



# ANNUAL REPORT 2019/20

EXTRACT OF VICTORIA  
POLICE INFORMATION

**This is an extract of Victoria Police information taken from IBAC's 2019/20 annual report.  
The full report is available at [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)**

## VICTORIA POLICE OVERSIGHT

While IBAC's remit covers the whole Victorian public sector, an important and highly visible function of IBAC is its independent oversight of Victoria Police.

As Victorian communities place great trust in Victoria Police, they want to be assured that this independent oversight is thorough and effective. IBAC performs a crucial role in ensuring Victoria Police members act fairly, impartially and in accordance with the law. As police officers exercise significant powers – including powers to detain, search and arrest, use force, enter premises and seize property – oversight of the way these powers are used is important for community safety and wellbeing.

And as part of the emergency response to COVID-19, Victoria Police is enforcing the new public health directions made under the *Public Health and Wellbeing Act 2008*. This includes policing certain types of travel, gatherings and self-isolation orders. IBAC is overseeing the policing of these new directions.

Independent oversight of Victoria Police by IBAC is provided by:

- receiving complaints and notifications about conduct of police personnel (including complaints received by Victoria Police, which are mandatorily reported to IBAC)
- assessing these complaints and notifications to determine which are to be referred to Victoria Police for action, which are to be dismissed and which are to be investigated by IBAC
- reviewing investigations of serious incidents or selected matters that IBAC has referred to Victoria Police to ensure those matters are handled appropriately and fairly
- conducting 'own motion' investigations into serious police misconduct
- overseeing deaths and serious injuries associated with police contact and identifying matters for review
- conducting private or public hearings as part of IBAC investigations into serious or systemic police misconduct
- ensuring police officers have regard to the Charter of Human Rights and Responsibilities Act, including through IBAC's reviews of complaint investigations by Victoria Police
- undertaking research and other strategic initiatives, including auditing how Victoria Police handles complaints
- conducting statutory inspections of Victoria Police under the *Drugs, Poisons and Controlled Substances Act 1981*, *Witness Protection Act 1991*, *Firearms Act 1996*, *Crimes Act 1958* and the *Sex Offenders Registration Act 2004*.
- informing and educating the community and Victoria Police about police misconduct, encouraging the reporting of, and advising on ways that, corruption and police misconduct can be prevented.

# COMPLAINTS AND NOTIFICATIONS

One of IBAC's core functions is to receive and assess complaints (from the public) and notifications (from departments and agencies) alleging public sector corruption and police misconduct.

IBAC considers complaints made about corruption and misconduct (including improper conduct under the Public Interest Disclosures Act concerning:

- a public body officer
- Victoria Police employees (including Protective Services Officers).

IBAC also receives mandatory notifications from principal officers of public sector departments and agencies, and Victoria Police.

A single complaint or notification may contain several separate allegations that are individually assessed to determine an appropriate outcome. Possible outcomes of our assessment of each allegation are:

- investigate
- refer
- dismiss
- defer
- return
- take no further action.

IBAC prioritises allegations of serious or systemic corruption and misconduct for investigation. As part of its investigations, IBAC may conduct private or public examinations. As a result of these investigations, IBAC may bring criminal proceedings, refer matters to the Office of Public Prosecutions (OPP) and make recommendations to help prevent corruption and misconduct.

To find out more about how we handle complaints, please refer to our website ([www.ibac.vic.gov.au/reporting-corruption/what-happens-to-your-complaint](http://www.ibac.vic.gov.au/reporting-corruption/what-happens-to-your-complaint)).

