



# Case study – Operation Oldfield

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In February 2014, IBAC received a notification from the Victoria Police Professional Standards Command (PSC) about allegations of interference in a prosecution by a Leading Senior Constable (LSC) serving as a police prosecutor.

## Background

The prosecution in question was of a person charged with driving at a dangerous speed in 2014. This person was known to an acquaintance of the LSC and they did not report this conflict of interest. The LSC was accused of interfering in favour of the person charged with driving at a dangerous speed by downgrading their charges.

Separately, the LSC was accused of supplying police information to a criminal syndicate and associating with people involved in trafficking drugs.

## What did IBAC do?

IBAC undertook an investigation, Operation Oldfield, to determine if there was any evidence to support the allegations. Along with other investigative techniques, the investigation involved the execution of warrants and carrying out summonses.

## What were the outcomes?

IBAC substantiated the allegation that the LSC interfered in the prosecution of the person charged with the speeding offence. The second allegation regarding the selling of police information to a criminal syndicate was unsubstantiated.

The substantiated matter was referred to PSC who charged the LSC with perverting the course of justice and misconduct in public office. However, the matters did not proceed to court. Criminal charges of perverting the course of justice (two counts) and misconduct in public office (one count) were laid thereafter. A committal hearing was held on 18, 19 and 22 February 2016. On 26 February 2016 the Magistrate found the Crown had not established to the requisite standard that a jury properly instructed could find criminal intent and discharged the Applicant. The LSC was subject to a formal inquiry by Victoria Police and was dismissed. The LSC was successful in his appeal against this dismissal decision at the Police Registration and Services Board<sup>1</sup> and resumed duties as an LSC within Victoria Police.

## Lessons learned, challenges and outtakes

A number of organisational issues were identified as part of Operation Oldfield. IBAC identified opportunities to strengthen Victoria Police policies, and oversight of, the conduct of police prosecutors. In this case a lack of oversight and the significant discretion provided to police prosecutors allowed the LSC to withdraw and re-categorise charges undetected

<sup>1</sup> Police Registration and Services Board, A156/2016 (no. 1 of 2) Review Decision, State of Victoria.  
[www.prsb.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2017/11/57/5405b723b/a156-2016\\_review\\_-\\_psu\\_addendum.pdf](http://www.prsb.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2017/11/57/5405b723b/a156-2016_review_-_psu_addendum.pdf)

## Vulnerabilities and prevention measures

IBAC identified the following vulnerabilities and prevention measures as a result of Operation Oldfield. Public sector agencies, and others can build their corruption resilience by identifying if they are susceptible to any of these vulnerabilities and undertake appropriate prevention measures.

Issue	Vulnerability	Prevention measures
Police prosecution units	Inappropriate use of prosecutorial discretion	<ul style="list-style-type: none"> <li>• Regular auditing of prosecutorial decisions especially the dropping of significant charges</li> <li>• Regular training and testing to continually reinforce the judgement and integrity of police prosecutors</li> </ul>
	Potentially inappropriate policies and inadequate recordkeeping	<ul style="list-style-type: none"> <li>• Review of recordkeeping procedures and the guidance and rules provided to police prosecutors</li> </ul>
	Judgement and integrity	<ul style="list-style-type: none"> <li>• Random and targeted auditing with the aim of proactively improving compliance with policy</li> <li>• Tailored ethics training informed by the likely corruption risks police prosecutors could face</li> </ul>
Conflict of interest management	Staff not declaring conflicts of interest	<ul style="list-style-type: none"> <li>• Staff are informed and familiar with how to declare conflicts of interest</li> <li>• Declaring conflicts of interest is made easy, fast and accessible</li> </ul>

## Useful links and information

IBAC research report examining the corruption risks associated with poor management of conflicts of interest. The report highlights many examples of good practice in responding to conflict of interest:

**[www.ibac.vic.gov.au/publications-and-resources/article/managing-corruption-risks-associated-with-conflicts-of-interest-in-the-victorian-public-sector](http://www.ibac.vic.gov.au/publications-and-resources/article/managing-corruption-risks-associated-with-conflicts-of-interest-in-the-victorian-public-sector)**

Queensland Crime and Corruption Commission advisory paper on risks arising from outside commitments by an employee:

**[www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Corruption-Prevention-Advisory-Conflicting-Commitments-2017.pdf](http://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Corruption-Prevention-Advisory-Conflicting-Commitments-2017.pdf)**

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October 2020

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- investigating serious corruption and police misconduct
- informing the public sector, police and the community about the risks and impacts of corruption and police misconduct, and ways in which it can be prevented.

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