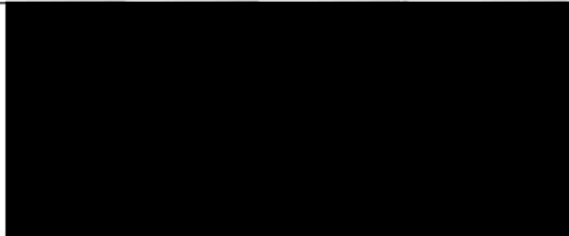


**IN THE MATTER OF THE ROYAL COMMISSION  
INTO FAMILY VIOLENCE**

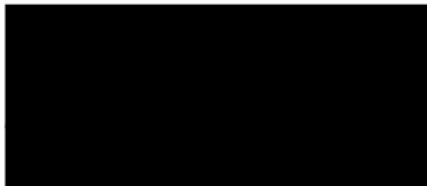
**ATTACHMENT CA-1 TO STATEMENT OF SUPERINTENDENT CHARLES ALLEN**

Date of document: 11 August 2015  
Filed on behalf of: the Applicant  
Prepared by:  
Victorian Government Solicitor's Office  
Level 33  
80 Collins Street  
Melbourne VIC 3000



This is the attachment marked '**CA-1**' produced and shown to **CHARLES ALLEN** at the time of signing his Statement on 11 August 2015.

Before me:



An Australian legal practitioner  
within the meaning of the Legal Profession  
Uniform Law (Victoria)

Attachment CA-1



VICTORIA POLICE



# EQUALITY IS NOT THE SAME...

VICTORIA POLICE RESPONSE TO COMMUNITY CONSULTATION AND REVIEWS ON  
FIELD CONTACT POLICY AND DATA COLLECTION AND CROSS CULTURAL TRAINING

Published by Victoria Police, December 2013

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# Foreword

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I thank the Victorian community, organisations and Victoria Police members who have given their time to contribute to this consultation and review process. Your contribution has provided invaluable advice which will assist Victoria Police in meeting the expectations of the community we serve.

The Office of Constable bestows significant authority on my members and me. With that comes a duty to serve our community through decisions and conduct which reflects the community expectation that we treat all people with dignity and respect and in all instances, exercise our discretion fairly and transparently. We understand and accept that our decisions and conduct must at all times consider the human rights of every individual with whom we have contact.

We also accept that police must continuously evolve to meet the ever changing expectations of our diverse community. As identified from this process of consultation and review, we must maintain an education environment that places police duties within the broader context of shared community

values so that our members have the tools and skills to be effective decision makers, deliver a quality service, and strike the right balance between engagement and enforcement. We must also hold true to our service standards so that the way in which we act is as ethical, professional and appropriate as you – and I – would expect.

From its foundation in 1853, the Victoria Police mission has been to serve both the community and the law. Our three year action plan outlines the steps we will take to ensure that we fulfil this mission in a manner that is appropriate and that is accepted by the Victorian community of today.

**Ken Lay APM**  
**Chief Commissioner**  
**Victoria Police**



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## Acronyms

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ANZPAA	Australian New Zealand Police Advisory Agency
CEPS	Centre for Excellence in Policing and Security
CIRCA	Cultural and Indigenous Research Centre Australia
CLEDS	Commissioner for Law Enforcement Data Security
CMY	Centre for Multicultural Youth
CPD	Continuous Professional Development
DTW	Dedicated Training Workplaces
ECCV	Ethnic Communities Council of Victoria
EMP	Education Master Plan
GLBTI	Gay, Lesbian, Bisexual, Transgender and Intersex
IBAC	Independent Broad-based Anti-Corruption Commission
IPP	Information Privacy Principles
MLO	Multicultural Liaison Officer
OPI	Office of Police Integrity
PALO	Police Aboriginal Liaison Officer
PSO	Protective Services Officer
RBT	Random Breath Testing
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
VHCRR	Victorian Charter of Human Rights & Responsibilities (2006)
VPHRC	Victoria Police Human Rights Committee
YRO	Youth Resource Officer

## Reference Documents

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**Victoria Police Review of Field Contact Policy and Processes – authored by Cultural and Indigenous Research Centre Australia**

(Referred to in this document as *field contact policy review*)

**Learning to Engage: A Review of Victoria Police Cross-Cultural Training Practices – authored by Centre for Cultural Diversity and Wellbeing, Victoria University**

(Referred to in this document as *cross cultural training review*)

# 1

## Executive Summary

---

### Introduction

Victoria Police is expected to be visible, provide reassurance and assistance, and be professional in the way we deliver our services. We understand that public confidence is significantly impacted by both the experience and perception that police perform their duties in a manner that is procedurally just and fair, and that at all times we uphold individual rights and treat all persons with dignity and respect. Every interaction between a member of Victoria Police and a member of the community therefore matters, whether as a victim, offender, participant in community activities or in the course of routine daily activities. Therefore, where actions that so critically undermine confidence in policing such as racism or racial profiling remain a concern for communities, it is incumbent on us to be explicit in our zero tolerance of these and to demonstrate this commitment through action.

