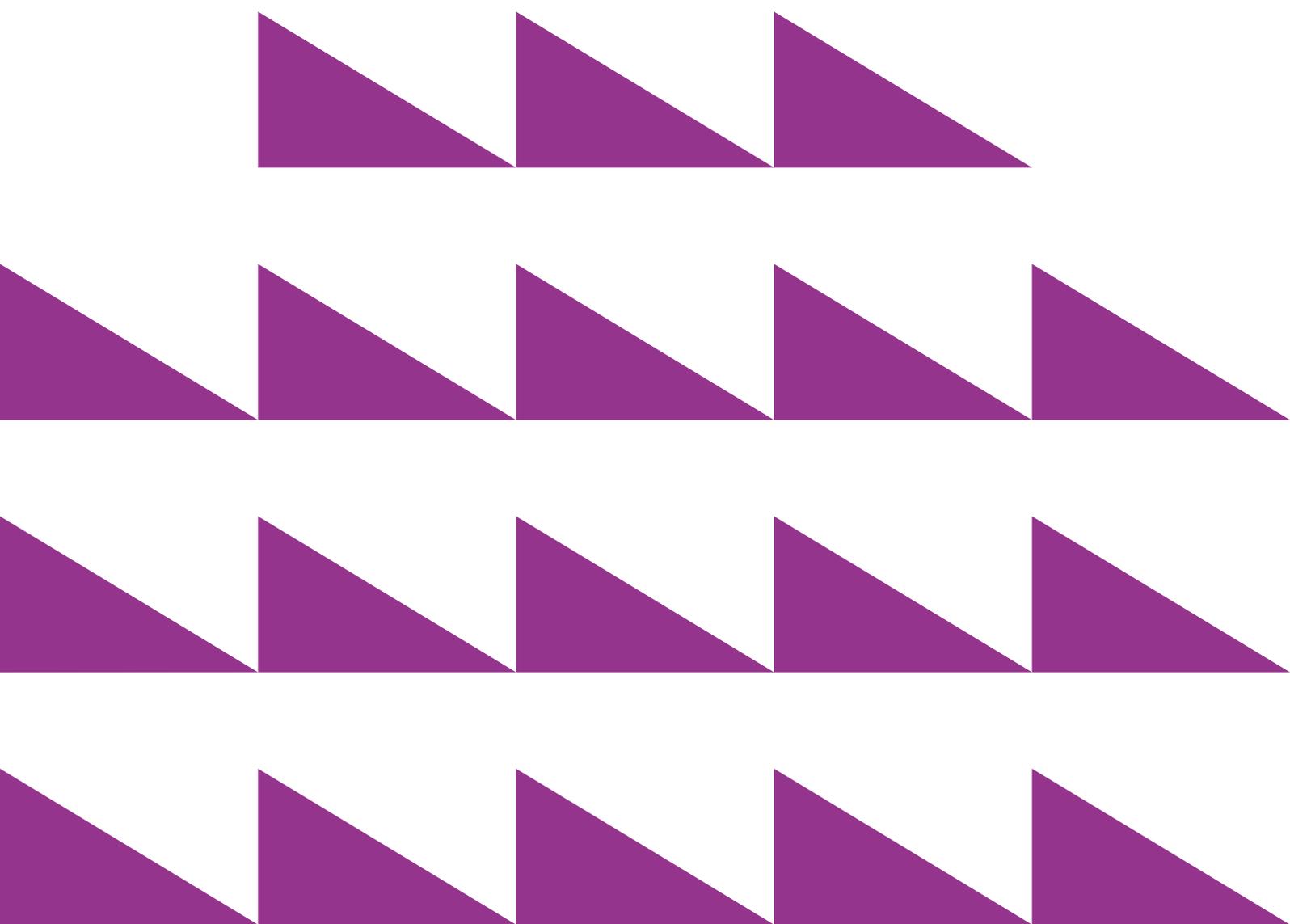


# Operation Turon

An investigation into alleged misconduct by a former  
Victoria Police Assistant Commissioner

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October 2021

A decorative graphic consisting of four rows of purple triangles. The first row has three triangles, the second row has five, the third row has five, and the fourth row has four. Each triangle is oriented with its hypotenuse facing downwards and to the right.

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## Letter of transmittal

To

**The Honourable President of the Legislative Council**

and

**The Honourable Speaker of the Legislative Assembly**

In accordance with section 162(1) of the *Independent Broad-based Anti-corruption Commission Act 2011* (IBAC Act) I present IBAC's report on its Operation Turon, investigation into alleged misconduct by a former Victoria Police Assistant Commissioner.

IBAC's findings and recommendations are contained in the report.

