

Yes, it's corruption.
Yes, I can do something about it.

Annual report 2018/19

Chapter 4 Focus Area 1:
Exposing and preventing corruption
and police misconduct
(Victoria Police subchapter)



Chapter 4 Focus Area 1: Exposing and preventing corruption and police misconduct

IBAC is responsible for exposing, investigating and preventing corruption and police misconduct.

Investigations are integral to IBAC's work, and are a key way by which we fulfil our remit. The decision by IBAC to investigate is informed by:

- complaints
- information reports
- notifications
- protected disclosures
- its sources of intelligence.

Investigations often involve analysing trends, unravelling complex networks and following financial trails. IBAC investigations help to uncover and identify the evidence necessary to expose serious and systemic corruption and police misconduct.

This chapter details the way in which its operational and oversight work enable IBAC to:

- better understand and identify corruption and misconduct risks
- expose serious and systemic corruption and misconduct
- help to shape a public sector that actively resists corruption.

Challenges and opportunities

The challenge of maintaining four fully resourced investigation teams is ongoing. As a consequence of limited talent in key areas and Australia-wide integrity agency competition, recruitment can take significant time, particularly when new employees need to relocate from interstate. IBAC has commenced a workforce plan to help attract, retain and develop skills for operational roles.

Keeping up with technological advances, including the increasing shift to encrypted communication methods, is another major challenge. These encrypted applications present potential barriers to IBAC investigations; however, IBAC has other intelligence and data sources and is committed to utilising technological advances to maintain a strong collections capability while continuing to meet strict compliance requirements.

Highlights

Activities to directly expose and counteract corruption and police misconduct include:

- finalising an increased number of investigations and preliminary inquiries
- holding public examinations for Operation Gloucester
- introducing a new case management system.

This is the Victoria Police subchapter from IBAC's 2018/19 annual report. The full report is available at www.ibac.vic.gov.au

Independent, external oversight is critical to help ensure police act fairly, impartially and in accordance with the law. IBAC's oversight is vital to support community confidence in police integrity and accountability.



Victoria Police

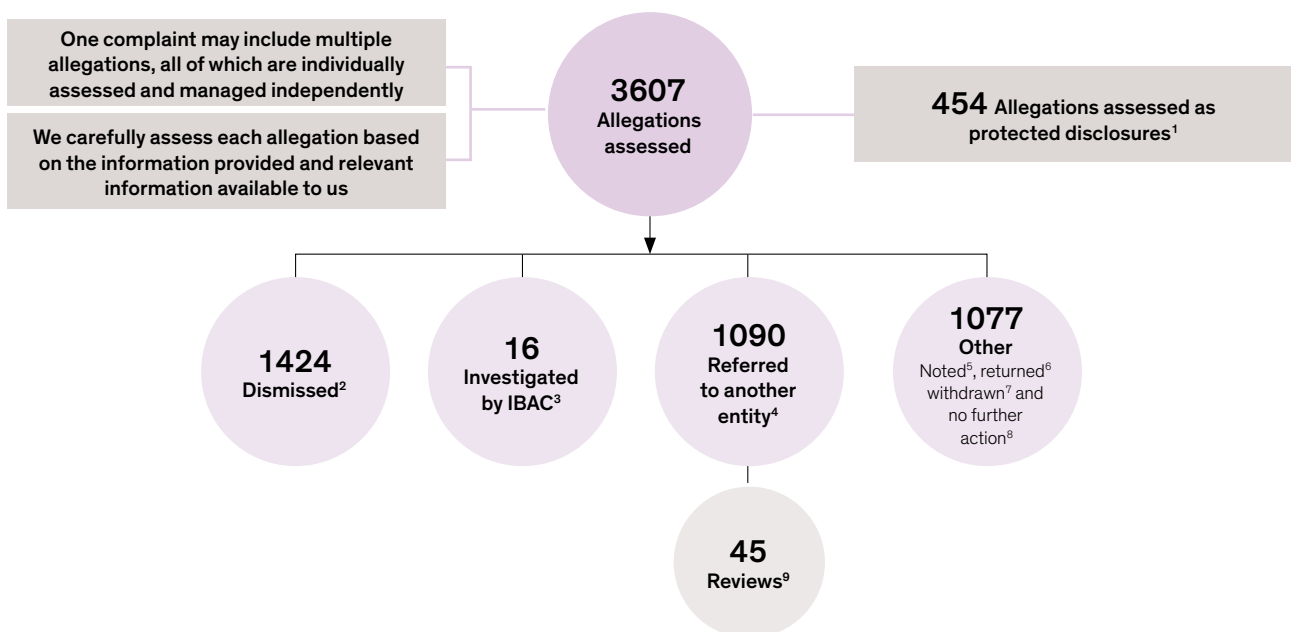
Victoria Police complaints and notifications

