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Prenzler, Timothy; Allard, Troy; Curry, Steven; et.al.

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## The Journal of Criminal Justice Research

### **RESEARCH ARTICLE**

## **COMPLAINTS AGAINST POLICE: THE COMPLAINANTS' EXPERIENCE**

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### **ABSTRACT**

*This paper reports on a survey of citizens who made complaints against Victoria Police officers. The survey revealed considerable dissatisfaction with the complaints and discipline system. Two-thirds believed complaints took too long to resolve and were dissatisfied with how informed they were kept. Over half were dissatisfied with how the investigation was handled, as well as the outcome. Two-thirds had less confidence in the system following their experience with it. While one-third found it difficult to complain, two-thirds found lodging a complaint easy. Two-fifths indicated they experienced attempts to dissuade or obstruct them from lodging their complaint. Complainants' motives did not on the whole appear to be vindictive. They complained because they wanted to be heard, have their feelings validated or because they wanted an explanation or apology, rather than because they were seeking punishment or compensation. Two-thirds of complaints were investigated by police, although two-thirds of respondents indicated they would have preferred to have their complaint investigated by an independent agency. The majority of complainants who were kept informed during the complaint process were satisfied with the investigation or outcome. Respondents' recommendations about how the complaint system could be improved*

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*emphasised the desire for independent investigations, along with taking complaints more seriously, improving the time taken to finalise the matter and improving communication. The paper also reports on an initiative in the resolution of matters since the survey was conducted.*

### **Author Biographies**

Tim Prenzler manages the Integrity Systems Project in the Australian Research Council Centre of Excellence in Policing and Security (CEPS). His interests include police corruption prevention, gender in policing, crime prevention, and regulation of the security industry. His recent books include *Police Corruption: Preventing Misconduct and Maintaining Integrity* (CRC Press – Taylor and Francis, 2009) and *Ethics and Accountability in Criminal Justice* (Australian Academic Press, 2009).

Troy Allard is Research Fellow in Justice Modelling @ Griffith, Griffith University. His expertise includes the areas of environmental crime prevention, technology and corrections, the use of models in decision making, and research methods.

Steven Curry is a Fellow in the Centre for Applied Philosophy and Public Ethics (CAPPE), University of Melbourne. His interests include policing ethics and organizational ethics. His publications include *Indigenous Sovereignty and the Democratic Project* (Ashgate, 2004) and the co-authored book *Ethical Practice in Social Work: An Applied Approach* (Allen & Unwin, 2006).

Stuart Macintyre is Assistant Director of the Risk Mitigation Division, Ethical Standards Department, Victoria Police. He has published a number of studies on aspects of police integrity including the utility of the MMPI-2 in recruitment and the impact of early intervention systems.

## **INTRODUCTION**

The survey reported on here was conducted as part of an Australian Research Council funded Linkage Project *An Integrity System for Victoria Police* concerned to assess and learn from the evolving system of complaints and discipline, and integrity management, in the Victoria Police. The ongoing project includes the development of an international best practice model of integrity management, empirical studies (quantitative and qualitative) of Victoria Police and stakeholder groups such as complainants, and the development of a range of targeted pilot programs in areas such as enhanced ethics training.

### **Background: Complaints Against Police**

A prominent characteristic of policing is that it attracts large numbers of complaints, as many as one for every two officers per year in some cases (Prenzler, 2002). Complaints against police also often occur at a higher rate than complaints against other public

officials. Not only do complaints against police occur in larger numbers they also tend to be very resistant to complaint reduction initiatives. For example, in England and Wales, despite the introduction of greater independence in the handling of complaints through the Independent Police Complaints Commission established in 2004, in 2006/07 28,998 complaints were recorded made by 29,637 people against 32,574 individual police staff members involving 45,883 separate allegations and representing an increase in complaints of 10% on the previous year (IPCC, 2007).

