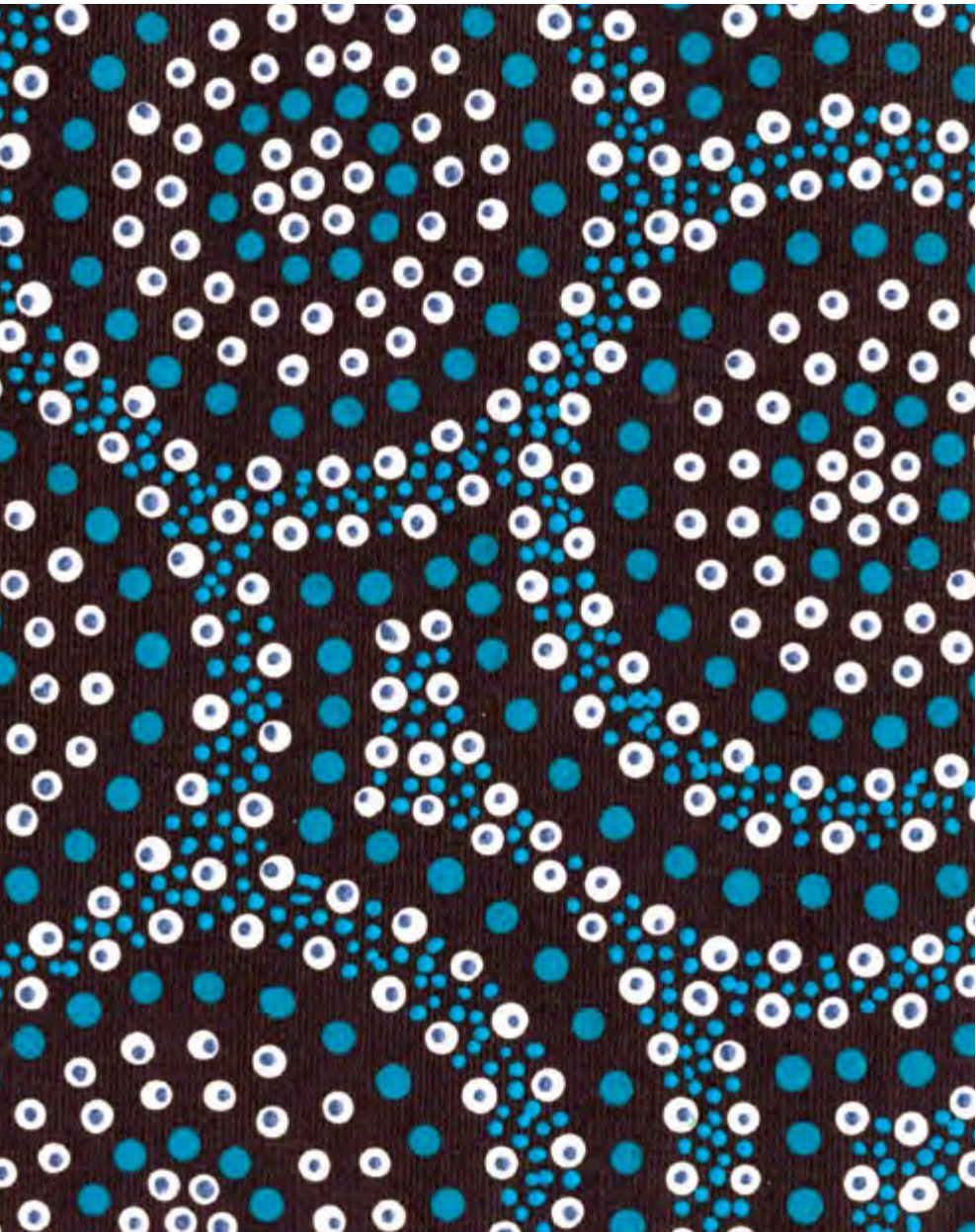


5 Professional standards



Professional standards

5

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The term *professional standards* relates to the Commissioner's expectation that all AFP appointees will serve with integrity. This includes those in ACT Policing.

AFP Professional Standards, which sits within the AFP's Workforce Development and Culture function, is responsible for developing and maintaining the highest professional standards throughout the organisation, as well as overseeing and investigating complaints about the conduct of AFP appointees.

The AFP's professional standards are underpinned by the AFP Core Values (*see Chapter 3: Our Values*) and the AFP Code of Conduct. Further information on the AFP Values and the AFP Code of Conduct is available on the AFP website (afp.gov.au).

AFP Professional Standards Framework

The AFP's Professional Standards Framework is governed by Part V of the *Australian Federal Police Act 1979* (Cth) and the *Australian Federal Police Regulations 1979* (Cth).

