



REPORTING POLICE MISCONDUCT

A joint research project by the Ombudsman of Western Australia, The Western Australia Police Service and the Sellenger Centre

August 2001

FOREWORD

The research outlined in this report stems from a shared interest between the Western Australia Police Service (the Police Service), the Ombudsman and the Sellenger Centre at Edith Cowan University in identifying and addressing issues relating to perceptions and responses to misconduct by WA police officers. For both the Police Service and the Ombudsman it represents a commitment of moving beyond reacting serially to external complaints and internal charges of misconduct, towards seeking information that will assist the development and implementation of effective cultural change strategies to change the pattern of workplace behaviours.

The findings of the research serve as a reminder that attitudes towards issues such as what constitutes misconduct and the willingness to report it, can stand as impediments to the achievement of a fully professional and ethical culture within the Police Service.

One observation of the report findings is that the concept of professionalism should be a key underlying theme of police training programs.

Concepts which underpin a professional police service are discussed in the report. These include discussion on what is acceptable conduct and how it is judged in an organisational context, standards of supervision and the need to define excellence in policing with an emphasis on process, skills and expertise.

Specific strategies are outlined in the report for consideration of inclusion in future training programs, and should prove a valuable resource for police trainers.

The Police Service, in partnership with others such as the Ombudsman, is cognisant of the need to focus on promoting cultural change initiatives that raise ethical standards and the level of professionalism.

Recent and ongoing strategies developed within the Professional Standards Portfolio to achieve cultural change fall into three principal categories: research to identify key areas of misconduct; raising awareness of unethical behaviour; and creating early warning systems to identify and correct errant behaviour.

The focus is to encourage members to take action personally to promote and maintain acceptable ethical behaviour.

Interestingly, the findings of this research reflect the findings of an earlier survey (1997) ¹ conducted by the Police Service. That survey found there was a strong reluctance within the Police Service to report unethical behaviour and few people had confidence that they would be protected from victimisation if they reported misconduct. There were many views that the Police Service did not have adequate procedures for rewarding ethical behaviour, and poor supervision was regarded as a major contributor to unethical behaviour.

In response to the outcomes of the 1997 survey, the Police Service, through the Standards Development Unit, developed and implemented a number of strategies designed to effect a shift in ethical behaviour and conduct of personnel within the organisation. For example, to overcome the response that personnel were reluctant to report misconduct, the Blueline telephone reporting system and the Supported Internal Witness Program (SIWP) were introduced in June of 1999. The Blueline is a confidential toll free telephone line for the purpose of reporting corruption or serious misconduct. The SIWP is a program designed to offer support to those who report serious misconduct, especially where their identity may become known to other parties. These programs are similar to programs trialed in other policing agencies in Australia.

The Police Service also undertook a project of analysing 7,000 complaints and disciplinary charges against police, covering a 3_ year period, to ascertain what types of behaviours underlie the leading complaint issues. The second stage of the project focussed on examining the reasons for the five leading areas of misconduct and to identify strategies to reduce their incidence. A report on this project² made 26 recommendations, some of which touched upon responsibilities of supervisors at local level management and the need to ascertain the level of employees' knowledge and experience of ethics and training needs.

A most recent strategy to address deficiencies in understanding the need for ethical conduct in policing has seen the development of a CD Rom training package entitled *The Dividing Line*³. This represents realistic police work situations, and includes a range of challenging exercises which are designed to engage police in ethical decision making. I believe that this strategy will to go a long way towards addressing the issues identified in this report.

¹ The Western Australia Police Service Practical Ethics Survey, available from the Standards Development Unit

² Reducing Complaints Against the Police: Strategies and Opportunities, Papers 1 & 2, available from the Standards Development Unit

³ An assessable ethics training package which aims to stimulate an awareness of the importance of ethics to police work.

EXECUTIVE SUMMARY

In 1999 the Police Service, The Sellenger Centre at Edith Cowan University and the Ombudsman agreed to conduct research into factors that influence police officers to report, or not report, misconduct. Undertaken as a first step in a program of research about ethics in the public sector, the research involved sending a survey to 1500 police officers and analysing the responses of the 342 officers who responded. It revealed that police officers:

- Seem to be confused about what constitutes misconduct and the differences between professional and criminal misconduct.
- Base decisions about reporting misconduct on personal beliefs and values, which are heavily influenced by police officer culture.
- Feel a personal responsibility for convicting and punishing offenders.
- Are unsure about where and when to report misconduct and have concerns about the mechanics of reporting.

These factors appear to combine to influence police officers such that many of them are unlikely to report misconduct, even when that misconduct apparently involves criminality. However, the more seriously they view misconduct the more likely they are to report it. For examples, 55.9% of the police officers who responded thought that evidence fabricated by a police officer to bolster a serious criminal charge would be reported. On the other hand, only 22.8% thought that an assault of a juvenile by a police officer would be reported.

This report makes a series of recommendations about how the Police Service might implement and support training programs to assist police officers:

1. differentiate between misconduct and proper conduct;
2. understand how to report misconduct and the role of oversight bodies;
3. identify core personal standards about acceptable conduct, as distinct from culturally derived standards;
4. develop senior role models to guide probationary officers; and
5. clarify that police officers are not responsible for punishing offenders.

THE REASONS FOR THE RESEARCH

Police ethics is an important and topical issue. It has been the subject of research over a number of years and an issue of great interest to Royal Commissions. For example, the Queensland Criminal Justice Commission¹, National Police Research Unit² and the Western Australia Police Service Professional Standards Portfolio³ have all conducted research into police ethics. Both the Wood Royal Commission⁴ and the Fitzgerald Inquiry⁵ explored police ethics as a means of understanding why police corruption occurs.

Much of that research focussed on the question of what motivates police to report, or not to report, misconduct. One of the many changes in the Western Australia Police Services (the Police Service) over recent years was the introduction of The Blueline – a system that enables police officers to report confidentially by telephone the misconduct of other police officers.

The research was undertaken to try to add to the existing body of knowledge about police ethics, particularly how police officers view certain types of conduct and why they do, or do not, report what is perceived as misconduct. It was not prompted by any specific concerns about this issue in the Police Service but, rather, a desire to identify ways to improve the training police officers received on the subject, given its importance and the emergence of initiatives such as The Blueline.

WHAT THE RESEARCH TEAM DID

The project was a collaborative effort between the Ombudsman, the Police Service and the Sellenger Centre at Edith Cowan University. It involved both statistical and qualitative analysis of what 342 police officers had to say about the factors that influence the “average” police officer to identify and report misconduct.

A survey instrument was created by Associate Professor Jeffrey Pfeiffer of the University of Regina (Canada) and the Sellenger Centre at Edith Cowan University, and Mr Roger Watson of the Ombudsman’s Office, Western Australia. The instrument drew on research conducted by Professor Kevin McConkey, University of New South Wales; Dr David Brereton, Criminal Justice Commission of Queensland and Dr Carlene Wilson, National Police Research Unit. The information in this report summarises Associate Professor Pfeiffer’s analysis of the data.⁶

A copy of the research instrument is attached at Appendix A. A summary of the data collected is attached at Appendix B. The instrument described ten scenarios which portray “Officer X” engaging in acts of misconduct, ranging from relatively minor “professional” misconduct (eg. Scenario 10) to relatively major criminal misconduct (eg. Scenario 5). Respondents were asked to read each scenario and say how they believed the “average” police officer would react to each; in particular:

- Whether the acts would be viewed as misconduct and, if not, why not?
- Whether the misconduct would be perceived as professional misconduct or criminal misconduct?
- How would the seriousness of the misconduct be rated, on a scale of 1 to 7?
- Whether the misconduct would be reported and, if not, why not?
- If the misconduct would be reported, to whom would it be reported and why?

Respondents were asked to report what they believed the “average” officer would do because previous work by Associate Professor Pfeiffer indicates that people are more likely to be significantly more honest when referring to the “average” officer than when referring specifically to themselves. The survey was sent to 1,500 police officers of varying ranks in varying locations, 342 of who responded.

WHAT THE RESEARCH TEAM FOUND

The data indicates that relatively few respondents believe that the average officer is likely to report misconduct. In only one of the scenarios (scenario 5 – fabrication of evidence) did more than half of respondents believe that the misconduct would be reported by the average officer (60.6% of those who believed the conduct to be misconduct, 55.9% overall).

This seems to be so for a variety of personal and systemic reasons.

Comments made by the respondents clearly indicate that decisions about reporting misconduct are grounded on police officers’ perceptions of the incident and that these perceptions are heavily influenced by the following factors:

- loyalty to other officers;
- fear of reprisals;
- distrust of reporting procedures and fear of external agencies;
- beliefs about what constitute “common practice” within the policing profession; and
- personal perceptions about what constitutes misconduct.