Complaints against police are also characterized by considerable variation. The majority tend to be about lower level misconduct – such as neglect of duty, incivility or rough handling – as opposed to graft or brutality. At the same time, judicial inquiries have repeatedly argued that the failure to properly investigate complaints is a key factor in the concealment of police corruption (e.g., Fitzgerald, 1989; Wood, 1997). Complaints are, however, often a poor source of reliable or adequate forensic information. Formal investigations are expensive and produce low substantiation rates – frequently 10% or less (Lersch, 1998; Liederbach, Boyd, Taylor & Kawucha, 2008). In many cases there is insufficient objective evidence to determine precisely what happened and who, if anyone, was at fault (Griswold, 1994). Complaints, to some extent, can be said to ‘go with the territory’ in that police work involves stopping offenders doing what they want to do. Offenders may complain as a form of retaliation. Police interventions in situations of conflict or crisis involving heightened emotions may also create confusion amongst innocent third parties.

Despite these problems surveys indicate that most complainants are sincere. One of the most extensive studies of complainant satisfaction was performed as part of an evaluation of the complaints system for England and Wales conducted after the establishment of the Police Complaints Authority in 1985. Maguire and Corbett (1991) found that the large majority of complainants appeared honest and genuinely aggrieved. This was partly gauged by the reluctance of many to complain and that complainants on the whole were not vindictive – most sought an apology or official acknowledgement of their complaint.

Another important aspect of complaints is they represent only the ‘tip of the iceberg’ of public dissatisfaction. Public opinion surveys indicate that as many as 90% of people who have felt they wanted to complain about police did not do so because they felt it would not achieve anything or because they could not be bothered or they were afraid of repercussions (Maguire & Corbett, 1991, pp. 53-55; CMC, 2000). This ‘dark figure’ includes persons who have committed crimes but who might also have a legitimate complaint about police. Most police discipline systems categorize all reports of police misconduct as ‘complaints’ when ‘complainants’, including police officers, might simply observe suspected police misconduct and feel duty-bound to report it. In considering both the high volumes of complaints against police and the ‘dark figure’ of dissatisfaction it should be kept in mind that complaints usually only follow from a very small fraction of police-community contacts. For example, in 2008-9 the Victoria Police (the subject of this paper) recorded 3,532,868 public contacts with the public (Personal

Communication, Assistant Director, Risk Mitigation Division, Ethical Standards Department, Victoria Police, 9 November 2009).

The proper processing of complaints is therefore important. Investigations can provide justice to victims of police abuses and lead to the removal of officers who engage in inappropriate behavior. Additionally, investigations need not exclude other responses, such as mediation and apology, that can be brought in at different stages of an investigative process, and which can be associated with disciplinary actions or kept separate from them. Complaints represent police-citizen conflict and public dissatisfaction. Unfortunately, inappropriate responses to complaints often exacerbate this alienation. Surveys of complainants whose matters are dealt with through a traditional investigate/prosecute approach normally show very high dissatisfaction rates averaging around 70 to 95 percent (Brown, 1987; Hayes, 1997).

A common finding is that complainant dissatisfaction is linked to the apparent lack of independence in complaints systems. Complainants feel that investigations are not sufficiently rigorous and that investigators favor the version of events given by the responding police officer. This was the finding, for example, of a 2007 Victoria Office of Police Integrity report, *A Fair and Effective Victoria Police Discipline System*, which alleged that the system in place at the time favored police officers who had engaged in misconduct (OPI, 2007a). Surveys of complainants typically find that 70% or more support the proposition that 'complaints should be investigated by an independent body' (Waters and Brown 2000, pp. 631-632; see also Maguire & Corbett, 1991). Complainants also complain about poor communication, not being kept up-to-date with the progress of their matter, and not being given opportunities to meet with the subject officers and discuss the matter through a mediator (Prenzler, 2009, pp. 97-112).

