against individual officers declined slightly. The main area where complaints increased was in the category 'criminal investigation', although details were not provided (p. 12). The 2023 annual report noted that the increase in complaints had imposed stress on staff. This was particularly the case for reception staff, given the fact that a proportion of complainants had mental health concerns (PONI, 2023a, p. 2).

Complaint dispositions and substantiation rates

Higher complaint substantiation rates are an additional expectation associated with civilian control of complaints against police. Three studies have briefly examined the issue of dispositions for complaints managed by the Ombudsman (Boyd & Marnoch, 2023; Prenzler, 2009; Prenzler & Porter, 2016). These studies were hampered by the absence of

consistent data from before and after the establishment of the Ombudsman, and between the Ombudsman and other types of complaints management systems. The figure of a 10% substantiation rate is sometimes reported as a rough average for police-dominated systems (Prenzler, 2009, p. 168). The principles underpinning the civilian control suggest that much higher substantiation rates would occur in independent systems. However, this is not the ultimate test of effectiveness and even the most rigorous systems will be hampered by the common problem of inadequate evidence in citizen complaints (Worden et al., 2018). Consequently, it is perhaps not surprising that two studies found that the apparent substantiation rates from Ombudsman reports were only marginally above 10% (Prenzler, 2009, p. 168; Prenzler & Porter, 2016, p. 16). Boyd and Marnoch's (2023) analysis of complaint dispositions for 2017–2018—which included data obtained through a freedom of information application—concluded that 8% of complaints were 'determined to be justified' and 0.2% led to a decision for criminal prosecution (p. 276).

These attrition rates for complaints were seen as challenging the legitimacy of the Ombudsman, necessitating other sources of validation (Boyd & Marnoch, 2023). One source has been the Ombudsman's reporting on the Police Service's acceptance, and presumed implementation, of recommendations for improved procedures. Over three years the acceptance rate was 77%, indicating 'a significant source of pragmatic legitimacy for the OPONI' (Boyd & Marnoch, 2023, p. 277). Another source is discipline-oriented outcomes. Prenzler and Porter (2016) found that Police Service acceptance of Ombudsman recommended dispositions averaged 97%. However, responses from both the public prosecutor and the police are no longer reported, and the Ombudsman (PONI, 2020a) has recommended that more data be reported to complainants and the public on complaint dispositions.

The available data on dispositions for 2023/24 showed that complaints 'substantiated or an issue of concern' numbered 145, or 12.6% of 1,449 complaints 'closed following a full investigation' (PONI, 2024b, p. 33). Thirteen matters were referred to the public prosecutor, 92 to an 'unsatisfactory performance procedure', 112 to a 'misconduct meeting' and four to a 'misconduct hearing' (p. 34). These numbers have fluctuated over the longer term. For example, the substantiation rate, in the above terms, increased for a period and reached an average of almost a quarter, at 24%, for six years from 2012/13 to 2017/18, before declining (PONI, 2024a, Table 12). There has also been a reduction, since 2017/18, in the number of disciplinary and performance improvement options, and a trend towards what could be considered as lighter disciplinary recommendations (PONI, 2024C, Tables 13–15).

Mediation and informal resolution

Informal dispute resolution, including mediation, has been shown in numerous studies to be successful in addressing many of the concerns of complainants and police officers about impartiality and being heard. This approach provides a restorative justice alternative to the overly detached and legalistic formal investigations processes often entailed in internal affairs and review-style oversight agency processes (Goodman-Delahunty et al., 2014; Worden et al., 2018). The Ombudsman trialled mediation with 26 complaints in 2008/09. Only one meeting was concluded, reportedly 'successfully' (PONI, 2009,

p. 20). The remaining offers were rejected by complainants and police, primarily due to a preference for formal investigations, and it appears that mediation was then excluded from the options for responding to complaints. This is despite the fact that the literature shows that complainant and police satisfaction with mediation can reach levels as high as 80% (Porter & Prenzler, 2016; Prenzler, 2016b).

The Ombudsman's governing legislation allows for police-led informal resolution. The number of complaints referred for this option increased from 250 in 2019/20 to 363 in 2023/24 (PONI, 2024c, p. 35). The percentages deemed 'successful'—without elaboration—averaged 72% over five years. An evaluation of informal resolution published in 2005 found that 52% of complainants were satisfied that their complaint had been 'successfully resolved' (PONI, 2005, p. 29). Since then, it appears that participant experience surveys in this area have lapsed and the role of informal resolution in overall complainant satisfaction is not clear. Again, this is despite the fact that comparative data, although mixed, show that complainant and police experiences with police-led informal resolution can reach above 75% (Porter & Prenzler, 2016; Prenzler, 2016b).

