

This is an extract of Victoria Police information taken from IBAC's 2020/21 annual report. The full report is available at www.ibac.vic.gov.au

Victoria Police oversight

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.

As part of the emergency response to COVID-19, Victoria Police is enforcing the new public health directions made under the *Public Health and Wellbeing Act 2008*. This includes policing certain types of travel, gatherings and self-isolation orders. IBAC oversees the policing of these new directions.

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 (ie 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.

Performance reporting – non-financial section

Objectives and indicators

IBAC's performance measures are set out in the Victorian Budget 2020/21 Budget Paper No. 3 (BP3) and the outcomes are provided in Table 1. IBAC's performance has been affected by the closure of IBAC's office and staff working remotely due to the COVID-19 pandemic. The resourcing implications of the new public interest disclosure (PID) scheme also affected IBAC's activities in 2020/21.

Table 1: IBAC 2020/21 objectives and indicators

	Unit of measure	2020/21 target	2020/21 actual	Performance variation	Notes	Result
Quantity						
Corruption prevention initiatives delivered by IBAC	number	90	115	27.8%	Outcome higher than target due to the increased number of prevention resources published on IBAC's website and additional education sessions with Victoria Police.	✓
Quantity						
Satisfaction rating with corruption prevention initiatives delivered by IBAC	per cent	95	98.5	4.2%		✓
Timeliness						
Complaints or notifications about public sector corrupt conduct (excluding police personnel conduct and police personnel corrupt conduct) assessed by IBAC within 45 days	per cent	85	46	-45.9%	Assessment targets were not met due to an increase in total volume of complaints received and as a consequence of processing PIDs. (Amendments were made to the legislation in January 2020 introducing PIDs.) Other consequences include the increased complexity of assessments, the ongoing COVID-19 pandemic and resourcing constraints.	■
Complaints or notifications about police personnel conduct and police personnel corrupt conduct assessed by IBAC within 45 days	per cent	90	49	-45.6%		■
Proportion of standard IBAC investigations into public sector corrupt conduct (excluding police personnel conduct and police personnel corrupt conduct) completed within nine months	per cent	60	0	-100%	Investigation targets were not met due to the disruption of the COVID-19 pandemic which significantly reduced the ability to conduct operational activity (despite the adoption of a virtual examination solution in late 2020). The pandemic also affected the ability of critical stakeholders to produce information and evidence for investigations.	■
Proportion of complex IBAC investigations into public sector corrupt conduct (excluding police personnel conduct and police personnel corrupt conduct) completed within 18 months	per cent	60	50	-16.7%		■
Proportion of standard IBAC investigations into police personnel conduct and police personnel corrupt conduct completed within nine months	per cent	60	0	-100%	Note: Due to the relatively small number of investigations in each category, performance variation can be volatile.	■
Proportion of complex IBAC investigations into police personnel conduct and police personnel corrupt conduct completed within 18 months	per cent	60	0	-100%		■

Notes:

- ✓ Performance target achieved or exceeded.
- Performance target not achieved – exceeds five per cent or \$50 million (cost measures only) variance.
- Performance target not achieved – within five per cent or \$50 million (cost measures only) variance.