Given these issues, reducing complaints is usually a major goal of a police complaints and discipline system. However, those attempting to reduce complaints face a number of risks, including police avoiding doing their job, deflecting complainants or disguising the true number of complaints. Nonetheless, there is research showing that complaints can be reduced without evidence of these problems, although system improvements may initially attract increased complaints as public confidence in the complaints and discipline system increases (CJC, 1997). Improved policing practices, such as improved negotiating skills and minimizing the use of force, appear amongst the best methods for reducing complaints (Davis, Mateu-Gelabert & Miller, 2005; Force Task Force, 2009). It has also been shown that complaints can be managed in a way that greatly increases the satisfaction of all stakeholders. In particular, surveys of both complainants and police show much higher rates of satisfaction for both parties if the complaint is mediated rather than formally investigated (Ede and Barnes, 2002; Prenzler, 2009, pp 97-112). Improving complainant satisfaction about how their complaint was processed and resolved has also therefore emerged as a goal of police complaints and discipline systems.

## METHOD

As part of the Australian Research Council funded Linkage Project *An Integrity System for Victoria Police a Complainants' Perceptions Survey* was developed to explore the experiences and feelings of complainants who accessed the Victorian Police complaints system. The questionnaire required participants to complete Likert scale response options, answer a range of discrete and multiple response questions, and provide written responses to open ended questions. The questionnaire was adapted from Maguire and Corbett (1991) and covered five areas:

1. Nature of the complaints and experiences in lodging complaints.
2. Reason/s for lodging the complaint
3. Experiences with and attitudes towards the complaints process.
4. Satisfaction with and confidence in the complaints process
5. Reflections and recommendations.

The questionnaires were posted during August 2007 with an explanatory covering letter and reply-paid envelope to 300 complainants whose complaint has been finalised. The names and addresses were drawn from the Victoria Police Ethical Standards Department (ESD) database. The database included all people who had lodged complaints with the ESD or whose complaints were referred to ESD by the Ombudsman, the Office of Police Integrity (OPI), members of Parliament and other sources. (The OPI took over from the Police Ombudsman's Office in 2007.) The surveys were completed and returned by 83 complainants, giving a response rate of 27.7%.

The response rate was relatively poor. However, it was decided not to send follow up requests because it was felt this was a group who had been through an uncomfortable experience with police and a follow up posting could be interpreted as harassment by some. Furthermore, although the percentage response was low, the number of responses was sufficiently large for analysis. The complainant sample also provided a substantial demographic spread.

Slightly over half of the complainants who participated in the survey were male, and most were aged 30 and above (Error! Reference source not found.). About a quarter indicated that they spoke a language other than English as their first language and one participant identified themselves as Indigenous. The occupations provided by participants were categorised based on the Australian Standard Occupational Classification (ABS, 1997). About one-third were employed as professionals while one-third were not in paid employment (student, unemployed, or home-carer). About one-quarter of complainants identified their highest level of education as 'School', while one-third indicated that they had completed a 'Certificate/Diploma' and two-fifths reported that they had completed a 'Degree/ Postgraduate Degree'.

Table 1. Complainant characteristics

<b>Characteristic</b>	<b>N</b>	<b>%</b>
<b>Sex</b>		
Male	41	59.4
Female	28	40.6
<b>Age</b>		
<20	2	2.5
20-29	3	3.8
30-39	21	26.6
40-49	27	34.2
50+	26	32.9
<b>Indigenous Status</b>		
Indigenous	1	1.2
Non-Indigenous	81	98.8
<b>First Language Other Than English</b>		
Yes	21	25.3
No	62	74.7
<b>Occupation</b>		
Professionals	23	30.7
Associate professionals, managers, and administrators	13	17.3
Clerical and service workers	12	16.0
Not in paid employment	21	28.0
Tradespersons and labourers	6	8.0
<b>Highest Educational Qualification</b>		
School	19	24.1
Certificate/Diploma	27	34.2
Degree	14	17.7
Post-Graduate Degree	19	24.1

## FINDINGS

### ***Nature of Complaints and Experiences Lodging Complaints***

Most complainants had never made a complaint before (78.8%), and when asked about the nature of their complaint most listed 'abuse of authority', 'rudeness' and 'duty failure', while fewer complaints related to criminality and corruption (Table 2).

