



VICTORIA POLICE

Victoria Police Response

Operation Ross Recommendations

IBAC Request for further advice Victoria Police

March 2019

IBAC Recommendation 1b

Victoria Police to review and strengthen its approach to managing officers who have multiple complaints or concerning complaint patterns including by requiring complaint investigators to consider whether a possible pattern of conduct has been identified and if so, to recommend appropriate intervention action.

IBAC request for further advice regarding Recommendation 1b

"In relation to Recommendation 1b, I request that Victoria Police advises IBAC when its 'Complaints about police' policy is finalised to specify how complaint investigators are to consider patterns of conduct in their investigations."

Victoria Police response to Recommendation 1b

- In April 2018 Professional Standards Command (PSC) advised IBAC of work underway to develop a simplified and streamlined discipline and complaint handling system which was expected to address this recommendation.
- This work on the streamlined and simplified complaint and discipline system fell from the recommendations contained in the 2015 VEOHRC Independent Review into sex discrimination and sexual harassment including predatory behaviour in Victoria Police.
- This work has now been paused pending a whole of government approach to the review of the Victoria Police discipline system resulting from the 2018 IBAC Parliamentary Review and Report.
- Victoria Police anticipates that recommendations contained in the IBAC Parliamentary Report will be considered by a review team constituted by representatives from Victoria Police, IBAC and the Victorian Equal Opportunity and Human Rights Commission (VEOHRC).
- The Terms of Reference and Scope for the review are unknown at this stage, therefore Victoria Police is unable to comment on how the review may impact on the 'Complaints about police' policy until the outcomes of the review are understood.
- Victoria Police undertakes to advise IBAC when the policy is finalised.

Patterns of conduct

- Victoria Police has implemented Recommendation 1a from this IBAC Report and now circulates an employee's full complaint history with every new complaint raised
- Investigators are also being asked to consider this as part of the aggravating circumstances of the new complaint and how this might inform their investigative response.
- In further to the information above, patterns of conduct and behaviour are also identified through daily scanning and analyses underpinning the preventative and early intervention based Ethical Health Assessment Process (EHAP).
- If the EHAP identifies a pattern of behaviour, a profile is generated and sent to the employee's manager for their information and intervention.

IBAC recommendation 1c

Victoria Police to review and strengthen its approach to managing officers who have multiple complaints or concerning complaint patterns including by initiating a formal mechanism whereby local commanders (inspector and superintendent) are notified when an officer under their command reaches various thresholds in terms of the number of complaints the officer has accrued.

IBAC request for further advice regarding Recommendation 1c

"In relation to Recommendation 1c requiring the establishment of a formal mechanism to ensure local commanders are notified when officers under their command reach certain complaint thresholds, as previously raised in my correspondence dated 12 July 2018, IBAC notes that the system developed by Victoria Police has a single primary threshold only. IBAC's recommendation arising from Operation Ross noted the need for Victoria Police to consider 'various thresholds' as part of this system to ensure a tailored risk management approach. As such, Victoria Police's response does not fully address IBAC's recommendation and I would appreciate your further advice on this issue."

Victoria Police response to Recommendation 1c

Victoria Police and IBAC representatives met on 22 February 2019 and discussed the implementation of further threshold activations around employee complaints administered in ROCSID.

At this meeting IBAC recommended that automated threshold activations occur in ROCSID about complaints received by an employee during the course of their career with these notifications to occur at intervals of every 5 complaints received for each individual employee.

Victoria Police has identified that such threshold systems are widely recognised to be inaccurate as they frequently fail to predict many adverse events and, conversely, falsely identify many officers who present no real danger. (Centre for Data Science and Public Policy, The University of Chicago, 2017; Carton, et al., 2016)

In consideration of the IBAC recommendation Professional Standards Command has also undertaken a workload analysis identifying that implementation of further thresholds would require the application of the Ethical Health Assessment Process at a rate that would exceed the current capacity of the Intelligence Unit.

As a result this recommendation will not be implemented but remain considered.

IBAC Recommendation 1d

Victoria Police to review and strengthen its approach to managing officers who have multiple complaints or concerning complaint patterns including by providing local commanders (inspector and superintendent) relevant information in a timely manner to assist in tailoring a risk management plan for relevant officers referred to in (c) above (which could include the officer's full complaint history and benchmarking report currently available in ROCSID).

IBAC request further advice regarding Recommendation 1d

"In relation to Recommendation 1d, IBAC notes that Victoria Police intends to develop more sophisticated tools to benchmark employees against their peers, as the current employee ethical health profile is considered to have limitations. I request that IBAC be kept informed of this work."

Victoria Police response to Recommendation 1d

Benchmarking police employees against their peers is a component of the Ethical Health Assessment Process.

Victoria Police undertake to keep IBAC informed of the progress of this work.

IBAC Recommendation 1e

Victoria Police to review and strengthen its approach to managing officers who have multiple complaints or concerning complaint patterns including by monitoring the implementation and effectiveness of risk management plans which could involve local managers reporting back to PSC for strategic advice, guidance and organisation-wide analysis of trends.