2020/21 highlights

2020		2021	
July	Operation Gloucester special report tabled to Parliament	January	Kylie Kilgour joins IBAC as Acting Deputy Commissioner
	Operation Lynd investigation completed and the outcomes communicated to stakeholders	February	IBAC CEO Marlo Baragwanath presents at the Victorian Public Sector Commission (VPSC) Senior Executive Induction Program
	Victoria Police officer convicted following IBAC investigation Operation Ithaca	March	IBAC Deputy Commissioner Wolf presents at the Department of Education and Training (DET) Integrity Leadership Forum
	Former deputy secretary of Department of Education and Training convicted over fraud following Operation Dunham		Operation Esperance second-round public hearings start
	Victoria Police officers sentenced for assault following IBAC Operation Henty		Former Victoria Police Superintendent sentenced for unauthorised access of Victoria Police information as part of Operation Dawson
August	<i>Building integrity during times of crisis or emergency</i> prevention resources for state and local government published	April	IBAC CEO Marlo Baragwanath participates in a panel discussion for the Australia and New Zealand School of Government National Regulators Community of Practice
	Former Frankston City Council manager pleads guilty to multiple offences following Operation Topi		Operation Meroo special report tabled to Parliament
September	Co-hosted with the Institute of Public Administration Australia (IPAA) and partner integrity agencies a webinar, <i>Safeguarding Victorian public sector integrity during COVID-19</i>	May	IBAC Deputy Commissioner Wolf presents at IPAA Victoria's Senior Leaders Connect
	Drug and alcohol counsellor from St Paul's Prevention Rehabilitation convicted and sentenced to jail following Operation Murano		IBAC Deputy Commissioners present and host a Q&A session, at the Victorian Law Foundation's Victorian Law Week
	Former Victoria Police Sergeant Rosa Rossi sentenced following Operation Salina		IBAC hosts the PID Coordinators Annual Forum
	More than 55 charges laid against four individuals in the Victorian vocational education and training sector as part of Operation Lansdowne		IBAC charges Victoria Police officer with recklessly causing injury and assault as part of Operation Langlo
October	<i>My local council: if something is not right, who do I complain to?</i> Local government information video released	June	IBAC hosts the Corruption Prevention & Integrity Insights forum webinar, <i>Conflicts of Interest</i>
	Hosted community legal sector roundtable event		IBAC special report on corrections tabled to Parliament
	Operation Esperance first-round public hearings start		<i>Corruption and integrity: Perceptions of Victorian local government and Victorian public sector employees</i> research reports published
	IBAC annual report 2019/20 tabled to Parliament		<i>Making a complaint to IBAC</i> video released
	IBAC charges four people with conspiracy to defraud and misconduct in public office as part of Operation Merrica		IBAC charges three Victoria Police officers with negligently causing serious injury as part of Operation Blackmore
November	<i>Unauthorised access and disclosure of information held by local government</i> research report published		
	IBAC Deputy Commissioner David Wolf presents at the Office of the Victorian Information Commissioner (OVIC) Digital Local Government Freedom of Information (FOI) Forum		
	Operation Sandon public hearings resume		
	Hosted the Corruption Prevention & Integrity Insights Forum webinar, <i>Corruption Vulnerabilities During Times of Crises</i>		
	IBAC Commissioner The Honourable Robert Redlich AM, QC presents to Victoria Police Command on preventing police misconduct and building a culture of integrity		
	IBAC Deputy Commissioner Wolf presents at the 10th National Public Sector Fraud and Corruption Congress 2020		
	<i>Police oversight role and Reporting police misconduct</i> videos released		
December	<i>Unauthorised access and disclosure of public sector information</i> prevention resource published		

Complaints and notifications

One of IBAC's core functions is to receive and assess complaints (from the public) and notifications (from departments and agencies) alleging public sector corruption and police personnel misconduct.

IBAC considers complaints made about corruption and misconduct (including improper conduct under the PID Act) concerning:

- a public officer
- Victoria Police personnel (including protective services officers).

IBAC also receives mandatory notifications from principal officers of public sector departments and agencies, and Victoria Police.

A single complaint or notification may contain several separate allegations that are individually assessed to determine an appropriate outcome. Possible outcomes of our assessment of each allegation are:

- investigate
- refer
- refer and review
- dismiss
- defer
- return
- take no further action.

IBAC prioritises allegations of serious or systemic corruption and misconduct for investigation.