There appear to be several factors that influence the propensity of police to report misconduct, namely:

1. **Defining misconduct.** The data suggest that police officers seem to be confused about what does, and does not, constitute misconduct and whether identified misconduct is professional or criminal misconduct. Decisions about whether to report misconduct may be linked to this confusion because criminal misconduct is more likely to be reported than professional misconduct.
2. **Identification of personal ethics.** Police officers seem to rely on their personal ethics and values when forming opinions about defining and reporting misconduct. This is especially true when the misconduct is relatively minor or ambiguous.
3. **Personal responsibility and ultimate justice.** There was strong evidence in the data that suggests that police officers believe they are responsible for the delivery of “justice”. Police officers seem to be less prone to view misconduct as such if the misconduct “administers justice”.
4. **Reporting procedures.** Police officers seem to be unsure about where and how to report misconduct other than to direct it to their immediate supervisor or officer in charge. There also appears to be concerns about the potential implications of reporting misconduct.

Defining Misconduct

The data suggest that police officers are confused about what constitutes misconduct and whether to categorise identified misconduct as either professional or criminal misconduct. Criminal misconduct was viewed as being more serious than professional misconduct. The more serious the misconduct is perceived to be, the more likely it is to be reported. Accordingly, confusion about what constitutes misconduct and its seriousness is an important influence in decisions about whether or not to report it.

What is Misconduct?

All of the scenarios involved misconduct of varying degrees of seriousness. It might be expected that respondents would overwhelmingly rate all scenarios accordingly, but vary their judgments about seriousness and criminality. Conclusively, the opposite proved to be true in three scenarios:

- In scenario six, only 32.7% of respondents thought the average officer would judge the actions of Officer X (using a police vehicle to pick up gear for his Sunday building job) to be misconduct.
- In scenario eight, only 28.4% of respondents thought the average officer would judge the action of Officer X (accepting a couple of cartons of beer from the local publican in appreciation for extra police patrols) to be misconduct.
- In scenario ten, only 6.7% of respondents thought the average officer would judge the action of Officer X (using his knowledge of a person's criminal history to protect his nephew) to be misconduct.

In a further two scenarios, approximately one in three respondents thought the average officer would not perceive the conduct as misconduct:

- In scenario three (punching an arrested youth in the kidney), 31.6% of respondents.
- In scenario seven (using police records to establish the identity of an attractive young woman), 33% of respondents.

Although all ten scenarios described misconduct, in only five of them did a substantial majority of respondents consider that the average officer would view the actions of Officer X as such. They were as follows:

- In scenario one (not breath testing a fellow police officer obviously affected by liquor and then allowing that officer to drive on), 82.7% of respondents.
- In scenario two (stealing cigarettes from the scene of a bottle shop break-in), 96.5% of respondents.
- In scenario four (falsely reporting damage to a police vehicle), 80.7% of respondents.
- In scenario five (inventing incriminating evidence about a rape suspect, 92.1% of respondents.

- In scenario nine (slamming a youth against a wall, without injury), 82.7% of respondents.

The data also suggest that police officers are confused about when misconduct amounts to professional or criminal misconduct. This trend was evident even in the five scenarios that clearly involved criminality. Of those respondents who believed the average officer would judge the actions to be misconduct, the following percentages thought it would be judged as criminal misconduct:

- In scenario one, only 15.9% (13.1% overall).
- In scenario nine, only 42.4% (35.1% overall).
- In scenario three, only 46.2% (31.6% overall).
- In scenario five, 70.2% (64.6% overall).
- In scenario two, 83.9% (80.1% overall).

The seriousness of the misconduct.

The importance of the distinction between criminal and professional misconduct is that the data also indicated that respondents perceived criminal misconduct to be more serious than professional misconduct. This was true for all scenarios. The more seriously the respondents rated the misconduct, the more likely it was to be reported.

Table 1 sets out:

- The seriousness ratings given by those respondents who thought the average officer would view the action to be criminal misconduct compared with those who thought it would be viewed as professional misconduct;
- The percentage of those respondents who believed that the average officer would identify the actions of Officer X to be misconduct (either professional or criminal) and also believed that it would be reported; and
- The numbers of respondents who believed the misconduct would be reported expressed as a percentage of the total number of all respondents.

	Average score out of 7 where conduct judged to be criminal misconduct.	Average score out of 7 where conduct judged to be professional misconduct.	Percentage of those respondents who considered conduct to be misconduct and who believed that the misconduct would be reported	Total numbers of respondents who believed misconduct would be reported as a percentage of total number of responses
Scenario 1	3.82	3.72	36.4%	30.1%
Scenario 2	4.80	3.75	47.0%	45.3%
Scenario 3	4.50	3.31	33.3%	22.8%
Scenario 4	4.51	3.01	43.8%	35.4%
Scenario 5	5.67	4.83	60.6%	55.8%
Scenario 6	3.50	2.40	25.0%	8.2%
Scenario 7	3.50	2.85	16.2%	10.8%
Scenario 8	5.33	3.08	34.0%	9.6%
Scenario 9	4.04	3.51	40.3%	33.3%
Scenario 10	Not applicable	3.57	26.1%	1.8%

Table 1 - A comparison of the seriousness rating given to each of the ten scenarios and also the percentage of respondents who believed that the average officer would report identified misconduct. [Note: Each is rated on a scale of 1 (minor misconduct) to 7 (major misconduct).]

Identification of Personal Ethics

The data suggest that police officers rely on their personal ethics and values when defining and making decisions about reporting misconduct. Their personal ethics appear to be heavily influenced by cultural factors, such as loyalty to other police officers, perceptions about what constitutes common practice within the policing profession and the notion that certain types of misconduct are a “perk of the job”. For example, in all scenarios, when addressing the question “*why do you believe that the average police officer would not consider this to be misconduct?*” most respondents referred to decisions being “judgement calls” or otherwise based on personal beliefs or values. This appears to be especially true when misconduct is relatively minor or ambiguous.

In their working lives police officers are less likely to witness clear-cut criminal misconduct than they are to witness professional misconduct. Much professional misconduct does not fall easily into the category of clear-cut breaches of Police Regulations or other internal orders or instructions. Consequently, much police conduct is ambiguous or falls into a “grey area”, with the result that police officers are frequently asked to make potentially difficult judgements about the nature of misconduct and whether to report it.

The importance of personal values and beliefs and the influence of police officer culture in making these judgements highlights that standards expected by Police Service management or

the wide community are not necessarily likely to be used by individual police officers to determine what constitutes misconduct and whether it should be reported.

Personal Responsibility for Justice

The data indicate that officers clearly believe that they are responsible for the delivery of “justice” at a systemic level as well as a personal level. A significant majority of respondents felt that police are not just responsible for investigating and apprehending offenders, and charging them with offences. They also felt responsible for seeing that offenders are convicted and punished by the courts.

It appears that many police officers often consider themselves to be the community’s last line of defence in a justice system that is perceived by them to, all too often, not punish the “guilty”. Whether this perception of the justice system by police officers is valid or not is not the point. In terms of the implications of this research the perception has been identified as an important issue that requires consideration and attention.

This perception is also important because respondents were less like to believe the average officer would view the actions of Officer X as misconduct if that act appeared to administer “justice” that might not, in the officer’s opinion, otherwise occur. A significant number of qualitative responses reflected a belief that the misconduct described was acceptable because the individual involved “*got what they deserved*” or “*would probably be let off anyway by the system*”.

Reporting Issues

The data show that 97% of respondents who thought conduct would be reported believe that the average officer would report misconduct to his or her immediate supervisor or Officer in Charge. This percentage remained constant regardless of the seriousness of the misconduct. Only approximately 3% of respondents thought the average officer would report misconduct to some other “external” individual (such as a senior manager) or agency (such as the ACC). No respondents suggested that Police internal avenues established for the purpose - such as the Blueline - would be used to report misconduct.

As previously noted, in only one scenario (scenario 5) did more than 50% of respondents believe the average officer would report the misconduct. This reluctance to report seems, at least in part, due to the issues about the mechanics of reporting or its implications.

Approximately 17% of respondents suggested that the reason they believe the average officer would not report the actions is because of a concern over the aspects of current reporting arrangements. Specifically, concerns were raised about:

- Confusion over who to report to.
- Fear that the matter would be referred to an external agency such as the Anti-Corruption Commission, the Police Service Internal Affairs Unit, or the Police Service Internal Investigations unit (it is interesting that the Internal Affairs Unit and the Internal Investigations Unit were considered to be external agencies by these respondents). The data indicate that this was a concern for even the most minor misconduct.

- The amount of paperwork, red-tape and stress involved in making a report (especially if the misconduct was perceived to be minor).

WHERE TO FROM HERE

The Delta Program precipitated significant change in the Police Service. However, the data collected during this research indicate that there is still some way to go in the area of dealing with misconduct.