IBAC request for further advice regarding Recommendation 1e

"In respect of Recommendation 1e, IBAC notes the consideration of the recommendation to monitor the implementation and effectiveness of risk management plans by Victoria Police. However it is not clear what additional action has been or will be taken in response to IBAC's recommendation to ensure Professional Standards Command (PSC) plays a more active role in providing strategic advice and guidance to assist local managers who are responsible for acting on risk management plans. Without a formal mechanism to allow management action and outcomes to be reported back to PSC, the central tenet of this recommendation has not been addressed."

Victoria Police response to Recommendation 1e

Victoria Police and IBAC representatives met on 22 February 2019 and discussed this issue, with Professional Standards Command having accepted IBAC's advice and further strengthened its Ethical Health Assessment Processes.

The result being, that on creating and circulating an Ethical Health Profile (Risk Assessment) to Divisional Superintendents (local commanders) and the Ethical and Professional Standards Officers (EPSO) Professional Standards Command will create a Task to accompany the profile requesting Divisional Superintendents report back on the actions/interventions they engaged to support the employee and disrupt the identified behaviours. Professional Standards Command will review the responses, consolidate and communicate best practice organisationally.

Recommendation 1f

Victoria Police to review and strengthen its approach to managing officers who have multiple complaints or concerning complaint patterns including by developing a framework for determining appropriate interventions at various points in an officer's complaint history, to be integrated with the Victoria Police performance development system.

IBAC request for further advice regarding Recommendation 1f

"I also note that the work being undertaken by Victoria Police in response to Recommendation 1f (the integration of risk management strategies into the Professional Development and Assessment system) is still in progress. When Victoria Police has completed this work, I request that Victoria Police provides IBAC with a report detailing how it has addressed Recommendation 1f."

Victoria Police response to Recommendation 1f

PSC's previous advice to IBAC on November 2018 noted that a review is being undertaken by the Victoria Police Human Resource Department (HRD) in relation to the PDA system and policy.

Victoria Police undertake to provide IBAC with an update once the review is complete.

IBAC Recommendation 2a

That Victoria Police ensure all promotion boards are provided with a full complaint and compliment history, and any risk assessments previously prepared by PSC, for all shortlisted candidates for promotions.

IBAC request for further advice regarding Recommendation 2a

"Recommendation 2a proposed that promotion boards be provided with complaint histories and any risk assessments for all short-listed candidates. In your letter of 1 November 2018 you advised that complaint histories will be provided for all short-listed candidates, but not risk summaries. IBAC accepts that ethical health profiles are focused on interventions, but believes that selection panels are able to consider action taken in response to a risk assessment and an employee's response to those actions. IBAC further considers that risk assessments provide additional information pertinent to an employee's character and suitability, beyond that contained in complaint histories. Accordingly, IBAC considers that Victoria Police's response does not fully address this recommendation and I would appreciate your further advice on this issue."

Victoria Police response to Recommendation 2a

Victoria Police has previously provided advice against this element of Recommendation 2a.

Victoria Police further advises that the Transfer and Promotion policy is currently under review, parts of which will consider the probative information and reports considered by Selection Panels and Delegates. This review is anticipated to be complete by the end of 2019.

In lieu of this review Victoria Police has made preliminary amendments to its business processes. In November 2018 Professional Standards Command made alterations with ROCSID to broaden the information contained in its Probity Report. Within ROCSID a single report is created that is used for all HR related processes including, but not limited to, promotion, appeal, expression of interest, and confirmation to appointment.

The report is run by nominated employees at the HRD – Transfer and Promotion Unit, Police Alternate Employment Unit, General Duties Allocation Unit - and People Development Command for confirmation to appointment. This report has been standardised across all processes and contains compliments AND all unsubstantiated and substantiated investigations determined as – Case to Answer / No Case to Answer / Resolved / Not Resolved.

Active Investigations, Protected Disclosure and Restricted investigation are NOT included, nor are files determined 'Filed for Intelligence' as the Subject Employee is generally unaware of these investigations and therefore have not been afforded procedural fairness and natural justice.

Delegates may inform themselves with further information held by Professional Standards Command or other stakeholders by request.

IBAC Recommendation 4

Victoria Police to take steps to ensure officers' understanding of and compliance with the policy and guidelines on searches, including highlighting the need to consider and uphold the human rights of the person being searched.

IBAC request for further advice regarding Recommendation 4

"As part of its response to Recommendation 4, Victoria Police has advised it is developing e-learning content on searches, including human rights considerations. I request that IBAC be provided with a copy of this training material, when finalised."

Victoria Police response to Recommendation 4

Victoria Police has previously advised IBAC on November 2018 that Recommendation 4 has been addressed via training delivered by People Development Command.

Victoria Police has now presented documentation from the People Development Command (PDC) evidencing both the Operational Safety Tactics Training e-learning module and the face-to-face training component on human rights during searches.