



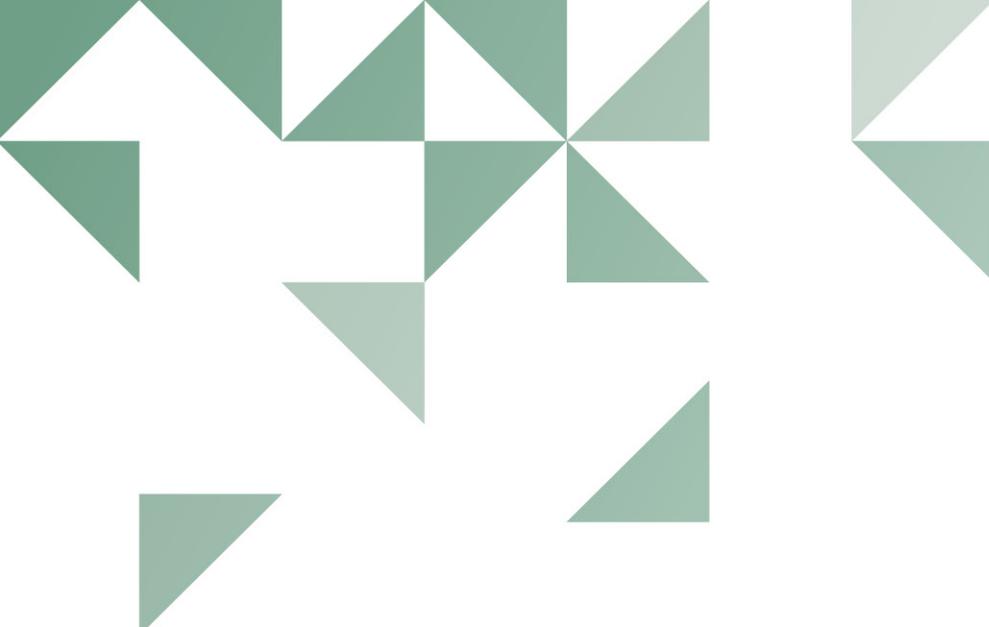
REPORT OF THE INTEGRITY COMMISSION

NO.2 OF 2021 / 25 NOVEMBER 2021

A REVIEW OF TASMANIA POLICE'S
NEW CONDUCT AND COMPLAINT
MANAGEMENT POLICY, ABACUS



INTEGRITY
COMMISSION
TASMANIA



The objectives of the Integrity Commission are to:

- improve the standard of conduct, propriety and ethics in public authorities in Tasmania;
- enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with; and
- enhance the quality of, and commitment to, ethical conduct by adopting a strong, educative, preventative and advisory role.

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This report and further information about the Commission can be found on the website www.integrity.tas.gov.au

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25 November 2021

President
Legislative Council
Parliament House
HOBART TAS 7000

Speaker
House of Assembly
Parliament House
HOBART TAS 7000

Dear Mr President,

Dear Mr Speaker,

In accordance with s 11(3) of the *Integrity Commission Act 2009*, the Integrity Commission presents *Report 2 of 2021* to Parliament, a review of Tasmania Police's new conduct and complaint management policy, Abacus.

Yours sincerely,

Aziz Gregory Melick AO SC
Chief Commissioner
On behalf of the Board

Michael Easton
Chief Executive Officer

CONTENTS

- EXECUTIVE SUMMARY** **4**
- PART A BACKGROUND** **5**
- 1. Introduction** **5**
- 1.1. The review of the Graduated Management Model5
- 1.2. Abacus6
- 1.3. This review8
- 2. Stakeholder perspectives** **10**
- 2.1. Complainants 10
- 2.2. Police Association of Tasmania (PAT) 11
- 2.3. Tasmania Police..... 11
- 2.4. Integrity Commission 11
- PART B RESULTS OF REVIEW** **12**
- 3. Objective A: Overall management of alleged misconduct** **12**
- 3.1. Immediate action 12
- 3.2. Conflicts of interest..... 13
- 3.3. Confidentiality 14
- 3.4. Record keeping 14
- 3.5. Quality assurance..... 15
- 3.6. Timeliness..... 15
- 4. Objective B: Adequacy of contact with relevant parties** **19**
- 4.1. Adequacy of contact with the complainant..... 19
- 4.2. Adequacy of contact with subject officers..... 20
- 4.3. Key findings on adequacy of contact 21
- 5. Objective C: Adequacy and appropriateness of inquiries and investigations** **22**
- 5.1. Lines of inquiry 22
- 5.2. Pursuing additional allegations 22
- 5.3. Analysis of evidence 23
- 5.4. Key findings on adequacy and appropriateness of inquiries and investigations..... 23
- 6. Objective D: Adequacy and appropriateness of outcomes** **24**
- 6.1. Findings 24
- 6.2. Action taken 28
- 6.3. Organisational learnings 28
- 6.4. Adequate and appropriate outcomes..... 29
- PART C CONCLUSION** **30**
- APPENDIX 1: Tasmania Police response** **31**

APPENDIX 2: Tasmania Police statistics

35

EXECUTIVE SUMMARY

Police are equipped with broad powers to enable them to enforce the law.

The Integrity Commission (the Commission) provides independent oversight of police. This review is part of the Commission's role in providing independent oversight of police. It is a review of Tasmania Police's new conduct and complaint management policy, named 'Abacus'.

Abacus was adopted in early 2018, following a joint review of the previous policy between Tasmania Police and the Commission. This review of Abacus included:

- ▼ a review of the policy Abacus
- ▼ obtaining input, as far as we were able, from key stakeholders, including meetings with Tasmania Police and the Police Association of Tasmania
- ▼ a sample audit of 30 files, and
- ▼ collecting statistics from Tasmania Police.

The review has found that, overall, Abacus is working as intended. In particular:

- ▼ timeliness in managing matters has continued to improve
- ▼ in nearly all cases, there was adequate and appropriate contact with police officers and complainants
- ▼ Tasmania Police adequately and appropriately investigated nearly all aspects of all files
- ▼ in most cases, findings and outcomes were adequate and appropriate.

PART A BACKGROUND

1. Introduction

Police are equipped with broad powers to enable them to enforce the law. Given the nature of policing and the difficult role they perform in our community, it is crucial police maintain high standards of behaviour, transparency and accountability. To ensure these standards are maintained, police are governed by legislation, which includes a Code of Conduct and associated rules that all police must follow.

The Integrity Commission (the Commission) provides independent oversight and accountability for police. This review is part of the Commission's role in providing independent oversight of police. It is a review of Tasmania Police's new conduct and complaint management policy, named 'Abacus'.¹

An effective and efficient complaint and conduct handling system is one avenue to uphold public confidence and ensure police are accountable for how they exercise powers.

Abacus was adopted in early 2018. The name is an acronym for 'A Balanced, Accountable Complaints and Compliance Unification System'. Abacus is a direction from the Commissioner of Police, and applies to all police officers. It does not apply to state servants that work for Tasmania Police.

Abacus replaced a policy named the 'Graduated Management Model' (GMM). The GMM was Tasmania Police's first internal process model for dealing with complaints about police officers. Abacus is based on a joint review of the GMM conducted by Tasmania Police and the Commission. Completed in 2014, the joint review contained 42 recommendations and 28 suggestions for consideration. Abacus substantively adopted the review's recommendations.

The move to the GMM and then Abacus by Tasmania Police represented a significant milestone towards a fairer and more transparent and accountable system of conduct management. This review is the first post-implementation external review of Abacus. It provides a benchmark on whether Abacus is working as intended from a broader perspective, and whether police are meeting key objectives such as timeliness, procedural fairness and findings based on evidence.

1.1. The review of the Graduated Management Model

The preparedness of Tasmania Police to improve their misconduct management policy resulted in a joint review of the GMM with the Commission. The joint project was a unique opportunity to examine the GMM and how it was operating in practice, and to determine if any changes needed to be made. The review team undertook an extensive period of research and stakeholder consultations. The review was conducted in the context of bringing the GMM into alignment with other public sector organisations, with a focus on professional development and remedial intervention, satisfying the complainant where possible and appropriate, and making sure the organisation (and the individual) learnt from the process.

