

Police Accountability and Human Rights Clinic

Report on the second year of operation

2016

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About the Police Accountability Project

The Police Accountability Project (PAP) is a specialist, innovative, public interest legal project located within the Flemington and Kensington Community Legal Centre, taking the lead in police accountability law and strategies. It is based in the legal centre in Kensington, Victoria, Australia.

PAP was formed in 2007 and provides victim-centred remedies, strategic litigation and case work, evidence based research, community support and policy and law reform advocacy around a range of key police accountability issues. PAP aims to drive the political, cultural and systemic change required for true police accountability.

PAP is recognised as a flagship specialist legal project and has achieved considerable impacts and national and international recognition over recent years. PAP has been able to attract considerable pro-bono assistance and a very dedicated and talented staff and volunteer base, has received numerous awards and short listings and has achieved some incredible and unprecedented legal outcomes.

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About the Melbourne Law School Public Interest Law Initiative

Melbourne Law School (MLS) launched the Public Interest Law Initiative (PILI) in 2012. PILI aims to give students practical legal experience and provide the community with much needed additional resources for public interest law causes, particularly the provision of legal advice and assistance to disadvantaged clients. PILI offers a range of innovative subjects and experiential learning opportunities to students, which include external placements, internships and clinics, supplemented by induction and debrief sessions and a series of relevant seminars. These opportunities allow students to develop practical legal skills, while making a real difference to the lives of the most vulnerable in our society.

PILI provides students with experience in public interest law environments where they can develop skills through practical application of their legal knowledge. Clinical law placements allow students to facilitate access to justice for members of the community experiencing financial and social disadvantage.

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Introduction

In March 2015, the Flemington & Kensington Community Legal Centre's ("FKCLC") Police Accountability Project, in conjunction with the Melbourne University Law School, commenced running Victoria's first state-wide police complaints clinic. In September 2015, the clinic received funding for two years from the Victorian Legal Services Board (LSB).

This report details the second year of the clinic's operation.

Victoria's first Police Accountability and Human Rights Clinic provides advice, referral, support and casework to victims of police misconduct and greatly expands FKCLC's capacity to meet this identified high legal need.

The clinic runs during university semesters and sees an average of four new clients a week during this period. The clinic also provides people with basic advice about how to make a police complaint and how to do a Freedom of Information (FOI) application.

The aim of the clinic is to:

1. Advise people with complaints against police about how to make a complaint and obtain information from Victoria Police.
2. Provide casework assistance in relation to police complaints to people who meet our guidelines during university semesters and where capacity exists.
3. Advocate to improve people's experiences of the complaint system and if possible to improve the outcomes of the complaints process.
4. Collect data about complaints against Victoria Police and the effectiveness of Victoria's complaint system.
5. Refer people who wish to take civil action in relation to their matter to appropriate law firms;
6. Refer people seeking assistance with criminal defences in contexts where they wish to make a complaint; and
7. Advocate for a more effective and independent police complaint system.

Key findings

1. Of the 59 allegations filed through the clinic as complaints with Victoria Police during 2016, for which the investigation has been concluded (44 in total), only 1 was substantiated. This is a 2% substantiation rate.
2. The most frequent allegation made was duty failure, followed by excessive force.
3. There continue to be allegations of racially biased policing despite Victoria Police's zero tolerance towards racial profiling.
4. There is a far higher demand for our service than we can provide. We were able to provide ongoing casework for 45 people. Approximately 33 people seeking criminal defence work for matters linked to their police complaint were turned away. 123 people seeking ongoing casework assistance were turned away.

The current complaint system in Victoria

In Victoria, there are three ways you can file a complaint against police:

1. Make a complaint at a local police station.
2. Make a complaint to the Police Conduct Unit (PCU) – a Unit within Professional Standards Command (PSC) of Victoria Police. The role of PSC is to enhance and further promote a culture of high ethical standards throughout Victoria Police. The PCU was set up for people wishing to make a complaint or compliment on service given by a particular police member.
3. Make a complaint to the Independent Broad-based Anti-Corruption Commission (IBAC). The overwhelming majority of complaints made to IBAC are either dismissed or referred to Victoria Police for investigation.

Background and rationale for the Clinic

Access to justice after police assault or misconduct remains a significant unmet legal need in Victoria. According to the National Legal Needs Assessment Framework (LNAF) *Unfair Police treatment* is more likely to be experienced by those with various Socio-Economic *Relative Disadvantage* indicators, including Indigenous Australians, Victims of Crime and those Aged: 15-24 years.¹

Very few law firms or community legal centres have the capacity or skills to take on police complaint matters. It remains a complex, resource intensive, under-funded and neglected area of law in Australia despite the clear, consistent and often grave impacts upon human rights. Clinics such as ours exist in the United States and Canada.

Complaints from members of the public are the gateway to police disciplinary proceedings and criminal charges and one of the few ways that police who engage in misconduct can be removed from the force. These are not consequences that other forms of action can provide.