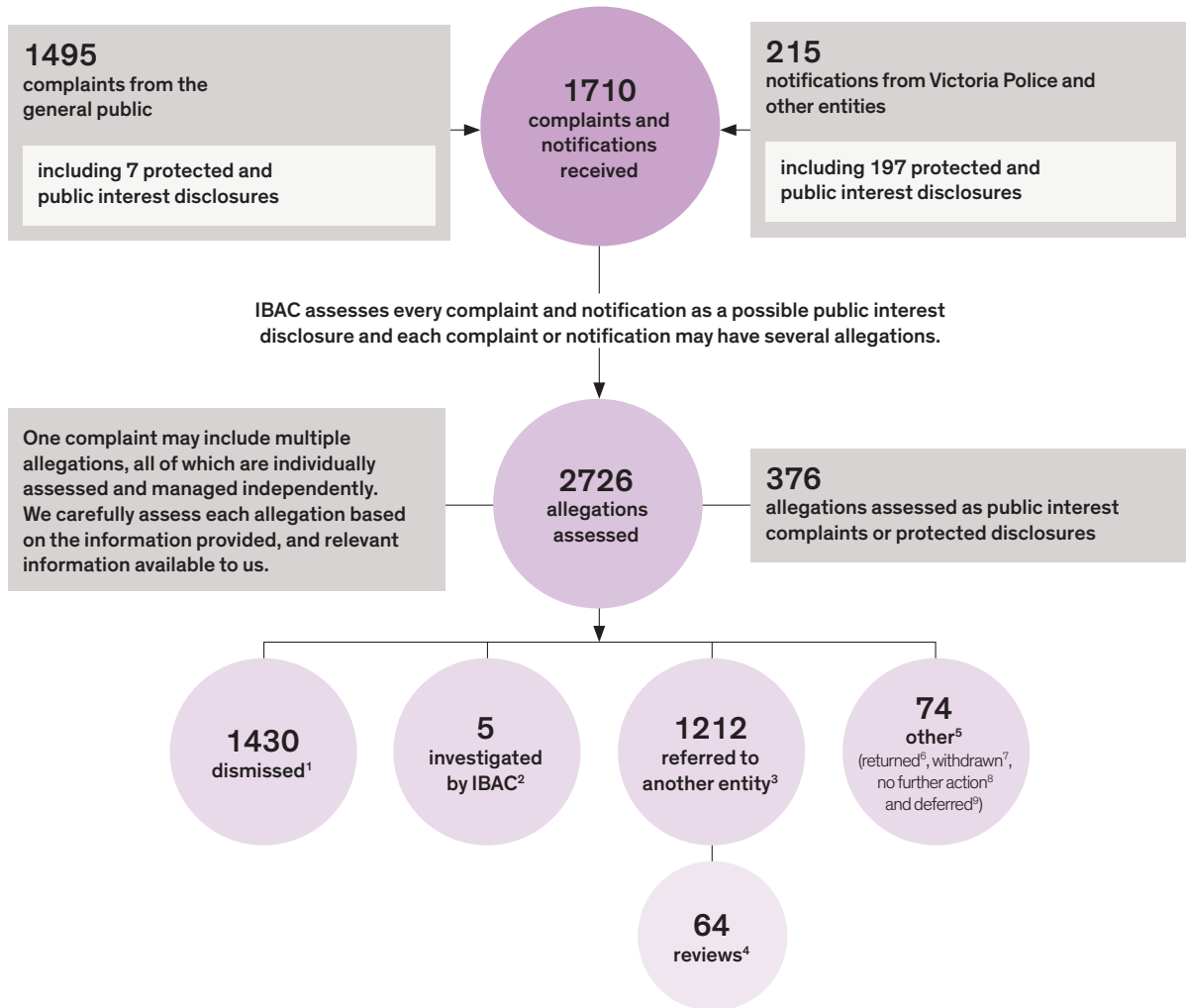
As part of our investigation process, IBAC may conduct private or public examinations. As a result of these investigations, IBAC may bring criminal proceedings, refer matters to the Office of Public Prosecutions (OPP) and make recommendations to help prevent corruption and misconduct.

To find out more about how we handle complaints, please refer to our website www.ibac.vic.gov.au/reporting-corruption/what-happens-to-your-complaint.

Overview of complaints and notifications for 2020/21

In 2020/21, IBAC received 2832 complaints and notifications, with 60 per cent related to Victoria Police and 40 per cent related to the public sector. Of the complaints and notifications received, 79 per cent were complaints and five per cent were notifications. These complaints and notifications may each involve multiple allegations. Every allegation is assessed under the PID Act and the IBAC Act.

Figure 1: Outcomes relating to allegations about Victoria Police during 2020/21

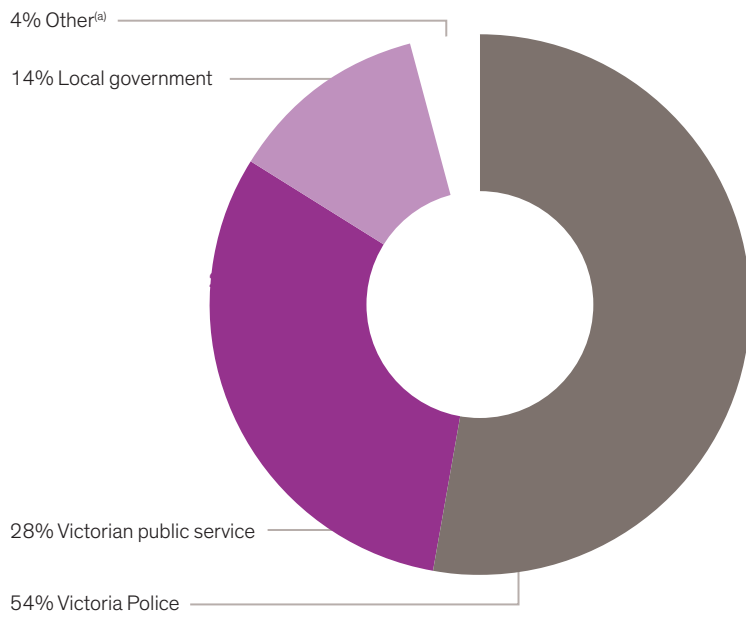


Notes:

- ¹ Matters are dismissed for a range of reasons including insufficient information, alleged incident being too old, matters already investigated, or matters being frivolous or vexatious.
- ² By law, we must prioritise investigations into serious or systemic corruption and misconduct. In addition to the allegations investigated by IBAC, there were another five preliminary investigations conducted during this time.
- ³ While many complaints and notifications are referred by IBAC to the agencies most appropriate to action them, information in all complaints continues to provide IBAC with intelligence that we use to identify trends and patterns in corruption and misconduct. This informs prevention activities, IBAC's strategic priorities, helps to identify serious and systemic issues for possible 'own motion' investigations, and helps to assess future complaints and notifications.
- ⁴ IBAC conducts reviews to determine if the matter has been handled fairly and investigated thoroughly by the relevant agency. Where reviews identify deficiencies, we provide feedback to the agency and may recommend specific action be taken to address an issue.
- ⁵ This figure excludes notifications received from Victoria Police under section 169 of the Victoria Police Act.
- ⁶ Returned outcomes are protected or public interest disclosure notifications, from public sector agencies that are determined by IBAC not to be public interest disclosures or protected disclosures, and therefore do not engage the IBAC Act for assessment. These are 'returned' to the relevant agency for their consideration or action.
- ⁷ The complainant has withdrawn their complaint.
- ⁸ Matters that fall outside IBAC's jurisdiction and no further action can be taken.
- ⁹ IBAC may defer decision-making in relation to a complaint or notification if the subject matter is being investigated by another integrity body or a body listed in section 73(2) of the IBAC Act.

The following figures and tables give a breakdown of the sector in which corruption or misconduct is alleged to have occurred and a summary of types of allegations made. The percentage of allegations about Victoria Police rose slightly from 53 per cent last year. Allegations about local councils rose slightly from 12 per cent last year and allegations about the Victorian public service dropped from 31 per cent last year.

Figure 2: Allegations by sector during 2020/21



Notes:

^(a) Other includes judiciary, parliament and not in jurisdiction.

Table 2: Allegations assessed during 2020/21 by issue

	Victoria Police	Public sector ^(a)	Total
Breach of professional boundaries	951	297	1248
Bribery and inducements	9	73	82
Collusion	43	167	210
Criminal behaviour, drugs and vices	108	42	150
Extortion	2	7	9
Favouritism	79	410	489
Force	259	93	352
Fraud	14	106	120
Inaction	925	641	1566
Misuse of resources	110	151	261
Not in jurisdiction	46	93	139
Obstruction of justice	157	96	253
Theft	23	63	86
Total	2726	2239	4965

Notes:

^(a) Public sector includes local government, judiciary, parliament and not-for-profit bodies.

Protected and public interest disclosures

IBAC receives complaints and notifications of corruption and misconduct (including improper conduct under the PID Act) from across the Victorian public sector and Victoria Police. As part of the assessment process, IBAC determines whether complaints and notifications meet the requirements of a 'protected disclosure complaint' under the *Protected Disclosure Act 2012* which was in effect up to 31 December 2019) or a 'public interest disclosure complaint' under the PID Act (effective from 1 January 2020).

Only IBAC, the Victorian Ombudsman, the Chief Commissioner of Victoria Police, the Judicial Commission of Victoria, the Victorian Inspectorate, the Chief Municipal Inspector, the Information Commissioner and the Racing Integrity Commissioner can investigate complaints that are protected disclosures or public interest disclosures. IBAC determines which of those agencies is most appropriate to investigate the complaint and refers the matter to that agency or office holder for investigation. If IBAC is the most appropriate agency, IBAC will investigate the matter.

IBAC provides information, advice, guidance and recommendations about the handling of public interest disclosures and the welfare and protection of people who have disclosed under the Protected Disclosure Act (or the PID Act after 1 January 2020).

IBAC chairs a Public Interest Disclosure Consultative Group (consisting of the organisations listed above) which considers systemic issues relating to the operation of the Protected Disclosure Act and the PID Act.

Table 3. Protected and public interest disclosures and their outcomes relating to Victoria Police

Classification	2019/20 ^(a)	2020/21
Allegations assessed as a protected disclosure or public interest complaint	682	376
Origin of allegations assessed as a protected disclosure or public interest complaint:		
• made direct to IBAC	244	84
• notified to IBAC by Victoria Police or other public sector entities	438	292
Outcomes of allegations assessed as a protected disclosure or public interest complaint:		
• investigated by IBAC	32	4^(b)
• referred to Victorian Ombudsman, Chief Commissioner of Police, Judicial Commission of Victoria, Victorian Inspectorate, Chief Municipal Inspector, the Information Commissioner or the Racing Integrity Commissioner for investigation	560	343
• dismissed	80	26
• unable to investigate or refer to another investigating entity ^(c)	90	1

Notes:

^(a) On 1 January 2020, protected disclosures were replaced by public interest disclosures due to amendments to the PID Act. For the 2019/20 financial year, disclosures made between 1 July and 31 December 2019 are reported as protected disclosures and disclosures made between 1 January and 30 June 2020 are reported as public interest disclosures. For all other years, the numbers relate to protected disclosures only.