IBAC receives complaints and notifications about corrupt conduct and/or misconduct by police personnel. All complaints received by Victoria Police about police misconduct must be notified to IBAC (see page 26 of the full report for an explanation of how IBAC deals with these notifications).

As part of its role in assessing complaints and notifications, IBAC determines which matters are protected disclosures. Following legislative changes in 2015/16, all complaints made by a police officer about another officer are automatically defined as 'protected disclosures' under section 5 of the PD Act.

As explained on page 32-33 of the full report, IBAC can refer or investigate allegations of police corruption or misconduct; however, we primarily investigate allegations that are serious, systemic and/or sensitive, where we determine we are the most appropriate agency to investigate.

FIGURE 1: OUTCOME OF ALLEGATIONS RELATING TO VICTORIA POLICE DURING 2018/19



¹ Protected disclosures (previously known as 'whistleblower' complaints) provide the complainant with certain legal protections.

² Matters are dismissed by IBAC for a range of reasons including insufficient information, alleged incident being too old, matters already investigated, or matters being frivolous or vexatious.

³ By law, we must prioritise investigations into serious or systemic corruption and misconduct.

⁴ While many complaints and notifications are referred by IBAC to agencies who are most appropriate to action, information in all complaints continues to provide IBAC with intelligence that we use to identify trends and patterns in corruption and misconduct. This informs prevention activities, IBAC's strategic priorities, helps to identify serious and systemic issues for possible 'own motion' investigations, and helps to assess future complaints and notifications.

⁵ IBAC aims to determine if the matter has been handled fairly and investigated thoroughly by the relevant agency. Where reviews identify deficiencies, we provide feedback to the agency and may recommend specific action be taken to address and issue.

⁶ Noted outcomes are mandatory notifications under s169 of the Victoria Police Act, about a complaint against a police officer, that IBAC 'notes' and monitors.

⁷ Returned outcomes are protected disclosure notifications from public sector agencies that are determined by IBAC not to be protected disclosures and therefore do not engage the IBAC Act for assessment. These are 'returned' to the relevant agency for their consideration or action.

⁸ The complainant has withdrawn their complaint.

⁹ Matters that fall outside IBAC's jurisdiction and no further action can be taken.

Victoria Police (continued)

TABLE 1: ALLEGATIONS ABOUT VICTORIA POLICE

Total number of allegations received through:	2014/15	2015/16	2016/17	2017/18	2018/19
Complaints made by individuals directly to IBAC	1635	1697	2005	2520	2231
Notifications and protected disclosure notifications from Victoria Police	1083	1093	1083	1154	1343
Notifications from other sources (eg Victorian Ombudsman, Victorian Auditor-General's Office)	261	168	76	35	45

In 2018/19, the number of complaints concerning Victoria Police by individuals directly to IBAC fell by 11 per cent compared to the previous year. The number of notifications and protected disclosure notifications from Victoria Police increased by 16 per cent.

The number of notifications relating to Victoria Police from other sources increased slightly in 2018/19. However, the trend of notifications from other sources is one of decline since 2014/15. This trend may reflect fewer complaints reported to the Victorian Ombudsman regarding police, as a result of greater awareness of IBAC's police oversight role, as well as steps taken by the Victorian Ombudsman to encourage complaints about police personnel to be made directly to IBAC.

Figure 2 summarises the number of inquiries and investigations of Victoria Police that were undertaken and finalised by IBAC during 2018/19.

1343 

Notifications and protected disclosure notifications from Victoria Police, an increase of 16 per cent compared to 2017/18.

