



**The Queensland Police Commissioned Officers' Union**

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31 OCT 2008

**PARLIAMENTARY CRIME AND  
MISCONDUCT COMMITTEE**

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Your ref: 11.1.4

30 October 2008

Hon. Paul Hoolihan MP  
Chairman  
Parliamentary Crime and Misconduct Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Hoolihan

**Re: Three Yearly Review of the Crime and Misconduct Commission**

I refer to your letter of 19 September 2008 inviting this Union to make a submission to your Committee to assist in the conduct of its three yearly review of the Crime and Misconduct Commission (CMC) pursuant to section 292(f) of the *Crime and Misconduct Act 2001*. The Union appreciates the opportunity to present on issues of importance to our members and our submission is attached for your consideration.

Issues addressed by this Union include:

- the conduct of CMC investigations where police officers are subject members;
- role of the CMC Police Group;
- prevention and investigation of major crime—proceeds of crime.

While mindful the review focuses on systemic issues, our submission has, in part, drawn on individual or particular experiences to exemplify the existence and effects of concerns raised.

I trust our submission will assist your Committee in understanding and addressing the issues raised.

Yours sincerely

**Peter Savage**  
**(Superintendent)**  
**President**  
**Queensland Police Commissioned Officers' Union**



## QPCOU SUBMISSION TO THE PARLIAMETARY CRIME AND MISCONDUCT COMMITTEE - 30.10.08

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### ***CMC INVESTIGATIONS OF ALLEGED OFFICIAL MISCONDUCT OR POLICE MISCONDUCT***

Complaints made against police officers which are assessed by the Crime and Misconduct Commission (CMC) as involving allegations of 'official misconduct' or 'police misconduct' are frequently referred to the Queensland Police Service (QPS) to deal with by way of investigation or other approved inquiries. There are, however, occasions when the CMC determines to investigate complaints involving such allegations using its own investigators solely or in conjunction with the QPS. In either case, control of how these investigations are conducted and recommended outcomes, lies with the CMC.

It is fair to say the matters the CMC retains for its own investigation involve allegations of a more serious nature or allegedly involve a number of police officers. The manner in which some of these investigations over the last few years have proceeded, raise serious concerns for our members, in particular, the significant welfare issues that are created as a result of the bureaucratic and tardy nature of CMC-run investigations.

The length of time taken to investigate and determine complaints must be seriously questioned. While more serious allegations would bear greater depth of investigation, realistic time frames surrounding the investigative process must still apply. CMC investigations into allegations of official misconduct or misconduct made against high profile or political personalities are usually completed within 6 to 12 months. Outcomes are known to all parties within what may be described as reasonable timeframes. This Union asks why the CMC takes inordinate time, years in fact, when investigating police related complaints, in one case at least, up to 4 years, to complete its inquiries?

The reasonableness of the investigative and decision-making process must be questioned where officers are interviewed and re-interviewed several times in relation to the same matter without any new information available to investigators. Thoroughness of investigative technique is understood, but unexplained repetitive interviews raises issues of another kind.

It is acknowledged some matters subject of CMC investigations involve what may be termed 'old' issues. Despite that, where reasonable investigative processes are indicative of whether criminal charges should be preferred or whether disciplinary issues should be referred to the QPS, these determinations should be made within reasonable timeframes.

Inordinate delays by the CMC in determining the outcome of complaints lead, at the very least, to:

- Stress experienced by subject officers. In some cases this has been severe;
- Negative impacts on officers' families;
- Negative impacts on officers' career path;
- Negative impacts on officers' promotional opportunities;
- Negative impacts on officers' general health and wellbeing.

**The time factor involved in investigating a complaint should not be the punishment!** Sadly, for many police officers this appears to have become the case.

To assist Parliamentary Crime and Misconduct Committee members understand and appreciate the nature and degree of the negativity generated by prolonged CMC investigations, the experiences of one member and his family are documented in the **attached** letter from the member's partner. All committee members are urged to take the time to read this story. The account is real and compelling.

The CMC must be accountable for the time frames of its investigations. The PCMC should, through a sub-committee, review complaints which have been under CMC investigation longer than 6 months as to reasons why. The 6 monthly PCMC Review of CMC investigations should address:

- How the investigation is progressing; and
- The subject officers' welfare and any medical conditions associated with the investigation.

In relation to this latter point, representations from this Union and the Queensland Police Union of Employees should be received and considered as part of this review process.

#### ***ROLE OF THE CMC POLICE GROUP***

The important role played by police officers within the CMC should be acknowledged and endorsed by the PCMC. Since the CMC's inception (formerly styled the Criminal Justice Commission), the Policing Group has been an integral component of the organisation.

Eighty-four police officers are seconded to perform duty at the CMC. The CMC receives funding for each of those police positions. This Union holds concerns regarding the growing number of vacant police positions at the CMC. Inquiries made regarding one commissioned officer position which has been vacant for 2 years reveal that police position will not be filled.

This Union is of the view that approved police positions funded by Government should not be lost to the Service and the community because of organisational and administrative decisions to reallocate the funding provided for those police positions.

#### ***PROCEEDS OF CRIME***

The CMC performs a monitoring and support role in discharging its responsibilities under the *Crime and Misconduct Commission Act 2001*. While it carries a broad range of functions, some of the roles it has adopted and areas to which it applies resources may be argued to be 'on the fringe'. This Union is of the view greater emphasis and resources should be applied in areas for which the CMC has clear carriage of responsibility.

Proceeds of crime legislation has provided a highly effective tool to combat criminal activity. There is great need to raise the profile of the Proceeds of Crime Unit at the CMC and provide more resources to enhance its effectiveness in this area.