A handwritten signature in black ink, appearing to read 'R Redlich', written in a cursive style.

Yours sincerely

**The Honourable Robert Redlich AM, QC**  
Commissioner

## 1 Summary of investigation and outcomes

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# 1 Summary of investigation and outcomes

Operation Turon was an investigation by the Independent Broad-based Anti-corruption Commission (IBAC) into the alleged police misconduct of then Assistant Commissioner Brett Guerin.

In May 2017, Victoria Police notified IBAC of a complaint made against Assistant Commissioner, Professional Standards Command (PSC), Brett Guerin.<sup>1</sup> The complaint alleged he had used an online pseudonym, 'Vernon Demerest', to post comments to Facebook regarding matters involving Victoria Police. Based on the limited information available to IBAC at the time to support the allegations, IBAC determined to return the matter to Victoria Police for action.<sup>2</sup>

Seven months later, in December 2017, Victoria Police received further allegations that Assistant Commissioner Guerin had posted inappropriate material on various sites using the same pseudonym. In February 2018, Victoria Police notified IBAC of these allegations and IBAC commenced an investigation under section 64(1)(b) of the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) (IBAC Act).<sup>3</sup>

Assistant Commissioner Guerin resigned from Victoria Police while under investigation in February 2018.

## About IBAC's police misconduct findings

Section 162(6)(a) of the IBAC Act provides that IBAC must not include any finding or statement that a specified person is guilty or has committed any criminal or disciplinary offence.<sup>4</sup>

Except where the context suggests otherwise, references in this report to police misconduct have the same meaning as police personnel misconduct in section 5 of the IBAC Act.<sup>5</sup> This is generally conduct that would bring Victoria Police into disrepute or diminish the public's confidence in it.

IBAC's findings are made on the civil standard, namely the balance of probabilities, based on the principles applied in *Briginshaw v Briginshaw*.<sup>6</sup>

IBAC found Assistant Commissioner Guerin engaged in police misconduct through his online trolling, both on and off duty, including in relation to matters relevant to Victoria Police and with information he obtained in the course of his duties.<sup>7</sup>

IBAC did not find any evidence that his decision-making as Assistant Commissioner PSC was compromised by any underlying beliefs or views. However, IBAC found he used racist, homophobic and other offensive language to elicit a reaction to the comments he made while using online pseudonyms.

No criminal charges were laid against Assistant Commissioner Guerin. While his conduct was offensive and inappropriate, it did not meet the standard required to file charges under the *Criminal Code Act 1995* (Cth).

<sup>1</sup> While he has since resigned from Victoria Police, this report will refer to Assistant Commissioner Guerin using his rank at the time of the alleged conduct and his resignation.

<sup>2</sup> Under section 73(1)(b) of the IBAC Act, IBAC must refer a complaint or notification to a person or body, including the Chief Commissioner of Police, if it would be more appropriate for the complaint or notification to be investigated by that person or body rather than by IBAC.

<sup>3</sup> IBAC may investigate police personnel conduct in response to a complaint or a notification from Victoria Police, or on its 'own motion'. IBAC can initiate 'own motion' investigations into police personnel conduct under section 64(1)(c) of the IBAC Act where IBAC determines a matter should be investigated even though a complaint or notification has not been received.

<sup>4</sup> IBAC can issue charges or refer matters to the Director of Public Prosecutions for consideration of charges. However, the ability to make a finding of guilt is limited to the courts (in the case of criminal offences) or a relevant disciplinary body (for disciplinary offences).

<sup>5</sup> 'Police personnel misconduct' is defined in section 5 of the IBAC Act as conduct that constitutes an offence punishable by imprisonment, conduct which is likely to bring Victoria Police into disrepute or diminish public confidence in it, or disgraceful or improper conduct (whether in the officer's official capacity or otherwise).

<sup>6</sup> *Briginshaw v Briginshaw* (1938) 60 CLR 336.

<sup>7</sup> Trolling is deceptive or disruptive behaviour that uses technology to threaten, intimidate, harass or humiliate someone. This includes posting inflammatory and malicious comments to deliberately provoke and upset people.

IBAC first publicly reported on the outcome of Operation Turon in 2019.<sup>8</sup> In keeping with IBAC's functions to prevent and expose corruption and police misconduct,<sup>9</sup> IBAC is now providing this further report to Parliament on Operation Turon to help educate police and the community about the detrimental impacts that such serious improper conduct by a senior officer can have for those involved, as well as on the broader reputation and community standing of Victoria Police.