^(b) In addition to the allegations investigated by IBAC, there were another two preliminary investigations conducted during this time.

^(c) 'Unable to investigate or refer to another investigating entity' includes allegations assessed as protected or public interest complaints that have been dismissed and those that are awaiting an assessment outcome as to whether IBAC will dismiss, refer or investigate. This new category allows IBAC to better report data under the PID Act.

Consideration of human rights

The *Charter of Human Rights and Responsibilities Act 2006* (Charter) identifies and outlines the rights, freedoms and responsibilities of all Victorians. IBAC plays an important role in supporting adherence to Victoria's Charter.

IBAC has two main obligations in relation to the Charter:

- as a Victorian public authority, IBAC must act in a way that is consistent with the Charter and consider the rights outlined in the Charter when making decisions
- IBAC is required, under the IBAC Act, to ensure that Victoria Police officers have regard to the human rights set out in the Charter.

When making sure that Victoria Police officers have regard to human rights outlined in the Charter, IBAC:

- assesses whether allegations engage the Charter
- considers whether police officers have had sufficient regard to the rights in the Charter, when conducting investigations, reviewing selected investigations by Victoria Police and auditing complaints handled by Victoria Police.

We also assess allegations about public sector agencies to determine if human rights are engaged. Each allegation is considered with regard to the Charter and is captured systematically to help inform IBAC's prevention and investigation work.

The Victorian Equal Opportunity and Human Rights Commission and IBAC regularly meet to discuss matters of mutual interest, particularly those concerning police accountability.

Investigations

An important function of IBAC is to identify and investigate corruption across the Victorian public sector and police personnel misconduct. IBAC must be notified of potential public interest disclosures, allegations of police personnel misconduct by Victoria Police and suspected corrupt conduct. These are called mandatory notifications. IBAC also receives complaints directly from the public.

IBAC can investigate without receiving a complaint or mandatory notification. These are called 'own motion' investigations. As part of its investigations, IBAC may conduct private or public examinations.

As a result of these investigations, IBAC may bring criminal proceedings, refer matters to the OPP and make recommendations to help prevent corruption and misconduct. IBAC publishes reports and prepares other resources to inform the community and stakeholders about corruption, its adverse effects and how it can be prevented.

IBAC investigations are categorised based on their level of complexity (standard or complex), which reflects the time needed to properly complete an investigation. IBAC began reporting on this distinction between standard and complex investigations in 2018/19.

The standard or complex category is determined by considering factors, including:

- number of persons of interest
- offending period (limited or extensive)
- number of corruption or misconduct behaviours identified
- number of criminal offences suspected
- volume of evidence (limited or extensive).

A **standard investigation** will have no more than two factors and most of these will be categorised as 'limited'.

Complex investigations will have two or more factors and most of these responses will be categorised as 'extensive'.

Victoria Police investigations

Table 4 shows IBAC's investigations and preliminary inquiries into Victoria Police during 2020/21. Of the five investigations IBAC completed, one was complex, two were standard and two were preliminary investigations. These investigations concerned allegations of unlawful assault and excessive use of force by police officers and allegations of police personnel misusing their position in various ways, including falsifying documents, perjury and dealing with the proceeds of crime.

Table 4. Victoria Police investigations and preliminary inquiries undertaken by IBAC during 2020/21

Status of investigation	Number
Preliminary inquiries commenced	4
Investigations commenced – standard ^(a)	5
Investigations commenced – complex ^(a)	–
Preliminary inquiries finalised	2
Investigations finalised – standard	2
Investigations finalised – complex	1
Open investigations and preliminary inquiries at 30 June 2021	10

Note:

^(a) See definitions of 'standard' and 'complex' investigations in the full annual report on the IBAC website.

Examples of finalised Victoria Police investigations

Investigations into Victoria Police use of force

IBAC has independent oversight of Victoria Police to help ensure it acts with impartiality and accountability, and in accordance with the law. This oversight is critical because of the significant powers exercised by police officers, including use of force, and powers to detain, search and arrest.