Table 2. Nature of complaints

<b>Behaviour</b>	<b>n</b>	<b>%</b>
Abuse of Authority	39	23.5
Rudeness	36	21.7
Duty Failure (a lack of service)	35	21.1
Violence or Assault	18	10.8

Wrongful Arrest	10	6.0
Falsifying Evidence	10	6.0
Corruption	9	5.4
Theft	1	0.6
Drug Use	1	0.6
Other	7	4.2
Total	166	100.0

Complainants identified between zero and five ways that they lodged their complaint or initial enquiry ( $M=1.52$ ,  $SD=0.89$ ). The most frequently cited means was by letter to the Ombudsman or Office of Police Integrity (Table 3). Less than one-tenth of complaints were lodged through other means such as in-person to police, letter to Minister or Premier, or via e-mail to the Police Ethical Standards Department.

Table 3. Lodgement of complaints

	n	%
Letter to Ombudsman or Office of Police Integrity	41	32.5
Letter to police	30	23.8
Telephone to Ombudsman or Office of Police Integrity	24	19.0
Telephone to police	21	16.7
Other	10	7.9
Total	126	100.0

Two-thirds of complainants found it easy to lodge the complaint (62.2%) or were unsure (4.9%), while one-third found it difficult (32.9%). Of those who found it difficult to complain, half (52.2%) reported that the difficulty was experienced because of police disinterest or inaction, while one-quarter (26.1%) reported that they did not know where they should lodge their complaint. Others reported that the difficulty arose because of language difficulties (8.7%), because of the circumstances or situation (such as a sense of loyalty to police or a sense of being falsely accused) (8.7%) or because they felt intimidated (4.3%).

Over one-third (40.8%) of complainants believed they experienced attempts to dissuade or obstruct them from lodging their complaint, while one-tenth (11.8%) were unsure and half (47.4%) did not report experiencing any obstruction. Of those who reported being dissuaded or who were unsure, half (51.9%) reported that they were encouraged not to complain, while a quarter indicated that they were not taken seriously (29.6%) or that the process they encountered made it difficult to complain (18.5%).

The large majority of complainants (73.5%) wanted 'an officer from the Ombudsman or Office of Police Integrity' to investigate their complaint, rather than 'a member of the Victoria Police' (28.9%) (Table 4). Multiple responses were provided to this question. Of the 14 respondents who selected 'other', four wrote 'an independent body with an ethics



background/charter' or 'OPI' or similar. This meant that 78.3% expressed at least some preference for an external body. However, 77.3% of respondents reported that the Victoria Police investigated their complaint, while only 22.7% stated it was the 'Ombudsman/OPI' (Table 5).

Table 4. Who did you want to investigate your complaint?<sup>2</sup>

	N	%
A member of the Victoria Police	24	28.9
An officer from the Ombudsman or Office of Police Integrity	61	73.5
Other. Please specify	14	16.9

Table 5. Who investigated your complaint?

Investigator	N	%
Victoria Police	58	77.3
Ombudsman/OPI	17	22.7
Total	75	100.0

### ***Reason/s for Lodging the Complaint***

Complainants identified between zero and eight reasons for lodging each complaint ( $M=2.87$ ,  $SD=1.70$ ). The most frequently identified reasons were because they 'wanted to express how angry and upset I felt', 'wanted the officer(s) to be reprimanded', 'wanted to prove that what I was saying was true', 'wanted an explanation', or 'wanted an apology' (Table 6). Punishment, relief from their own legal situation, and financial compensation were only rarely identified as reasons for complaining. One-tenth of the reasons for complaining were 'other', and written responses focused on how the complaint process highlighted the behaviour so that it could be prevented from occurring again, and how complaints were made to facilitate action or improved service from Victoria Police.

Table 6. Reasons for lodging complaint

Reason	N	%
Wanted to express how angry and upset I felt	42	17.6
Wanted the officer(s) to be reprimanded	38	15.9
Wanted to prove that what I was saying was true	36	15.1
Wanted an explanation	35	14.6
Wanted an apology	31	13.0
Wanted the officer(s) punished	21	8.8
Wanted the police to drop charges against me	7	2.9

<sup>2</sup> Multiple responses were provided. Percentages are from 83, the total number of survey respondents.

