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VICTORIA POLICE

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Independent Broad-based  
Anti-corruption Commission

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File No.

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**Robert Redlich QC**  
**Commissioner**  
**Independent Broad-Based**  
**Anti-Corruption Commission**  
**GPO Box 24234**  
**Melbourne VIC 3001**

Dear Commissioner

**RE: 'Audit of Victoria Police's oversight of serious incidents': Report**

In March 2018 IBAC published its report on findings of key investigations in the Audit of Victoria Police Oversight of Serious Incidents. The audit assessed whether Victoria Police's oversights were thorough and impartial and met the standards required of such reviews.

IBAC required Victoria Police to provide it with a Final Report by 30 March 2019 with respect to implementation of the recommendations. Actions remain in progress to address some of these recommendations and I provide you with a report of those actions.

Should you wish to discuss this further, please do not hesitate to contact me directly.

Sincerely

Rick Nugent APM  
Deputy Commissioner, Capability, Victoria Police

29 / 4 / 2019

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## **Victoria Police Response**

### **Independent Broad-Based Anti-Corruption Commission (IBAC)**

#### ***Audit of Victoria Police's oversight of serious incidents***

**16 April 2019**

**FOR PUBLIC RELEASE**

## Introduction

On 31-Oct-2018 an interim report was provided to IBAC advising that recommendations 2, 6, 7 and 8 had been addressed and a further update would be provided to IBAC in relation to the remaining recommendations 1, 3, 4 and 5.

In developing actions to address the outstanding recommendations, Victoria Police (and IBAC) identified a key factor causing unnecessary complication in the provision of oversights. This issue relates to the inclusion of two distinct processes within the one oversight classification (C1-8):

1. Death or serious injury/illness related incidents
2. Other incidents requiring review

The current oversight policy, procedures and determinations may not be appropriate for the latter. Victoria Police and IBAC agree that 'Other incidents' requiring review (regarding officers' actions, associated policies, procedures and possible misconduct) require a different set of policies and procedures than Death or serious injury/illness related incidents.

It is proposed that there be separation between Oversights and Incident reviews. Professional Standards Command executive management supports the intent of this proposal. The intention is to revise policy and procedures to simplify and provide clarity to both death or serious injury/illness related incidents, and other incidents.

The Victoria Police Reviews Division within the Capability Department is undertaking work to remodel and standardise all operational incident reviews and related debriefs. PSC will consult with the Reviews Division to ensure alignment between these pieces of work.

Policy changes in relation to the separation between oversights of death or serious injury/illness related incidents and other incidents requiring review will be developed collaboratively with IBAC. Once finalised, a detailed response will be provided to explain how the new process impacts on the recommendations of the IBAC audit.

The response below has been prepared for the information of IBAC.

## IBAC Recommendation 1

*"Victoria Police creates a standard memorandum to be sent to supervisors responsible for allocating oversights, providing clear advice that the overseer should be independent to both the incident and investigator, and reminding these supervisors of the purpose of the oversight process."*

As stated in the interim response provided to IBAC dated 31-Oct-2018, Ethical and Professional Standards Officers (EPSO's), in consultation with relevant divisional managers, are responsible for allocating oversight files.

The Conduct and Professional Standards Division (CPSD), Professional Standards Command has developed a standardised form with each file to inform oversight supervisors of:

- Their allocation responsibilities, including that the overseer should be independent to both the incident and the investigator



- The need to assess the nature of the incident, the required rank of the overseeing officer and the requirement to address any real or perceived conflict of interest through the completion of the *Conflict of Interest Disclosure – Investigation Form*
- The specific documentation and actions required for oversight of death or serious injury/illness related incidents or, other incidents requiring review

#### **IBAC Recommendation 2**

*“Victoria Police ensures that all oversighters complete the conflict of interest declaration at the commencement of the oversight process that the form is included on the file, and where there is a conflict declared, the supervisor puts a plan in place to avoid any reasonable apprehension of partiality.”*

As stated in the interim response provided to IBAC dated 31-Oct-2018, Victoria Police detailed the steps undertaken by Professional Standards Command to improve oversight conflict of interest practices.