Civil actions result in compensation for the victim, but not criminal or disciplinary outcomes. Complaints are the mechanism by which a police agency can learn and improve.

However, complaints against police have a poor track record for substantiation. As indicated above, of the 59 allegations filed through the clinic during 2016, for which the investigation was concluded, only 1 was substantiated. This is a 2% substantiation rate. Unfortunately, comprehensive statistics on substantiation rates are not published by either Victoria Police or IBAC. However, evidence from the practice literature support the data from the clinic that substantiation rates are low- a persisting feature of the police complaint system over many decades.²

Why is this? We believe that the following are major factors:

1. Complainant distrust of the process/ lack of support;
2. Biased and prejudiced police investigators who tend to disbelieve and criminalise complainants and to assist the police they are investigating to explain, justify or minimise their misconduct;
3. Poor quality investigations – failing to interview all police/witnesses/obtain all evidence

¹ National Legal Needs & Strategic Planning Project Report, Victoria (Judith Stubb, Colleen Lux and Lewis Wilson, February 2012) pp 11, 20, 38.

² For example, Victoria Aboriginal Legal Service reported in 2017 that of 22 complaints about Victoria Police submitted by VALS clients between 2009 and 2014, none were substantiated in full (VALS Submission to the Inquiry into External Oversight of Police Corruption and Misconduct in Victoria, 2017), p 14.

4. Investigators are from a culture that can tend to view some illegality as acceptable and to justify force and other coercive behaviour. This means they tend to misapply the law in their decision-making.

The clinic hopes to positively influence each of these factors. Ultimately however, these concerns are unlikely to be addressed until complaints are independently investigated by a fully resourced and empowered body.

Clinic intake criteria

Due to the high level of demand on the clinic, with its current resourcing, the clinic cannot assist people with criminal defences. In addition, the clinic has devised the following intake criteria for ongoing casework (that is matters where the clinic will advocate on behalf of the client and not just advise). Ongoing casework will be provided if we have solicitor capacity AND a matter fits one of the following categories:

1. Excessive force;
2. Racial profiling and other forms of discrimination;
3. Duty failure in cases of family violence;

Once it meets one of these categories, a further screen will be applied:

- A. Are we likely to be able to have an impact on the outcome of the complaint? (Impact test)
- B. How capable is the person to manage the matter on their own? (Vulnerability test)

Once the clinic has assisted with a police complaint, clients of the clinic frequently wish to consider taking civil action. The FKCLC – police litigation solicitor has some limited capacity to take on new files involving issues arising from the clinic. Frequently however cases are referred to firms who we know conduct litigation in this area on a “no win, no fee” basis.

Separate to the clinic, FKCLC’s litigation work is carefully selected to have high strategic impact on police accountability issues in Victoria and particularly in the areas of excessive force, racial discrimination, duty failure in family violence and cases that expose issues relevant to Victoria Police’s accountability mechanisms. Cases are conducted across Victoria’s legal system (civil, criminal, coronial, discrimination) and sometimes taken to the United Nations as Human Rights Communications, where local redress systems fail.³

³ See for example, *Horvath v Australia* (1185/2009); *Hickey v Australia* (1995/2010)

Clinic Statistics for 2016

The clinic first began seeing clients in March 2015. In 2016, 168⁴ complainants approached the Police Complaints Clinic for legal assistance.

Clients were primarily referred from Victoria Legal Aid (VLA) (40%). Clients were also referred from their friends (12%), other Community Legal Centres (11%) and self-referred (from our website/Facebook/media) (10%). We did no advertising of the clinic, except to VLA and through our website, out of concerns of inundation.

Of the 168 complainants who approached the Police Complaints Clinic for legal assistance, the clinic opened 45 cases and provided advice to 123 people. Of the known data, 32 of the 168 complainants were charged for an offence that was linked to the circumstances of their complaint. While we were able to assist 6 of these clients through our police accountability litigation practice (a service FKCLC operates outside the clinic) we had to refer approximately 33 people to other CLCs and private or fee-paying practitioners for assistance with their criminal defence.

Background of complainants

Racial background of complainants

29% of clients seeking assistance from the clinic were born in countries other than Australia. 11.2% of complainants were born in Asia and 7.5% of complainants were born in Africa.

Socio-economic background of complainants

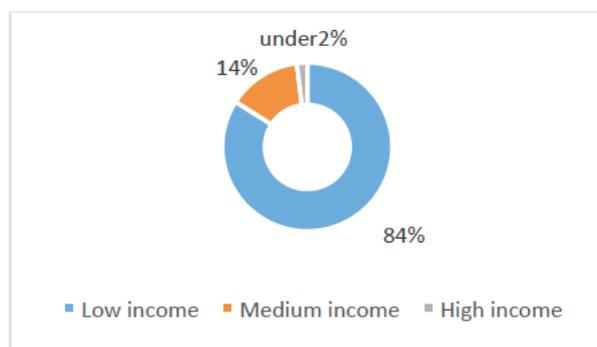


Figure 1: Income level of complainants.

