

# TRANSCRIPT

## INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE

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

Melbourne — 26 February 2018

#### Members

Mr Kim Wells — Chair

Ms Marsha Thomson — Deputy Chair

Mr Sam Hibbins

Mr Danny O'Brien

Mr Simon Ramsay

Mr Tim Richardson

Ms Jaclyn Symes

#### Witnesses

Mr Anthony Kelly, executive officer, advocacy,

Ms Tamar Hopkins, and

Mr Charandev Singh, Flemington and Kensington Community Legal Centre.

**The CHAIR** — I declare open the public hearings for the Independent Broad-based Anti-corruption Commission Committee’s inquiry into the external oversight of police corruption and misconduct in Victoria. All mobile telephones should now be turned to silent. I welcome Mr Singh, Ms Hopkins and Mr Kelly.

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I now invite you to proceed with a 15-minute opening statement to the committee, which will be followed up by questions from the committee. Thank you for your time

**Ms HOPKINS** — I would like to start by acknowledging that we are meeting on the lands of the Wurundjeri people of the Kulin nations and I pay my respects to elders past and present.

Thank you for inviting the Flemington legal centre to give evidence to the committee. As you have heard, the legal centre is represented today by myself, Tamar Hopkins, the former principal solicitor at the centre between 2005 to 2016; Charandev Singh, who has been a paralegal volunteer at the centre for over 10 years; and Anthony Kelly, who is our centre’s executive officer. Since 2005 the legal centre has assisted hundreds of people to make complaints against the police at every level of Victoria’s police complaint system: to IBAC, before that the OPI, to Victoria Police, to local police stations, to the coroner and even to the United Nations. In addition, we have acted for people who have made complaints and civil claims, race discrimination claims, criminal defences and we have investigated police complaint systems in the US, Canada, Northern Ireland and the UK.

Based on our years of experience assisting clients through these mechanisms we conclude that Victoria’s police complaint system fails our community. In 2015 the legal centre established a police complaints clinic with Melbourne University. Because IBAC overwhelmingly refers complaints back to Victoria Police and making complaints to IBAC restricts our clients’ access to information about their complaints, our clinic routinely advises clients to make complaints directly to Victoria Police. One of the aims of the clinic is to systematically explore whether providing legal assistance to clients making complaints to Victoria Police could improve the substantiation rates of complaints investigated by Victoria Police. The most common complaint that our centre made to Victoria Police through the clinic was assault.

After three years of operation we can clearly say to you that our intervention has not improved the substantiation rate of our clients’ complaints. In both 2015 and 2016 the substantiation rate of complaints we made to Victoria Police was an appalling 2 per cent. In sharp contrast, when the centre provided legal assistance in the form of criminal defences in cases where complaints had been made, our intervention made a dramatic difference. Thirteen of the legal defences the centre conducted for clients whose complaint had been found unsubstantiated by police investigators through the complaint system, a magistrate or County Court judge found our client’s evidence more convincing than the police and dismissed the charges against our clients. These 13 cases provide a stark reference point for assessing the effectiveness of the police complaint system. One system of accountability — that is, the police complaint system — is failing our clients. The other system — our independent courts — is consistently making findings of unlawful behaviour or conduct by police.

In the complaint system, the police adjudicate complaints. In the other, independent decision-makers who are not invested in the outcome assess the evidence. I would like to take you to an example. In one case the police assaulted our client by repeatedly and unnecessarily batoning him on the back of his legs while he was lying face down on his bed, leaving a series of long red welts on his legs. The Victoria Police investigators into his complaint found no evidence of police wrongdoing. A magistrate hearing the complaint in open court rejected

the police evidence that our client resisted and assaulted police, and in doing so the magistrate found that the police had no basis to repeatedly beat our client. Our client went on to settle a civil claim against police. Meanwhile the police who assaulted our client were not criminally charged or disciplined in any way. Meanwhile the abuses continue. Indeed we have heard another complaint against one of these very officers that was very similar. So not only does our system fail complainants, but it leaves others vulnerable to similar abuse.

It is important to remember that the police complaint system is the only gateway to criminal and disciplinary action. So our effectiveness in criminal defences is not going to have this kind of result. Civil claims, while costing the state millions of dollars, do not create consequences for individual officers. A functioning complaint system would mean people would not have to resort to civil claims and it would be a significant cost-saving to the state. The stark difference between the results obtained by complainants in the courts to when police investigate and adjudicate complaints provides us with clear evidence that independence is going to have a considerable impact on substantiation rates.