IBAC's work aims to build Victoria Police's capacity to address corruption and police personnel misconduct, including helping prevent excessive use of force incidents. IBAC has conducted several investigations into alleged excessive use of force by Victoria police officers, including:

Operation Henty

An investigation into allegations of excessive use of force by Victoria Police officers when they attended a house in Preston to conduct a welfare check on a pensioner in September 2017. The incident was captured on CCTV.

On 24 July 2020, three Victoria Police officers were found guilty of unlawful assault and on 29 July 2020, received adjourned undertakings without conviction.

Constable John Patrick Edney and Senior Constable Florian Hilgart received an adjourned undertaking of 12 months, with \$1000 to be paid into the court fund. Senior Constable Brad McLeod received an adjourned undertaking of 12 months, with \$3500 to be paid into the court fund. Mr McLeod and Mr Hilgart appealed their convictions. Guilty verdicts were returned in both instances in the County Court of Victoria on 3 March 2021, and the original penalties were re-imposed.

Operation Blackmore

An investigation into an incident that occurred in Warrnambool in November 2017.

On 3 June 2021, IBAC charged three Victoria Police officers with negligently causing serious injury. The matter is listed for a committal mention hearing at the Warrnambool Magistrates' Court on 1 November 2021.

Operation Langlo

An investigation into an alleged assault by a Victoria Police member that occurred in Warrnambool in June 2020 while the officer was on duty.

On 18 May 2021, IBAC served the Victoria Police member with charges of recklessly causing injury and common assault. The first court appearance is scheduled at the Warrnambool Magistrates' Court on 4 October 2021.

Victoria Police prosecutions

Table 5 lists the outcomes of IBAC investigations of Victoria Police members that were finalised in 2020/21. Some outcomes are from charges made in previous years.

Table 5. Outcomes of IBAC investigations of Victoria Police finalised during 2020/21

Operation	Date	Who	Outcome
Ithaca	1 July 2020	Robert Beckingham	Found guilty and fined \$7500 with a conviction.
Ithaca (appeal)	14 August 2020	Robert Beckingham	Mr Beckingham appealed his sentence to the County Court of Victoria in relation to a single charge of perjury. The original orders of the Magistrates' Court of Victoria were set aside and he was sentenced to an 18-month community correction order with a conviction.
Henty	27 July 2020	John Edney	Found guilty and sentenced to a 12-month adjourned undertaking with no conviction, with \$1000 to be paid to the court fund.
Henty	27 July 2020	Florian Hilgart	Found guilty and sentenced to a 12-month adjourned undertaking with no conviction, with \$1000 to be paid to the court fund.
Henty	27 July 2020	Bradley McLeod	Found guilty and sentenced to a 12-month adjourned undertaking with no conviction, with \$3500 to be paid to the court fund.
Henty (appeal)	3 March 2021	Bradley McLeod	Found guilty and sentenced to a 12-month adjourned undertaking with no conviction, with \$3500 to be paid to the court fund.
Henty (appeal)	3 March 2021	Florian Hilgart	Found guilty and sentenced to a 12-month adjourned undertaking with no conviction, with \$1000 to be paid to the court fund.
Dawson	11 March 2021	Paul Rosenblum	Pleaded guilty and sentenced to an adjourned undertaking with no conviction and fined \$20,000.

Independent oversight

Reviews

IBAC conducts retrospective reviews of public sector and Victoria Police investigations into allegations about misconduct and corruption, or serious incidents and deaths associated with police contact. Independent review of such investigations is a critical part of IBAC's work.

The purpose of an IBAC review is to determine the adequacy of an investigation, especially whether it was thorough and fair; that the findings are evidence-based, and outcomes reasonable and in accordance with public expectations. Where applicable, reviews also consider human rights and public interest disclosure laws.

Reviews are also an opportunity for IBAC to identify potential improvements to established policies and practices of the agency conducting the investigation, including their investigation processes. This increases public confidence in public agencies' ability to manage complaints and appropriately deal with misconduct, as well as to identify areas where a high corruption risk exists.

IBAC reviews have led to an improvement in how conflicts of interest are managed, and how human rights are considered by the public sector and Victoria police. This year, IBAC published a guide to good investigations to support public sector agencies that receive IBAC referrals.

In 2020/21, IBAC's capacity to conduct reviews has been restricted by a lack of resources and it has only been possible to review a small number of referred investigations, although a small improvement was achieved when compared to the previous year. As outlined in Table 6, IBAC has conducted a total of 92 reviews over the past 12 months.

IBAC prioritises its reviews by considering:

- the seriousness of the allegations
- the seniority or position of personnel involved
- the established patterns of behaviour or complaint histories
- indications of management practices or organisational and cultural issues that enable misconduct or corruption
- issues that are in the public interest, for example they may involve a vulnerable member of the community, excessive force or a breach of human rights.

