



IBAC's role and reporting misconduct

Information for Victoria Police personnel

Victoria Police personnel must act ethically at all times

Victoria Police plays an essential role in keeping our community safe and protected, and personnel are entrusted with significant powers, which must always be used responsibly.

Whatever your role at Victoria Police, all personnel are required to act ethically – it's your duty to uphold the law and maintain public trust and confidence. If one individual acts poorly, it can harm the community and other police personnel. Police misconduct can compromise investigations, jeopardise the effectiveness of the criminal justice system and undermine the reputation of Victoria Police.

IBAC is Victoria's independent police oversight agency

We're here to prevent and expose misconduct in Victoria Police with the goal of strengthening the accountability of all Victoria Police personnel, and the overall integrity of our state.

- We **investigate** and **expose** misconduct in Victoria Police.
- We **advise** on how to reduce the risk of it happening again.

- We **educate** to help keep Victoria Police accountable, professional and ethical.
- We **respond** to complaints about police misconduct and we take them seriously.

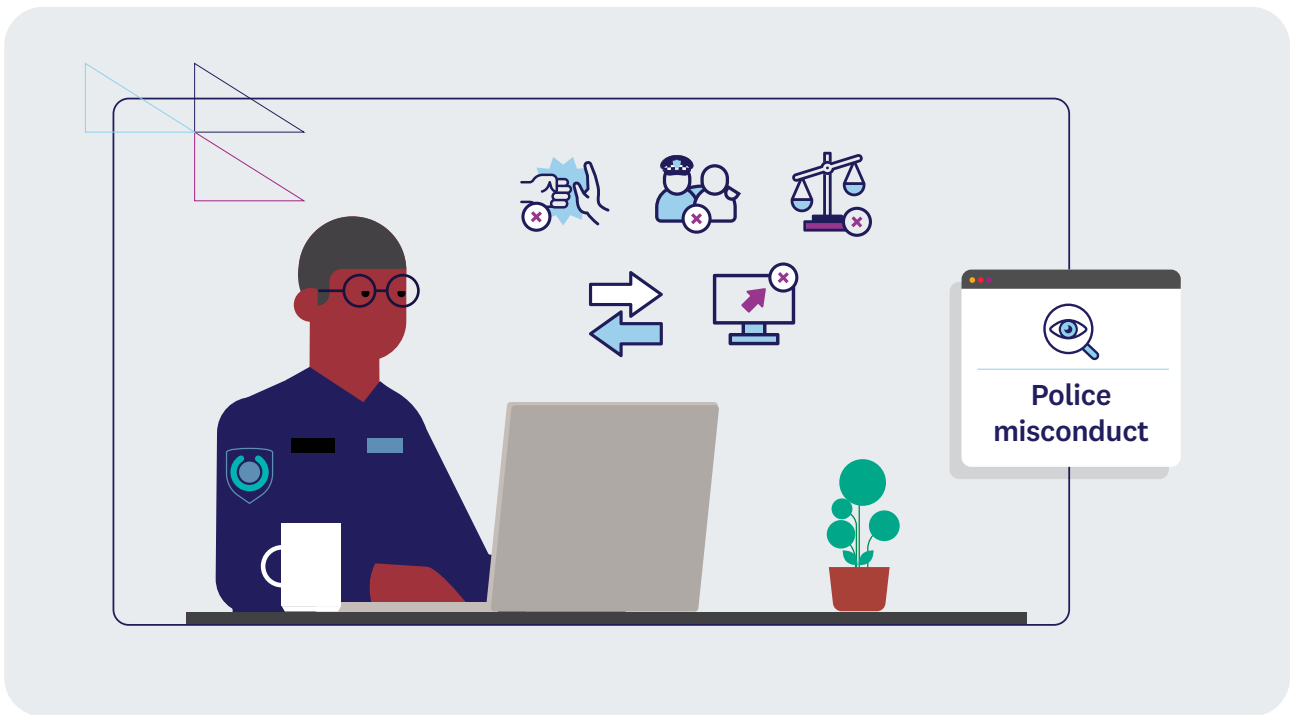
We deal with complaints about:

- Victoria Police officers and recruits
- Protective services officers (PSOs)
- Police custody officers (PCOs)
- Victorian public service employees (VPS).

What is police misconduct?

Under our legislation, there is a difference between police conduct and police misconduct. IBAC can receive complaints about police conduct and police misconduct.

Police misconduct can be inappropriate or illegal conduct. It can mean everything from criminal conduct to improper behaviour that discredits other personnel or brings Victoria Police into disrepute.