¹ www.police.tas.gov.au/about-us/abacus/

The review recommended a complete overhaul of the GMM. Some of the overarching issues identified with the GMM were a lack of clarity in how matters were being dealt with, over-investigation of minor matters resulting in delays, and inconsistent outcomes.

In July 2014, the review reported to the Deputy Commissioner of Police. Its report, the *Joint Review of the Tasmania Police Graduated Management Model* ('GMM Review'), recommended a new system centred around six key features: clarity, efficiency, accountability, transparency, fairness and ongoing learning. The GMM Review made 42 recommendations and 28 suggestions for consideration and advocated that the new policy should concentrate on the needs of the various parties, including complainants, subject officers² and the organisation. The report recommended the establishment of a broad, all-encompassing 'conduct' management system, as opposed to a pure 'complaints' management system.

1.2. Abacus

Background

After the delivery of the GMM Review, Tasmania Police invested a significant amount of time and resources in producing a comprehensive structure for effective police accountability. The Commission considers Abacus to be one of the most progressive police conduct management policies in Australia.

Abacus was implemented in March 2018. It extends to **any** matter, be it derived from a complaint (internal or external) or an identified behavioural or performance issue, and includes critical incidents such as pursuits. Underpinning Abacus is the concept that complaints are to be handled quickly, fairly and transparently.

Abacus is designed to deal with the variety of dynamic matters that frequently occur in the policing environment. Police are required to make discretionary decisions while applying rules and laws on a daily basis. The laws and rules that govern policing are extensive and Abacus processes are based on the *Police Service Act 2003* (Tas), which contains the police Code of Conduct. Abacus procedures also incorporate other legislation and inter-departmental agreements as part of its legislative framework.³

A fundamental objective of Abacus is the focus on individual and professional development measures aimed at improving police conduct and performance, while stepping away from the traditional police punitive disciplinary system. Consideration of potential organisational and systemic issues is also at the forefront of Abacus.

² 'Subject officers', or 'respondents', are police officers who are subject of one or more allegations or suspicions of misconduct.

³ Tasmania Police, *Abacus: Commissioner's Directions for Conduct and Complaint Management, and Compliance Review* (7 June 2021) clause 1.4 'Legislative Framework' ('Abacus').

Professional Standards Command (PSC) of Tasmania Police has overall responsibility to promote integrity to enhance police professionalism throughout Tasmania.⁴ PSC play a key role in the complaints process – it is the internal complaint oversight and audit body. PSC oversees all complaints after they are registered on Tasmania Police’s complaint management database, IAPro.

Categorisations

Under Abacus, a complaint is defined as ‘an expression of dissatisfaction from any person regarding the conduct of one or more members of Tasmania Police’. Any person can make a complaint about the conduct of an on-duty or off-duty police officer, and the complaint can be anonymous. Under Abacus, **complaints (COMP)** include all:

- ▼ external complaints, including alleged offences, serious offences, crimes and Code of Conduct breaches
- ▼ adverse comments and/or reports from other agencies, and
- ▼ family violence matters involving police (reported externally or involving a complaint).

Abacus also includes the category ‘**internally raised matter (IRM)**’. IRMs are about conduct issues just like complaints, but internal sources have brought them to the attention of Tasmania Police. Unlike most Tasmanian public officers, it is compulsory for police to report the suspected misconduct of a colleague.⁵ This is good practice and should be adopted by other Tasmanian public sector organisations.

Tasmania Police categorises complaints and IRMs into a 3-tier classification system. At any stage these classifications can be re-categorised, following the receipt of further information showing the matter is more or less serious.

Category	Incident Type	Examples
COMP1 / IRM1	Minor matters which, if proven, are likely to result only in internal managerial resolution. These matters are not dealt with as a potential breach of the Code of Conduct. Handled by police districts.	Rudeness or swearing, accidentally losing seized property items.
COMP2 / IRM2	Generally more serious and are a potential breach of the Code of Conduct. Level 2 matters are subject to inquiry by PSC or by personnel as directed by the Deputy Commissioner of Police. A level 2 matter may also involve a less serious incident if the officer has a history of similar matters or is of a higher rank. Handled by police districts.	Excessive use of force, driving offences, assault.

⁴ Department of Police, Fire & Emergency Management, *Annual Report 2019-20* (2020) 15.

⁵ *Abacus* cl 4.1.

Category	Incident Type	Examples
COMP3 / IRM3	Serious offences or crimes requiring investigation. Handled centrally by Professional Standards Command.	Theft, criminal associations, fraud, family violence, trespass, stalking, stealing, perverting justice, drugs, drink driving.

Under a Letter of Understanding, Tasmania Police has agreed to notify the Commission of all complaints and IRMs involving 'serious misconduct' or a 'designated public officer'. In effect, this means all level 3 matters, and all level 2 matters involving officers of rank inspector and above.

1.3. This review

The Commission has more specific and extensive oversight responsibilities in relation to Tasmania Police than it does in relation to other public sector organisations. In the past, we have exercised these oversight responsibilities in a number of ways, including by:

- ▼ ongoing monitoring and oversight of police complaints and notifications
- ▼ four annual full audits of all complaints finalised by police
- ▼ ad hoc audits of individual conduct matters managed by police, and
- ▼ an own-motion investigation into the management of information by Tasmania Police.

This is a report on a qualitative review of Abacus. It includes a sample audit of 30 matters managed by Tasmania Police under Abacus. The audit included 5 files from each of the 3 classes of complaint, and 5 files from each of the 3 classes of IRMs, and a qualitative review of the Abacus system as a whole. We sought feedback from the Police Association of Tasmania (PAT) and Tasmania Police about Abacus. Comprehensive Abacus statistics provided by Tasmania Police are in the Appendix. Due to competing priorities, we have not been able to complete this review in a timely manner.

Our previous audits have found areas of good practice, and areas where improvements are needed to ensure consistent and effective management of misconduct occurs. The audits build capacity to prevent police misconduct by identifying areas of improvement around complaint handling, and ensuring good practice is identified and continued.

Previous audits made a total of 7 recommendations to Tasmania Police (3 in the 2015 audit of complaints finalised in 2014, and 4 in the 2014 audit of complaints finalised in 2013). There were no recommendations made in the 2016 audit of complaints finalised in 2015. Tasmania Police have implemented all of the recommendations made by the Commission.

The smaller sampling size of this audit is due to the greater number of files finalised under Abacus; it would not be possible for us to audit all Abacus files. The audit involved obtaining hard copy complaint files from Tasmania Police, reviewing each file, and responding to a set of 28 questions about each file.

In this review of Abacus, our objectives were to review the:

- ▼ overall management of the alleged misconduct
- ▼ adequacy of contact with relevant parties
- ▼ adequacy and appropriateness in conducting inquiries and/ investigations, and
- ▼ adequacy and appropriateness of outcomes.

Being the first external review of Abacus, the results provide valuable information on how Abacus is working on a day-to-day basis. They also provide a benchmark for future comparison and analysis.

2. Stakeholder perspectives

This part of the report provides, as far as we are able, a brief overview of key stakeholder perspectives on the functionality of Abacus, and whether it is achieving its goals.

2.1. Complainants

The GMM Review found that transparency and accountability in conduct management systems benefit considerably from complainants, and the public more generally, being given greater access to, and understanding of, the complaint process. Notably, the full version of Abacus is now on the Tasmania Police website.

Beyond the data we collected in the 30 audited files and other files we reviewed, we are not able to report directly on complainant feedback about Abacus.

The GMM Review recommended that police undertake regular complainant surveys as a tool to examine public perceptions of the new conduct management system. Abacus states that 'complainant surveys are a method of collecting information to better understand and measure the performance of Tasmania Police in dealing with complaints'.⁶ Complainant surveys are an opportunity to measure satisfaction levels of complainants and public confidence in the police complaints system.

Tasmania Police has recently implemented the first version of the complainant survey on its website.⁷ As it was implemented recently, the Commission has not taken the outcomes of this survey into account in this review. The survey allows complainants to provide feedback on:

- ▼ timeliness of the investigation
- ▼ regularity of updates given
- ▼ notification of outcome, and
- ▼ how they felt they were treated.