This framework is further supported by internal governance such as the Commissioner's Order on Professional Standards and the National Guideline on Complaint Management. The Commonwealth Ombudsman and the Australian Commission for Law Enforcement Integrity (ACLEI) oversee the framework.

The AFP is committed to managing fraud and corruption risks as part of its everyday business and complies with the Australian National Audit Office Better Practice Guide on Fraud Control in Australian Government Entities. As a Commonwealth entity, the AFP has a Fraud Control and Anti-corruption Plan which ensures compliance with the *Public Governance, Performance and Accountability Rule 2014* (Cth).

Relevant ACT Government Ministers can be informed about ACLEI's activities when investigating serious corruption and systemic corruption as defined by the *Law Enforcement Integrity Commissioner Act 2006* (Cth).

The AFP's Professional Standards Framework adopts a tiered approach according to the seriousness of the breach:

- ▶ Category 1 conduct — relates to customer service matters
- ▶ Category 2 conduct — relates to minor misconduct
- ▶ Category 3 conduct — relates to serious misconduct including breaches of the criminal law or serious neglect of duty
- ▶ Corruption issues (also referred to as Category 4).

Complaints dealing with Categories 1 and 2 of the AFP's Professional Standards Framework are managed by line-managers through the ACT Policing Complaint Management Team.

More serious matters that may result in employment suitability considerations (Category 3) are investigated by AFP's Professional Standards. Every Category 3 matter is also reported to the Commonwealth Ombudsman for additional oversight.

Complaints and information about corrupt conduct of AFP appointees are immediately referred to ACLEI. Pursuant to section 26 of the *Law Enforcement Integrity Commissioner Act 2006* (Cth), the Integrity Commissioner will determine whether a matter is investigated jointly with AFP Professional Standards, solely by ACLEI or as an AFP-only investigation.

ACT Policing Complaint Statistics

Financial year 2018–19

During the financial year 2018–19, AFP's Professional Standards received 122 complaints relating to ACT Policing resulting in 216 alleged conduct breaches¹ being recorded.

TABLE 5.1: ALLEGED CONDUCT BREACHES RECORDED DURING LAST FOUR YEARS BY CATEGORY²

ALL ACT POLICING BREACHES	2015–16	2016–17	2017–18	2018–19
Category 1	100	67	66	82
Category 2	131	120	143	69
Category 3	55	55	48	49
Corruption issues	10	9	19	16
Total	296	251	276	216

TABLE 5.2: ALLEGED CONDUCT BREACHES RECORDED DURING 2018–19 BY SOURCE

SOURCE	TOTAL BREACHES	PERCENTAGE
Anonymous member of the public	5	2.31%
Member of the public	136	62.96%
Reporting another AFP member	63	29.17%
Self-reported	12	5.56%
Total	216	100%

TABLE 5.3: FINALISED CONDUCT BREACHES DURING 2018–19 BY CATEGORY³

ALL ACT POLICING BREACHES	ESTABLISHED	NOT ESTABLISHED	DISCRETION NOT TO PROCEED
Category 1	4	56	7
Category 2	20	52	23
Category 3	19	33	6
Corruption issues	0	10	8
Total	43	151	44

¹ Multiple breaches can result from one complaint.

² Part V of the *Australian Federal Police Act 1979* defines the categories of conduct. Category 1 is the least serious category and predominantly relates to customer service breaches. Category 2 is minor misconduct and Category 3 is serious misconduct. Corruption issues are referred to the Australian Commission for Law Enforcement Integrity.

³ This table only includes matters where the case was finalised. This table includes matters reported before 1 July 2018.

TABLE 5.4: ESTABLISHED CONDUCT BREACHES DURING 2018–19

CONDUCT BREACH	NUMBER ESTABLISHED
Information access	8
Inadequate investigation	5
Fail to comply with procedure	4
Inadequate service	4
Inappropriate behaviour/conduct — serious	3
Unauthorised discharge of conducted electrical weapon	3
Inappropriate behaviour/conduct	3
Misuse of credit card	2
Misuse of authority	2
Conflict of interest	2
Violence — family and domestic	2
Assault	1
Fail to record and report	1
Due care/diligence failure	1
Fail to declare association	1
Breach of Commissioner's Order 3 — non-serious nature	1
Total	43

TABLE 5.5: COMPLAINTS ON HAND⁴ AS OF 1 JULY 2019

Timeliness benchmarks are applied to each category with a target of 90 per cent to be finalised within the specified number of days. The benchmarks are:

- ▶ 42 days for Category 1 matters
- ▶ 66 days for Category 2 matters
- ▶ 256 days for Category 3 matters.