Independent public survey results indicate a consistently high level of general community confidence in Victoria Police and satisfaction with the services that our police members provide. While we are proud of this record and work hard to maintain it, we should not be complacent or unchanging. As the case that prompted this review shows, and as our own internal desire to continuously improve

requires, we must always seek to examine and update our approaches to validate that they remain relevant to the needs and expectations of the day. Doing so requires the input of those we serve, the Victorian community, and in particular, those members of our community whose voices may not always be heard amidst general community feedback.

We have welcomed the opportunity that this community consultation process has given us to engage with members of the community and independent reviewers on two critical aspects of our work – field contacts and cross-cultural training. As a result of this activity, we have a clear direction on how we will proceed to strengthen community trust and confidence in these two areas.

### The Way Forward

The key task before us is to act on the suggestions and recommendations proposed by individuals, community organisations representing Aboriginal, multicultural and diverse communities, young people, and independent consulting groups who contributed to this review process. We have produced a three year action plan to address these community concerns and drive change throughout the organisation.

## Three Year Action Plan

Year One	Establish community / stakeholder advisory groups
	Produce and publish a strategy to improve engagement with community
	Review our policies to ensure they do not lead to racial profiling
	Revise and implement field contact policy and processes
	Scope and develop a receipting pilot
	Reform communication and feedback mechanisms of complaints process
	Develop a cultural, community and diversity education strategy
	Develop and implement unconscious bias training packages as a component of redeveloped human rights refresher training
	Develop and communicate cultural and community awareness guidelines
Year Two	Implement the receipting pilot
	Implement a cultural, community and diversity education strategy
	Commence curriculum reform
Year Three	Evaluate the receipting pilot (note this timeframe is to be confirmed)
	Continue curriculum reform
	Assess implementation of the program of works in this Action Plan
	Publish an assessment report

## Background

In February 2013, upon settlement of litigation in the Federal Court of Australia alleging the existence of the practice of racial profiling within Victoria Police, in an agreed statement Victoria Police announced it would:

- (1) Invite community comment about, and then undertake an examination of
  - The policy of Victoria Police on field contacts, including the collection of data concerning field contacts; and
  - Cross Cultural training provided within Victoria Police
- (2) Publish a public report on the results of this examination and announce what actions will be taken in response to these results, by the 31st December 2013.

This report represents the second of these actions and is the result of: an eight week community consultation process that commenced 1 June 2013; five community forums conducted in August and September 2013; and the recommendations arising from independent reviews of the policy on field contacts and data collection and cross cultural training respectively. This achievement could not have occurred without the significant support provided by community organisations, police members and the consultants, and we are very grateful for that support. To ensure the integrity and transparency of our process, we appointed Mr Julian Gardner to act as an Independent Person. Again, we express our thanks to Mr Gardner for taking on this role and providing review and oversight in such tight timelines.

## Organisational Context

This consultation process was undertaken alongside, and has made a significant contribution to, a range of initiatives that we have been progressing to strengthen our approaches to community engagement and refine our policing activities. In particular, we have established a Priority Communities Division, which will be responsible for delivering many of the commitments in this Report. The Deputy Commissioner, Strategy, and the Stakeholder Engagement sub-committee, will oversee implementation of the Action Plan.

## Process

To ensure the integrity and transparency of this process, we engaged widely, particularly with representatives of those communities who have expressed declining confidence in and satisfaction with police. This occurred through three key activities:

- (1) **Community consultation:** We invited written submissions on issues relating to field contact policies, processes and practices, and cross cultural training programs – 70 submissions were received
- (2) **Community forums:** We held five community forums with the support of several community organisations, including the Ethnic Communities Council of Victoria (ECCV), the Centre for Multicultural Youth (CMY), the Aboriginal Advancement League, the Brotherhood of St Laurence, and the South East Migrant Resource Centre. These organisations assisted us with preparing invitation lists and identifying appropriate locations to discuss the themes emerging from the written submissions, the experiences and expectations of participants, and possible solutions or outcomes. Their help and that of the consultants who assisted with the facilitation, Ms Maria Dimopoulos

of MYRIAD Consultants and Ms Esme Bamblett was greatly appreciated

- (3) **External reviews:** we commissioned two independent consultants to examine our current practice on field contacts and cross-cultural training against community expectations and international experience. The written submissions and outcomes from the community forums also informed the findings of the external reviews.
- (4) **We considered** – and accepted – the collective insights and directions from these activities and intend to address them through our Three Year Action Plan. We will include updates on progress in our Annual Reports.

