Complaint Reduction in Australian Federal Policing in the Australian Capital Territory

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Abstract

Across fifteen years to 2015-16 the rate of public complaints against police in the Australian Capital Territory fell by an extraordinary 79%. This was a much larger and longer-term reduction in complaints than occurred anywhere else in Australia, and it is very unusual in the international policing literature. The paper attempts to examine the nature of this change in greater detail, and possible factors that may have influenced the change. Unlike some other studies, however, there was limited evidence of specific point-in-time innovations that may have affected the trend. Nonetheless, it is likely that a range of reforms in policing influenced the change, with possible lessons for other departments struggling with significant complaint problems and police-citizen conflict. The main reforms included improved custody procedures, a greater focus on ethics in recruitment and pre-and in-service training, a complaints system focused more on managing officer behaviour, enlarged external oversight, and more attention to de-escalation skills in use-of-force training.

Background

Policing is widely recognised as a high-risk occupation for a wide range of types of misconduct, including assault and unnecessary force, bribery and evidence tampering, discrimination and neglect (Punch, 2009). In recent years there has been an escalation in reportage of police misconduct issues, partly driven by personal videotaping technology and uploading to the internet (Morales, 2015). This has included the enormous international media coverage of the 2014-16 crisis in the United States over fatal police shootings, and alleged racism in everyday police practices. Criticisms of police management processes that allegedly lie behind many of these problems include a lack of accountability through biased internal investigations of complaints, and a failure to analyse complaint patterns and use these as a guide to improving officer behaviour (President's Task Force on 21st Century Policing, 2015).

There is an emerging body of evidence that police managers should make use of complaints as a key source of information about officer conduct in order to design behavioural improvement strategies, with complaints also functioning as a major impact measure (Prenzler & Porter, 2016). Complaints are a long way from being a perfect measure of misconduct. Most complaints are not substantiated, even when independently investigated, due in part to a lack of objective evidence; and complaints may be driven by animus against police. At the same time, however, research indicates that most complainants are sincere about the wrong they feel they have experienced or witnessed; and formal complaint numbers represent a much larger number of citizens with a grievances against police, but who lack faith in complaints systems (Maguire & Corbett, 1991, Prenzler & Porter, 2016; Smith, 2009). Because of this ambiguity, it is important to triangulate complaints with additional indicators. These can include officer use-of-force reports, firearms discharge data, injury and fatality data, litigation, public perception and experience surveys, and surveys of key informants such as journalists and lawyers (Atherley & Hickman, 2006; Hickman, 2006). Complaints data should also be broken down as much as possible to identify trends within allegation categories – such as excessive force, evidence tampering, rudeness and neglect of duty. Citizen and officer (internal) complaints also need to be

separated. Complainants and subject officer demographics associated with complaints can also be revealing.

Police need to attempt to address behavioural problems that might lie behind complaints. At the same time, there is also a case for reducing unfounded and vexatious complaints; in that all complaints require a response which costs taxpayer money, and unfounded allegations can be damaging for the officer involved. One major innovation in the area of police integrity management and complaint reduction has been early intervention systems (EISs). These computer-based systems flag officers with abnormal complaint numbers, and involve a range of interventions – including counselling, refresher training and close supervision (Walker, Alpert & Kenney, 2001). This approach is based on the repeated finding that a small number of officers account for a disproportionate number of complaints, often as a result of the development of cynical attitudes and oppositional habits. Modifications to standards, procedures and training have also been related to improved practices and reduced complaints, especially in the area of use-of-force (see below). Additional strategies include drug and alcohol testing, covert monitoring (such as telephone intercepts), and forms of integrity testing (such as simulated misconduct opportunities). Recently, many police departments have introduced body-worn and vehicle-mounted cameras, with some successes in reduced complaints and use-of-force (Ariel, Farrar & Sutherland, 2014). Cameras can deter officers from misconduct as well as protecting them against false allegations. Other factors can feed into better behaviour and reduced public complaints, including reducing crime rates, better educated officers and more female officers (Lonsway, et al., 2003; McDowall, et al., 2015).

There is a small but growing number of case studies available in the literature showing that innovations in integrity strategies, such as EISs, can show marked benefits. In one of the earliest accounts, Miami-Dade introduced an EIS in 1981, with a rapid decline in excessive force complaints from 101 in 1980 to 16 in 1992 (-84%) (Charette, 1993). In the first year, the system flagged 37.5 officers per quarter on average. This reduced by 80% to 7.6 per quarter, sustained over the following 11 years – at the same time that officer numbers increased by 96%. Subsequently, a study sponsored by the US National Institute of Justice reviewed the Miami-Dade case as well as EISs in two other cities (Walker, et al., 2001). In Minneapolis, ‘the average number of citizen complaints received by officers subject to early intervention dropped by 67 percent one year after the intervention’; while in New Orleans, the number ‘dropped by 62 percent one year after intervention’ (p. 3).

In the 1990s, two Bronx precincts went against the trend of increasing complaints in New York City when commanders introduced a ‘courtesy, professionalism and respect policy’ (CPR). The program involved a ‘verbal judo’ course, aimed at improving negotiation skills, and a system of close supervision of officers with complaints histories (Davis, Mateu-Gelabert & Miller, 2005). Complaints declined by 54% over a six year period in the 42nd Precinct, and by 64% in the 44th Precinct. More recently, in Portland Oregon, researchers identified a 54% reduction in public complaints over 14 years and a 74% reduction in excessive force allegations over 10 years (Prenzler, Cawthray, Porter & Alpert, 2016). There were also large reductions in officer use-of-force reports, and in officer-involved shootings. The reductions were closely associated with the introduction of an EIS (with large reductions in multiple allegations against individual officers), as well as enlarged civilian oversight, a more rigorous complaints management system, close cooperation between the police department and the oversight agency to address problem areas of police work, and a major focus on force minimisation in modified policies and training.