The survey is intended to assist with a process of continuous improvement, increase complainant satisfaction and strengthen service delivery. Tasmania Police invited the Commission to provide a submission on the draft complainant survey. We suggested that the survey should focus on collecting data that is not easily obtainable by police, such as the level of satisfaction with the process. We also suggested that the survey should be sent out to all complainants to complete, as opposed to having a link on the Tasmania Police website.

We were pleased that Tasmania Police included one of our suggested questions in the survey. However, we maintain that the answer to many of the questions asked in the survey could be reliably obtained from police data, and that more focus should be put on the complainant's experience.

⁶ Abacus cl 15.6.2 'Complainant Surveys'.

⁷ www.police.tas.gov.au/about-us/compliments-and-complaints/

2.2. Police Association of Tasmania (PAT)

The PAT represents the professional and industrial interests of police officers in Tasmania. As part of this review the Commission invited the PAT to provide comment on the implementation of Abacus and how it is operating in practice. The President of the PAT provided a submission stating that while Abacus is a valuable policy for Tasmania Police, there are practical application issues such as:

- ▼ training occurred at a single point in time, and there has been no refresher training
- ▼ inconsistencies in the application of Abacus, and
- ▼ organisational learnings are identified but rarely implemented.

The PAT raised concerns that Abacus is overly complex resulting in confusion amongst users. It also commented that matters continue to be 'over investigated', even with the evidence of a body worn camera. The PAT emphasised that Abacus was meant to empower investigators to dismiss matters quickly, and this is not necessarily what is happening. The PAT recommended that Tasmania Police provide ongoing training in the policy, and make a further commitment to organisational learnings.

2.3. Tasmania Police

Tasmania Police provided feedback to the Commission about what is working well with Abacus, followed by what is working less well. Tasmania Police advised that Abacus provides a solid overarching framework, and that usability is good with investigators in the field embracing the new system. PSC provides ongoing training in Abacus and plays a key role in decision-making and acts in an advisory role as evidenced throughout this audit. Overall, Tasmania Police is pleased with the progress and believes Abacus is working as intended, while acknowledging that some aspects are being improved over time.

2.4. Integrity Commission

The implementation of Abacus has seen fundamental changes to the Tasmania Police management of alleged or suspected misconduct matters. We observed that efficiency and clarity of process has been improved through streamlined processes, without compromising fairness to the individuals involved. In addition, the appropriateness of findings and outcomes in many of the files was transparent, fair and proportionate.

A key feature of this new model was a step away from a punitive system, and to encourage learning and development from a personal and organisational perspective. To that end, there are always improvements that can be made, and in this instance the area of organisational learnings would benefit from greater attention in order to improve performance. However, overall we can say that Abacus as a contemporary model appears to be working as intended and meets good practice standards.

PART B RESULTS OF REVIEW

Tasmania Police has invested significantly over the past 3 years in continually improving its complaints handling practices with the implementation of Abacus. This has been a resource intensive and challenging undertaking because of the complexities involved in overhauling the previous system. It involved compilation of a detailed policy, extensive training, and delivery of new processes and procedures.

3. Objective A: Overall management of alleged misconduct

The main purpose of managing misconduct is to protect employees, the public, public monies and public sector organisations. It is common for government organisations to have an internal complaints investigation function. Tasmania Police is no different and, as it should, it uses misconduct matters as a learning and development opportunity, both personally and organisationally.

Good complaint handling processes can help to resolve issues, and to enhance public confidence. In order to fully evaluate the efficacy of Abacus, it is useful to examine if employees are adequately trained to deal with complaints about alleged misconduct, and that complaints are taken seriously and managed appropriately.

3.1. Immediate action

Police are under a duty to accept complaints; complaints can be made by any person about the conduct of a police officer on or off duty. Under the Tasmania Police Manual, officers have a duty to accept complaints. Complaints must then be registered on the electronic complaints management database, IAPro.

When an organisation receives a complaint, or when allegations or suspicions are first raised, it may be necessary for the organisation to take immediate action. The types of response may include, for example:

- ▼ ensuring the safety of employees and the public
- ▼ securing evidence
- ▼ suspending, standing down or reassigning one or more employees
- ▼ alerting an appropriate authority, and/or
- ▼ offering support.

The Commission has not previously assessed this criterion against Tasmania Police files.

In this audit we found that immediate action was required in 5 of the 30 files audited. Most of these actions involved moving immediately to secure important evidence, such as CCTV footage. All 5 of these matters were internally raised. Encouragingly, we found that police took timely and appropriate action in all 5 files.

3.2. Conflicts of interest

In order to maintain community confidence, police conducting investigations into alleged misconduct must ensure they not only act impartially, but that they are seen to be acting impartially. The police inquirer or investigator⁸ must be independent from those implicated in the matter. Abacus states that it is important to identify the conflict, disclose it and then manage it or avoid it if possible.⁹

Managing a conflict involves a good understanding of how to apply the organisation's values, and ensures transparency and protects those involved. Conversely, not managing a conflict may lead to 'covering up' of a mistake arising out of a conflict of interest, leading to a perception of deliberate wrongdoing and ultimately eroding confidence in the integrity of the process.

The GMM Review found that there was no guidance in the GMM on conflicts of interest and recommended that conflicts be considered in all matters, and declarations be completed in level 2 and 3 matters.

The manner in which Tasmania Police now manages conflicts of interest are well set out in Abacus with clear guidelines. It is important for police officers to acknowledge that a conflict exists or may exist, and understand there is no wrongdoing in reporting it. The inquirer/investigator who believes a conflict of interest exists must continue to take the complaint and register it on the internal police database system known as 'BlueTeam™', making a note of the conflict in the entry. Where a subject officer believes that the inquirer/investigator or authoriser has a conflict, the supervisor or manager must preclude them from involvement in the matter where they also believe a conflict exists. A supervisor or manager must reassign the matter to another member if they have a conflict.¹⁰

The audit identified 2 files with identified conflicts of interest, and both were declared and effectively managed. In one of those files, the investigating officer declared that they had worked in the district for a lengthy period of time and was well known to the officer under investigation. In the other file, the complaint file was inadvertently assigned to the subject officer, and this was declared and returned for someone else to handle. Both conflicts were voluntarily disclosed and subsequently well managed. We note that this is good practice and positive to observe in a small sample size of files. It suggests that Abacus is working as intended on this criterion.

8 An 'inquirer' is looking into a level 2 matter, while an 'investigator' is the term for an officer handling a level 3 matter.

9 Abacus cl 1.6 'Conflict of Interest'.

10 Abacus cl 1.7, 'Conflicts of Interest'. Also see the *Tasmania Police Manual (TPM)* (2018) Part 1.47, 90-95.

3.3. Confidentiality

Confidentiality, and the privacy and welfare of all parties, should be a constant consideration in the handling of alleged or suspected misconduct. Maintaining confidentiality protects the affected parties such as the complainant, witnesses, subject officer(s) and the persons who work with those directly involved. Organisations must ensure that affected persons are offered appropriate support. Failing to maintain confidentiality places affected parties at greater risk and fear of reprisal and/or victimisation. Although confidentiality should be maintained as far as possible, it cannot – and should not – be guaranteed.

The GMM Review found that there was little guidance on confidentiality in the GMM, and recommended the new policy highlight the importance of confidentiality for all parties, and reiterate that there will be adverse outcomes when confidentiality is breached.

In previous audits we reported an instance where an internal complainant ended up being recorded on IAPro. This led to the fear of victimisation and questioning of the complainant's professionalism among peers.¹¹ Another matter involved the investigators providing the entire statutory declaration of the complainant to the subject officer. This practice not only impacted on the complainant's confidentiality, but also other officers named in the same complaint.

In this review, we found **no** evidence of confidentiality breaches in any of the files audited and this was a positive finding.

3.4. Record keeping

Good record keeping underpins many of the desired outcomes of the complaint handling process. A record keeping system promotes transparency and accountability. Accessibility is another key feature of an effective record keeping system. The GMM Review and previous Tasmania Police audits found that record keeping was an area for Tasmania Police that could be improved and recommended that:

- ▼ running sheets be used
- ▼ relevant matters should be recorded (even where the matter is not investigated), and
- ▼ in Level 3 matters, if a relevant witness is not interviewed, the reason for this should be recorded.