FIGURE 2: IBAC INQUIRIES AND INVESTIGATIONS INTO VICTORIA POLICE DURING 2018/19



¹⁰ See page 32 of the full report for the definition of 'standard' and 'complex' investigations.

Victoria Police (continued)

Victoria Police Protected Disclosures

TABLE 2: PROTECTED DISCLOSURE ALLEGATIONS THAT RELATE TO VICTORIA POLICE

Total number of allegations received through:	2014/15	2015/16	2016/17	2017/18	2018/19
Complaints made by individuals directly to IBAC	n/a	121	172	206	179
Notifications from Victoria Police	n/a	231	202	244	275
Protected disclosure outcomes					
Investigated by IBAC	n/a	0	0	4	5
Referred	n/a	325	265	291	400
Dismissed	n/a	27	109	155	47

Consideration of human rights

IBAC plays an important role in supporting adherence to Victoria's Charter of Human Rights. We assess allegations about the public sector and Victoria Police to determine if human rights are engaged. The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) identifies and outlines the rights, freedoms and responsibilities of all Victorians.

IBAC has two main obligations in relation to the Charter:

- as a Victorian public authority, IBAC must act in a way that is consistent with the Charter and give proper consideration to the rights outlined in the Charter when making decisions
- IBAC is required, under the IBAC Act, to ensure that Victoria Police officers have regard to the human rights set out in the Charter.

In relation to ensuring that Victoria Police officers have regard to human rights outlined in the Charter, IBAC:

- assesses whether allegations engage the Charter
- considers whether police officers have had sufficient regard to the rights in the Charter, when conducting investigations, reviewing selected investigations by Victoria Police and auditing complaints handled by Victoria Police.

IBAC has conducted a number of investigations into the conduct of Victoria Police officers that highlight breaches of human rights. During 2018/19, IBAC identified potential breaches of human rights when investigating allegations of excessive use of force, including in Operation Angas (page 7) and Operation Poros, and brought these to the attention of Victoria Police. IBAC suggested that Victoria Police further review its training to ensure officer understanding, awareness and compliance with the Charter.

When assessing complaints relating to public sector agencies, or investigating allegations of corrupt conduct in public sector agencies, IBAC also considers human rights issues to inform its prevention, engagement and investigation work. In 2018/19, IBAC finalised an investigation, Operation Rous (page 44 of the full report), into allegations that corrections officers had assaulted prisoners. IBAC's investigation identified potential breaches of human rights and suggested that Corrections Victoria and the DJCS review their systems, policies and procedures to ensure consistency with the Charter.

In 2018/19, the Victorian Equal Opportunity and Human Rights Commission delivered onsite training to IBAC officers to help ensure they understand their obligations and rights under the Charter. All IBAC officers are also required to undertake an e-learning module on the Charter as part of their induction.

In 2018/19, IBAC conducted a review of how it applies its coercive powers to assess how those powers are used and whether they are applied appropriately and proportionately. The issue of human rights continues to be a consideration when coercive powers are employed. Refer to page 74 of the full report for further details of our review.

Victoria Police (continued)

Examples of finalised Victoria Police investigations

A large proportion of IBAC investigations concern allegations of unlawful assault and/or excessive use of force by police officers, particularly in relation to vulnerable people. As discussed on the previous page, investigations also considered whether police had sufficient regard to rights under the Charter.

Operation Angas: excessive use of force

In May 2018, IBAC commenced Operation Angas to investigate the conduct of police officers involved in arrests following the pursuit of a vehicle observed to be driving dangerously. After the vehicle was stopped, the driver got out and resisted arrest. The eventual arrest was captured on mobile phone footage by witnesses and shared on social and mainstream media.

Operation Angas focused on the conduct of a senior constable who allegedly used excessive force after the driver was brought to ground and restrained by three other police officers.

IBAC's investigation raised concerns with the use of excessive force, but found insufficient evidence to commence a criminal prosecution. The investigation found no concerns about the conduct of other police officers involved in the incident.

IBAC suggested Victoria Police consider disciplinary action against the senior constable.