In Victoria, Australia, the deployment of an EIS in 1997 led to a 71% reduction in complaints over a two-year period against 44 officers with multiple complaint histories (Macintyre, Prenzler & Chapman, 2008). The main area of improvement was in allegations of duty failure and minor assault. The Victorian study included financial cost-benefit data, with an estimated saving of \$3.2 million in reduced complaint processing costs. Also in Australia, the Tasmania Police experienced an 87% drop in public complaints over a 12 year period from a high of 23 per 100 officers in 1996/97 to a low of three per 100 officers in 2008/09, including a 60% drop in the rate of assault and excessive force allegations (Porter, Prenzler & Fleming, 2012). This long-term decline was closely associated with a series of innovations, including psychological screening tests for applicants, major changes in use-of-force training (focused on communication, de-escalation tactics and simulations), more rigorous complaint processing and discipline, and the introduction of an EIS.

The results of these studies support the idea that police departments should adopt a complaint reduction policy as a core component of a larger integrity management program. A state-of-the art program will deploy as many misconduct prevention strategies as is reasonable in relation to the ethical risk profile of the department; with as many impact measures – or indicators – of police behaviour as can be obtained. Democratic accountability also requires disclosure of all these data on a regular basis.

Setting and Method

This study was prompted by the authors' awareness of a long-term decline in recorded complaints against Australian Federal Police (AFP) officers operating in the Australian Capital Territory (ACT, pronounced A-C-T), as reported in the Australian Productivity Commission annual reports on government services (below). A decision was made to attempt to clarify the nature of this trend, primarily in terms of allegation types, and explain the decline, primarily in relation to the integrity management strategies identified above in the literature review.

The AFP was established in 1979 from an amalgamation of the Commonwealth Police and the ACT Police. According to its 2015-16 annual report, the AFP is 'the Australian Government's primary policing agency ... leading policing efforts to keep Australians and Australian interests safe both at home and overseas' (AFP, 2016, p. 8). The agency has a key role in enforcing commonwealth laws in areas such international drug trafficking, organised crime, terrorism and fraud. Under an agreement between the Commonwealth and the ACT government, the AFP also provides 'community policing' services – or regular general duties policing – in the ACT. The ACT forms an enclave of close to 2,400 square kilometres within the state of New South Wales, including the nation's capital Canberra. In 2016 the population was approximately 396,100 (ABS, 2016). The ACT component of federal policing is comparable to policing in the other Australian states and territories. (Australia does not have local police.)

The AFP was originally subject to a weak form of oversight by the Commonwealth Ombudsman. This was augmented in 2006 with the creation of a more powerful Australian Commission for Law Enforcement Integrity (ACLEI), which has oversight of several federal policing agencies. This occurred absent of any major policing scandals at the federal level or the ACT, contrary to the situation in other major policing jurisdictions in Australia (Prenzler, 2011). The 1997 report of the Harrison Inquiry into alleged corruption in the AFP was never released, although available sources report that the Inquiry did not find evidence of significant corruption. Some minor reforms were instituted, including abolition of specialist branches considered

vulnerable to corruption; and procedures were tightened around evidence handling, informant management and internal witness protection (Prenzler, 2011).

The decline in complaints against police in the ACT presents as a classic natural experiment, with potentially useful findings despite the absence of a strict randomised controlled intervention format. A standard case study methodology was adopted, with a retrospective investigation of possible influences on multiple data sources, including comparative data from other agencies (Blatter & Haverland, 2014). Specifically, the authors adopted a similar methodology to the one used in the Portland study cited above (Prenzler, et al., 2015). The first step involved accessing source material publicly available over the internet as far back as possible. This involved complaint and allegations numbers, and other quantitative data, in a time-series format; and available documented explanatory material. A major source, as noted, was the annual reports on government performance by the Australian Productivity Commission, first published in 1995/96. These include public complaints against police, and public opinion survey results regarding police integrity. Additional annual reports and special reports were accessed from the AFP and for ACT policing, and the AFP oversight agencies – the Commonwealth Ombudsman (and ACT Ombudsman) and the Australian Commission for Law Enforcement Integrity (ACLEI). The presence of an oversight agency adds to the validity of police recorded complaints data in that the agency audits police processes and deals with appeals. Additional sources include inquiry and review reports by the Commonwealth Ombudsman and ACLEI; as well as the major 2002-03 ‘Fisher Review’ of the complaints system and 2016 report by the Australian National Audit Office on ACT Police use-of-force.

From these sources a draft paper was developed – completed in early-2016 – with tentative inferences about possible influences on the downward trend in complaints. Contrary to the Portland study, however, the public record material yielded limited information about possible influences long-term. Consequently, the second step of the process was particularly important. This involved correspondence with the Manager of the AFP’s ‘Professional Standards People, Safety and Security’ unit, in February 2016, requesting a response to the draft – including correction of any errors – and information about innovations or changes that may have influenced the complaint trends. An eight page response was provided in March 2016. Subsequently, a request was made for data on multiple allegations against individual officers, given that reductions in this area was a key component of the studies cited in the literature review. However, the AFP was unable to supply this information. The findings section below follows a two part format, with the quantitative data reported first (updated to 2015/16) and available explanatory material reported in a mainly narrative format in the second part.