Police misconduct can include:

- using excessive force
- stalking, family violence, assault, sexual misconduct and sexual assault
- human rights breaches
- discrimination or prejudice based on race, religion, disability, age, sex, gender identity, sexual orientation or other characteristics
- unauthorised access, use or disclosure of Victoria Police information
- drink driving or traffic offences
- using, selling or dealing drugs
- theft, accepting bribes
- not declaring or managing conflicts of interest
- not declaring associations that aren't compatible with their role or that may make a reasonable person think they're not upholding the obligations or reputation of a Victoria Police employee
- unauthorised secondary employment
- misuse of police resources
- distributing offensive material
- misrepresentation on log books, time sheets or registers
- failing to report misconduct
- behaving disgracefully or improperly (on or off duty)
- discrediting Victoria Police or its personnel.

Who can make a complaint about police personnel?

Anyone can report concerns about police conduct to IBAC.

Police officers and protective services officers who witness or are made aware of suspected misconduct, are required to report it under the *Victoria Police Act 2013*. Victoria Police personnel can report suspected misconduct to a supervisor, Professional Standards Command or to IBAC.

Anyone can also report concerns about police conduct to Victoria Police. By law, Victoria Police must notify IBAC of any complaints it receives about the conduct of its personnel.

What happens when IBAC receives a complaint about Victoria Police personnel?

IBAC assesses each complaint carefully. It assesses the allegations and cross checks the information against research, other complaints and intelligence.

Then IBAC decides whether to:

- **investigate** the complaint
- **refer** the complaint to Victoria Police for further action
- close the matter with **no further action**.

What happens when IBAC refers a complaint to Victoria Police?

When IBAC refers a complaint to Victoria Police for further action, IBAC can choose to:

- **monitor** investigations of police misconduct
- **review** decisions to make sure they're fair and thorough
- **step in to take over** an investigation if the need arises

When a matter is investigated by Victoria Police, the Chief Commissioner must report the outcomes to IBAC.

How will you be protected?

As Victoria Police personnel, you may be protected under the *Public Interest Disclosures Act 2012* if you make a complaint to IBAC.

IBAC assesses every complaint to decide if it is a public interest disclosure. If your complaint is a public interest disclosure:

- IBAC will not share your name or other personal details with anyone, other than where permitted by law
- you cannot be fired, disciplined or bullied for making a complaint
- you are protected from legal actions such as defamation and civil liability.

Not reporting or covering for misconduct is a form of misconduct itself

The act of concealing or covering up misconduct, or failing to report or investigate misconduct is a form of misconduct in itself.

Covering up misconduct can include:

- not telling the appropriate person about suspected misconduct
- deliberately misleading about or covering up an incident
- arresting or charging a victim of police misconduct with an offence to divert attention from, justify or conceal the misconduct.

Engaging in misconduct can lead to serious consequences

If police personnel engage in misconduct they may receive disciplinary actions such as reprimands, suspensions, fines or dismissal. Serious offences can also lead to criminal charges.





Frequently Asked Questions

Q. Can I still continue my job at Victoria Police if I make a complaint to IBAC?

A. Yes. Making a complaint to IBAC does not prevent you from carrying out your duties at Victoria Police. You have the right to make a complaint if you have a genuine concern about police conduct. In fact, if you are a police officer or a protective services officer, you must report any suspected misconduct. There are protections in place to ensure that your complaint is taken seriously and that you are not treated unfairly as a result under the *Public Interest Disclosures Act 2012*.

Q. Can I continue my job at Victoria Police if I am being investigated by IBAC?

A. It depends. Victoria Police will determine whether you will be able to carry out your job if you are being investigated by IBAC.

Victoria Police may decide to reassign you to other duties during an investigation if necessary or remove your operational duties if the investigation is of a serious nature and there's an assessed risk to the public or Victoria Police.

Q. If I'm being investigated by IBAC, can I be compelled to take part in an interview conducted by IBAC investigators?

A. Yes. As a Victoria Police personnel being investigated by IBAC, you can be compelled to take part in an interview with IBAC. Failure to participate in an interview when required to do so can lead to disciplinary action.

Q. If I'm suspected of engaging in corrupt conduct or police misconduct, what are the types of interviews that may be held?

- A. There are different types of interviews you may be required to take part in depending on your role at Victoria Police and the circumstances of an investigation. These include:
- an involuntary interview where police officers and protective services officers are subject to a power under s84 of the *Independent Broad-based Anti-corruption Commission Act 2011* that requires them to provide information and documents and answer questions
 - an involuntary private or public examination where any Victoria Police personnel can be summoned as a witness
 - a voluntary criminal interview conducted under the *Crimes Act 1958* to ensure admissibility in a prosecution.

Q. If I'm a witness to police misconduct, do I have to take part in an interview conducted by IBAC investigators?

A. As Victoria Police personnel, if you witness police misconduct you may be asked to provide a statement or required to participate in an interview conducted by IBAC investigators.

It's your duty to report police misconduct.

If you have any reason to suspect there's been misconduct at Victoria Police, you must report it to IBAC.



Fill out the secure online form to report at www.ibac.vic.gov.au



If you have difficulty accessing the online form, call us on **1300 735 135** for further assistance.



If you need help with translation, call Translating and Interpreting Service on **13 14 50** or visit www.ibac.vic.gov.au/mylanguage