Our 2014 audit report recommended that Tasmania Police implement clear and specific guidelines about the use of IAPro. In our 2016 audit report, we noted that Tasmania Police had undertaken quality assurance measures such as providing specific instruction to Commanders throughout the Districts on the use of IAPro. In addition, Tasmania Police delivered training to the districts on BlueTeam. Despite this, we found in the 2016 report that there was mixed progress, including instances where the subject officer was missing from IAPro and where the wrong subject officer had been listed.¹²

11 Integrity Commission, *An audit of Tasmania Police complaints finalised in 2013*, Report No. 2 (2014).

12 Integrity Commission, *An audit of Tasmania Police complaints finalised in 2015*, Report No. 1 (2016) 30–1.

In this review we found that there was improvement in record keeping with no instances of incorrect recordings of subject officers. We found that there were two files with missing documents in the hard copy file; however, this appeared to only be a file reconciliation issue between the hard and soft copy files.¹³

3.5. Quality assurance

Professional Standards Command oversees and quality assures complaints and conduct management within Tasmania Police. This is achieved through reviewing files and providing advice and assistance to divisional managers undertaking the investigation. Tasmania Police says that the intent is for quality assurance is to be reduced over time as Abacus is embedded.

The GMM Review did not provide any recommendations about quality assurance.

In this review, we found that PSC applied quality assurance as a measure to improve processes. Examples include:

- ▼ PSC correctly upgraded a matter from an IRM2 to an IRM3, and
- ▼ PSC identified that one matter had been incorrectly tasked to the subject of the complaint to investigate.

The PAT raised concerns about the inconsistencies of disciplinary outcomes imposed on a member under investigation. It is of the view the varied outcomes involving similar matters can be attributed to 'no apparent framework'. The Commission has not noted this to be a problem in our review of police files, but we will monitor matters and raise it as an issue with police if we also develop concerns.

3.6. Timeliness

Misconduct matters should be dealt with as quickly as possible. This is important for all parties and provides the community with a sense of confidence that the system is efficient. An unreasonable delay may result in the decision being overturned. Lack of timeliness may also negatively impact on the welfare of the complainant or subject officer, and waste public resources.

Timeliness was one of the key recommendations of the GMM Review and our police audits of 2012, 2013, 2014 and 2015. Since the implementation of Abacus, we have identified a positive improvement in the time taken to finalise police conduct matters.

A key feature of Abacus is the timeframes allocated to resolution of complaints and internally raised matters. The allocated timeframes aim to ensure that the inquiry/investigation is conducted not only in a timely manner, but also provides a better outcome for the complainant, members involved and the organisation.

The timeframes under Abacus are below. The timeframes can be 'suspended' or 'extended' if a delay is caused by external factors, such as staff leave or seeking legal advice.

¹³ The Commission does not have access to Tasmania Police databases and is provided with hard copy files.

Level of matter	Timeframe allocated to resolve
Level 1 matters	14 calendar days from registration on IAPro
Level 2 matters	70 calendar days from registration on IAPro
Level 3 matters	6 months (187 days) from registration on IAPro

To determine how quickly Tasmania Police is dealing with complaints made about its officers, we looked at the time taken to register matters and the time taken to finalise matters. Notably, Abacus timeframes apply to the time taken from registration to finalisation – not from receipt to finalisation. In past audits, we have focused on the overall time taken to deal with complaints, meaning that we included the period between receipt and registration. This is because not all matters are registered in a timely manner.

Time taken to register complaints

In the past, there could be significant delays for police in registering complaints. Under Abacus, police are required to register matters within one working day of receipt.

Our previous audits found that timely registration of complaints had improved, and that this was likely due to an increased awareness of the need to register complaints in a timely manner and wider access to IAPro. We have found a continued improvement in this audit.

In this audit, we found that 19 of the 30 matters had been registered within one working day of receipt. This is a marked improvement on past audits. However, we identified instances in which it took too long to register the matter, in particular one file was not registered for 21 days.

We also identified 5 files where we thought the receipt date had been incorrectly entered on IAPro.

Time taken to finalise complaints

As per usual practice, we examined how long it took Tasmania Police to finalise complaints. In previous audits, we calculated this as the time taken from receipt to finalisation, but Abacus timeframes are based on registration to finalisation. We considered whether police met their own benchmark, noting that we have removed extension and suspension periods from the calculations.

Level 1 matters

For Level 1 matters, Tasmania Police has a benchmark timeframe for finalisation of 14 days from registration.

None of the Level 1 complaints were finalised in the 14 day timeframe; however, 3 of the complaints were finalised not long outside this timeframe, between 18 and 24 days. The other 2 complaints took substantially longer: 50 and 73 days, although the latter file was 'suspended' for an unrecorded period.

Internally raised matters were dealt with much quicker, with all but one being dealt with in the 14 day period – and even that one file was dealt with relatively swiftly at 16 days.

As can be seen from the statistics in the Appendix, Tasmania Police found that of all Level 1 matters, 63.75% in 2018/19 and 74.35% in 2019/20 were finalised within 14 days.

Level 2 matters

For Level 2 matters, the benchmark timeframe is 70 days from registration.

For complaints, 2 of the five files were dealt with in the 70 day timeframe. The other three complaints took from 107 up to 127 days to finalise from registration.

Again, the internally raised Level 2 matters were dealt with quicker, with 3 completed well within 70 days and 2 completed just outside that time.

As can be seen from the statistics in the Appendix, Tasmania Police found that of all Level 2 matters, 83.33% in 2018/19 and 87.93% in 2019/20 were finalised within 70 days.

Level 3 matters

Level 3 matters are the most serious matters and have a timeframe allocation of 6 months.

Four of the Level 3 complaints were dealt with well within that timeframe, and the other complaint took 265 days.

All of the Level 3 internally raised matters were dealt with in the 6 month timeframe.

As can be seen from the statistics in the Appendix, Tasmania Police found that of all Level 3 matters, 66.67% in 2018/19 and 100% in 2019/20 were finalised within 6 months.

Extensions and suspensions

Timeliness was affected by factors such as:

- ▼ the investigating officer taking leave or being engaged in other work
- ▼ the subject officer taking leave, and
- ▼ obtaining legal advice.

Timeframes may be extended if a delay is caused by external factors. Best practice under Abacus provides:

If the inquirer or investigator has an impending absence they must consult with their manager regarding the progression of the matter in their absence. Leave or extended absence will not be accepted as an excuse for inaction or a failure to meet the measurable time points. If a matter is to be reassigned (temporarily or otherwise) then the inquiring /investigating member should contact the complainant and inform them of the change in circumstances.¹⁴

¹⁴ Abacus clause 10.7 'Inquirer/Investigator Absence'.

Ten of the 30 audited complaints and IRM's were subject to an extension owing to external factors. Five of these 10 were extended because of the subject officer taking leave. This places the investigation 'on hold' until the subject officer returns to work.

We identified that Abacus guidance on extensions and suspensions was overlapping and unclear. Tasmania Police has advised that this issue will be rectified.

Key findings on timeliness

Since commencing our audits, we have seen a gradual improvement in the timeliness of files. The larger sampling done by Tasmania Police strongly supports that timelines are improving. Anecdotally, the PAT also agreed with this summation while noting that timeliness is still an issue in some matters, particularly where external legal advice is sought.

This very limited audit suggests that Level 1 complaints and both types of Level 2 matters are the areas to focus in improving timeliness.

4. Objective B: Adequacy of contact with relevant parties

The frequency and nature of contact can impact on the level of satisfaction of the complainant and the subject officer with the misconduct management process.

Good practice includes ensuring that complainants are updated and notified at key stages in the investigation; this includes providing them with a tangible understanding of how their complaint was handled. Of particular importance for Tasmania Police is the assistance provided to vulnerable complainants.