Wanted financial compensation	5	2.1
Other	24	10.0
Total	239	100.0

### ***Experiences With and Attitudes towards the Complaint Process***

Specific aspects of the complaint process were also investigated. When asked to describe the approach adopted by the person/s who investigated their complaint, complainants identified between one and four descriptive categories ( $M=1.45$ ,  $SD=0.74$ ). Nearly two-thirds (61.7%) of the responses were negative, including that investigators 'just went through the motions, making no real effort', 'wanted the complaint to go away', and 'deliberately went out of their way to avoid the truth' (Table 7). One-quarter (25.8%) of responses shed a positive light on the complaint process, including that investigators 'genuinely tried to understand my point of view and help me' or 'really tried hard to investigate properly'. One-tenth (12.5%) of responses were neutral, including the view that investigators were 'neither good nor bad, just doing a job' or 'tried hard, but the process was too bureaucratic'. Written responses provided by those who identified 'other' emphasised lack of investigative follow-through and inaction, as well as offering a range of responses that did not respond to the question.

Table 7. Approach adopted by officer/s who investigated complaint

Approach	n	%
Genuinely tried to understand my point of view and help me	25	20.8
Just went through the motions, making no real effort	23	19.2
Wanted the complaint to go away	21	17.5
Deliberately went out of their way to avoid the truth	14	11.7
Neither good nor bad, just doing a job	12	10.0
Really tried hard to investigate properly	6	5.0
Tried hard, but the process was too bureaucratic	3	2.5
Other	16	13.3
Total	120	100.0

Two-thirds (62.7%) of complainants provided information about the length of time that it took from lodging the complaint to the final outcome (Table 8). Most complaints took less than three months, while a quarter took longer than six months. When asked to indicate their view about the length of time it took from making the complaint to its resolution, two-thirds indicated that it was a 'little too long' or 'much too long' while one-third indicated that it was 'very quick' or 'reasonable' (Table 9).

Table 8. Length of time taken to resolve complaints

Length of Time	N	%
< 1 month	9	17.3
2 - 3 months	20	38.5
> 3 months to 6 months	9	17.3
> 6 months	14	26.9
Total	52	100.0

Table 9. Attitudes about the length of time taken to resolve complaints

Attitude	N	%
Very quick	5	6.2
Reasonable	21	25.9
A little too long	22	27.2
Much too long	33	40.7
Total	81	100.0

Two-thirds of the respondents indicated dissatisfaction about how informed they were during the process, indicating that they were 'fairly uninformed' or 'very uninformed'. One-third reported they were kept 'very informed' or fairly informed (Table 10).

Table 10. Attitudes about how informed complainants were during the process

Attitude	N	%
Very informed	6	7.5
Fairly informed	20	25.0
Fairly uninformed	25	31.3
Very uninformed	29	36.3
Total	80	100.0

According to complainants' recollection, 22.9% had their complaints substantiated, compared to 34.9% whose complaint was not substantiated; while 21.7% received an apology and 29.1% of complaints resulted in disciplinary action or a criminal charge (with only three cases in the latter category) (Table 11).

Table 11. Complainants' recollection of the outcome

	n	%
Substantiated	19	22.9
Not substantiated	29	34.9
Apology from the officer(s) in question	2	2.4
Apology from the police	16	19.3
Officer(s) was disciplined	11	13.3
Officer(s) was criminally charged and found guilty	2	2.4
Officer(s) was criminally charged and found not guilty	1	1.2

### **Satisfaction With and Confidence in the Complaints Process**

Overall, complainants were somewhat more satisfied with the investigation than the outcome, although over half were dissatisfied with the investigation (58.8%) and outcome (62.0%) (Table 12). Before lodging the complaint, nearly two-thirds had some confidence in the complaints system (Table 13). After having contact with the complaints system, two-thirds (64.6%) had 'a little less confidence' or 'a lot less confidence' (Table 14).