Victoria Police reviews

IBAC conducted 64 reviews of Victoria Police investigations in 2020/21. These reviews commonly highlighted issues relating to:

- officers' justification for use of force
- management of family violence matters involving police officers
- obscuring behaviour by police and investigators to conceal instances of misconduct.

IBAC continues to work with Victoria Police to implement improvements in these areas.

Table 6. Number of IBAC reviews in the past five years

Classification	2016/17	2017/18	2018/19	2019/20	2020/21
Reviews of police investigations completed	73	72	45	59	64
Reviews of public sector investigations completed	8	8	11	8	28

Monitoring Victoria Police compliance with legislation

IBAC oversees Victoria Police compliance with various legislation, as well as the IBAC Act. IBAC's Compliance team conducts audits and inspections under the following legislation.

Sex Offenders Registration Act 2004

IBAC monitors Victoria Police's Register of Sex Offenders for compliance with Parts 3 and 4 of the *Sex Offenders Registration Act 2004*. IBAC inspection reports are provided to the Minister for Police for tabling in each House of Parliament.

Witness Protection Act 1991

IBAC monitors Victoria Police's compliance with recordkeeping requirements under the *Witness Protection Act 1991*. IBAC inspection reports are provided to the Minister for Police.

Drugs, Poisons and Controlled Substances Act 1981

IBAC inspects Victoria Police certificates and reports relating to destruction or disposal of specified material found on public land or private land (where permission has been given) where destruction or disposal is required in the interests of health or safety. IBAC inspection reports are provided to the Minister for Police.

Crimes Act 1958

IBAC monitors compliance by Victoria Police in relation to the carrying out of functions or powers in respect of:

- the taking of DNA profile samples
- senior police authorisations
- authorisations made under section 464ZFAE to senior police officers authorising the taking of DNA samples
- Any matter on which the Chief Commissioner of Police is required to report to the Attorney-General of Victoria under section 464ZFE.

IBAC reports are provided to the Attorney-General and are tabled in the Parliament.

Firearms Act 1996

IBAC has three oversight functions under the *Firearms Act 1996*:

- quarterly reviews of firearms prohibition orders issued
- a standing power to monitor the exercise of Victoria Police powers under Parts 4A and 10A of the Act
- provision of biennial reports to the Minister for Police.

IBAC ministerial reports are tabled in each House of Parliament.

In 2020/21, IBAC reviewed 52 firearm prohibition orders and made one recommendation which was accepted by Victoria Police. A further five recommendations have been made which were pending a response from Victoria Police at 30 June 2021.

Monitoring of low-level complaints from Victoria Police

Complaints received by Victoria Police are triaged by Victoria Police Professional Standards Command and assigned a classification that determines how each matter is handled.

The lowest classifications are Local Management Resolution (LMR) and Management Intervention Model (MIM) matters. Only minor complaint and conduct matters (for example, customer service complaints) should be classified LMR or MIM because these are incidents that are capable of resolution without using the disciplinary process and do not involve police personnel misconduct, as defined in the *Victoria Police Act 2013*. While not required to notify IBAC, Victoria Police does advise IBAC of these matters.

In 2020/21, IBAC received 451 LMR notifications. These matters related to duty failure (such as failure to act, assist or investigate, and failure to provide an investigation update or outcome) and behaviour (such as incivility, aggression, rudeness, inappropriate behaviour and harassment).

IBAC also received 349 MIM notifications. These matters related to duty failure (such as failure to act or investigate; failure to comply with instruction or follow process, and failure to return property) and behaviour (such as incivility, aggression, rudeness and inappropriate behaviour).

Table 7: Number of low-level complaints relating to Victoria Police

	2019/20	2020/21
Local Management Resolution (C2–4)	516	451
Management Intervention Model (C2–5)	460	349
Total	976	800

In 2018/19 IBAC undertook an audit of 10 per cent of MIMs and LMRs classified by Victoria Police to review the classifications for accuracy. With the restrictions in movement and stay-at-home orders arising from COVID-19, IBAC was not able to conduct this audit in 2019/20 or 2020/21 due to the need to use specialist systems in the office to do so. We anticipate that this work will recommence in the 2021/22 financial year.

Prevention and education

A core function under the IBAC Act is to prevent public sector corruption and police misconduct. This work is critical to improving integrity standards across the public sector and police.

IBAC's activities to expose public sector corruption and police misconduct, including investigation outcomes, research and strategic intelligence analysis, are the foundation on which our prevention work is built. This evidenced-based content, demonstrating the nature and adverse effects of corruption and police misconduct, provides the platform to inform meaningful communication and engagement with stakeholders and broader audiences.

