



VICTORIA POLICE

Victoria Police

Update on Acquittal of Recommendations

**Operation Ross: Investigation into police conduct in
the Ballarat Police Service Area**

July 2018

PUBLIC DOMAIN

IBAC Recommendation 1

“Victoria Police to review and strengthen its approach to managing officers who have multiple complaints or concerning complaint patterns including by:

- a) Ensuring that a subject officer’s full complaint history (excluding complaints that cannot be revealed for operational reasons) is attached to a complaint investigation file prior to allocation to an investigator*
- b) Requiring complaint investigators to consider whether a possible pattern of conduct has been identified and if so, to recommend appropriate intervention action*
- c) 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*
- d) 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)*
- e) 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*
- f) 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.”*

Recommendation 1a)

On release of this report changes were made to Victoria Police processes, with the Police Conduct Unit attaching an employee’s complaint history, excluding those ‘*complaints that cannot be revealed for operational reasons*’ and Local Management Resolution and Management Intervention complaints, to the complaint file. These changes are now being implemented within the Victoria Police Record of Complaints and Serious Incidents Database (ROCSID) to automate and support this decision.

Victoria Police submits when these changes have been made, this recommendation will be acquitted.

Recommendation 1b)

Victoria Police Professional Standards Command (PSC) and Ethical and Professional Standards Officers of Victoria Police provide ongoing advice and support to investigators for complaints enquiries. This includes providing guidance to these investigators in relation to an employee’s complaint history, including how it is interpreted and what should be considered when making determinations and recommendation on outcomes. Methods for strengthening guidance, including identification of possible patterns of conduct and appropriate interventions, are being further considered in policies being drafted.

At the front end, the Victoria Police Professional Standards Command Intelligence Unit has developed an early intervention model that considers past behaviour and requires managerial intervention. Refer Recommendations 1c), 1d), 1e) and 1f) below.

Victoria Police submits this recommendation is acquitted, pending the introduction of new complaints about police policy.

Recommendations 1c), 1d), 1e) and 1f)

In 2016, Victoria Police Professional Standards Command (PSC) implemented the Ethical Health Assessment Process (EHAP). The EHAP is an early intervention model that is supported via an automated alert system which is initiated when an employee attracts three complaints within a 12-month period within the Victoria Police Register of Complaints Serious Incidents and Discipline (ROCSID) and/or through daily proactive (manual) monitoring conducted by PSC Intelligence Practitioners.

The EHAP process can also be initiated where a single event is assessed as sufficiently significant to warrant the assessment or at the request of an employee's manager whose engagement with an employee indicates that the person's behaviour is an emerging issue and risk.

The EHAP then causes an analysis of a number of data sources including operational and human resource systems to be undertaken. Where the EHAP identifies a change in behaviour or an emerging issue that indicates an ethical and/or welfare risk to the employee, an Employee Ethical Assessment Profile (Profile) is generated for dissemination and consideration by the employee's Divisional Superintendent and the local Ethical and Professional Standards Officer (EPSO). The intent of this notification is to prompt an intervention with the employee.

PSC has engaged with several external providers, in particular Monash and Deakin Universities, in an effort to design and implement an automated data science platform that will assist in the early identification of employees at higher risk of being involved in an adverse event without some form of early intervention.

The changes proposed to the Victoria Police complaint handling model will compliment these proactive processes, by placing greater responsibility on managers to performance manage employees. The changes seek to utilise the Performance Development Assessment (PDA) application so that managers are able to handle performance issues relating to their employees, including creating management plans and using development opportunities to improve behaviour.

Victoria Police submits these recommendations are acquitted.

IBAC RECOMMENDATION 2

“Victoria Police to review and strengthen probity processes undertaken in relation to promotions including:

- a) Ensuring 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*
- b) The superintendent of the relevant division or work area endorse any candidate recommended by a promotion board for promotion where such promotion concerns the rank of sergeant or above.”*

Recommendation 2a)

Victoria Police Professional Standards Command (PSC) has engaged with management in its Human Resource Department (HRD) and the Police Registration and Services Board (PRSB) on its acquittal of this recommendation.

HRD detailed the information currently provided to inform the transfer, promotion and appeals process. Within this process, a ‘Probity Report’ is generated from the Record of Complaints and Serious Incidents Database (ROCSID) held data, and includes an employee’s unsubstantiated and substantiated complaint history, with some exclusions stemming from historical decisions within Victoria Police.

After these consultations, and with further consideration of the Operation Ross recommendations, PSC has commenced alterations within ROCSID so that Probity Reports will contain all completed substantiated and unsubstantiated complaints and compliments recorded in the system, except for those ‘*complaints that cannot be revealed for operational reasons*’ and are prohibited by legislation such as Protected Disclosures.

Active investigations, and other relevant material held at PSC, will be sought separately by HRD within existing processes and assessed in line with Victoria Police policy and the guidance contained in the PRSB *Guide to Promotion and Appeal*. This process enables the Chief Commissioner of Police, or delegate, to make submissions in respect to an employee’s ‘character’ and suitability for role.

Victoria Police submits this recommendation will be acquitted when the ROCSID amendments are implemented.

Recommendation 2b)

Professional Standards Command has reviewed the current policy and the delegation in relation to the endorsement of the promotion of sub-officers by a superintendent, and recommended minor changes with the policy owner, Human Resource Department (HRD).

These changes have been accepted and will be subsumed into HRD’s new policy instrument ‘Deployment’ that is currently being developed.

Victoria Police submits this recommendation will be acquitted when the Deployment Policy is implemented.

IBAC RECOMMENDATIONS 3

“Victoria Police to review and enhance training provided to officers on the Charter of Human Rights and Responsibilities Act 2006 to improve officers’ understanding of and compliance with the Charter of Human Rights.”

Victoria Police Professional Standards Command (PSC) has engaged with People Development Command (PDC) and the Priority Communities Division (PCD) to identify initiatives undertaken to increase the awareness and understanding of obligations under the Charter of Human Rights.

PDC has developed, in partnership with PCD, a Victoria Police online training module which can be completed as a standalone module or as a prerequisite to facilitated training. This package has been available since November 2016.

PCD also conducts facilitator led training 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.

In addition, Victoria Police is represented at the Victorian Equal Opportunity and Human Rights Commission Human Rights Charter Leader Group which aims to operationalise human rights initiatives across the Victorian Public Sector.

It is intended that these initiatives will assist Victoria Police in integrating human rights into decision making across the organisation, to a whole of Victorian Government standard.

Victoria Police submits this recommendation is acquitted.

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.”

Victoria Police Professional Standards Command (PSC) has engaged with People Development Command (PDC) who have provided advice that human rights charter awareness is incorporated into the practical component of a training module that encompasses search powers and procedures.

This has been deployed since 1 January 2018 in a compulsory online package that all police members must complete prior to attending their compulsory six monthly training.

Protective Service Officers and police members must provide evidence to training staff that they have completed the training otherwise they are denied the ability to participate and complete the practical components of training.

From 1 July 2018, PDC have proposed that there will be a one hour face-to-face component provided during training to reinforce learnings from the online package.

Victoria Police submits this recommendation is acquitted.