Operation Barwon: unauthorised secondary employment

In December 2017, IBAC commenced Operation Barwon after a notification from Victoria Police alleging that a VPS employee of the Victoria Police was engaging in unauthorised secondary employment and had unauthorised outside interest in a massage business.

The VPS employee was required to have a national security clearance at the level of Negative Vetting Level 2. The security clearance was obtained in October 2015 and the employee declared there was no false or misleading information in the application. It was subject to a six-month review and the employee had an ongoing requirement to disclose personal information that included involvement in any businesses, declarable associations, financial income, secondary employment, addresses and family details.

In June 2017, the Victoria Police Sex Industry Coordination Unit identified the VPS employee was involved in the management of a massage business that was alleged to be providing sexual services. As a result, the Victoria Police's Professional Standards Command commenced initial inquiries; however, it concluded that criminality could not be established. The employee's file was forwarded to the Human Resources Department, Workplace Relations Division for consideration of employee misconduct by unapproved (or unauthorised) secondary employment.

IBAC could not substantiate the allegation of perjury for a false statement in the security clearance application due to insufficient evidence. The original application pre-dated the establishment of the massage business, and subsequent 'change of circumstances' notifications were not made in the form of a statutory declaration.

However, the allegation of engaging in unauthorised secondary employment was substantiated. IBAC also found evidence to suggest the VPS employee had failed to declare their association with a registered sex offender. In July 2018, the VPS employee resigned from Victoria Police with their employment record reflecting that they 'resigned under investigation'.

The investigation identified opportunities for Victoria Police to strengthen its systems and procedures relating to vetting of employees for security clearances, particularly in regard to management of conflicts of interest (including declarable associations). IBAC also identified an opportunity for Victoria Police to strengthen its processes for notifying IBAC of suspected corrupt conduct by VPS employees.

Victoria Police (continued)

OPERATION TURON: CONDUCT OF A FORMER VICTORIA POLICE ASSISTANT COMMISSIONER

IBAC's investigation, Operation Turon, into allegations about the conduct of former Assistant Commissioner of Victoria Police Professional Standards Command, Brett Guerin, concluded on 30 July 2019.

As part of Operation Turon, IBAC examined the outcomes of complaints made to Professional Standards Command that may have been adversely affected by bias on the part of Mr Guerin, and considered the adequacy of relevant Victoria Police policies relating to internet and social media use by Victoria Police employees.

IBAC's investigation found no evidence of actual bias. Regardless of this, this behaviour risked damaging the integrity of, and confidence in, Victoria Police investigations.

IBAC informed Victoria Police of the findings of this investigation, and identified opportunities for improvements in Victoria Police policies and practices.

No charges were laid against Mr Guerin; while his conduct was generally offensive, it did not meet the standard of 'offensive' currently required to file charges under the Criminal Code.

IBAC is preparing a special report for the Victorian Parliament that will focus on leadership failures within Victoria Police, noting the important role senior leaders play in modelling the organisation's values. The special report will draw on issues highlighted in this and other recent IBAC investigations that involve allegations of police misconduct and corruption by senior leaders within Victoria Police.

The report is expected to be finalised in 2020.

Victoria Police (continued)

Outcomes of Victoria Police investigations

In 2018/19, 12 Victoria Police officers were charged with offences under various state and federal statutes. Table 3 below lists the outcomes of IBAC investigations of Victoria Police that were finalised in 2018/19, noting that some outcomes are from charges made in previous years.

TABLE 3: OUTCOMES OF IBAC INVESTIGATIONS OF VICTORIA POLICE FINALISED DURING 2018/19

Investigation	Date of prosecution	Who	Outcome
Operation Genoa: an investigation into allegations of inappropriate relationships of a sworn member of Victoria Police	September 2018	Detective Senior Constable Ross Waring	Mr Waring pleaded guilty to two charges of unauthorised access to police information, one charge of unauthorised use of police information and one charge of unauthorised disclosure of police information. He was fined \$3000 without conviction. Mr Waring resigned from Victoria Police.
Operation Ross: an investigation into allegations of excessive use of force by certain officers at Ballarat Police Station	February 2019	Senior Constable Steven Repac	Mr Repac was found guilty of one charge of common law assault. Without a conviction, he was released on an adjourned undertaking to be of good behaviour for a period of 12 months.
Operation Poros: an 'own motion' investigation into an incident at Moe Police Station	March 2019	Senior Constable Dallas Howell	Two charges of unlawful assault were found proven against Mr Howell. With conviction, he was released on an undertaking to be of good behaviour for 12 months. ¹¹
Operation Tia: an 'own motion' investigation into the unauthorised release of information from Victoria Police	June 2019	Detective Senior Sergeant Robert Wells	Mr Wells pleaded guilty to one count of making a false or misleading statement to IBAC regarding the location of his mobile phone during a search of Frankston Police Station. He was fined \$5000 without conviction and retired from Victoria Police.