Training is often an effective catalyst to change. It appears that training programs aimed at assisting police officers define and deal with misconduct are needed. Such training programs need to be supported by Police Service senior management and the working environment of police officers. A two-pronged approach involving training for recruits and serving police officers about misconduct, as opposed to training on ethics in general, covering the following areas would be beneficial:

1. The differences between misconduct and proper conduct, dealing in particular with the “grey” area. This should include reviewing misconduct by types of unacceptable misconduct as opposed to trying to identify individual acts of misconduct.
2. How to report misconduct and the roles of the Internal Investigations Unit, the Internal Affairs Unit and oversight agencies. Training in this area ought to be aimed at exploding myths about these roles and to reinforce that public confidence in the Police Service is directly related to the effectiveness of them. Management support by expanding programs such as the Blueline and ensuring support for officers who use them would reinforce training in this area. In addition, since police officers appear most likely to report misconduct to supervisors, it would be useful to develop specialised training to equip supervisors with the skills to both deal effectively with reports and to support police officers who make them.
3. How to identify core personal standards about acceptable conduct, as distinct from police officer culture-derived standards, and make valid “judgement calls”. Previous research in this area includes that individual professional standards of behaviour are very closely related to personal ethical standards. If people are taught to identify their own ethical standards and to communicate effectively those standards to colleagues in a non-threatening and non-offensive way then their personal core ethical beliefs, instead of organisational cultural values, will be more likely to be reflected in their “judgement calls”.
4. Role model training. It may be that many police officers learn not to report misconduct from more senior officers when they are probationary or junior officers. The importance of senior officers as role models in police officer culture should not be underestimated. It is worth examining the possibility of specially training senior officers to work mostly with, and to guide appropriately, probationary and junior officers about proper conduct, misconduct, personal belief systems and reporting procedures.
5. Clarifying and reinforcing that police officers are not responsible totally for whether an alleged offender is convicted and punished adequately. Training in this area needs to be supported by management initiatives that reward police officers for doing the

best possible job within the legal framework in which they work. Indicators of personal or team performance should focus on the qualities of work done within the bounds of what police officers can do - rather than on outcomes from the criminal justice system over which police officers can have little influence.

CONCLUDING REMARKS

The primary goal of this project was to identify factors that affect the propensity of police to report misconduct so as to develop training initiatives. This report should be read in that light, not as some attempt to criticise the police officers generally.

It is very important to recognise the contribution of the Police Service and police officers to this research. Police are often portrayed in a negative light and are understandably hesitant about publicly investigating issues such as those discussed in this report. The active encouragement of this research demonstrates that the Police Service believes dealing with misconduct is an important issues that should be investigated and confronted. The 342 police officers who responded appear to share this view and their contribution is much appreciated.

¹ *Ethical Conduct and Discipline in the Queensland Police Service*, Criminal Justice Commission, 1995.

Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms, Criminal Justice Commission, 1997.

² *Perceptions of Ethical Dilemmas*, National Police Research Unit, 1995.

³ *Western Australian Police Service, Practical Ethics Survey Report*, WA Police Service Standards Development Unit, Professional Standards Portfolio, 1997.

⁴ Royal Commission into the New South Wales Police Service, *Final Report*, Government of New South Wales, Sydney, May 1997.

⁵ Fitzgerald, G.E., *Report of the Inquiry into Possible Illegal Activities and Associated Police Misconduct*, Queensland government printer, Brisbane, 1989.

⁶ *Reporting Police Misconduct: Responses and Recommendations*, Centre for Police Research, Edith Cowan University and University of Regina, 2000.

Appendix A
The Survey Instrument

TO ALL MEMBERS OF THE WESTERN AUSTRALIA POLICE SERVICE

In conjunction with the State Ombudsman and the Professional Standards Portfolio of SAPS, the Centre for Police Research at Edith Cowan University is seeking input from police officers on their perceptions of police conduct. Specifically, we are interested in gaining a better understanding of what you think the average police officer believes about defining appropriate conduct. To ensure that our information is valid, we need an accurate understanding based on your current thinking on this issue. Therefore, it is crucial that you answer the following questions honestly and fully. We have arranged the study so that your responses are completely anonymous. In other words, we are asking you to help us develop more effective procedures, but we can only do this if you give us your perspective.

It is vital that you understand that the purpose of this study is simply to help design more effective training packages for recruits regarding professional conduct. This is NOT a survey to record whether police officers are thinking or acting in the “politically correct” way. As police officers we are sure that you have a keen interest in assuring that recruits receive the best training available regarding professional conduct, and we hope that you will aid us in this endeavour by answering the attached survey.

We believe that effective research into any policing issue should begin with the people who are best able to inform us about the issue – police officers. Your input will play an important role in the development of more effective strategies for dealing with this important issue in a way that is fair to all concerned.

Even though they contain no identifying information, all questionnaires will be destroyed at the end of the project and only broad statistical summaries of the information received will be made available. No individual, station, or area will be able to be identified.

We hope that you will give this research the benefit of your experience. Completion of the questionnaire that follows is entirely voluntary and you are under no obligation to do so. However, if you do decide to complete it, your contribution will help ensure that future procedures conform to what police officers know works.

If you have any questions about this research, please ring Dr Jeffrey Pfeifer, Centre for Police Research, on (08) 9400 5415.

SURVEY INSTRUCTIONS

On the following pages you will be presented with 10 scenarios describing different incidents involving police officers. After each scenario there are a list of 6 questions. It is important that you read the questions carefully and answer them fully. Please note that, depending on your answer, you may be instructed to skip certain questions for each scenario. You should also note that we are asking you to respond according to how you believe the **average officer** would respond, not how you would respond personally. The questions will take a little time to complete but it is very important that you provide full answers. Thank you for your assistance.

GENERAL DEMOGRAPHIC INFORMATION

Please answer the following questions regarding general demographic information.

1. What is your age? (tick one)
 under 25 years
 25 to 34 years
 35 to 44 years
 45 years or more
2. Are you male or female? (tick one)
 male
 female
3. How long have you worked for the WA Police Service? (tick one)
 Less than 5 years
 5 to 9 years
 10 to 19 years
 20 years or more
4. Where are you located? (tick one)
 metropolitan area
 country, north of 26th parallel
 country, south of 26th parallel
5. Which category best describes your position? (tick one)
 Aboriginal Police Liaison Officer or Special Constable
 Constable (all grades)
 Non-commissioned Officer
 Command/Executive
 Other Commissioned Officer
6. What sort of work do you do? (tick one)
 Mostly operational
 Mostly non-operational

SCENARIO 1

An off duty police officer who has drunk a little too much is stopped for an RBT by a police officer he doesn't know (Officer X). The off duty police officer is obviously a bit under the weather and identifies himself as a fellow police officer in an effort to avoid blowing in the bag. Officer X decides to allow him to proceed, without the RBT.

Question 1: Do you think that the average police officer would consider Officer X's behaviour to be misconduct? (tick one)

Yes
 No

If you answered "No" above, please explain why you believe that the average police officer would not consider this to be misconduct. You may also use the back of this page to complete your answer. Once you have completed your answer you may go to the **next scenario**.

If you answered "yes" above, **go to Question 2**.

Question 2: Do you think the average police officer would consider Officer X's actions to be professional misconduct or criminal misconduct ? (tick one)

Professional Misconduct (**go to Question 3**)
 Criminal Misconduct (**go to Question 4**)

Question 3: How serious do you believe the average police officer would rate this type of professional misconduct? (please circle one number only) (**go to Question 5**)

1-----2-----3-----4-----5-----6-----7
Minor Major
Professional Professional
Misconduct Misconduct

Question 4: How serious do you believe the average police officer would rate this type of criminal conduct? (please circle one number only) (**go to Question 5**)

1-----2-----3-----4-----5-----6-----7
Minor Major
Professional Professional
Misconduct Misconduct

Question 5: Do you believe that the average police officer would report this behaviour? (tick one)

Yes
 No

If you answered “No” above, please explain why you believe the average officer would not report this behaviour. You may also use the back of this page to complete your answer. Once you have completed your answer you may go to the **next scenario**.

If you answered “yes” above, please go to **Question 6**.

Question 6: Who do you think the average police officer would report this misconduct to? Why?

Once you have completed your answer you may go to the **next scenario**.

Note: The six questions shown under Scenario 1 were repeated for each of the following scenarios.

SCENARIO 2

The local bottle shop has been broken into for the third time in so many weeks. The responding patrol enters the premises to wait for the owner to arrive and sort out the mess of cigarettes and liquor lying all over the floor. On arrival Officer X bends down, picks up a torn pack of cigarettes from the shattered window display and puts the pack in his pocket.

SCENARIO 3

While responding with his partner to a 'disturbance' call at a pub, Officer X receives a nasty black eye from a tattooed youth wielding a billiard cue. As the arrested youth is led into the cells, Officer X gives him a savage kidney punch saying, "Hurts, doesn't it".

SCENARIO 4

During a quiet period on patrol, Officer X decided to test how the rear of the police vehicle would slide on the deserted, wet car park. The attempt resulted in a minor collision with a shopping trolley. Rather than go into full details about the scrape when reporting the damage, Officer X stated the car was 'sideswiped' by an unidentified vehicle while he was attending to an inquiry.

SCENARIO 5

An offender is picked up for a particularly nasty rape/assault in a local park. There's no doubt he's the culprit. There's an excellent ID but the offender who is 'streetwise' says nothing. To make matters certain, the arresting officer (Officer X) attributes the words, "OK I was in the park but I didn't touch the bitch" to the offender in his notebook.