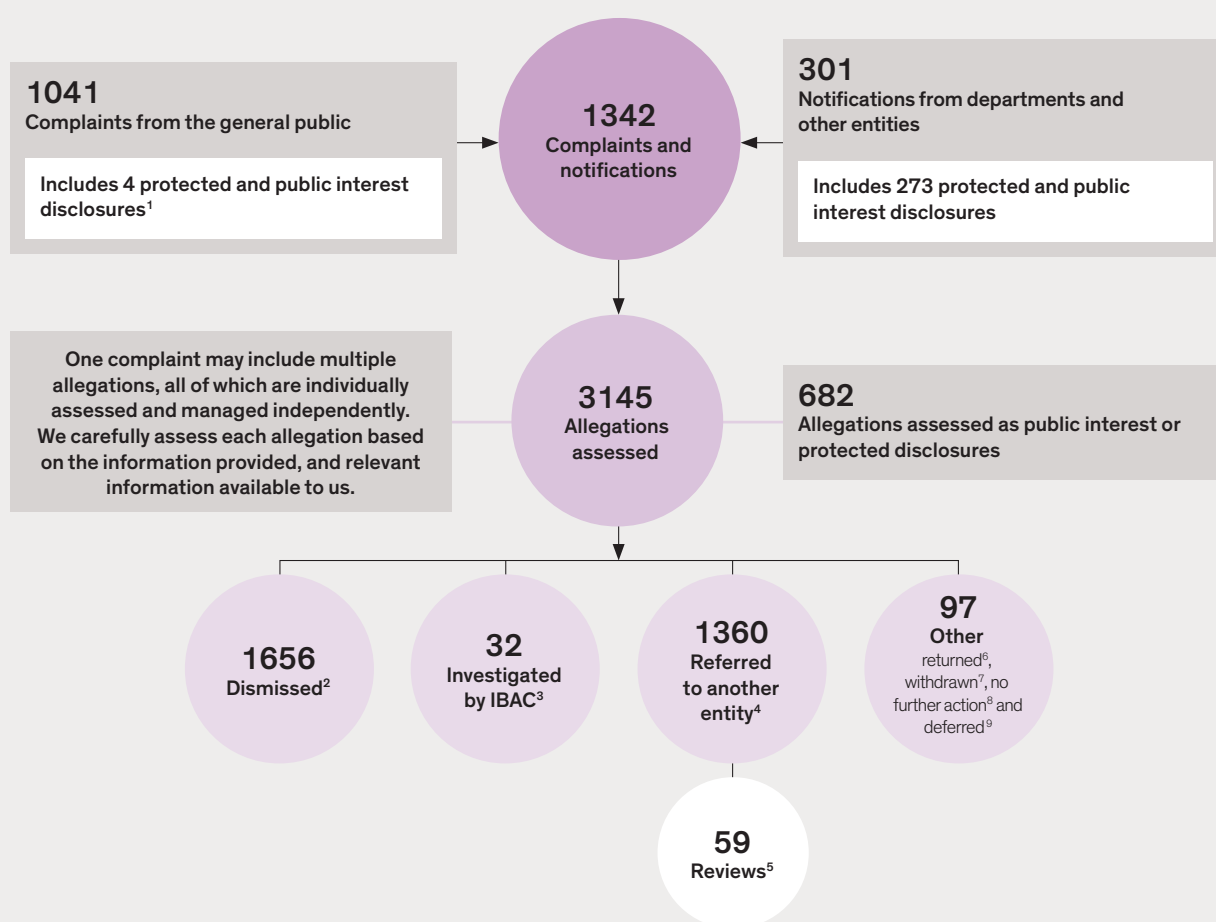
The illustration on the next page explains these terms and summarises the outcomes of complaints and notifications assessed by IBAC during 2019/20.

## COMPLAINTS AND NOTIFICATIONS RELATING TO VICTORIA POLICE

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.

As part of its role in assessing complaints and notifications, IBAC determines which matters are public interest disclosures. Following legislative changes in 2015/16, all complaints made by a police officer about another officer are automatically defined as 'public interest disclosures' under section 5 of the Public Interest Disclosures Act. Prior to 1 January 2020, these complaints were automatically defined as 'protected disclosures' under section 5 of the Protected Disclosure Act. IBAC can refer or investigate allegations of police corruption or misconduct; however, we are required to primarily investigate allegations that are serious, systemic and/or sensitive, where we determine we are the most appropriate agency to investigate.

