

Ms Sandy Cook
Executive Officer
Independent Broad-based Anti-corruption Commission Committee
Parliament House
East Melbourne, 3002

3 August 2017

Dear Ms Cook,

Inquiry into the external oversight of police corruption and misconduct in Victoria

The Centre for Multicultural Youth (CMY) welcomes the Committee's Inquiry into the external oversight of police corruption and misconduct in Victoria.

About CMY

CMY is a Victorian not-for-profit organisation supporting young people from migrant and refugee backgrounds to build better lives in Australia. CMY's offices in Ballarat, Carlton, Dandenong, Hoppers Crossing, Narre Warren, Morwell, Shepparton and Sunshine serve some of the most diverse and fastest growing areas in Victoria. Through a combination of specialist support, training, research and advocacy, CMY works to remove the barriers young people face as they make Australia their home. This can include the challenges that young people from migrant and refugee backgrounds face in their interactions with Victoria Police.

CMY shares responsibility with the Youth Affairs Council of Victoria (YACVic) for the Youth Referral and Independent Person Program (YRIPP). Funded by the Victorian government and established as a small pilot in nine police stations in 2004, YRIPP now operates in all police stations across Victoria delivering a high quality system of adult volunteer "Independent Persons" to attend police interviews with young people in police custody when a parent or guardian is not available. Attending more than 3500 interviews each year, the role of the YRIPP Independent Person includes supporting young people to understand the complaints processes and make complaints about police mistreatment or misconduct if they wish to and also observing and noting and reporting any police misconduct through appropriate channels.

Given CMY's work, we take a keen interest in ensuring that Victoria Police has the ongoing respect and support of the Victoria's culturally diverse community and in particular young people.

General Feedback

Victorians have entrusted Victoria Police with substantial resources and strong coercive powers, including the use of lethal force, to protect the community. We regard an independent complaints investigation and oversight system as absolutely necessary to ensure adequate transparency and accountability of these significant powers and responsibilities. It is essential for maintaining the integrity of Victoria Police and public faith and confidence. It also creates the opportunity for more informed public debate about police powers and responsibilities. We do not regard the current system as adequately robust or independent.

CMY strongly supports calls to create an independent body that will investigate and report on complaints concerning the police, including individual complaints and systemic issues. This would not only bring our system into line with internationally recognised standards for the protection of human rights, but also provide greater public trust in the police.

Individual Complaints

CMY acknowledges the inherent difficulties in striking an appropriate balance in the investigation of individual complaints about police. Victoria Police needs to be able to effectively manage its members to appropriately and fairly perform their duties. On the other hand, the public also needs to be confident that when performance or misconduct issues arise that police are not seen to be protecting their own and are not applying a double standard to unlawful behaviours in favour of its members.

Given this challenge, CMY calls for reforms that would see the expansion of the role and resourcing of IBAC, or the creation of a similar independent body, to investigate complaints about Victoria Police. This would be a significant improvement on the current system of oversight. As a minimum, we believe complaints about corrupt conduct, serious injury or serious human rights infringements should be independently investigated and furthermore that other types of complaints should be able to be investigated by an independent body, where a complainant chooses that path. The independent body would need to have limited ability to refer these types of complaints to Victoria Police for investigation as is the current situation for IBAC.

Further, we encourage the Inquiry to consider and make recommendations about the mechanisms by which both Victoria Police and IBAC receive and investigate complaints from young people, in particular young people from refugee and migrant backgrounds. At the moment it is difficult for young people that we work with to access complaint processes or to feel comfortable to provide a personal account of an incident. It is important that investigations are conducted by people who are culturally competent, in a place that is comfortable to the complainant and not in a police station.

CMY also calls for reforms that can enable advocates to make complaints or provide feedback on behalf of a young person, or in circumstances where a young person does not want to make a complaint or be

interviewed about an incident. Without this ability, a range of misconduct issues go unreported or are not investigated and as a result Victoria Police members are not held accountable for inappropriate conduct.

Systemic Issues

If Victoria Police are to retain capacity to internally investigate some types of complaints, CMY calls for greater legislative and resource capacity for an independent body to be able to:

- audit Victoria Police complaints processes and complaints data
- review and report on the adequacy of Victoria Police's internal investigations, and
- conduct 'own motion' investigations about systemic and cultural issues affecting Victoria Police or matters arising from its audits and reviews.

These are necessary requirements to create public confidence in the system and to promote ongoing and continuous improvement and responsiveness to community needs.

The independent body should also have express powers to hold police accountable for the implementation of recommendations arising from its own audits, reviews and investigations. Results of these reviews should also be made publicly available and provided with a plain English language summary that is accessible to young people and culturally diverse communities. This is important to creating informed public debate which can enhance public confidence in police complaints and oversight processes and in Victoria Police.

Further questions

Please do not hesitate to contact myself or Carmel Guerra who returns from overseas next week, if you have any questions or require further information. We can both be contacted on 9370 3700. Carmel can be contacted by email: carmel@cmy.net.au.

Yours faithfully



Sarah Nicholson
Manager Sector and Community Partnerships