SCENARIO 6

On a quiet Saturday afternoon Officer X decides to travel well outside his district to get some equipment for his Sunday building job. In radio contact all the time he picks up the gear and returns to the district.

SCENARIO 7

A young lady in a Mazda sports car is very attractive and smiles at Officer X in the patrol car alongside at the traffic lights. The officer, following a couple of lengths behind, radios for a vehicle registration check to find out her address.

SCENARIO 8

The publican of a local tavern calls Officer X and requests some extra police patrols as he is experiencing some problems with troublesome patrons. Officer X orders the extra patrols and accepts a couple of cartons of beer sent by the publican to the station's Christmas party in appreciation.

SCENARIO 9

A youth on a deserted street is told to move on by an officer in his patrol car. At the youth's look of indifference, the officer jumps from the car and slams the youth against the wall (without injury), turns him around, and shoves him on his way.

SCENARIO 10

Officer X learns that a person he once charged and convicted of a series of fraud-related crimes has just been released from prison and has entered into a business relationship with Officer X's nineteen year-old nephew. While off duty, the Officer X visits his nephew and encourages him to tend the business relationship. Officer X tells nephew that he has a very low opinion of the man he is in business with, but does not disclose the man's criminal past.

Appendix B
Summary of the Data Collected

SUMMARY OF THE DATA COLLECTED

The survey results are summarised and described below in terms of the quantitative and qualitative responses. Also included are the basic demographics of the sample.

DEMOGRAPHIC RESULTS

The survey instrument was sent to a total of 1,500 serving police officers randomly selected from metropolitan and country workplaces. A total of 342 officers responded to the survey. Although surveys were anonymous, some demographic information was obtained, as follows:

Age

- 27 respondents were under the age of 25 (7.9% of total)
- 121 respondents were between 25 and 34 years of age (35.4% of total)
- 119 respondents were between 35 and 44 years of age (34.8% of total)
- 75 respondents were over the age of 45 (21.9% of total)

Gender

- 281 respondents were male (82.2% of the total)
- 61 respondents were female (17.8% of the total)

Length of Service

- 57 respondents had served for less than 5 years (16.7% of the total)
- 53 respondents had served from 5 to 9 years (15.5% of the total)
- 130 respondents had served from 10 to 19 years (38.0% of the total)
- 102 respondents had served for more than 20 years (29.8% of the total)

Current Location

- 225 respondents were currently located in the metropolitan area (65.8% of the total)
- 28 respondents were currently located in the north country (8.2% of the total)
- 89 respondents were currently located in the south country (26.0% of the total)

Current Position

- 5 respondents classified themselves as Aboriginal Liaison Officers or Special Constables (1.5% of the total)
- 208 respondents classified themselves as Constables (all grades) (60.8% of the total)
- 111 respondents classified themselves as Non-Commissioned Officers (32.5% of the total)
- 3 respondents classified themselves as Command/Executive (0.9% of the total)
- 15 respondents classified themselves as Other Commissioned Officers (4.3% of the total)

Type of Work

- 228 respondents performed mostly operational duties (66.7% of the total)
- 114 respondents performed mostly non-operational duties (33.3% of the total)

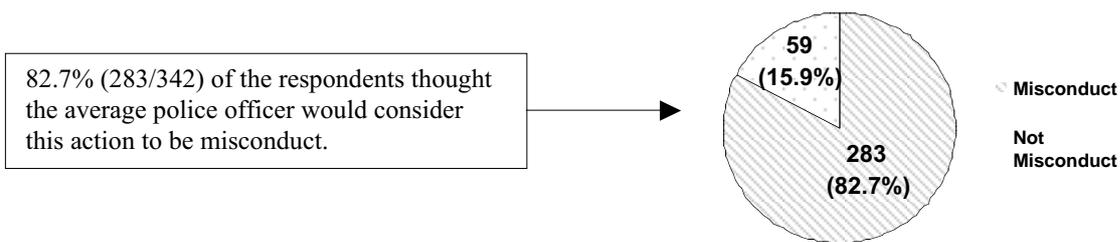
QUANTITATIVE RESULTS

The quantitative results are presented as overall percentages for the 5 questions. The rating scale for questions about the seriousness of the misconduct ranged from 1 (representing minor misconduct) to 7 (representing major misconduct).

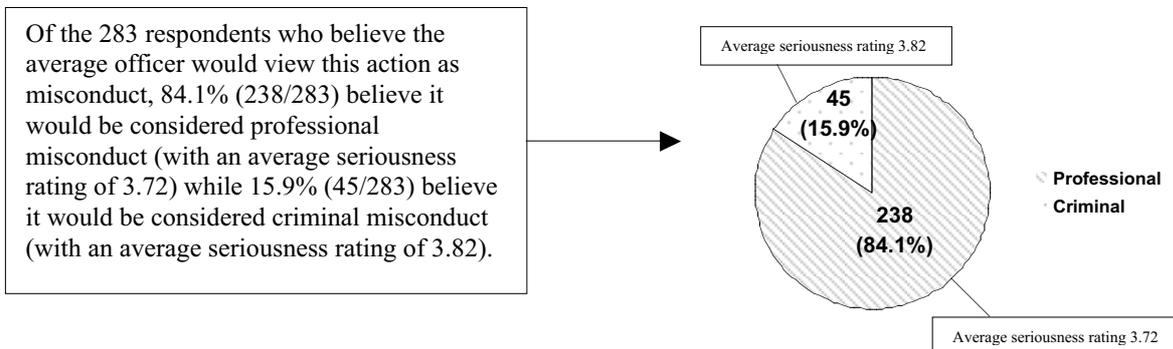
Scenario 1

An off duty police officer who has drunk a little too much is stopped for an RBT by a police officer he doesn't know (Officer X). The off duty officer is obviously a bit under the weather and identifies himself as a fellow police officer in an effort to avoid blowing in the bag. Officer X decides to allow him to proceed without the RBT.

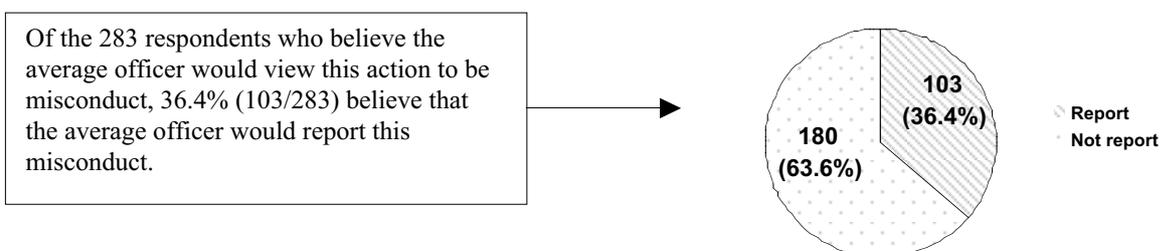
Scenario 1 - Misconduct



Scenario 1 - Professional/Criminal

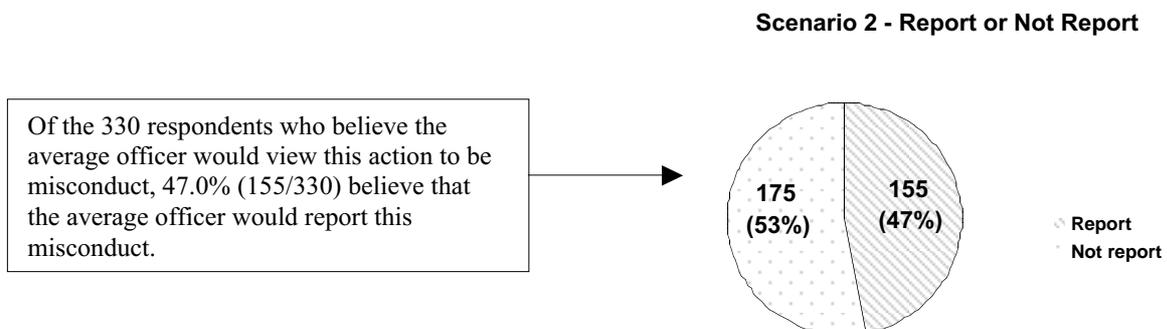
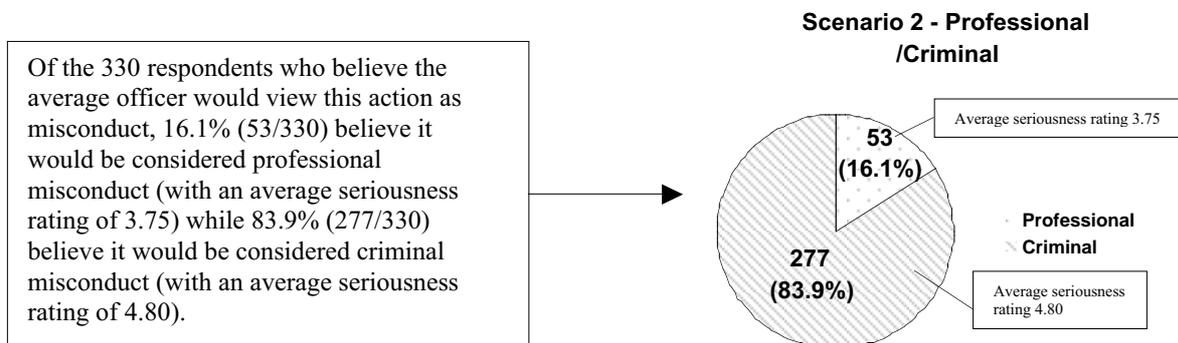
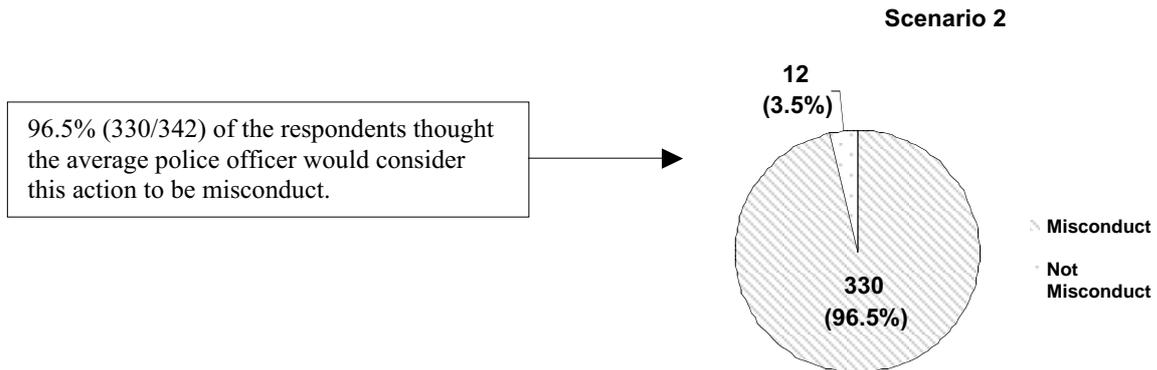


