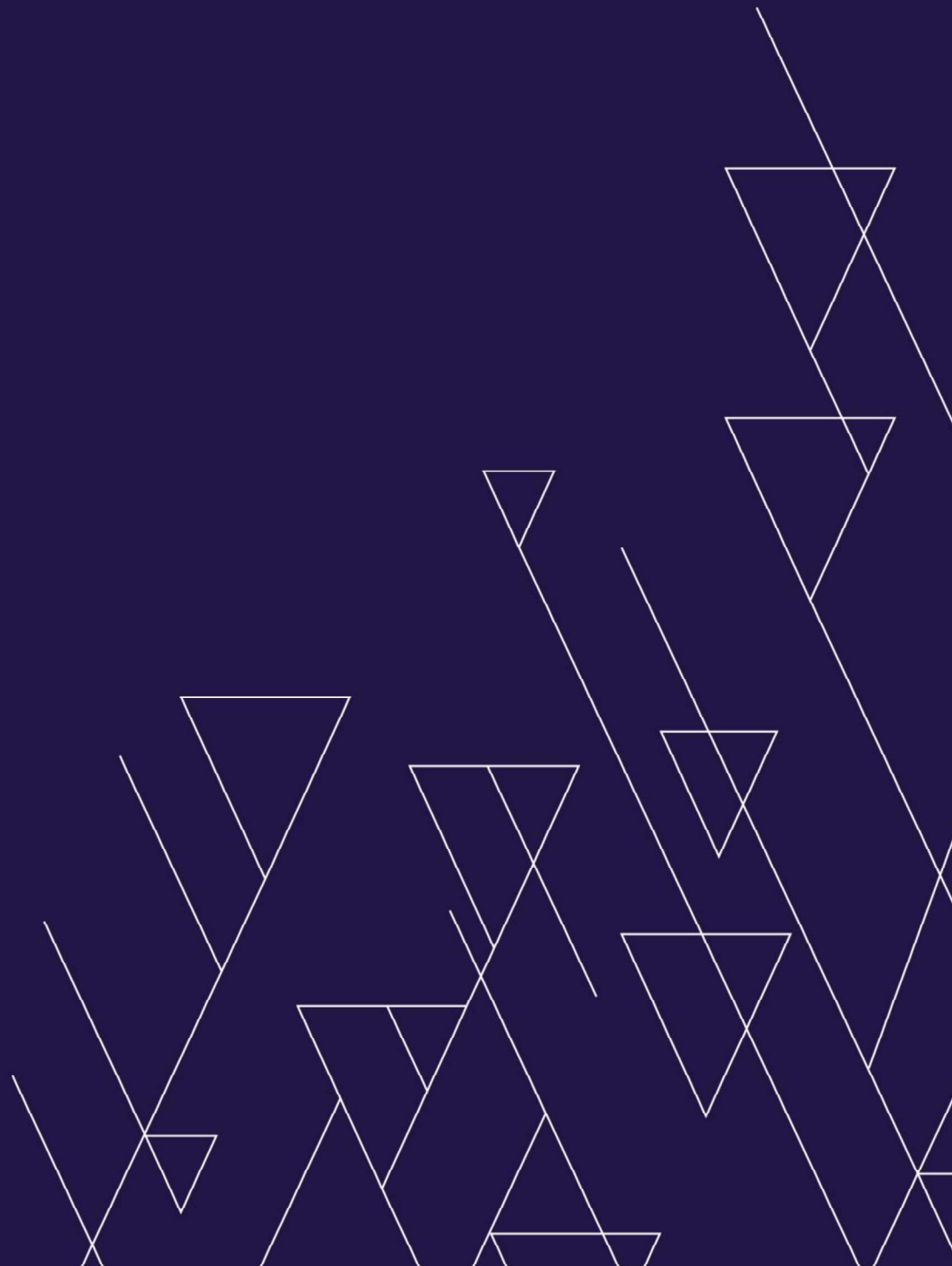


# Systemic Review of Police Oversight

## Consultation Summary





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Where the term ‘Aboriginal’ is used it refers to both Aboriginal and Torres Strait Islander people.



## 1. Purpose

The Department of Justice and Community Safety (the department) is conducting a systemic review of Victoria's police oversight system (systemic review) to acquit Recommendation 61 of the *Royal Commission into the Management of Police Informants* (Royal Commission) and provide the policy response to the 2018 Parliamentary IBAC Committee *Inquiry into the external oversight of police corruption and misconduct in Victoria* (IBAC Committee Inquiry).

The Royal Commission found that the police oversight model in Victoria is fragmented and inconsistent, with the IBAC Committee Inquiry similarly finding that the police oversight system is unnecessarily complex and confusing. The Committee concluded that the police complaints and oversight system needs significant reform to:

- meet the needs of complainants
- operate in a manner that is clear, accessible, and transparent
- support Victoria Police to maintain the highest standards of ethical and accountable practice.

Grounded in the findings and recommendations of these two significant reports, the systemic review conducted a principles-based examination of Victoria's police oversight system with the aim of providing Government with options for legislative reform that, if enacted, will ensure Victoria's police oversight system is robust, accountable and meets community expectations.

This report includes a summary of the consultation activities and feedback.

## 2. Outcomes of the review

The systemic review has been guided by seven outcomes aimed at building a strong, effective and efficient police oversight system. The outcomes are:

1. A complainant-centred approach that reflects and supports the diverse needs of complainants is embedded in all stages of the complaint handling process.
2. The roles and responsibilities of all agencies within the police oversight system are clearly articulated and effective in driving accountability in police practice and public confidence in the system.
3. All agencies within the police oversight system have the powers they need to perform their functions effectively.
4. The legislation and policy framework that underpins the police oversight system is clear, consistent, transparent and accessible.
5. Victoria Police's primary responsibility for detecting and preventing crime, upholding ethical standards in policing and their vital role in holding police personnel accountable for misconduct, is appropriately reflected in all aspects of the oversight system.
6. The exercise of police powers, decisions and actions are subject to appropriate outcome-focused monitoring.
7. All police misconduct complaints are assessed, classified and addressed consistently, and are managed in a way that appropriately reflects the nature and seriousness of the complaint.

The outcomes, alongside public and targeted stakeholder feedback, have informed and guided the work of the systemic review.



### 3. How we engaged

Community confidence is necessary for an effective police oversight system. In recognition of this, the Government publicly committed to ensuring that community and stakeholder views informed the work of the systemic review. Consistent with this commitment, the department conducted a public consultation process via Engage Victoria. This involved the publication of a consultation paper inviting written submissions and an online survey which members of the public could respond to anonymously.

The systemic review also engaged closely with a targeted stakeholder group including:

- the Independent Broad-based Anti-corruption Commission (IBAC), which is Victoria's main agency responsible for preventing and exposing public sector corruption and police misconduct
- Victoria Police
- the Victorian Inspectorate
- the Public Interest Monitor
- the Victorian Ombudsman
- the Victorian Equal Opportunity and Human Rights Commission
- legal services that provide advice and representation to members of the public who come into contact with police and the police oversight system, or that advocate and provide advice to specific groups in Victoria's diverse communities
- The Police Association of Victoria, recognising its critical role in representing its members and police personnel more broadly
- interstate and international police oversight agencies.

The systemic review also consulted with the Aboriginal Justice Caucus<sup>1</sup> including Aboriginal community-controlled organisations, noting the substantial number of reports and inquiries both in Victoria and across Australia that have identified a lack of trust in policing and police complaints systems by Aboriginal and Torres Strait Islander peoples. This lack of trust is a result of historical and ongoing experiences of racist and biased policing,<sup>2</sup> and police complaints and oversight systems that are not culturally safe.

The department is grateful to the many government agencies, statutory bodies, legal and human rights organisations, academics, representative bodies and Aboriginal representative organisations who publicised the review and the public consultation to their networks, made written and oral submissions and sought the views and experiences of the clients and communities they represent. This broad input greatly enriched the breadth and depth of evidence considered by the systemic review.

At the end of the consultation process, the systemic review had conducted approximately **50 stakeholder meetings**, received **39 written submissions** and **134 survey responses**.

<sup>1</sup> The Aboriginal Justice Caucus includes the nine Chairs of the Regional Aboriginal Justice Advisory Committees as well as representatives of Aboriginal peak bodies and some Aboriginal Community Controlled Organisations. The Aboriginal Justice Caucus acts as a conduit between the Aboriginal community and the justice system, providing leadership and advocacy, and driving continuous change to address the drivers of offending as well as system and programmatic reform within the criminal justice system.

<sup>2</sup> The most recent example of this being IBAC's *Audit into Victoria Police's handling of complaints made by Aboriginal people* (18 May 2022) <[https://www.ibac.vic.gov.au/docs/default-source/intelligence-reports/audit-report---victoria-police-handling-of-complaints-made-by-aboriginal-people---may-2022.pdf?sfvrsn=9575ab87\\_2](https://www.ibac.vic.gov.au/docs/default-source/intelligence-reports/audit-report---victoria-police-handling-of-complaints-made-by-aboriginal-people---may-2022.pdf?sfvrsn=9575ab87_2)>.

