

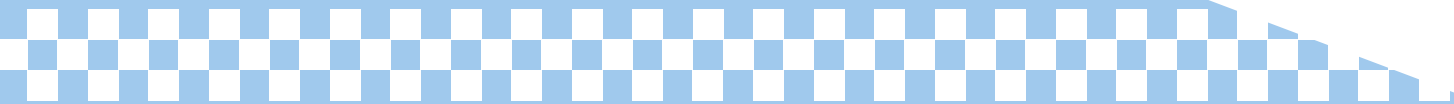


Tasmania Police

Professional Standards complaints and outcomes

summary statement

2023



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Author:

Department of Police, Fire and Emergency Management
Tasmania Police – Professional Standards Unit
DPFEM Media, Communications and Engagement Team

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We respectfully acknowledge the Tasmanian Aboriginal people as the traditional owners of the land upon which we work and pay our respect to Elders past and present. We recognise the Tasmanian Aboriginal people as the continuing custodians of the rich cultural heritage of *lutruwita* / Tasmania.



Commissioner's Foreword

Police officers are entrusted with significant powers to perform their duties to keep our community safe. With this authority comes the obligation to be accountable for how it is used.

Where reports are made about police conduct – whether by members of the public or internally – the community must have confidence that matters are investigated and addressed appropriately.

This annual report is providing transparency on the number of reports received and investigated, and the outcomes. This active disclosure supports the Tasmania Police value of 'accountability' and also responds to the feedback in our recent community survey, which told us that we need to be more accountable.

Tasmania Police strives for excellence in serving the community. Ongoing reflection and improvement is important and in many cases, the response to a complaint or feedback will include an opportunity for professional development or learning through verbal guidance to staff.

In 2023, 29% of matters were raised internally by our own police officers. This reflects the importance of holding ourselves and our colleagues accountable for behaving in line with our values – Accountability, Integrity, Respect and Support. We will continue to build this culture amongst all officers, just as we will continue to welcome feedback from the community we serve.

Feedback on Tasmania Police's performance can be provided at any time via:
police.tas.gov.au/about-us/compliments-and-complaints

Donna Adams

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Commissioner of Police

Key to terms and abbreviations

General policing terms and acronyms

TERM	DEFINITION
Abacus	The all-encompassing name for the Tasmania Police Commissioner's Directions relating to conduct, complaint management and compliance review.
Complaints	<p>An expression of dissatisfaction regarding the conduct of one or more members of Tasmania Police. Complaints may be made by the public, they can also be made by members of Tasmania Police against other members. For the purpose of this document 'complaint' means a complaint under Division 2 of Part 3 of the <i>Police Service Act 2003</i>.</p> <p>Complaint categories</p> <p><i>Level 1</i> These matters are dealt with by supervisors, and are assessed as lower-level matters that do not have the potential to amount to a breach of the Code of Conduct, such as complaints relating to the length or outcome of an inquiry. As minor complaints, Level 1 complaints are not captured in this report.</p> <p><i>Level 2</i> These matters are more serious and are dealt with as a potential breach of the Code of Conduct. These are generally referred to districts for investigation / resolution.</p> <p><i>Level 3</i> These are serious matters and are dealt with as a potential breach of the Code of Conduct or criminal behaviour. If proven, they may warrant termination of appointment and/or serious offence or crime. These matters are generally retained by Professional Standards for investigation.</p>
Code of Conduct	Contained in section 42 of the <i>Police Service Act 2003</i> .
Determination Notice	<p>A document formally recording that a determination has been made that a member has breached a provision of the Code of Conduct. The notice may or may not include a decision to take an action under section 43(3) of the <i>Police Service Act 2003</i>.</p> <p>It is a formal outcome that forms part of a member's conduct history. A determination notice attached to a Provisional Report is deemed to be provisional unless the subject officer converts it to a final determination notice by signing it or acknowledging it formally.</p>
Internally Raised Matter (IRM)	<p>A matter initiated by a member of Tasmania Police (including a peer or senior officer). Reportable matters can be:</p> <ul style="list-style-type: none"> • a suspected Code of Conduct breach • reported to facilitate performance management • determined during investigative activities; or • otherwise identified internally within Tasmania Police.
POA	<i>Police Offences Act 1935</i> .
PSA	<i>Police Services Act 2003</i> .
TPM	<i>Tasmania Police Manual</i> .