⁴ The following statistics are compiled from known data in the FKCLC Police Complaints Clinic database.

84% of complainants have a low income. 14% of complainants reported a medium income. Less than 2% reported a high income.

Gender of complainants

63% of complainants were male and 37% of complainants were female.

Disability status of complainants



Figure 2: Disability status of complainants.

48% of complainants reported having a disability. Of this group, 51% had a mental illness or cognitive disability and 21% had a physical disability.

Age of complainants

95% of complainants were over 21-years-old. 5% of complainants were 21-years-old or younger.

Where do the complainants come from?

Clients came to our clinic from postcodes throughout Victoria.

Types of allegations made to the Clinic

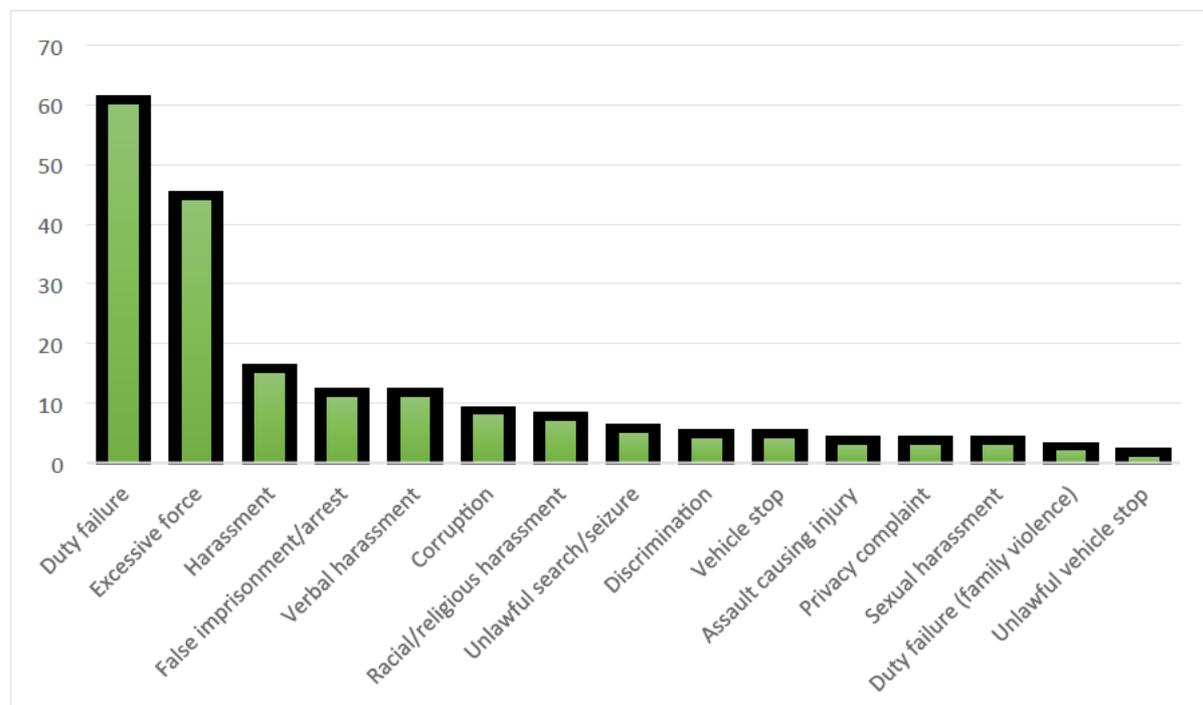


Figure 3: Types of allegations made to the Clinic.

The most common complaint received by the clinic was of duty failure (60) followed by excessive force (44). Excessive force is a complaint of unlawful assault. Unlawful assault is both a criminal and tortious allegation deserving the highest level of investigative response.

The next most common complaint received was harassment (complaints of unjustified laying of charges or threats to lay charges) (15). It is worth noting that this category of complaint is not normally one that should be remedied by a complaint. The way to remedy an allegation of unjustifiable charges is through a proper legal defence. The fact that people are coming to us to make complaints rather than obtaining a lawyer to assist with a defence is a further sign of significant unmet legal need in the area of criminal defence, which is compounded by changes to Victoria Legal Aid Guidelines which generally preclude people who are not at risk of imprisonment from Legal Aid funding, even when there is significant public interest in defending charges.

The next most common category of complaint was false imprisonment/arrest (11). A false imprisonment/arrest allegation is an allegation of an unlawful interference with a person's right to

liberty. These allegations can also constitute criminal and tortious conduct. Civilians in similar circumstances might be charged with assault or kidnapping⁵.

The high level of insulting language/verbal harassment allegations (11) are warning signals of attitudes that are not appropriate in a modern professional police agency and warrant serious investigation. Finally, the data also indicated high levels of complaints about corruption (8) and racial/religious harassment (7).

