No. 141

Civilian Oversight of Police in Australia

Colleen Lewis and Tim Prenzler

“Who will guard the guardians?” asked the Roman satirist Juvenalis. Historically, countries like Australia largely preferred to trust police to keep their house in order, with some external guardianship administered by the courts and government. This simple approach has now been found wanting, as numerous inquiries have demonstrated the vulnerability of policing to corruption and misconduct. While the large majority of officers are usually untouched by exposés of corruption, there can be little doubt that constant vigilance and strong measures are required to prevent misconduct becoming widespread and entrenched in police organisations. The issue is no longer one of whether or not the guards need guarding, but of determining the best form of guardianship. A diverse range of strategies and systems has emerged, with competing claims for their effectiveness. One favoured by inquiries is an external body – free from peer pressure and loyalty to police – tasked with investigating complaints and/or monitoring police investigations.

This paper reports on a survey of such bodies in Australia. The main purpose is not to identify a single preferred model, but to raise a set of critical issues about how these bodies should function. One issue concerns the division of labour between police and the oversight body. Others concern the creation of a specialist police body or the inclusion of police oversight within a broader public sector brief. Particular controversy surrounds proactive measures such as integrity testing and covert surveillance. More attention is also now being given to performance indicators in evaluating oversight bodies. This paper will stimulate greater awareness of options for police accountability, and facilitate the exchange of knowledge between stakeholders in pursuit of best practice in the creation and maintenance of police integrity.

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In many democracies in the 1960s and 1970s televising of civil rights and anti-war demonstrations beamed graphic images of police violence into people’s living rooms. Many were shocked by what they saw. At the same time, scandals about corruption and misconduct led to the establishment of commissions of inquiry into various aspects of policing. All were critical of the way police dealt with citizens’ complaints and allegations of misconduct (Goldsmith 1991). Police accountability had become a political issue that governments could no longer ignore, and the first report of the newly formed Australian Law Reform Commission (ALRC) was on complaints against police. The 1975 report examined ways of dealing with complaints in a proposed new Federal police force. When the Federal Labor government lost power in 1975, the ALRC’s proposals were not proceeded with. However, the Commonwealth’s interest continued and the new Coalition government revisited the issue. In 1978 a supplementary report was issued reinforcing the original recommendation that complaints against police should be subjected to some form of civilian oversight (ALRC 1975, 1978).
Although general purpose policing in Australia is constitutionally the responsibility of the States, the ALRC reports provided valuable reference points for all governments. By 1985 every Australian police service was subject to some civilian oversight. This development has been marked by controversy and conflict. In Victoria, the Police Complaints Authority established in 1986 was closed down as a result of intense opposition from police unions and management. Complaints oversight returned to the Ombudsman – with the creation of a new position of Deputy Ombudsman (Police Complaints) (Freckleton 1991). In Queensland, a form of civilian oversight was first introduced in 1982 with the establishment of the Police Complaints Tribunal (PCT). Throughout its eight-year life the Tribunal was subjected to repeated criticism for lack of commitment to detecting or deterring corruption. The Fitzgerald Report (1989) recommended it be closed down and replaced by the Criminal Justice Commission (CJC).

In NSW the Ombudsman was initially given responsibility for overseeing police complaints in 1979. While that office still monitors, reviews and in some instances investigates the majority of complaints, NSW has another new and powerful police oversight body, the Police Integrity Commission (PIC). Like the CJC, the Police Integrity Commission is the result of a recommendation from an inquiry: the Royal Commission into the New South Wales Police Service (Wood 1997). Western Australia also has two bodies overseeing police complaints. The Parliamentary Commissioner for Administrative Investigations (PCAI), the body originally given jurisdiction to oversight police conduct, handles the majority of complaints. In 1996 a new body, the Anti-Corruption Commission (A-CC), was formed to investigate allegations of corrupt or serious misconduct in the public sector, including police.