Allegation findings

TERM	DEFINITION
Arrested-Charged	The officer was arrested and charged for a summary / criminal offence.
Breach - DN - No S43 Action	It was determined that the officer breached the Code of Conduct, however no action as defined in section 43 of the <i>Police Service Act 2003</i> was initiated. The determination will be noted on the officer's conduct history.
Breach - DN - S43 Action	It was determined that the officer breached the Code of Conduct, and an action as defined in section 43 of the <i>Police Service Act 2003</i> was initiated (eg fine, transfer, reprimand etc). The determination will be noted on the officer's conduct history.
Breach - No DN	It was determined that the officer breached the Code of Conduct, however no formal notice provided, and therefore not reflected on an officer's conduct history.
Dismissed	The allegation was dismissed in accordance with section 46 of the <i>Police Service Act 2003</i> .
DPP No Referral - No PFC	The matter was not referred to the office of the Director of Public Prosecutions as there was no prima facie case eg insufficient evidence, the evidence reveals that the complaint was false, or the victim chooses not to pursue the matter further. The Deputy Commissioner of Police has oversight and review of all Level 3 Complaints. A decision not to refer a matter to the DPP must be approved by the Deputy Commissioner.
DPP Opinion - No Pros	The matter was referred to the office of the Director of Public Prosecutions which recommended no prosecution of the officer, having regard to available evidence, public interest and the likelihood of a conviction.
DPP Opinion - Pros Guilt	The matter was referred to the office of the Director of Public Prosecutions which recommended prosecution, and subsequent verdict of guilty.
Informal Resolution	A method of resolving a matter where all parties are in agreement to a proposed outcome eg professional development.
No Breach	It was determined that No Breach of the Code of Conduct occurred.
PIN issued	A penalty infringement notice was issued to the officer.
Resigned - No Determination	The officer resigned prior to a determination being able to be made.
Unknown Officer - No Determination	A determination can not be made, as the officer can not be identified.
Withdrawn	The complainant elects to withdraw a complaint.

Actions taken

TERM	DEFINITION
Assignment	The officer is required to complete a written reflection.
Counselling 43 (3) (a)	The officer is counselled by an Inspector or above (formal meeting).
Driver Cert of Competency Suspended	The officer cannot drive a police vehicle for an allocated period of time.
Org Learning	Retaining and applying knowledge gained from the collective experience of the organisation to improve the service delivery of the organisation over time.
Prohibited from HDA	The officer is prohibited from performing higher duties for an allocated period of time.
Reprimand 43 (3) (b)	An action under the <i>Police Service Act 2003</i> . The officer is formally reprimanded by a senior officer.
Resigned	The officer resigns.
Show Cause 31 (1)	An action under the <i>Police Service Act 2003</i> . A formal notification to the officer, advising them that the Commissioner is considering the demotion or transfer of the officer, requiring a response from the officer.
Stand Down 38 (8)	An action under the <i>Police Service Act 2003</i> . The officer is stood down from duty for a period of no longer than 7 days and is unable to perform any duties as a police officer (remuneration is unaffected).
Suspension 40	After a police officer has been stood down under section 38, the Commissioner may suspend the police officer from duty for any reason and for any period the Commissioner considers appropriate.
Code of Conduct Breach Sanctions Section 43	An action under the <i>Police Service Act 2003</i> . If the Commissioner determines that a police officer has breached a provision of the code of conduct, the Commissioner may take one or more of the following actions: <ul style="list-style-type: none"> • counselling • reprimand • fine • reduction in salary • reassign duties • transfer • probation • demotion • termination of employment.
Training	A form of continuing professional development and includes written, online or face to face practical training.
Verbal Direction	A formal direction from a senior officer.
Verbal Guidance	A form of continuing professional development.

