

PREVENTION in focus

May 2018

The potential cost of failing to perform duties as a police officer

Turning a blind eye to illegal behaviour is not an option for a police officer — it's a criminal offence

What you should know

- The community and the Queensland Police Service (QPS) expect all police officers to meet high ethical standards in their work and to show a high standard of conduct in their private lives.
- Police officers must carry out the functions of the QPS under the *Police Service Administration Act 1990* (PSA) — to prevent crime, detect offenders and bring them to justice, and uphold the law. Police are also obliged to undertake other specific duties outlined in the PSA and comply with the Queensland Police Service Code of Conduct and other QPS policies.
- These include the responsibility to identify and declare associations that could lead to a potential conflict of interest. They must report to the QPS anyone (including themselves) they suspect of being involved with illegal drugs or other criminal behaviour. Turning a blind eye to illegal behaviour is not an option for a police officer — it's a criminal offence.
- Police also have a duty to only access QPRIME (the police computer system) for authorised purposes.
- Recent Crime and Corruption Commission (CCC) investigations have shown that the behaviour of some QPS officers has been well below the standard expected by the public and the QPS. A number of officers have, on occasions, engaged in criminal behaviour, and others who have been aware of criminal behaviour on the part of friends, associates or colleagues have failed to report it.

This case study focuses on one of those officers, whose case has been finalised in the courts. It illustrates the serious consequences officers may face if they fail to resolve conflicts of interest or fail to carry out their duties in an ethical and honest manner.



INVESTIGATION CASE STUDY

Police officer convicted of offences including refusal by a public officer to perform duty

After receiving information from a related operation, the CCC began to investigate Constable Troy Pryczek in 2016. At that time he had four years' service with the QPS and was stationed at Rockhampton. He was a member of a local gymnasium where he trained as a power lifter two to three hours a day, six days a week. This activity brought him into contact with persons connected to a business supplying supplements used by weight-lifters at the gym. As a result, he became friendly with a number of people with whom he socialised both at and outside of the gym.

Pryczek was sentenced on the basis of the prosecution case which clearly established that he was aware of criminal offending being undertaken by some of his body-building and weight-lifting associates and a fellow police officer. Evidence also showed he was committing serious drug-related offences himself.

Between 10 January and 3 November 2016, Pryczek conducted numerous unauthorised searches on QPrime. These checks were in relation to himself, his motor vehicle registration, his former residential address, four of his associates, the motor vehicle registration of one of those associates, the gym and another person unrelated to his duties.

On 13 March 2017, officers from the CCC executed a search warrant at Pryczek's home address and located and seized a vial of Trenbolone (an anabolic steroid and a category 1 Dangerous Drug under the *Drugs Misuse Act 1986*).

Pryczek was charged and convicted of:

- (1) two charges of Possession of a Dangerous Drug (Section 9, Drugs Misuse Act)
- (2) seven charges relating to Computer Hacking and Misuse (section 408E(1) and (2), Criminal Code)
- (3) Refusal by public officer to perform duty (section 200, Criminal Code).

Pryczek resigned from the QPS the day before his sentencing. He was sentenced to 9 months in prison, suspended for 5 years. His conviction was recorded and he was fined \$2500. Some of Pryczek's associates have also been charged with serious offences relating to the use and supply of dangerous drugs.

Police officers have a duty to identify and declare any associations that could undermine their own integrity and reputation and that of the QPS

Criminal offences related to failing to perform duties

As noted in the case study above, in addition to the convictions of possessing a dangerous drug and computer hacking and misuse, Pryczek was convicted of "Refusal by public officer to perform duty". This offence refers to failure to undertake duties that are obligatory for all police officers such as:

Police officers who knowingly breach the law or their service obligations, such as concealing their knowledge of similar breaches by others, are involving themselves in actions that could attract serious consequences

- Identifying and declaring associations that could undermine their integrity and reputation and that of the QPS
- reporting and documenting in police recording systems information about any persons (including themselves) who they suspect of involvement in dangerous drug offending, or involvement in offences related to the possession, use and/or supply of illegal drugs
- reporting themselves if guilty of misconduct.

Refusal by a public officer to perform a duty

Any person who, being employed in the public service, or as an officer of any court or tribunal, perversely and without lawful excuse omits or refuses to do any act which it is his or her duty to do by virtue of his or her employment is guilty of a misdemeanour, and is liable to imprisonment for two years, and to be fined at the discretion of the court (section 200, Criminal Code).

In Pryczek’s case, he failed to report to the QPS and record in their information recording systems:

- his connections with his associates other than his then girlfriend
- his knowledge concerning the suspected unlawful use, possession or supply of dangerous drugs by seven of his associates and other friends associated with his then girlfriend
- his own unlawful use of the anabolic steroid, Trenbelone.

A police officer who knowingly breaches the law or any rules regarding their service obligations, such as concealing their knowledge of such breaches by others, is involving themselves in actions that could attract serious consequences. As these matters escalate, a more serious charge of “Misconduct in public office”, with more severe sanctions, can be considered. The CCC has previously used this charge when investigating similar matters involving police officers.

Misconduct in Relation to Public Office

- (1) A public officer who, with intent to dishonestly gain a benefit for the officer or another person or to dishonestly cause a detriment to another person—
- (a) deals with information gained because of office; or
 - (b) performs or fails to perform a function of office; or
 - (c) without limiting paragraphs (a) and (b), does an act or makes an omission in abuse of the authority of office;

is guilty of a crime.

Maximum penalty — 7 years imprisonment

(section 92A(1)(b) of the Criminal Code).

Vulnerabilities and potential lessons

This case has important lessons for any police officer.

Clearly, this former officer was initially drawn to his associates at the gym and their connections to the supplements business through a common interest in weight-lifting and body-building. However, at the point he became aware they were involved in illegal activities related to the supplements they were obtaining, Pryczek had a clear responsibility to declare these associations to his superiors so they could be managed appropriately.

The explicit aim of the QPS policy of Declarable Associations is “to minimise the risk presented by failing to identify and properly manage inappropriate associations by members of the Service” — to prevent harm to the reputation and integrity of both the individual officer and the police service as a whole.

Pryczek’s failure to resolve this initial conflict in favour of his duties as a police officer and the public interest was a critical threshold to his later wrongdoing — continuing the dubious associations, failing to report their illegal activities, and using a banned substance himself. His willingness on numerous occasions to access and use QPRIME information as a matter of personal convenience underlines his disregard for QPS rules and the law generally.

Any police officer, regardless of their personal interests, must be conscious of the possibility of conflict between those interests and the public interest. This can often first emerge as a question about the possible inappropriateness of personal associations. Failure to resolve this question in favour of professional duty and public interest can easily become a precursor to explicit wrongdoing, as it did for this former officer.

Police officers should also be very mindful of their obligations in relation to reporting serious misconduct that comes to their knowledge. Failure to do so may bring the QPS reputation into disrepute when the misconduct is exposed. It may also result in an officer facing serious disciplinary action including dismissal, and/or criminal charges.

Failing to report criminal activities undertaken by friends or associates will never be worth the serious consequences that may ensue.

Willingness to access and use QPRIME information as a matter of personal convenience shows a disregard for QPS rules and the law generally

www.ccc.qld.gov.au

