

Police misconduct issues and risks associated with Victoria Police's Critical Incident Response Team

Through its work overseeing Victoria Police, IBAC has identified incidents involving Critical Incident Response Team (CIRT) officers that raise misconduct risks. This special report outlines those incidents, the misconduct risks, recommendations IBAC has made to Victoria Police, and work that Victoria Police has undertaken to improve practices in CIRT.

Victoria Police's CIRT takes a leading role in responding to high-risk incidents. Such incidents regularly involve significant threats to the safety of those involved, including the responding police officers and members of the public. Through its specially trained and equipped officers, CIRT is responsible for helping to resolve such incidents lawfully and safely.

Despite the difficult nature of CIRT's work, these officers are expected to uphold Victoria Police's values – which include safety, integrity, respect and professionalism – when interacting with members of the public and each other.

IBAC has identified several incidents involving CIRT officers that raise misconduct issues and risks. Three incidents have highlighted these vulnerabilities to IBAC and are the focus of this special report:

- the Inflation Nightclub incident
- **Operation Lynd**
- **Operation Wingan.**

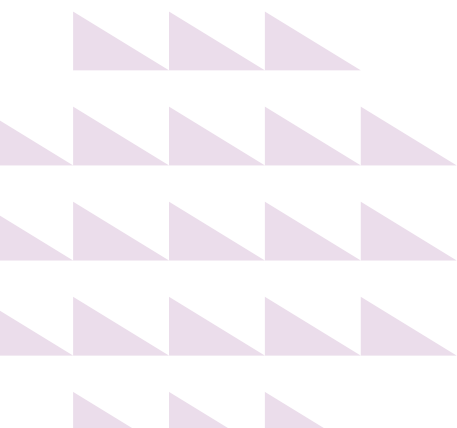
The misconduct risks and issues identified in this report relate to:

- inaccurate use of force reporting
- inadequate risk assessment processes which can increase the risk of using force on members of the public
- poor communication by CIRT officers when responding to incidents
- CIRT officers acting inconsistently with the Charter of Human Rights.

IBAC also identified issues with gender diversity. More than 90 per cent of CIRT officers are men, which is not representative of Victoria Police's broader workforce or the Victorian community and can impact how CIRT is perceived by members of the community.

The report makes recommendations to Victoria Police to manage these risks and promote integrity.

This is a summary of IBAC's special report on *Police misconduct issues and risks associated with Victoria Police's CIRT*. The full report is available on IBAC's website www.ibac.vic.gov.au



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Main misconduct risks and issues

IBAC's investigations identified the following police misconduct risks:



Reporting the use of force

Repeated failures of CIRT officers to report their use of force accurately and comprehensively, due to a lack of training, supervision and the complexity of Victoria Police's reporting processes. Inadequate reporting reduces the transparency of CIRT's use of force and prevents improvements.



Risk assessment and planning processes

Inadequate risk assessment processes increase the risk that CIRT officers will use force on members of the public that may result in serious injuries. This risk is relevant to all operational police, but particularly to CIRT, due to the nature of the incidents which CIRT responds to and the additional weapons which CIRT officers regularly use.



CIRT deployment

Failure by CIRT officers to communicate their intention to respond to incidents other Victoria Police officers have already attended to can impede planned responses and risk assessments that those other officers may have put in place.



Human rights, arrest, and custody procedures

IBAC found instances of CIRT officers acting inconsistently with the Charter of Human Rights, including a failure to advise people of their rights and inform them of the reason for their arrest and detention. IBAC also found instances of CIRT officers not carrying water with them to deliver appropriate aftercare to people affected by oleoresin capsicum spray (commonly known as OC spray or capsicum spray).



CIRT's culture

A lack of gender diversity in CIRT (90 per cent male) is not representative of Victoria Police's broader workforce or the Victorian community, and can increase the risk of workplace harm, including sex discrimination and sexual harassment.

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Recommendations

Following Operations Lynd and Wingan, IBAC made recommendations to Victoria Police to address the misconduct risks identified. This special report outlines steps Victoria Police has initiated in response to IBAC's recommendations, including introducing a new electronic use of force reporting system, which is expected to be operational by late 2023.

In addition to the recommendations already made to Victoria Police, IBAC has identified further opportunities for Victoria Police to reduce the risk of misconduct by CIRT officers. IBAC recommends:

Recommendation 1

Within six months, Victoria Police report to IBAC on how the new use of force database will:

- improve the accuracy of use of force reports and compliance by officers to submit reports after each incident
- be used to identify trends in officers using force against members of the public, and officers at risk of using excessive force.

Recommendation 2

Within six months, Victoria Police report to IBAC on what new steps it is taking to ensure:

- officers understand what constitutes force and what must be reported
- it overcomes the risk of inaccurate or incomplete reporting when an incident is attended by more than one police unit.

Recommendation 3

Within 12 months, Victoria Police consult with other Australian police agencies and any other agencies who report the use of force electronically, to identify barriers or risks to accurate and complete reporting, and that Victoria Police work to remove these barriers or risks.

Recommendation 4

Within six months, Victoria Police strengthen CIRT's method for assessing operational risk, to remove the vulnerabilities highlighted in this report, including:

- developing risk assessment principles for CIRT to standardise approaches to risk management
- consider risk assessment practices as part of incident debriefs.

Recommendation 5

Within six months, Victoria Police amend the *Victoria Police Manual – Specialist Support* to clarify the respective roles and responsibilities of CIRT officers and general duties officers whenever CIRT attends an incident in an 'assist' capacity, including in relation to:

- communicating with other attending officers and the police forward commander
- custody handover procedures and human rights
- handling evidence
- notifications to Professional Standards Command regarding deaths and serious injury incidents involving police.

Recommendation 6

Within 12 months, Victoria Police improve gender diversity in CIRT, including:

- reporting to IBAC on how Victoria Police's Gender Equality Action Plan 2022–24 and CIRT's Gender Equality Action Plan have removed gender barriers to joining CIRT
- reporting on other actions taken by Victoria Police to improve gender diversity in CIRT
- giving IBAC an updated report on the diversity of CIRT's leadership and other officers.

This is a summary of the recommendations. For a detailed list of the recommendations, and to read the special report, visit www.ibac.vic.gov.au

IBAC will publish Victoria Police's responses to these recommendations on its website.

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IBAC's police oversight role

IBAC's independent oversight of Victoria Police helps ensure police officers act fairly, impartially, and according to the law.

IBAC's police oversight role is a significant part of IBAC's jurisdiction and includes:

- investigations
- reviews of completed police investigations into police misconduct to ensure they are thorough and impartial
- recommendations for significant policy and practice change
- overseeing police compliance with a range of legislation.

Over many years, IBAC's oversight of Victoria Police has led to Victoria Police taking action to address misconduct risks and issues. Examples include regular drug testing of officers and improvements to Victoria Police's complaints handling processes.

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

T 1300 735 135

E info@ibac.vic.gov.au

October 2022

IBAC is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct. We do this by:

- investigating serious corruption and police misconduct
- informing the public sector, police and the community about the risks and impacts of corruption and police misconduct, and ways in which it can be prevented.

Report corruption

To report corruption now, visit www.ibac.vic.gov.au or call **1300 735 135**.

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