Some submissions were made collectively by several organisations, and some organisations made more than one submission.

Please refer to **Appendix A** for a list of the targeted stakeholder group and **Appendix B** for the list of persons and organisations who made submissions to the review.

### 3.1 Engage Victoria online survey and public submissions

On 3 December 2021, the government published the *Systemic review of police oversight consultation paper* and online survey via the Engage Victoria website seeking public feedback.<sup>3</sup> The website remained open for submissions and survey responses until 1 February 2022.

#### 3.1.1 Engage Victoria online survey

The online survey asked members of the public a series of questions about their experience of making a police complaint (if relevant) and their opinion on various aspects of the police oversight system (**Appendix C**).

Respondents to the online survey included a broad cross-section of the Victorian community, with surveys completed by people from metro, rural and regional Victoria, people identifying as LGBTIQ+,<sup>4</sup> people with mental illness or disability, and Aboriginal people. A small number of survey respondents indicated they were or had been members of Victoria Police personnel. It also included many people who had engaged with the police complaints system, with 53 per cent of respondents to the online survey reporting that they had made a complaint about a member of Victoria Police. Further detail on respondent demographics is included in **Appendix D**.

Following feedback from community legal services, the survey was updated on 24 December 2021 to make a minor amendment to one of the questions and add two further questions. The review had received 52 responses before updating the survey and received a further 82 afterwards. The additional questions asked participants who answered 'no' to ever having made a complaint before:

- whether they would have liked to have made a complaint, and if so,
- what they consider would have made them feel confident to make a complaint.

These questions were added to identify the extent of underreporting of police complaints – noting other reports and inquiries, including the IBAC Committee Inquiry, have heard this is an issue impacting the police complaints system – and to identify some of the factors driving under-reporting, as well as opportunities for improvement.

#### 3.1.2 Public Submissions

Written submissions were received from a cross-section of the Victorian community, including members of the public, civil society organisations, religious bodies, academics and statutory office holders who weren't part of the targeted stakeholder group. While some submissions contained a response to all the questions posed in the consultation paper, most contained responses to only some of the questions. The questions covered 6 broad topic areas:

- improving the complainant experience
- statutory definitions (for example, 'serious misconduct') and complaint classification

<sup>3</sup> Engage Victoria website <<https://engage.vic.gov.au/systemic-review-police-oversight>>.

<sup>4</sup> LGBTIQ+ stands for Lesbian, Gay, Bisexual, Trans and gender diverse, Intersex, Queer and questioning as an inclusive umbrella abbreviation to encompass a range of diverse sexualities, genders and sex characteristics.

- complaint pathways and outcomes
- investigative and oversight powers
- governance models for police oversight
- monitoring and reporting of police powers, decisions and actions.

### 3.2 Targeted stakeholder consultation

The review consulted with the targeted stakeholders in two stages. Firstly, the targeted stakeholder group provided feedback on the proposed outcomes for the review, which were published as part of the [Government response and implementation plan](#) to the Royal Commission. Stakeholders were broadly supportive of the outcomes, with only two changes made (highlighted in bold):

- The roles and responsibilities of all agencies within the police oversight system are clearly articulated and effective in driving accountability in police practice **and public confidence in the system**.
- The legislation and policy framework that underpins the police oversight system is clear, consistent, **transparent** and accessible.

The review then developed six confidential issues papers, which were distributed to the targeted stakeholder group inviting submissions. The issues papers were informed by the work of the Royal Commission, the IBAC Committee Inquiry, and related research and evidence. They outlined relevant issues with the current police complaint and oversight system and posed questions to the stakeholders to guide their feedback.

The department would like to particularly thank the targeted stakeholders for generously sharing their substantial knowledge and expertise with the review.

## 4. Summary of feedback

### 4.1 Governance models for external police oversight

#### 4.1.1 Governance models for police oversight

Stakeholders held differing views on the preferred governance model for police oversight.

- **Model 1** – Very few stakeholders supported maintaining Victoria’s current oversight arrangements even if IBAC is provided with increased powers, functions and funding.
- **Model 2** – There was support among stakeholders for consolidating IBAC’s existing police oversight functions in a dedicated police oversight division within IBAC, which is the approach recommended by the IBAC Committee Inquiry (Recommendation 2). This model would also require IBAC to be provided with increased powers, functions and funding.
- **Model 3** – Legal bodies, Aboriginal stakeholders and academics support establishing a new, stand-alone police oversight agency that would investigate all police complaints, save for genuine ‘customer service’ complaints. Supporters of this model endorsed the Northern Ireland Police Ombudsman model as the best practice model for police oversight and submitted that Victoria should consider adopting this approach.

In the case that models 1 or 2 were to be adopted, there was strong support amongst stakeholders for:

- rebalancing IBAC’s jurisdiction so that IBAC could equally prioritise its police conduct and corrupt conduct work and investigate more police complaints
- maintaining a ‘no wrong door’ approach whereby complaints can still be made to both Victoria Police and IBAC
- creating a ‘clearing house’ model whereby IBAC assesses all complaints about police, and then decides whether each complaint is investigated or otherwise handled by IBAC or Victoria Police.

Responses to the public survey indicated that independent oversight of complaints is particularly important to respondents. However, respondents also indicated that while they would prefer the independent oversight agency to deal with the more serious allegations made about police, they still consider there is a role for police to investigate complaints about police (see **Appendix E** for a table containing survey responses on this issue).

Stakeholders broadly acknowledged that increases to IBAC’s functions and powers will require commensurate increases to its funding to ensure it is able to perform this additional work.

## 4.2 Complaint allocation

### 4.2.1 The complaint allocation process

Consistent with the findings and evidence received by the IBAC Committee Inquiry, the review heard that the current system for determining whether IBAC or Victoria Police will deal with a complaint is unclear and unnecessarily complex and confusing.

While there was strong support for reforming the current allocation system, stakeholders were generally not supportive of the IBAC Committee Inquiry’s recommended approach. The Committee recommended creating a definition of ‘serious police misconduct’ and requiring IBAC to investigate complaints and disclosures that meet this definition unless exceptional circumstances apply (Recommendation 37).

In addressing the Committee’s recommended approach, stakeholders had different views on:

- the types of conduct that should fall within a definition of ‘serious police misconduct’
- whether legislation should *require* IBAC (or a new independent oversight agency) to investigate all matters involving serious police misconduct, or whether it should have discretion to refer them to Victoria Police, with a suggestion that in such circumstances IBAC be required to conduct a mandatory review of those referred matters.

Legal bodies and Aboriginal stakeholders submitted that if the IBAC Committee’s definition were to be adopted, many matters of particular concern to Aboriginal people and marginalised and vulnerable groups would likely continue to be referred to Victoria Police, and not independently investigated. They provided a hypothetical example of a complaint about ‘move on’ powers that would unlikely reach the threshold of serious police misconduct but could be indicative of serious systemic problems such as racially targeted policing.

More broadly, stakeholders queried whether conduct definitions are the best approach to determining which agency should handle a complaint, with some stakeholders calling for the development of a more flexible test to determine which matters are more appropriate for independent oversight.

While stakeholders had differing views on how to fix the allocation system, stakeholders generally agreed that:

- If Victoria Police and an independent oversight agency both have a role in dealing with complaints about police, the allocation system must identify as clearly as possible the kinds of conduct that will generally be investigated by Victoria Police and the kinds that will generally be investigated by the independent police oversight agency.
- The criteria used to decide whether a matter will be handled by an independent oversight agency or Victoria Police must be made public so that members of the public will be able to know which agency will likely deal with their concerns.
- The allocation process should take into account a broader range of considerations than just the ‘seriousness’ of the alleged conduct when determining which agency should deal with the complaint. For example, the impact of the alleged conduct and whether it is indicative of systemic misconduct or other trends in police conduct.

#### 4.2.2 Conflicts of interest

The IBAC Committee Inquiry and various IBAC investigations and audits have identified that Victoria Police needs to improve its identification and management of conflicts of interest in allocating complaints to police investigators and in the conduct of investigations.

The review asked stakeholders to consider whether a definition of ‘conflict of interest’ should be included in legislation to better inform decisions about complaint allocation, as recommended by the IBAC Committee Inquiry (Recommendation 57).

In their responses, targeted stakeholders and members of the public who made written submissions or responded to the survey, indicated that conflicts of interest are a real issue of concern.

##### Conflicts of Interest

A conflict of interest is where an employee has private interests that could improperly influence, or be seen to influence, their decisions or actions in the performance of their public duties. Conflicts may be:

**Actual** – where there is a real conflict between an employee or director’s public duties and private interests.

**Potential** – where an employee or director has private interests that could foreseeably conflict with their public duties in the future. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.

**Perceived** – where the public or a third party could form the view that an employee’s private interests could improperly influence their decisions or actions, now or in the future.

**Conflict of duty** – will arise when a person is required to fulfil two or more roles that may actually, potentially or be perceived to be in conflict with each other.