The changes in New South Wales, Queensland, Western Australia and, to a lesser extent, Victoria have seen a strengthening of the powers given to oversight bodies to deal with complaints against police. Jurisdictions which have not experienced significant restructuring have seen incremental increases in the powers of existing institutions. With experience, the bodies have identified aspects of their enabling legislation which restrict their capacity to serve as watchdogs (Lewis 1999). However, expansion has been slow as commitment to external oversight of police conduct by government fluctuates.

The following part of the paper summarises the results of a survey of oversight bodies conducted in 1999 (for an earlier version refer to CJC 1995). Reports were consulted for preliminary information and for case disposition data. A partially completed table was sent to all oversight bodies listing major aspects of their structures and functions. Representatives were asked to correct and complete the tables, and all agencies responded. The final section highlights major issues arising from the development of external oversight.

### Agencies and Jurisdiction

Table 1 shows the names of the oversight bodies, their territorial jurisdictions, years of establishment, and the bodies to which they are accountable. Two states, NSW and WA, split the oversight function between a commission and an ombudsman. Six of the ten jurisdictions use an ombudsman. (The main difference traditionally has been that ombudsmen and authorities have had a limited review function and only made recommendations, whereas commissions have had greater investigative powers and could give directions.) The dates of establishment show the ombudsman model to be a phenomenon primarily of the 1970s. Commissions were favoured from the 1980s. Seven agencies report directly to their respective parliaments, while three report to a special parliamentary committee.

Table 2 describes the agencies’ jurisdiction, in the sense of their range of authority. While most have investigative powers, in almost all cases their major function is to monitor and review investigations conducted by the police. Only the Anti-Corruption Commission (A-CC) reported having an adjudicative function. Almost all agencies can process complaints by police against police. The Tasmanian and the

### Table 1: Agencies: General features

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Oversight body</th>
<th>Established</th>
<th>Gained jurisdiction over police</th>
<th>Agency accountable to</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>Ombudsman</td>
<td>1974</td>
<td>1979</td>
<td>Parliamentary Committee</td>
</tr>
<tr>
<td></td>
<td>Police Integrity Commission (PIC)</td>
<td>1996</td>
<td>1996</td>
<td>Parliamentary Committee</td>
</tr>
<tr>
<td>Qld</td>
<td>Criminal Justice Commission (CJC)</td>
<td>1989</td>
<td>1989</td>
<td>Parliamentary Committee</td>
</tr>
<tr>
<td>WA</td>
<td>Ombudsman (PCAI)</td>
<td>1971</td>
<td>1985</td>
<td>Parliament</td>
</tr>
<tr>
<td>SA</td>
<td>Police Complaints Authority (PCA)</td>
<td>1985</td>
<td>1985</td>
<td>Parliament</td>
</tr>
<tr>
<td>NT</td>
<td>Ombudsman</td>
<td>1978</td>
<td>1978</td>
<td>Parliament</td>
</tr>
</tbody>
</table>

1 Parliamentary Commissioner for Administrative Investigations.
2 Formerly Official Corruption Commission. It was renamed and given increased powers, including powers of investigation in 1996.
Commonwealth Ombudsmen have no direct control in assessing and classifying complaints. The PCAI, A-CC, and South Australian and Northern Territory Ombudsmen assess and classify complaints. The NSW and Victorian Ombudsmen can determine that a matter be investigated, while the PIC makes decisions in regard to Category 1 complaints which involve serious misconduct or corruption.

**Powers and Organisational Profile**

A critical issue for the success of any agency is its powers. Table 3 shows that all agencies with the exception of the A-CC have authority to recommend procedural changes. All agencies with the exception of the Victorian Ombudsman have “own motion” powers to investigate suspected misconduct without requiring a specific complaint. Only the PIC currently has telecommunications interception powers. Six of the bodies have powers of entry to police premises or other public sector authorities. The other four reported general powers of entry.

Almost all systems now work with a civil standard of proof for disciplinary matters and include a capacity for investigative hearings. About half have power to compel an officer to answer incriminating questions. All or almost all agencies can compel the production of documents, compel attendance of witnesses and make use of informal resolution. None of the agencies can prosecute directly in a court of law. Almost all oversight bodies have recourse to sanctions for failure to comply with directions during an investigation. While all agencies clearly have a preventive mission, only the CJC and NSW Ombudsman have a separate unit tasked with proactive prevention of misconduct.