Table 12. Level of satisfaction with investigation and outcome

Level of Satisfaction	Investigation		Outcome	
	N	%	N	%
Very satisfied	9	11.3	6	7.6
Fairly satisfied	15	18.8	13	16.5
Neutral	9	11.3	11	13.9
Fairly dissatisfied	14	17.5	9	11.4
Very dissatisfied	33	41.3	40	50.6
Total	80	100.0	79	100.0

Table 13. Confidence in Victoria Police complaints system prior to lodging complaint

Level of Confidence	n	%
A lot of confidence	18	22.2
A moderate amount of confidence	13	16.0
A little confidence	21	25.9
No opinion	18	22.2
I thought it wouldn't work	11	13.6
Total	81	100.0

Table 14. Impact of experience on level of confidence in Victoria Police complaints system

Level of Confidence	n	%
A lot more confidence	5	6.1
A little more confidence	13	15.9
No difference	11	13.4
A little less confidence	12	14.6
Much less confidence	41	50.0
Total	82	100.0

Responses on all the satisfaction and impact questions were compared for those respondents who claimed their complaint was dealt with by police and those who stated it was dealt with by the OPI or Ombudsman. No statistically significant differences were identified. However, complainants who received an apology were significantly more satisfied with the investigation and outcome than those who experienced a different outcome (Tables 15 and 16).

Table 15. Satisfaction with investigation by apology and 'other'

	Satisfaction with Investigation		Total
	Very/Fairly Satisfied	Very/Fairly Unsatisfied	
Apology	9 (60.0%)	6 (40.0%)	15
Other	9 (24.3%)	28 (75.7%)	37
Total	18 (34.6%)	34 (65.4%)	52

( $\chi^2$  (1, N=52) = 6.00,  $p < .05$ ).

Table 16. Satisfaction with outcome by apology and 'other'

	Satisfaction with Outcome		Total
	Very/Fairly Satisfied	Very/Fairly Unsatisfied	
Apology	8 (66.7%)	4 (33.3%)	12
Other	6 (15.8%)	32 (84.2%)	38
Total	14 (28.0%)	36 (72.0%)	50

( $\chi^2$  (1, N=50) = 11.71,  $p < .01$ ). One cell has an expected count less than 5

Levels of satisfaction with the investigation and the outcome of complaints were also explored based on how informed complainants were kept during the process, how long the complaint took to finalise, and whether or not the complaint was substantiated. Over two-thirds of complainants who were kept informed during the complaint process were satisfied with the investigation or outcome while over three quarters of complainants who were not kept informed were dissatisfied with the investigation or outcome (Tables 17 and 18).

Table 17. Satisfaction with investigation by how informed kept during process

How Informed Kept During Process	Very/Fairly Satisfied		Very/Fairly Unsatisfied		Total	
	N	%	N	%	N	%
Very/Fairly Informed	16	72.7	6	27.3	22	100.0

Very/Fairly Uninformed	8	16.7	40	83.3	48	100.0
Total	24	34.3	46	65.7	70	100.0

( $\chi^2(1) = 21.04$ ,  $N=70$ ,  $p<.001$ ).

Table 18. Satisfaction with outcome by how informed kept during process

How Informed Kept During Process	Very/Fairly Satisfied		Very/Fairly Unsatisfied		Total	
	N	%	N	%	N	%
Very/Fairly Informed	14	66.7	7	33.3	21	100.0
Very/Fairly Uninformed	6	13.0	40	87.0	46	100.0
Total	20	29.9	47	70.1	67	100.0

( $\chi^2(1) = 19.80$ ,  $N=67$ ,  $p<.001$ ).

Findings also indicated that levels of satisfaction with the investigation and outcome varied based on the length of time that the complaint took to finalise (Tables 19 and 20). About two thirds of complainants were satisfied with the investigation or outcome where the process took three months or less to finalise. However, nearly all complainants were dissatisfied with the investigation and outcome where the process took over three months to complete.