Source: Adapted from the Victorian Public Sector Commission, *Conflict of interest*, <<https://vpssc.vic.gov.au/ethics-behaviours-culture/conflict-of-interest/>> accessed 24 May 2022

Stakeholders generally agreed that there is an increased risk for conflicts of interest to occur where police officers handle complaints about other police officers, particularly regionally where police stations are smaller, and officers are more well known to one another.

Stakeholders however did not agree on how best to prevent conflicts of interest. In their submissions:

- Some stakeholders agreed with the IBAC Committee’s recommendation that a definition of ‘conflict of interest’ be included in legislation and supported by any necessary regulations.

- Many legal bodies and Aboriginal stakeholders submitted that it is doubtful that conflicts of interest can be effectively managed while Victoria Police continues to have a role investigating police misconduct, other than genuine customer service complaints. These stakeholders considered that the IBAC Committee’s recommendation for a legislated definition of conflict of interest drawing on that of the Victorian Public Sector Commission (VPSC) would be inadequate in the context of police investigating police and should be expanded from the VPSC’s definition to also include:
  - institutional conflicts of interest
  - conflicts of duty and loyalty to the police force
  - conflicts of potential reprisals from other police officers.
- Others suggested that placing a definition of conflict of interest in Victoria Police’s Code of Conduct would be appropriate, given an officer’s breach of the Code of Conduct can lead to disciplinary action.
- Others still had reservations about including a definition of conflict of interest in legislation or the Victoria Police Code of Conduct and consider that it is best located in Victoria Police’s internal policies and procedures.

### 4.3 Complainant experience

The review heard that there was a general lack of trust in the current police oversight system, which stakeholders, in part, attributed to complainants’ negative experiences with how their complaints were handled, or perceptions of a lack of independence and/or effectiveness of the complaints system. This lack of trust is amplified by a lack of transparency, delay and poor communication to complainants throughout the complaints process.

Notably, of the 71 people who indicated they had made a complaint about police before, 93 per cent reported that they were not satisfied with the way their complaint had been handled. This is despite 21 per cent indicating that their complaint had been substantiated.

Further, after the survey was updated to ask respondents who had not made a complaint before whether they would have liked to have made a complaint, 91 per cent indicated ‘yes, they would have’, with their answers to the follow-up question indicating they hadn’t made a complaint because they did not believe the process would be impartial, safe, transparent, provide accountability or take their concerns seriously.

All stakeholders support the adoption of a complainant-centred approach and provided extensive feedback about how the complainant experience could be improved, which broadly reflected evidence provided to the IBAC Committee Inquiry. Among the many suggestions for improvement, several stakeholders recommended that the principles and strategies for good complaint handling and reporting as set out in the Victorian Ombudsman’s *Good Practice Guide to Handling Complaints Report & Guide* (2016) be adopted across the police complaints system.

The review also heard that in establishing a complainant-centred approach, it was essential that the police oversight system also ensure appropriate consideration for the welfare of officers who are the subject of a complaint, noting the challenging role of policing. Stakeholders raised the importance of timely complaint investigation and resolution for both complainant and officer welfare and for maintaining confidence in the complaints-handling agency and the system more broadly. However, stakeholders held differing views about the utility or practicality of legislating timelines for the investigation or resolution of complaints.



### 4.3.1 Transparency

Stakeholders raised transparency in the assessment and investigative process and key decisions as a key issue underpinning complainant confidence, with many stakeholders submitting to the review that the current complaint process is not transparent.

There was strong stakeholder support for:

- clarifying the system for determining which agency will handle or investigate a complaint
- requiring agencies to provide reasons for their decisions
- enhancing data collection and publication to more accurately detail police complaint numbers and police use of powers.

Responses to the public survey indicated users also find the current complaint process is not transparent. Of the 71 respondents who had previously made a complaint about police:

- 55 per cent either disagreed or strongly disagreed with the statement ‘It was easy to find out where to go to make a complaint.’
- 92 per cent either disagreed or strongly disagreed with the statement ‘I was kept informed about the progress of my complaint throughout the complaints process.’

Consistent with recommendation 10 of the IBAC Committee Inquiry, several stakeholders recommended that Victoria Police review the Victoria Police Manual and make it publicly available online.

The review also heard that Victoria Police require an effective discipline and oversight framework that strikes the right balance between the Chief Commissioner of Police having sufficient authority and accountability to secure the good conduct of police personnel while also ensuring that Victoria Police’s response to complaints is transparently accountable to the community.

### 4.3.2 Safety

Stakeholders also raised participant safety as a primary issue impacting Victoria’s police complaints and oversight system, noting that fear of reprisal deters many people from making a complaint. This issue is of particular concern to Aboriginal stakeholders and stakeholders representing marginalised or vulnerable people and communities.

Of the 71 survey respondents who had previously made a complaint about police, 86 per cent either disagreed or strongly disagreed with the statement ‘I felt safe to make a complaint about police.’

To promote participant safety, stakeholders generally supported:

- introducing legislative protections against reprisal for all complainants
- allowing representative complaints to be made on behalf of others, where appropriate.

Legal bodies supported the IBAC Committee’s recommendation that the Victoria Police Act be amended to mandate that Victoria Police take reasonable steps to protect complainants from reprisal and pay due regard to the safety, health and welfare of complainants (Recommendation 56).

However, stakeholders did not agree on whether a ‘complainant welfare manager’ (Recommendation 17, IBAC Committee Inquiry) would be useful, or whether existing staff should be upskilled to provide better welfare support to complainants. The review heard that existing services, such as community legal services and Aboriginal community-controlled organisations, should be funded to support and represent their communities to make complaints.



### 4.3.3 Aboriginal people

Stakeholders, particularly civil society stakeholders and Aboriginal representative organisations, highlighted the historical and ongoing impacts of policing on Aboriginal communities, submitting that the complaints and oversight system should have specific measures in place to ensure the process adequately considers allegations of racism, is free from bias and is culturally safe.

Stakeholder concerns are echoed in the recent findings of IBAC's *Audit of Victoria Police's handling of complaints made by Aboriginal people* where 41 per cent of files audited were found to contain indicators of bias on the part of investigators.<sup>5</sup>

Among other things, stakeholders suggested the complaint process could be made more culturally safe by:

- Victoria Police and the independent oversight agency attending Aboriginal communities, particularly in regional areas, to establish and maintain relationships.
- Allowing complaints to be taken by Aboriginal liaison officers (currently, complaints to Victoria Police can only be received by police officers and protective services officers, but not other members of Victoria Police personnel who are Victorian Public Service employees).
- Minimising the number of people an Aboriginal complainant has to deal with to make a complaint and throughout the complaint process. This was seen as important to building trust in the complaints process and complaint-handling agency.
- Providing other culturally safe ways to obtain complaints, such as via community-based forums where Aboriginal people may feel comfortable to share their stories.
- Resourcing Aboriginal community-controlled organisations to support Aboriginal complainants through the complaint/investigation process and allow access to funded legal assistance.

Stakeholders also emphasised the importance of the independent oversight agency employing Aboriginal staff, particularly in key decision-making positions, to ensure the agency's processes are culturally safe and to assist with the assessment of complaints made by Aboriginal people. In addition, they submitted that to ensure cultural competency, all non-Indigenous staff must also be required to undergo training in cultural awareness, systemic racism, anti-racism, unconscious bias and trauma-informed approaches.

The systemic review is aware of the concurrent work of the Yoorrook Justice Commission, which is considering past and ongoing injustices experienced by Traditional Owners and First Nations Peoples in Victoria, and that the Commission may address these and other relevant issues in its 2022 interim report.

### 4.3.4 Supporting Victoria's diverse communities in the complaints process

Stakeholders additionally noted that the complaint process could provide greater support and accessibility for Victoria's diverse community, which included, among other things:

- providing translated and Easy English versions of materials, communication aids, as well as an interpreter service
- recognising victims of crime as a specific cohort of complainants, with specific needs and entitlements aligning with the Victims' Charter, and providing a trauma-informed and victim-centred approach

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<sup>5</sup> Independent Broad-based Anti-Corruption Commission, *Victoria Police handling of complaints made by Aboriginal people: Audit report* (May 2022) 50.

- understanding the nature and dynamics of family violence and risk and providing services that support victim-survivors of family violence to feel safe and supported to participate in complaints processes
- training staff to provide a tailored approach to suit a complainant's particular needs.

The review also received evidence that Victoria Police has been undertaking work with its community advisory groups to make its complaints processes safe and more accessible for all complainants, including:

- simplified, clearer and more inclusive publicly available information for complainants about the complaints process (including accessibility improvements)
- introducing new ways of making complaints, so that there is no 'wrong door'
- a redesigned complaint form, which is more user-friendly and less of a deterrent to lodging a complaint.

## 4.4 Alternative methods for dealing with complaints

Submissions to the review indicated there is mixed support for introducing alternative methods for dealing with complaints, such as conciliation or restorative justice. Further, stakeholders that supported introducing alternative methods qualified their support by noting that any such method would need to be carefully designed to ensure it is safe (including being culturally safe), voluntary and facilitated by well-trained, supported, independent persons.