Operation Turon also highlights how social media can be misused, including to improperly disclose information, and how it can present challenges in terms of investigations. IBAC has previously identified this as an area of concern due to the growing use of social media and encrypted messaging applications by police, including for work purposes.<sup>10</sup>

Unauthorised information access and disclosure, including through social media, remains a serious misconduct risk for Victoria Police. Between 1 July 2018 and 30 June 2021, IBAC received approximately 120 allegations related to Victoria Police employees' use of social media. In one prominent case, charges have been brought against several officers for their roles in distributing police information relating to a person in custody.<sup>11</sup>

Up until the time of IBAC's investigation, Assistant Commissioner Guerin had a long and successful career with Victoria Police, holding various positions including as a detective, and leading engagement work with vulnerable communities. In 2015, he was appointed Assistant Commissioner PSC and was responsible for enhancing and promoting a culture of high ethical standards throughout the organisation, including via the intake, triaging and investigation of complaints against Victoria Police and its employees.

Assistant Commissioner Guerin's seniority and responsibility for overseeing Victoria Police's ethical health and integrity is an aggravating feature contributing to the seriousness of his conduct. As the Assistant Commissioner PSC, he was fully aware of the importance of demonstrating integrity and ensuring his conduct did not reflect poorly on Victoria Police. And as a senior officer, he should have been aware he was putting Victoria Police's reputation and any related criminal or other proceedings at risk by commenting on Victoria Police investigations and matters of interest.

Operation Turon highlights the importance of employees at all levels of the organisation appropriately managing their social media presence and ensuring their personal online conduct upholds Victoria Police values, including integrity. However, there is an added responsibility on Victoria Police's senior leaders who are tasked with guiding employees in appropriate standards of conduct in line with community expectations.

<sup>8</sup> IBAC, *Annual report 2018/19* (Annual report, 5 September 2019) 63.

<sup>9</sup> *Independent Broad-based Anti-corruption Commission Act 2011* (Vic), s 15.

<sup>10</sup> IBAC, *Unauthorised access and disclosure of information held by Victoria Police* (Research report, September 2019) 17, 25.

<sup>11</sup> Fox Koob, Simone, 'Six police officers ordered to pay compensation to Laidley over leaked images', *The Age* (Media article, 23 April 2021).

# 1 Summary of investigation and outcomes

## 1.1 What IBAC did

Operation Turon investigated allegations that Assistant Commissioner Guerin committed police misconduct by posting inappropriate and offensive material on the internet under one or more pseudonyms. Due to his role as leader of PSC and the associated risk of systemic police misconduct within Victoria Police's internal investigations, IBAC also established Operation Turon to examine:

- the outcomes of complaints made to Victoria Police that may have been adversely affected by Assistant Commissioner Guerin's apparent biases
- the handling of any previous complaints made against Assistant Commissioner Guerin alleging racism or other breaches of the *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- the adequacy of relevant Victoria Police policies that address this type of conduct, including policies relating to internet and social media use by Victoria Police personnel<sup>12</sup>
- the extent to which Assistant Commissioner Guerin's conduct may have constituted criminal offences, and breaches of Victoria Police policies and its code of conduct.

IBAC's investigation included:

- an analysis of a large amount of data, including an audit of emails and browser histories for Assistant Commissioner Guerin's Victoria Police and personal devices
- a review of 189 complaint files in which Assistant Commissioner Guerin had an active role in the decision-making process or were otherwise at risk of bias, and a further 39 complaint files that involved allegations of inappropriate social media use
- a review of Assistant Commissioner Guerin's personnel file and complaint history, including information related to his promotion to Assistant Commissioner
- summoning Assistant Commissioner Guerin to attend a private examination under Part 6 of the IBAC Act to assist the investigation
- conducting one criminal interview with Assistant Commissioner Guerin.

<sup>12</sup> IBAC uses the term *Victoria Police personnel*, as per its definition in the *Victoria Police Act 2013* (Vic), to refer to all people employed by Victoria Police, including as sworn officers, recruits, Victoria Public Service staff etc. Any general references to employees also reflect this definition.

## 1.2 What the investigation found

IBAC found Assistant Commissioner Guerin committed police misconduct, both on and off duty, by making offensive racist and sexist posts on social media to elicit a reaction, at times using Victoria Police information technology systems. Using three pseudonyms (Vernon Demerest, Clive Howlett-Jones and Grange Callendar), he engaged in online trolling behaviour, on and off duty. He used these pseudonyms to make hundreds of posts from 2016 to 2018, with IBAC's investigation identifying at least 70 posts which could be deemed offensive. IBAC also detected an increase in the amount he posted leading up to when his conduct was detected in February 2018.