Table 4 reports further powers and constraints related to processing complaints. The CJC and NSW Ombudsman can give procedural directives. Only the NSW Ombudsman reported having powers to administer penalties for non-compliance. The NSW Ombudsman, CJC and PIC can report non-compliance to the parliament through a parliamentary committee or police minister. No agency has the power to impose disciplinary sanctions and only the CJC has the power to appeal a police disciplinary sanction. The CJC, WA Ombudsman and SA PCA are able to refer serious matters to an independent tribunal. Most systems provide avenues of appeal for police aggrieved of a procedure or decision.

The agencies are staffed by civilians, and only four use seconded police (see Table 5). The PIC employs former police but not current or former NSW police.

**Outcomes**

An important issue in any examination of external review is that of the disposition of complaints. How many complaints are formally investigated? What is the final outcome in terms of criminal proceedings, discipline or mediation? Given the theoretical claim that external review will be more vigorous and independent than internal investigations, it is also arguably important to compare rates between external and internal agencies. However, attempts to answer such questions come up against a number of major hurdles. From a national perspective it is impossible to provide a comprehensive picture of comparative dispositions because of differences in categories of offences, procedures and possible outcomes. Indeed, no agency provides a complete table charting all complaints from initial

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1 Serious misconduct and corruption

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Predominant function (police complaints)</th>
<th>Jurisdiction to investigate complaints by police against police</th>
<th>Does oversight body assess and classify all complaints?</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW (Omb)</td>
<td>Monitor and review investigations</td>
<td>Yes</td>
<td>Yes - can order a matter be investigated</td>
</tr>
<tr>
<td>NSW (PIC)</td>
<td>Detect, investigate and prevent misconduct</td>
<td>Yes</td>
<td>Yes - Category 1 complaints¹</td>
</tr>
<tr>
<td>Vic.</td>
<td>Monitor and review investigations</td>
<td>Yes, with qualifications</td>
<td>Yes</td>
</tr>
<tr>
<td>Qld</td>
<td>Assess and investigate complaints</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>WA (PCAI)</td>
<td>Monitor and review investigations; investigate complaints</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>WA (A-CC)</td>
<td>Receive, initiate and investigate allegations</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>SA</td>
<td>Monitor investigations and assess conduct</td>
<td>Yes, with qualifications</td>
<td>Yes</td>
</tr>
<tr>
<td>Tas.</td>
<td>Review investigations</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>NT</td>
<td>Monitor and review investigations</td>
<td>Yes, with qualifications</td>
<td>Yes</td>
</tr>
<tr>
<td>Cwealth</td>
<td>Monitor and review investigations</td>
<td>Yes, with qualifications</td>
<td>Consults with internal investigations</td>
</tr>
</tbody>
</table>

¹ Not confined to public premises with a warrant.

---

Table 2: Range of authority

Table 3: Powers
resigned. The data show a
crime officer was found guilty or
recommended charges where the
term of the percentage of
report shows final outcomes in
finding.
60 per cent result in an adverse
investigated and, of these, about
than 20 per cent are formally
following a brief assessment. Less
being able to be substantiated
complaints are assessed as not
bodies, a substantial majority of
complaints are assessed as not
complaints. Like all oversight
typical profile of complaints
Ombudsman provides a fairly
amples.
useful to briefly examine some of
the main features through ex-
amples.
Table 6 from the NSW
Ombudsman provides a fairly
typical profile of complaints
positions. Like all oversight
bodies, a substantial majority of
complaints are assessed as not
being able to be substantiated
following a brief assessment. Less
than 20 per cent are formally
investigated and, of these, about
60 per cent result in an adverse
finding.
Table 7 from a special CJC
report shows final outcomes in
terms of the percentage of
recommended charges where the
officer was found guilty or
resigned. The data show a
“guilty” or “resigned” outcome
in 35 per cent of cases where
criminal charges were recom-
manded, 50 per cent for “official
misconduct”, 74 per cent for
“misconduct” and 78 per cent for
‘breach of discipline’.
Data on what might be
considered to be the ‘final
outcomes’, in terms of police
departmental sanctions against
those found guilty, were reported
separately by the CJC up to
1993-4. Table 8 averages the last
three available years to give an
indication of the spread of
sanctions. It can be seen that the
majority of cases resulted in very
minor sanctions. Only 2.5 per
cent of cases resulted in dismissal
or some other form of separation
from the police.