This included PSC management ensuring that a Conflict of Interest Declaration form is completed prior to the oversight/review being undertaken. If any conflict is identified, the file is either re-allocated or strategies are developed for the management of the conflict.

#### **IBAC Recommendation 3**

*“Victoria Police examines ways to improve the supervision provided by EPSO’s to ensure greater consistency in how oversights are completed, including in relation to re-classification, timeliness, record keeping and how deficiencies are addressed.”*

As stated in the interim response provided to IBAC dated 31-Oct-2018, Victoria Police now tracks all C1-8 files electronically through Interpose enabling improved efficiency, management and monitoring by EPSO’s.

PSC will continue to improve the management of oversight/review of incidents through:

- The recruitment of additional staff to the EPSO support unit enabling more detailed, thorough and consistent review and Quality Control Checking of oversight files
- Enhanced training of EPSO’s reinforcing oversight processes and requirements, including instructions pertaining to the re-classification of oversight files
- The updating of Standard Operating Procedures (SOP) within the Conduct and Professional Standards Division (CPSD) for EPSO’s and other PSC employees. These instructions will be reinforced by training and development workshops. This will provide newly recruited staff to PSC with consistent information pertaining to the completion of oversights

#### IBAC Recommendation 4

*"Victoria Police standardises how oversight matters are re-classified to ensure consistency in cases where performance issues are identified."*

Clarification of reclassification is being included within the initiatives being undertaken for recommendation 3.

Victoria Police envisages that if the proposed actions to separate Oversight and Incident reviews (as referred to in the introduction of this report) are approved, this may result in greater clarity around the circumstances in which a file is to be reclassified and the actions that may result.

#### IBAC Recommendation 5

*"Victoria Police revises the determinations and recommendations that are made at the conclusion of oversights to better describe the outcomes of the oversight process."*

The proposed actions to separate Oversight and Incident reviews (as referred to in the introduction of this report) may also improve the determinations currently in use to better reflect the outcomes of these processes. In particular, terminology will reflect what actually is found through the conduct of these investigations/reviews.

#### IBAC Recommendation 6

*"Victoria Police provides oversighters with clear information and training on the Victorian Charter of Human Rights to assist in identifying human rights that have been breached."*

As stated in the interim response provided to IBAC dated 31-Oct-2018 and Victoria Police's previous responses provided in relation to Operation Ross, there are several processes and initiatives being implemented by Victoria Police to educate and inform employees of their responsibility to engage with the *Victorian Charter of Human Rights*.

PSC ensures that all training and guidance opportunities provided to both oversighters and investigators in relation to human rights (e.g. through the Integrity Management Program, the Integrity Management Guide and the VP e-Learning hub module– '*Human Rights is everyday policing*') are consistent and follow the educational requirements of Victoria Police and the Victorian Equal Opportunity and Human Rights Commission.

PSC employees who undertake oversight and investigations are required to complete the Integrity Management Program. Oversight and investigation files are only allocated to non PSC personnel if they have completed the Integrity Management Program.

**IBAC Recommendation 7**

*"Victoria Police requires that incidents involving the SOG be overseen by Professional Standards Command (PSC)."*

As stated in the interim response provided to IBAC dated 31-Oct-2018, changes have been made in processes to retain SOG related oversight files for investigation within PSC.

**IBAC Recommendation 8**

*"Victoria Police works with IBAC to improve the system for notifying IBAC of all deaths and serious injuries following police contact."*

As stated in the interim response provided to IBAC dated 31-Oct-2018, Victoria Police confirms that this recommendation has been addressed through the introduction of an automated notification process through which IBAC is advised of all oversight files generated.