Unmet legal need

While the clinic opened cases for 45 people, 123 people who contacted our clinic for assistance received information only from us about the police complaint and freedom of information systems. Each of these individuals were seeking legal advice and ongoing assistance from us. These statistics reveal that even with our clinic operating, there is a very significant unmet need in the provision of advice and casework support for people making police complaints. Our lack of resources meant that we have had to turn away a very significant number of complainants that sought legal assistance.

Our lack of capacity to assist complainants with their criminal defence was the greatest source of complaint to our service (we turned away approximately 33 clients seeking criminal representation). The overwhelming majority of these clients were not risking a term of jail had they been found guilty of the offence and consequently were not entitled to a grant of legal aid. We anticipate that the overwhelming majority of these people would not have been able to be assisted by a CLC, would not have been able to afford a criminal defence (84% of our clients had a low income) and would have had to represent themselves. Consequently, it is very likely the overwhelming majority would have entered guilty pleas in circumstances where they considered they were not guilty and where they considered the police had acted improperly or unlawfully.

Defending a person from charges such as resist/hinder/assault police, failure to give name and address and offensive language is a complex task requiring considerable understanding of statutory and common law. Representation in criminal defences of these matters where charges are improperly brought is a significant part of ensuring that police who engage in misconduct are held to account. The clinic's lack of capacity to represent these 33 people represents a critical and urgent area of unmet legal need.

⁵ Section 63A *Crimes Act 1958*

Complaints filed by the Clinic

In 2016, complaints were filed with either the Police Conduct Unit (PCU) or the Independent Broad-based Anti-Corruption Commission (IBAC) in 21 out of 45 cases opened with the clinic. In 16 out of 21 cases, the complaint was filed by FKCLC and in five of the 21 cases, the complaint was filed by the client.

The 21 complaints the clinic assisted with in 2016 represents a fraction of the overall number of allegations yet to be filed by the clinic from clients seen in 2016.

There are a number of reasons why many complaints are not filed immediately. In some circumstances complainants are concerned they may be charged by police or have been charged and wish to resolve the criminal process before lodging a complaint. In other circumstances, complainants wish to obtain further information from other sources including Victoria Police through FOI requests before they decide to make a complaint. While it is clearly preferable to lodge complaints as soon as possible, where clients instruct a delay in lodging, the clinic makes every effort to preserve evidence that may exist at the time of the incident such as CCTV footage and witness statements.

Choice of complaint forum

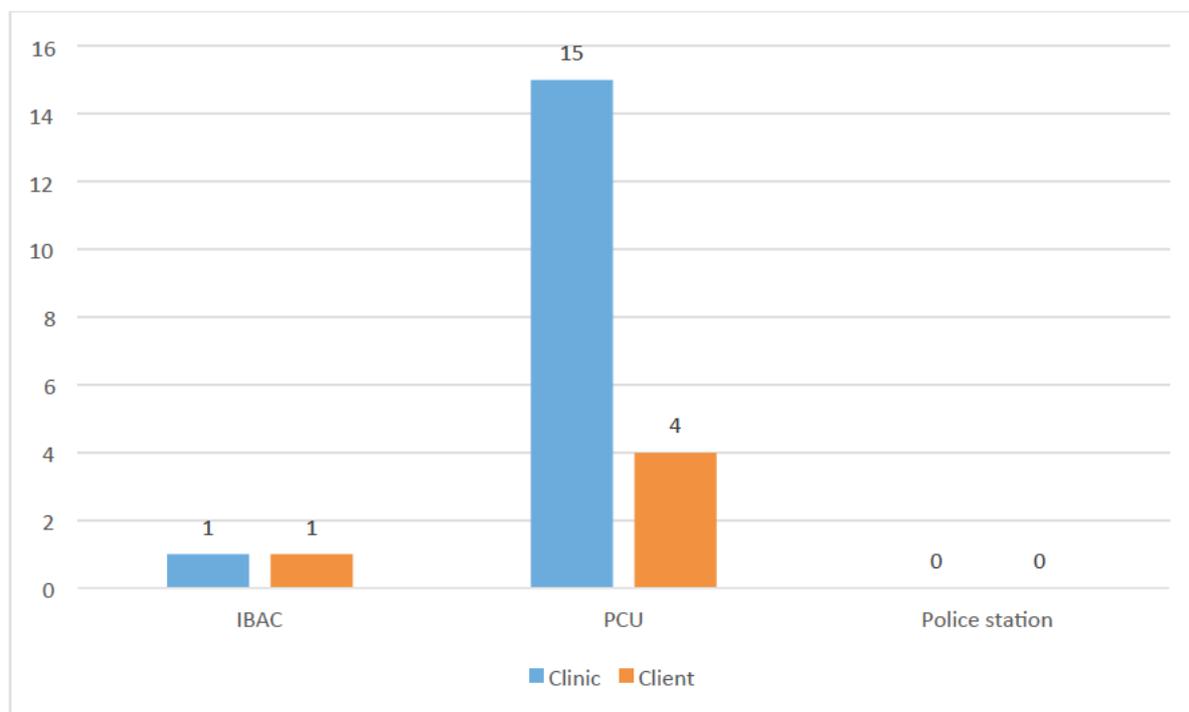


Figure 5: Choice of complaint forum by who filed the complaint (clinic or client)

15 of the 16 complaints filed by the clinic were sent to the Police Conduct Unit (PCU). 1 of the 16 complaints filed by the clinic was sent to the Independent Broad-based Anti-Corruption Commission (IBAC). 1 of the 5 complaints filed by a client was sent to PCU. 4 of the 5 complaints filed by a client were sent to IBAC.