His trolling extended to commenting on Victoria Police matters, sometimes with knowledge he obtained from his role as Assistant Commissioner PSC. When commenting on police matters, these posts were often favourable to Victoria Police.

The use of pseudonyms suggests Assistant Commissioner Guerin was aware he was posting inappropriate content with which he did not wish to be publicly associated. Whether or not he held these views is irrelevant, as he had a responsibility as a senior leader to lead by example and ensure his conduct was not in conflict with his role and obligations as a police officer.

IBAC's review of complaint files did not identify evidence that Assistant Commissioner Guerin's decisions (including those made in his previous position as a superintendent) were affected by bias. However, his behaviour risked damaging the integrity of and confidence in Victoria Police investigations.<sup>13</sup>

Assistant Commissioner Guerin's conduct did not comply with Victoria Police values, or the standards expected of a high ranking Victoria Police member as outlined in the *Victoria Police Act 2013* (Vic) and Victoria Police's policies.<sup>14</sup> This conduct was particularly egregious given his position as Assistant Commissioner PSC meant that he was responsible for upholding and enforcing the appropriate standards of ethical conduct for the organisation.

At the conclusion of Operation Turon in August 2019, IBAC recommended the following prevention actions to Victoria Police to strengthen its policies, systems and practices:

- consider psychometric testing as part of the process for promotion for senior leadership roles within Victoria Police
- review the training provided to PSC investigators to enable them to fully and effectively investigate internet-based offending
- review its social media policy in light of the issues highlighted in Operation Turon, including the use of pseudonyms, and ensure all employees are regularly made aware of appropriate social media use and the consequences of inappropriate social media use.

<sup>13</sup> IBAC, *Statement of IBAC investigation into conduct of the former Assistant Commissioner of Victoria Police Professional Standards Command* (Media release, 2 September 2019).

<sup>14</sup> Eg, the conduct potentially engages elements under section 125(h)(j)(k) of the *Victoria Police Act 2013* (Vic) and the oath all officers swear to when being appointed. Relevant policies at the time included, but are not limited to, the *Victoria Police Manual Code of Conduct – Professional and Ethical Standards* and the *Victoria Police Manual Procedures and Guideline for Social Media and Online Engagement*.



## **2** Systemic corruption and police misconduct vulnerabilities

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## 2 Systemic corruption and police misconduct vulnerabilities

IBAC's investigation identified a number of systemic corruption and police misconduct risks. This included deficiencies in several Victoria Police policies and procedures including:

- the Victoria Police social media policy and its application to comments made anonymously or using a pseudonym, and the need to ensure the policy is known and understood by all employees
- practices and processes for promotion of employees including the information available to recruitment panels.

### 2.1 Social media

At the time of Assistant Commissioner Guerin's conduct, the Victoria Police policy on the use of social media stated, '...Victoria Police employees are expected to conduct themselves, both during and outside working hours, in a manner that protects their reputation and the reputation of the organisation!'

It also included directions that employees:

- do not post information that could be perceived as an official Victoria Police comment. . .
- do not use or disclose official Victoria Police information...
- do not post or endorse any obscene, violent, discriminatory, vilifying, defamatory, offensive, insulting, threatening, harassing words, images or sounds
- do not publish material that might otherwise cause damage to Victoria Police's reputation or bring it in to disrepute.<sup>15</sup>

In response to IBAC's recommended prevention actions arising from Operation Turon, Victoria Police updated its policy on social media and online engagement. Although the improper conduct of Assistant Commissioner Guerin was detected in 2018 and the prevention action was recommended in August 2019, IBAC notes the updated policy was not finalised by Victoria Police until June 2021.

The policy now provides clear advice and instructions to employees on the risks and the behavioural standards and expectations when using social media in a personal capacity. It also now expressly addresses the use of online pseudonyms by Victoria Police personnel or an anonymous account, and how these can be linked back to their employment and Victoria Police. The revised policy sets behavioural standards and expectations, and notes the Victoria Police Professional and Ethical Standards policy applies to employees both during *and* outside work hours, including when using social media. Particularly relevant to Operation Turon, it also notes that when using social media, employees must not 'post or endorse any obscene, violent, discriminatory, vilifying, defamatory, offensive, insulting, disrespectful, threatening, bullying, harassing words, images or sounds'.<sup>16</sup>

Employees are permitted to use Victoria Police systems for personal reasons, provided this use 'is incidental, occasional and does not interfere with work responsibilities'. It also must comply with broader Victoria Police policy, including the Professional and Ethical Standards.<sup>17</sup>

In response to the recommended prevention actions following Operation Turon, Victoria Police advised IBAC that it delivers enhanced training to its PSC investigators to improve their detection and investigation of internet-based offending. With the risks of unauthorised disclosures via social media and insider threats to cybersecurity constantly evolving with improving technologies, Victoria Police training for PSC investigators needs to be regularly reviewed and updated accordingly.