## Key Issues and Themes

Five key areas of focus emerged from the submissions, forums and reviews.

These were identified as:

- Community Engagement
- Communication and Respect
- Field Contact Policy and Process
- Complaints Process
- Cross Cultural Training

The following sections summarise the themes in each area of focus and how we will respond to them.<sup>1</sup>

## Community Engagement

### Feedback

Community engagement was regularly cited as the key vehicle to improve community confidence by way of increased participation, communication and shared understanding. Whilst it was encouraging to hear that there was a belief that Victoria Police and community relationships have improved over time, there was a clear view from the

<sup>1</sup> Please note the reference to 'police' throughout this Report is inclusive of both Victoria Police Officers and Protective Services Officers.

community feedback and the consultants' reviews that we need to do more to formally integrate community engagement into our everyday activities. Respondents noted that improved formal structures, partnerships and an emphasis on local arrangements were central to improved engagement. This was a view shared by our own members, who saw leadership, an organisational commitment to human rights and diversity, a philosophy and culture that values community engagement, and appropriate training, as critical to effective community engagement and outcomes. The Australian New Zealand Police Advisory Agency (ANZPAA) Draft Guidelines for Education and Training for Community Engagement (2013) and the establishment of the Priority Communities Division were cited as influential platforms on which to build improved police engagement with communities.

### **Victoria Police Response**

We support this feedback on the importance of community engagement and the need to extend its role in shaping our priorities and activities. We have already started to formalise our commitment to community engagement and to integrate it into our everyday work through our *Education Master Plan: Learning and Development to 2020*; our organisational Stakeholder Engagement Framework; and as a requirement for every work area's annual business plan to include evidence of engagement and commitments to address the issues raised through this engagement. Our commitment to a values-led approach, that was a recommendation of feedback, is also evidenced by our dedication of significant resources to the establishment of the Priority Communities Division. This Division will provide the formal leadership and infrastructure to support community engagement and partnerships at all levels of the organisation and by police members across the state.

### **Victoria Police Actions**

To respond to the feedback summarised above, we will:

- Review our curriculum against the ANZPAA/ values-led framework, human rights frameworks, and associated redevelopments
- Develop good practice guidelines for local cultural awareness programs that can be tailored to local needs
- Establish advisory groups to work with us by providing advice and guidance on the development of policy, processes, data collection requirements and community engagement initiatives
- Finalise and implement an organisational Community Engagement Strategy.

## **Communication and Respect**

### **Feedback**

Interaction with members of the community is an integral feature of operational policing, and effective policing depends on good communication. Underpinning both of these aspects is the need for – and the expectation that – police members treat every member of the community with dignity and respect. The importance of communication style and the manner in which police approach members of the community was a common theme raised throughout this process, with the focus on *what is being communicated and how it is being communicated*. The clear message was that style of communication, be that verbal or non-verbal, matters.

Community submissions and feedback acknowledged the complexities and challenges that police members face, and recognised the need for a balanced approach to information sharing. People also acknowledged that given the nature of policing, it is important that in addition to formal interactions with



people, for instance when investigating a crime, that police can and should engage informally with people as part of their normal day-to-day operational activities. However, it was also remarked that in doing so police need to actively consider how they approach community members, particularly when seeking names and addresses, irrespective of the circumstance.

### **Victoria Police Response**

We agree with the feedback on the importance of appropriate communication and demonstrated respect. We also agree that we need to ensure that our organisational commitment to operating within a human rights framework is reflected in the daily interactions and decision-making of police members. Victoria Police will work to adopt a standardised approach to provide every member of the community with certainty about their entitlement to procedural fairness and justice. We will work with the stakeholder advisory groups to identify community expectations and confirm how best to communicate individual rights and responsibilities.

### **Victoria Police Actions**

To respond to the feedback summarised above, we will:

- Work through our stakeholder advisory groups to confirm community expectations of the information provided at the time of field contacts, and how best to communicate individual rights and responsibilities
- Establish the benchmarks for communications with the community in general. These will come out of the finalisation and implementation of an organisational Community Engagement Strategy that includes good practice frameworks for community engagement initiatives, consultation, and accountability mechanisms
- Ensure communication and respect are considered in the revision of our field contact policy and practice, including the communication of the process to an individual as well as to the wider community.

