

Questions on Notice to the Australian Federal Police

Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Bill 2016

Please note, for the financial year 2016/2017, forecast financial figures have been included to provide an overall perspective, unless otherwise stated.

1. Information on the investigation of misconduct:

- For the past five years, please provide a break down year by year of:
 - the amount of funding to the AFP's Professional Standards team (or the earlier iteration of the team if it has been named differently);

Below is a breakdown of the yearly budget expended by the Professional Standards (PRS) portfolio for the past five years.

FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17
\$9,676,384	\$9,941,812	\$8,988,272	\$9,138,408	\$9,012,723

- the number of equivalent full time staff working in the team;

FY 2012/13	FY 2013/14	FY 2014/15*	FY 2015/16	FY 2016/17 YTD*
71.1	72.3	65.4	67.5	55.0

*figures provided financial year average FTE, with 2016/17 as at 25 January 2017.

- a breakdown of the numbers of equivalent full time staff in each of the teams that make up the AFP's Professional Standards and the amount of funding allocated to each team. We understand these teams are:
 1. Complaints
 2. Investigations
 3. Integrity Assurance
 4. Education/Policy; and
 5. Administrative

	FY 2012/13		FY 2013/14		FY 2014/15		FY 2015/16		FY 2016/17	
	Funding	FTE	Funding	FTE	Funding	FTE	Funding	FTE	Funding	FTE
Coordination and Admin	\$1,011,583	2.2	\$492,363	2.4	\$441,495	2.2	\$335,083	2.0	\$469,320	2.8
Non-Investigations*	\$3,767,287	33.2	\$4,276,767	32.3	\$3,648,512	27.9	\$3,725,469	29.6	\$3,313,619	21.9
Investigations	\$4,897,512	35.7	\$5,172,681	37.6	\$4,898,266	35.3	\$5,077,855	35.9	\$5,229,785	30.2

*Non-investigations = Complaints, Integrity Assurance, Education and Policy

2. Information on the number of complaints:

- a. For the past five years:

- i. The number of Category 3 complaints received, with a breakdown by year

The below table shows the number of Category 3 complaints received in each financial year.

FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17 YTD
233	163	163	140	65

- ii. The number of Category 3 investigations finalised, with a breakdown by year

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FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016-17 YTD
283	175	138	145	93

b. Of all of the Category 3 investigations which have occurred over the past five years:

i. The average length it took for a Category 3 investigation to be completed;

The below table shows the average number of days (from date submitted to finalisation) for a Category 3 complaint to be completed for each financial year.

FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17 YTD
334 days	353 days	340 days	404 days	362 days

ii. The number of employees that were suspended:

- 1. with pay;**
- 2. without pay; and**
- 3. without pay but with secondary employment.**

This data can only be determined through manual searching of databases and cannot be achieved within the deadline given.

iii. The number of investigations where it was found that:

1. The employee had engaged in Category 3 misconduct

The below table shows the number of Category 3 breaches that were finalised within the financial year and had a finding of Established.

FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17 YTD
190	116	55	90	51

2. The employee had not engaged in Category 3 misconduct

The below table shows the number of Category 3 breaches that were finalised within the financial year and had a finding of Not Established, Discretion not to Proceed and Withdrawn.

FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17 YTD
387	232	211	239	145

Conduct breaches are individual issues identified within a complaint. Multiple breaches may be applied to an individual complaint.

iv. The number of employees that resigned before the investigation concluded (and breakdown of the length of time of the investigations before the employee resigned); and

In the past five years there have been 764 complaints received for category three alone. In order to respond to the Committee's questions on the number of employees that have resigned before the investigation concluded and the number of category three investigations which were unable to be completed due to the resignation of the employee under investigation, a manual search of individual case files and cross checking of HR records would be required. This would take a number of weeks to complete.

The AFP notes that in its submission, it stated that over the past three years, six AFP employees have resigned prior to the conclusion of a category three investigation. This was the AFP's best estimate

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at the time of the submission. However, the exact figure is unable to be verified for the reasons above and there are likely more cases of employees resigning prior to the conclusion of an investigation.

v. The number of Category 3 investigations which were unable to be completed due to the resignation of the employee under investigation.

In the past five years there have been 764 complaints received for category three alone. In order to respond to the Committee's questions on the number of employees that have resigned before the investigation concluded and the number of category three investigations which were unable to be completed due to the resignation of the employee under investigation, a manual search of individual case files and cross checking of HR records would be required. This would take a number of weeks to complete.

c. Whether the AFP is aware of any employees who resigned during an investigation who subsequently were employed in another public sector agency who were later found to have engaged in Category 3 misconduct at the conclusion of the investigation.

Professional Standards does not record this type of information and as such, is unable to provide any data. Whilst the AFP does occasionally provide information on request to other agencies, it is not generally updated on the outcome of a person's application to another agency.

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