Findings, Part A: Trends in Indicators

Productivity Commission reports on complaints

Table 1 contains the number of complaints per 100 police officers as reported to the Australian Productivity Commission by each Australian police department, covering the 21 year period 1995-96 to 2015-16. There are a number of limitations with these data. They do not break down complaints by allegation types, and the Commission cautions that the data are not directly comparable between jurisdictions because the definitions of complaints differ. Therefore the data only illustrate trends over time within each jurisdiction. But even data within a department are subject to change. For example, the apparent large increase in complaints against Tasmanian

Police from 2010-11 is the result of the inclusion of complaints involving ‘minor breaches of policy or customer service’ from that date (Productivity Commission. 2012, p. 6.59). However, the reports are the only source for long-term comparative complaint trends in Australian policing. An additional advantage is that the data specify ‘complaints made by the public’ against ‘sworn (operational) staff’ at a standardised rate per 100 officers (Productivity Commission, 2017, p. 6.18 & Table 6A.16). (A rate per 100,000 population is also provided but not included here.)

Table 1: Complaints against police per 100 sworn (operational) officers, Australian jurisdictions, 1995-96 to 2015-16

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
95-96	36	47	36	23	44	21	80	17
96-97	35	32	33	22	43	25	101	20
97-98	36	32	26	23	38	14	91	24
98-99	30	28	25	19	30	14	90	32
99-00	27	18	24	17	29	17	84	20
00-01	29	N/A	29	22	33	14	96	24
01-02	18	N/A	30	19	33	10	102	25
02-03	26	4	34	16	35	9	88	36
03-04	22	6	30	17	35	9	83	36
04-05	18	11	21	20	31	10	74	44
05-06	25	9	18	19	32	8	69	32
06-07	22	9	23	22	29	8	61	34
07-08	20	11	22	19	37	6	56	30
08-09	24	13	22	27	34	6	54	29
09-10	22	12	25	23	36	5	52	26
10-11	24	9	22	19	40	13	37	19
11-12	23	8	21	17	39	9	34	28
12-13	22	10	16	19	38	9	34	23
13-14	22	7	12	21	31	10	26	23
14-15	22	9	10	20	26	9	24	32
15-16	21	10	11	19	25	12	21	29

Sources: Productivity Commission (1995-96–2015-16. N/A = not available.

Table 1 shows a relatively high and fluctuating rate of complaints in the ACT from 1995-96 to 2001-02, when complaints peaked at 102 per 100 officers. From that year, as highlighted in grey, there was a fairly steady downward trend over 15 years to a low of 21 in the most recent year on record. The trend amounted to a 79.4% reduction from the highest to the lowest point. The decline was more consistent and deeper than reductions apparent in other jurisdictions, as reported in this unique format. Overall, a variety of trends are apparent, including some fairly stable trends amongst the majority, especially in the latter half of the period. These include New South Wales, Victoria, Western Australia, South Australia, Tasmania and the Northern Territory. There was a moderate downward trend in Queensland.

AFP reports on complaints and allegations

AFP annual reports available on the internet in a searchable form go back to 1998-99 – close to the start of the data in Table 1 in 1995-96. The 1998-99 report, and the following report, include 14 allegation categories. After that time, the reporting of complaints was in a highly abbreviated form. The last year with allegation categories –1999-00 – is the year before the peak year for complaints as shown in Table 1. Table 2 shows the form of reporting of allegation types in the annual report in 1999-00. AFP employees in 2000 consisted of 1,980 ‘police members’ and 910 ‘staff members’ (AFP, 2000, p. 91). However, it was not possible to determine the number of public ‘complaints’, or complaints as a rate per officers (cf., Table 1), because of the reporting format. It is likely, nonetheless, that the majority of allegations were made by members of the public against sworn police officers operating in the ACT. The data do confirm the phenomenon, shown in the Productivity Commission reports in Table 1, of large numbers of complaints. The table also shows that the majority of allegations occurred in lower level categories such as neglect of duty and incivility.

Table 2: ‘Complaints (AFP) Act 1981’, 1999-2000

Category	Reviewed by Ombudsman	With Ombudsman	Still under investigation	Total
Neglect of duty	213	29	56	298
Incivility	128	1	30	159
Practices and procedures	81	10	30	121
Property	38	38	19	95
Harassment	72	8	6	86
Misuse of authority	55	7	13	75
Use of force/person	40	8	12	60
Entry and search	31	5	12	48
Conduct	27	4	12	43
Assault	30	4	8	42
Arrest	23	6	9	38
Miscellaneous	20	0	7	27
Criminal offences	17	0	8	25

Traffic	20	3	0	23
Total	795	123	222	1,040

Source: Adapted from AFP, 2000, p. 80.

In 2007-08, as a result of the Fisher reforms (below), the AFP began reporting on a four part system for categorising complaints vertically in terms of seriousness. Category 1 involves ‘minor management matters or customer service matters’, which reveal ‘a need for improvement in the performance of the AFP appointee concerned’ (AFP, 2016, p. 29). Categories 2 and 3 involve more serious or repeated behaviour. Category 3 covers ‘a breach of the criminal law, or serious neglect of duty’, not involving ‘corruption’, but which would entail consideration of employment termination. Category 4 is exclusively concerned with ‘corrupt conduct’. The reporting format does not include allegation types as shown in Table 2, but aggregates these as ‘matters associated with complaints’ in 2007-08, and ‘alleged breaches’ in 2015-16 (Table 3). The reporting format also does not differentiate sworn from unsworn personnel, and the earlier data do not distinguish public complaints from internal complaints. For what they are worth, the data are summarised in Table 3 for the earliest and latest periods, covering nine years, using the aggregated allegation numbers per category. The most noticeable trend is the reductions in categories 1 and 3, contributing to a large overall reduction of 59%. According to the reports, in 2007-08, these matters were contained within 357 ‘complaints’. In 2015-16, the alleged breaches were contained with 148 ‘complaints’: 92 (62%) were from ‘members of the public’, and 56 (38%) were from an ‘AFP member’.