Scenario 1 - Report or Not Report



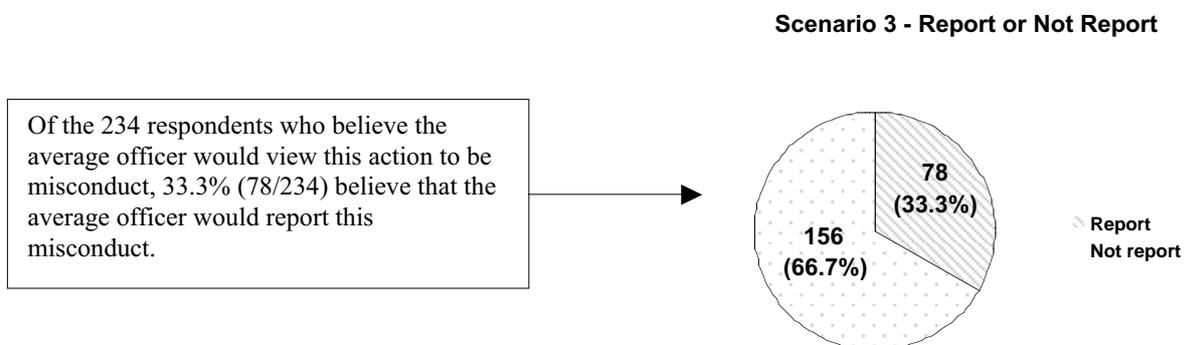
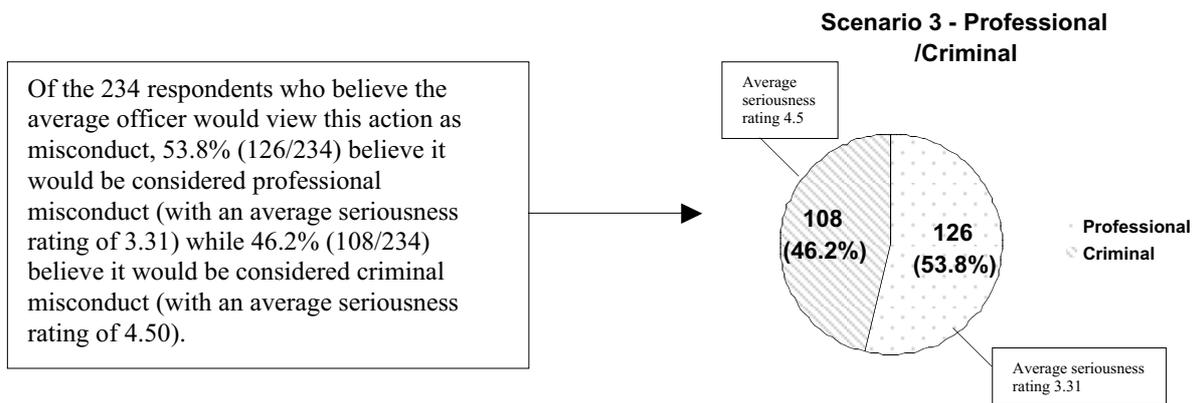
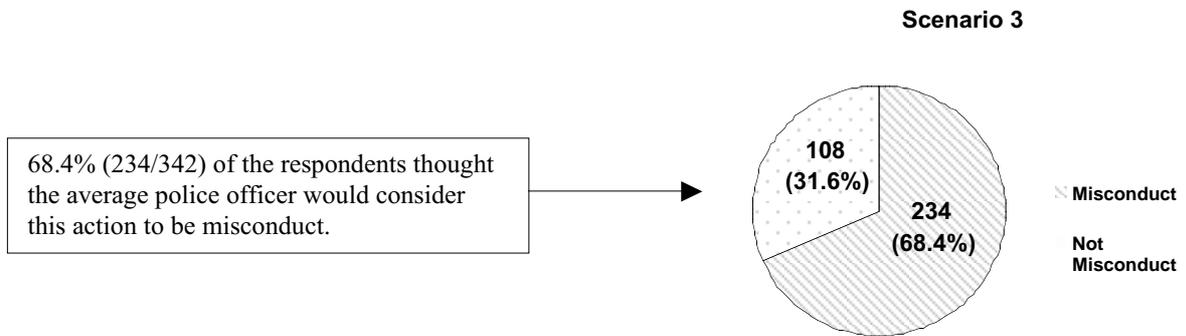
Scenario 2

The local bottle shop has been broken into for the third time in so many weeks. The responding patrol enters the premises to wait for the owner to arrive and sort out the mess of cigarettes and liquor lying all over the floor. On arrival Officer X bends down, picks up a torn pack of cigarettes from the shattered window display, and puts the pack in his pocket.