### OUTCOMES RELATING TO ALLEGATIONS ABOUT VICTORIA POLICE DURING 2019/20



<sup>1</sup> On 1 January, protected disclosures were replaced by public interest disclosures due to changes to the Public Interest Disclosures Act. For the 2019/20 financial year, disclosures made between 1 July and 31 December 2019 are reported as protected disclosures and disclosures made between 1 January and 30 June 2020 are reported as public interest disclosures. Both disclosures provide the complainant with certain legal protections.

<sup>2</sup> 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.

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

<sup>4</sup> While many complaints and notifications are referred by IBAC to the agencies most appropriate to action them, information in all complaints 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.

<sup>5</sup> IBAC conducts reviews 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 an issue.

<sup>6</sup> Returned outcomes are public interest or protected disclosure notifications from public sector agencies that are determined by IBAC not to be public interest or protected disclosures and therefore do not engage the IBAC Act for assessment. These are 'returned' to the relevant agency for their consideration or action.

<sup>7</sup> The complainant has withdrawn their complaint.

<sup>8</sup> Matters that fall outside IBAC's jurisdiction and no further action can be taken.

<sup>9</sup> IBAC may defer making a decision in relation to a complaint or notification if the subject matter is being investigated by another integrity body or a body listed in Section 73(2) of the IBAC Act.

**PROTECTED AND PUBLIC INTEREST DISCLOSURES AND THEIR OUTCOMES RELATING TO VICTORIA POLICE**

Classification	2019/20 <sup>(i)</sup>
Allegations assessed as a protected disclosure or public interest complaint	<b>682</b>
<b>Origin of allegations assessed as a protected disclosure or public interest complaint:</b>	
• made direct to IBAC	<b>244</b>
• notified to IBAC by Victoria Police or other public sector entities	<b>438</b>
<b>Outcomes of allegations assessed as a protected disclosure or public interest complaint:</b>	
• investigated by IBAC	<b>32</b>
• referred to Victorian Ombudsman, Chief Commissioner of Police, Judicial Commission of Victoria, Victorian Inspectorate, Chief Municipal Inspector, the Information Commissioner or the Racing Integrity Commissioner for investigation	<b>560</b>
• dismissed	<b>80</b>
• unable to investigate or refer to another investigating entity. <sup>(ii)</sup>	<b>90</b>

(i) On 1 January, protected disclosures were replaced by public interest disclosures due to amendments to the *Public Interest Disclosures Act 2012*. For the 2019/20 financial year, disclosures made between 1 July and 31 December 2019 are reported as protected disclosures and disclosures made between 1 January and 30 June 2020 are reported as public interest disclosures. For all other years, the numbers relate to protected disclosures only.

(ii) 'Unable to investigate or refer to another investigating entity' includes allegations assessed as protected or public interest complaints that have been dismissed and those that are awaiting an assessment outcome as to whether IBAC will dismiss, refer or investigate. This new category allows IBAC to better report data under the Public Interest Disclosures Act.

## CONSIDERATION OF HUMAN RIGHTS

The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) identifies and outlines the rights, freedoms and responsibilities of all Victorians. IBAC plays an important role in supporting adherence to Victoria's Charter.

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.

We also assess allegations about public sector agencies to determine if human rights are engaged. Each allegation is considered in regard of the Charter and is captured systematically to help inform IBAC's prevention and investigation work.

In 2019/20, 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 required to undertake an e-learning module on the Charter as part of their induction. The Victorian Equal Opportunity and Human Rights Commission and IBAC regularly meet to discuss matters of mutual interest, particularly those concerning police accountability.

# INVESTIGATIONS

An important function of IBAC is to identify and investigate complaints of corruption and police misconduct across the Victorian public sector, including Victoria Police. By law, IBAC must prioritise serious or systemic corruption for investigation.

IBAC must be notified of potential public interest disclosures, allegations of police misconduct by Victoria Police and suspected corrupt conduct. These are called mandatory notifications. IBAC also receives complaints directly from the public.

IBAC can investigate without receiving a complaint or mandatory notification. These are called own motion investigations. As part of its investigations, IBAC may conduct private or public examinations.