## **Field Contact Policy and Process**

### **Feedback - Policy and Process in Practice**

A principal concern to emerge from the feedback was the perceived difference between Victoria Police's formal field contact policy and the experiences of some community members. The feedback was that we should provide greater detail and direction in policy to guide police members' practices and better explain these policies and procedures to the community.

Many submissions also commented on how police defined suspicious behaviour and applied this concept in high crime locations. Again, clearer and more detailed direction in the policy was recommended to address the unease created by these terms and their application in practice, along with the inclusion of a statement of commitment to the principles in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

A frequent observation was made with regard to, the manner in which police were seen to approach some members of the community. This was sometimes described as aggressive and defensive, whilst others commented that they were often unsure about the reason for the contact. That is was the contact initiated because they were suspected of committing an offence or only for an informal chat.

While seen partly as a communication issue, participants suggested that police need to explain the purpose of the field contact when it is initiated. A common theme was that police contacts need to be *perceived* as appropriate, fair and legitimate, as well as being appropriate, fair and legitimate.

In addition to the concerns about the nature of the approach, there was a clear perception from some members of the community of being unfairly targeted by police. As reported in the Field Contact Policy Review, there "remains a strong perception among some CALD and Aboriginal communities that the practice of racial profiling occurs in Victoria Police" (p.34) For this reason, the reviews recommended increased transparency and communication of the purpose and nature of the contact, improved communication styles, and more clearly defined policy and practice guidelines to reduce concerns of unfair targeting by police.

### **Victoria Police Response**

The finding that there remains a strong perception of racial profiling by police among community, is of critical concern for us. Victoria Police has a zero tolerance for any form of racial profiling and we will act to ensure that our procedures and policies are explicit in our expectation that this practice is not acceptable in any manner or circumstance. We further accept the recommendations to strengthen our field contact policy and the visibility of human rights principles in the Victoria Police Manual, the source document for operational policy and practice guidelines. As recommended, we will examine the United Kingdom policy framework PACE CODE A as an example of good practice.

It is expected that police members make objective, evidenced-based decision-making in the field, and that this is clearly communicated to the individuals affected by these decisions. We have to balance workable policy and practices with transparency about their application in the community. To this end, we commit to reviewing our training and education to address unconscious bias and how it can impact police practices.

### **Victoria Police Actions**

To respond to the feedback summarised above, we will:

- Revise our field contact policy, practice and education including the provision of definitions of 'reasonable suspicion' and 'high crime locations'
- Develop and implement a cultural, community and diversity education strategy to underpin education reforms for local, divisional and regional delivery
- Revise our field contact processes to include improved communication of the process to individuals and standardised interactions during field contacts
- Create education material on understanding and recognising unconscious bias, including tools, and capabilities for reflecting on decision-making and practices
- Review our policies to ensure that they do not lead to racial profiling, and state explicitly in these that racial profiling is not acceptable, and that there is a zero tolerance of this practice in any form.

### **Feedback - Data Collection and Monitoring**

The feedback identified the need for improved transparency, accountability and data collection processes. The findings of the review and the consultation process all noted that accountability and transparency are fundamental to community confidence in how police manage field contacts. The field contact review found that Victoria Police is better placed than many other jurisdictions to improve its data collection process and accountability measures, although there are complexities surrounding data collection and reporting that should not be underestimated.

Different views were expressed about the publication of field contact data. On the one hand some submissions suggested that the publication of field contact data contributes to improved transparency and accountability, whilst on the other hand some submissions remarked that such reports also have the potential to inaccurately characterise different community groups.

Different models of receipting have been trialled and implemented in a number of jurisdictions to address data collection limitations and community concerns of racial profiling. The field contact review by the consultants recommended that Victoria Police adopt a 'multiple method' analysis and data collection for robust governance and accountability. One related issue that received some attention was the appropriateness and usefulness of the 'ethnic appearance' descriptor for field contact records. There were divergent views on this topic. While some perceived that there would be benefits in collecting this data, others expressed the view that this process needs to be handled sensitively to avoid negative perceptions of communities.

### **Victoria Police Response**

We are in the enviable position of being able to draw on the experiences of other jurisdictions in scoping a model to trial receipting in Victoria. Given the complexity of the data collection and reporting processes, we agree with the review that we need to engage external experts to identify relevant data collection and reporting benchmarks. Victoria Police is committed to trialling receipting however, the scope of this will be developed in consultation with the new Stakeholder Advisory Groups.

### **Victoria Police Actions**

To respond to the feedback summarised above, we will:

- Revise our field contact data collection, monitoring, analysis and reporting. Our policy revision will enhance accountability measures, such as supervisory oversight
- Examine receipting options to scope, develop and trial a receipting pilot.