Table 3, Category 1-4, ACT Policing, ‘Matters Associated with Complaints’ 2007-08, and ‘Alleged Breaches’ (within ‘Complaints’) 2015-16

Category	2007-08	2015-16
1	244	94
2	249	137
3	288	90
4	8	4
Total	789	325

Sources: AFP 2008, p. 83; 2016, p. 30.

Use-of-Force Reporting

The AFP introduced mandatory use-of-force by police officers following a review of force-related complaints by the ACT Ombudsman in 2010 (ACT Ombudsman, 2011). The review found that record keeping on force incidents was deficient, that substantiation of rates were extremely low and highly questionable, and that ‘there was little evidence on the record to show that AFP members took steps to diffuse difficult situations before resorting to force’ (p. 22). It is possible that this review prompted an eventual focus on de-escalation in policy and procedures, as well as leading to annual reporting of use-of-force from 2011-12. The data in the annual reports are broken down by the categories of ‘baton, chemical agent, conducted energy weapons, firearm, handcuffs’ (AFP, 2016, p. 32). Table 4 shows the total for five years. It can be seen that the downward trend in complaints is not reflected in the force reports, which show a fairly stable pattern overall with a slight rise in the first three years and slight declines in the final two years.

It is possible, however, that reduced use of force in 2014-15 and 2015-16 contributed to reduced complaints in those years.

Table 4: Total use of force reported by ACT Police, 2011-12 to 2015-16

2011-12	2012-13	2012-14	2014-15	2015-16
1,600	1,785	1,874	1,857	1,221

Source: AFP 2012-2016.

Public opinion

Table 4 includes findings from annual public opinion surveys regarding two questions related to police integrity. The data, published by the Productivity Commission, show a steady improvement for both the ACT Police and other police in Australia in both categories of ‘police perform their job professionally’ and ‘police treat people fairly and equally’. In the category of professionalism, it can be seen that the ACT police were on par with the other departments at the start of the period, but soon caught up and overtook them with slightly higher ratings in the last decade. All departments, however, showed high levels of support, approaching 90% in recent years. Views about fair and equal treatment started at a much lower base for all departments, with only about half of all survey respondents supporting this criterion in the early years, and with the ACT slightly below that. The ACT then caught up and consistently performed above a high overall level of support for a decade and a half.

Table 4: Public Opinion Regarding Police Integrity, Percentage Agree or Strongly Agree

	‘Police perform their job professionally’		‘Police treat people fairly and equally’	
	ACT	Rest of Australia	ACT	Rest of Australia
96-97	73.3	73.0	47.3	51.7
97-98	72.9	73.7	46.2	52.4
98-99	78.2	75.7	53.0	54.6
99-00	79.2	79.4	59.2	59.3
00-01	85.3	81.4	65.8	64.6
01-02	81.7	78.7	66.6	65.7
02-03	82.7	81.0	68.7	68.0
03-04	80.4	79.3	67.6	65.8
04-05	79.0	77.3	65.7	63.7
05-06	80.5	80.8	71.2	68.7
06-07	80.9	80.6	72.1	76.7
07-08	80.6	80.0	69.9	67.6
08-09	83.1	81.2	73.1	68.0
09-10	81.9	80.5	72.8	68.9
10-11	87.5	84.9	76.1	72.8
11-12	89.3	84.5	79.6	74.1
12-13	87.7	85.9	77.2	71.3
13-14	89.7	87.2	79.9	76.9
14-15	89.8	87.6	76.0	76.8

15-16	88.7	87.9	77.4	76.2
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Source: Productivity Commission (1996-2016).

Findings, Part B: Explanatory Material

The following sections report the findings from the review of public source material and the additional material supplied by the AFP, reported in approximate chronological order.

Early Investigative Reports by the Ombudsman

There were four reports from the Commonwealth Ombudsman's office in the early period of the study that appeared to have relevance to complaint trends. A 1997 report on the policing of young people identified a large number of irregularities in practice, based in part on a review of 39 complaints over an 18 month period, including rudeness, assaults, unjustified use of handcuffs; and a range of illegal actions in the areas of searching, detaining, interviewing and photographing children (Commonwealth Ombudsman, 1997). The report argued that the complaints were 'all preventable' and made five recommendations for improvement (p. 5). The Ombudsman claimed that recommendations in the area of training and publication of guidelines were being implemented by the time of the publication of the report. There was, however, no follow-up report.

In 1998, the Ombudsman published a report *Investigation into the Use of Police powers under the Intoxicated Persons (Care and Protection) Act 1994 (ACT)*. The report claimed that up to 40% of police work in the ACT involved responding to public drunkenness. The Act sought to decriminalise the problem and introduce a harm minimisation approach. However, the investigation was prompted by the fact that the Ombudsman had 'received a considerable number of complaints [more than 60] about the way in which police officers are using their powers under the Act' (Commonwealth Ombudsman, 1998, pp. 1 & 6). The investigation found that the 'care and protection' components of the legislation were not properly implemented, in part because of the absence of a 'sobering up shelter'. A number of recommendations were made, focused on more accurate assessments of intoxication, better medical care, and the establishment of an adequately resourced shelter co-located with the city watchhouse.