I want to go to the issue of substantiation rates now. The IBAC audit of Victoria Police last year found that just 9 per cent of allegations were substantiated by Victoria Police. I have just handed up to you an FOI that our centre has just obtained from Victoria Police where it had a look at substantiation rates between 2014–15 and 2015–16. If you have a look at those figures, the substantiation rate actually comes out about 8.3 per cent for each of those years. This is overall police substantiation rates of complaints, not just in the two regions that IBAC investigated in its report last year. We are looking at 9 per cent as a maximum and in fact under that. The pattern of substantiation rates has fluctuated between about 6 per cent and 9 per cent, currently on about 8.3 per cent.

Just as an aside, we have had to obtain this information under FOI — a long process we had to go through to get this. This information — Victoria Police claimed they would be putting in the annual report last year. However, it does not appear there. There are two letters written by professional standards command to IBAC saying that this information would be in the annual report. It is still not there so we have to go through these processes to get some transparency about what is happening.

Going back to substantiation rates, about 8.3 per cent substantiated by Victoria Police. In contrast, of complaints investigated by the Police Ombudsman for Northern Ireland, which independently investigates complaints, 22 per cent of complaints were substantiated. In New York's Civilian Complaint Review Board 23 per cent of complaints were substantiated. So we can see that independent bodies are more than doubling the complaint substantiation rate of Victoria Police.

The IBAC audit of Victoria Police did not just uncover poor substantiation rates but in fact a litany of other failures. We see 10 per cent of files being wrongly classified, 17 per cent of files given to inappropriate investigators and 17 per cent of files failing to consider relevant considerations. When we consider that these omissions result in the state's inability to prevent and hold accountable human rights abuses we start to recognise that this level of failure is unacceptable. These errors mirror exactly our clinic's experience of making complaints on behalf of clients. We found that despite our best efforts Victoria Police investigators failed to speak to relevant witnesses and regularly use investigators from the same station. But probably the most revealing in our experience is the failure of police investigators to draw conclusions of police wrongdoing in the face of significant evidence against them, such as the OC spraying of innocent bystanders at a rally and the assaulting of children in the absence of grounds to arrest or search them.

The IBAC report is couched in terms of improving police investigations, but we need to understand that this is a system that has been previously audited and found seriously deficient again and again. Can we trust the police to really improve in response to this latest IBAC audit? The answer is no.

I just want to give you an example from last year. Professional standards command appointed a sergeant well-known to our legal centre from their ranks to triage and investigate complaints. This is [REDACTED]. He has a very large complaint history. We know that he has been receiving complaints of brutal treatment against members of the public and often racially targeted conduct. He has been the respondent in two civil claims by our centre, including our large race discrimination claim.

Furthermore, his appointment to ethical standards to investigate complaints and triage complaints contradicted IBAC's recommendation against promoting people with concerning complaint histories to positions of authority — that was made in their reports in November 2016 and December 2015. So if Victoria Police ethical

standards command can go ahead with such an appointment in spite of clear IBAC recommendations, what hope do we have that any part of the complaint system is operating fairly?

The next question is whether expanding IBAC's capacity to investigate police is the answer. At this stage we are far from convinced about IBAC's capacity to act as a complaint-handling body. The issues raised by Jeremy King in relation to the inability of complainants to obtain information under FOI once a complaint has been lodged in IBAC or considered by IBAC or where it is classified as a protective disclosure are part of the problem, and there are other legislative problems facing complaints. For example, while Victoria Police must provide information to complainants under section 172 of the act, IBAC is merely required to consider providing information — they 'may' provide information under section 162 of the act.

However, the problem goes deeper than this. Legislation aside, IBAC have made it clear that they do not consider themselves to be a complaint-handling body. The 2015 Bare ruling in the Court of Appeal made it clear that IBAC owes complainants natural justice, but in spite of this IBAC almost never provide complainants with reasons for their decisions. There is no transparency about when IBAC will or will not investigate complaints or review a police investigation to a complaint. In fact IBAC comes across to complainants as inaccessible, unreasonable, arbitrary, inconsistent and frequently incomprehensible. There is a serious problem with IBAC's lack of complainant focus that must be addressed before consideration is given to expanding its powers. The problem is both legislative and cultural.