Responses to the public survey indicated public support for the option of alternative methods for dealing with complaints. Of the 71 respondents who indicated they had made a complaint before, 80 per cent answered that they would have participated in conciliation and/or restorative justice processes with the police member or a senior representative of Victoria Police had it been an option. After the survey was updated to ask people who had not previously complained whether they would participate in such a process if they had made a complaint, 61 per cent also indicated they would have.

### 4.4.1 Conciliation

#### Conciliation

Is a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the conciliator), identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement.

There was less support among stakeholders for conciliation as an alternative method for dealing with complaints. In general, stakeholders submitted that if conciliation were to be introduced as a method of dealing with complaints:

- that it may be more appropriate for customer service type matters rather than allegations of misconduct
- that great care would need to be taken to address any imbalance in power between the parties
- that the process should be developed in partnership with Aboriginal communities and organisations to ensure cultural safety
- that the design of the process should ensure that conciliation is not being used to prevent transparent oversight.

Of those that indicated they would have participated in conciliation and/or restorative justice had they complained, or had it been an option when they complained, 32 per cent indicated they would have preferred to participate in conciliation.

#### 4.4.2 Restorative Justice

##### Restorative Justice

Restorative justice processes are a framework for addressing and preventing harm that moves beyond discipline and reprimands towards healing. Restorative justice processes most commonly bring together people affected by harm, with the person or institution that caused the harm, in a safe, structured and facilitated way, to talk about what happened, how they were impacted and how the harm can be repaired or addressed.

There was more support amongst stakeholders for restorative justice, with some stakeholders submitting that in their view it provided greater opportunity for complainants to tell their story and for police officers to explore the impact of their actions on people.

Like the feedback provided about conciliation, stakeholders submitted that any restorative justice process would require:

- skilled facilitators to ensure the process does not cause psychological harm to participants
- development in partnership with Aboriginal communities and organisations to ensure cultural safety
- consideration of how any such process would intersect with the operation of the police discipline system.

Responses to the public survey echoed the greater support among stakeholders for restorative justice, with 66 per cent of respondents indicating they would prefer to participate in a restorative justice process as opposed to conciliation.<sup>6</sup>

#### 4.5 Powers of the independent oversight agency

Stakeholders broadly agreed that an independent oversight agency requires adequate powers to properly investigate and handle complaints about police wrongdoing.

Should IBAC remain as Victoria's primary police oversight agency, stakeholders also agreed that IBAC needs additional powers to enable it to effectively investigate and oversight complaints about police, however opinions differed on the extent of the additional powers required.

Some powers that received broad support included:

- a greater ability for IBAC to publish investigation reports and recommendations made to Victoria Police
- a clear ability for IBAC to investigate systemic issues that are either complained about or identified by IBAC and investigated on its own motion
- a greater ability for IBAC officers to obtain evidence from those suspected of wrongdoing (for example, the power to require individuals to assist IBAC officers to access data held on a computer or data storage device or elsewhere, during the execution of a search warrant)

<sup>6</sup> Approximately 2 per cent of people who indicated they would have participated in conciliation and/or restorative justice had they complained, or had it been an option when they complained, did not respond to the next question which asked them which of the two they would prefer.

- the ability for IBAC to charge individuals with the destruction and/or concealment of relevant evidence or for engaging in conduct to undermine an IBAC investigation
- the ability for IBAC to arrest persons reasonably suspected of committing an offence
- providing IBAC officers powers similar to those held by police when performing their police oversight function.

Other powers that were contested included:

- providing IBAC with the power to ‘veto’ the appointment of a particular Victoria Police investigator who is investigating a complaint about police wrongdoing (Recommendation 60, IBAC Committee Inquiry)
- providing IBAC with the power to direct the Chief Commissioner of Police to cease an investigation in circumstances where the independent oversight agency is seeking to take over that matter
- lowering the threshold for public examinations.

In other feedback provided by stakeholders about the powers of the oversight agency, they commented that any additional powers granted to the independent oversight agency would require the extension of existing oversight functions and powers to review those additional powers.

#### 4.5.1 Critical Incidents

Stakeholders have differing views about whether IBAC should be provided with additional powers to investigate and oversight critical incidents in which death or serious injury has occurred in connection with police activity.

Legal bodies and Aboriginal stakeholders strongly submitted that police-contact deaths and critical incidents involving serious injuries should not be investigated by Victoria Police, but rather by a police oversight body staffed by a specialist civilian multidisciplinary team.

Some Aboriginal stakeholders submitted that the current system – whereby police investigate police contact deaths – is deeply problematic for Aboriginal families whose loved ones have died in police custody or as a result of police contact. They urged Government to examine options for independent coronial investigations, that prioritise the voices of Aboriginal families who have lost loved ones. Suggested models they put forward include establishing an independent Aboriginal-led body to investigate Aboriginal deaths in custody or a specialist team in the independent oversight agency.

Other stakeholders support establishing a specialist civilian multidisciplinary team in the independent oversight agency, suggesting that if it were not possible for the independent oversight agency to investigate critical incidents, then the agency should be empowered to perform active monitoring and oversight of Victoria Police’s investigations, and at the very least conduct a review of such incidents.

Some stakeholders did not consider it was appropriate for the independent police oversight agency to have a role in ‘real time’ monitoring or investigation of critical incidents except in limited circumstances where there are links to corruption or serious police misconduct. They supported the current model in Queensland where the Queensland Crime and Corruption Commission may actively oversight a police investigation in response to a critical incident and has the right to assume control of the investigation if it is found or there is reason to believe that the critical incident may have involved corrupt conduct or police misconduct.



## 4.6 Monitoring and reporting of police powers, decisions and actions

A prominent aspect of feedback, particularly from targeted stakeholders, was concern that inconsistencies in the laws establishing the various agencies and their functions in the police oversight system prevents:

- accurate collection and publication of data
- comprehensive monitoring of issues and identification of systemic issues
- consistent oversight of Victoria Police with the broader public sector
- outcome-focused monitoring.

There was concern expressed by some stakeholders that the current arrangements are “patchwork” in nature which limits the ability to ensure that Victoria Police acts lawfully, proportionally and in a non-discriminatory manner.

### 4.6.1 Complaint data

Stakeholders highlighted the current lack of comprehensive publicly available data about police complaints, noting that the data that is available is reported in a fragmented fashion across Victoria Police and IBAC’s annual reports, as well as IBAC’s special reports and audit reports. Reporting across a range of sources in this manner risks double-counting of statistics and creates challenges for comparison where data definitions or descriptors vary.

Stakeholders also submitted that the lack of comprehensive, system-wide data makes it difficult to fully assess the effectiveness of Victoria’s police complaints system, or to have visibility of the total number and types of complaints about Victoria Police personnel. It also prevents system-wide analysis of issues and trends.

Stakeholders broadly agreed high-level statistics should be routinely published to promote transparency and accountability and that any model selected for police oversight must allow for analysis of system-wide trends and issues.

Some stakeholders submitted that investment to upgrade Victoria Police’s and IBAC’s computer systems would better enable these agencies to capture and publish police complaint data. This is consistent with the commentary and Recommendation 8 of the IBAC Committee Inquiry.

### 4.6.2 Expanding IBAC’s awareness of police conduct matters

Stakeholders also raised concerns that IBAC is generally only notified about, and investigates, the most serious allegations of police corruption and misconduct. Victoria Police is not required by law to notify IBAC about less serious police conduct matters, though it may choose to do so. This means that IBAC may not always be made aware of the broader conduct issues raised by complainants or how they are dealt with by Victoria Police.

Some integrity sector stakeholders submitted that if the ‘less serious’ issues are matters for Victoria Police alone, it is less likely that cultural problems will be addressed. They noted that addressing the lower-level conduct and integrity issues can drive positive cultural change, promote confidence in the oversight system and in policing, and prevent more serious misconduct from occurring.

Responses to the public survey indicated that most people complain directly to Victoria Police, rather than IBAC, with 68 per cent of the 71 respondents who had made a complaint stating that they had only complained to Victoria Police. Further to this, some legal services submitted that they generally advise their clients not to complain directly to IBAC because IBAC investigates so few matters and will most likely refer their matter to Victoria Police to deal with.

To address this concern, there was broad stakeholder support for IBAC to be notified of, and assess, all complaints about police officers and protective services officers. Stakeholders stated that this would provide IBAC with a broad overview of all police wrongdoing and increase its ability to identify systemic issues and issues that are impacting particular Victoria Police regions, departments, commands or stations.

Stakeholders also raised a related issue of Victoria Police under-classifying complaints, which resulted in those complaints not being reported to IBAC. This issue was also identified by the IBAC Committee Inquiry and by IBAC in various audit and investigation reports. To address this issue, some of the targeted stakeholders supported the IBAC Committee Inquiry's recommendations that:

- the law be amended to require Victoria Police to notify IBAC of all complaints for assessment, monitoring and review (Recommendation 18)
- IBAC include data about lower-level complaints in its annual reports (Recommendation 19).