4.1. Adequacy of contact with the complainant

Organisations must recognise the importance of communicating with complainants and providing feedback, particularly where the matter is more serious and the complainant was personally impacted by the conduct. This also reduces the likelihood of complainants feeling compelled to seek out alternative resolutions, such as raising the matter with other organisations such as the Ombudsman or the Commission.

We asked 3 questions about Tasmania Police's contact with the complainant in the 30 files we audited:

1. *Was the complainant contacted on receipt of the matter?*

Upon being allocated a level 2 or 3 matter, the inquirer/investigator must contact the complainant.

2. *Did Tasmania Police notify the complainant of the finalisation of the matter?*

In particular, section 47 of the *Police Service Act 2003* imposes on Tasmania Police a duty to inform both the subject officer and the complainant, in writing, of any sanction given to the subject officer under section 43(3).

3. *Was contact with the complainant adequate?*

On the basis of our previous audits, we consider that contact with complainants by Tasmania Police is generally good. In this audit, we found there had been continued progress following the implementation of Abacus.

Contact on receipt

We only found one relevant file where police had not contacted the complainant on receipt of the matter when required. This was an omission and police subsequently took action to amend the mistake.

Contact at finalisation

Similarly, we only found one relevant file in which the complainant had not been notified of the finalisation of the matter. This was a Level 1 complaint file. The complainant was notified of receipt of the complaint by the Deputy Commissioner's office and then later contacted by the officer handling the matter. After a couple of emails, the officer advised the complainant that they needed to make a statement via the website. No further contact with the complainant was clearly documented. A statement of complaint is not required for a Level 1 matter so it is unclear why this was asked of the complainant.

Overall adequacy of contact with the complainant

Apart from the file mentioned above, we found that contact with the complainant was adequate in all relevant files.

4.2. Adequacy of contact with subject officers

Once they are aware of the matter, it is important that subject officers are kept informed of the various stages of an investigation. This is for their welfare, for procedural fairness purposes, and so that they feel that the organisation is treating them fairly.

The GMM Review Report found that regular updates to subject officers for level 2 and 3 matters should be provided on a case-by-case basis, and subject to negotiation with relevant parties. Contact should consist of a simple, quick email or phone call to let the person know that the matter is still under consideration.

We asked 3 questions about Tasmania Police's contact with the subject officer in the 30 files we audited:

1. *Was the subject officer given an adequate opportunity to respond to the specific allegations?*
2. *Was procedural fairness afforded to the subject officer?*

Procedural fairness, also known as natural justice, is the right of all affected persons to have a fair process. That is, a person has a right to a reasonable opportunity to be heard; a right for the decision not to be biased; and a right for the decision to be based on evidence. This includes both the complainant and the subject officer. Procedural fairness should be a primary consideration throughout the investigation process. Procedural fairness is not concerned with whether or not the outcome is fair.

3. *Where relevant, was contact with the subject officer adequate?*

Response to the allegations

Police officers must be given an opportunity to respond before a finding is made. In all relevant files, we found that the subject officer under inquiry/investigation had been given adequate opportunity to respond to the specific allegation(s).

Procedural fairness

A key recommendation of the GMM Review emphasised the importance of procedural fairness.

In this review, we found that in all relevant files, the subject officers were afforded procedural fairness, with no other issues identified.

The PAT expressed the view that, while Abacus defines the concept of procedural fairness, there appears to be no moderating process to ensure consistency in the decision-making process. The PAT identified foundational issues in the application of procedural fairness and provided an example where, in the PAT's view, an internal investigation raised a number of points at which procedural fairness was not afforded, and where it should have been.

While we don't discount the PAT's view, we did not find any evidence of a failure to provide procedural fairness in the files we audited on this occasion.

Overall adequacy of contact

Overall, we found that contact with subject officers was adequate in all relevant audited files.

4.3. Key findings on adequacy of contact

This review shows that, although there may be anomalies, police contact with both the complainant and subjects officers is generally good. We particularly note that, at times, police go above and beyond in attempting to make contact with complainants, who at times can be elusive.

5. Objective C: Adequacy and appropriateness of inquiries and investigations

It is the responsibility of public sector organisations to ensure that when they receive reports of misconduct, they pursue all relevant lines of inquiry in a proportionate manner. Where allegations are not adequately addressed, this can lead to a loss of confidence not only by those involved in the process, but also by staff and the general public.

As Level 1 matters are not pursued as a potential breach of the Code of Conduct, this aspect of our review relates only to the more serious level 2 and 3 matters.

5.1. Lines of inquiry

Generally, the seriousness of an investigation will determine how much effort is invested in pursuing lines of inquiry. Good practice includes providing justification for not looking into particular lines of inquiry, if there is a good reason for not doing so.

Abacus provides guidance on the extent of investigation required.¹⁵ The GMM Review emphasised that the investigator should do no more investigation than is strictly necessary; they need only meet the standard of proof required, and should not investigate beyond this. This prevents 'over investigation' of matters, which historically has been a problem for Tasmania Police.

In our audit of 20 level 2 and 3 files, we found that all relevant lines of inquiry were addressed in all files. We noted that, in accordance with good practice, several files identified potential lines of inquiry and documented valid reasons to not pursue them.

We note the PAT's comment that, in its opinion, there is a lack of consistency across the districts with regard to investigations, and we will keep this in mind in our oversight of police misconduct.

Following irrelevant lines of inquiry

Following irrelevant lines of inquiry can be indicative of bias on the part of the investigator. In this audit, we did not find that police had followed any irrelevant lines of inquiry in any files.

5.2. Pursuing additional allegations

When managing a misconduct matter, the inquirer/investigator should be alert to additional allegations of misconduct that may arise. These may be additional allegations against the subject officer, or they may be allegations against another person. If new allegations emerge, the inquirer/investigator should raise them with the appropriate person for consideration of how they should be managed. Options may include incorporating them into the current investigation or starting a new investigation. The new allegations may also not warrant further inquiry, but they should still be recorded.

¹⁵ *Abacus* clause 10.1 'Process Summary'.

In our 2015 audit of 109 complaints, we found that additional allegations were present in 35 files. In that audit, we found that police had dealt with the additional allegations in 22 files and had not dealt with them in 13 files.¹⁶

In this review, we found that 5 of the 30 files contained additional allegations. We particularly noted positive outcomes in 3 files. In 2 of these files, additional allegations were identified against police officers. The allegations related to database access in one file, and in the other file they related to a failure to report a traffic incident and to submit the driver – a police officer – to a breath test or breath analysis. Both of these matters resulted in inquiries by police, with the latter matter resulting in a sustained breach of the Code of Conduct.

The third file in which there was a positive outcome involved an inspector raising a potential misconduct matter by an employee of another organisation.

In one of the 5 relevant files, police did fail to consider the additional allegations. The additional allegations in that file arose when a database audit found that the subject officer had looked up her own record, and possibly records of family members. We contacted police about this matter. Police advised that it had been an omission not to pursue this, and they subsequently registered the matter and undertook an inquiry.

5.3. Analysis of evidence

Evidence collected in an inquiry or investigation should be analysed before a finding is made. Evidence is not necessarily proof of a finding.

In this review, we looked at whether investigators/inquirers identified and critically analysed the evidence they collected.

Encouragingly, we found that in all 15 relevant files, the inquirer/investigator analysed and assessed the evidence. There were 2 reports in particular involving a Level 2 and a Level 3 complaint that were particularly noted to be well-written and to contain good analysis.

5.4. Key findings on adequacy and appropriateness of inquiries and investigations

Overall, Tasmania Police adequately and appropriately investigated nearly all aspects of all files reviewed in this audit.

¹⁶ Integrity Commission, *An audit of Tasmania Police complaints finalised in 2014*, Report No 2 (2015) 34–5.

6. Objective D: Adequacy and appropriateness of outcomes

When auditing files, the Commission looks to ensure that outcomes are adequate and appropriate. This means that:

- ▼ it was reasonably open to make the findings that were made
- ▼ actions in relation to misconduct are appropriate, and
- ▼ organisational learnings have been identified and actioned.

6.1. Findings

What findings were made?

There were 55 allegations listed on IAPro for the 30 files we reviewed.