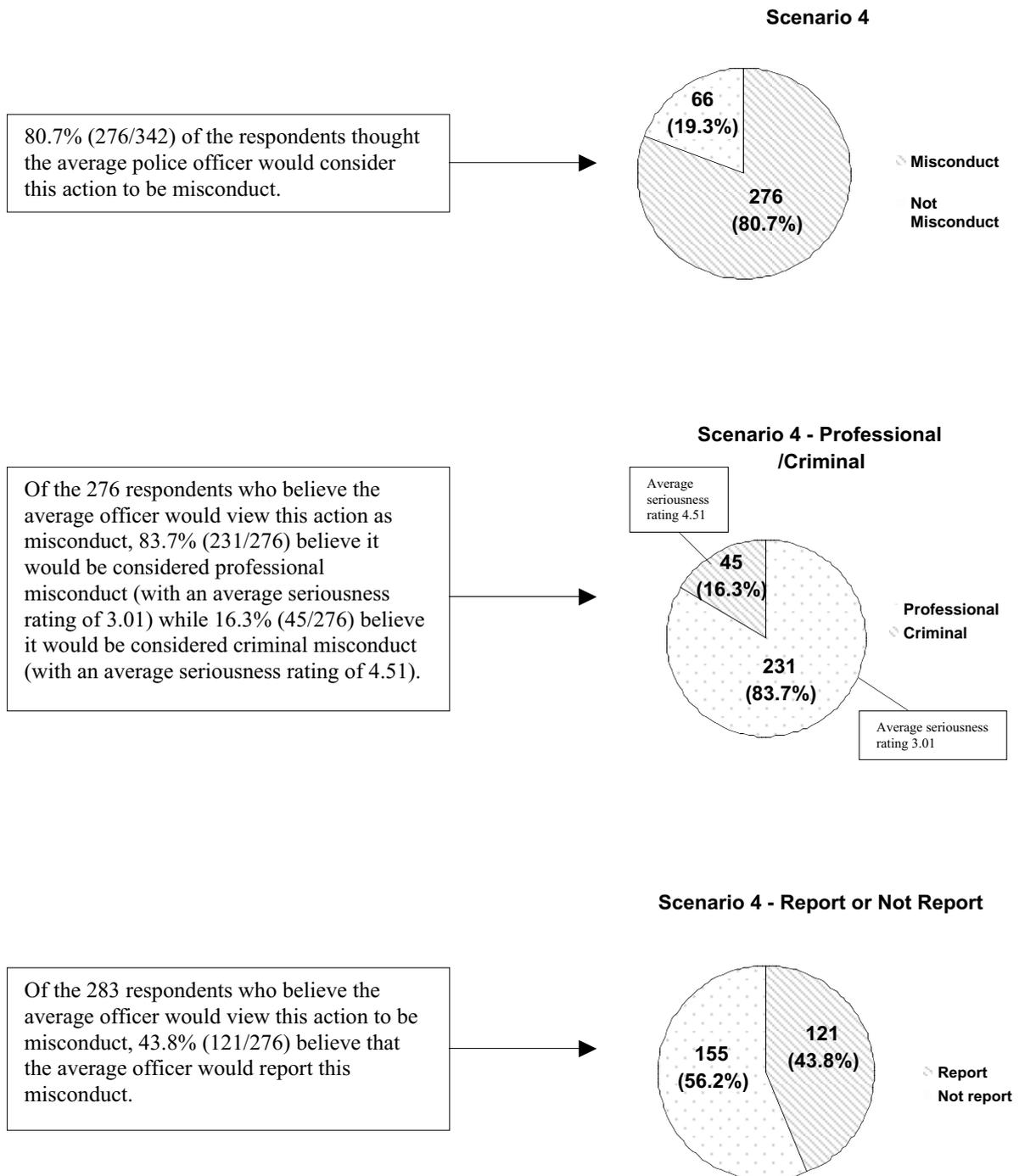
Scenario 3

While responding with his partner to a ‘disturbance’ call at a pub, Officer X receives a nasty black eye from a tattooed youth wielding a billiard cue. As the arrested youth is led into the cells, Officer X gives him a savage kidney punch saying, “Hurts, doesn’t it.”



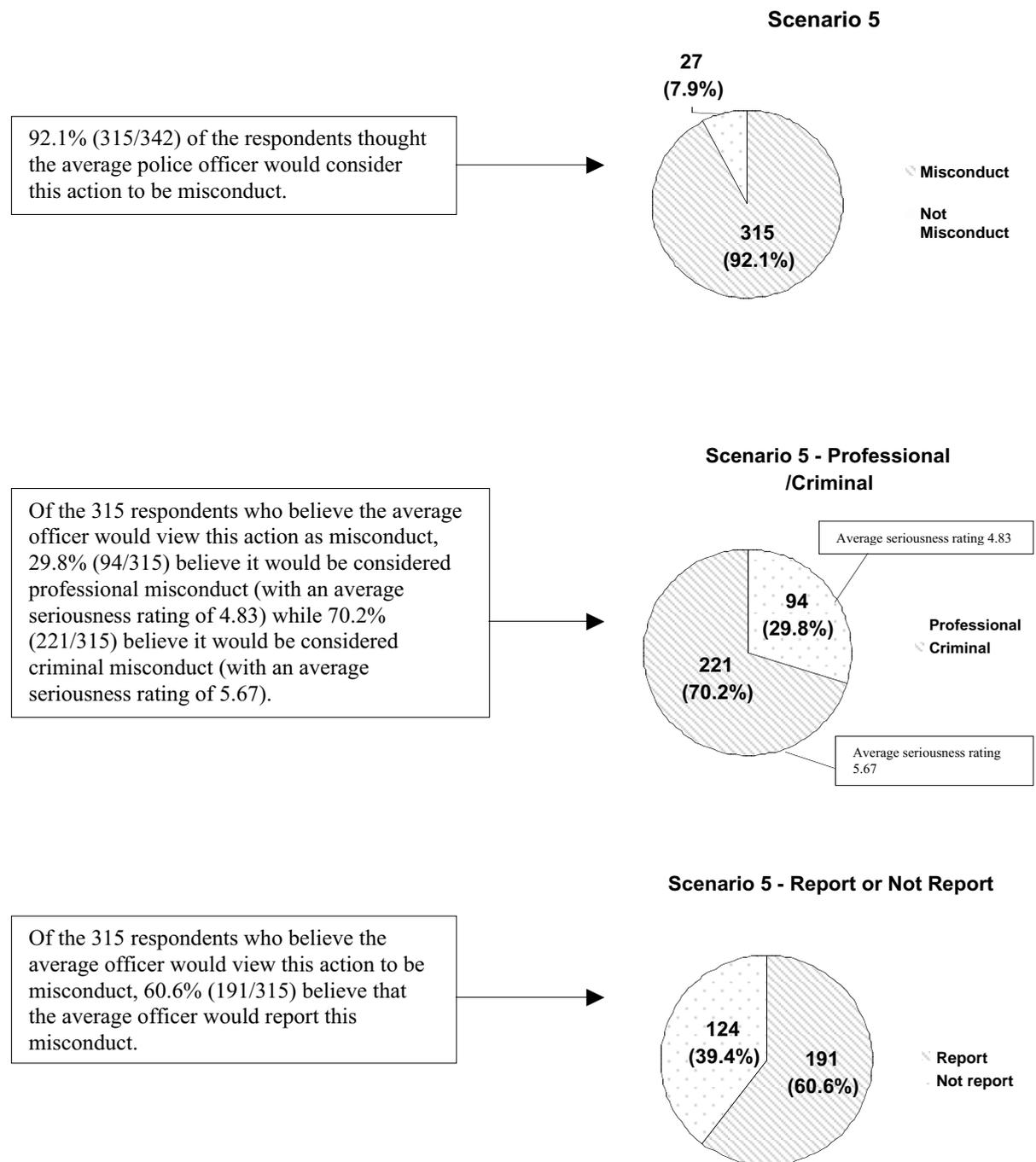
Scenario 4

During a quiet period on patrol, Officer X decided to test how the rear of the police vehicle would slide on the deserted, wet car park. The attempt resulted in a minor collision with a shopping trolley. Rather than go into full details about the scrape when reporting the damage, Officer X stated that the car was ‘sideswiped’ by an unidentified vehicle while he was attending to an inquiry.



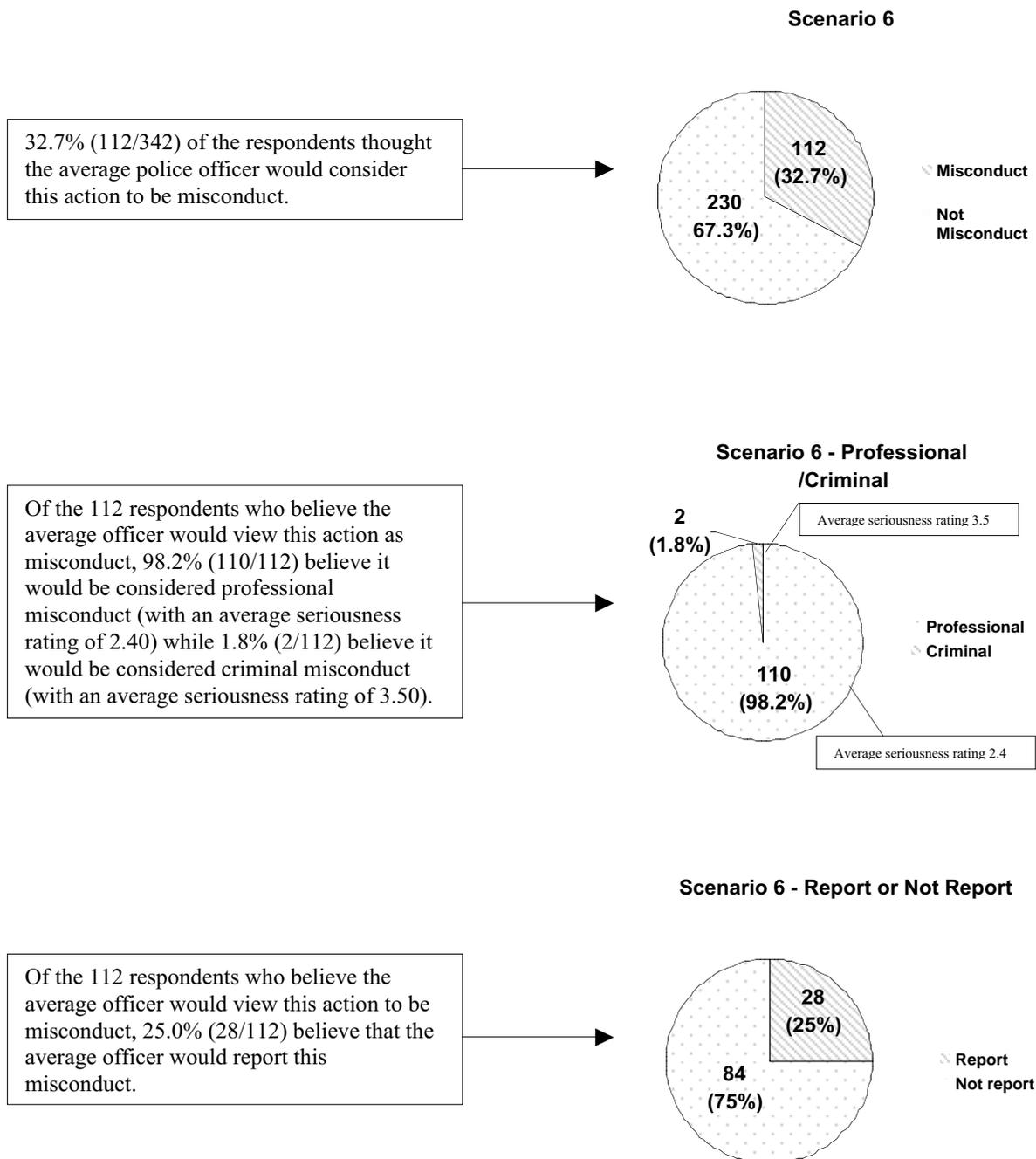
Scenario 5

An offender is picked up for a particularly nasty rape/assault in a local park. There's no doubt he's the culprit. There's an excellent ID but the offender who is 'streetwise' says nothing. To make matters certain, the arresting officer (Officer X) attributes the words, "OK I was in the park but I didn't touch the bitch" to the offender in his notebook.