Complainant experiences

The idea of civilian control includes a much better experience for complainants, particularly in terms of impartiality and associated procedural justice criteria, in comparison to internal affairs and civilian review models of complaint handling. Porter and Prenzler (2016) reviewed 10 complainant surveys by the Ombudsman—from 2002/03 to 2013/14. Overall satisfaction averaged 57%, outcome satisfaction averaged 40%, and satisfaction with the process was 67% (p. 84). The satisfaction rates were well above those reported in police-dominated and review-style systems (pp. 77-83). For example, Porter and Prenzler (2016) reviewed 25 studies of complainant satisfaction in 'police dominated systems' (p. 77). In all but one case, the large majority of complainants—averaging 71%—were dissatisfied. While lack of communication and timeliness were issues, perceived bias was a common problem, with a general preference expressed for independent processes. In nine surveys of complainants in review agencies—or 'mixed systems'—

Table 1. Complainant satisfaction, Police Ombudsman for Northern Ireland, percentages, 2023/24.

Treated with respect	81
Treated fairly	67
Easy to understand	79
Knowledgeable	68
Advice received from the Ombudsman	43
Length of time to reply	54
Clarity of explanation	51
Frequency of updates	38
Clarity of correspondence	49
Manner of treatment of complaint	43
Overall time to resolve complaint	43
Understood the final decision	49
Accept the final decision*	78
Dealt with independently	47
Use again	54

*'Of those who understood the reason the (Ombudsman) gave for reaching the final decision about the complaint'. PONI, 2024f, p. 8. N = 345.

all except one showed high levels of dissatisfaction (p. 81). Large majorities also supported the independent processing for their complaint.

Porter and Prenzler's (2016) study also identified a long-term decline in overall complainant satisfaction with the Ombudsman's processes, from 67% in 2003/04 to 50% in 2013/14. These lower ratings have persisted. Table 1 shows the most recent figures for 2023/24. While still above typical results for internal and review systems, many of the findings remain stuck below 50%. The question on independence was at a concerning 47%, although fairness of treatment was much better at 67% and 'acceptance of the final decision' was at 78%. The Ombudsman stopped measuring overall satisfaction in 2018/19, shifting the focus to procedural elements of satisfaction (PONI, 2019, p. 16).

Police views

As key stakeholders in the complaints process, police are also expected to have a more positive experience of complaints processing under a civilian control model. Prenzler's (2016b) review of eight surveys of police officers subject to investigation by the Ombudsman found that overall satisfaction averaged 70% and satisfaction with outcomes was 86%. Impartiality was given an average score of 91% and the fairness of the Ombudsman's processes was supported by 83% of respondents. In addition, an average of 71% of investigated officers agreed that the independent complaints system 'makes police more accountable' (in Prenzler, 2016b, pp. 109–111). Comparisons with findings from police-dominated and review-style systems were complicated by wide variations in results. However, overall, officer views of their experiences with the Northern Ireland system were well above available averages in most other systems, prompting the conclusion that 'police fears about civilian investigators not understanding their situation and favouring complainants are likely to be unfounded in a system that is both independent and puts a high premium on procedural justice' (p. 115). The most recent findings, shown in Table 2, confirm this view; although some process aspects—such as timeliness, explanations and frequency of updates—have deteriorated substantially. 'Overall satisfaction' and satisfaction with the outcome are no longer reported.

The views of officers subject to investigation often contrast with those of representative organisations (Prenzler & Maguire, 2022, pp. 30–32). The Royal Ulster Constabulary Retired Officers Association has been extremely critical of the Ombudsman, at times calling for the Ombudsman's resignation. Much of this criticism has

Table 2. Subject officer satisfaction, Police Ombudsman for Northern Ireland, Percentages, 2023/24.

Independent dealing	77
Treated with respect	89
Fairness of treatment	75
Staff knowledge-able	75
Explanation of the process	48
Manner of treatment	51
Staff easy to understand	87
Timeliness to resolve	35
Frequency of updates	33
Clarity of correspondence	46
System makes police more accountable	59

PONI, 2024g, pp. 7–10. N = 279.

been in response to the Ombudsman's legacy investigations into the actions of the Constabulary during the conflict. The Police Federation (the rank-and-file union) initially welcomed the establishment of the Ombudsman. However, it has been critical in relation to legacy reports and aspects of current investigations (PONI, 2020b). In 2018, the Chairman of the Federation 'called for independent oversight of the Ombudsman and for redress for officers who had been subject to what he called malicious complaints' (PONI, 2020b, p. 29).