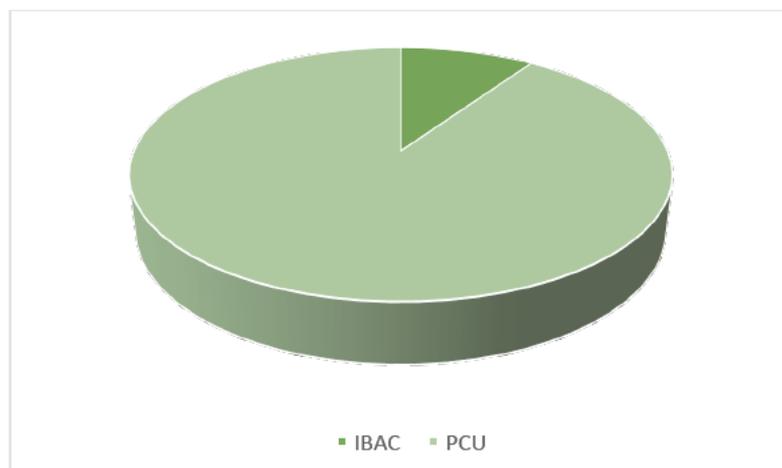


Figure 6: Choice of complaint forum of the total (21) complaints filed.

From complaint work done by the FKCLC's Police Accountability Project, it is clear that IBAC is referring the overwhelming majority of complaints to Victoria Police for investigation, including complaints involving significant assaults. IBAC's annual report supports this observation.

More significantly however, there is a serious detriment facing complainants who complain to at first instance to IBAC. Frequently complainants wish to obtain documents from Victoria Police about the circumstances out of which a complaint arose and about the complaint investigation itself. However, once a complaint has been made to IBAC, even if it is subsequently referred to Victoria Police for investigation, Victoria Police refuse to provide documents about the incident to the complainant—citing section 194 of the IBAC Act. Section 194 of the IBAC Act creates an exemption from the operation of the FOI Act, for documents that relate to a complaint or investigation conducted under the IBAC Act. It has been interpreted as including all documents held by other agencies that are relevant to a complaint made to IBAC.

In February 2016, the Victorian Parliament's IBAC Committee recommended a review of this section. The clinic considers legislative change is required to ensure there is consistency in the law with respect to who can access documents relating to police misconduct allegations that are subject to a

complaint or investigation and to ensure greater transparency about complaints of police misconduct. For this reason, FKCLC has advocated for the removal of section 194 of the IBAC Act.⁶

Our recommendation that clients lodge complaints with Victoria Police is not because we consider Victoria Police is the appropriate body to investigate complaints. It is because no other body is performing this task: complaints made to IBAC inevitably end up being referred back to Victoria Police. Additionally, complaints made to IBAC result in the unacceptable concealment of Victoria Police documents through the operation of section 194 of the IBAC Act.

Classification of allegations filed as complaints

The 21 complaints filed by the clinic contained a total of 59 allegations. The allegations were generally classified pursuant to Victoria Police’s Internal Discipline Investigation Guide (‘DIG’), as set out in the table below.