Some stakeholders also suggested that including a definition of complaint in the *Victoria Police Act 2013* would support Victoria Police personnel to better identify what is, and what is not, a complaint.

#### 4.6.3 Inconsistent oversight of Victoria Police and the broader public sector

Several integrity agency stakeholders submitted to the review that police oversight had developed out-of-step with the broader public sector, leading to inconsistent oversight.

The Victorian Ombudsman oversees the public sector excluding Victoria Police. The oversight of Victoria Police is primarily the responsibility of IBAC. It was noted that while maladministration in the public sector is scrutinised by the Ombudsman, police maladministration does not receive the same level of oversight because IBAC's legislation is directed to exposing and investigating serious police misconduct and corruption.

In evidence referred to the systemic review by the *Review of the Terrorism (Community Protection) Act 2003*,<sup>7</sup> the Ombudsman noted inconsistencies between its oversight of human rights issues for the broader public sector and IBAC's oversight of human rights issues for Victoria Police. The Ombudsman commented that its function with respect to Victoria's Charter of Human Rights is broader than IBAC's as it includes:

- enquiring into or investigating whether an administrative action is incompatible with a human right
- considering whether a decision made in relation to an administrative action involved a failure to give proper consideration to human rights.<sup>8</sup>

Comparatively, IBAC's function is limited to ensuring that police officers and protective services officers have regard to the human rights set out in the Charter.<sup>9</sup>

To address these inconsistencies, it was suggested that Government consider amending relevant legislation to ensure police oversight is consistent with that of the broader public sector where appropriate.

<sup>7</sup> <[https://www.parliament.vic.gov.au/file\\_uploads/TCPA\\_Stage\\_Two\\_Review\\_-\\_Final\\_Report\\_-\\_Tabling\\_version\\_-\\_8\\_September\\_2021\\_NDK67L1K.pdf](https://www.parliament.vic.gov.au/file_uploads/TCPA_Stage_Two_Review_-_Final_Report_-_Tabling_version_-_8_September_2021_NDK67L1K.pdf)>.

<sup>8</sup> See subsection 13(2) of the *Ombudsman Act 1973* (Vic) for the Ombudsman's functions in respect of the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

<sup>9</sup> See subsection 15(3)(b)(iii) of the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) for the IBAC's functions in respect of the *Charter of Human Rights and Responsibilities Act 2006* (Vic).



#### 4.6.4 Outcome focused monitoring

Stakeholders also highlighted a gap in relation to the independent monitoring of Victoria Police's use of powers. Informed by the findings and commentary of the Royal Commission, the review asked stakeholders a series of questions about Victoria Police's use of certain coercive and intrusive powers, such as the use of telephone intercepts or controlled operations (where police go 'undercover'), noting the existing laws that provide for the monitoring of these types of powers are not always consistent in their approach or the level of independent oversight required.

Several stakeholders submitted that monitoring of police powers and decisions should extend beyond procedural requirements to include an assessment of the appropriateness of police's decisions and actions, and include:

- monitoring the content and implementation of operational Victoria Police policies
- independently reviewing and reporting on Victoria Police's applications to use intrusive powers (such as applications for search or surveillance warrants and the use of such powers).

In doing so, they advocated for an outcome-focused approach to monitoring and reporting. Some stakeholders cautioned that not all police powers and actions were suitable for outcome-focused monitoring and noted that any increase in monitoring should be balanced with a consideration of minimising unnecessary administrative burden. It was noted that outcome-focused monitoring should be targeted to police actions and powers that if not exercised appropriately would result in a significant reduction in public trust. Further, the review also heard that to be meaningful and effective, the focus of reporting outcomes should be forward looking. That is, the measures used and outcomes reported should inform best practice and continued improvement by Victoria Police in delivering its functions.

Some stakeholders, in particular legal bodies and Aboriginal stakeholders, submitted that outcome focused monitoring must include an assessment of whether the action or decision was non-discriminatory, alongside the assessment of necessity, proportionality, and justification of the use of power.

Several stakeholders raised concerns about the operation of the *Crimes (Controlled Operations) Act 2004* (Vic), noting that this legislation provides police with significant powers but does not provide the Public Interest Monitor or the Victorian Court system with an oversight role, which they consider increases the risk of breaches of human rights. It was also suggested that the Victorian Inspectorate's monitoring and oversight of controlled operations could be strengthened by improving the information that it receives as part of its existing oversight functions.

While the review's consideration of outcome-focused monitoring and reporting was focused on Victoria Police's use of certain extraordinary coercive or intrusive powers, legal bodies and Aboriginal stakeholders submitted that there should be independent outcome-focused monitoring of a much broader range of everyday policing powers and actions, including:

- the treatment of people in all forms of police custody, including divisional vans, sally ports, police cells, custody centres, mental health detention facilities
- use of all forms of force including the use of weapons (such as tasers, batons, rubber bullets, oleoresin capsicum spray, spit-hoods, handcuffs)
- police deployment for welfare checks and police treatment of people attended for welfare check
- deployment of specialised teams within Victoria Police, including the Critical Incident Response Team and Public Order Response Team
- Victoria Police operations that target hot-spots and/or particular communities

- the exercise of any new police powers, rather than the use of alternatives, as part of the decriminalisation of public drunkenness
- deaths, injuries and other harms in custody of from close police contact.

By way of comparison, they provided evidence that in England and Wales the independent monitoring and inspection body, Her Majesty's Inspectorate of the Constabulary and Fire and Rescue Services, routinely monitors the use of police powers, including stop and search powers by police agencies.

These stakeholders further submitted that for monitoring to be effective and lead to system-wide improvements, Victoria Police must be required to respond to the findings and recommendations of the independent oversight agency and report back to it on any changes that it will make, or has made, to address the issues identified. To support transparency and accountability, these stakeholders submitted that the oversight body should be required to table reports in Parliament to make its findings public.



# Appendices

## Appendix A: List of targeted stakeholders

Targeted stakeholders	
Aboriginal Justice Caucus	Police Association Victoria
Aboriginal Justice Forum	Police Registration and Services Board
Australian Lawyers Alliance	Public Interest Monitor
Chief Examiner	Robinson Gill Lawyers
Commissioner for Children and Young People	Sir David Carruthers KNZM, Implementation Monitor, Royal Commission into the Management of Police Informants
Dr Warren Young, QSO, Former General Manager, Independent Police Conduct Authority, New Zealand	Tamar Hopkins, PhD candidate, University of New South Wales Centre for Crime, Law and Justice
Federation of Community Legal Centres	Uniting Church
Fitzroy Legal Service	Victorian Aboriginal Legal Service
Flemington-Kensington Legal Centre (Police Accountability Project)	Victorian Equal Opportunity and Human Rights Commission
Human Rights Law Centre	Victorian Inspectorate
Independent Broad-based Anti-corruption Commission	Victoria Legal Aid
Inner Melbourne Community Legal	Victorian Ombudsman
Justice Connect	Victoria Police
Law Institute of Victoria	WEstjustice
Liberty Victoria	Youthlaw
Melbourne Activists Legal Support	



## Appendix B: List of organisations and individuals<sup>10</sup> who made a submission via the public submission process

Public submissions
Islamic Council of Victoria
Law & Advocacy Centre for Women
Professor Michael Maguire CBE, Former Police Ombudsman for Northern Ireland.
Royal Melbourne Institute of Technology – Centre for Innovative Justice
Safe and Equal
South-East Monash Legal Service
Victims of Crime Commissioner
The remaining public submissions were from individuals and are confidential.

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<sup>10</sup> Individuals who have made a submission to the review have not been named in this summary except those who are academics in the field of police oversight and have provided permission to be named.



## Appendix C: Engage Victoria survey questions

No.	Question and answer options
1	<p><b>Have you ever made a complaint about a member of Victoria Police (including Protective Services Officers)?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> </ul>
2.	<p>(Question added on 24 December 2021)</p> <p><b>Would you have liked to have made a complaint?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> </ul>
3.	<p>(Question added on 24 December 2021)</p> <p><b>Without identifying yourself or others, what are the features of a police oversight system that would have made you feel confident to make the complaint?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> [Free text]</li> </ul>
4.	<p><b>Were you aged 17 years or under when you made your complaint about Victoria Police?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> </ul>
5.	<p><b>How long ago did you make your complaint?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Within the last 12 months</li> <li><input type="radio"/> 1 – 2 years ago</li> <li><input type="radio"/> 2 – 5 years ago</li> <li><input type="radio"/> 5 – 10 years ago</li> <li><input type="radio"/> 10+ years ago</li> </ul>
6.	<p><b>Who did you make your complaint to?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Victoria Police</li> <li><input type="radio"/> Independent Broad-based Anti-corruption Commission (IBAC)</li> <li><input type="radio"/> Victoria Equal Opportunity and Human Rights Commission</li> <li><input type="radio"/> Office of Police Integrity</li> <li><input type="radio"/> Other [insert name of organisation]</li> </ul>
7.	<p><b>Please rate the degree to which you agree or disagree with the following statements.</b></p> <p><i>Options – Strongly agree; Agree; Disagree; Strongly disagree; Don't know</i></p> <ol style="list-style-type: none"> <li>1. It was easy to find out where to go to make a complaint about police</li> <li>2. I felt safe to make a complaint about police</li> <li>3. I felt my complaint was taken seriously</li> <li>4. My complaint was dealt with promptly and resolved in a timely manner</li> <li>5. I felt like I was kept informed about the process of my complaint throughout the complaints process</li> <li>6. I felt like I was treated with respect and dignity by the complaint-handling agency</li> </ol>