In 2000, the Ombudsman initiated an evaluation of the implementation of the recommendations of the 1998 report, including analysis of 16 complaints made in a 12 month period (Commonwealth Ombudsman, 2001). Some improvements were noted in the treatment of intoxicated persons, but with some ongoing problems, including the overuse of caged vehicles and delays in releasing detainees. The report also noted that the ACT government had failed to construct a shelter and provide medically qualified staff, obliging police to continue to use the city watchhouse for intoxicated detainees. The report recommended some refinement of police guidelines but also back-peddled on the idea of a shelter – due, it seems, to the estimated financial costs and belief that care levels at the watchhouse had become adequate.

A 2001 report by the Ombudsman into the policing of domestic violence resulted from an investigation which had begun in 1998 as a result of concerns expressed by the Domestic Violence Coordinator for the ACT Magistrate's Court. The long-term investigation was animated in part by complaints about inadequate police responses: poor investigations and neglect of victim needs, including safety needs (Commonwealth Ombudsman, 2001). Specific complaint numbers and trends were not documented. Recommendations included more proactive use by

police of protection orders, systematic follow-up with victims, and videotaping of evidence. In theory, implementation should have resulted in reduced complaints, but there was no follow-up report.

The 2006 Fisher Reforms

The 2002-03 'Fisher Review' led to a number of changes in how complaints against police were managed in the AFP. Justice Fisher was commissioned to review the system in response to a build up of issues, including two complex legal cases, indicating that the system was unproductive and lacked transparency. Fisher (2003) found that the system was focused too much on 'reactive punishment', entailing a protracted and expensive adversarial process, and needed to focus instead on 'motivational management', especially through targeted training and supervision (p. 59). There was an implication that poor conduct management practices lay behind many complaints. Following a considerable delay, the Fisher recommendations were introduced in December 2006. The main change was a shift towards the expedited administrative processing of lower level complaints – categories 1 and 2 – by way of behavioural modification – or 'managerial resolution' – mainly decentralised to local line managers (Fisher, 2003, p. 102; AFP, 2007, p. 116). However, there were no systematic follow-up reviews to identify how the new system might have contributed – if at all – to the continuing downward trend in complaints.

2006: Enhanced Oversight through ACLEI

An additional change in this period was the establishment of a new oversight body for the Federal Police, the Australian Commission for Law Enforcement Integrity– ACLEI – in 2006. ACLEI took over the more serious cases from the Ombudsman, with more coercive and inquisitorial powers (ACLEI, 2008, p. 12). However, the ACLEI annual reports and special reports again do not evidence how these changes may have impacted on complaint trends in ACT policing, and the majority of formal investigations by ACLEI have been into federal law enforcement bodies other than the AFP (<https://www.aclei.gov.au/>). It is possible that the enhanced powers of the new oversight body have helped deter misconduct that may have led to complaints, but there appears to be no solid evidence, such as surveys of officers, to support this view.

A major joint AFP/ACLEI (2014) review of corruption risks in ACT policing – Project Apex – included attention to the issue of declining complaints – focused on the five years from 2007-08 to 2011-12. The review was unable to identify specific causes, concluding that (2014, p. 9):

The reasons for an overall drop in complaints received over the last few years could be attributable to a number of reasons, including an intentional management focus on ensuring performance issues, which are not misconduct, are dealt with in the workplace and not as a misconduct issue [i.e., the Fisher reforms].

The report also referred to a 'high-integrity culture in ACT Policing', 'the care taken with recruitment', the drug testing regime, mandatory reporting of unethical conduct and 'the Confidant Network' (AFP/ACLEI, 2014, p. 15). The report referred to the 'recent' enlargement of 'pre-employment screening methods', focused on an ethics oriented 'suitability questionnaire'

(p.10). Mandatory reporting was introduced in 1996, and targeted and random drug testing was introduced in 1997. The report noted that, ‘between 1 May 1997 and 31 June 2012, some 57,000 drug tests have been conducted across the AFP National and ACT Policing combined. Only one ACT Policing member has returned a positive result (in 2009)’ (p. 11). The Confidant Network makes more than 200 trained persons available for confidential discussions and support about sensitive workplace issues.

The 2007 Review of the Watchhouse System

In 2007, the Ombudsman’s office and the AFP produced a large investigative report on the watchhouse system in the ACT, which also appeared to have relevance to complaint trends (Commonwealth Ombudsman, 2007). The report referred to an earlier, unpublished, review by the AFP’s Professional Standards unit. In 2002, a ‘Risk Analysis and Intelligence Team’ within the unit ‘responded to the “numerous” complaints made about the Watchhouse between 1 January 1999 and October 2001 by conducting an audit of Watchhouse operations’ (2007, p. 93). The audit found problems with lack of advice about rights, inadequate video coverage, and high levels of intoxication. The latter might have led to detainee confusion and prompted complaints.

The 2001 report on the watchhouse (above) made recommendations oriented towards ensuring detainees were informed of their rights, upgrading CCTV, developing a single guide to procedures, and producing a specialised training package for staff. It is possible that there was an increase in complaints about the watchhouse that contributed to the 2001-02 peak in complaints (Table 1), and that the drop off in complaints, starting in 2002-03, occurred, at least partially, in response to implementations of the audit recommendations. Unfortunately, however, despite efforts to discover what had happened, investigators on the 2007 review noted that there was no evidence of the recommendations being implemented. It did report, however, that a purpose designed guide to procedures was produced.

