

Predatory behaviour by police

This summary describes IBAC's thematic review of a series of Victoria Police investigations into allegations of predatory behaviour by police officers.

What is a thematic review?

IBAC's independent oversight of Victoria Police focuses on ensuring police actions are appropriate and lawful. Part of this important role is to review selected internal police investigations to assess whether they are thorough, impartial and fair, findings are evidence-based, and outcomes are reasonable and in accordance with public expectations.

When IBAC identifies areas of concern indicating possible systemic problems, we conduct a thematic review. This involves an analysis of a series of reviews on a specific theme or topic and usually results in a report identifying systemic and emerging issues for Victoria Police.

Following a thematic review, IBAC works with Victoria Police to drive improvements and provide input into the development of police policies to reduce misconduct, strengthen investigation processes and increase accountability.

What is predatory behaviour?

In the context of this review, predatory behaviour has been defined as where:

- a police officer or Protective Services Officer (PSO) misuses their authority to commence or attempt to commence an emotional and/or sexual relationship with a person they have met in the course of their duties
- a police officer or PSO misuses their authority to sexually assault, stalk, harass or groom a person they have met in the course of their duties.

Background

Predatory behaviour by Victoria Police officers is an ongoing focus for IBAC. This thematic review builds on IBAC's 2015 [report](#) on predatory behaviour by police officers against vulnerable members of the public, which found that colleagues tacitly accepted such behaviour, and supervisors and managers failed to act to address it.

This thematic review also follows the Victorian Equal Opportunity and Human Rights Commission's [independent review](#) into sex discrimination and sexual harassment within Victoria Police, undertaken between 2014 and 2019. That review led to the establishment of Taskforce Salus, now known as the Sexual Offences and Family Violence Unit (SOFVU), a unit within Professional Standards Command dedicated to investigating allegations of sexual offences, predatory behaviour and sexual harassment (and more recently family violence) against police.

Scope

IBAC reviewed 27 Victoria Police investigations undertaken between 2018 and 2022, into allegations of predatory behaviour by sworn police officers of various ranks and roles across all police regions. The alleged behaviour targeted members of the public, colleagues or both. 21 of the investigations were conducted by Taskforce Salus/SOFVU, and the remaining six by other areas of Victoria Police.

IBAC analysed each investigation, with particular attention given to:

- the investigator's engagement with victims and affected parties
- the investigator's consideration of harm to victims, affected parties and the subject officer's workplace unit
- analysis of the human rights implications of alleged incidents and investigation processes
- the appropriateness of interim actions and discipline outcomes
- the effectiveness of risk mitigation strategies for officers who remained at Victoria Police after allegations against them were substantiated or a pattern of behaviour was identified.



Key findings

IBAC found that:

- despite efforts undertaken over recent years, predatory behaviour persists within Victoria Police and remains under-reported
- consistent with our 2015 report, women experiencing domestic or family violence were targets of this behaviour
- more than half of all cases reviewed involved a pattern of behaviour against more than one person
- just over half of all cases reviewed indicated some level of tolerance of inappropriate behaviour and/or inaction by supervisors and managers in response to allegations
- concerningly, four subject officers in the cases reviewed were from units undertaking sensitive work involving close contact with very vulnerable members of the public, including children in the care of the state
- while the Victoria Police Manual specifies that some consensual workplace relationships may be considered 'predatory' due to a power imbalance or other circumstances, there is no standard requirement for officers to declare intimate relationships in the workplace – this creates a risk of officers concealing inappropriate behaviour.

In relation to the investigations reviewed, IBAC found that:

- most took a victim-centred approach, were thorough, made evidence-based findings and included appropriate sanctions that aligned with public expectations – this highlights the effectiveness of a dedicated, specialised unit of investigators to investigate complaints against police (see case studies one and three)
- investigators and local managers generally recognised risks early, and took action to mitigate risks when complaints were made and as investigations progressed
- investigators appropriately analysed the human rights implications of alleged incidents and investigation processes in 16 cases
- internal discipline sanctions were inadequate in only a small number of cases (see case study two)
- in some cases, Victoria Police's Discipline Advisory Unit (now the Legal Discipline Advisory Unit) provided problematic advice to investigators, including recommending sanctions that were not consistent with investigation findings, Victoria Police standards or community expectations (see case study two).



Case studies

Three of the 27 Victoria Police investigations that IBAC reviewed are summarised below.

Case study one

In 2018, it was alleged that a police officer had commenced a sexual relationship with a woman he met when responding to a family violence incident where she was the affected family member.

Victoria Police's investigation established that over the previous 18 months, the officer had misused his position to initiate sexual relationships with two other vulnerable women, one of whom he met when responding to an incident involving the woman's mentally distressed family member.