	<p>7. I felt like I was able to contribute to the outcome of my complaint (for example, I sought an apology and was able to obtain that from the officer or Victoria Police)</p>
<p>8.</p>	<p><b>Did someone support you to make your complaint?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> </ul> <p><b>If you said yes, was it:</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Lawyer</li> <li><input type="radio"/> Police officer</li> <li><input type="radio"/> IBAC</li> <li><input type="radio"/> Support worker</li> <li><input type="radio"/> Religious or community leader</li> <li><input type="radio"/> Union representative or association</li> <li><input type="radio"/> Friend/Parent</li> <li><input type="radio"/> Other</li> </ul>
<p>9.</p>	<p><b>What was the outcome of your complaint?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Dismissed</li> <li><input type="radio"/> Substantiated</li> <li><input type="radio"/> Unable to be substantiated</li> </ul>
<p>10.</p>	<p><b>Were you satisfied with the way your complaint was handled?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> </ul>
<p>11.</p>	<p><b>List three things that you think would have improved your experience of the complaints process.</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> [Free text]</li> </ul>
<p>12.</p>	<p>(Question updated on 24 December 2021 to include the portion in <i>italics</i>)</p> <p><b>If you had the option to participate in conciliation and/or restorative justice processes with the police member who you complained about (<i>or would have complained about</i>) and/or a senior representative of Victoria Police, would you have done so?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> </ul> <p>If yes – would you prefer to engage in:</p> <ul style="list-style-type: none"> <li><input type="radio"/> Conciliation</li> <li><input type="radio"/> Restorative justice processes</li> </ul>
<p>13.</p>	<p><b>What types of outcomes would you have wanted from your complaint?</b></p> <p><i>Multiple selection allowed</i></p> <ul style="list-style-type: none"> <li><input type="radio"/> An apology</li> <li><input type="radio"/> Changes to Victoria Police policies and procedures</li> <li><input type="radio"/> The officer to participate in education and training (for example, human rights training)</li> <li><input type="radio"/> The officer to have been subject to disciplinary sanction or dismissal</li> </ul>



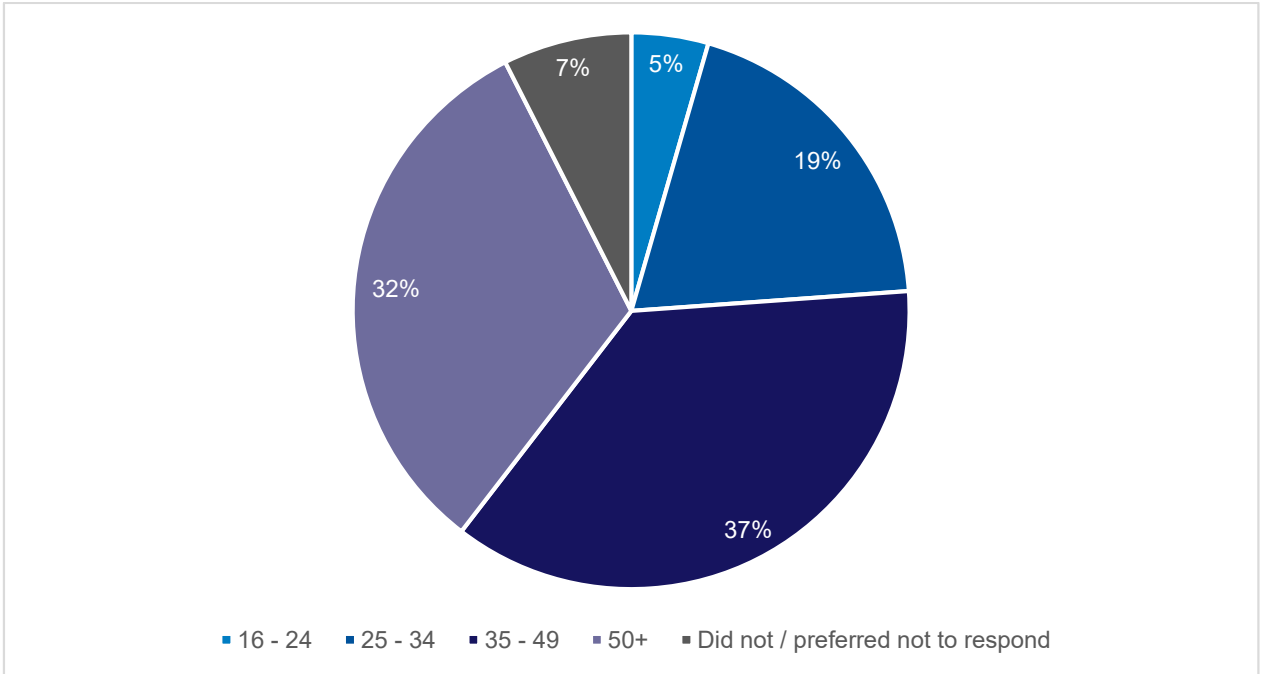
	<ul style="list-style-type: none"> <li>○ Referral for further investigation where there may be criminal offending</li> <li>○ Compensation</li> <li>○ Outcomes of the complaint and recommendations made to Victoria Police published (without including any information that could identify you)</li> </ul>
<p>14.</p>	<p><b>For each of the types of police wrongdoing described below, which do you think should be investigated or handled by Victoria Police and which do you think should be investigated or handled by an independent oversight agency? Are there any that you think could be investigated by both?</b></p> <p><i>Options – Victoria Police; Independent oversight agency; Both</i></p> <ul style="list-style-type: none"> <li>i. Rudeness, incivility, delays and other customer service type matters</li> <li>ii. Failure to comply with Victoria Police policies and procedures (e.g., failure to properly record information on the officer’s running sheet or distributing offensive materials)</li> <li>iii. Behaving disgracefully or improperly (on or off duty)</li> <li>iv. Discrediting Victoria Police or its personnel</li> <li>v. Not disclosing or managing conflicts of interest</li> <li>vi. Duty failure</li> <li>vii. Misrepresentation on logbooks, time sheets or registers</li> <li>viii. Unauthorised access, use and disclosure of police information, e.g., the Law Enforcement Assistance Program (LEAP)</li> <li>ix. Discrimination or prejudice motivated by race, religion, disability, age, sex, gender identity, sexual orientation, or other characteristics</li> <li>x. Family violence involving Victoria Police personnel</li> <li>xi. Human rights breaches</li> <li>xii. Wrongful arrest, false imprisonment and malicious prosecution</li> <li>xiii. Excessive use of force (including serious assault)</li> <li>xiv. Serious mistreatment of a person in police custody</li> <li>xv. Death or serious harm to a person while they are in police custody</li> <li>xvi. Deaths or serious harm involving police contact with a person/s regardless of whether that contact involves police misconduct (e.g., police shootings or accidents involving police pursuits)</li> <li>xvii. Corrupt conduct (e.g., bribery)</li> <li>xviii. Criminal offences by Victoria Police personnel such as theft or using or selling illicit substances</li> <li>xix. Serious criminal offences by Victoria Police personnel such as sexual offending, stalking and homicide</li> <li>xx. A pattern of officer misconduct carried out on more than one occasion, or that involves more than one person, that is indicative of systemic issues that could adversely reflect on the integrity and good repute of Victoria Police</li> </ul>
<p>15.</p>	<p><b>Do you identify as:</b></p> <ul style="list-style-type: none"> <li>○ Aboriginal</li> <li>○ Torres Strait Islander</li> <li>○ Both Aboriginal and Torres Strait Islander</li> </ul>