The major review of 2007 was initiated in response to ‘serious complaints about Watchhouse operations’ (Commonwealth Ombudsman, 2007, p. 90). The report found evidence of ‘longstanding ... deficiencies’ in guidelines, training, awareness of duty of care, staffing levels, supervision, morale, reporting of issues, and advice to detainees about rights; as well as ‘limited understanding of the value of complaints to the organisation or how complaint data can be used to improve organisational outcomes’ (2007, p. 2). The review team had considerable difficulty locating and analysing complaints related to the watchhouse but developed the summary shown in a modified form in Table 5, noting the numbers most likely involved an underestimate. It can be seen that complaints and ‘issues’ regarding the watchhouse increased to 2003-04, and then declined somewhat.

Table 5: ACT Watchhouse Complaints, 2002-03 to 2006-07

	2002-03	2003-04	2004-05	2005-06	2006-07
Complaints against ACT officers	513	503	443	353	343
Watchhouse complaints ‘identified’	40	53	38	30	39
Watchhouse ‘issues’	87	112	101	75	61
Watchhouse complaints substantiated	11	7	5	0	1

Source: Adapted from Commonwealth Ombudsman, 2007, p. 91.

The complaints regarding the watchhouse mainly related to ‘failure to provide medical assistance, assault or excessive use-of-force, property matters, including failure to return all property, and failure to provide access to legal representation or telephone calls’ (Commonwealth Ombudsman, 2007, p. 91). Despite the very low number of substantiated complaints, the review uncovered evidence that there was some substance to many of the complaints, and also noted that a number of persons who had grounds for complaints had not lodged complaints – in part because of lack of information about, and lack of faith in, the system. The report did note the following particular point relevant to complaints (p. 34):

Property has traditionally been a source of many complaints about the Watchhouse. Often complaints have related to discrepancies between the amount of money taken from and then subsequently returned to a detainee. The Court Transport Unit has also reported discrepancies between Watchhouse records and the amount of money that is actually sent across with detainees when they transfer to the court cells. Since the installation of the fisheye lens camera over the charge counter in June 2006, the number of complaints of this kind has dropped significantly.

The report made 17 wide-ranging recommendations, with a large number of specific sub-points (Commonwealth Ombudsman, 2007). The package entailed a major overhaul of the whole watchhouse system, including clearer guidelines, enhanced training, improved conditions, closer monitoring, more attention to health care, greater risk management through improved assessments, female staff in attendance 24 hours, better detainee property control, greater regard for privacy, more information to detainees about complaints, and improving services through complaint analysis where feasible. There do not appear to have been any follow-up reports.

The 2016 Australian National Audit Office (ANAO) review of Force

The 2016 the ANAO released a report *Management of the Use of Force Regime: Australian Federal Police*. The audit found that in the six years from 2010 to 2015, allegations related to force accounted for 299, or 7.9%, of the 3,775 allegations against ‘appointees’ in that period (ANAO, 2016, p. 18). However, the account did not breakdown the types of allegations, nor the trend. It was noted that, under the four part complaint structure, ‘a complaint allegation or conduct issue regarding an appointee’s use-of-force would be categorised as either a Category 2 (minor misconduct) or Category 3 (serious misconduct) breach’ (ANAO, 2016, p. 18). The report was critical of force policy and practice. This included inaccurate recording of incidents, inconsistencies in in-service training, and ‘the absence of a structured continuous improvement approach to training and re-certification’ (p. 8). There was a vague implication to be made that a sub-optimal force management process lay behind some of the complaints. The report did not shed light on complaint trends, but may have prompted reforms that will bear fruit in the future.

Gender

The percentage of sworn female officers in ACT Policing in 1999 was 19%, and 21% in 2016 – representing only a very small increase with little likelihood of a major impact on complaint trends (AFP, 1999, Appendix 9; 2016, p. 33).

Crime

It is possible that declining crime rates in the ACT since the turn of the century contributed to reduced complaints. This may be the case but might not account for the depth of the reduction in complaints. The ACT followed a pattern of rising crime in the 20th Century and declining crime in the 21st Century similar to the other states (with the exception of higher rates in Western Australia and the Northern Territory) (Productivity Commission, 1996-2016).

The 2016 AFP Response

The AFP provided an eight page response to the researchers' questions in March 2016. The response argued that the reasons for the long-term reduction in complaint numbers were 'likely broad, numerous and compounding', but centred on implementation of the Fisher recommendations:

In 2006 the AFP applied the recommendations of the Fisher Review by implementing a *managerial* model of complaint handling, focused on learning, resolution of complaints versus disciplinary action, in particular for minor issues. The more serious the complaint the more investigation required.

Accompanying the implementation of the managerial model, was a suite of new policy, governance and training initiatives, with increased focus on ethical leadership and management in the workplace of customer service type complaints and misconduct (Category 1/Category 2).

Hence the ability to identify practises and procedures as an issue, versus just poor or inappropriate behaviours, has provided the benefit of improving systems and police practise through a continuous learning cycle. We suggest shifting responsibility for the more minor matters is likely to have been one important influence in the decrease after 2006.

Additionally there is now an established culture of ownership and responsibility for ethical outcomes by team leaders – it has been growing throughout the period cited and indeed this behavioural expectation of members, and in particular for Sergeants and Team leaders is routine and indeed engrained in any assessment for suitability for the performance of a leadership role.

The report also noted an increase in internal 'complaints' – up to 30% of ACT complaints – evidencing a positive response to compulsory disclosure rules, and understanding of departmental ethical standards, and trust in the complaints system.

The AFP response also cited the impact of the 2007 watchhouse review:

This review resulted in many positive changes to improve standards, practises and procedures in this specific area, ensuring police understood their role and responsibilities in this higher risk environment. A focused induction program coupled with best-practise procedures has continued to reduce complaints. A rotation of police was also implemented,

with all ACT Policing members being rostered into the area for shorter periods. This contributed to increased knowledge about police practise throughout, decreased possible stress factors of working in the area for too long, as well as reduced integrity risk factors which can be sometimes caused by familiarity.

