

## Serious incidents involving the use of police dogs

This summary describes IBAC's thematic review of a series of Victoria Police oversight investigations into serious incidents involving the use of police dogs.

### 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. This includes reviewing Victoria Police's oversight of certain serious incidents.

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 a Victoria Police 'oversight investigation'?

When a member of the public dies or is seriously injured as a result of contact with police – for example, during an arrest or a vehicle pursuit – Victoria Police undertakes an 'oversight investigation' to examine the incident, determine whether policies, procedures and guidelines were adhered to, identify whether any duty failures or misconduct occurred, and determine any action necessary to prevent similar incidents in the future.

The Victoria Police Manual requires oversight investigations to be conducted in accordance with nine 'oversight principles'. These are managing conflicts of interest, accountability, proportionality, monitoring, capability, timeliness, human rights, organisational learning, and inclusiveness and openness with relevant parties.

Some incidents may also result in a complaint against Victoria Police, in which case Victoria Police conducts a complaint investigation.

### Background

In 2021, IBAC observed an increase in serious incidents in which police officers from the Dog Squad and the Special Operations Group (SOG) had used police dogs as force. IBAC decided to undertake a thematic review of Victoria Police's oversight of such incidents.

IBAC reviewed 15 finalised Victoria Police oversight investigations involving incidents that occurred between August 2017 and July 2019. Nine incidents involved the Dog Squad and six involved the SOG. Every incident resulted in dog bites requiring hospitalisation, with eight requiring surgery.

The thematic review closely analysed each oversight investigation, with particular attention given to whether the use of force in each incident had been subjected to critical analysis and scrutiny.



## Key findings

IBAC found serious deficiencies in the oversight investigations we reviewed. Two-thirds of the investigations were inadequate. Most frequently, oversight investigators:

- failed to undertake all appropriate enquiries
- tended to rely solely on police officers' version of events
- inadequately applied the oversight principles
- failed to critically analyse the use of force.

More specifically, IBAC found that:

- there are gaps, inconsistencies and conflicting advice in Victoria Police's policies and guidelines on the deployment of police dogs
- in 10 incidents, the police dog was the first tactical option utilised by police, and in six incidents, handlers may not have considered or excluded other tactical options before deploying their dogs
- in every case reviewed, the oversight investigator concluded that the force used was necessary, justified and proportionate, despite the absence of critical or comprehensive analysis of the use of force in many cases
- oversight investigation reports lacked scrutiny of the physical injuries and psychological harm experienced by individuals bitten by police dogs, with most investigators failing to contact those injured or obtain medical reports
- in two incidents, the simultaneous involvement of several specialist units added to confusion around decision-making and may have caused additional risk to frontline officers. In one case, an officer was bitten by a police dog (see case study one)
- in two cases, incidents were described as 'routine', rather than 'high risk' or 'serious', which affected the way they were investigated (see case study one)
- there is inconsistent guidance as to whether all incidents involving police dog bites must be subject to an oversight investigation, or only those resulting in serious injury
- in more than half of incidents, Professional Standards Command was not notified of the incident for two hours or more, or was not notified at all.

In relation to the six incidents involving the SOG, IBAC found that:

- in four cases, the SOG failed to notify or delayed notifying Professional Standards Command of the incident
- in three cases, SOG officers involved in an incident witnessed each other's statements
- in two cases, SOG officers provided minimal information to assist the oversight investigation and withheld requested evidence, resulting in inadequate investigations (see case study two)
- every oversight investigation demonstrated an over-reliance on police officers' version of events.

This suggests that there continues to be a lack of thorough oversight of incidents involving the SOG, as identified by IBAC in its 2018 audit of Victoria Police's oversight of serious incidents.



## Case studies

Two of the 15 Victoria Police oversight investigations that IBAC reviewed are summarised below.

### Case study one

In 2017, significant police resources were used in the pursuit and apprehension of a driver of a stolen truck in a suburban area. Several hours after the truck was stolen, police received reports that it had been involved in two hit and run collisions, a car-jacking and other instances of dangerous driving.

Police engaged in a pursuit utilising the Police Air Wing and the Critical Incident Response Team (CIRT). The truck eventually stopped outside a police station and was surrounded by police vehicles. Officers directed the driver to exit the truck, but he refused. CIRT officers then deployed OC spray in an attempt to remove the driver, but he attempted to start the vehicle and drive off.

A police dog was then deployed into the truck's cabin, without effect. CIRT officers dragged the driver from the truck and again deployed OC spray, as he continued to resist. CIRT officers then moved back to allow the police dog to be deployed a second time. At this point, a uniformed officer moved in front of the dog and received a bite to the upper thigh. The police dog then bit the driver and police were able to subdue and arrest him.

The driver was hospitalised for treatment of several puncture wounds as a result of the bites he received. The officer who was bitten was not injured. A CIRT officer received secondary exposure from the OC spray.

Victoria Police's Police Conduct Unit assessed the incident as 'routine' rather than 'high risk'. As a consequence, a formal oversight investigation was not conducted. Instead, the matter was allocated to an officer in the Dog Squad for investigation. The investigation considered limited information and concluded that the use of force was justified, lawful and in accordance with Victoria Police policy, procedures and guidelines.