<sup>15</sup> Victoria Police, *Victoria Police Manual – Procedures and Guideline for Social Media and Online Engagement* (Policy, April 2017).

<sup>16</sup> Victoria Police, *Victoria Police Manual – Social media and online engagement* (Policy, June 2021) 4–5 [3.2].

<sup>17</sup> Victoria Police, *Victoria Police Manual – Appropriate use of information policy* (Policy, March 2019) 2 [2].

### 2.1.1 Offensive online behaviour

Assistant Commissioner Guerin conceded he failed to lead by example and to comply with policies regarding the use of social media. Some of his comments were racist, homophobic or otherwise offensive, and occurred over a number of years. IBAC found that these comments were the result of general trolling behaviour, designed to elicit a response in the reader of the posts. These types of comments are inappropriate for any public sector employee because they are required to demonstrate respect, integrity and a commitment to human rights, consistent with the relevant codes of conduct.<sup>18</sup> Assistant Commissioner Guerin's comments were particularly concerning considering his role as the senior leader responsible for upholding and enforcing the professional standards of Victoria Police.

IBAC found, while the posts were generally offensive, they did not appear to reflect Assistant Commissioner Guerin's personal views.

Prior to this appointment, he was the Superintendent of the North West Metro Region. In this role, he was responsible for an initiative to improve the relationships between police and local culturally and linguistically diverse groups, and specifically to address perceptions of racial profiling in the suburbs of Flemington, Kensington and surrounding areas. This work was referenced in his nomination for the Australian Police Medal which he was awarded in 2014. In other roles, he led work to improve relations with the Kingston Muslim community.

The revelations of Assistant Commissioner Guerin's offensive posts undermined his work — and the work of Victoria Police more broadly — to strengthen the community's trust and confidence in Victoria Police, particularly that of communities that experience marginalisation, as many members of these communities have lower levels of trust in police.

Assistant Commissioner Guerin acknowledged the impropriety of his behaviour, stating that he knew '...these comments would be very embarrassing and ... contrary to, you know, the force values and so on.' According to the Victoria Police Manual, acting with 'respect' includes accepting diversity with tolerance, and understanding and inspiring confidence through the ethical and fair treatment of others.<sup>19</sup>

### 2.1.2 Improper online commentary on police matters

IBAC also identified Assistant Commissioner Guerin posted comments in relation to several police matters, including incidents subject to internal investigations. He said he often commented in response to criticism of PSC or Victoria Police more broadly, out of frustration and a desire to correct the record:

*... I was defending my profession. These people were attacking it. They were alleging that [Professional Standards Command] and Victoria Police generally cover up corrupt cops. I know that's not true. I've authorised criminal charges against many police and I was having a get back saying that's not true...*

In one matter, he posted inflammatory comments on a Facebook page set up by family members of a person under investigation by Victoria Police. In another matter, he commented on a case in which he had a declared conflict of interest and that he had been removed from being involved in. In a third, Assistant Commissioner Guerin commented in an unofficial Facebook group, *Victoria Police Corruption*, on a matter that was being investigated by IBAC and Victoria Police. While he did not disclose any sensitive information, his comments were clearly informed by his knowledge as Assistant Commissioner PSC and risked compromising investigations.

His comments were also inappropriate given that he, as Assistant Commissioner PSC, would have a significant involvement in any disciplinary or other processes arising out of the matters under investigation. In one matter where the internal investigation into a police officer had recently concluded, he responded to another person's comment in the Facebook group that the police officer subject to investigation would not lose their job.

<sup>18</sup> Victoria Police personnel must abide by the *Victoria Police Code of conduct – professional and ethical standards policy*, which includes the organisational values. More broadly, public sector employees must abide by the *Code of Conduct for Victorian Public Sector Employees*, based on the values provided in section 7 of the *Public Administration Act 2004* (Vic). See Victoria Police, *Code of conduct – professional and ethical standards policy* (Policy, October 2016); *Public Administration Act 2004* (Vic) ss 7, 61; Victorian Public Sector Commission, *Code of Conduct for Victorian Public Sector Employees* (Policy, June 2015) <[www.vpsc.vic.gov.au/wp-content/uploads/2015/03/VPSC\\_Code\\_VPSE\\_WEB.pdf](http://www.vpsc.vic.gov.au/wp-content/uploads/2015/03/VPSC_Code_VPSE_WEB.pdf)>.