Discussion and Consideration
of Key Issues
The above outline of civilian
agencies responsible for police
conduct in Australia shows a
mixed picture. One predominant
feature of significance, hidden to
some extent, is that despite the
perception of independence from
police, only a small minority of
alleged police misconduct cases
are investigated directly by the
external body. Most agencies are
involved in auditing police
responses. Even where the
agency conducts the initial
investigation, in most cases this is
done by seconded or former police.
Hence the primary descriptors
are appropriately those of over-
sight and review. Any assump-
tion of investigations completely
independent of police or former
police involvement – as might be
inferred from the titles and
separate existence of these bodies
– is somewhat misleading. It is
also apparent that although
commissions appear to be more
likely to conduct their own
investigations, the differences
between agencies appear to be
largely in name only, with the
ombudsman-style of review being

Table 4: Powers and constraints

<table>
<thead>
<tr>
<th></th>
<th>Give procedural directives to police</th>
<th>If so, means of enforcing</th>
<th>Power to impose disciplinary sanctions</th>
<th>Power to appeal police imposed disciplinary sanction</th>
<th>Power to refer serious matters to an independent tribunal</th>
<th>Appeal mechanism for police aggrieved with procedure</th>
<th>Appeal mechanism for police aggrieved with decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW (Omb)</td>
<td>Yes</td>
<td>Penalties, report to Minister or Parliament</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td>Internal review, Parliamentary Committee</td>
<td>Internal review, subject to judicial review</td>
</tr>
<tr>
<td>NSW (PIC)</td>
<td>Yes</td>
<td>Inform Police Commissioner, report to Minister &amp; Parliament</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td>Complaint to Insp. of PIC, appeal to Supreme Court</td>
<td>N/A</td>
</tr>
<tr>
<td>Vic.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Qld</td>
<td>Yes</td>
<td>Report to Parliamentary Committee</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>PCJC, Parliamentary Commissioner of PCJC, judicial review</td>
<td>PCJC, Parliamentary Commissioner of PCJC, judicial review</td>
</tr>
<tr>
<td>WA (PCAI)</td>
<td>No</td>
<td>N/A</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Seek internal review or apply to Supreme Court</td>
<td>Seek internal review or apply to Supreme Court</td>
</tr>
<tr>
<td>WA (A-CC)</td>
<td>No</td>
<td>N/A</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>SA</td>
<td>No</td>
<td>N/A</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Judicial review</td>
<td>None</td>
</tr>
<tr>
<td>Tas.</td>
<td>No</td>
<td>N/A</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Supreme Court</td>
<td>Supreme Court, civil jurisdiction</td>
</tr>
<tr>
<td>NT</td>
<td>No</td>
<td>N/A</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Cwealth</td>
<td>No</td>
<td>N/A</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Internal review</td>
<td>Judicial review</td>
</tr>
</tbody>
</table>

1 Parliamentary Criminal Justice Commission
receipt to final outcome. How-
ever, all agencies publish some
data on dispositions and it is
useful to briefly examine some of
the main features through ex-
amples.