Level 1 matters

Allegations

Fifteen allegations were listed on IAPro for the 10 Level 1 matters we reviewed. This included:

- ▼ 5 allegations in complaints and 1 in internal matters of Breach Code of Conduct – Bring discredit on the service
- ▼ 3 allegations in complaints and 5 in internal matters of Breach Code of Conduct – Fail to Act with care and diligence, and
- ▼ 1 allegation in an internal matter of Breach Code of Conduct – Fail to comply with order in the Tasmania Police Manual.

Findings

Level 1 matters are not pursued as potential breaches of the Code of Conduct. Given this, we think these matters should be listed as 'dismissed' on IAPro. All allegations except one in Level 1 complaints were listed as 'Dismissed'. The other allegation was listed as 'Informal Resolution'.

In the internally raised matters, all allegations were listed as 'No breach'. In discussions with police, it seems that it has been policy to list the outcome of Level 1 IRMs as no breach of the Code of Conduct. We do not think this is correct, as in these files there has been no consideration of whether the Code was breached. We think the more appropriate outcome is 'Dismissed'. Police agreed to reconsider the outcomes in these types of files.

Level 2 matters

Allegations

There were 8 allegations in the 5 Level 2 internal matters, and 8 in the 5 Level 2 complaints. They were:

- ▼ 4 allegations in complaints and 1 in internal matters of Breach Code of Conduct – Bring discredit on the service
- ▼ 4 allegations in complaints and 3 in internal matters of Breach Code of Conduct – Fail to act with care and diligence
- ▼ 2 allegations in an internal matter of Breach Code of Conduct – Fail to comply with order in the Tasmania Police Manual, and
- ▼ 2 allegations in internal matters of Breach Code of Conduct – Unauthorised access to information.

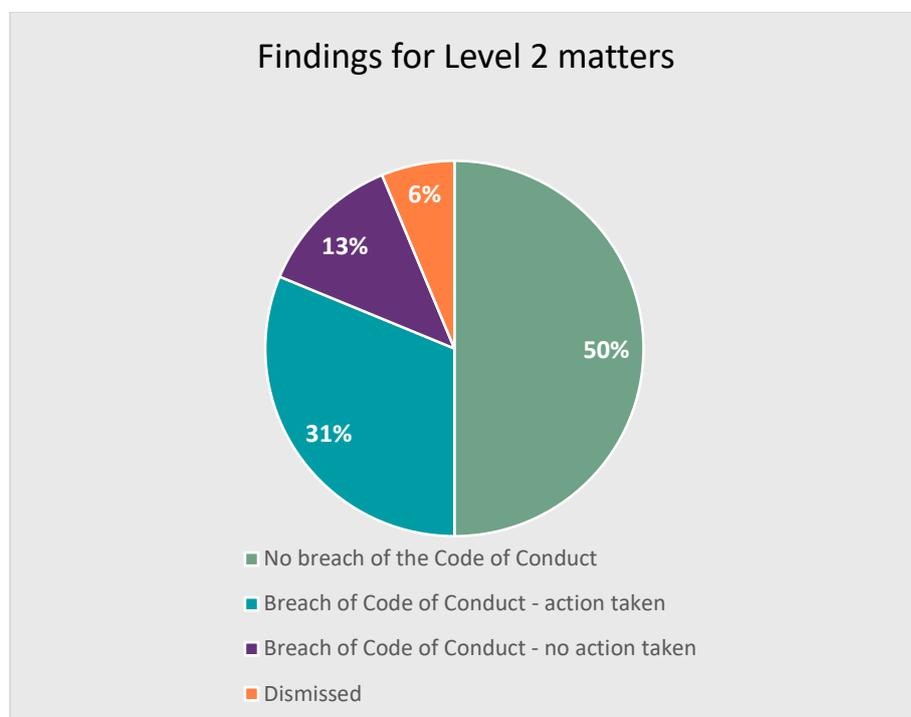
Findings

Two allegations in internal matters were recorded as ‘No breach’ of the Code of Conduct. A breach of the Code of Conduct was found for the remaining 6 allegations in internal matters, with action being taken under section 43(3) of the *Police Service Act* in relation to 5 of those 6 sustained allegations.

In the 5 Level 2 complaints, 6 of the 8 allegations were recorded as No breach. One allegation was listed as dismissed. The remaining allegation was upheld with a breach of the Code of Conduct found; no action was taken under section 43(3) of the *Police Service Act* in relation to this breach.

For all Level 2 allegations apart from one in an internally raised matter, we determined that it was reasonably open for police to make the findings that had been made. For one allegation, we were not able to assess whether it was reasonably open to make the finding that was made, as Tasmania Police was unable to supply a copy of the subject officer’s response.

Figure 1: Findings for Level 2 matters



Level 3 matters

Allegations

There were 10 allegations in the 5 Level 3 internal matters, and 14 in the 5 Level 3 complaints. They were:

- ▼ 2 allegations in internal matters of Breach Code of Conduct – 42(1) – Fail to behave with honesty and integrity
- ▼ 1 allegation in complaints and 3 in internal matters of Breach Code of Conduct – Fail to act with care and diligence
- ▼ 1 allegation in internal matters of Breach Code of Conduct – 42(4) - Fail to maintain confidentiality
- ▼ 1 allegation in complaints of Breach Code of Conduct – Bring discredit on the service
- ▼ 1 allegation in internal matters of the crime of Corruption of a public officer
- ▼ 1 allegation in internal matters and 1 in complaints of the crime of Perverting the course of justice
- ▼ 1 allegation in a complaint of each of:
 - ▽ a criminal drug offence
 - ▽ the crime of indecent assault
 - ▽ rape, and
 - ▽ the crime of trafficking in a controlled substance.
- ▼ 2 allegations each in complaints of the crimes of:
 - ▽ fabricating evidence, and
 - ▽ official corruption.
- ▼ 2 allegations in complaints of the summary offence of assault
- ▼ 2 allegations in internal matters of summary drug offences, and
- ▼ 1 allegation in a complaint of a summary firearms offence.

Where a complaint or internally raised matter contains allegations that may amount to a summary or criminal offence, in some files Tasmania Police list 2 allegations – both the Code of Conduct breach and an alternative offence allegation. In other files, Tasmania Police only list one allegation on IAPro and do not list the ‘alternative’ offence allegation. This practice impacts on the number of allegations listed on IAPro, and would make annual statistical comparisons questionable. The Commission does not prefer one practice over the other, but does encourage Tasmania Police to settle on one policy for these kinds of allegations (either listing alternative allegations in all cases, or not).

Findings

In the 5 Level 3 complaints, the findings were:

- ▼ dismissed for 2 Code of Conduct breach allegations
- ▼ for 8 criminal and summary offence allegation (all in the same complaint), police determined that there was no offence

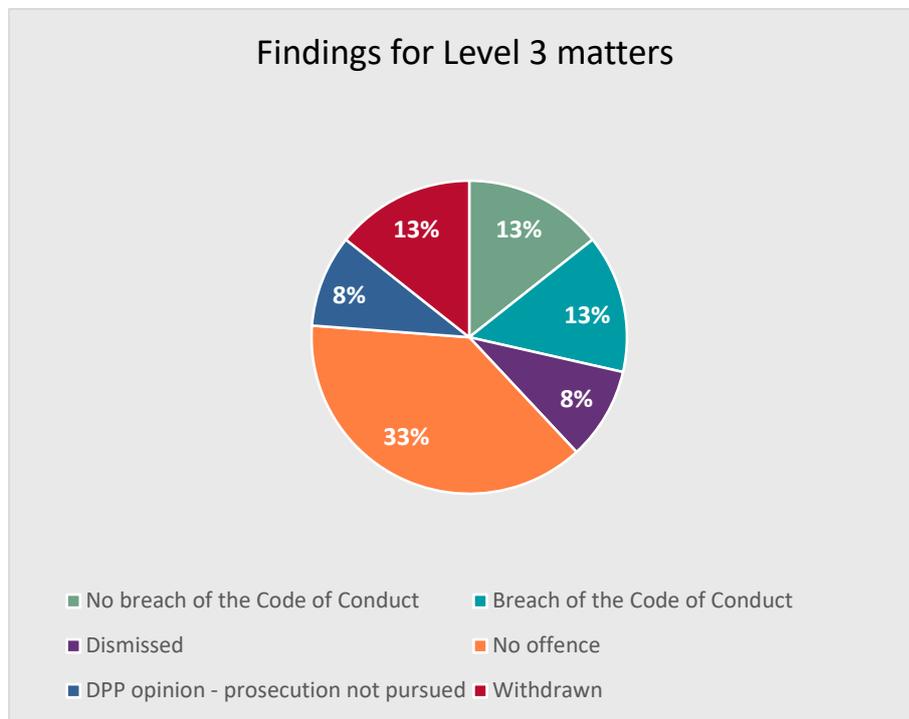
- ▼ for one criminal allegation, the police sought the opinion of the Director of Public Prosecution and on the basis of that opinion determined not to prosecute the officer, and
- ▼ 3 allegations of summary and criminal offences were withdrawn (all from one complaint).

