



25 October 2018

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

Dear Commissioner

'Audit of Victoria Police's oversight of serious incidents': Progress Report

In March 2018, the Independent Broad-Based Anti-Corruption Commission published its report on findings of key investigations into Audit of Victoria Police Oversight of Serious Incidents, as identified in Victoria Police oversight files (known as C1-8 files). The audit assessed whether Victoria Police's oversights were thorough and impartial and met the standards required of such reviews. IBAC has made recommendations for Victoria Police to improve its oversight of serious incidents which Victoria Police has accepted.

IBAC required Victoria Police to provide it with a progress report by September 2018 with respect to implementation of the recommendations. I attach the progress report for your consideration.

Victoria Police will provide its final report by March 2019.

Deputy Commissioner Capability

31 / 10 / 2018



VICTORIA POLICE

IBAC – AUDIT OF VICTORIA POLICE'S OVERSIGHT OF SERIOUS INCIDENTS

PROGRESS REPORT

25 October 2018

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.”

Ethical and Professional Standards Officers (EPSO), in consultation with relevant divisional managers, are responsible for allocating oversight files.

In response to IBAC’s recommendation, the Conduct and Professional Standards Division (CPSD) – Professional Standards Command are in the process of developing a standardised form that will be provided with each file to inform oversight supervisors of:

- Their responsibilities to inform oversight investigators to comply with the oversight principles, including that the overseer should be independent to both the incident and the investigator (*VPMG Oversight of death or serious injury incidents involving police*)
- The need to strongly assess the nature of the incident, rank of the officer investigating and any real or perceived conflict of interest
- The specific documentation and actions required for either incidents involving a death or incidents involving a serious injury only (*Section 7, VPMG Oversight of death or serious injury incidents involving police*)

Victoria Police submits that this recommendation has not been acquitted but is on track to be completed by March 2019

IBAC RECOMMENDATION 2

“Victoria Police ensures that all overseers 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.”

Several steps have been undertaken to acquit IBAC’s recommendation including:

- A Conflict of Interest Disclosure form is now attached to every oversight file.
- Supervisors are given direction to inform the oversight investigating member of their obligations to complete the *Oversight/Investigation Conflict of Interest form* and that no oversight file can be commenced until the form is completed by the investigating member
- To assign responsibility to an investigating officer of an oversight file, supervisors must approve the form, provide reasoning for decision making, and in the event of an investigation proceeding where a conflict is declared, explain how this is to be managed

Victoria Police submits that this recommendation has been acquitted

IBAC RECOMMENDATION 3

“Victoria Police examines ways to improve the supervision provided by EPSOs to ensure greater consistency in how oversights are completed, including in relation to reclassification, timeliness, record keeping and how deficiencies are addressed.”

All oversight files are allocated and tracked through Interpose to ensure real-time supervision and quality control. Through this method, EPSO's are able to monitor and ensure that oversight files are completed in a timely manner and without undue delay.

To ensure further support is provided to EPSO's, PSC are currently developing:

- Training opportunities for EPSO's which will reinforce oversight processes and requirements, including instructions pertaining to the re-classification of oversight files
- Continued mapping of expansion of the EPSO Support role to allow for further capacity in assisting EPSO's in the regions to address issues around timeliness, record-keeping and the level of scrutiny placed on the completion of oversight files

Victoria Police submits that this recommendation has not been acquitted but is on track to be completed by March 2019

IBAC RECOMMENDATION 4

“Victoria Police standardises how oversight matters are reclassified to ensure consistency in cases where performance issues are identified.”

This recommendation overlaps with the review being undertaken by PSC in relation to the reclassification requirements of recommendation 3.

Victoria Police submits that this recommendation has not been acquitted but is on track to be completed by March 2019

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 business practice around the re-classification of oversight files is being reviewed with the intention of having the determinations and recommendations better describe the outcomes of the oversight process, as part of the broader revision of the complaints process and Register of Complaints Serious Incidents & Discipline (ROCSID) being undertaken by PSC.

Victoria Police submits that this recommendation has not been acquitted but is on track to be completed by March 2019

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”

Several processes and initiatives ensure that IBAC’s recommendation is acquitted, including:

- A Human Rights Ready Reckoner is provided to the overseighter when a file is allocated
- A ‘Guiding Principles’ document is provided to the overseighter which states that supervisors and oversighters *‘must take into account the inherent rights and freedoms of all persons involved. The overseighter and investigator are required to identify rights that were limited, and consider if there was reasonable justification for the limitation and how it was exercised. These rights include, but are not limited to, rights and freedoms set out in The Victorian Charter of Human Rights and Responsibilities Act 2006 and the International Human Rights Standards for Law Enforcement’.*
- The quality assurance checklist completed by the EPSO Support Unit requires that human rights have been adequately addressed
- In addition to these steps, in response to recommendations made by IBAC in their Operation Ross investigation of 2016, Victoria Police has also identified and implemented organisational initiatives to increase the awareness and understanding amongst all employees of obligations under the Charter of Human Rights:
 - A Victoria Police Learning Hub (VPLH) Human Rights module has been available since November 2016, which can now be completed as a standalone module or as a prerequisite to facilitated training. In addition to being available on the VPLH, the module is also available via the Priority Communities Division (PCD) intranet site. PCD also conducts facilitator led training across Victoria Police in response to risks identified through human rights impact assessments or management requests. Victoria Police considered making the module mandatory, however, decided that a risk based approach to facilitation was the best model to ensure an appropriate level of employee engagement
 - The Charter of Human Rights is also incorporated into the Capability Development Division – Promotional Programs for Sergeants and Senior Sergeants who are the nominated ranks for investigating oversight matters¹

Victoria Police submits that this recommendation has been acquitted

IBAC RECOMMENDATION 7

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

¹ Victoria Police (2016) *Victoria Police Capability Plan 2016-2025: Annual Plan 2016-2017*

In January 2018, CPSD undertook critical reviews of incidents involving the SOG to address issues around conflict of interest. Subsequently, a changed process to retain SOG related oversight files for investigation within PSC has been initiated.

Victoria Police submits that this recommendation has been acquitted

IBAC RECOMMENDATION 8

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

This has since been addressed by Victoria Police introducing an automated notification process under which IBAC is advised when an oversight file is created.

Victoria Police submits that this recommendation has been acquitted

CONCLUSION

The final report will be provided to IBAC by March 2019.