Snapshot

Figure 1: Complaint cases by level

TOTAL complaint cases – 325

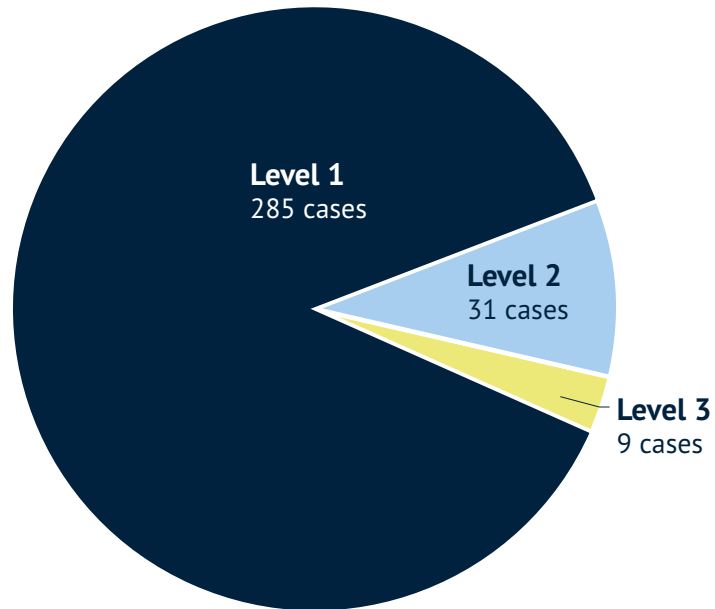
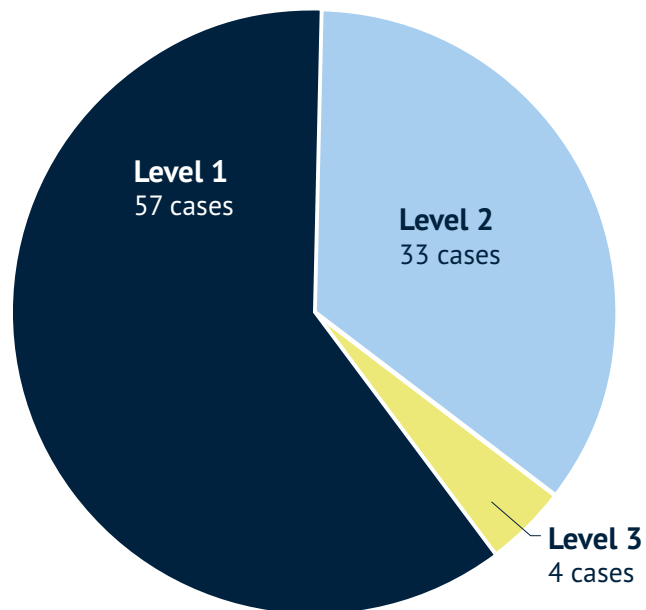