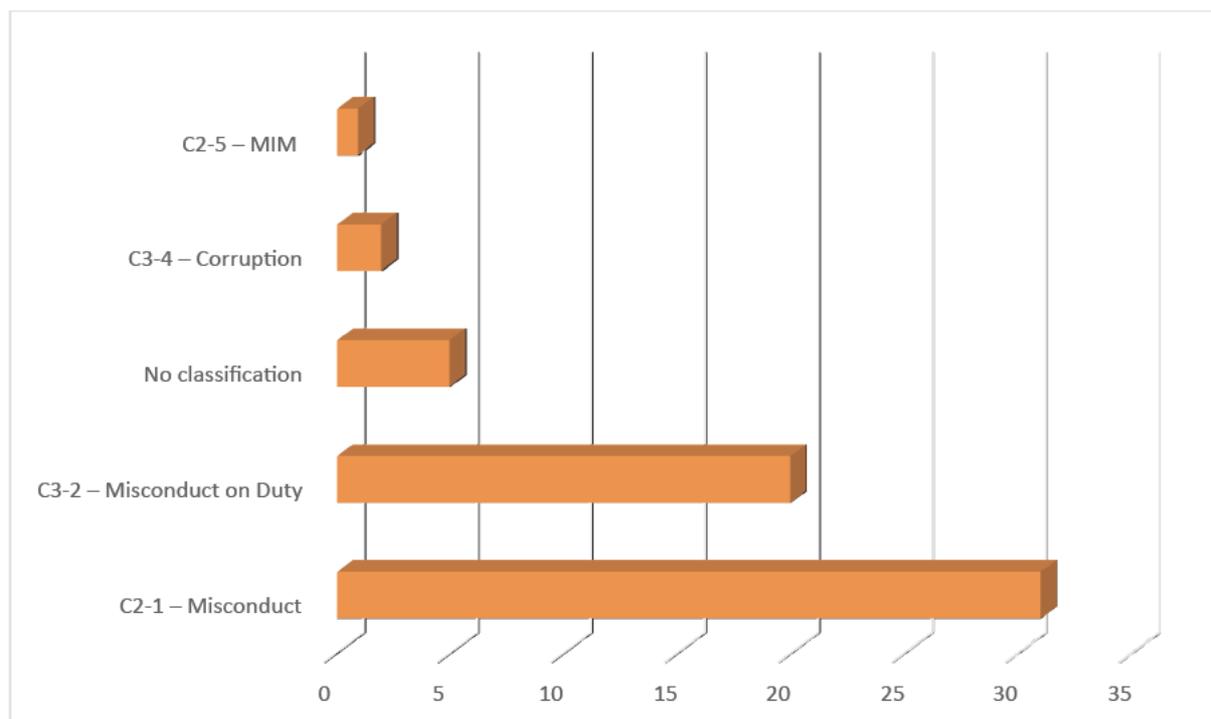


Figure 6: Classification of the 59 allegations.

They have been classified as:

(20) C3-2 – Misconduct on Duty

⁶ See *Submission on reforming section 194 of the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016*, (6 March 2017), available as an appendix to the Victorian Legal and Social Issues Parliamentary Committee’s Report of the Inquiry into the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016 (March 2017).

- (31) C2-1 – Misconduct
- (1) C2-5 – ‘MIM’ (Management Intervention Model)
- (2) C3-4 – Corruption
- (5) No classification provided

C3-2 (Misconduct on Duty)– This category is described in the DIG as including matters such as serious injury to the complainant and high-level discrimination or breaches of the *Equal Opportunity Act 2010* and *Human Rights and Responsibilities Act 2006*.

C2-1 (Misconduct) – This category is described in the DIG as including matters such as “minor assault at the time of arrest” and “lower level” breaches of the *Equal Opportunity Act 2010* and *Human Rights and Responsibilities Act 2006*.

C3-4 (Corruption)– This category is described in the DIG as including allegations of deliberate unlawful conduct by members of police personnel who misuse their position.

C2-5 (Management Intervention Model) – This category is described in the DIG as including allegations of a minor nature such as “rudeness and over zealousness” and breaches of the Victims Charter Act. Under the MIM, a Sergeant or Senior Sergeant, who is the officer in charge of the police station that the complaint about officer is from, investigates the complaint.

If a complaint is classified as C2-3, C2-1 or C3-4, PSC will either allocate an investigator from a different police station to examine complaint or it will undertake the case itself under its own investigations team. Consideration for making this decision is based on factors such as how serious the allegations are and if the issue is currently in the media.

Clients express particular distrust with the system if an investigation is done as a MIM file. They are concerned officers at the same station could be friends and an investigation in these circumstances may be biased.

Outcome of the investigations

Below are the possible investigation outcomes.

Allegation determination	Meaning
Substantiated	Allegation found to be true.
Lesser deficiency	Means a matter uncovered during an investigation not forming part of the complaint laid, requiring remedial action, such as failure to complete an official document.
Unable to determine	Means that the available evidence does not permit the investigation officer to establish whether the complaint is true or not.
Not proceeded with	Means that the complaint is recorded as a file initially but is not proceeded with, due to the unwillingness of the complainant to supply information and is unwilling to withdraw the complaint or there is some other reason for being unable to take the complaint further.
Withdrawn	Means that a complainant having made a formal complaint then makes a written request that the complaint investigation cease.
No complaint	Means a query or complaint by a person that is subsequently found to be an action sanctioned by the law, or a complaint lodged by a third party which is denied by the alleged victim who has no complaint to make.
Not substantiated	Means the weight of available evidence does not support the account of events as described by the complainant, but is weighted in favour of the account given by the member of police personnel.
Unfounded	Means the available evidence clearly establishes that there are no grounds for the complaint whatsoever.
Exonerated	Means that the evidence clearly establishes that a particular member of police personnel is not involved in a complaint, or is completely free from blame.
False report	Where there is sufficient evidence to charge the complainant with making a false report to police.