Scenario 6

On a quiet Saturday afternoon Officer X decides to travel well outside his district to get some equipment for his Sunday building job. In radio contact all the time he picks up the gear and returns to the district.

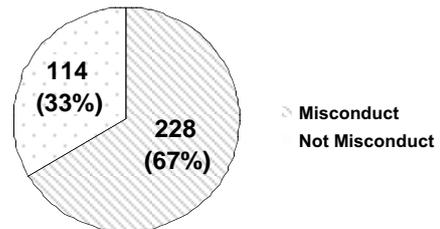


Scenario 7

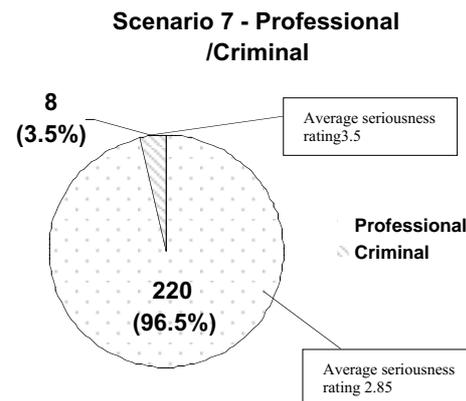
A young lady in a Mazda sports car is very attractive and smiles at Officer X in the patrol car alongside at the traffic lights. The officer, following a couple lengths behind, radios for a vehicle registration check to find out her address.

Scenario 7

67.0% (228/342) of the respondents thought the average police officer would consider this action to be misconduct.

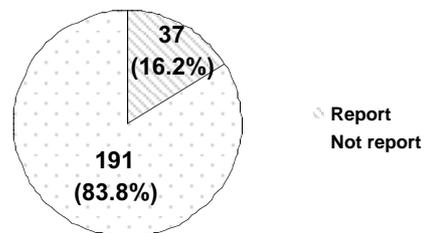


Of the 228 respondents who believe the average officer would view this action as misconduct, 96.5% (220/228) believe it would be considered professional misconduct (with an average seriousness rating of 2.85) while 3.5% (8/228) believe it would be considered criminal misconduct (with an average seriousness rating of 3.50).



Of the 228 respondents who believe the average officer would view this action to be misconduct, 16.2% (37/228) believe that the average officer would report this misconduct.

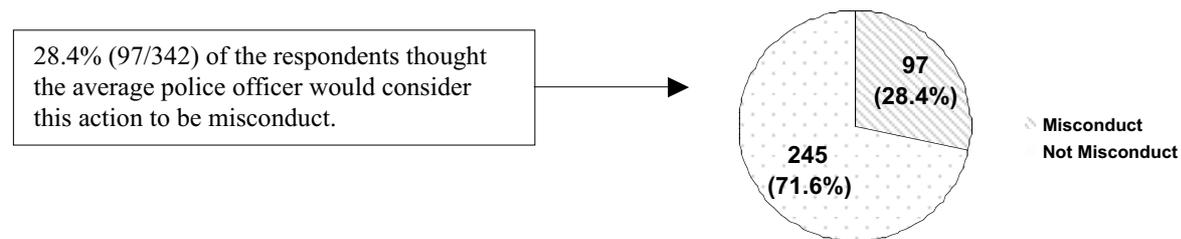
Scenario 7 - Report or Not Report



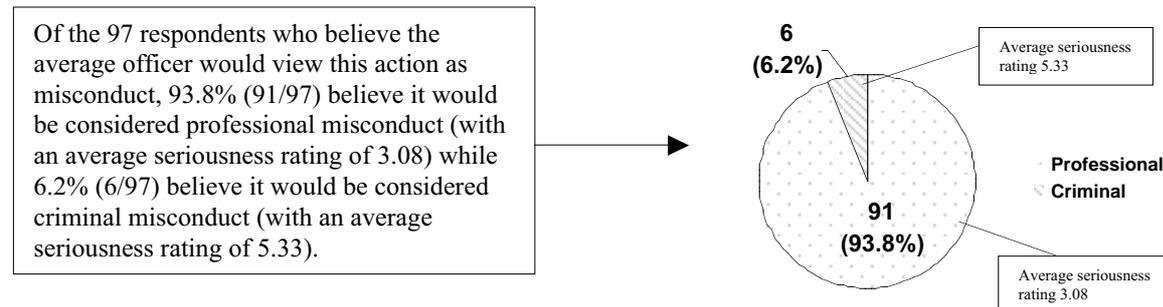
Scenario 8

The publican of a local tavern calls Officer X and requests some extra police patrols as he is experiencing some problems with troublesome patrons. Officer X orders the extra patrols and accepts a couple of cartons of beer sent by the publican to the station's Christmas party in appreciation.

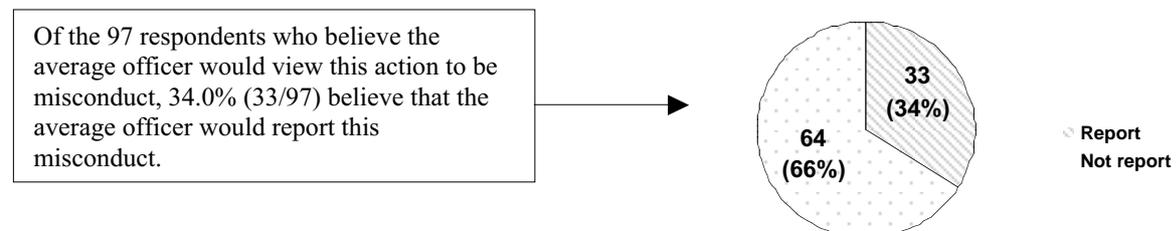
Scenario 8



Scenario 8 - Professional /Criminal



Scenario 8 - Report or Not Report

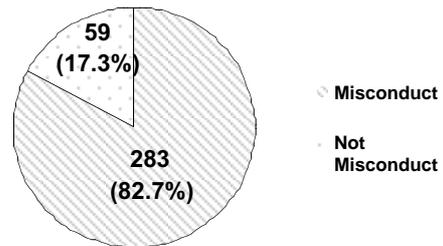


Scenario 9

A youth on a deserted street is told to move on by an officer in his patrol car. At the youth's look of indifference, the officer jumps from the car and slams the youth against the wall (without injury), turns him around, and shoves him on his way.

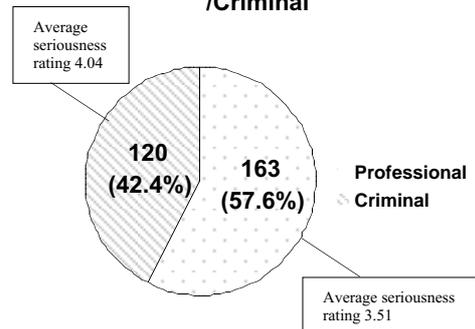
Scenario 9

82.7% (283/342) of the respondents thought the average police officer would consider this action to be misconduct.



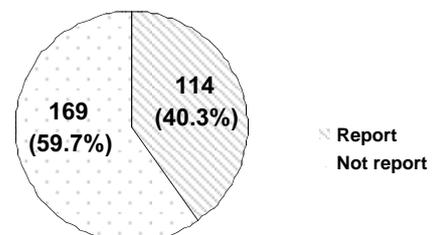
Of the 283 respondents who believe the average officer would view this action as misconduct, 57.6% (163/283) believe it would be considered professional misconduct (with an average seriousness rating of 3.51) while 42.4% (120/283) believe it would be considered criminal misconduct (with an average seriousness rating of 4.04).