In addition, the report cited a number of other aspects of the current integrity management system likely to contribute to ongoing reductions in complaints. These included, in abbreviated form, the following:

- Complaint trend analysis with lessons transmitted to line-managers,
- Extensive pre-service and in-service training in ethics,
- Training workshops – termed ‘the Integrity Gym’ – focused on accurate reporting and recording of complaints,
- Promotion of a de-escalation based ‘AFP Use-of-Force model’ through pre-service and annual in-service training,
- Mandatory use-of-force reporting,
- Analysis of use-of-force reports to identify lessons applied in training,
- Supply of digital voice recorders to officers.

Discussion

This paper drew on multiple sources to attempt to explain, and draw lessons from, the very large and sustained reductions in complaints against AFP ACT officers over the last 15 years. Previous research of this type, including in the Australian state of Tasmania, has shown strong associations between reduced complaints and point-in-time innovations in behavioural management techniques (Charette, 1993; Davis, et al., 2005; Macintyre, et al., 2008; Porter, et al., 2012; Prenzler, et al., 2016; Walker, et al., 2001). In the case of the present study, these correlations were not as clear. The study documented a number of inquiries related to citizen complaints, with recommendations for improved policing practices. The study also identified changes to complaint processing, including an emphasis on identifying and addressing behavioural issues behind complaints. However, the effects of these changes were unclear in terms of closely associated reductions in specific types of complaints. In that regard the study was hamstrung by a number of constraints. There were no data available on multiple complaints against individual officers. Long-term allegation numbers were also not available, so that changes in particular areas – such as use-of-force or neglect of duty – could not be adequately tracked. Where possible changes in procedures and practices were identified – such as in the city watchhouse or domestic violence policing – there were no long-term data available.

In some ways the study produced more questions than answers. For example, the researchers were unable to find a reason for the initial very high levels of complaints against ACT police compared to other police agencies as reported by the Productivity Commission (Table 1). From this point of view, the decline in complaints in the ACT represents a decline from a very high point and simply entails a regression to the mean – or a normalisation of ACT complaints compared to an initial abnormal situation. For example, in the first year on record, 1995-96, the rate of complaints per 100 ACT officers was 80, more than twice the average for the other jurisdictions of 32. In the most recent year on record – 2015-16 – the ACT rate was 21, not a great deal higher than the average for the other jurisdictions of 18; but keeping in mind that

some jurisdictions had rates of 10, 11 and 12. One possible explanation for this is that the AFP has consistently reported all complaints, whereas other jurisdictions have left out low level customer service complaints. The addition of these for Tasmania in 2010-11, as noted above, adds some weight to the argument.

It is possible, nonetheless, that implementation of some of the recommendations of the various reviews of policing over the years directly contributed to better practices and reduced complaints. And this is supported in part by the turn around in public confidence levels in ACT police integrity. It is possible that other changes influenced the complaint trend as well. These include declining crime rates, more female police and better educated police. However, there was only circumstantial evidence regarding crime, gender appeared to be an unlikely influence, and officer education could not be identified. Overall then, despite considerable indeterminacy, and despite the absence of some key data sources, consistent with Pawson and Tilley's (2004) concept of 'realist evaluation', it was felt that sufficient evidence was identified indicating that reforms within ACT policing influenced and sustained the downward complaint trend.

Another finding of the study related to the overall quality of the integrity management system of the AFP. The most recent opportunity for a full modernisation of the system occurred through the 2002-03 Fisher Review. Unfortunately, this was in part an opportunity that was lost. There was a commendable shift in focus to officer behaviour. However, the range of integrity measures discussed in the literature review for the present paper was not considered. Consequently, key complaint reduction measures, such as an EIS, were ignored. In addition, the usual idea of complainant involvement in 'managerial resolution' was ignored, as was the common desire for mediation on the part of complainants (cf., Schaible, De Angelis, Wolf & Rosenthal, 2013). The study also threw up a number of issues around accountability and transparency. The AFP does not routinely report the full disposition of complaints and allegations, including numbers of disciplinary outcomes or actions under the management model. The available complaint and allegation numbers also do not distinguish between sworn and unsworn officers. Complainant and officer demographics are not reported. Annual reports also do not include data on drug and alcohol tests, nor on integrity tests.

Conclusion

This study attempted to document and explain an enormous reduction in public complaints against police in the Australian Capital Territory of approximately 80% over 15 years. This was an extraordinary phenomenon, especially when compared to trends in the other seven Australian policing jurisdictions. The problem, however, was that there was scant evidence available about specific changes made to procedures or training by police that may have contributed directly to this change. Short of other evidence, it is most likely, as the AFP reported, that the downward trend resulted from 'broad, numerous and compounding' changes occurring over time. Examples include improved custody procedures at the city watchhouse, more attention to ethics in recruitment and training, de-escalation-oriented force training, enlarged oversight, and a reformed complaints systems focused more on managing officer behaviour. The study therefore provides another example of large improvements in adverse indicators of police conduct, to which other police departments should aspire. At the same time, the study has highlighted deficits in integrity management and transparency that need to be addressed to ensure an optimal and accountable system is in place to address the many risk factors that apply in police work.

These include complaint profiling and early intervention (an EIS) and much greater detail in reporting of integrity matters.

