



## Key findings

# Audit of complaints investigated by Professional Standards Command, Victoria Police

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Professional Standards Command (PSC) is the central area within Victoria Police responsible for the organisation's ethical health and integrity. All complaints made about Victoria Police officers are assessed by PSC and classified according to the type and seriousness of the allegations made. Only a small proportion of complaints – those involving more serious allegations – are investigated by PSC.

This Independent Broad-based Anti-corruption Commission (IBAC) audit assessed whether PSC's investigations were thorough and impartial and met the standards required for the handling of serious allegations.

PSC should be the exemplar for complaint investigation within Victoria Police. While this IBAC audit identified that PSC does many things well, there is scope for improvement to ensure that best practice in complaint handling and investigation by PSC is maintained.

IBAC made recommendations for Victoria Police to improve their complaint handling practices in response to this audit. Victoria Police has accepted all the recommendations.

For more information about IBAC's Victoria Police oversight role visit [www.ibac.vic.gov.au/reporting-corruption/what-can-you-complain-about/what-is-police-misconduct](http://www.ibac.vic.gov.au/reporting-corruption/what-can-you-complain-about/what-is-police-misconduct)

## IBAC's audit – what we did

As part of our work to determine how effectively Victoria Police handles complaints against police officers, IBAC audited how PSC handled a sample of complaint files, consisting of 59 investigations out of the 221 investigations finalised by PSC in 2015/16. The 59 files selected for audit by IBAC covered complaint investigations that concerned more serious allegations made about Victoria Police officers. These matters included allegations of assault, improper criminal associations, drug use or possession offences, sexual offences, handling stolen goods, threats to kill, interference in investigations, and misuse of information.

We examined how PSC investigations addressed a range of issues including:

- how complaints are classified
- how thoroughly the investigation addressed the allegations identified
- whether conclusions or recommendations were justified
- whether the investigation was impartial
- how long investigations took
- the adequacy of record keeping
- complaint outcomes, including whether determinations were appropriate, if advice was sought from Victoria Police's Discipline Advisory Unit or the Office of Public Prosecutions, and the identification of organisational learnings.

## What we found

The audit identified both good practice as well as areas for improvement. Good practice identified included the following:

- The complaint histories of officers under investigation were included in 41 per cent of relevant files. This is substantially higher than the five per cent of files that contained complaint histories in IBAC's 2016 audit of how Victoria Police handles complaints at the regional level.
- While not the focus of this audit, relevant cases examined (four files) indicated that Victoria Police has strengthened its investigations of sexual harassment and sexual assault allegations following the 2015 Victorian Equal Opportunity and Human Rights Commission review into sex discrimination and sexual harassment in Victoria Police, and the creation of Taskforce Salus.

## Key findings

The audit identified a number of concerns regarding PSC's complaint handling that require improvement. Practices that require improvement include:

*Poor management of conflicts of interest:* The vast majority of files audited (95 per cent) did not explicitly identify or address actual, perceived or potential conflicts of interest between investigators and subject officers.

*Failure to consistently consult with the Office of Public Prosecutions:* Victoria Police did not consistently consult with the Office of Public Prosecutions in relation to reportable offences as required under section 127(2) of the *Victoria Police Act 2013*.

*Inadequate recommended actions:* IBAC auditors disagreed with the action Victoria Police recommended in 15 per cent of files. This included two matters where it appeared the Assistant Commissioner of PSC downgraded the recommended disciplinary action without providing clear reasons.

*Probity concerns:* The audit identified some PSC investigators had complaint histories that raised issues of concern and could adversely affect community confidence in the outcome of investigations.

*Inappropriate file classification:* The way complaint files are classified by PSC determines how they are managed. Issues were identified with the way the work file classification (known as a C1-0 file) is used. The audit found the approach adopted by PSC means this classification is being used well beyond its stated purpose of undertaking preliminary inquiries. For example, the work file classification was used for complaints that contained clear allegations of criminality off-duty (C3-3 file) or corruption (C3-4 file). The practice of reclassifying a matter as a work file after an investigation had been completed, on the basis that the file contained 'intelligence only', was also considered inappropriate. One of the risks in allowing files to be reclassified as work files on closure is that complaint investigations can be closed prematurely.

*Failure to recommend broader organisational improvements:* PSC investigators identified a range of possible policy and procedural improvements in 27 per cent of files. However, no files formally recommended 'action on any identified deficiency in Victoria Police premises, equipment, policies, practices or procedures' as is recommended in the Victoria Police Manual. This is despite the fact that some of the recommendations made by PSC investigators identified opportunities for broader application of findings and improvements across the organisation.

## Recommendations

Based on the findings of IBAC's audit of complaints investigated by PSC, IBAC has recommended that Victoria Police:

1. reviews the definition and use of the C1-0 work file classification, and formalises arrangements to notify IBAC of matters classified as work files
2. considers the checks undertaken and criteria applied when recruiting new PSC investigators as part of its review of probity issues
3. ensures the Office of Public Prosecutions is consulted as soon as possible when Victoria Police forms a reasonable belief that a reportable offence has been committed, consistent with section 127(2) of the Victoria Police Act
4. ensures advice provided by the PSC Discipline Advisory Unit and reasons for key decisions, including those of the Assistant Commissioner PSC, are clearly documented and attached to the investigation file
5. ensures policy and procedural improvements identified by investigators are formally recorded as recommended action, and implements measures to share those learnings across the organisation.

## Next steps

Victoria Police has accepted all of IBAC's recommendations. IBAC will closely monitor the implementation of the recommendations.

*To read the full report, visit*  
[www.ibac.vic.gov.au/publications-and-resources](http://www.ibac.vic.gov.au/publications-and-resources).

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