Outcome of the investigations

Of the 44 allegations filed with either PCU or IBAC for which the investigation has been concluded, 18 allegations were determined “not substantiated”, 14 were determined “unfounded”, 7 were determined “no complaint”, 4 were determined “unable to determine” and 1 allegation was determined “substantiated”.

An additional 15 allegations are yet to be determined.

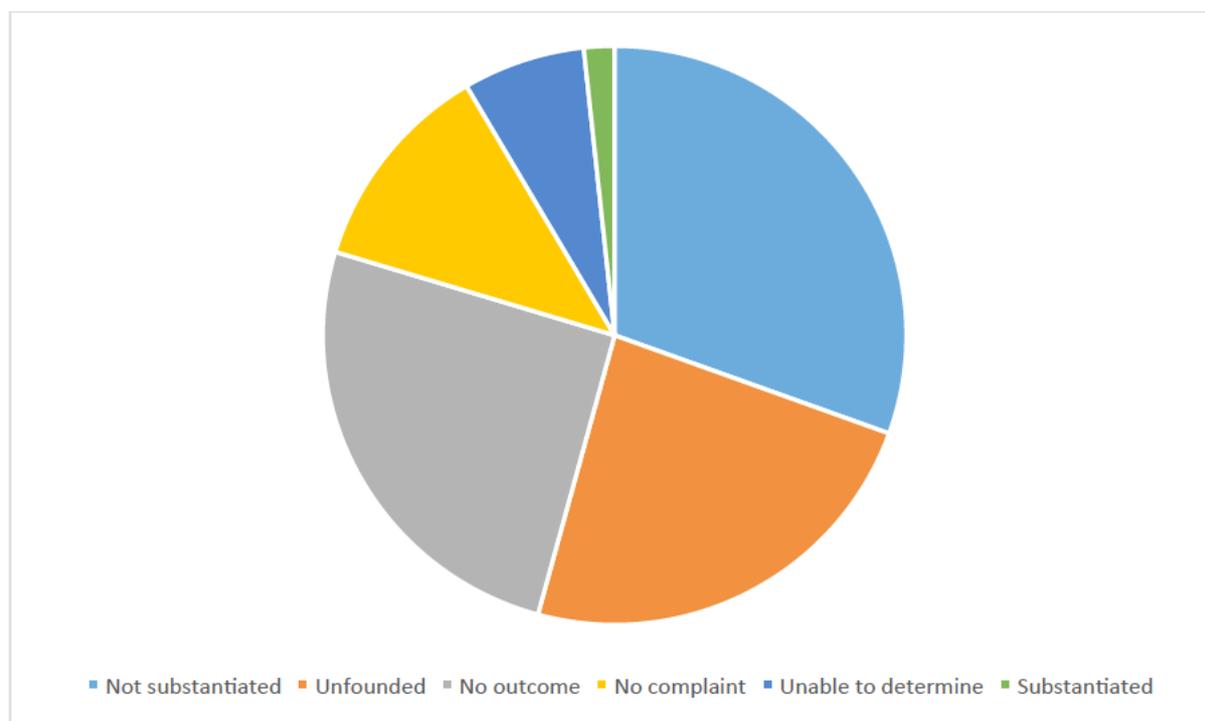


Figure 5: Results of the investigations

Complaint Outcomes

Only 1 of the 59 allegations made in matters lodged through the clinic for which the investigation has been concluded (44 in total), was substantiated through an investigation.

With only one allegation substantiated, could it be that the 43 others were ill-founded or lacking in evidence, or is this substantiation rate (2%) an indication of bias within the investigation and decision-making process?

In our view, the low substantiation rate is a clear indicator of investigative and decision-maker bias. On the basis of the material available to us, we disagree with the outcomes of numerous complaint decisions.

[REDACTED]

- Our client

Our client's police complaints were sent to the Police Conduct Unit (PCU). Our client alleged Misconduct on Duty (C3-2). The complaint came back 1 x no complaint, 1 x unable to determine and 1 x substantiated. There was no outcome for the police. In June 2017, this outcome was sent to IBAC for review.

"I just want this case to end so that I can get back to my life"

- Our client

Following the incident our client noticed issues with his memory. He finds it hard to recall everything from day-to-day calls with his children to the details of larger events in his life. This is a highly distressing feeling. His relationships with his family remain strong but he finds it hard to build romantic relationships. More than anything, our client would like to move on, but he cannot do that until the legal proceedings are finalised. This state of limbo is extremely hard for our client.

These allegations engage s.10 (protection from torture and cruel, inhuman or degrading treatment) and s.21 (property rights) of the *Charter of Human Rights and Responsibilities Act 2006*.

Case Study 8:

In 2014, our clients (anonymous), two brothers, attended a charity event. While locked outside due to an unrelated incident, they allegedly spotted a young woman being sprayed with capsicum spray and kicked. A large group of patrons rushed over and as they approached the young woman, a number of ununiformed police officers made themselves known.