As a result of these investigations, IBAC may bring criminal proceedings, refer matters to the Office of Public Prosecutions and make recommendations to help prevent corruption and misconduct. IBAC publishes reports and prepares other resources to inform the community and stakeholders about corruption, its impacts and how it can be prevented.

IBAC investigations are categorised based on their level of complexity (that is, standard or complex), which reflects the time needed to properly complete an investigation. IBAC commenced reporting on this distinction between standard and complex investigations in 2018/19.

The standard or complex category is determined by considering a number of factors, including:

- number of persons of interest
- offending period (limited or extensive)
- number of corruption or misconduct behaviours identified
- number of criminal offences suspected
- volume of evidence (limited or extensive).

A standard investigation will have no more than two factors and the majority of these factors will be categorised as 'limited'. Complex investigations will have two or more and the majority of these responses will be categorised as 'extensive'.

## VICTORIA POLICE INVESTIGATIONS

The table below shows the investigations and preliminary inquiries into Victoria Police undertaken by IBAC during 2019/20. Of the 12 investigations completed by IBAC, seven were complex, three were standard and two were preliminary 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. Investigations also considered whether police had sufficient regard to the Charter of Human Rights and Responsibilities. In addition, several complex investigations involving police personnel involved allegations of misusing their position in various ways, including accessing or disclosing police information, perjury and associating with organised crime entities.

### VICTORIA POLICE INVESTIGATIONS AND PRELIMINARY INQUIRIES UNDERTAKEN BY IBAC DURING 2019/20

Status of investigation	Number
Preliminary inquiries commenced	3
Investigations commenced – standard <sup>(i)</sup>	2
Investigations commenced – complex	4
Preliminary inquiries finalised	2
Investigations finalised – standard	3
Investigations finalised – complex	7
Open investigations and preliminary inquiries as at 30 June 2020	4

(i) For the definition of 'standard' and 'complex' see page 47 of the full report.



## EXAMPLES OF FINALISED VICTORIA POLICE INVESTIGATIONS

### OPERATION SALINA

A former Victoria Police Inspector, David Manly, was sentenced in the Melbourne Magistrates' Court on 17 December 2019, following an IBAC investigation. IBAC charged Mr Manly and a sergeant with a range of offences in November 2018, including perjury, misconduct in public office, obtaining property by deception and theft.

The charges were the result of IBAC's investigation, Operation Salina, into allegations that a police officer fraudulently took possession of a number of vacant properties. Mr Manly pleaded guilty to perjury and failing to produce a document or other thing, and was convicted and fined \$5000.

### OPERATION ITHACA

On 25 November 2019, a former Victoria Police Sergeant was sentenced to six months' imprisonment after he was found guilty of perjury in the Melbourne Magistrates' Court, following an IBAC investigation.

IBAC charged former Victoria Police Sergeant Robert Beckingham with a number of offences in May 2018. The charges were the result of IBAC's investigation, Operation Ithaca, into allegations of police personnel misconduct.

Any witness in an IBAC examination, whether public or private, must answer all questions truthfully. It is an offence to give false or misleading evidence to IBAC, and there are heavy penalties for proven perjury before IBAC.

On 1 July 2020, Mr Beckingham was convicted and sentenced at the Melbourne Magistrates' Court to a \$7500 fine. He pleaded guilty to a charge of unauthorised access to police information contained on the LEAP database that related to nine different persons.

Mr Beckingham appealed his sentence in relation to the perjury offence and on 14 August 2020, he was resentenced to an 18-month community corrections order.

## VICTORIA POLICE INVESTIGATIONS (CONT)

### VICTORIA POLICE PROSECUTIONS

Prosecutions resulting from IBAC investigations are one way of measuring IBAC's impact in exposing and responding to corrupt conduct in the public sector, as well as ensuring consequences for those engaging in corruption – including findings of guilt, convictions, jail terms, recovery of the proceeds of crime, fines, community work, corrections orders and bonds.