Table 5: Organisational demographics

<table>
<thead>
<tr>
<th></th>
<th>Staff (police oversight)</th>
<th>Use of seconded police</th>
<th>Use of former police</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qld</td>
<td>Approx. 130</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>NSW (Omb)</td>
<td>37</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>NSW (PIC)</td>
<td>107</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Vic.</td>
<td>11</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>WA (PCAI)</td>
<td>13</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>WA (A-CC)</td>
<td>58</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>SA</td>
<td>12</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>NT</td>
<td>14</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Tas.</td>
<td>2</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Cwealth</td>
<td>6</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>
focus of the paper has been on it gives for experimentation. The fragmentation is the opportunity advantage of jurisdictional and identify a best model. One evaluate agencies’ performances the purpose of this paper is not to nal.

As noted in the introduction, the purpose of this paper is not to evaluate agencies’ performances and identify a best model. One advantage of jurisdictional fragmentation is the opportunity it gives for experimentation. The focus of the paper has been on describing current profiles. The remainder outlines critical issues requiring further analysis and debate.

**Divisions of Labour**

What is the appropriate hierarchy, or division, of labour between police and the external body? An emerging profile – as with the more recently created CJC and PIC – is for police to deal with more minor ‘disciplinary’ matters while the external body investigates more serious matters. The rationale is that police must be given maximum responsibility for maintaining integrity – qualified by an audit process and external control of more serious investigations. The counter-argument to this is that complainants may not trust police and prefer to have their matter dealt with by an external body. There is also a question about the extent to which any current or former police officer can be expected to be impartial and zealous in investigating police. A related issue concerns the place of informal resolution. Police appear to do this very well in terms of complainant satisfaction (for example, CJC 1996), but the process may be criticised as placating those who complain rather than addressing real problems.

**Reactivity vs. Proactivity**

The majority of civilian oversight agencies in Australia restrict their activities to overseeing investigations of complaints. Does this serve as an adequate deterrent for wrongdoing and a mechanism for removing incorrigibles? Are “preventive” measures the province of police management? Should the external agency take a role in management, with power to remove non-compliant police managers? Some “proactive” strategies attributed with success in revealing corruption and implementing reform include covert surveillance, stings, integrity tests, drug and alcohol testing, and use of spies (Henry 1994). These radical measures involve violations of traditional civil liberties. However, they have

### Table 6: Complaints dispositions, NSW Ombudsman, 1995-6–97-8

<table>
<thead>
<tr>
<th>Year</th>
<th>Complaints Determined</th>
<th>Declined or Partially Investigated</th>
<th>Formally Investigated</th>
<th>Adverse Finding from Formal Investigation</th>
<th>No Adverse Finding from Formal Investigation</th>
<th>Total Adverse Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995-96</td>
<td>No. 5372</td>
<td>84%</td>
<td>16%</td>
<td>58%</td>
<td>42%</td>
<td>9%</td>
</tr>
<tr>
<td>1996-97</td>
<td>5283</td>
<td>85%</td>
<td>15%</td>
<td>60%</td>
<td>40%</td>
<td>9%</td>
</tr>
<tr>
<td>1997-98</td>
<td>4978</td>
<td>87%</td>
<td>13%</td>
<td>63%</td>
<td>37%</td>
<td>8%</td>
</tr>
<tr>
<td>Average</td>
<td>5211</td>
<td>86%</td>
<td>14%</td>
<td>60%</td>
<td>40%</td>
<td>9%</td>
</tr>
</tbody>
</table>

**Source:** Adapted from NSWO 1998, p. 23.

### Table 7: Outcomes for recommended charges, Queensland, 1991-92 to 1995-96

<table>
<thead>
<tr>
<th>Charge</th>
<th>Guilty</th>
<th>Resigned</th>
<th>Not guilty</th>
<th>Nolle prosequi</th>
<th>Not proceeded with by QPS</th>
<th>Withdrawn by CJC</th>
<th>Un-finished</th>
<th>Total</th>
<th>% Guilty or resigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal</td>
<td>43</td>
<td>—</td>
<td>35</td>
<td>33</td>
<td>—</td>
<td>13</td>
<td>8</td>
<td>132</td>
<td>35</td>
</tr>
<tr>
<td>Official Misconduct</td>
<td>12</td>
<td>3</td>
<td>13</td>
<td>—</td>
<td>—</td>
<td>2</td>
<td>1</td>
<td>31</td>
<td>50</td>
</tr>
<tr>
<td>Misconduct</td>
<td>192</td>
<td>40</td>
<td>53</td>
<td>—</td>
<td>27</td>
<td>1</td>
<td>2</td>
<td>315</td>
<td>74</td>
</tr>
<tr>
<td>TOTAL</td>
<td>436</td>
<td>25</td>
<td>79</td>
<td>46</td>
<td>46</td>
<td>7</td>
<td>9</td>
<td>602</td>
<td>78</td>
</tr>
</tbody>
</table>