Public perceptions

The Police Ombudsman for Northern Ireland has achieved high levels of public awareness and support—also considered a key test for civilian control agencies. Prenzler's (2016a) review of public surveys on the Ombudsman were averaged over five years to 2012/2013, with the following results (p. 68):

- 79% of respondents ... expressed confidence in the Ombudsman dealing with complaints impartially;
- 85% were confident of being treated fairly if they made a complaint;
- 83% viewed the Ombudsman as being independent of police; and
- 85% believed the Ombudsman would 'help ensure that the police do a good job'.

These ratings were similar to those from available surveys for review agencies—although, given that review agencies often appear to be independent (as noted earlier in the literature review), it was likely that respondents were generally unaware of the limitations of these agencies and most likely envisaged them as embodying the civilian control model (Prenzler, 2016a, p. 67).

High levels of public awareness of, and confidence in, the Police Ombudsman for Northern Ireland have persisted, although with some declines. In summary form, the most recent data available, for 2023, are as follows (PONI, 2023b, p. 5; see this and preceding reports for details on survey methodology and validity):

- 90% of respondents had heard of the Police Ombudsman's Office.
- 88% that had heard of the Police Ombudsman's Office were aware that it is independent from the police.
- 64% that had heard of the Police Ombudsman's Office were confident that complaints were dealt with in an impartial way.
- 73% that had heard of the Police Ombudsman's Office felt they would be treated fairly if they made a complaint.
- 72% that had heard of the Police Ombudsman's Office felt the Office would help ensure the police do a good job.

An important finding here was that self-identified Catholics and Protestants had similar positive views of the Ombudsman—although with Catholics somewhat less positive. According to the 2021 census, 43% of citizens were from 'Protestant or other Christian backgrounds', compared to 46% from a 'Catholic background' (Carroll, 2022, p. 1). Information for 2023/24 showed that 58% of complainants identified as a 'member of the Protestant community' and 28% as Catholic (PONI, 2024e, p. 9). The proportionately lower rate of complaints from Catholics might be a product of less confidence in the

police complaints process, although this is not consistent with the public opinion data. For example, the proportions for Protestants and Catholics in relation to the perceived impartiality of the Ombudsman were 68% and 64% respectively, and 77% and 70% for perceived fair treatment when making a complaint (PONI, 2023b, p. 8 and 9). Conversely, the percentage of Catholic respondents who thought that the Ombudsman 'will help ensure that the police do a good job' was 77% compared to 71% of Protestants (p. 10).

Indicators of security and public confidence in police

Civilian control agencies should also make a positive contribution to overall indicators of police effectiveness. Despite the Ombudsman having been established 24 years ago, there has been limited research on its impact on policing. Available studies, drawing mainly on public confidence surveys, point to an important role in helping with the acceptance of the Police Service within the nationalist/Catholic community (e.g., Ellison, 2007) and on improvements in operational policing (e.g., PONI, 2020b). Elllison stated that, 'Of all the reform proposals, the establishment of a fully independent police complaints machinery has been vital in generating legitimacy for the new policing structures. Without the establishment of the [Police Ombudsman for Northern Ireland], the entire reform process would have stalled years ago, and its role in enhancing the legitimacy of the PSNI should not be underestimated' (p. 261). Topping (2016) observed that, in a contested space, the structure of police accountability had become a means to 'measure' and 'signpost' major change away from a militaristic-style of policing towards a more community-based style (p. 153). Topping also argued that, in assuring independence in the complaints process, the 'return on investment in the [Police Ombudsman for Northern Ireland] ... is incalculable in terms of its worth to societal trust and confidence in the police' (p. 155). More specifically, Orde and Rea (2016) examined the importance of the Ombudsman's reports on improving covert policing and the role of the Ombudsman and the Policing Board on developing a more transparent and accountable culture within the Police Service.

Discussion

The descriptive material on the powers and functions of the Police Ombudsman for Northern Ireland and the comparative performance data reviewed in this study showed a range of substantial achievements. Overall, it appears that the Ombudsman's statutory and operational separation from the police, its management of complaints, and its work with the Police Service have made important contributions to the success of the police reform project in Northern Ireland, the wider peace process, and the accountability of the police (cf., Northern Ireland Affairs Committee, 2005; Murphy, 2013; Topping, 2016). This achievement is represented in part in high levels of cross-partisan support for the impartiality and effectiveness of the police. In addition, when performance data for the Ombudsman are compared to those for both police-dominated and review-style agencies, the achievements become more evident particularly in terms of the higher rates of stakeholder satisfaction. The updated evidence assessed for the present study supports the common view in the academic literature that, 'The PONI has demonstrated that a strong civilian control model can work' (Seneviratne, 2004,

p. 341). Much of the success of the Ombudsman can be attributed to its adoption of key features of civilian control. These include the independent processing of complaints, the adoption of strong procedural justice and human rights standards, working with police to improve officer conduct, and transparency in public reporting on cases and statistics. These features have meant that the agency has avoided some of the traps of detached 'high policing' agencies (Brodeur, 2010)—including a dismissive attitude towards the concerns of ordinary citizens. Studies suggest that the model might also meet justice criteria and improve police accountability in non-Western countries—subject to culturally-appropriate needs analyses (Ho et al., 2022; dela Rama & Lester, 2019; Mashaka et al., 2024; Mugari & Olutolab, 2023).