The number of charges and convictions an anti-corruption body secures is only one indicator of performance, albeit a highly public one. Given IBAC's role to expose and prevent corruption, IBAC's effectiveness and efficiency is measured across a much broader range of operational functions and assessed against agreed metrics.

The table below lists the outcomes of IBAC investigations of Victoria Police members that were finalised in 2019/20. Some outcomes are from charges made in previous years.

#### OUTCOMES OF IBAC INVESTIGATIONS OF VICTORIA POLICE FINALISED DURING 2019/20

Operation	Date	Who	Outcome
Poros	31 January 2020	Dallas Howell	Mr Howell appealed against his conviction and sentence (that was handed down in the Magistrates' Court on 25 March 2019). The County Court found Mr Howell guilty of two charges of unlawful assault. He was convicted and sentenced to a 12-month adjourned undertaking to be of good behaviour.
Light	2 March 2020	Paul Smith	Mr Smith pleaded guilty to two charges of possessing a prohibited weapon without exemption or approval and was fined \$500 without convictions.
Mersey	5 June 2020	Ross Fowler	On 4 March 2020, a jury trial returned a guilty verdict for the offence of recklessly causing serious injury for which Mr Fowler was later sentenced to a fine of \$10,000 without conviction.
Salina	17 December 2019	David Manly	Mr Manly pleaded guilty to a charge of perjury and failing to produce a document or other thing. He was convicted and fined \$5000.

# INDEPENDENT OVERSIGHT

## REVIEWS

IBAC conducts retrospective reviews of public sector and Victoria Police investigations into allegations about misconduct and corruption, or serious incidents and deaths associated with police contact. Independent review of such investigations is a critical part of IBAC's work.

The purpose of an IBAC review is to determine the adequacy of an investigation, in particular whether it was thorough and fair, that the findings are evidence-based and outcomes reasonable and in accordance with public expectations. Where applicable, reviews also consider human rights and public interest disclosure laws.

Reviews are an efficient form of oversight and inform IBAC's strategic intelligence, policy and research work. They are also an opportunity for IBAC to identify opportunities to improve established policies and practices of the agency conducting the investigation, including their investigation processes.

IBAC's capacity to conduct reviews is currently restricted by a lack of resources and only a small number of referred investigations can be reviewed. Working within limited resources, IBAC has this year conducted reviews in two ways – via a high-level review or a comprehensive review. Some matters are immediately assessed for comprehensive review if they meet certain criteria, others undergo an initial high-level review, which involves a more limited form of review that looks at the investigation report and list of outcomes, materials and evidence obtained within the investigation file.

This step enables more targeted selection of additional matters that would benefit from a comprehensive review, which involves an in-depth examination of the full investigation file.

In addition to ensuring resources are utilised effectively, conducting high-level reviews enables more matters to be considered and helps to inform trends analysis, engagement and prevention efforts.

IBAC prioritises its reviews by considering:

- the seriousness of the allegations
- the seniority or position of personnel involved
- the established patterns of behaviour or complaint histories
- indications of management practices or organisational and cultural issues that enable misconduct or corruption
- issues that are in the public interest, for example they may involve a vulnerable member of the community, excessive force or a breach of human rights.

## VICTORIA POLICE REVIEWS

IBAC conducted 59 comprehensive reviews of Victoria Police investigations. These reviews commonly highlighted issues with:

- adherence to processes to manage perceived, possible and actual conflicts of interest
- consideration of the Charter of Human Rights
- timeliness of investigations.

IBAC will continue to work with Victoria Police on improvements in these areas.

In addition, IBAC conducted 99 high-level reviews of investigations and, in 75 of these matters, did not consider it necessary to proceed to comprehensive review.

The following examples were among the comprehensive reviews finalised in 2019/20.

### REVIEW OF INJURY SUSTAINED IN POLICE CUSTODY

IBAC received a serious incident notification from Victoria Police advising of an injury sustained in police custody. The civilian was injured in custody during a full body search and was later taken to hospital. An investigation into the incident was undertaken by Victoria Police and finalised; however, it was reopened to consider additional information provided by the injured party's lawyer.