The investigation also established that the officer had lied to investigators when interviewed about the nature of these relationships, and breached confidentiality obligations by disclosing aspects of the investigation. The officer also continued the relationships after being interviewed and attempted to coach one of the women to provide false information to investigators.

Victoria Police suspended the officer with pay and commenced disciplinary proceedings against him. Following a disciplinary hearing he was dismissed from Victoria Police. This sanction was upheld on appeal.

IBAC's review of the investigation found that it was comprehensive, with investigators taking statements from all victims and conducting an audit of the officer's emails and social media accounts. The investigation's findings were evidence-based and the sanction was appropriate.

Case study two

In 2018, it was alleged that a police officer sent inappropriate text messages and photos to a teenage child under the state's care.

Victoria Police's investigation did not identify any criminal behaviour on the part of the officer, but found that he had inappropriately 'over-invested' time in the child both on and off duty, through phone calls and an excessive number of text and multimedia messages.

The investigation also found that local management failed to properly supervise and monitor the officer, provide clear direction as to his role and expected behaviours, and ensure he recorded all contacts with the child.

Investigators recommended that the officer be reprimanded. However, after a meeting with Victoria Police's Discipline Advisory Unit, the recommended sanction was downgraded to 'workplace guidance'. This sanction involves a management intervention such as providing education or advice to address an employee's performance issue.

IBAC's review of the investigation found that it was thorough, with all avenues of enquiry explored and investigators appropriately ensuring that the child's welfare was managed. However, the discipline outcome of 'workplace guidance' was not suitable considering the investigation's findings. The officer's behaviour was highly inappropriate and brought Victoria Police's reputation into disrepute. Accordingly, a more serious sanction was warranted.

Case study three

In 2019, it was alleged that a senior officer had groomed a junior officer while she was experiencing mental health concerns. It was then alleged the senior officer commenced a sexual relationship with her despite her expressed reluctance and kept her in his direct reporting line without declaring a conflict of interest. It was also alleged that, after their relationship ended, the senior officer sexually assaulted the junior officer at a public bar by touching her intimately without her consent.

After, the junior officer's mental health deteriorated and she went on leave. The senior officer assigned himself as her welfare officer and began excluding her from work and social events.

Victoria Police's investigation substantiated the allegations against the senior officer. Criminal charges were not pursued, in accordance with the wishes of the junior officer. Disciplinary proceedings were commenced. Although the senior officer resigned from Victoria Police on the final day of the hearing, the disciplinary charges against him were recorded as proven.

IBAC's review found that Victoria Police's investigation was thorough and resulted in evidence-based findings and appropriate outcomes.



Recommendations

In light of IBAC's thematic review findings, we recommended that Victoria Police:

- use relevant, de-identified case studies in integrity management training for investigators and Ethics and Professional Standards Officers, and in broader training for Victoria Police employees, to encourage a 'speak up' culture and minimise under-reporting of predatory behaviour
- consider a new, separate section on 'harm' in its complaint investigation report template, to enable investigators to address more broadly the impact of the alleged conduct on victims and workplaces
- ensure that staff of the Legal Discipline Advisory Unit provide advice that is consistent with Victoria Police's 'zero tolerance' approach to predatory behaviour
- improve record-keeping at internal meetings discussing allegations of predatory behaviour, to ensure that recommendations about discipline sanctions and outcomes are transparent and reasons are recorded
- ensure that an 'ethical health profile' is undertaken in respect of any officer stationed within a unit that interacts with vulnerable people, who is the subject of a complaint of a sexual nature
- provide clearer guidance for employees on the declaration and management of intimate or personal workplace relationships that are consensual but could be perceived as predatory behaviour.



Victoria Police response

Victoria Police accepted these recommendations and agreed to inform IBAC about progress on their implementation.

In August 2022, Victoria Police released its updated conflict of interest policy. This policy provides guidance for employees on the declaration and management of intimate or personal workplace relationships. It specifies that where there is a direct reporting line between two officers in an intimate or personal relationship, a conflict of interest must be declared and a management plan put in place.

IBAC is continuing to work with Victoria Police to monitor and review this important issue.



Useful resources

IBAC's 2015 report on predatory behaviour by Victoria Police officers against vulnerable persons

https://www.ibac.vic.gov.au/docs/default-source/intelligence-reports/predatory-behaviour-by-victoria-police-officers-against-vulnerable-persons.pdf?sfvrsn=3e3e6875_11

What is police misconduct?

www.ibac.vic.gov.au/reporting-corruption/what-can-you-complain-about/what-is-police-misconduct

IBAC's police oversight role

<https://www.ibac.vic.gov.au/reporting-corruption/what-can-you-complain-about/ibac's-police-oversight-role>

IBAC reviews

www.ibac.vic.gov.au/investigating-corruption/reviews

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Acknowledgement

IBAC acknowledges the Traditional Custodians of the lands on which we work and pays respect to Elders past, present and emerging. We recognise and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of Victoria.