Table 19. Satisfaction with investigation by length of time

Length of Time	Very/Fairly Satisfied		Very/Fairly Unsatisfied		Total	
	N	%	N	%	N	%
0-3 months	16	69.6	7	30.4	23	100.0
>3 months	3	13.0	20	87.0	23	100.0
Total	19	41.3	27	58.7	46	100.0

( $\chi^2(1) = 15.15$ ,  $N=46$ ,  $p<.001$ ).

Table 20. Satisfaction with outcome by length of time

Length of Time	Very/Fairly Satisfied		Very/Fairly Unsatisfied		Total	
	N	%	N	%	N	%
0-3 months	14	63.6	8	36.4	22	100.0
>3 months	1	4.8	20	95.2	21	100.0
Total	15	34.9	28	65.1	43	100.0

( $\chi^2(1) = 16.40$ ,  $N=43$ ,  $p<.001$ ).

Level of satisfaction was also found to vary based on whether or not the complaint was substantiated (Tables 21 and 22). About half of complainants whose complaint was substantiated were satisfied with the investigation and outcome while over three quarters of complainants whose complaint was not substantiated were dissatisfied with the investigation and outcome.

Table 21. Satisfaction with investigation by whether complaint was substantiated

Complaint substantiated	Very/Fairly Satisfied		Very/Fairly Unsatisfied		Total	
	N	%	N	%	N	%
Substantiated	9	60.0	6	40.0	15	100.0
Not Substantiated	9	24.3	28	75.7	37	100.0
Total	18	34.6	34	65.4	52	100.0

( $X^2(1) = 6.00$ ,  $N=52$ ,  $p<.05$ ).

Table 22. Satisfaction with outcome by whether complaint was substantiated

Complaint substantiated	Very/Fairly Satisfied		Very/Fairly Unsatisfied		Total	
	N	%	N	%	N	%
Substantiated	8	53.3	7	46.7	15	100.0
Not Substantiated	6	16.7	30	83.3	36	100.0
Total	14	27.5	37	72.5	51	100.0

( $X^2(1) = 7.15$ ,  $N=51$ ,  $p<.01$ ).

### ***Complainants' Reflections and Recommendations***

The *Complainants' Perception Survey* concluded by asking participants what they believed they achieved by complaining and what improvements they would like to see in the complaints system. The main response was that 'not much' or 'very little' was achieved by complaining (43.8%); or that the complaint process had negatively impacted on them by wasting their time or resulted in harassment from police, stress, frustration or high blood pressure (21.9%). Only one-third believed that there were benefits in complaining, which included accountability (13.7%), increased awareness of the issue for Victoria Police (11.0%), or increased awareness of the issue for the officer concerned (9.6%). Three-quarters (74.7%) of complainants' offered a suggestion about how the complaints system could be improved. The most frequently suggested improvement was that investigations should be independent, while others suggested that there was a need to take the complaint seriously and to improve communication with the complainant (Table 23).

Table 23. Suggestions about how to improve the complaints system

Ways to Improve System	N	%
Independent Investigations	16	25.8
Take Complaint Seriously and Investigate	10	16.1
Improved Communication with Complainant	10	16.1
Improved Fairness/Accountability	9	14.5
More Direct/Open Process	5	8.1
Increased or Different Penalties/Compensation	3	4.8
Provide Information about how to Lodge Complaint	2	3.2
Other	7	11.3
Total	62	100.0

## DISCUSSION

The results of this survey tended to be fairly negative about the Victoria Police complaints and discipline system, although there was a great deal of information that was valuable for making improvements. Complainants believed that their complaints took too long to resolve and that they were not adequately informed of progress. They felt their concerns were not taken seriously and were, essentially, summarily dismissed. Their experiences reduced their confidence in the system and resulted in considerable cynicism. One factor affecting this view was the high number of 'unsubstantiated' complaints. Complainants were more satisfied if their complaint was substantiated but even then about half were dissatisfied with the investigation and outcome. Complainants were much more likely to be satisfied if they received an apology and thought that the complaint was processed within an appropriate time frame.