In the 5 Level 3 internally raised matters, the findings were:

- ▼ 3 breaches of the Code of Conduct with action being taken in relation to those breaches pursuant to section 43(3) of the *Police Service Act* (all relating to one officer in one matter)
- ▼ for 3 Code of Conduct breach allegations, police determined that there was no breach of the Code of Conduct
- ▼ for 1 summary offence allegation, police sought the opinion of the Director of Public Prosecution and on the basis of that opinion determined not to prosecute the officer, and
- ▼ for 2 criminal and 1 summary offence allegation, police determined that there was no offence.

In all Level 3 matters, we determined that it was reasonably open for police to make the findings that had been made.

Figure 2: Findings for Level 3 matters



6.2. Action taken

Where a breach of the Code of Conduct is found, police can take action pursuant to section 43(3) of the *Police Service Act*. Other punitive actions can involve barring the officer from wearing, or being eligible for, police medals. If an officer may have committed an offence, they will be prosecuted.

Additionally, whether misconduct is found or not, officers may benefit from continuing professional development or other actions, such as verbal guidance or training.¹⁷

For the 30 files we audited, IAPro records indicate that:

- ▼ verbal guidance was provided in relation to 10 allegations against 10 separate officers. Only one of these officers was found to have breached the Code of Conduct. It is positive that Tasmania Police are taking action even where no breach is identified – this meets good practice.
- ▼ a counselling pursuant to section 43(3)(a) of the *Police Service Act* was given to 5 officers for 5 breaches of the Code of Conduct.

Two Level 3 matters – one complaint and one internal – were referred to the DPP for independent advice as to whether an officer should be charged for an alleged offence. It is positive to note that Tasmania Police sends files to the DPP for review; this meets good practice standards. Previous audits have supported the practice of police seeking the opinion of the DPP, noting that in instances where a prosecution is not pursued, it is good practice to consider whether the officer breached the Code of Conduct and to take action accordingly. In these 2 cases, neither of these officers were charged, but one was found to have breached the Code of Conduct.

The PAT is of the view that there is still not enough focus on personal development in Tasmania Police. While we do not discount this view, we did not identify this as an issue in the files we reviewed on this occasion.

6.3. Organisational learnings

The Commission encourages organisations to identify and act on all organisational learning opportunities. Almost every misconduct matter resolution process provides a strategic opportunity to identify systemic weaknesses, and improve organisational performance. A key recommendation that arose out of the GMM Review included recognition of opportunities for organisational learning and development. Abacus reflects this by emphasising the importance of maximising opportunities for organisational learning in all complaints and internally raised matters.¹⁸

In this audit, we identified that 5 of the 30 files potentially raised opportunities for organisational learning.

¹⁷ *Abacus* clause 3.8 'Continuing Professional Development'.

¹⁸ *Abacus* clause 3.9 'Organisational Learning'.

There were 3 files in which police identified the organisational learning as part of managing the matter. For example, one Level 2 complaint involved the arrest and custody of an Aboriginal youth who was detained for extended periods while in remand, including custody within the holding cells and within vicinity of adult offenders. The internal investigation made 3 recommendations focused on improving the process of managing youths in custody and their appearance in court. The Inspector also instigated an additional review of prosecution service delivery. This was an excellent example of identifying organisational improvements from a complaint.

There were 2 files where potential organisational learnings were raised by the matter, but there was no evidence of the learnings having been identified as such. Both of these were procedural issues, and Tasmania Police clarified that these were one-off events that were not systemic in nature.

Organisational learnings were raised by the PAT, and we understand that it is of the opinion that although Tasmania Police identify learnings, they are not always actioned. The Commission does not look beyond the management of the misconduct matter, so unless the learnings relate to misconduct we would not usually follow-up with police to ensure they have been implemented. However, we do continue to emphasise with police and other organisations that organisational learnings are often the most valuable outcomes of misconduct matters.

6.4. Adequate and appropriate outcomes

For each matter we reviewed, we asked the auditor to consider whether – overall – the outcomes of the matter were adequate and appropriate. In 28 of the 30 files, we found the outcomes adequate and appropriate. Our concerns about one file were later resolved by police by the supply of additional information.

The final file involved an off-duty officer who voluntarily underwent a roadside breath test, with the result being 0.053. The subsequent breath analysis was 0.031 (under the legal limit). However, we noted that there was a period of nearly 2 hrs between the roadside breath test and the breath analysis. No reason for the delay was identifiable from the file, although we do not suggest the delay was intentional. Police told us that it can take up to 3 hrs for a breath analysis to be conducted after a roadside breath. To avoid the perception that a test has been purposefully delayed in situations like this, breath analysis should be undertaken as expediently as possible.

PART C CONCLUSION

Abacus provides established procedures and detailed guidelines to deal with conduct management in Tasmania Police. It is publicly available. While no system is perfect, the Commission considers that Abacus is perhaps the most advanced police conduct management system in Australia. Following the GMM, it has continued to move Tasmania Police away from a military-style punitive disciplinary system to a modern public service system that focuses on organisational and individual improvement, taking efficient and effective punitive action only when desirable.

We anticipate that the system will continue to improve as police further embed the system, and identify and rectify issues over time. Overall the results of this review reveal that Tasmania Police is operating a well-functioning conduct management system and is willing to ensure matters are dealt with effectively and efficiently.

APPENDIX 1: TASMANIA POLICE RESPONSE

TASMANIA POLICE
Office of The Commissioner
GPO Box 308 HOBART TAS 7001
Phone: (03) 6230 2111
Email: commissioner@police.tas.gov.au

RECEIVED
- 9 NOV 2021



Our Ref: A21/224517

4 November 2021

Mr Michael Easton
Chief Executive Officer
Integrity Commission
GPO Box 822
Hobart TAS 7001

Dear Mr Easton

REVIEW OF CONDUCT MANAGEMENT SYSTEM ABACUS

Thank you for your correspondence of 20 October 2021, and for providing a copy of the Commission's draft report of the review of the Tasmania Police conduct and complaint management policy, 'Abacus'.

Tasmania Police values the work that the Commission does and has been happy to assist with the Commission's work on this review. I also appreciate the opportunity to review the draft report and the prospect of further contributing through commentary on the report content.

As the Commission's report has highlighted, Abacus was envisioned following the Joint Review of the Graduated Management Model (GMM), our former complaint management policy. That review, which produced some 42 recommendations, and 28 suggestions, was instrumental in informing the genesis of Abacus. Central to that was the desire to develop a new policy centred around the 6 key themes of clarity, efficiency, accountability, transparency, fairness, and ongoing learning. The identification of those themes also led to the focus upon the needs of complainants, members of Tasmania Police (specifically 'subject officers') and the organisation.

In the pursuit of those objectives, Tasmania Police invested heavily in terms of ongoing effort and use of resources, in an endeavour to produce a comprehensive policy that would underpin our effective accountability process.

Since the implementation of Abacus in March 2018, Tasmania Police has sustained its efforts and energy, whilst also consolidating efforts into monitoring, adjusting, and reporting upon the progress of Abacus. To date, the Professional Standards Command has produced 2 'Abacus Performance Reports' for the Deputy Commissioner of Police. A third report will be produced in 2021 – 2022. Those reports are comprehensive and examine and interpret large quantities of data about a large range of performance indicators related to Abacus. Notably, the reports rely upon data obtained for the entirety of all Abacus matters.