Corruption issues fall under the *Law Enforcement Integrity Commissioner Act 2006* (Cth) and are not subject to a timeliness benchmark.

ALL ONGOING ACT POLICING COMPLAINTS	COMPLAINTS ONGOING	NUMBER OF COMPLAINTS OVERDUE	EXCEEDS 7 DAYS OVER BENCHMARK	EXCEEDS 30 DAYS OVER BENCHMARK	EXCEEDS 90 DAYS OVER BENCHMARK
Category 1	10	6	–	2	4
Category 2	12	7	2	2	3
Category 3	18	6	–	3	3
Corruption issues	12	–	–	–	–
Total	52	19	2	7	10

Complaint data

The complaint data contained in this report was extracted from the AFP's SAS Visual Analytics system which is updated on a daily basis. This report is reflective of Category 1–4 complaints that relate to members of ACT Policing. The data for this report was extracted and accurate as at 1 July 2019.

⁴ This table includes all complaints recorded on the AFP's Complaint Recording and Management System where the investigation is yet to be finalised and relates to a member of ACT Policing.

Trends Analysis

Alleged conduct breaches submitted

Compared to the previous financial year, ACT Policing has seen a 21.74 per cent decrease in total alleged conduct breaches (276 to 216) and a 27.03 per cent decrease since the 2015–16 financial year.

For the 2018–19 financial year, internal reporting sources such as an AFP member reporting another member or an AFP member reporting themselves have remained relatively consistent with last financial year making up 34.73 per cent of alleged complaint breaches compared with 39.5 per cent during 2017–18.

Category 1 — ACT Policing has seen an increase of 24.24 per cent in Category 1 breaches compared to the previous financial year. While there has been an increase since last financial year, ACT Policing has seen an 18 per cent decrease in this category since the 2015–16 financial year.

Category 2 — Compared to the 2017–18 financial year, there has been a 51.75 per cent decrease in alleged Category 2 breaches. Since the 2015–16 financial year, there has been a 47.33 per cent decrease.

Category 3 — These matters have remained relatively consistent across the 2017–18 and 2018–19 financial years, however ACT Policing has seen a 10.91 per cent decrease in alleged Category 3 breaches since the 2015–16 financial year.

Corruption Issues — ACT Policing has seen a decrease of 15.79 per cent in reports of alleged corruption with 16 matters being reported during this reporting period (down from 19 in 2017–18). Each of these matters were referred to ACLEI for investigation.

The most frequently reported alleged breaches submitted against ACT Policing members were:

Category 1

- ▶ Discourtesy
- ▶ Failure to act
- ▶ Advice failure.

Category 2

- ▶ Breach of Commissioner's Order 3 — non-serious nature
- ▶ Due care/diligence failure
- ▶ Failure to comply with procedure.

Category 3

- ▶ Misuse of authority
- ▶ Property misconduct
- ▶ Neglect of duty
- ▶ Breach of Commissioner's Order 3 with Injury
- ▶ Inappropriate behaviour/serious misconduct.

ACT Policing and AFP Professional Standards regularly examine this data to understand performance gaps and foster a culture of continuous improvement.

Finalised conduct issues

In 2018–19, 127 complaints (238 conduct breaches) were finalised which represents a 27.01 per cent decrease on the 174 complaints (357 conduct breaches) finalised in 2017–18.

In 2018–19, 63.45 per cent of all breaches were not established compared with 73 per cent of all breaches finalised in 2017–18.

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. ACT Policing and the AFP work closely with the Commonwealth Law Enforcement Ombudsman to adopt the principles of best practice for complaint management. No systemic issues were identified by the Ombudsman in 2018–19.

Established matters

While there has been a decrease in established breaches from 2017–18 (from 62 to 43), it should be noted there has been an overall decrease in finalised breaches and the percentage of established breaches has remained consistent across the 2017–18 and 2018–19 financial years (17.36 per cent and 18.06 per cent respectively).

2018–19 saw eight established findings of improper Information Access, a notable increase compared to the two established findings for the 2017–18 financial year. This is likely to be a result of an internal audit undertaken on appointees' information access on the AFP's operational recording system with a number of matters being referred for action by AFP Professional Standards.

The AFP continues to implement preventative mechanisms and education to reduce unauthorised information access. In April 2019, a new software feature was installed within the AFP's operational recording system. This new interactive feature identifies potential improper use of data prior to access occurring. This is intended to reduce instances of unauthorised information access.

2018–19 saw a notable decrease in unauthorised discharges of Conducted Electrical Weapons (CEW) (from 10 to 3). The decrease in established unauthorised discharges of CEW matters is attributed to changes made in May 2018 to the CEW processes which enhanced operational safety and mitigated the risk of unauthorised discharges.