IBAC found the Victoria Police investigation of the incident was comprehensive, thorough and the findings of Victoria Police were evidence-based. IBAC noted that the case file was well organised and all relevant evidence had been considered and included in the file. In addition, IBAC noted Victoria Police gave appropriate consideration to relevant human rights engaged during the incident.

IBAC's review identified only minor issues with the investigation and these were relayed to Victoria Police for noting and consideration.

### REVIEW OF A POLICE DISCIPLINE INVESTIGATION

IBAC received a notification from Victoria Police about an incident involving improper behaviour by an off-duty police officer, which resulted in an arrest and both criminal and discipline action being considered.

IBAC's review of the Victoria Police investigation found that the criminal and discipline investigations were undertaken appropriately, the findings and outcomes were fair and reasonable, and the investigating officer fully considered human rights.

However, IBAC's review identified two of the officers involved in the investigation should have completed conflict of information forms at the start of the investigation. Although there was no indication of any bias or inadequacies in the investigation, IBAC identified one of the officers had a conflict of interest as they were involved in the initial arrest of the off-duty officer.

IBAC's review noted this had the potential to cast doubt on the integrity of the investigation and reiterated the importance of completing forms prior to an investigation to avoid conflicts like this arising and to provide an opportunity to manage them.

**59**  

reviews of police investigations completed, a 31% increase on 2018/19

## VICTORIA POLICE REVIEWS (CONT)

### **REVIEW OF POLICE HANDLING OF INVESTIGATION INTO INFLATION NIGHTCLUB SHOOTING**

In July 2017, members of the Victoria Police Critical Incident Response Team attended Inflation Nightclub in response to reports that a patron had a firearm. Police entered the club and fired shots, seriously injuring two patrons. Victoria Police reviewed police conduct after the critical incident but IBAC found that Victoria Police failed to properly review the incident.

IBAC found Victoria Police only investigated the conduct of the patrons involved in this incident, and not the actions and conduct of police officers. Details of IBAC's findings were made public after Victoria Police and the two injured patrons reached a confidential financial settlement in relation to the incident on 13 November 2019.

IBAC looked at the investigation conducted by the Armed Crime Squad and the Professional Standards Command oversight of this investigation, and found that Victoria Police had failed to conduct an Operational Safety Review\* of the conduct of the police.

It was IBAC's expectation that an Operational Safety Review would be undertaken by Victoria Police. Victoria Police justified not conducting the Operational Safety Review as civil litigation was underway. IBAC did not consider this an appropriate reason for not undertaking the necessary review. In November 2019, Victoria Police advised IBAC that it would conduct the Operational Safety Review and share the findings with IBAC upon completion. A draft report on the Operational Safety Review was shared with IBAC in June 2020.

\* Victoria Police can conduct Operational Safety Reviews after serious incidents to assess the strategies and tactics used, and identify and recommend opportunities for improvement in police systems, processes, practices, policy, training, and resources.

## MONITORING VICTORIA POLICE COMPLIANCE WITH LEGISLATION

IBAC oversees Victoria Police's compliance with various Acts. IBAC's Compliance team conducts audits and inspections under the following Acts:

### **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.

### **CRIMES ACT 1958**

IBAC is required to monitor compliance by police officers and members of Victoria Police personnel or any other person who carried out a function or power in respect of:

- the taking of a DNA profile sample
- a senior police officer authorisation
- an authorisation under Section 464ZFAE to a senior police officer authorising the taking of a DNA sample
- any matter on which the Chief Commissioner of Police is required to report to the Attorney-General under Section 464ZFE.

### **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 2019/20, IBAC case-reviewed 35 firearm prohibition orders and made one recommendation that was accepted by the Chief Commissioner of Police.

## MONITORING OF LOW-LEVEL COMPLAINTS FROM VICTORIA POLICE

Complaints received by Victoria Police are triaged by Victoria Police 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 (for example, customer service complaints) should be classified LMR or MIM because these are incidents that are capable of resolution without using the disciplinary process and do not involve police misconduct, as defined in the *Victoria Police Act 2013*. While not required to notify IBAC, Victoria Police does advise IBAC of these matters.

