



VICTORIA POLICE

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Victoria Police Final Response

IBAC audit of Victoria Police complaints handling systems at regional level

8 March 2019



VICTORIA POLICE

Office of the Deputy Commissioner Capability
Level 10, Tower 1
Victoria Police Centre
637 Flinders Street, Docklands
[REDACTED]

Robert Redlich QC
Commissioner
Independent Broad-Based
Anti-Corruption Commission
GPO Box 24234
Melbourne VIC 2001

Dear Commissioner,

In September 2016, IBAC published the *Audit of Victoria Police complaints handling systems at regional level report* (IBAC Audit Report) which determined how effectively Victoria Police is dealing with complaints made about its officers.

The project found that Victoria Police has a well-established complaints handling system, however, there are areas in which the timeliness, accountability and accessibility of its complaint handling process could be improved.

In answer to the IBAC Audit Report, Victoria Police has implemented and amended a number of procedures and systems. A response was provided to IBAC in both April and December 2017 regarding the completion of recommendations 1, 3, 4, 5, 7 and 9. These responses were accepted by IBAC and subsequently published on IBAC's website.

I am pleased to provide a full response to the IBAC detailing Victoria Police actions and outcomes of all (9) nine recommendations including the outstanding recommendation 2, 6 and 8.

Regards

A handwritten signature in blue ink, appearing to read 'Kevin Casey', with a long vertical line extending downwards from the end of the signature.

Kevin Casey
Acting Deputy Commissioner, Capability, Victoria Police

10/ 4 / 2019

IBAC RECOMMENDATION 1

“Develop a policy for local management resolution (C2-4) files including clear parameters for their use and communication with complainants and subject officers”

The Management Intervention Model (MIM) policy has been amended to include instructions pertaining to the application of Local Management Resolution files. Amendments to the policy were finalised on 6 November 2017.

Victoria Police submit this recommendation is complete, as published on IBAC’s website – Victoria Police response (dated 11 December 2017) to the Audit of Victoria Police complaints handling systems at regional level.

IBAC RECOMMENDATION 2

“Review the correspondence classification (C1-6) to determine if and when it should be applied”

Victoria Police, Conduct and Professional Standards Division (CPSD) of Professional Standards Command (PSC), reviewed its business practices that inform the application of the C1-6 classification identifying inconsistencies.

CPSD has reinforced Victoria Police’s internal policy requirements with the supervisor and staff within CPSD in relation to their obligations when classifying complaints as a C1-6 correspondence file. These actions have contributed to the reduction in the lodging of C1-6 classifications with a 30% decrease from 2016 to 2018¹.

This review and reinforcement in respect to C1-6 correspondence files complies with the guidance and advice contained on the Victoria Police intranet in the PSC Integrity Management Guide and Correspondence File guidance form available through the PSC intranet pages.

The classification of complaints as C1-6 correspondence files are continually examined by senior management as part of the PSC Tasking and Coordination and the PSC complaint file quality control processes.

IBAC RECOMMENDATION 3

“Implement a policy requiring PSC to attach a subject officer’s complete complaint history to all complaint files”

All complaint files forwarded to investigators now have a complaint history attached. A project team has been established to undertake a full review of all matters related to probity, including the structure, content and application of the probity, or complaint history, report. The interim arrangement is that a complaint history is attached before the file is allocated.

¹ Record of Complaints and Serious Incidents Database (Classification Report)

Further changes were affected in the Register of Complaints and Serious Incidents Database (ROCSID) and as at 1 November 2018 a report called an 'Employee History Check' is now generated and attached to all complaint investigations.

Victoria Police submit this recommendation is complete, as published on IBAC's website – Victoria Police response (dated 28 April 2017) to the Audit of Victoria Police complaints handling systems at regional level.

IBAC RECOMMENDATION 4

“Require investigation plans, investigation logs and final checklists to be completed and attached to complaint investigation files”

Victoria Police has now rolled out the use of Interpose to manage complaint investigations across the state. Investigation plans and logs are in-built within Interpose and are being completed by investigators as required. The use of Interpose has enabled scrutiny by supervisors and EPSOs during the investigation phase improving the overall standard in investigations conducted.