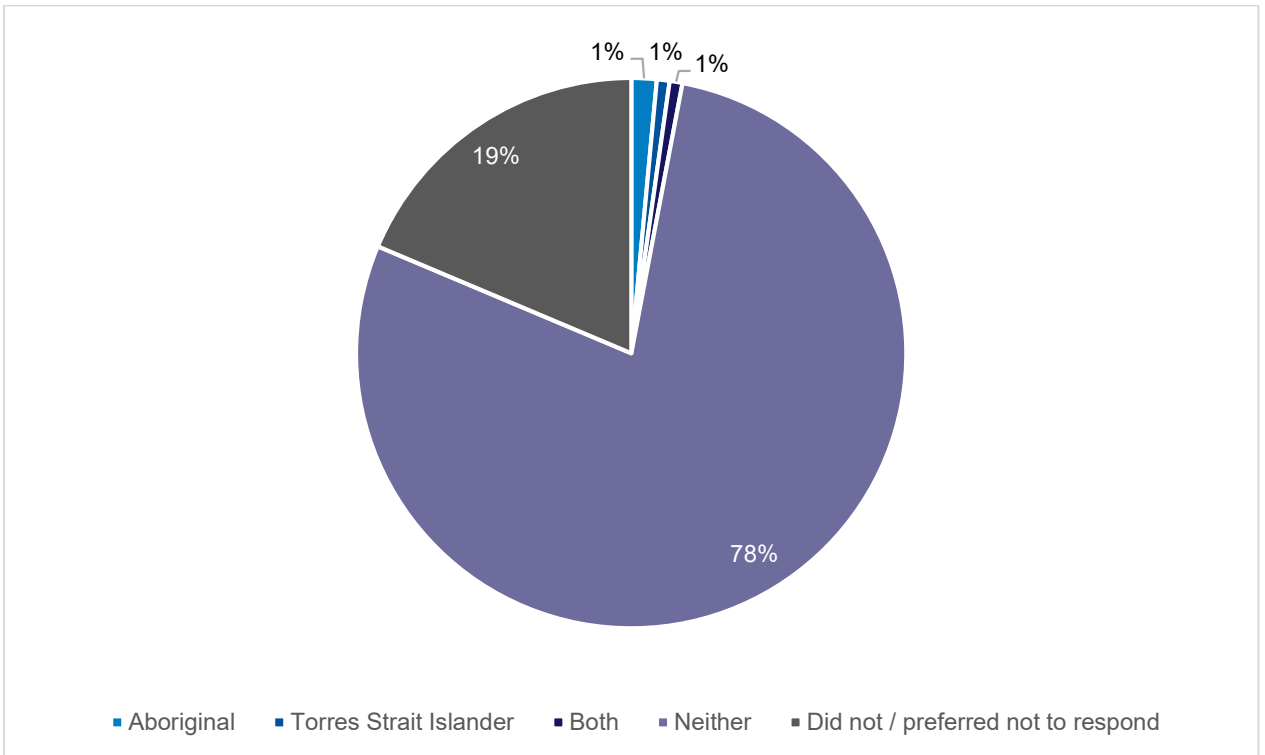
<ul style="list-style-type: none"> <li><input type="radio"/> Neither</li> <li><input type="radio"/> Prefer not to say</li> </ul>
<p><b>Do you identify as LGBTIQ+?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> <li><input type="radio"/> Prefer not to say</li> </ul>
<p><b>Do you identify as:</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Man</li> <li><input type="radio"/> Woman</li> <li><input type="radio"/> Non-binary</li> <li><input type="radio"/> Other</li> <li><input type="radio"/> Prefer not to say</li> </ul>
<p><b>Do you speak a language other than English at home?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> <li><input type="radio"/> Prefer not to say</li> </ul>
<p><b>Do you have a disability or mental illness?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> <li><input type="radio"/> Prefer not to say</li> </ul>
<p><b>Postcode:</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> [four number free text]</li> <li><input type="radio"/> Prefer not to say</li> </ul>
<p><b>How old are you?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> 16 – 24</li> <li><input type="radio"/> 25 – 34</li> <li><input type="radio"/> 35 – 49</li> <li><input type="radio"/> 50+</li> <li><input type="radio"/> Prefer not to say</li> </ul>