In 2019/20, IBAC received 516 LMR notifications. These complaints related to duty failure (such as failure to take action, assist or investigate; and failure to provide an investigation update or outcome) and behaviour (such as incivility, aggression, rudeness, inappropriate behaviour and harassment). IBAC also received 460 MIM notifications. These complaints related to duty failure (such as failure to take action or investigate; failure to comply with instruction or follow process; and failure to return property) and behaviour (such as incivility, aggression, rudeness and inappropriate behaviour).

In 2018/19 IBAC undertook an audit of 10 per cent of MIMs and LMRs classified by Victoria Police to review the classifications for accuracy. With the restrictions in movement and stay-at-home orders arising from COVID-19, IBAC was not able to conduct this audit in 2019/20 due to the need to use specialist systems in the office to conduct the audit.

# PREVENTION AND EDUCATION

## PREVENTING PUBLIC SECTOR CORRUPTION AND POLICE MISCONDUCT

A core organisational function under the IBAC Act is to prevent public sector corruption and police misconduct. This work is critical to improving integrity standards across the public sector and police.

IBAC's expository activities, including investigation outcomes, research and strategic intelligence analysis, are the foundation upon which our prevention work is built. This evidenced-based content, demonstrating the nature and impact of corruption and police misconduct, provides the platform to inform meaningful engagement with stakeholders and broader audiences.

IBAC focuses on achieving the greatest impact on the prevention of public sector corruption and police misconduct by:

- engaging with the community and the public sector to raise awareness and improve understanding of corruption and its adverse impacts
- encouraging reporting of corruption and helping to build public sector capacity to actively resist corruption
- alerting organisations to research information and intelligence so they are prepared to respond to corruption risks.

In 2019/20, IBAC delivered 75 corruption prevention initiatives and received a 93 per cent satisfaction rating from participants. A number of planned prevention and engagement events were cancelled as a result of the pandemic and the restrictions on movement during lockdown. There was also a reduction in invitations/engagement requests from other public sector agencies and external stakeholders due to competing priorities and the forced closures. The emergency measures also impacted other prevention initiatives, such as IBAC reports and resources, due to delays in external stakeholder consultations which help us develop the content.



## CORRUPTION PREVENTION INITIATIVES FOR VICTORIA POLICE

### AUDIT OF HOW VICTORIA POLICE HANDLES COMPLAINTS MADE BY ABORIGINAL PEOPLE

IBAC is conducting an audit of how Victoria Police handles complaints about police misconduct made by Aboriginal people. This audit was underway in June 2020 but was delayed due to COVID-19.

The audit is examining 55 files completed by Victoria Police during 2018 where the complainant or a person involved in a serious incident following contact with Victoria Police has been identified as an Aboriginal person.

IBAC's audit will identify issues and potential areas where Victoria Police can improve its handling of complaints made by Aboriginal people, and also identify good practice that Victoria Police could apply more broadly. The audit also aims to raise awareness of IBAC's police oversight role among Aboriginal people.

As part of the audit, IBAC was planning community engagement sessions with a number of Aboriginal communities across Victoria. Due to limitations on community gatherings as a result of COVID-19 restrictions, IBAC adapted this engagement to focus on one-on-one phone consultations with Aboriginal people from these communities.

These changes to the planned community consultations have delayed completion of the audit. IBAC expects to report publicly on its audit in 2020/21.

### VICTORIA POLICE RESPONSES TO PREVIOUS COMPLAINT AUDITS

In June 2018, IBAC reported on its audit of complaints handled by Professional Standards Command (PSC), including making five recommendations to Victoria Police on how it could strengthen PSC's complaints handling processes.

In 2019/20, Victoria Police provided its final report to IBAC on implementation of these recommendations. IBAC has noted the changes implemented by Victoria Police, published a summary of Victoria Police's response on IBAC's website and continues to work with Victoria Police to improve the way PSC manages complaints.