As noted in the background section of this paper, dissatisfaction with a formal investigation and discipline system is common in complainant surveys of this kind. The complainants' views were also consistent with the findings of the 2007 OPI report, *A Fair and Effective Victoria Police Discipline System* (OPI, 2007a), alleging that the system favored police officers who had engaged in misconduct. However, both the present survey and the OPI study indicated there was scope for improvement, especially in areas such as timeliness and objectivity. The efficient and thorough processing of complaints should be made a priority. A 'stock and flow' analysis should identify where delays occur in timeliness and how these might be reduced. These recommendations are consistent with those of the OPI report, *A Fair and Effective Victoria Police Discipline System*, in relation to sections on 'Reducing Complexity and Speeding up Processes'. Since the survey and the OPI report, the Victoria Police have enlarged a complaints processing procedure termed the Management Intervention Model (MIM). This involves prioritizing the speedy local resolution of lower level complaints where there is a prospect of successful informal resolution (Personal Communication, Assistant Director, Risk Mitigation Division, Ethical Standards Department, Victoria Police, 9 November 2009).



Given that complainants emphasized their need to be given a voice, to have their feelings vindicated and to receive an explanation, better communication should improve complainant satisfaction. While there is a strong case for making investigations more efficient and fair where possible, research on alternative dispute resolution shows that satisfaction is likely to be much higher when stakeholders are given the option of various forms of mediation (Ede and Barnes, 2002; Prenzler, 2009, pp 97-112). The higher levels of satisfaction amongst complainants in the Victorian survey who received an apology provide support for this option. The exact process by which complainants received an apology was not revealed by the survey. Apologies can be provided in a fairly impersonal manner or they can be part informal dispute resolution procedures that are personalized and involve the subject officers as much as possible. Without this as a major element of the system, forms of 'local resolution' or 'management resolution' will easily regress to bureaucratic convenience and appear as just another way to minimize and dismiss the concerns of complainants.

Consideration must also be given to the division of labor between the Ethical Standards Department (ESD) and Office of Police Integrity (OPI). The survey results indicated that the large majority of complaints were dealt with by the Victoria Police, as opposed to the OPI, but that there were no significant differences in the levels of satisfaction between the two groups. However, the results should not be read as making a strong case against the OPI investigating complaints. There is no way of verifying that these complaints were in fact dealt with by these agencies, and complainants' written responses indicate considerable uncertainty about who dealt with their complaint. According to the OPI's 2006/07 *Annual Report* (2007b, p. 42) it investigated only 3% of complaints that came to its notice. In the literature, greater external involvement in complaints is associated with higher substantiation rates and higher complainant satisfaction, although this is not overwhelmingly the case (Prenzler, 2009, pp. 164-170). Offering complainants more choice about who deals with their complaint is one response to this issue. It is also possible that better communication, timeliness and use of mediation by police would greatly improve complainant satisfaction and acceptance of police management of complaints.

Finally, as noted in the background section, while complainant satisfaction is one important goal of a police integrity system, reducing complaints is another. There are cases where police departments have reduced complaints without apparently compromising police duties. Key strategies include improving basic courtesies and conscientiousness, ensuring procedural justice, minimizing force and ensuring duty of care, in interacting with both victims of crime and offenders (Davis, et al, 2005; Force Task Force, 2009). The likely benefits of this approach received support from the current study which found that the large majority of complaints were about issues of abuse of authority, rudeness, duty failure, lack of service and assaults, as opposed to corruption such as bribery or fabrication of evidence.

## CONCLUSION

The results of this survey of persons who made complaints about Victoria police were fairly negative. The majority felt their concerns were not addressed with sufficient speed and fairness. The merits of these complaints cannot be assessed in a study like this. It may be the case that the complaints were unfounded. There does nonetheless appear to be some scope for improving complainant satisfaction without necessarily increasing the substantiation rate. Better communication and more timely action are likely to be key elements in a system that is more favorably received by complainants. More opportunities for mediation and the option of a greater degree of independent input into the process are also likely to generate a better experience for complainants.

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