While the Ombudsman appears to tick many of the boxes for best practice, the available evidence indicates room for improvement consistent with the civilian control model. One issue in the design of oversight agencies concerns what constitutes independence from police in terms of personnel. The Ombudsman appears to have found a suitable balance in ensuring operational independence and stakeholder confidence while utilising the skills of ex-police, with a minority of investigators with a police background from outside and within Northern Ireland carefully selected and subject to conflict of interest controls (PONI, 2016, 2024d). At the same time, as outlined above, there are areas where the legislation could be amended to strengthen the independence of the Ombudsman. Examples include ensuring that the Ombudsman is not a former police officer and greater lay involvement on disciplinary panels.

Complainant satisfaction is one area where improvements are highly desirable. It is possible that more probing research would show a way forward here. Many of the results for complainant satisfaction are below target, as they are for police satisfaction. On current indicators, the problem would seem to lie primarily with process aspects of complaints management, so that a boost to resources might be appropriate to speed up through-puts and ensure better communication. External involvement in disciplinary panels might also aid complainants' perceptions of a procedural justice. In some cases, a victim support approach to complainants is also an option worth considering (Prenzler & Maguire, 2022, p. 36). Mediation provides another means of improving satisfaction. Surveys support the view that the face-to-face aspects of mediation are a key factor in high participant satisfaction (Bartels & Silverman, 2005; Schaible et al., 2012; Young et al., 2005). Mediation has been so successful in these studies that it could be considered as a default option for most complaints and worth a renewed effort in Northern Ireland, as recommended by the Ombudsman (PONI, 2020a, p. 29).

Addressing the upward trend in complaints is another area where improvements might be made to reduce dissatisfaction with police. Improvements might be achieved through a renewed 'focused PSNI Complaints Reduction Strategy' (PONI, 2013, p. 6), with data-driven changes to procedures and training. This approach has been shown to be effective elsewhere, including with early intervention systems and with a wider range of performance indicators, including firearms discharges, use-of-force reports, litigation, high speed pursuits, and officer and citizen injuries (Engel et al., 2022; James et al., 2023; Porter, 2016; Porter et al., 2012; Wood et al., 2020). More female and graduate officers should also lead to reduced complaints.

Another issue concerns the absence of police internal complaints and disclosures from the Ombudsman's jurisdiction. The protection of police officers and police staff from

discrimination and persecution is a key rationale for the civilian control model (e.g., Fitzgerald, 1989; Knapp, 1972; Wood, 1997). This does not appear to have been a major issue in Northern Ireland but one which bears investigation. Some coverage is available currently through the Ombudsman's own motion power, but comprehensive coverage might be desirable. Extension of the investigation and adjudication system to former officers and all civilian employees and police contractors is also a consideration (PONI, 2020a). One argument against such an approach is that it could involve the Ombudsman in human resource issues within the Police Service, an area it would be ill-equipped to deal with effectively within its current resource allocation.

Conclusion

Police misconduct is a universal problem that requires comprehensive preventive interventions. The literature shows that pro-active complaints management is one essential mechanism. The civilian control model optimises police accountability and misconduct prevention through the independent civilian-based management of complaints, in a process completely external to the police agency, alongside cooperative integrity management. This article has addressed the question of the extent to which the Police Ombudsman for Northern Ireland embodies the principles of the civilian control model. The Ombudsman's structure and operations were assessed using available performance data across the topics and criteria of transparency and information sharing, independent handling of complaints, complaint trends, complaint dispositions and substantiation rates, mediation and informal resolution, complainant experiences, police views, public perceptions, and indicators of security and public confidence in police.

Overall, the successes of the Ombudsman to-date are closely associated with independent and procedurally just complaints management. At the same time, there are areas where the functions of the Ombudsman could be improved, consistent with a comprehensive civilian control model. These include consideration of means to improve stakeholder experiences, especially for complainants; inclusion of internal complaints and disclosures in the Ombudsman's remit; and facilitation of a wider set of integrity strategies.

While only one case study site, the research suggests that jurisdictions that adopt the Northern Ireland system should see large improvements in stakeholder confidence in the police and in responses to complaints. This would appear to be dependent nonetheless on the oversight agency being part of a larger reform program and set of strong accountability institutions. Further research would test these views in other settings and also advance research into the Northern Ireland example utilising interviews with key informants and a wider range of comparative performance measures.

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