In IBAC's view, a formal oversight investigation should have been undertaken, given the seriousness of the alleged offending and the risks to public safety it entailed, the significant use of police resources involved in apprehending the driver, the multiple uses of force and the injuries sustained.

IBAC's review found that Victoria Police's investigation was inadequate because the investigator:

- declared an actual conflict of interest based on having worked with the subject officer for four years, but the conflict was not managed

- examined the use of a police dog but failed to examine other uses of force
- failed to obtain statements from police and civilian witnesses, medical reports and other relevant evidence
- failed to apply the oversight principles.

IBAC also observed that the involvement of several specialist units in this case added to confusion around decision-making and may have created additional risk to frontline officers.

### Case study two

In 2019, police were called to a commercial warehouse to investigate the sounding of multiple security alarms. Police at the scene were supported by the Police Air Wing as they suspected someone might have been on the roof of the building. A search was conducted confirming someone had forced entry to the building but no one was located.

Approximately two hours later, police were called back to the building. The Dog Squad conducted a search of the building while uniformed officers set up a cordon. A Dog Squad officer issued a verbal warning to the alleged offender to present themselves or risk being bitten by the police dog. No one responded and the officer deployed their police dog, which located and took hold of the alleged offender. At this point, the police dog was out of the officer's sight. The alleged offender resisted and was then bitten by the dog. The officer located them and arrested the alleged offender.

The alleged offender was taken to hospital for surgery for treatment of several puncture wounds and a suspected fractured arm as a result of the bites he received.

IBAC's review found that Victoria Police's investigation did not meet the requisite standard because:

- the matter was allocated to a police officer from the Police Air Wing for investigation which caused a 'perceived' conflict of interest because the unit was involved in the initial search
- the investigator failed to explore all avenues of enquiry or obtain all relevant evidence
- the Dog Squad failed to notify Professional Standards Command of the incident
- the dog handler may not have considered other tactical options before deploying the police dog.



## Recommendations

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

- advise what specific training and expertise is required of officers conducting oversight investigations into incidents involving police dogs
- strengthen its processes and procedures for oversight investigations involving police dogs to ensure that a comprehensive investigation is conducted in every case, with an increased focus on welfare management, including the injuries sustained by victims
- review its policies, guidelines and Standard Operating Procedures (SOP) regarding the use of police dogs to address the gaps and inconsistencies identified by IBAC
- update the Victoria Police Manual and Dog Squad SOP to implement mandatory reporting of all dog bites to Professional Standards Command and ensure that all dog bites are subject to an oversight investigation.



## Victoria Police response

In an initial response, Victoria Police advised that:

- no specific training is provided to officers undertaking oversight investigations involving the use of police dogs, beyond the general training provided to some investigators
- Professional Standards Command is conducting a review of oversight practices, and welfare management will be addressed as part of this review
- Transit and Public Safety Command will undertake a review of the relevant section of the Victoria Police Manual to ensure that it is clear and provides adequate guidance on deployment of police dogs
- it does not support that oversight should be provided for all dog bites, but does consider that oversight should occur for incidents where hospital admission is required due to injury from the dog bite. This will be addressed in Victoria Police's review of its oversight practices.

In January 2023, Victoria Police advised that:

- the Victoria Police Manual was updated on 13 December 2022 to include greater guidance on when and how a police dog can be deployed as a force option against an individual, and determining what constitutes high risk situations when considering deployment of the Dog Squad.

- Transit and Public Safety Command completed a review of its procedures, which included further consultation with IBAC, to ensure the risk assessment undertaken after a dog has been deployed (as a use of force) is sufficiently robust and that all dog handlers and the dog are assessed for fitness for duty prior to continuing their shift. Transit and Public Safety Command issued instructions to ensure the following process is implemented, effective from 17 November 2022:
  - Supervisor to attend all jobs where a dog bite has occurred
  - Where the supervisor is not in a position to attend the scene, contact with the dog handler is to occur via phone
  - A risk assessment is to be undertaken taking into account the welfare of the handler and health of the dog
  - The risk assessment will take in to account the nature of the job, how the handler is feeling, and whether there are any concerns about their ability to continue to operate
  - If concerns are held regarding the welfare of the handler or police dog, the handler is to be stood down for the remainder of the shift and relevant support services arranged
  - The result of the risk assessment must be documented in the Electronic Patrol Diary Return, the Search and Rescue reporting system, and debrief report.

In June 2023, Victoria Police provided IBAC with a revised Dog Squad SOP which included amendments to the procedures for the deployment and management of police dogs, and police dog supervision and accountabilities. IBAC reviewed this response and is satisfied with the implementation.

IBAC will continue to work with Victoria Police on the oversight of incidents involving the use of police dogs.



## Useful resources

### IBAC's 2018 audit of Victoria Police's oversight of serious incidents

<https://www.ibac.vic.gov.au/publications-and-resources/article/audit-of-victoria-police%27s-oversight-of-serious-incidents>

### What is police misconduct?

[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 reviews

[www.ibac.vic.gov.au/investigating-corruption/reviews](http://www.ibac.vic.gov.au/investigating-corruption/reviews)

Level 1, North Tower  
459 Collins Street,  
Melbourne VIC 3000  
GPO Box 24234,  
Melbourne, VIC 3001

T 1300 735 135  
F (03) 8635 6444

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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.