Our clients and a number of the other patrons were unhappy with how the officers were treating the young woman. Verbal and physical altercations between the officers and the some of the patrons broke out. Our client, Client A, was allegedly pushed and shoved by officers and then taken to the ground and capsicum sprayed when he tried to step away from officers. Client B tells us that he too was set upon by police. He allegedly had his legs kicked out from under him and was dropped on his head and kicked in the face before being handcuffed and shoved into the divisional van. The officers' rough treatment left Client B with a fractured nose, bleeding cuts and swollen bruises.

Our clients' police complaints were sent to the Police Conduct Unit (PCU). Our client alleged two instances of Misconduct (C2-1). The complaints came back not substantiated. There was no outcome for the police. The complaints were investigated by another member of the same police department against whom complaints were made.

Client A says:

"It was very depressing - I don't think the system is designed to help people who have been victimised by police. My experience is police protect each other, there's no real way to do anything about it when you are on the wrong end of police misconduct."

Client B says:

"It was a joke that it was investigated by a colleague of the officer we complained against. It should have been independently investigated. I didn't expect anything from it. I didn't pursue further action because I didn't want to be targeted by police."

These allegations engage s.10 (protection from torture and cruel, inhuman or degrading treatment) of the *Charter of Human Rights and Responsibilities Act 2006*.

Recommendations

The clinic reiterates the 22 recommendations of the FKCLC's 2017, Independent Investigations of Complaints Against Police Policy Briefing Paper.⁷ 17 of these recommendations relate to the investigation of police misconduct complaints, generally (the others relate to the investigation of deaths caused by police). These 17 recommendations, which are below, are supported by the data and case work of the clinic and by research conducted by FKCLC and other organisations on best practice models for police misconduct investigation:

1. There should be independent investigation of all police misconduct complaints other than customer service complaints. (Customer service complaints should not include complaints that involve allegations of discrimination or duty failure (including in relation to family violence) or complaints about breaches of human rights. To ensure transparency and consistency, what constitutes a 'customer service complaint,' should be set out in a publicly accessible and plain language policy document that is widely available online and in police stations.
2. Investigations of police complaints must adhere to procedural fairness in decision making (for example, complainants should be informed before a complaint is dismissed and have opportunity to comment on any adverse material which may affect the complaint outcome. For example, complainants may be able to provide further information, witnesses or evidence and correct false assumptions).
3. Investigation decisions must be explained, recorded in writing and publicly available, subject to appropriate and necessary redactions.
4. Investigation decisions must be administratively and judicially reviewable.
5. Investigation files must be provided to complainants under Freedom on Information legislation, subject to lawful exemptions. To facilitate this, section 194 of the IBAC Act should be removed.
6. Legislative time limits need to be set for finalisation of investigations and for the gathering of critical evidence (like CCTV footage) and interviewing witnesses.
7. There should be provision of immediate access to an the independent body, of police held CCTV footage;
8. The maintenance of an electronic database of police complaints and outcomes that is accessible and searchable by an independent body, that includes relevant demographic information about the complainant such as race/ethnicity/aboriginality and which has clear guidelines on how and what information should be recorded. Customer service complaints should also be recorded on this database. Records of complaint histories should be mandatorily reviewed by independent investigators at the commencement of each investigations so that pervasive breaches of conduct by individual officers are acted upon through appropriate disciplinary procedures.
9. Complainants should be informed before an independent body refers a complaint to Victoria Police for investigation (which, as we argue above, should only be where the independent body considers the complaint relates to customer service).
10. The public should have adequate access to information about police complaint, investigation processes and review rights. This requires:
 - a. Provision of material/information in multiple languages;
 - b. Creation of a Complainants' Charter;

⁷ http://www.policeaccountability.org.au/wp-content/uploads/2017/09/Policy-Briefing-Paper-2017_online.pdf

- c. Referral to appropriate support agencies;
 - d. Regional offices;
 - e. A dedicated outreach team;
 - f. Assisting complainants to make a proper statement, and allowing support people/lawyers to be present;
11. An independent body should assess whether or not as a result of evidence obtained through the course of an investigation, criminal charges may be appropriate and if so, refer the matter promptly to the Office of Public Prosecutions for assessment (and /or decide to prosecute)(noting there is a one year time limit to bring charges for summary offences. Victims should be supported through this process.
 12. Data on complaints against police, as well as disciplinary action, civil litigation and prosecutions against police should be regularly and publicly reported.
 13. Adjudication of complaints and disciplinary proceedings should occur in public.
 14. Specialist investigation teams should be made up of no more than 20% former police officers; any former police officers recruited should be from outside of Victoria.
 15. Internal policies and selection /screening criteria for applicants should be developed to ensure a culture of independence is developed and recruited for and that investigative staff come from diverse backgrounds, which reflect the community.
 16. All investigators should be trained in dealing with bereavement and trauma.
 17. Police must be prohibited from commenting in the media about matters that are subject to investigation in a manner that pre-judges or prejudices the outcomes of the investigation.