A culturally independent organisation must not only conduct complainant-centred investigations but it must assess for itself the legality of police behaviours. For example, police officers come to understand their powers in a particular way based on their experience. They come from the same interpretive community. In contrast members of the public, lawyers, legislators such as yourselves and courts can have a very different understanding about what the law requires. If an independent complaint body utilises investigators that operate from the same interpretive community as police, then the opportunity for ensuring police operated in accordance with the law rather than their own internal norms is lost. The complaint body merely reinforces erroneous but widespread beliefs by police about the way they can operate.

For example, the practice of racial profiling goes unchecked if the complaint body fails to interrogate the patterns and bases for stops and searches. So too does the practice of police searching beyond the limits of their warrants or using more force than is absolutely necessary. These practices become acceptable when internal norms are used to adjudicate the limits of police power. We really need cultural difference, a different interpretive community. You, the IBAC committee, have a unique opportunity to reflect on the experiences of complainants here in Victoria and to draw on the best examples from around the world to give Victoria the best possible police complaint system, and there are plenty of great examples to draw on.

The Police Ombudsman for Northern Ireland, as you know, is widely held to be the gold standard in police investigations and has achieved the confidence of both the police and the community. They also report high levels of compliance from both police and community members at critical incidents, and they operate with a complainant-centred approach and provide briefs of evidence to the coroner.

The special operations unit in Ontario, Canada, operates over a vast area of land much larger than Victoria and manages to get to deaths and serious injury incidents around Ontario within a few hours of incident. And in Washington, DC, and Manitoba, Canada, complaints are adjudicated by an independent legal officer in a hearing where the complainant can be represented by a lawyer, offering great models for testing and cross-examining of police evidence.

Indeed for every hurdle offered against independent investigation of police complaints an example exists around the world offering solutions to the problem. It is now up to parliamentary leadership to address the institutional conflict of interest and harm that exists in our current model and causes harm to all Victorians, including its police. So we really ask that you stand up to this opportunity and make a difference. Thank you.

**The CHAIR** — Thank you. We will start with just a clarification about your FOI.

**Mr HIBBINS** — Yes, I just wanted to get your take on — obviously there are three categories here: 'substantiated' and 'unsubstantiated' and then you have got a larger category, 'resolved'. What do you take that to mean?

**Ms HOPKINS** — I can only tell what this is from looking at the IBAC report that came down. It looked like ‘resolved’ means that — there is not a clear definition from what I can see. It does not necessarily mean that it is to the satisfaction of the complainant, but it certainly does not mean that it is substantiated. So it is that they have reached the limit of what they are going to do with an investigation. I cannot shed too much light on that unfortunately.

**The CHAIR** — You have outlined obviously a significant number of issues regarding problems around IBAC and Victoria Police. The current body at the moment is IBAC: police complaints go to IBAC, they look at them or refer them back to Victoria Police. So is it your view that the legislation around IBAC needs to be changed? Or is it your view that there should be a separate, independent body apart from IBAC to investigate police complaints and misconduct?

**Ms HOPKINS** — I will start by answering and then I will see if any of my colleagues have anything to add. Ideally what we need is a culturally and legislatively independent body that will investigate all complaints against police, and to start from the beginning with building that culture. If that is not the direction that the committee is going to recommend, there needs to be substantial legislative reform to the current IBAC Act and there needs to be substantial cultural reform as well in order for IBAC to actually start providing the kind of investigations that are needed in Victoria. I do not know if there is anything else my colleagues want to add.

**Mr SINGH** — And I think that capability, if it is to be grounded in IBAC, needs to have a diverse range of capabilities and specialisations. It needs to have a very strong specialisation to look at family violence and police duty failures. It needs to have a capability to look at examples where there is systemic sexual violence and there has been a systemic failure of police investigations to provide remedies to victims of systemic sexual violence. For example, where individual perpetrators have targeted sex workers, targeted women from particular communities and then proceeded to escalate their offending to rape and murder. I think that wherever that capability for independent, effective, timely investigations that meets the standards required in Victoria sits, it must have a very specialised and very diverse capability to meet the wide variety of needs and imperatives around independent investigations.

**The CHAIR** — Just to follow up, when you say in your response that all complaints need to be investigated by an independent body, are you suggesting that legislative changes to IBAC would mean all complaints — that Victoria Police would not investigate any complaint made against them. Is that the view of your organisation?

**Ms HOPKINS** — There are a few complaints that we would see Victoria Police being able to investigate. We sent a letter around — I am not sure if the committee has received this — setting out where we think the threshold should be in terms of independent investigation, and I can go through that now if you would like. We see it is absolutely critical that breaches of human rights are all investigated independently. Human rights — there is a continuum of treatment that is involved in what is a human rights abuse, particularly talking about the right to freedom from ill-treatment.