¹¹ Mr Howell is appealing his conviction (the appeal is listed for 20 January 2020).

Victoria Police (continued)

Reviews of investigations conducted by Victoria Police

Reviews are an opportunity for IBAC to identify and influence opportunities to improve established policies and practices of Victoria Police.¹² The following examples were among the reviews finalised during 2018/19.

Review of alleged predatory behaviour by Victoria Police

IBAC received a protected disclosure notification relating to an allegation of drink spiking and sexual harassment involving a senior sergeant at a work-related social event several years ago. The matter was referred to Victoria Police to investigate, with IBAC noting the matter for review.

After assessing the adequacy of Victoria Police's investigation, IBAC considered the investigation finding of 'unfounded' and the outcome of 'no further action' to be satisfactory.

As part of the review, IBAC engaged with Victoria Police to help clarify and confirm its guidelines and procedures in relation to the PD Act. Victoria Police stated that the guidelines would be revised again following commencement of the new public interest disclosure legislation, which will provide further opportunity to educate officers about the importance of confidentiality.

Reviews of two serious incident notifications from Victoria Police

These reviews raised complexities in relation to the safe transportation of detainees in divisional vans.

IBAC received a serious incident notification from Victoria Police in relation to injuries a citizen possibly sustained while handcuffed in the rear of a police divisional van without a fastened seatbelt.

A further serious incident notification was received from Victoria Police in relation to another individual who attempted to harm himself using a seatbelt, while handcuffed and placed in the rear of a divisional van without a fastened seatbelt.

IBAC's reviews found that Victoria Police's investigation in each instance was generally sound; however, both cases raised the question of the circumstances under which seatbelts are required while transporting people in the rear of divisional vans. The cases also called into question the risk assessment practices that were used to determine whether a seatbelt was required.

The reviews also indicated that Victoria Police had taken steps to examine its policies and practices regarding transport and use of seatbelts, which resulted in a decision by Victoria Police to remove seatbelts from the rear sections of divisional vans because they presented a risk of self-harm. Victoria Police had also decided to modify the rear pods in the divisional vans, reducing their size, to minimise risk to detainees.

Another issue identified in the second case related to 'warning flags' about individuals known to police or emergency services. Although warning flags were available on one database used by Victoria Police, they were not visible on the mobile data terminal network available to police. IBAC noted that integration of the two databases would help on-duty police officers in their day-to-day operations, and suggested integration of these systems was an opportunity that Victoria Police could explore.

¹² Reviews are explained in further detail on page 36 of the full report.

Victoria Police (continued)

REVIEW OF FALSIFICATION OF PRELIMINARY BREATH TESTS WITHIN VICTORIA POLICE

IBAC oversaw the establishment and oversight of Victoria Police's investigation into allegations that some police officers were falsifying preliminary breath test (PBT) results to meet quotas. These allegations were reported to Victoria Police by the Transport Accident Commission in September 2017, and to IBAC in February 2018 following initial data analysis conducted by Victoria Police's Professional Standards Command.

IBAC identified 16 matters that required investigation by Victoria Police. Regular reports were provided to IBAC during the investigation by former Chief Commissioner of Police Neil Comrie, AO. With IBAC's encouragement, Victoria Police published Mr Comrie's report of the investigation, *Taskforce Deliver 2018: Investigation into the falsification of preliminary breath tests within Victoria Police* (Taskforce Deliver 2018 report), on the Victoria Police website.

The report highlighted that the practice of falsification of PBTs by some officers was widespread and had occurred over a prolonged period. The conduct was a clear failure to act with integrity.