<sup>19</sup> Victoria Police, *Victoria Police Manual – Professional and Ethical Standards Policy Rules* (Policy, July 2019) 2.

## 2 Systemic corruption and police misconduct vulnerabilities

Assistant Commissioner Guerin replied, using a pseudonym, 'I wouldn't bet on that, cocko'. Assistant Commissioner Guerin later signed a disciplinary charge notice against the officer, who was ultimately dismissed. These comments were highly inappropriate given he would have been aware of the investigation's details, the likelihood of the officer being subject to disciplinary proceedings and that he would be a key decision maker in this matter.

### 2.2 Employment practices

IBAC has previously highlighted corruption risks associated with employment practices, including recruitment, in the public sector. The risks include recruitment compromised by favouritism, poor management of conflicts of interest, and 'recycling' of employees with problematic discipline and criminal histories.<sup>20</sup> IBAC also identified issues with recruitment processes as part of Operation Turon.

Information about civil litigation is not recorded on personnel files or Victoria Police's Register of Complaints and Serious Incident Database (ROCSID) and is therefore not considered by panels when Victoria Police personnel apply for positions or promotions. Civil litigations against police are handled by Victoria Police's Legal Services Department and there is no process for sharing this information with PSC or the People Development Command.

Assistant Commissioner Guerin had been the subject of civil litigation when he was a superintendent, for allegedly using racist terms against a colleague. Victoria Police reached a confidential financial settlement with Assistant Commissioner Guerin's colleague.<sup>21</sup> Assistant Commissioner Guerin did not dispute that he had used the language alleged but claimed this was not a racist remark in the context of the conversation. IBAC found Assistant Commissioner Guerin's conduct which resulted in the civil litigation had been considered in two earlier unsuccessful applications by him to gain promotion to the rank of

Assistant Commissioner; however, the knowledge of this appears to have been derived from a panel member's prior awareness of the matter on both occasions, rather than through formal recruitment and probity processes. Regardless of the outcome of any internal investigation, where an employee's conduct leads to, or is the subject of litigation, Victoria Police should ensure that information is noted in the employee's ROCSID personnel file. This is particularly important for a position such as the Assistant Commissioner PSC, which is responsible for ensuring officers uphold the highest standards of integrity. A failure to do so presents a significant risk for the organisation.

IBAC also identified that while those now applying to join Victoria Police must undergo psychometric testing, there is no such testing for police personnel as they progress through the ranks, even for those who join Executive Command. Such testing may assist Victoria Police to assess the suitability of officers to assume senior leadership roles. IBAC notes that Assistant Commissioner Guerin explained his offensive behaviour by saying '... It was just my ill-judged way of venting, trying to relieve stress...'. While psychometric testing may not have precluded Assistant Commissioner Guerin from promotion, it may assist in identifying employees better suited to high-stress roles and those who may need additional support, including via established Victoria Police support systems, such as the employee assistance program and counselling services.<sup>22</sup>

Since Operation Turon, changes have been made to transfer and promotional processes within Victoria Police, including as a result of work done by the Police Registration and Services Board.<sup>23</sup> Additionally, Victoria Police has started developing a new promotional framework for officers seeking promotion to the ranks of inspector, superintendent and commander. As part of this, in February 2021, Victoria Police advised IBAC it was reviewing the viability of psychometric testing for those applying for roles within Victoria Police's senior leadership group.

<sup>20</sup> IBAC, *Corruption and misconduct risks associated with employment practices in the Victorian public sector* (Research report, August 2018) 3.

<sup>21</sup> Houston, Cameron and Vedelago, Chris, 'Disgraced senior ethics cop subject of previous racism complaints', *The Age* (Media article, 27 February 2018) <[www.theage.com.au/national/victoria/disgraced-senior-ethics-cop-subject-of-previous-racism-complaints-20180227-p4z1xh.html](http://www.theage.com.au/national/victoria/disgraced-senior-ethics-cop-subject-of-previous-racism-complaints-20180227-p4z1xh.html)>.

<sup>22</sup> See Victoria Police, *Mental Health Strategy and Wellbeing Action Plan 2017–2020* (Report, January 2019).

<sup>23</sup> Police Registration and Services Board, *Annual Report 2019/20* (Annual report, September 2020) 10.

### **3** Conclusions and recommendation

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## 3 Conclusions and recommendation

### 3.1 Conclusions

Operation Turon found Assistant Commissioner Guerin engaged in police misconduct, as a result of his offensive behaviour online and improper online commentary regarding Victoria Police matters. This conduct occurred over a number of years and, at times, was frequent. He acknowledged his conduct was improper and he did not seek to justify it. His conduct demonstrated poor judgment and an inability to reconcile that his social media use, whether attributed to his real name or a pseudonym, risked bringing Victoria Police into disrepute. This ultimately occurred due to the publicity resulting from his conduct, increasing concerns from those previously involved in internal police investigations — and the community — that Victoria Police's decision-making was not impartial with systemic racism and bias within all ranks of the organisation.