Ill-treatment is a very broad set of treatment, and it really turns on issues of whether that treatment leads to feelings of humiliation, degradation, debasement in terms of the complainant. So we are looking at a broad spectrum of behaviours, and we have set a list here of types of conduct which we would consider that fall within that breach of human rights. We talk about the unjustified use of force or threats of force, the unjustified use of police powers to investigate, stop, search, move on, detain or pursue. So it sounds very broad, but the reason for that is that we are wanting to capture discriminatory conduct, racial profiling, human rights abuses that come in these contexts, sexual violence or harassment, including predatory behaviour, deaths or near deaths, failures to act in matters involving family violence, discrimination and sexual abuse, matters that allege criminal, unlawful conduct, and policies and practices and patterns that violate human rights or are otherwise unlawful. So it is a broad group of matters that fall within the requirement of needing independent investigation.

The matters that fall out of that are what we have called ‘customer service complaints’. This is incivility, rudeness or delay where that conduct does not allege discriminatory conduct or duty failure in relation to family violence, discrimination or sexual harassment. So there is a category that we can see leaving to Victoria Police, but that needs to be triaged by the independent body. We say it should not be up to Victoria Police to judge where that boundary lies, but it should be the independent body that is making that decision about which complaints fall in its remit and which go below.

**Mr HIBBINS** — I just wanted to ask about the examples you have given of PONI and then the Norwegian bureau and the Canadian one as well. Do they have powers for own-motion investigations, for example, to look into not just individual cases of complaints but perhaps systemic issues that may arise? And in your recommendation of an independent body, are own-motion investigations a priority for you?

**Ms HOPKINS** — I do not actually know whether those other bodies have own-motion powers, but absolutely we would recommend that this body has an own-motion power.

Patterns of conduct — there are whole categories of complaints that are not necessarily going to find their way through to the complaint body. For a variety of reasons complainants do not make complaints in certain situations, and it is critical that where information is coming to the complaint body that a pattern of misconduct is arising there be a power to conduct own-motion investigations.

The other is also around Victoria Police policy and whether that is complying with human rights. That would require the independent body to have own-motion power.

**Mr KELLY** — I just want to respond to that previous question as well. One of the arguments we hear against the scale of serious misconduct and the definition is that it removes the responsibility of Victoria Police to manage its own workforce and professionally develop its own workforce. However, in reality and in practice none of it does. Victoria Police would still need to maintain responsibility for day-to-day performance management, for supervision. The independent body and the adjudication of other investigative teams merely add weight to the seriousness of the conduct that they would need to be managing, in the same way that hospitals get advice from medical complaint boards and other industries get advice and support and adjudication from other independent regulation boards. Victoria Police would still need to maintain day-to-day supervision and performance management but with the rigour of having the independent body providing extra weight.

**Ms HOPKINS** — And just on that point, if I can add something there, managers have a wide range of things that they can do: they can do integrity checks, training, they can go on ride-alongs with their officers, they can examine use-of-force forms, they can examine field contacts and, very shortly, body-worn camera images and audio. So there is a whole range of activities that managers within Victoria Police can use to ensure the integrity of the workforce outside complaint investigation.

**Mr D. O'BRIEN** — Can I just go to some of the figures you gave, Ms Hopkins? You talked about, I think, 2 per cent of complaints being substantiated — that is complaints that Flemington Kensington had received. What year are we talking? Or is that over —

**Ms HOPKINS** — So that is through our complaint clinic. The clinic has been up and running from 2015, so there have been two reports that have come out of the clinic: one based on the year 2015 and then the year 2016. In those two years the clinic was getting a 2 per cent substantiation rate.

**Mr D. O'BRIEN** — Okay, so two years.

**Ms HOPKINS** — Yes.

**Mr D. O'BRIEN** — You mentioned then, I think, 13 cases.

**Ms HOPKINS** — Yes.

**Mr D. O'BRIEN** — Criminal cases or civil cases?

**Ms HOPKINS** — Criminal cases.

**Mr D. O'BRIEN** — So where you were defending —

**Ms HOPKINS** — We were defending —

**Mr D. O'BRIEN** — someone.

**Ms HOPKINS** — Yes. In each of these the person had submitted a complaint to Victoria Police for investigation and that had come back unsubstantiated. We had then gone in and defended them in front of a magistrate or a County Court judge.