Figure 2: Internally Raised Matter cases by level

TOTAL Internally Raised Matter cases – 94



Detailed breakdown

Table 1: Complaints – level 2

#	MONTH	ALLEGATION	OUTCOME & ACTION
1	January	42(3)(a) Fail to comply with order in TPM	Withdrawn
2	January	42(1) Fail to behave with honesty and integrity 42(4) Fail to maintain confidentiality	No Breach
3	February	42(5) Fail to disclose or avoid a conflict of interest	No Breach
4	February	42(11)(b) Bring Discredit on the Service	No Breach <i>Verbal Guidance</i>
5	February	42(9) Unauthorised access to information	Dismissed
6	February	42(2) Fail to act with care and diligence	Dismissed
7	March	42(2) Fail to act with care and diligence	No Breach
8	March	Traffic Infringement 42(11)(b) Bring Discredit on the Service	Dismissed
9	March	42(11)(b) Bring Discredit on the Service	No Breach
10	March	42(3)(a) Fail to comply with order in TPM	Unknown Officer - No Determination Dismissed
11	April	42(3)(a) Fail to comply with order in TPM	Dismissed
12	April	42(3)(a) Fail to comply with order in TPM	Unknown Officer - No Determination Dismissed
13	May	42(3)(a) Fail to comply with order in TPM 42(3)(a) Fail to comply with order in TPM	Dismissed
14	May	42(1) Fail to behave with honesty and integrity	Dismissed
15	May	42(9) Unauthorised access to information 42(4) Fail to maintain confidentiality	No Breach
16	May	42(11)(b) Bring Discredit on the Service 42(5) Fail to disclose or avoid a conflict of interest 42(11)(b) Bring Discredit on the Service	No Breach <i>Verbal Guidance</i>
17	May	42(11)(b) Bring Discredit on the Service	Dismissed <i>Verbal Guidance</i>
18	June	42(9) Unauthorised access to information 42(4) Fail to maintain confidentiality	No Breach <i>Verbal Guidance</i>
19	June	42(8)(b) Improper use of authority	Dismissed <i>Verbal Guidance</i>
20	June	42(3)(a) Fail to comply with order in TPM	No Breach

Table 1: Complaints – level 2 (continued)

#	MONTH	ALLEGATION	OUTCOME & ACTION
21	June	42(2) Fail to act with care and diligence (x 2 counts)	No Breach
22	June	42(3)(a) Fail to comply with order in TPM (x 2 counts)	No Breach
23	July	42(11)(b) Bring Discredit on the Service (x 2 counts)	Breach - DN No S43 Action <i>Assignment & Counselling</i>
24	July	42(2) Fail to act with care and diligence	Informal Resolution Dismissed
25	July	42(9) Unauthorised access to information 42(4) Fail to maintain confidentiality	No Breach <i>Verbal Guidance</i>
26	August	42(5) Fail to disclose or avoid a conflict of interest	Dismissed
27	September	42(4) Fail to maintain confidentiality 42(3)(a) Fail to comply with order in TPM	No Breach
28	November	42(3)(a) Fail to comply with order in TPM (x 5 counts)	Dismissed
29	November	42(3)(a) Fail to comply with order in TPM	Dismissed
30	November	42(11)(b) Bring Discredit on the Service 42(2) Fail to act with care and diligence	Informal Resolution No Breach
31	November	42(3)(a) Fail to comply with order in TPM	Dismissed

Table 2: Complaints – level 3

#	MONTH	ALLEGATION	OUTCOME & ACTION
32	January	81 False or Misleading Statement (x 2 counts)	Breach - DN - S43 Action
33	February	Assault (POA)	DPP No Referral - No PFC Not sustained. No evidence to substantiate complaint.
		42(11)(b) Bring Discredit on the Service	No Breach
34	February	Assault (POA)	DPP Opinion - No Pros
		42(11)(b) Bring Discredit on the Service	Resigned
35	May	42(3)(a) Fail to comply with order in TPM (x 4 counts)	No Breach
		Indecent Assault	DPP No Referral - No PFC Not sustained. No evidence to substantiate complaint.
36	June	42(11)(b) Bring Discredit on the Service	Unknown Officer - No Determination
		Assault (POA)	DPP No Referral - No PFC Not sustained. No evidence to substantiate complaint.
37	August	Assault (POA)	DPP Opinion - No Pros
		42(4) Fail to maintain confidentiality 42(9) Unauthorised access to information	No Breach
38	September	Assault (POA) (x 2 counts)	DPP No Referral - No PFC Not sustained. No evidence to substantiate complaint.
39	September	Assault (POA)	DPP No Referral - No PFC Not sustained. No evidence to substantiate complaint.
40	December	42(13) Not comply with other conduct requirement Rape Assault (POA)	Dismissed