Assistant Commissioner Guerin's conduct was a significant lapse of professional conduct and ethical leadership. This was particularly egregious as he was the senior leader responsible for enhancing and further promoting a culture of high ethical standards throughout Victoria Police.

As a result of IBAC's investigation, Victoria Police updated its social media policy and associated education and communication strategies to ensure employees were aware of their obligations to use social media appropriately as well as the consequences of inappropriate social media use. Additionally, as part of its improvements to its promotional framework, it is reviewing the viability of introducing psychometric testing for the selection and promotion of senior leaders within Victoria Police.

Victoria Police's senior leaders are critical to building and maintaining a culture of integrity. One of the most powerful ways to build integrity in an organisation is the visible commitment from leaders to promote honesty and fairness. When senior officers fail to act in this way, it threatens the ethical culture of Victoria Police and undermines community confidence.

IBAC encourages Victoria Police to continue to share the lessons from Operation Turon with its employees to reinforce the consequences of not acting with integrity and in accordance with the organisation's values and code of conduct. Assistant Commissioner Guerin's career with Victoria Police ended prematurely and compromised both his and the organisation's reputation. It also had a negative impact on the work he and Victoria Police had done to strengthen the community's trust and confidence in Victoria Police.

Operation Turon also highlights the importance of ethical conduct for all employees both on and off duty, in person and online. All employees should be aware of what is and is not considered appropriate for them to post online, in line with their organisation's policies and code of conduct, and in knowing the content they post can be available to their employers and the general public.<sup>24</sup>

### 3.2 Recommendation

Pursuant to section 159(1) of the IBAC Act, IBAC recommends that Victoria Police, within 12 months, reports to IBAC on the outcomes of its leadership capability framework review, including its approach to:

- a. psychometric testing as part of the selection and suitability testing for appointment to senior leadership positions
- b. ensuring where employee conduct leads to, or is the subject of civil litigation, Victoria Police ensures that information is recorded on the employee's ROCSID personnel file and is considered during probity checks as part of promotional processes
- c. ensuring its recruitment and promotion processes reflect contemporary best practice.

<sup>24</sup> Office of the Victorian Information Commissioner, *Frequently asked questions – Social media and privacy* (Education resource, September 2018) 10.

## IBAC's police oversight role

IBAC's remit covers the whole Victorian public sector. Within this broad jurisdiction, an important and highly visible function of IBAC is its independent oversight of Victoria Police.

IBAC's independent oversight of Victoria Police focuses on ensuring police act fairly, impartially and in accordance with the law, including ensuring police officers have regard to the Charter of Human Rights. This independent oversight is critical because of the significant powers exercised by police officers, including the use of force and powers to detain, search and arrest.

To provide independent oversight of Victoria Police, IBAC:

- receives complaints and notifications about police personnel conduct (including complaints received by Victoria Police, which are mandatorily reported to IBAC)
- assesses these complaints and notifications to determine which are to be referred to Victoria Police for action, which are to be dismissed and which are to be investigated by IBAC
- conducts 'own-motion' investigations (i.e. where we investigate without receiving a complaint) and we have a 'standing own motion' in relation to deaths or serious injuries after police contact
- conducts private or public hearings as part of IBAC investigations into serious or systemic police misconduct
- undertakes research and other strategic initiatives, such as auditing how Victoria Police handles complaints
- oversees Victoria Police's compliance with five Acts, including the *Drugs, Poisons and Controlled Substances Act 1981*, *Witness Protection Act 1991*, *Firearms Act 1996*, *Crimes Act 1958* and *the Sex Offenders Registration Act 2004* (in addition, IBAC will also assume a compliance and reporting function in relation to Victoria Police's registration and management of human sources, commencing in 2022)
- informs and educates the community and Victoria Police about police misconduct, encouraging the reporting of, and advising on ways that corruption and police misconduct can be prevented
- makes recommendations for Victoria Police to strengthen its policies and procedures to address systemic police misconduct and improve its conduct of internal investigations. We also monitor and publicly report on their implementation.

For more information on IBAC's investigations, prevention work and how to make a complaint about corruption or police misconduct, visit [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)



## 4 Appendices

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## Appendix A: Natural justice requirements and responses

Some parts of this special report were considered to be covered by section 162(4) of the *Independent Broad-based Anti-corruption Commission Act 2011* (IBAC Act), which requires that comments or opinions about any person that are not adverse to the person be provided to them in advance. Therefore such persons were extended the opportunity to inspect relevant parts.