**Mr D. O'BRIEN** — So this is a situation where they had been, for example, arrested for a particular crime and they had made a complaint about excessive force or breach of human rights or whatever it might have been but they were subsequently charged with the original crime, and you are saying that the judge or the magistrate had actually said that they were a more — what was the actual terminology you used?

**Ms HOPKINS** — Well, they believed the client's evidence — it was preferred to the police evidence. So I can give you an example. A client is charged with hinder police. Usually there is no underlying charge with these matters so there is no underlying offence; it is just an interactional charge.

**Mr D. O'BRIEN** — Not hinder police with assault and robbery or something like that, right?

**Ms HOPKINS** — No, that is right. They are often coming from a street position and charged with hinder police. In this particular case the client had been hit in the face with a torch and had made a complaint of assault against the police that had been found unsubstantiated. The magistrate then heard the case and heard the evidence that our client gave. There was also a witness from 10 storeys up who was able to look down and see what was going on, and the magistrate dismissed the police charge of hinder. There was no basis for an arrest or any touching of our client, let alone the assault with the torch. So that is the kind of scenario that we are looking at — 13 times.

**Mr D. O'BRIEN** — Just trying to compare apples with apples, you are talking about 2 per cent substantiated versus 13 actuals?

**Ms HOPKINS** — Yes.

**Mr D. O'BRIEN** — What is your percentage? How many numbers are we talking about that make up only 2 per cent substantiated?

**Ms HOPKINS** — Whenever we have fully defended a client's charge, we have always had that matter dismissed. Is that what you are asking?

**Mr D. O'BRIEN** — No. We are talking about 2 per cent substantiated and you are arguing that that is not enough because —

**Ms HOPKINS** — Yes.

**Mr D. O'BRIEN** — To look at it another way, there are 13 where there has been a judge comment, but how many complaints —

**Ms HOPKINS** — Do we think it should be?

**Mr D. O'BRIEN** — No. How many complaints were there against police where only 2 per cent were substantiated? I am just trying to compare numbers with percentages. It is a different thing. So when you say only 2 per cent were substantiated, how many complaints did you actually take up?

**Mr KELLY** — Approximately 50 each year in those two years that we are talking about the 2 per cent.

**Ms HOPKINS** — Yes, sorry, that is right.

**Mr D. O'BRIEN** — Can I just round off, Chair, if I could? PONI and New York were two examples you gave, among others. For PONI I think you said the figure was 22 per cent substantiated. We went to PONI as well as a committee, and I guess the question I would ask is: would you accept that we are talking about very, very different circumstances in Northern Ireland versus Victoria with respect to past history, police action and social, cultural and even military backgrounds? Would you accept that there is a fairly big difference between those two?

**Ms HOPKINS** — I would accept that there are different histories to these jurisdictions; however, the need is the same. The issue is still the same; it is about whether the state can engage in human rights abuses and investigate its own, and that is an issue that arises here in Victoria as well as in Northern Ireland. I think all places have separate histories, but in terms of state violence and state abuses the issue is the same, and it needs the same remedy. So I do not see Northern Ireland as being exceptional or something that we do not need to go

down because we have a different environment. I think it really is leading the way forward for where we need to go. Does anyone else have something?

**Mr KELLY** — The Canadian models — Toronto, Ontario — similar demographics, Indigenous populations, and also the independent complaints models share characteristics that we look to as well.

**Mr D. O'BRIEN** — Do they have similar rates of substantiation, though? That is, I guess, the point that I am getting at — that Northern Ireland is a very different situation.

**Ms HOPKINS** — In Ontario at the moment there is independent investigation of deaths in custody and serious injury complaints but not of general complaints, so at the moment in Ontario it is still the police investigating the vast bulk of complaints. Legislative change is about to happen in Ontario around that, but there are no figures looking at the bulk of complaints in the way that PONI has those figures.

**Ms SYMES** — Thank you for your evidence this morning. During your presentation you talked about the culture of police investigating police, and I think you were referring to even former police, so I am wanting to ask about the make-up of an independent body in your view. Some of the evidence we would receive is that it is very hard to recruit the expertise required to investigate police without a strong understanding of the police culture, so I am just wanting to tease out the conflict between those and where you think you would recruit people from or how you would train people to serve in a role in an independent body.