> Integrity > Equity > Accountability

The Professional Standards Command has also developed comprehensive and instructive Business Rules, whilst maintaining quality assurance on Abacus matters, for all of Tasmania Police. As, and when necessary, the Abacus Steering Committee has been convened to approve the amendment or change to the policy, with the objective that the policy remain contemporary and flexible, whilst continuing to address the needs of the complainant, the members of Tasmania Police, and the organisation. A recent example of that was the development and introduction of amendments to the Wellbeing provisions of Abacus, as they relate to subject officers, and the requirements to consider and address the wellbeing of members as part of the Abacus process.

Additionally, the Professional Standards Command has also met with the Police Association of Tasmania to share data and information, discuss issues that may arise, and to provide advice about the performance of Abacus to date. Those discussions have also included the express intention and planning for the future surveying of members of Tasmania Police, as we have done with complainants, around the process and effectiveness of Abacus. I also highlight that Abacus is available publicly via our website, as is access to the survey for complainants of Abacus matters.

In respect of specific comments regarding the draft report, I advise that –

- Tasmania Police takes matters of alleged misconduct seriously, and routinely undertakes proportionate and necessary inquiries or investigations into all allegations of misconduct.
- In some cases, where serious allegations are made, the Deputy Commissioner of Police will take immediate administrative action to remove members from their role to ensure safety, for risk management purposes, or for legislative or other reasons. Pleasingly, I note that the Commission's review found evidence that Tasmania Police had taken timely and appropriate action in matters that you reviewed.
- Conflicts of interest have been a focus of our attention for some time, and Tasmania Police implemented provisions into the Tasmania Police Manual (TPM) to provide guidance to all staff on this complex issue. The Commission's review has found several examples in which members of Tasmania Police had voluntarily disclosed their conflict of interest, that the conflict was then managed appropriately, and these cases highlighted the existence of good practice by those members.
- Similarly, the need and understanding of confidentiality (and privacy) for the myriad of records and information that we are the custodians of, was highlighted in the Commission's review. This aspect has been a longstanding piece of work that has been subject to previous examination by the Commission. It is very pleasing to note that the Commission's review has confirmed our beliefs that our members understand their obligations and duties in this area.
- Tasmania Police values and supports the notion of continuous learning and improvement and recognises that there remains further scope to enhance the performance of Abacus, such as through increasing the knowledge and understanding of the extension and suspension process, and in terms of settling our position on whether internally raised matters (IRM's) should be recorded as either 'dismissed' or 'no breach' in terms of their disposition.
- It was also pleasing to observe that the review confirmed Tasmania Police's view that inquirers and/or investigators are conducting proportionate inquiries or investigations; are making appropriate contact with complainants, including in many cases, going above and beyond to ensure contact with complainants occurs; abide by the principles of procedural fairness; have engaged in good analysis of evidence in finalising matters; are continuing to keep and maintain appropriate records; and have addressed all allegations that are raised.

- Importantly, I also wish to comment upon one of the key objectives of Abacus – that of the timeliness of the completion of Abacus matters, in accordance with the timelines set in Abacus. This has been a key focus for Tasmania Police, and our own full audits of all Abacus matters show continuous improvement in the timely completion of matters. This is true of all types, as well as all levels of Abacus matters. It would be remiss of me not to highlight that, in the financial year 2019 – 2020, all Level 3 Abacus matters were finalised within the 6-month timeline associated with such matters. This is the first time that such an achievement has ever occurred and is a credit to the staff who performed duties within the Professional Standards Command during that period, as they were responsible for the completion of all the Level 3 matters.

In closing, I would like to add that it is very pleasing to see that the Commission has found that Abacus is perhaps the most advanced police conduct management system in operation in Australia at present. Founded upon the objectives of individual and organisational improvement, and only using punitive measures when necessary to do so, Abacus should continue to deliver good outcomes for complainants, subject officers, and the organisation alike.

I again thank you for conducting the review and for affording Tasmania Police the opportunity to comment upon the review report content.

Yours sincerely



D L HINE APM
Commissioner of Police

APPENDIX 2: TASMANIA POLICE STATISTICS

We have compiled these statistics on internally raised matters (IRMs) and complaints from Tasmania Police data. The data has not been vetted by the Commission.

General

	IRMs (18/19)	Complaints (18/19)	IRMs (19/20)	Complaints (19/20)
Total number registered	165	272	68	193
Total number of allegations (excluding allegations of offences or crimes)	238	450	97	426
Total number of breaches of Code of Conduct (sustained allegations)* <i>*Level 2 and 3 matters only</i>	69		16	
Number of unique officers involved	386		312	
Number of officers that were the subject of multiple complaints/IRMs	<ul style="list-style-type: none"> - 15 officers had three matters - 9 officers had four matters - 2 officers had six matters - one officer had 8 matters (all IRMs) 		<ul style="list-style-type: none"> - 16 officers had 3 matters - 4 officers had 4 matters - one officer had 5 matters 	
Action taken in relation to sustained allegations	<p>13 officers were counselled.</p> <p>3 officers were reprimanded. Of these:</p> <ul style="list-style-type: none"> - One was prohibited from wearing the Commissioner's Medal for 12 months - One was transferred, and prohibited from wearing, or being considered for, medal for 12 months - One was fined, transferred, and prohibited from wearing the Commissioner's medal for 12 months 		<p>One officer's employment was terminated.</p> <p>13 officers were counselled.</p> <p>2 members were reprimanded. Of these</p> <ul style="list-style-type: none"> - one was transferred - one was transferred, prohibited from wearing medals for 12 months, and deemed ineligible to receive the Commissioner's Medal for 12 months. 	
Continuing Professional Development	Undertaken in 117 matters		Undertaken in 85 matters	

Allegation type

The table below contains all Code of Conduct breach allegations contained in complaints and internally raised matters in 2018/19 and 2019/20. The table does not include allegations of offences or crimes.

These are just allegations made – they are not sustained allegations.

Allegation	IRMs (18/19)	Complaints (18/19)	IRMs (19/20)	Complaints (19/20)
Fail to behave with honesty and integrity	10	10	7	16
Interfere with official records	0	0	0	0
Conduct prejudicial	2	0	3	11
Bring discredit on the service	40	152	30	183
Victimise or discriminate officer reporting a breach	0	0	1	0
Not comply with prescribed conduct	0	0	0	0
Fail to act with care and diligence	42	168	22	95
Fail to comply with order in Tasmania Police Manual, including excessive force Fail to comply with lawful direction or order by senior officer	9	90	11	87
Fail to maintain confidentiality	15	9	1	5
Fail to avoid or disclose a conflict of interest	15	7	3	4
Fail to use police resources properly	5	3	1	2
Provide false or misleading information	1	1	4	3
Omit to provide information	1	0	1	0
Improper use of information Improper use of information Improper use of authority	3	2	0	12
Unauthorised access to information	95	6	13	5
No misconduct identified	2	0	3	3

Disposition (outcome)

The table below contains shows the 'disposition' (overall outcome) of complaints and internally raised matters in 2018/19 and 2019/20. It does not include allegations of offences or crimes.

	Complaints and IRMs 2018/19	Complaints and IRMs 2019/20
Dismissed* <i>*All level 1 matters are 'dismissed'</i>	224 (51%)	158 (61%)
No breach	130 (30%)	44 (17%)
Still in progress at end of financial year	23 (5%)	43 (16%)
Breach of the Code of Conduct	45 (10%)	10 (4%)
Withdrawn	7 (2%)	6 (2%)
Determined by Director of Public Prosecutions	7 (2%)	0
No determination (officer/s resigned)	1 (<1%)	0

Timeliness

These statistics have been rounded.

	Complaints and IRMs completed in benchmark timeframe – 2018/19	Complaints and IRMs completed in benchmark timeframe – 2019/20
Level 1 – 14 days from registration	64%	74%
Level 2 – 70 days from registration	83%	88%
Level 3 – 6 months (187 days) from registration	67%	100%

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