References

- ABS. (2011). Canberra. Retrieved from http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/UCL802001. ABS (2016) *3101.0 - Australian Demographic Statistics, Jun 2016*. Retrieved from <http://www.abs.gov.au/ausstats/abs@.nsf/0/BCDDE4F49C8A3D1ECA257B8F00126F77?OpenDocument>.
- ACLEI, 2008. *Annual report 2007-08*. Canberra: Australian Commission for Law Enforcement Integrity.
- ACT Ombudsman. (2011). *Annual report 2010-11*. Canberra: Author.
- AFP. (1998-2000). *Annual reports*. Canberra: Australia Federal Police.
- AFP (2001-2016) *ACT Policing annual reports*. Canberra: Australian Federal Police.
- AFP/ACLEI (2014). *Project Apex: A Strategic assessment of corruption risk factors in ACT policing*. Canberra: Australian Federal Police and the Australian Commission for Law Enforcement Integrity.
- ANAO. 2016. *Management of the Use of Force Regime*. Canberra: Australian National Audit Office.
- Ariel, B., Farrar, W., Sutherland, A., 2015. 'The Effect of Police Body-Worn Cameras on Use of Force and Citizens' Complaints Against the Police: A Randomized Controlled Trial', *Journal of Quantitative Criminology*, Sept. 2015, Vol. 31, Issue 3, pp. 509-535.
- Atherley, L., & Hickman, M. (2014). Controlling use of force: Identifying police use of excessive force through analysis of administrative records. *Policing*, 8(2), 123-134.
- Blatter, J. and Haverland, M. (2014), "Case studies and (causal-) process tracing", in Engeli, I. and Rothmayr Allison, C. (Eds.), *Comparative Policy Studies*. Basingstoke: Palgrave Macmillan, Basingstoke, pp. 59-84.
- Commonwealth Ombudsman (1997). *The Interaction between the Australian Federal Police and Youth in the ACT*. Canberra: Author.
- Commonwealth Ombudsman (1998). *Investigation into the Use of Police powers under the Intoxicated Persons (Care and Protection) Act 1994 (ACT)*. Canberra: Author.
- Commonwealth Ombudsman (2001). *Policing domestic violence: Own initiative investigation into the policing of domestic violence in the ACT*. Canberra: Author.
- Commonwealth Ombudsman 2016. *Australian Federal Police*. Available from <http://www.ombudsman.gov.au/making-a-complaint/australian-federal-police>
- Commonwealth Ombudsman. (2007). *Review of ACT Policing's Watchhouse operations*. Canberra: Author.
- Davis, R., Mateu-Gelabert, P., & Miller, J. (2005). Can effective policing also be respectful? *Police Quarterly*, 8(2), 229-247.
- Fisher, W., 2003. *A Review of Professional Standards in the Australian Federal Police*, Canberra: Australian Federal Police.

- Hickman, M. (2006), *Citizen complaints about police use of force*. Washington DC: Bureau of Justice Statistics.
- Lonsway, K., Moore, M., Harrington, P., Smeal, E., & Spiller, K. (2003). *Hiring & retaining more women: The Advantages to law enforcement agencies*. Beverly Hills: National Center for Women & Policing.
- Macintyre, S., Prenzler, T., & Chapman, J. (2008). Early intervention to reduce complaints: An Australian Victoria Police initiative. *International Journal of Police Science and Management*, 10(2), 238-250.
- McDowall, A. (2015) *Promoting ethical behaviour and preventing wrongdoing in organisations*. London: College of Policing.
- Morales, M. (2015). Video helps track police misconduct; Grievances decline. *The Wall Street Journal*, 8 September, A15.
- Pawson, R. and Tilley, N. (2004), "Realistic evaluation", in Matthieson, S. (Ed.), *Encyclopaedia of Evaluation*, SAGE, Newbury Park CA, pp. 362-367.
- Porter, L., Prenzler, T. and Fleming, J. 2012. 'Complaint reduction in the Tasmania Police', *Policing and Society*, Vol. 22, No. 4, December 2012, 4425-447.
- Prenzler T., Cawthray T., Porter L. and Alpert G., 2016. 'Reducing Public Complaints and Use of Force: The Portland Police Bureau Experience', *Journal of Criminological Research, Policy and Practice*, Vol. 2 Issue 4, pp. 260-273.
- Prenzler, T. (2011). The Evolution of police oversight in Australia. *Policing and Society*, 21(3), 284-303.
- Prenzler, T., & Porter, L. (2016). Improving police behaviour and police-community relations through innovative responses to complaints. In S. Lister & M. Rowe (Eds.), *Accountability in policing: Contemporary debates* (pp. 49-68). Abingdon: Routledge.
- President's Task Force on 21st Century Policing. 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.
- Productivity Commission. (1996-2016). *Report on government services – Police*. Canberra: Australian Government Productivity Commission.
- Punch, M. (2009). *Police corruption: Deviance, accountability and reform in policing*. Cullompton, UK: Willan.
- Schaible, L., De Angelis, J., Wolf, B., & Rosenthal, R. (2013) Denver's Citizen/Police Complaint Mediation Program: Officer and complainant satisfaction. *Criminal Justice Policy Review*, 24(5), 626-650.
- Smith, G. (2009). Why don't more people complain against the police? *European Journal of Criminology*, 6(3), 249-266.
- Walker, S., Alpert, G. and Kenney, D. (2001). *Early warning systems*. Washington DC: National Institute of Justice.

Legislation

Australian Federal Police Act 1979 (ACT)

Australian Federal Police Act 1979 (Cwlth)

Complaints (AFP) Act 1981 (Cwlth)

Law Enforcement (AFP Professional Standards and Related Measures) Bill 2006 (Cwlth)

Law Enforcement Integrity Commissioner Act 2006 (Cwlth)