IBAC focuses on achieving the greatest progress in preventing public sector corruption and police misconduct by:

- engaging with the community and the public sector to raise awareness and improve understanding of corruption and its adverse effects
- encouraging reporting of corruption and helping to build public sector capacity to actively resist corruption
- alerting organisations to research information and intelligence so they are prepared to respond to corruption risks.

In 2020/21, IBAC delivered 115 corruption prevention initiatives and achieved a 98.5 per cent satisfaction rating from participants.

Communication and engagement activities

IBAC presented at over 60 external forums or speaking engagements in 2020/21. Presentations were provided at various sector and agency-specific forums, reaching senior leaders and practitioners working in integrity-related roles, as well as stakeholders and community members working outside the public sector.

In October 2020, IBAC hosted a roundtable with community legal sector stakeholders. Other presentations to legal sector stakeholders involved the Judicial Commission of Victoria and Victoria Legal Aid. IBAC also conducted a number of presentations for non-public sector stakeholders such as university students participating in law and governance courses, and on topics of interest such as IBAC's police oversight powers at events hosted by the Muslim Legal Network and the Monash Migration and Inclusion Centre.

In response to the ongoing COVID-19 pandemic, IBAC carried out many of these initiatives online. This shift enabled IBAC to host and participate in more online speaking engagements in 2020/21, while our own online events attracted more participants compared to past face-to-face events.

IBAC's digital reach continued to grow and our website attracted over 283,000 users in 2020/21, a 75 per cent increase on the previous year. This increase was largely driven by video streaming of public hearings, underpinned by search optimisation improvements to our website.

In 2020/21 IBAC recorded:

- over 30,000 viewers for video streams of our public hearings
- 27 per cent growth in our social media following to more than 7800 users, with engagement up more than 45 per cent
- 3500 subscribers to IBAC's quarterly *IBAC insights* e-newsletter.

Corruption prevention initiatives for Victoria Police

Victoria Police education program

In 2020/21, IBAC continued to reinforce messages about integrity and ethical behaviour in presentations and information delivered via our Victoria Police education program. Through this program, we challenge and support Victoria Police members to consider integrity in all their decisions and actions, and to be aware of the part every employee plays to uphold Victoria Police standards.

New activities undertaken by IBAC in 2020/21 included:

- presentations to new detectives as part of their training with the Centre for Crime Investigation
- presentations to senior officer forums including the Western region and Victoria Police Command
- development of information and training videos on topics such as disclosure, integrity and obscuring behaviours, reporting police misconduct and the police complaint investigation process
- development of a flyer on reporting corruption and misconduct for Victoria Police Victorian Public Service (VPS) executives.

Activities delivered in 2020/21 that have continued from previous years included:

- fortnightly presentations to recruits participating in the Probationary Constable Foundation Development Program
- presentations to senior sergeants and inspectors participating in the Police Manager Qualifying Program.

Special reports

The Operation Gloucester special report, tabled in July 2020, outlines the findings from an IBAC investigation into improper evidentiary and disclosure practices in relation to the Victoria Police investigation of the 1998 murders of Sergeant Gary Silk and Senior Constable Rodney Miller. Operation Gloucester identified a variety of improper practices by police officers with respect to witness statements which did not comply with proper evidentiary and disclosure practices.

IBAC also found that some of the improper practices continued to be applied by some officers and in some workplaces, and considered this conduct was, in part, due to some officers not understanding or trusting the process of testing evidence in court. IBAC made two recommendations to Victoria Police to prevent these practices occurring in future and to protect the integrity of investigations and the administration of justice.

Victoria Police is due to report to IBAC on the outcomes of its review of policy and training of statement-taking practices (recommendation 1) by January 2022 and the outcome of an audit of practices for making and taking statements and disclosure practices (recommendation 2) by June 2022.

The Operation Gloucester special report and other IBAC special reports can be found in the publications and resources section of the IBAC website.

Research reports

IBAC is auditing how Victoria Police handles complaints about police misconduct made by Aboriginal people. The audit has examined 55 matters where the complainant or a person involved in a serious incident following contact with Victoria Police has been identified as an Aboriginal person. IBAC has also engaged with community organisations and bodies, including Regional Aboriginal Justice Advisory Committees, in metropolitan and regional areas.

As part of the audit, IBAC planned to conduct community engagement sessions with Aboriginal communities across Victoria. Limits on community gatherings, due to COVID-19 restrictions, meant these consultations could not be held, but IBAC will undertake further community engagement after the report's publication in 2021/22.



To download the full version of IBAC's 2020/21
annual report, go to www.ibac.vic.gov.au

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