**Mr KELLY** — Thanks for that question. That is a very pervasive myth in this discussion and, dare I say, somewhat of a deliberate one. We find that there are a great deal of civilian roles, professional practices, that are involved in high-level, sophisticated and detailed criminal investigations. They exist within a whole range of different industries — WorkSafe in insurance regulation, in financial investigations, but also in transport accident investigations and human rights abuses, just to name a few. Each of these areas and bodies involve civilians, non-police, trained professionals, uncovering, maintaining and examining forensic evidence, protecting crime scenes — very complex, some involving fatalities and multiple fatalities — and bringing those scenes to the point of prosecution. So the myth that police are the only professional body with the skills and experience for crime scene investigation is just that — a myth. Around the world complaint bodies draw on a range of these professions and deliberately aim for a diversity of professions, insights and community representation within their teams for very clear and important reasons. It is part of that shifting away from the cultural connections with just having police investigating themselves, and also developing a diverse skill base.

In terms of, also, training, there already exists within Australia a range of diploma and beyond tertiary-level investigative training courses in accident safety investigation, air crash investigations, WorkSafe investigations and so forth. The advanced diploma in crime investigation that is currently being run through Australian police forces, both federally and state and territory, has units of competency that are shared by other investigative courses. Any of these units of competency could be adapted, adopted and used by an independent complaints body to develop a specialised course in partnership with a university and so forth, and coupled with in-house training, links with the police academies and ride-alongs and so forth, you get a very good overview of the investigative skill set that would be valuable. Of course experience builds quickly. IBAC already have skilled investigators with several years experience as it is.

The debate around former police, police from outside the jurisdiction of the target body, of course is a very live one. Tulloch in Canada, the Honourable Judge Tulloch, is very clear on this. He says it is not about excluding police; police can be non-biased in the same way that civilians could be biased either way as well. So it is about the recruitment, the training and the evaluation and the development of staff to develop the most coherent, non-biased and professional staff body in investigative teams. The New York civilian review board has 100 investigators in teams of six to eight. They represent diverse community members; they have a growing amount of experience; they have proportions of former police officers and people from other law enforcement backgrounds. That is what the aim is — to have that balance. Tulloch and others have suggested no more than 25 per cent or so of former police in any one particular team. Any of this is perfectly achievable within the Victorian context.

**Mr SINGH** — My experience in the last 25 years is broader than the centre's. I have been involved in representing families in over 110 coronial inquests in Victoria, New South Wales, Queensland and WA, and I have worked with a vast spectrum of specialist police investigators and specialist non-police investigators. What I would say is there is a distinction or an assumption that needs to be unpacked between the body that has

institutional control over an investigation — say, police investigating a police death in custody — and their capability to actually investigate a death in custody as distinct from a homicide investigation, because in a death-in-custody investigation, beyond the question about whether a homicide offence has been committed, there are a vast array of other questions and other lines of investigation and other skills that are required to be applied.

Now, with respect to every jurisdiction I have worked in, I have never seen a jurisdiction where police are actually trained in those skills — trained in skills about dealing with families who often come from communities with long histories of experience of police violence. They are Aboriginal communities especially; families where there has been a long history of duty failure in relation to family violence that might have resulted in a homicide connected to police duty failure.

The skills that might repose in someone like me, and after 25 years I can say that I am still on a very steep learning curve, are not replicated in the skills of those who have institutional control of investigations. That issue of skills and capability is married to the question of independence and is married to that question of confidence, because when you have had a family member killed in custody or murdered in the context of family violence the confidence in the investigation and the confidence in the coronial process is intermeshed and inseparable from that question of independence. The questions that you need answered are going to be investigated independently of those who are responsible potentially for the death. Confidence is critical to notions of whether you are going to achieve justice.

I think if you look at other systems and other contexts where certain institutions have had almost complete control over what occurs — and I will give you an example that this Parliament knows about well: the Catholic Church. For hundreds of years the Catholic Church investigated and controlled what occurred, and no-one, including the police, ever thought to investigate the Catholic Church. Those who did were really persecuted out of the police force, so I do not think that that assumption that those who control the investigations necessarily have the skills and the capability to conduct those investigations to the standard and effectiveness that all Victorians deserve is one that is borne out in practice, with respect.

**The CHAIR** — We thank you for your time. Our time has concluded. We appreciate your presentations. If there is any follow-up paperwork, if you could pass it to Sandy, our executive officer. Thank you very much for your time.

**Mr SINGH** — Thanks very much.

**Witnesses withdrew.**