## Appendix D: Demographics and location of anonymous survey participants

### Age

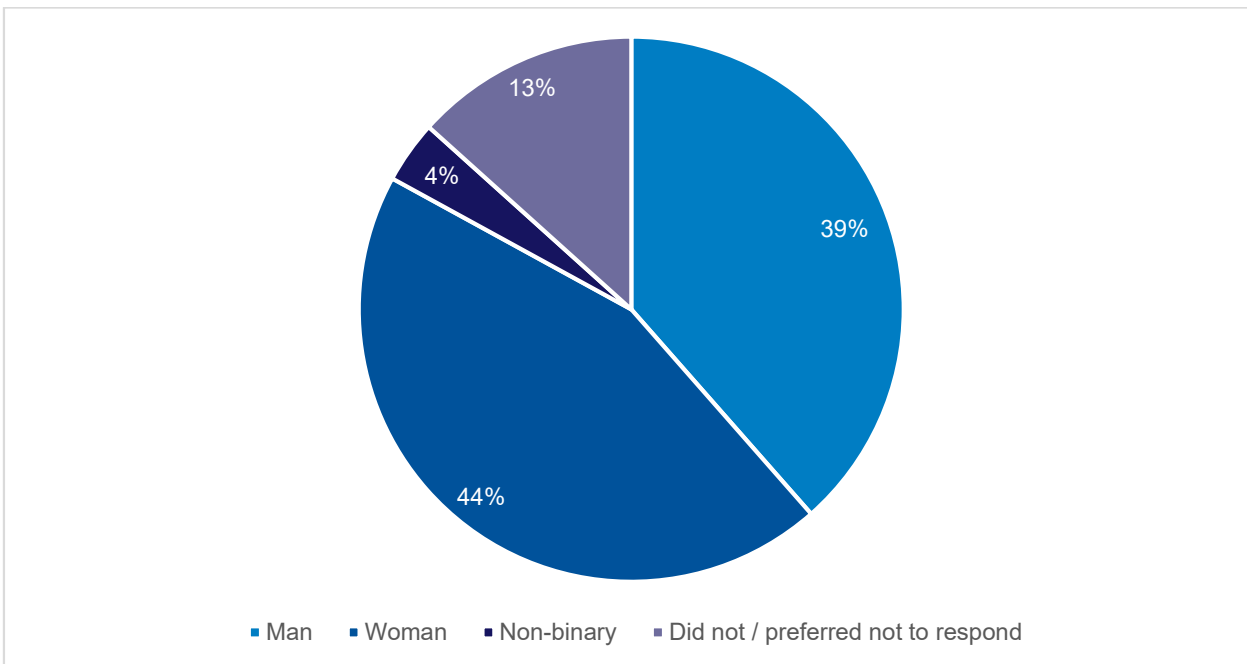


### Aboriginal and Torres Strait Islander identification

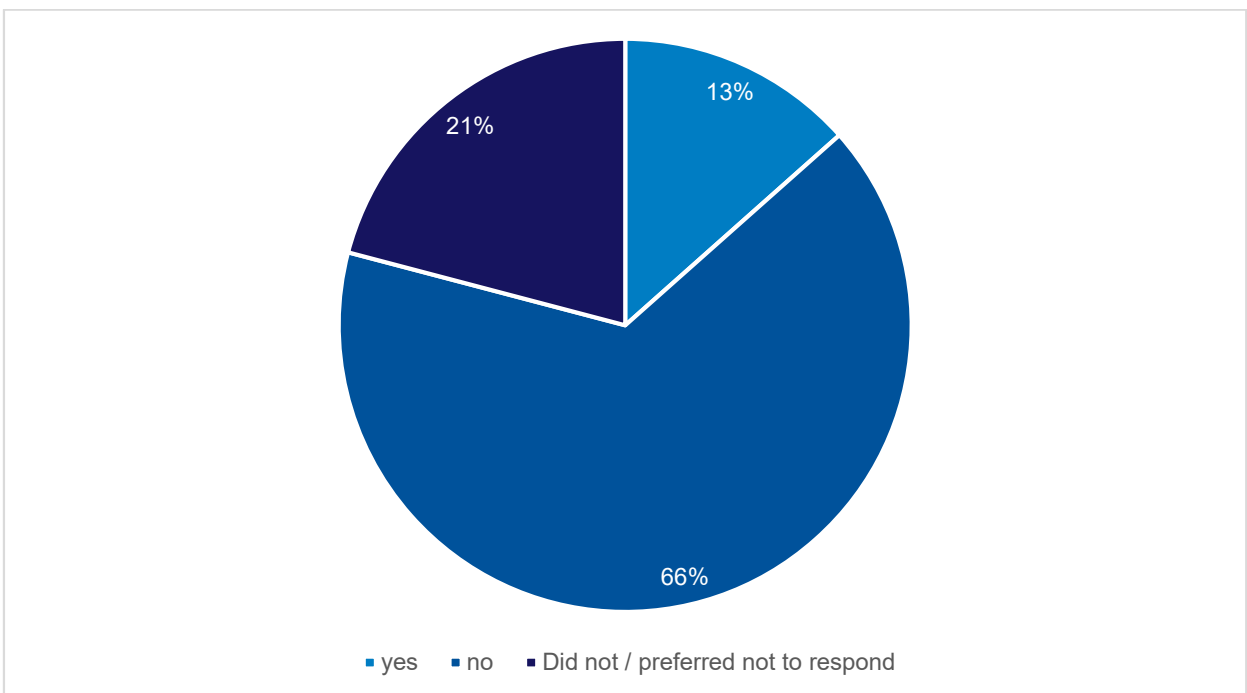




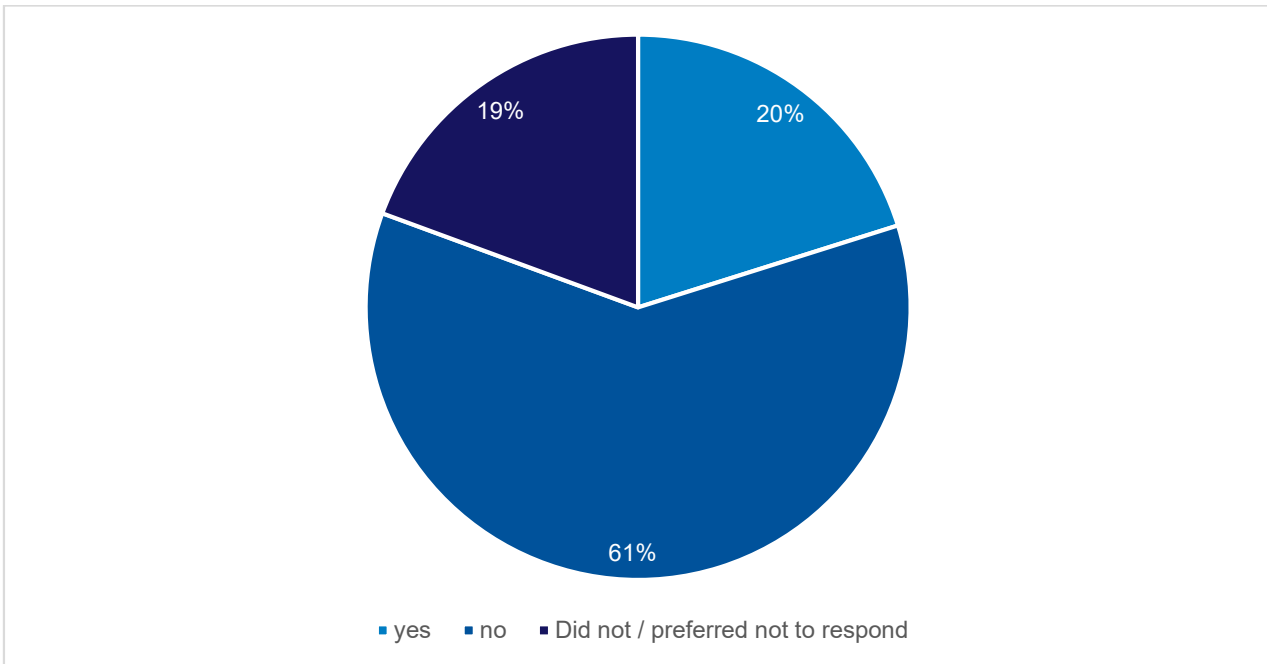
### Gender identification



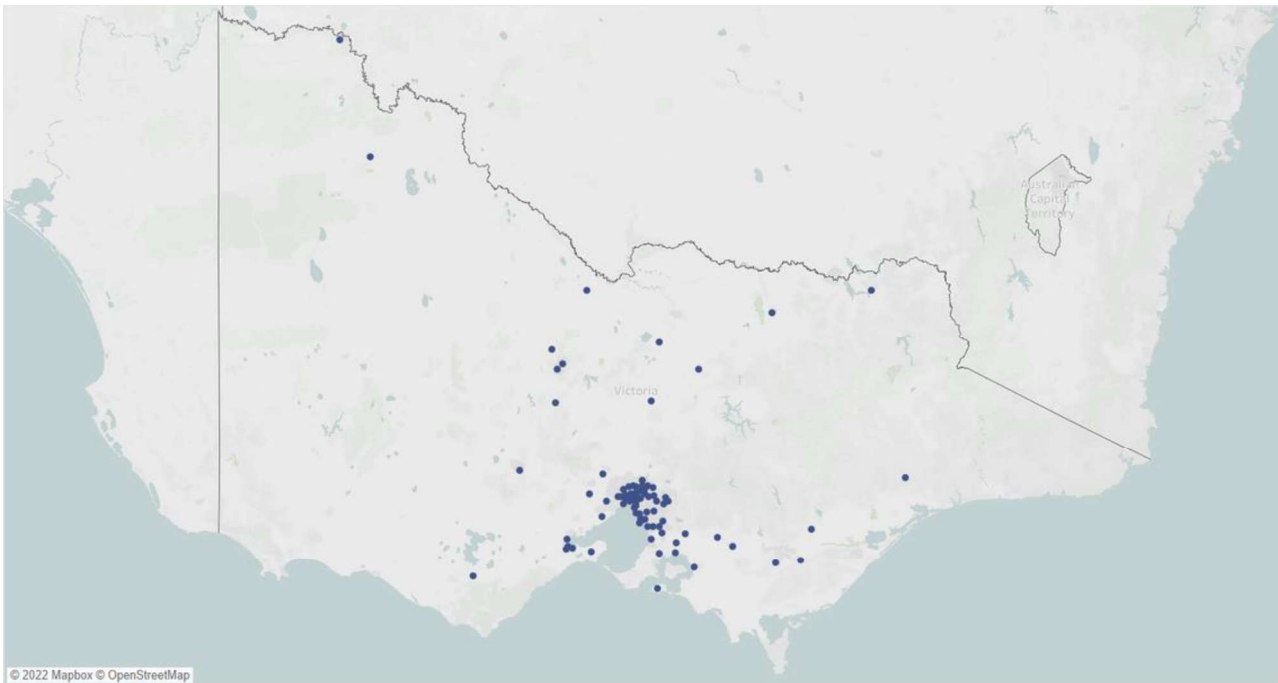
### Identification as LGBTIQ+



### Disclosed disability or mental illness



### Locality of respondents





## Appendix E: Responses to Question 14 of the Engage Victoria Survey

**Q14. For each of the types of police wrongdoing described below, which do you think should be investigated or handled by Victoria Police and which do you think should be investigated or handled by an independent oversight agency? Are there any that you think could be investigated by both?**

*(Options: Victoria Police; Independent oversight agency; Both)*

*(Note: Percentages may not total 100 due to rounding)*

	Victoria Police	Independent oversight agency	Both	Answer left blank
Rudeness, incivility, delays and other customer service type matters	42 (31%)	43 (32%)	34 (34%)	4 (3%)
Failure to comply with Victoria Police policies and procedures (e.g., failure to properly record information on the officer’s running sheet or distributing offensive materials)	20 (15%)	71 (53%)	38 (28%)	5 (4%)
Behaving disgracefully or improperly (on or off duty)	16 (12%)	70 (52%)	44 (33%)	4 (3%)
Discrediting Victoria Police or its personnel	33 (25%)	56 (42%)	39 (29%)	6 (4%)
Not disclosing or managing conflicts of interest	14 (10%)	88 (66%)	27 (20%)	5 (4%)
Duty failure	22 (16%)	74 (55%)	34 (25%)	4 (3%)
Misrepresentation on logbooks, time sheets or registers	27 (20%)	69 (51%)	33 (25%)	5 (4%)
Unauthorised access, use and disclosure of police information, e.g., the Law Enforcement Assistance Program (LEAP)	10 (7%)	81 (60%)	38 (28%)	5 (4%)
Discrimination or prejudice motivated by race, religion, disability, age, sex, gender identity, sexual orientation, or other characteristics	7 (5%)	88 (66%)	35 (26%)	4 (3%)
Family violence involving Victoria Police personnel	8 (6%)	89 (66%)	31 (23%)	6 (4%)



Human rights breaches	9 (7%)	94 (70%)	25 (19%)	6 (4%)
Wrongful arrest, false imprisonment and malicious prosecution	5 (4%)	94 (70%)	30 (22%)	5 (4%)
Excessive use of force (including serious assault)	6 (4%)	94 (70%)	28 (21%)	6 (4%)
Serious mistreatment of a person in police custody	4 (3%)	95 (71%)	29 (22%)	6 (4%)
Death or serious harm to a person while they are in police custody	3 (2%)	96 (72%)	28 (21%)	7 (5%)
Deaths or serious harm involving police contact with a person/s regardless of whether that contact involves police misconduct (e.g., police shootings or accidents involving police pursuits)	4 (3%)	93 (69%)	31 (23%)	6 (4%)
Corrupt conduct (e.g., bribery)	4 (3%)	99 (74%)	25 (19%)	6 (4%)
Criminal offences by Victoria Police personnel such as theft or using or selling illicit substances	8 (6%)	84 (63%)	35 (26%)	7 (5%)
Serious criminal offences by Victoria Police personnel such as sexual offending, stalking and homicide	2 (1%)	88 (66%)	36 (27%)	8 (6%)
A pattern of officer misconduct carried out on more than one occasion, or that involves more than one person, that is indicative of systemic issues that could adversely reflect on the integrity and good repute of Victoria Police	3 (2%)	87 (65%)	37 (28%)	7 (5%)



## 5. Document information

### Document details

Criteria	Details
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### Version control

Version	Date	Description	Author

### Document approval

This document requires the following approval:

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### Audience

The audience for this document is <Describe audience> to <Describe purpose>.

### Reference material

Attached references	TRIM ID/Location

Bibliography	Author	TRIM ID/Location

Acronyms	Description
DJCS	Department of Justice and Community Safety

Terms	Description