Victoria Police submit this recommendation is complete, as published on IBAC's website – Victoria Police response (dated 11 December 2017) to the Audit of Victoria Police complaints handling systems at regional level.

IBAC RECOMMENDATION 5

“Require a Victoria Police conflict of interest declaration (Form 1426) to be completed for all oversight and investigation files to ensure conflicts of interest are explicitly addressed and managed”

Before the assignment of an investigation file to an investigating member, supervisors must approve the Conflict of Interest form, provide reasoning for decision making and in the event of an investigation proceeding where a conflict is declared, explain how this is to be managed.

Victoria Police submit this recommendation is complete, as published on IBAC's website – Victoria Police response (dated 28 April 2017) to the Audit of Victoria Police complaints handling systems at regional level.

IBAC RECOMMENDATION 6

“Review the system of determinations to reduce and simplify determinations categories”

Victoria Police's Professional Standards Command (PSC) has previously advised IBAC of work underway to develop a simplified and streamlined discipline and complaint handling system and our expectation that this work would seek to reduce and simplify the determination categories and acquit this recommendation.

Victoria Police also reiterated these reforms at s.4.4 p.36 of its submission to the Independent Broad-based Anti-corruption Commission Committee - Inquiry into external oversight of police corruption and misconduct in Victoria April 2018.

Streamlined complaint classification and management

Existing complaint classifications will be reduced from eleven to three options: criminal, misconduct or performance. This new approach will support the correct characterisation of complaints, adequacy of investigations and pursuit of outcomes that are proportionate and resolution-focussed.

This work on a simplified and streamlined discipline and complaint handling system fell from the recommendations contained in the 2015 VEOHRC Independent Review into sex discrimination and sexual harassment including predatory behaviour in Victoria Police.

This work has now been paused pending a whole of government approach to the review of the Victoria Police discipline system resulting from the 2018 IBAC Parliamentary Committee Inquiry into the external oversight of police corruption and misconduct in Victoria (IBAC Committee Report).

Victoria Police anticipates that recommendations contained in the IBAC Committee Report will be considered and implemented by a review team constituted by representatives from Victoria Police, IBAC and the Victorian Equal Opportunity and Human Rights Commission (VEOHRC).

The Terms of Reference and Scope for the review are unknown at this stage, therefore Victoria Police is unable to comment on how the review may impact on the delivery of this recommendation until the outcomes of the review are understood.

Victoria Police undertakes to advise IBAC in due course.

IBAC RECOMMENDATION 7

“Publicly release aggregated information on a regular basis (such as in the Victoria Police annual report) on the number of complaints received, their classifications, determinations and recommendations to improve transparency and accountability for outcomes”

Professional Standards Command has provided a statistical report with expanded complaint data to the External Reporting Unit for publication in the next and future Victoria Police Annual Reports.

Victoria Police submit this recommendation is complete, as published on IBAC’s website – Victoria Police response (dated 11 December 2017) to the Audit of Victoria Police complaints handling systems at regional level.

IBAC RECOMMENDATION 8

“Require all formal and informal workplace guidance be recorded on subject officers’ professional development and assessment (PDA) plans to clearly outline performance or conduct issues and the actions taken in response to issues”

Victoria Police expects the highest standards of performance from employees within the organisation. Performance management decisions must be made in accordance with the Victoria

Police Manual *Performance and Professional Management* which at present does not require workplace guidance be recorded in a subject officers' PDA.

As part of its review to improve the *complaint handling and discipline system*, PSC has identified opportunities to better utilise the PDA system for performance related issues. These recommendations have been provided to Victoria Police Human Resource Department for consideration during their review of the PDA system and policy, projected to be completed later in 2019.

Victoria Police undertake to provide IBAC with an update once the review is complete.

IBAC RECOMMENDATION 9

“Provide regional, departmental and command investigators with clearer information and training on the Victorian Charter of Human Rights to assist in identifying human rights that have been engaged by a complaint”

The Integrity Management Program has been revised to include a more detailed component on human rights in the context of complaint investigation. All complaint file templates have been amended to include clearer advice regarding human rights considerations and a Human Rights Ready Reckoner has been added to our intranet resources.

Victoria Police submit this recommendation is complete, as published on IBAC's website – Victoria Police response (dated 11 December 2017) to the Audit of Victoria Police complaints handling systems at regional level.