Table 3: Internally Raised Matters – level 2

#	MONTH	ALLEGATION	OUTCOME & ACTION
41	January	42(4) Fail to maintain confidentiality 42(3)(a) Fail to comply with order in TPM 42(9) Unauthorised access to information	No Breach <i>Verbal Guidance</i>
42	January	42(3)(a) Fail to comply with order in TPM (x 2 counts) 42(2) Fail to act with care and diligence (x 2 counts)	No Breach <i>Verbal Guidance</i>
43	January	42(9) Unauthorised access to information 42(4) Fail to maintain confidentiality	Unknown Officer - No Determination <i>Org Learning (Policy)</i>
44	February	Exceed blood alcohol reading of 0.05%	Arrested - Charged DPP Opinion - Pros Guilt <i>Driver Cert of Competency Suspended</i>
		42(11)(b) Bring Discredit on the Service (x 3 counts)	DPP Opinion - Pros Guilt <i>Driver Cert of Competency Suspended</i> <i>Verbal Guidance</i> <i>Reprimand - 43(3)(b)</i>
45	February	42(3)(a) Fail to comply with order in TPM (x 2 counts)	Breach - No DN <i>Verbal Guidance</i>
		42(2) Fail to act with care and diligence (x 2 counts)	No Breach
46	February	42(11)(b) Bring Discredit on the Service	Breach - DN - No S43 Action
		42(3)(a) Fail to comply with order in TPM 42(11)(a) Conduct prejudicial	No Breach
47	February	42(2) Fail to act with care and diligence (x 2 counts) 42(1) Fail to behave with honesty and integrity	No Breach
48	March	42(5) Fail to disclose or avoid a conflict of interest	No Breach
49	April	42(5) Fail to disclose or avoid a conflict of interest 42(11)(b) Bring Discredit on the Service	No Breach <i>Verbal Guidance</i>
50	April	42(2) Fail to act with care and diligence	No Breach <i>Verbal Guidance</i>
		Traffic Infringement	Withdrawn
51	May	42(3)(a) Fail to comply with order in TPM 42(11)(b) Bring Discredit on the Service 42(2) Fail to act with care and diligence	Breach <i>Counselling - 43(3)(a)</i>
		42(3)(a) Fail to comply with order in TPM (x 2 counts)	Breach (x 1 count, 1 count no breach) <i>Counselling - 43(3)(a)</i>

Table 3: Internally Raised Matters – level 2 (continued)

