

THE NSW POLICE FORCE COMPLAINTS PROCESS: EXPERIENCES OF CLIENT ADVOCATES AND LEGAL PRACTITIONERS

The NSW Police Force (NSWPF) implemented a complaint process on the recommendation of the Wood Royal Commission. Since that time it has not been updated, despite some acknowledged problems.¹ In 2009, the NSWPF adopted a Customer Service Charter and Customer Service Program to enhance police-community relations.

Practitioners who represent disadvantaged clients have reported client avoidance of the complaints process, and when it is used, dissatisfaction with the outcomes. This study explored reasons for this recalcitrance, and recommendations to improve the process.

With input from Community Legal Centres New South Wales Incorporated (CLCNSW), a research team from Charles Sturt University Australian Graduate School of Policing and Security devised an online anonymous and confidential survey to assess the experiences and perceptions of NSW practitioners about the NSWPF complaint process.²

Aims of the Study

- Test the veracity of the anecdotal reports of dissatisfaction and avoidance, by surveying legal practitioners and community workers
- Compare perceptions of the NSWPF complaints process among practitioners with and without experience using the system
- Uncover reasons that legitimate complainants avoid the process

¹ Committee on the Office of the Ombudsman and the Police Integrity Commission, *Ten Year Review of The Police Oversight System in New South Wales* (2006) Report No. 16/53, Parliament of New South Wales; Police Integrity Commission, *Special Report to Parliament: Project Dresden, an audit of the quality of NSW Police Service internal investigations* (2000) Police Integrity Commission.

² J Goodman-Delahunty, Alan Beckley and Benjamin Hanckel, *The New South Wales Police Force Complaints Process: Experiences of Community Advocates and Legal Practitioners* (2012), Report prepared for Community Legal Centres New South Wales, Charles Sturt University.

Study participants

Practitioners were recruited via email and sent a link to a secure website.

- Participation took 10-20 minutes.
- A total of 378 completed responses were received in the study period.
- On average, participants had 10 years of professional work experience.
- Most participants were women (73%).
- Practitioners were dispersed across NSW metropolitan and rural locations.
- The majority (61%) were client advocates in social or community services; 35% were legal practitioners; 4% worked in other settings.
- Most legal practitioners (78%) were employed by CLCNSW, Legal Aid or Aboriginal Legal Services.
- One half (52%) had personal experience submitting 1 or more police complaints.

To redress client concerns about treatment by the NSWPF:

- Most participants were aware that it is possible to make a formal complaint about a NSW police officer
- Most complaints were lodged with the NSWPF or NSW Ombudsman.
- Few practitioners knew of the NSWPF Customer Service Charter.

Substance of complaints lodged by participants during past 24 months:

The most common category of complaint involved allegations that police had:

- ignored the client;
- failed to follow NSWPF guidelines, e.g. in relation to domestic violence;
- applied unnecessarily oppressive treatment;
- harassed the client.

To assist clients, practitioners reported that:

- 72% attempted informal resolution
- 34% filed a formal written complaint
- 23% finalised a complaint
- 25% assisted a client with litigation against the NSWPF
- 8% sought compensation from the NSWPF for a client

Experience with the NSWPF complaints process:

- The period between submission and finalisation ranged from 1-18 months.
- The average amount of time to finalise a complaint was 6 months
- No routine issue of a progress report.
- 50% received no contact before complaint finalisation.
- No standard procedures for interim contact or finalisation: phone/writing.
- Legal practitioners were more likely than client advocates to receive updates.

Experience with finalised written complaints against the NSWPF:

- 76% of users were dissatisfied with the complaint *process*.
- 75% of users were dissatisfied with the *outcome*.

Representatives who had complaints finalised in the past 24 months commented on process outcomes. They perceived that:

- Complaint procedures were biased.
- Complaint handlers were discourteous
- Clients mistrusted the process.
- Practitioners lacked opportunities to convey their viewpoint.
- Complaint handlers ignored their viewpoint.
- Practitioners were treated disrespectfully.
- Despite these criticisms, users would recommend complaints to future clients.

Post-complaint interactions between police and clients:

One issue of great concern according to anecdotal reports was the perception that police would victimise complainants by withholding police services or paying them increased negative attention. We asked the representatives whether client-police relations improved or deteriorated after a complaint was filed. Participants with relevant knowledge reported that:

- 40% of clients received more negative police attention after complaining.
- Repercussions took the form of:
 - unnecessary police visits at home;
 - more frequently followed by police;
 - increased threats by the police.

Avoidance of NSWPF complaints process

A high proportion of practitioners (67%) reported that clients with legitimate complaints declined to make a formal complaint against their advice. Clients were reluctant to complain because:

- 51% were afraid of complaining
- 42% believed the behaviour in issue was normal for police
- 18% found process too protracted
- 17% were dissuaded by friends or family
- 11% lacked free/affordable professional assistance
- 5% acted on advice from other professionals to avoid it
- 4% resolved the issues informally
- 3% by-passed the complaint process to file a civil action

Perceived barriers to use of the NSWPF complaints process:

- 60% of participants found the complaints process intimidating.
- 63% rated the complaints procedures as difficult to use.
- 89% perceived the complaints process as inaccessible and daunting to the public

- 90% agreed that citizens require professional assistance to make a complaint
- Practitioners most familiar with the complaint system rated it significantly less user-friendly and more intimidating than those who had never used it

Feedback about the complaints process:

Participants specified positive and negative features of the complaints process:

Positive features

- Process was relatively easy to instigate
- Some officers were helpful in securing a speedy and effective response

Negative features

- Insufficiently rigorous investigations
- Complaints were almost inevitably declared “unsubstantiated”
- Lack of impartiality “police investigating police”
- Lack of transparency
- Complainants were intimidated, treated aggressively, subject to police scrutiny
- Fear of police retribution chilled complainants from lodging complaints

Consensus emerged that NSWPF staff:

- Do not apply the law in an even-handed manner
- Treat members of certain vulnerable groups more harshly than others
- Lack integrity and trustworthiness
- Protect their colleagues before being honest about the incident
- Display low levels of neutrality and respect in dealing with the public

Conclusions

Client advocates and legal practitioners provided unique user insights into the fairness and effectiveness of the NSWPF complaints process. Their experiences are a valuable police resource to inform service development.

Recommendations by participants to improve the NSWPF complaints process:

Problem	Solution
Lack of transparency and information	<ul style="list-style-type: none"> ▪ Increase publicity about NSWPF complaints process ▪ Distribute updated material that is easy to access ▪ Ensure openness, privacy and confidentiality
Police-community relations	<ul style="list-style-type: none"> ▪ Provide police training on interviewing, working with young people, vulnerable persons and traumatised victims ▪ Increase police training in compassion, nonjudgement, empathy, active listening. ▪ Improve compliance with NSWPF Code of Conduct related to domestic/family violence. ▪ Increase support for complainants, especially persons with special needs (disabilities, non-English language background). ▪ Provide support in regional areas, e.g., AUSLAN interpreters ▪ Attend community meetings to explain complaints process ▪ Establish local Aboriginal Community Justice Panels
Feedback about complaint status	<ul style="list-style-type: none"> ▪ Correspondence should address incident in issue rather than generalities ▪ Assign NSW police staff to assist in complaint writing and follow-up
NSWPF culture	<ul style="list-style-type: none"> ▪ Establish complaint process independent of the NSWPF ▪ Increase involvement by police oversight bodies ▪ Take actions to address the culture of fear and bullying in the organization. ▪ Ensure adequate counselling of NSW Police Officers to address personal issues.