Scenario 9 - Professional /Criminal



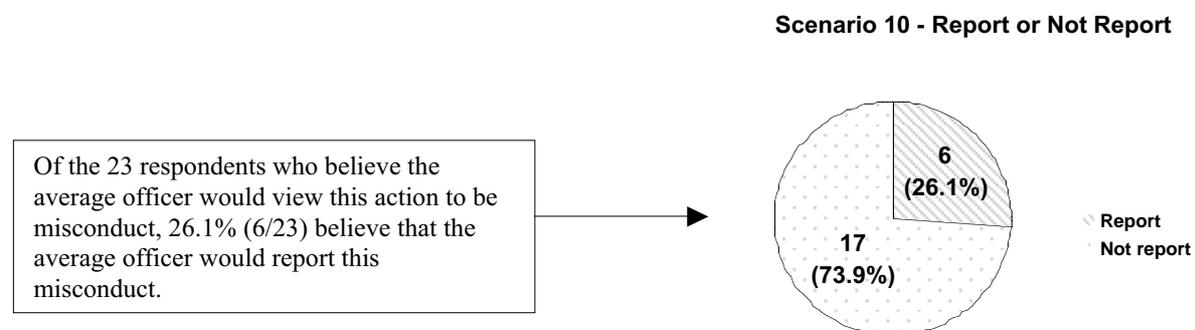
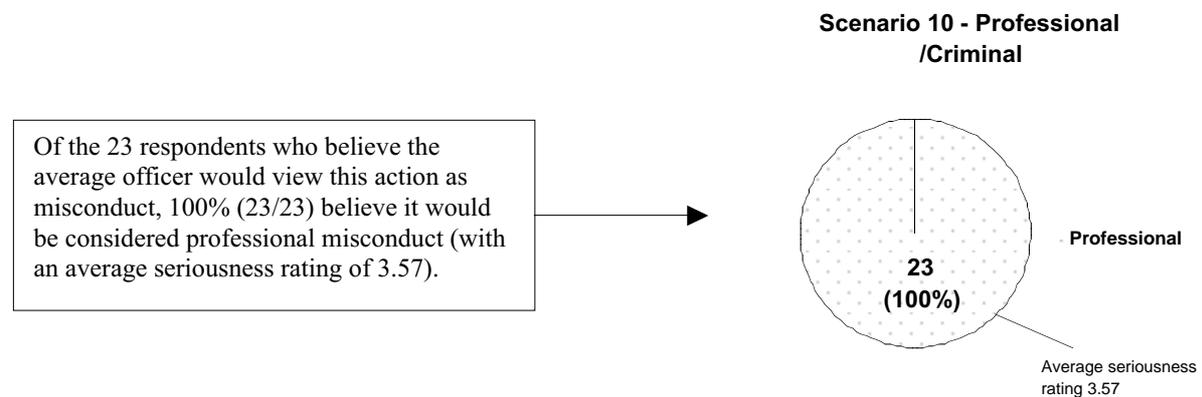
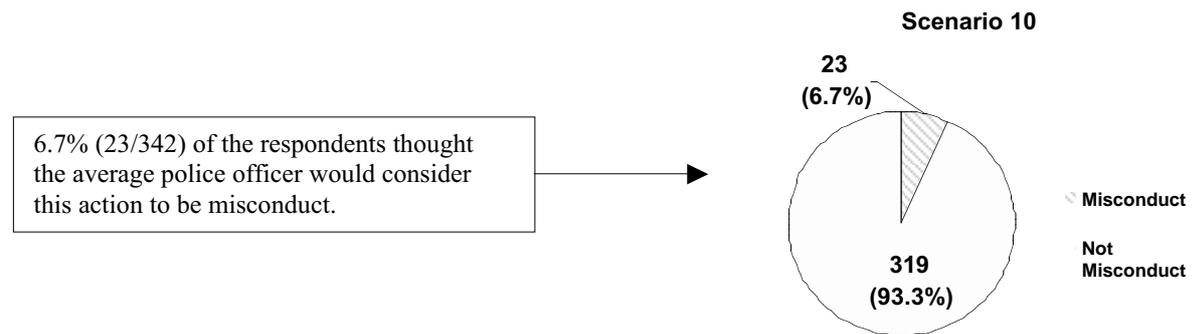
Scenario 9 - Report or Not Report

Of the 283 respondents who believe the average officer would view this action to be misconduct, 40.3% (114/283) believe that the average officer would report this misconduct.



Scenario 10

Officer X learns that a person he once charged and convicted of a series of fraud-related crimes has just been released from prison and has entered into a business relationship with Officer X's nineteen year-old nephew. While off duty, Officer X visits his nephew and encourages him to end the business relationship. Officer X tell his nephew that he has a very low opinion of the man he is in business with, but does not disclose the man's criminal past.



QUALITATIVE RESULTS

The qualitative data represent the written answers provided by respondents to Questions 1, 5 and 6 of the survey. The answers provided for each of the questions were analysed by three independent reviewers and then categorised into common factors (with an interrater reliability of 92%). Because the answers to these questions were similar regardless of the scenario presented, the factors presented below represent responses across all 10 scenarios.

Question 1 Common Factors

Question 1 asked respondents why they believe the average officer would not consider the actions of Officer X in the scenarios to be misconduct. Analysis of these responses across all 10 scenarios suggests that there are four main reasons for not perceiving the actions to be misconduct:

Common Practice - approximately 37% of respondents suggested that the average officer would not perceive the actions of Officer X to be misconduct because many officers do it themselves and it is, in fact, perceived as common practice. This response was especially prevalent for Scenario 6, 7 and 8 where a significant number of respondents believed that the action was relatively minor in nature.

Perk of the Job - approximately 33% of respondents suggested that the average officer would not perceive the actions of Officer X to be misconduct because it represents a “perk of the job.” In many cases, officers felt that there were a number of unofficial benefits to the job that would allow them to engage in certain actions that might otherwise be labelled misconduct. This response was especially prevalent for Scenario 2, 6, 7, 8 and 10.

Just Desserts - approximately 28% of respondents suggested that the average officer would not perceive the actions of Officer X to be misconduct because the person involved deserved what they received (the term “payback” was quite often employed). Specifically, a number of respondents suggested that the actions of the officer in the scenarios were not misconduct because they represented a form of unofficial justice. This response was especially prevalent in Scenario 3, 5 and 9.

Other - approximately 2% of respondents suggested there were various other reasons why the average officer would not perceive the actions of Officer X to be misconduct. These reasons include such things as: (1) a reflection of ‘old-time’ policing, (2) there was no harm done so it was alright (i.e., no harm/no foul philosophy), and (3) the incident being so minor that it would not be worth the paperwork involved in reporting it.

Question 5 Common Factors

Question 5 asked officers why they believed that the average officer would not report the actions of Officer X in the scenarios. Analysis of these responses across all 10 scenarios suggests that there are five main reasons for not reporting the various acts of misconduct:

Code of Honour/Brotherhood of Police - approximately 35% of respondents suggested that the reason they believe the average officer would not report the actions

of Officer X described in the scenarios is because it would violate the professional (unwritten) code of honour that insists that officers do not “dob in” other officers.

Fear of Reprisals - approximately 29% of respondents suggested that the reason they believe the average officer would not report the actions of Officer X described in the scenarios is because of various reprisals that reporting would incur. Specific acts of reprisal mentioned include: ostracism, being passed over for promotion, and being transferred to a less desirable posting.

Reporting Mechanisms - approximately 17% of respondents suggested that the reason they believe the average officer would not report the actions of Officer X described in the scenarios is because of a concern over the mechanics of current reporting mechanisms. Specifically, concerns were raised regarding: (1) confusion over the reporting mechanism (i.e., who to report to), (2) fear of report being passed on to an ‘external body’ (officers were especially concerned with the possibility of their report being passed on to the Internal Investigations Unit, Internal Affairs Unit or the Anti-Corruption Commission), and (3) concern over the amount of paperwork, red-tape and stress involved in making a report (especially if the misconduct was perceived as minor in nature).

Ultimate Justice - approximately 16% of respondents suggested that the reason they believe the average officer would not report the actions of Officer X described in the scenarios is because the actions, in some way, represent an aspect of ultimate justice which is absent in the current system. Specifically, these responses suggest a belief that the current criminal justice system is so geared toward offenders that, in some cases, justice may be delivered by officers in an unofficial way. It should be noted that this type of response was especially prevalent in Scenario 3 (in which an officer punches an offender while placing him in the cell) and Scenario 5 (in which the arresting officer attributes words to a rape suspect that he did not say).

Other - approximately 3% of respondents suggested that there are various reasons why they believe the average officer would not report the actions of Officer X described in the scenarios. These reasons include such things as: (1) officers not reporting because they do not care about the public profile of the department, (2) officers not reporting because of fear that the media will find out, and (3) not reporting because they are not really committed to the job.

Question 6 Common Factors

Question 6 asked officers who they believed the average officer would report the misconduct to. Analysis of these responses across all 10 scenarios suggests that there are only two main perceived directions for reporting misconduct. It should be noted that in only 1 of the 10 scenarios did more than 50% of the respondents who judged the behaviour to be misconduct agree that it would be reported. In 9 out of 10 scenarios, the majority of respondents reported that they believed the misconduct would not be reported.

Immediate Supervisor or Officer in Charge – approximately 97% of respondents suggested that the average officer would report this misconduct to their immediate supervisor or the Officer in Charge. It is interesting to note that this response was given even for the more serious acts of misconduct such as those found in Scenario 3 and 5.

External Individual or Agency - approximately 3% of respondents suggested that the average officer would report this misconduct to an external individual (such as a colleague or Senior Officer) or to an external agency (such as Internal Affairs Unit or the Internal Investigations Unit). It is interesting to note that not a single respondent suggested that the average officer would take advantage of the various avenues set up by the Police Service to deal with this issue (e.g., The Blue Line).