#	MONTH	ALLEGATION	OUTCOME & ACTION
52	June	42(2) Fail to act with care and diligence	Unknown Officer - No Determination
53	June	42(7)(b) Omit to provide information (x 6 counts)	Breach (x 5 counts, 1 count no breach) <i>Verbal Guidance</i> <i>Counselling - 43(3)(a)</i> <i>Prohibited from HDA</i>
		42(3)(a) Fail to comply with order in TPM (x 3 counts) 42(2) Fail to act with care and diligence (x 3 counts) 42(2) Fail to act with care and diligence (x 3 counts)	Breach <i>Verbal Guidance</i> <i>Counselling - 43(3)(a)</i> <i>Prohibited from HDA</i>
		42(1) Fail to behave with honesty and integrity (x 4 counts)	Breach (x 3 counts, 1 count no breach) <i>Verbal Guidance</i> <i>Counselling - 43(3)(a)</i> <i>Prohibited from HDA</i>
54	June	42(11)(b) Bring Discredit on the Service (x 2 counts)	Breach <i>Counselling - 43(3)(a)</i> <i>Verbal Guidance</i>
55	June	42(1) Fail to behave with honesty and integrity	No Breach
		42(2) Fail to act with care and diligence (x 2 counts)	Breach <i>Verbal Guidance</i>
56	June	42(8)(b) Improper use of authority 42(11)(a) Conduct prejudicial	No Breach <i>Verbal Guidance</i>
57	June	42(6) Fail to use police resources properly (x 3 counts) 42(11)(b) Bring Discredit on the Service (x 3 counts)	Breach <i>Counselling - 43(3)(a)</i>
58	June	42(9) Unauthorised access to information (x 2 counts)	Breach <i>Counselling - 43(3)(a)</i> <i>Verbal Guidance</i>
59	July	42(11)(b) Bring Discredit on the Service 42(2) Fail to act with care and diligence	Breach <i>Counselling - 43(3)(a)</i>
		42(3)(a) Fail to comply with order in TPM	No Breach <i>Counselling - 43(3)(a)</i>
60	July	42(2) Fail to act with care and diligence	No Breach <i>Training</i>
61	July	42(9) Unauthorised access to information	No Breach <i>Verbal Guidance</i>
62	July	42(9) Unauthorised access to information	No Breach <i>Verbal Guidance</i>
63	July	42(1) Fail to behave with honesty and integrity	Resigned - No Determination

Table 3: Internally Raised Matters – level 2 (continued)

#	MONTH	ALLEGATION	OUTCOME & ACTION
64	August	42(10) Interfere with official records	Dismissed <i>Verbal Guidance</i>
65	August	42(9) Unauthorised access to information (x 4 counts) 42(4) Fail to maintain confidentiality (x 2 counts)	Breach <i>Counselling - 43(3)(a)</i> <i>Verbal Guidance</i>
66	August	42(2) Fail to act with care and diligence 42(11)(b) Bring Discredit on the Service	No Breach <i>Verbal Guidance</i>
67	October	Traffic Infringement 42(11)(b) Bring Discredit on the Service	Breach - DN - S43 Action <i>PIN Issued</i> <i>Counselling - 43(3)(a)</i>
68	December	42(3)(a) Fail to comply with order in TPM 42(4) Fail to maintain confidentiality 42(9) Unauthorised access to information	No Breach
69	December	42(3)(a) Fail to comply with order in TPM 42(4) Fail to maintain confidentiality 42(9) Unauthorised access to information	No Breach
70	December	42(3)(a) Fail to comply with order in TPM 42(4) Fail to maintain confidentiality 42(9) Unauthorised access to information	No Breach
71	December	42(3)(a) Fail to comply with order in TPM 42(4) Fail to maintain confidentiality 42(9) Unauthorised access to information	No Breach
72	December	42(3)(a) Fail to comply with order in TPM 42(4) Fail to maintain confidentiality 42(9) Unauthorised access to information	No Breach
73	December	42(1) Fail to behave with honesty and integrity	Dismissed

Table 4: Internally Raised Matters – level 3

#	MONTH	ALLEGATION	OUTCOME & ACTION
74	June	42(6) - Fail to use police resources properly (x 7 counts) 42(7)(b) - Omit to provide information (x 4 counts)	Breach - DN - S43 Action <i>Stand Down - 38 (1)</i> <i>Show Cause - 31 (1)</i> <i>Counselling - 43(3)(a)</i> <i>Verbal Guidance</i> <i>Verbal Direction</i> <i>Resigned</i>
		42(3)(a) - Fail to comply with order in TPM	No Breach
75	August	42(11)(b) - Bring Discredit on the Service	No Breach <i>Verbal Guidance</i>
76	October	Rape	DPP No Referral - No PFC Not sustained. No evidence to substantiate complaint.
		42(11)(b) - Bring Discredit on the Service	No Breach
77	December	42(11)(b) - Bring Discredit on the Service 42(5) - Fail to disclose or avoid a conflict of interest	No Breach <i>Verbal Guidance</i>