IBAC considered two key issues of concern identified in the Taskforce Deliver 2018 report:

1. The practice of falsifying PBT results was primarily driven by the need to meet targets.

Victoria Police was required to report against two performance measures in the Service Delivery Budget Paper (commonly referred to as Budget Paper 3 or BP3). In 2018/19, the targets were for police to conduct 3.5 million alcohol screening tests, and for 99.5 per cent of drivers tested to comply with prescribed alcohol limits.

In April 2017, the then Assistant Commissioner of Road Policing Command proposed that the number of PBTs conducted on drivers be increased to 4.5 million, which equated to one test per registered Victorian driver. This new target was recognised as challenging, but the State Tasking and Coordination Committee, chaired by the Deputy Commissioner of Regional Operations, agreed to it.

In practice, rather than supporting the objective of enhancing road safety, these targets created the 'perverse outcome' of some officers falsifying PBT results to meet quotas (eg by testing themselves) and conducting PBTs in locations and at times that minimised the risk of positive alcohol test results (as positive tests would adversely affect the 99.5 per cent BP3 target). Officers consulted during the investigation said that although they wanted to test in places and at times that were more likely to detect drink drivers, they were required to test at locations where the number of PBTs could be maximised and positive test results minimised.

Victoria Police has advised that although the 99.5 per cent target for 2019/20 remains in BP3, it is no longer applied. Victoria Police will need to work internally and with external stakeholders to ensure that retention of the 99.5 per cent target as a BP3 measure does not recreate the perverse consequences identified in Mr Comrie's report.

IBAC is also concerned that the quantitative measure has been retained with one minor amendment: the number of alcohol screening tests during 2019/20 is to be 3 million rather than 3.5 million. The risk of falsification of tests remains. This risk in turn affects public confidence in Victoria Police's road safety program.

During 2018/19, significantly more people died on Victorian roads than in the previous year. IBAC understands that Victoria Police has released a new road safety strategy. It is timely and necessary to closely examine the alcohol and drug targets that are applied by Victoria Police when testing drivers, to ensure these targets support rather than hinder road safety.

2. Although officers who falsified PBTs did not appear to have done so for personal benefit, the conduct constituted misconduct under the IBAC Act. As Victoria Police has acknowledged, the conduct has brought the organisation into disrepute and risked loss of community confidence in Victoria Police.

Mr Comrie's report referred to the occurrence of 'ethical fading': officers engaging in conduct contrary to their own and Victoria Police's values and ethical standards.

Victoria Police (continued)

Of concern to IBAC is that officers consulted as part of the PBT investigation indicated they felt unable to raise concerns or speak up about the pressure they experienced to meet the targets and/or the practice of falsification.

The findings of the Taskforce Deliver 2018 report clearly have implications beyond the falsification of PBT results, and must be addressed by Victoria Police. Regular and meaningful reinforcement of the requirements of, and expectations around, ethical standards, and the obligation to report misconduct, is essential. In April 2019, IBAC issued a public statement highlighting that Victoria Police needs to consider Mr Comrie's findings that ethical failings, including failures of leadership and behaviour in relation to PBT falsification, are likely to indicate ethical failings in other areas.

Mr Comrie's investigation focused on identifying systemic issues associated with the falsification of PBT results. IBAC considers that 13 of the 16 matters that it identified as requiring investigation were acquitted through Mr Comrie's investigation. Two of the remaining matters relate to the conduct of individual officers under aggravating circumstances (eg where supervisors directed the officer under their command to falsify the test results). A number of investigations into such aggravating circumstances are being conducted by Victoria Police, and will be reviewed by IBAC when they are completed to ensure they have been conducted thoroughly and appropriately.

The remaining matter identified by IBAC as requiring investigation relates to IBAC's ongoing work with Victoria Police on behaviours that obscure misconduct, and the need for cultural change to encourage reporting and exposing of misconduct and other ethical issues.