To the extent that persons are identified in the report and are not the subject of adverse comment or opinion, IBAC is satisfied in accordance with section 162(7) that:

- it is necessary or desirable to do so in the public interest
- it will not cause unreasonable damage to the person's reputation, safety or wellbeing
- the report states that each such person is not the subject of any adverse comment or opinion.

Where an adverse comment or opinion has been made about any person (or public body) identified in this report, that person (or public body) has been given a reasonable opportunity to respond to the adverse material and their response has been fairly set out in this report. These people (or public bodies) were provided with a draft of the report before its publication. This is in accordance with sections 162(2) and (3) of the IBAC Act.

### Response from Brett Guerin

On 13 September 2021, Brett Guerin provided the following response to the final draft of this report:

*Thank you for the opportunity to respond to IBAC's Operation Turon Special Report.*

*I accept IBAC's findings and fully acknowledge the inappropriateness of the material I posted and its potential to undermine confidence in not only me personally but Victoria Police generally. Mine is a salutary lesson for others that there is, ultimately, no anonymity on the internet and nothing posted should be considered temporary. Venting on social media is an unhelpful and, ultimately, destructive way to deal with the stresses one faces.*

*I also acknowledge IBAC's objectivity in undertaking its investigation, reflected in its findings that although my postings on social media were inappropriate, my actions were not criminal and my decisions at both Assistant Commissioner and Superintendent levels were not influenced by any actual bias. Moreover, the finding that the material posted does not represent my personal views is consistent with my evidence to the private examination and during the criminal interview in which I voluntarily participated and answered all questions honestly. These findings may provide a measure of confidence, at least, that I was not influenced by latent racism or homophobia in carrying out my duties and they provide a balanced perspective to the issue. Such fairness goes to IBAC's credit.*

*Finally, I would like to take this opportunity to apologise to Victoria Police and the men and women in its workforce. It is a fine organisation which serves the Victorian public well. It was very good to me for over forty years and I leave it owing it much more than it will ever owe me.*

## Appendix B: Previous IBAC special reports

Publication date	Report title
November 2013	Special report concerning certain operations in 2013
February 2014	Special report concerning allegations about the conduct of Sir Ken Jones QPM in relation to his dealings with certain confidential Victoria Police information
April 2014	Special report following IBAC's first year of being fully operational
October 2014	Operation Fitzroy: An investigation into the conduct of former employees of the Department of Transport/Public Transport Victoria, Barry John Wells and Hoe Ghee (Albert) Ooi, and others
August 2015	Special report concerning police oversight
April 2016	Operation Ord: An investigation into the conduct of officers at the Department of Education and Early Childhood Development
May 2016	Operation Darby: An investigation of Mr Nassir Bare's complaint against Victoria Police
October 2016	Operation Exmouth: An investigation into the conduct of former Victorian public servant, Carmine Petrone
November 2016	Operation Ross: An investigation into police conduct in the Ballarat Police Service Area
December 2016	Special report concerning illicit drug use by Victoria Police officers: Operations Apsley, Hotham and Yarrowitch
January 2017	Operation Dunham: An investigation into the conduct of officers of the Department of Education and Training, including Darrell Fraser, in connection with the Ultrahnet project and related matters
March 2017	Operation Liverpool: An investigation into the conduct of two officers of Bendigo Health, Adam Hardinge and John Mulder
April 2017	Operation Nepean: An investigation into the conduct of former employee of Dame Phyllis Frost Centre, Jeff Finlow
September 2017	Operation Tone: Special report concerning drug use and associated corrupt conduct involving Ambulance Victoria paramedics
December 2017	Operation Lansdowne: Special report concerning allegations of serious corrupt conduct at South West Institute of TAFE, Bendigo Kangan Institute and V/Line
December 2017	Special report on IBAC's first five years

## Appendix B: Previous IBAC special reports

Publication date	Report title
September 2019	Special report on corruption risks associated with procurement in local government: Operations Dorset, Royston and others
May 2020	Operation Betka: An investigation into alleged corrupt conduct by a former contractor of the Department of Education and Training
July 2020	Operation Gloucester: An investigation into improper evidentiary and disclosure practices in relation to the Victoria Police investigation of the murders of Sergeant Gary Silk and Senior Constable Rodney Miller
April 2021	Operation Meroo: An investigation into alleged corrupt conduct by a former CEO of a Victorian regional health service
June 2021	Special report on corrections: IBAC Operations Rous, Caparra, Nisidia and Molara