Changes made by Victoria Police include:

- automatic detailed notification of C1-O 'work-files' to IBAC
- a new instruction that confirms advice will be sought from the Office of Public Prosecutions as soon as possible where Victoria Police forms a reasonable belief that a reportable offence has been committed.

### VICTORIA POLICE EDUCATION PROGRAM

IBAC continued its Victoria Police education program to reinforce messaging about integrity and ethical behaviour.

The education program uses a range of opportunities to integrate anti-corruption messaging into existing Victoria Police education and other activities, to raise awareness about IBAC, inform police of their obligations to report misconduct, encourage such reporting and provide information on how to report misconduct (to IBAC or Victoria Police).

A key area of focus for our police education program over the past year has been on raising awareness of behaviours which can mask or obscure police misconduct.

Arising out of its many investigations and reviews, IBAC has identified the following behaviours which can mask misconduct or corruption:

- officers directly involved in misconduct who conceal or fail to accurately disclose and report their actions
- police witnesses present during the incident who conceal or fail to accurately disclose and report the misconduct they have observed
- managers/supervisors who fail to rigorously inquire into and report, or actively conceal the misconduct of officers and the failings of those police witnesses who do not disclose or report that conduct
- investigators of a complaint who do not adequately assess the evidence of misconduct, fail to recommend appropriate sanctions, or do not address the actions of other police that resulted in the concealment of that misconduct
- senior leaders who fail to acknowledge, expose or address the misconduct.

## CORRUPTION PREVENTION INITIATIVES FOR VICTORIA POLICE (CONT)

These types of behaviour form a central plank of IBAC's education engagement with Victoria Police. This and other education programs reinforce the importance of integrity and building a strong ethical culture in Victoria Police that actively resists corruption and misconduct.

The program for 2019/20 included:

- fortnightly presentations to recruits participating in the Probationary Constable Foundation Development Program
- several presentations to senior sergeants and inspectors participating in the Police Managers Qualifying Program
- two presentations to staff working in the Professional Standards Command
- a presentation to the Legal Services Senior Management Team
- inclusion of new IBAC content in the Victoria Police Victorian Public Sector induction manual.

### RESEARCH REPORT

#### UNAUTHORISED ACCESS AND DISCLOSURE OF INFORMATION HELD BY VICTORIA POLICE

This research report published in September 2019 was the first of three public reports resulting from our strategic intelligence project into the unauthorised access and disclosure of information across IBAC's jurisdiction.

The key findings of the report were:

- Unauthorised access and disclosure of information are key enablers of other corrupt behaviour. These corruption risks are often overlooked as risks by agencies. This is evident in the lower than expected number of reports made to IBAC, and in the behaviours uncovered in investigations undertaken by IBAC and other public sector agencies.
- Unauthorised disclosure to the media is a risk across public sector agencies, including Victoria Police which frequently deals with issues of high public interest. These incidents are difficult to substantiate due to the source of the information leaks often being challenging to identify.
- Sharing information with approved third parties also presents many corruption risks. This is especially relevant for Victoria Police, which holds significant personal information about citizens.

- Increased use of personal devices and smartphones in the workplace has made unauthorised disclosure of information much easier. This is particularly the case for those Victoria Police employees who use their personal mobile phones to conduct their work duties, including using cameras to capture evidence or using applications to take notes or recordings.
- Victoria Police and IBAC often do not detect information misuse until they are investigating other misconduct or corrupt actions. This is partly due to information security systems, which have not been fully developed, and a lack of proactive monitoring and auditing processes in place to detect unauthorised information access.
- Customised auditing of information access is under-utilised by Victoria Police and its benefits are under-appreciated. A program of proactive, extensive and repeated auditing could be used to identify and deter unauthorised access of information.

Implementation of the Victorian Protective Data Security Framework (VPDSF) and the Victorian Protective Data Security Standards (VPDSS) across the public sector is expected to reduce unauthorised information access and disclosure.



To download the full version of IBAC's 2019/20 annual report,  
go to [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

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