Audits of complaints handled by Victoria Police

As part of its compliance function, IBAC has specific regulatory requirements it must monitor in ensuring it complies with both State and Commonwealth legislation around its significant coercive powers. Additionally, IBAC oversees Victoria Police's compliance with various Acts, a role which has expanded without funding year on year. IBAC's Compliance team conducts audits and inspections around the following:

Audit of complaints handled by Victoria Police involving Aboriginal people

IBAC commenced an audit of how Victoria Police handles complaints involving Aboriginal people. The audit covers matters closed by Victoria Police during 2018 where the complainant (or the person involved in a serious incident) was identified as Aboriginal.

IBAC's audit aims to help Victoria Police build its capacity to prevent corrupt conduct and misconduct among its officers, by identifying issues and potential areas of improvement in the handling of complaints made by Aboriginal people. The audit will also seek to identify good practice that can be considered more broadly by Victoria Police and raise awareness of IBAC's police oversight role among Aboriginal people and the broader Victorian community.

To inform and identify the audit scope, IBAC consulted stakeholders including representatives from a range of Aboriginal community organisations. IBAC will undertake further engagement with these and other stakeholders to explore issues identified by the audit, including why Aboriginal people may be reluctant to make complaints to Victoria Police.

The results of the audit are scheduled to be published in 2020.

Victoria Police responses to previous complaint audits

In 2018/19, Victoria Police provided final reports to IBAC on its implementation of recommendations in two previous IBAC audits. The first audit, in 2016, was of Victoria Police's complaints handling systems at the regional level. In that audit IBAC made nine recommendations to strengthen the complaints systems. The second audit, finalised in March 2018, was of Victoria Police's oversight of serious incidents¹³. In that audit IBAC made eight recommendations to strengthen the way in which oversight of serious incidents is conducted.

¹³ For the purposes of our audit, the term 'serious incident' was used to collectively refer to incidents that are overseen through Victoria Police's C1-8 file process. This included what Victoria Police refers to as 'death or serious injury incidents' – which some other police organisations refer to as 'critical incidents' – as well as other incidents requiring C1-8 oversight, such as escapes from custody.

Victoria Police (continued)

IBAC has noted the changes implemented by Victoria Police and continues to work with Victoria Police to ensure these changes help improve the way complaints and serious incidents are managed.

Audit of low level notifications from Victoria Police

Complaints received by Victoria Police are triaged centrally by Professional Standards Command and assigned a classification that determines how each matter is handled. The lowest classifications are Local Management Resolution (LMR) and Management Intervention Model (MIM) matters. Only minor complaint and conduct matters (eg customer service complaints) should be classified LMR or MIM because the focus is on developmental rather than punitive action for the officer who is the subject of the complaint. Victoria Police does not consider LMR or MIM matters to be complaints about misconduct as defined in the *Victoria Police Act 2013* (Victoria Police Act); therefore, it is not required to notify these matters to IBAC. Nevertheless, Victoria Police does advise IBAC of these matters. In the 2018/19 period, there were 633 LMR and 451 MIM notifications received from Victoria Police.

From 1 July 2018 to 30 April 2019, IBAC undertook an audit of 10 per cent of MIMs and LMRs classified by Victoria Police. IBAC monitored the content of each notification to determine whether any of these matters constituted 'misconduct' and therefore, should have been notified to IBAC under the Victoria Police Act. IBAC's audit found that that 13 per cent involved potential misconduct and therefore, in IBAC's view, should have been formally notified to IBAC to enable an independent assessment to determine what, if any, action would be taken.

It is noted that the percentage of LMRs and MIMs notifications that IBAC identified as involving potential misconduct increased, compared to the previous year. However, it is also acknowledged that the assessment was based on very limited information, which is a challenge in this type of audit.

IBAC will continue to be advised of LMR and MIM matters by Victoria Police. It will provide Victoria Police with feedback to improve its accuracy of reporting.

Monitoring Victoria Police compliance with legislation

As part of its compliance function, IBAC has specific regulatory requirements it must monitor in ensuring it complies with both State and Commonwealth legislation around its significant coercive powers. Additionally, IBAC oversees Victoria Police's compliance with various Acts, a role which has expanded without funding year on year. IBAC's Compliance team conducts audits and inspections around the following:

Sex Offenders Registration Act 2004

IBAC monitors Victoria Police's Register of Sex Offenders for compliance with parts three and four of the *Sex Offenders Registration Act 2004*. IBAC inspection reports are provided to the Minister for Police for tabling in each House of Parliament.

