

LEGISLATIVE COUNCIL  
LEGAL AND SOCIAL ISSUES COMMITTEE

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Inquiry: Inquiry into Victoria's Criminal Justice System

Hearing Date: 19 October 2021

Question[s] taken on notice

Directed to: Ms Gibbs

**1. The Chair Page no. 41**

**Question asked.**

Is there anywhere, any jurisdiction, that you could direct us to, I suppose, to flesh out that structure and I suppose the triggers of where that independent body would sit?

**Response:**

A number of submissions to the Parliamentary Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria refer to models in different jurisdictions of effective and independent police oversight bodies, including the model adopted in Northern Ireland.<sup>1</sup>

The **Office of the Police Ombudsman for Northern Ireland** demonstrates that it is possible to design a police complaints body that meets the following five human rights benchmarks by being:

- Independent of the police;
- Capable of conducting an adequate investigation;
- Prompt;
- Open to public scrutiny; and
- Victim-centred and enables the victim to fully participate in the investigation.

Notably, the Police Ombudsman for Northern Ireland investigates all police complaints (even about customer service or 'courtesy complaints'). This means all police complaints are investigated by a

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<sup>1</sup> Another example often held up as an example of a best practice model of an independent police oversight body is the Law Enforcement Review Agency in Manitoba, Canada. The Law Institute of Victoria submission to the to the Parliamentary Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria provides further details about the Canadian model: Clara Bradley (2017). *Police Accountability Submission*, Law Institute of Victoria.  
[https://www.parliament.vic.gov.au/images/stories/committees/IBACC/Submissions/police\\_oversight\\_submissions/Submission\\_41\\_Law\\_Institute\\_Victoria.pdf](https://www.parliament.vic.gov.au/images/stories/committees/IBACC/Submissions/police_oversight_submissions/Submission_41_Law_Institute_Victoria.pdf)

body that is (a) accountable to the Northern Ireland Assembly, and (b) constituted and operated independently of the Northern Ireland Policing Board and the Chief Constable.

Features of the Northern Ireland model include:

- The Ombudsman is appointed by the Queen on a seven-year fixed term and is accountable to parliament through the Minister for Justice.
- It is staffed with specialist investigators who have power to secure incident scenes and seize documents and property. Police are obliged by law to provide information required in connection with an Ombudsman's investigation.
- Following an investigation, the Ombudsman can recommend to the public prosecutor that an officer be prosecuted, or to the Chief Constable that an officer be disciplined.
- The Ombudsman may refer a complaint to the police to handle, but only if it is 'less serious', and the complainant consents. Even then, the Ombudsman's office will check how the police have handled the complaint.
- The body is subject to Freedom of Information laws and has publicly committed to disclosure of information about the office's work.<sup>2</sup>

The Police Ombudsman for Northern Ireland is well regarded by both customers and police officers who are being investigated, with 79% of police officers reporting that they felt they were treated fairly by the Ombudsman.<sup>3</sup>

For further information and research on the Police Ombudsman for Northern Ireland and drawing on Northern Ireland's experiences to develop an effective model for investigating complaints against police in Victoria, please see:

- Police Accountability Project (2017). *Independent Investigation of Complaints against the Police Policy Briefing Paper*, Flemington and Kensington Community Legal Centre. [https://www.policeaccountability.org.au/wp-content/uploads/2017/09/Policy-Briefing-Paper-2017\\_online.pdf](https://www.policeaccountability.org.au/wp-content/uploads/2017/09/Policy-Briefing-Paper-2017_online.pdf)
- Tamar Hopkins (2009). *An Effective System for Investigating Complaints Against Police A study of human rights compliance in police complaint models in the US, Canada, UK, Northern Ireland and Australia*, Victoria Law Foundation. [https://www.parliament.vic.gov.au/images/Submission\\_4-1\\_Hopkins\\_Tamar.pdf](https://www.parliament.vic.gov.au/images/Submission_4-1_Hopkins_Tamar.pdf)
- Jude McCulloch and Michael Maguire (2021): *Reforming police oversight in Victoria: lessons from Northern Ireland*, Current Issues in Criminal Justice DOI: 10.1080/10345329.2021.1970941. <https://doi.org/10.1080/10345329.2021.1970941>

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<sup>2</sup> Police Accountability Project (2017). *Independent Investigation of Complaints against the Police*, Flemington and Kensington Community Legal Centre. [https://www.policeaccountability.org.au/wp-content/uploads/2017/09/Policy-Briefing-Paper-2017\\_online.pdf](https://www.policeaccountability.org.au/wp-content/uploads/2017/09/Policy-Briefing-Paper-2017_online.pdf)

<sup>3</sup> Police Ombudsman for Northern Ireland (2021). *Annual Report on Police Officer Satisfaction with services provided by the Police Ombudsman's Office 2020/21*, Police Ombudsman for Northern Ireland, p 4. <https://www.policeombudsman.org/getmedia/ea99510e-beef-4504-8dc6-a1cb0e10e48f/Police-Officer-Satisfaction-Report-202021.pdf>