

ACTP Summary

During 1 July 2018 – 31 December 2018 PRS received 62 complaints related to members of ACTP, this resulted in 91 alleged conduct breaches.

Table1: Submitted alleged breaches by financial year

| ALL ACT POLICING BREACHES | 2015-16 | 2016-17 | 2017-18 | 2018-19 |
|---------------------------|------------|------------|------------|-----------|
| Category 1 | 100 | 67 | 66 | 32 |
| Category 2 | 131 | 120 | 143 | 33 |
| Category 3 | 55 | 55 | 48 | 17 |
| Corruption Issues | 10 | 9 | 19 | 9 |
| Total | 296 | 251 | 276 | 91 |

Table 2: Submitted alleged breaches by complainant type

| SOURCE | TOTAL BREACHES | PERCENTAGE |
|--------------------------------|----------------|-------------|
| Anonymous member of the public | 5 | 5.49% |
| Member of the public | 55 | 60.44% |
| Reporting another AFP member | 30 | 32.97% |
| Self-reported | 1 | 1.10% |
| Total | 91 | 100% |

Table 3: Finalised conduct breaches by finding, 1 July 2018 – 31 December 2018

| ALL ACT POLICING BREACHES | ESTABLISHED | NOT ESTABLISHED | WITHDRAWN | DISCRETION NOT TO PROCEED |
|---------------------------|-------------|-----------------|-----------|---------------------------|
| Category 1 | 3 | 27 | 0 | 3 |
| Category 2 | 11 | 28 | 0 | 13 |
| Category 3 | 11 | 20 | 0 | 2 |
| Corruption Issues | 0 | 5 | 0 | 4 |
| Total | 25 | 80 | 0 | 22 |

Table 4: Established breaches, 1 July 2018 – 31 December 2018

| CONDUCT BREACH | NUMBER ESTABLISHED |
|---|--------------------|
| Inadequate Investigation | 5 |
| Information Access | 4 |
| Inadequate Service | 3 |
| Inappropriate Behaviour/Conduct | 2 |
| Misuse of Authority | 1 |
| Fail to Declare Association | 1 |
| Unauthorised Discharge Tazer | 1 |
| Fail to Record and Report | 1 |
| Conflict of Interest | 1 |
| CO3 non-Serious Nature | 1 |
| Misuse of Credit Card | 1 |
| Assault | 1 |
| Violence - Family and Domestic | 1 |
| Fail to Comply with Procedure | 1 |
| Inappropriate Behaviour/Conduct Serious | 1 |
| Total | 25 |

ACTP CMT Summary

As at 1 February 20218 the ACTP CMT had 14 ongoing Category 1 complaints and 15 ongoing Category 2 complaints.

Table 5: Ongoing Category 1 complaints

| CMT | Total Cat 1 Complaints | Cat 1 Under B/M | Cat 1 Over B/M | % Within B/M | Previous Report % | 1 Week Warning | Exceeds By 90 Days |
|------------|------------------------|-----------------|----------------|--------------|-------------------|----------------|--------------------|
| ACT | 14 | 1 | 13 | 7% | 7% | 1 | 4 |

Table 6: Ongoing Category 2 complaints

| CMT | Total Cat 2 Complaints | Cat 2 Under B/M | Cat 2 Over B/M | % Within B/M | Previous Report % | 1 Week Warning | Exceeds By 90 Days |
|------------|------------------------|-----------------|----------------|--------------|-------------------|----------------|--------------------|
| ACT | 15 | 4 | 11 | 27% | 40% | 1 | 4 |

TRENDS ANALYSIS

Alleged conduct breaches submitted 1 July 2018 – 31 December 2018

Compared to the previous reporting period (1 July 2017 – 31 December 2017) there has been a decrease of 34% (from 138 to 91) in submitted alleged breaches.

Compared to the previous reporting period the number of complaint breaches arising from members of the public has remained consistent. For the 1 July 2018 – 31 December 2018 reporting period 62% of alleged breaches were submitted by an external source (up from 60% the previous reporting period).

Category 1 – ACT Policing has seen an increase of 28% (from 25 to 32) in submitted alleged breaches compared to the previous reporting period.

Category 2 – There has been a significant decrease of 53% (from 71 to 33) in submitted alleged breaches between the two reporting periods. For the 1 July 2018 – 31 December 2018 reporting period 7% of Category 2 breaches were submitted by an internal source compared to the previous period where 21% were submitted internally.

Category 3 – These matters have decreased by 80% (from 36 to 7) compared to the previous reporting period. Between the two reporting periods there has been a significant decrease in Category 3 breaches submitted externally from 15 to 2.

ACT Policing has seen an increase in reports of alleged corruption, with eight matters being reported during the reporting period (up from six in the previous period). Each of these matters were referred to the Australian Commission for Law Enforcement Integrity (ACLEI) for investigation.

The topmost submitted alleged breaches over the reporting period were:

- non-serious breaches of AFP Commissioner's Order 3, which governs the use of force and operational safety by AFP members;
- Discourtesy;
- Inadequate Service;
- Failure to Act; and
- Neglect of Duty

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

Finalised conduct issues

During the 1 July 2018 – 31 December 2018 reporting period, 127 conduct breaches (67 complaints) were finalised. This is a 54% increase on the 82 conduct breaches (49 complaints) finalised for the previous reporting period.

For the reporting period 62% of all breaches were Not Established, compared to the previous reporting period of 71%.

There has been a significant increase in breaches with a finding of Discretion not to Proceed, 17% of all breaches compared to the previous reporting period of 6%.

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

To maintain proper oversight and ensure AFP complaint investigations maintain integrity and fairness in practice and process, the Commonwealth Law Enforcement Ombudsman undertakes a review of randomly selected complaint investigations every year. For the Ombudsman reporting period, 1 March 2016 to 28 February 2017, the Ombudsman reviewed 431 AFP complaint investigations, of which 139 (32%) related to ACT Policing matters. No systemic issues were identified. The next annual Ombudsman review is scheduled to take place in April 2019.

Established matters

The number of Established breaches has remained consistent across the two reporting periods (from 20% to 19% of all breaches).

Of note is the decrease in Established breaches of Unauthorised Discharge of Conducted Electrical Weapon (CEW) from six to one. During the 2017-18 financial year 10 Unauthorised Discharge of CEW breaches were Established. The 2017-18 increase may be attributed to an increased distribution of CEW to ACT Policing officers. In late May 2018, the AFP also released changes to the CEW station test, load and unload process to enhance operational safety and where possible, mitigate the risk of unauthorised discharge which could have contributed to the decrease in Established Unauthorised Discharge of CEW breaches.

CO3 Non-serious Nature (Category 2) has remained the top most Established breach across the two reporting periods.

Established breaches of Discourtesy (Category 1) and Inadequate Service (Category 1) have both seen an increase from four to 11 and two to 10 respectively.

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