Witness Protection Act 1991

IBAC monitors Victoria Police's compliance with its record keeping requirements under the *Witness Protection Act 1991*. IBAC inspection reports are provided to the Minister for Police.

Drugs, Poisons and Controlled Substances Act 1981

IBAC inspects Victoria Police certificates of health and safety destruction or disposal of specified material found on public land or private land (where permission has been given). IBAC inspection reports are provided to the Minister for Police.¹⁴

Firearms Act 1996

Legislation commencing on 9 May 2018 conferred on IBAC three additional oversight functions in relation to the firearms prohibition order scheme: a quarterly case review, a standing power to monitor and provision of biennial reports to the minister. IBAC ministerial reports are tabled in each House of Parliament. In 2018/19, IBAC case-reviewed 30 firearm prohibition orders and made no recommendations for action.

¹⁴ Due to necessary legal restrictions, the content of inspection reports related to the *Witness Protection Act 1991* and the *Drugs, Poisons and Controlled Substances Act 1981* cannot be detailed.

Victoria Police (continued)

Corruption prevention initiatives for Victoria Police

Victoria Police education program

In collaboration with Victoria Police, IBAC launched an education program for Victoria Police members and public sector staff. The program utilised a range of opportunities to integrate anti-corruption messaging in existing Victoria Police education and other activities, to raise awareness about IBAC, inform police of their obligations to report misconduct and provide information on how to report misconduct (to IBAC or Victoria Police). The program also sought to reinforce the importance of integrity and to build a strong ethical culture in Victoria Police that actively resists corruption and misconduct.

Resources have been developed and presentations delivered to Victoria Police members and public sector staff across many work areas, including recruitment and training, officers in leadership positions from sergeant to senior command, and Professional Standards Command. A focus for IBAC has been to discuss a range of behaviours that can cover up or obscure police misconduct (see Figure 3). Although obscuring behaviours undermine police integrity and decrease community trust and confidence in Victoria Police, they are not unique to Victoria Police and are seen in other areas of the public service. IBAC will continue to collaborate with Victoria Police to deliver this education program in 2019/20 and incorporate it into the information provided to staff about ethics and integrity.

FIGURE 3: AN IBAC INFORMATION GRAPHIC ON OBSCURING BEHAVIOURS BY POLICE

Obscuring ('cover up') behaviours of police that mask misconduct

Here are some of the different ways police can conceal misconduct, which impacts the ability to investigate and stop it.



1.

Officers directly involved in misconduct conceal or fail to accurately disclose and report their actions.



2.

Police witnesses conceal or fail to accurately disclose and report the misconduct.



3.

Managers/supervisors fail to rigorously inquire into and report, or actively conceal the misconduct of officers and police witnesses.



4.

Investigators fail to adequately assess the evidence of misconduct, recommend appropriate sanctions, or consider actions that may have concealed misconduct.



5.

Senior leaders fail to acknowledge, expose or address the misconduct.

*What would you do if you saw or found out about any of this conduct?
What will you do now to address these behaviours?*


Victoria Police (continued)

Supporting engagement strategies

IBAC engaged with the Commissioner for Gender and Sexuality, Ro Allen, regarding IBAC's Operation Lynd. This was an investigation into an incident in May 2019 near the Hares & Hyenas bookshop in Fitzroy, and was an incident of interest and concern for the LGBTIQ community. The engagement with the Commissioner was to support community understanding of IBAC's obligations regarding independent oversight of Victoria Police and our processes. In addition, IBAC publicly called for witnesses to assist in the investigation.

IBAC continues to support engagement with the legal sector to build understanding of IBAC's police oversight and remit, and facilitate the exchange of information and perspectives. This work will include hosting roundtable discussions with key legal sector stakeholders, supporting continuing professional development events, submitting articles to key legal publications, participating in speaking events and developing online resources.

To download the full version of IBAC's 2018/19 annual report,
go to www.ibac.vic.gov.au.



Independent Broad-based Anti-corruption Commission

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

Phone 1300 735 135
Fax (03) 8635 6444

www.ibac.vic.gov.au