**Source:** CJC 1997, p. 67.

### Table 8: Average disciplinary outcomes for proven complaints, QPS charges, 1991-92 to 1993-94

<table>
<thead>
<tr>
<th>Sanction</th>
<th>%</th>
<th>Rate per 1000 QPS officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dismissed/discharged/resigned/retired</td>
<td>2.5</td>
<td>0.9</td>
</tr>
<tr>
<td>Demoted/reduction in pay/salary increase deferred</td>
<td>4.2</td>
<td>1.5</td>
</tr>
<tr>
<td>Fined</td>
<td>14.7</td>
<td>5.1</td>
</tr>
<tr>
<td>Formal reprimand/caution/warning/counseled/ instructed</td>
<td>57.0</td>
<td>19.8</td>
</tr>
<tr>
<td>Suspended sanction</td>
<td>11.4</td>
<td>4.0</td>
</tr>
<tr>
<td>Other sanction or sanction unknown</td>
<td>1.1</td>
<td>0.4</td>
</tr>
<tr>
<td>Unknown result</td>
<td>8.6</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>69.5</td>
<td>31.7</td>
</tr>
</tbody>
</table>

Adapted from CJC 1997., pp. 68, 121.
been defended as being necessary because of the difficulties of obtaining evidence and breaking the organisational code of silence.

Jurisdiction
The majority of police oversight bodies in Australia have responsibilities across government departments. Few are concerned exclusively with police. The CJC has very broad responsibilities for criminal justice policy and police strategy. The advantage of jurisdiction across the public sector is that it reduces the stigma a specialist agency holds for police. It also allows for the establishment of a large organisation with generic skills and career space. But the example of the NSW Independent Commission Against Corruption prior to the Wood Commission suggests that broad responsibilities can detract from the specialist and resource-intensive task of controlling police corruption (Wood 1997).

Evaluating Performance
To date very little attention has been given to performance indicators for oversight bodies. Developing reliable measures of “productivity” is difficult because of the intrinsic problems of evidence in complaints investigations and the sheer volume of complaints. Two potential quality control measures are independent audits of review samples and complainant satisfaction surveys (see CJC 1996). The CJC appears as the most innovative in developing assessment measures. Its 1997 report on implementation of the Fitzgerald reforms (CJC 1997) used a combination of data sources; including interviews and surveys with police officers, analyses of trends in complaints and case dispositions, and an analysis of police responses to disciplinary recommendations, to show a picture of improving police conduct.

Conclusion
There can be little controversy nowadays as to the need for a body independent of police and politicians to serve as a check on the potential neglect or cover up of police misconduct. The favoured model is for a body chiefly concerned with the auditing of police investigations of complaints, but with little scope for control beyond making recommendations. This could be considered a minimalist model – representing the bottom line in accommodating both public interest criteria and the principle of police internal responsibility for discipline. In several jurisdictions, more extensive forms of civilian control have developed where major corruption inquiries have occurred. The NSW Police Integrity Commission and Queensland Criminal Justice Commission may be the forerunners of more independent assumptions of control of police conduct, but it is doubtful that there is a single best model. The danger in any system is that it becomes merely a clearinghouse for complaints, with a symbolic assurance to aggrieved members of the public that there is scrutiny of police responses. The challenge is to move beyond this into a proactive approach that reduces complaints by reducing police-citizen conflict and by minimising corruption opportunities. This is an extremely difficult task. It needs to be done without deterring genuine complaints and without compromising the police mission.

References

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