## **Complaints Process**

### **Feedback**

Throughout the consultation process, many comments were made on the manner in which Victoria Police handles complaints, and the internal mechanisms involved. In particular, a lack of awareness of the complaints process and inadequate feedback on the progress of investigating a complaint were mentioned as issues. While analysis of the complaints process was outside the agreed scope of these reviews, it is relevant as many of the concerns with the field contact process were exacerbated by a lack of awareness and understanding of and dissatisfaction with the complaint handling process.

### **Victoria Police Response**

We have clearly defined policy and processes for receiving, investigating and reporting the outcome of complaints. As has been highlighted during this consultation and review process, we can better communicate details about our complaint handling processes. We need to better explain that there are multiple avenues for making complaints against police (such as the Independent Broad-Based Anti-Corruption Commission) and that there are strict oversight mechanisms when 'police investigate police'. Whilst there are some elements of the complaints process that are governed by legislation, Victoria Police will seek to improve our accountability, timeliness and, accessibility throughout this process.

### **Victoria Police Actions**

To respond to the feedback summarised above, we will:

- Review our communication and feedback mechanisms, including the accessibility of information about the complaint handling options, the process, communication and feedback, and accountability and transparency mechanisms.

## **Cross Cultural Training**

### **Feedback - Education, Concepts and Strategies**

The cross cultural training review identified that interest in policing is often not so much about what police do in practice, but more about the how and why. This review advised that a learning environment that produces police members who epitomise flexible, agile thinking; are able to respond and adapt to unknown environments with confidence; and use insight and empathy through a lens of human rights, requires an education framework that is underpinned by a core set of values, beliefs and principles.

The discussion on training needs of police largely centred on educating police about how to unpack their decisions and challenge their own assumptions. A constant theme in the context of this review and in the community feedback was the need to raise awareness amongst Victoria Police members of 'unconscious' or 'implicit' bias and how this can impact operational decision-making.

### **Victoria Police Response**

We are committed to a values-led framework for our foundation training and professional development, and have commenced work to progress this. The recommendations from the cross cultural training review align with the strategic directions in our Education Master Plan 2020 and the ANZPAA Guidelines on Education and Training for Community Engagement, to which Victoria Police contributed. We will undertake this education reform in a phased approach, commencing with the foundation curriculum for police recruits. We will:

- (1) Review and redevelop all formal foundation training and promotional programs, and
- (2) Develop a good practice education program for Local Area Commands to support improved community engagement, and understanding of and respect for diversity and human rights.

The Priority Communities Division will work with People Development Command to translate the good practice identified in collaboration with key community stakeholders into practical skills and knowledge for police members.

### **Victoria Police Actions**

To respond to the feedback summarised above, we will:

- Develop a cultural, community and diversity education strategy to underpin the wider education reforms for local, divisional and regional delivery

- Reform our cross cultural training curriculum to integrate a values-led framework and the ANZPAA guidelines.

### **Feedback - Curriculum and Delivery**

Some police participants commented that training outside the Police Academy can be ad-hoc and fragmented. The cross cultural training review found that in some areas different approaches are used to deliver training and to evaluate and monitor outcomes. For instance, whilst verbal and non-verbal communication skills are part of the current Victoria Police curriculum, many community submissions commented that police members need to more clearly and effectively communicate with individuals during a field contact. This suggests that the retention of skills or their translation into practice is something that needs to be better managed.

The police members advocated for a greater training focus on communities' strengths, rather than their deficits, and on the need to normalise this type of training and awareness in everyday policing. The members believed, alongside 'practical' and peer-based leadership within the operational environment, all police needed to take personal responsibility for ensuring their practices were appropriate and consistent with Victoria Police policy. Leadership was defined as including behaving ethically and with integrity, and addressing inappropriate practices and views.

Partnerships with local communities and other practical activities are seen as critical to the development of training and cultural awareness programs by all participants in the review. While the review did not identify a preferred method from its examination of the international literature on cross cultural training, it did recommend a suite of good practices for Victoria Police to consider.

### **Victoria Police Response**

The Education Master Plan 2020 will provide the framework for responding to the cross cultural training review recommendations. This framework will ensure that we take an integrated and holistic approach to sustainable reform, that delivers outcomes, that we strategically plan and prioritise the activities required and that we identify the related activities on which implementation will depend. The Priority Communities Division will contribute to identifying and developing good practice, capturing and sharing knowledge throughout the organisation, and developing a resource base to support a suite of education strategies for police members.

### **Victoria Police Actions**

To respond to the feedback summarised above, we will:

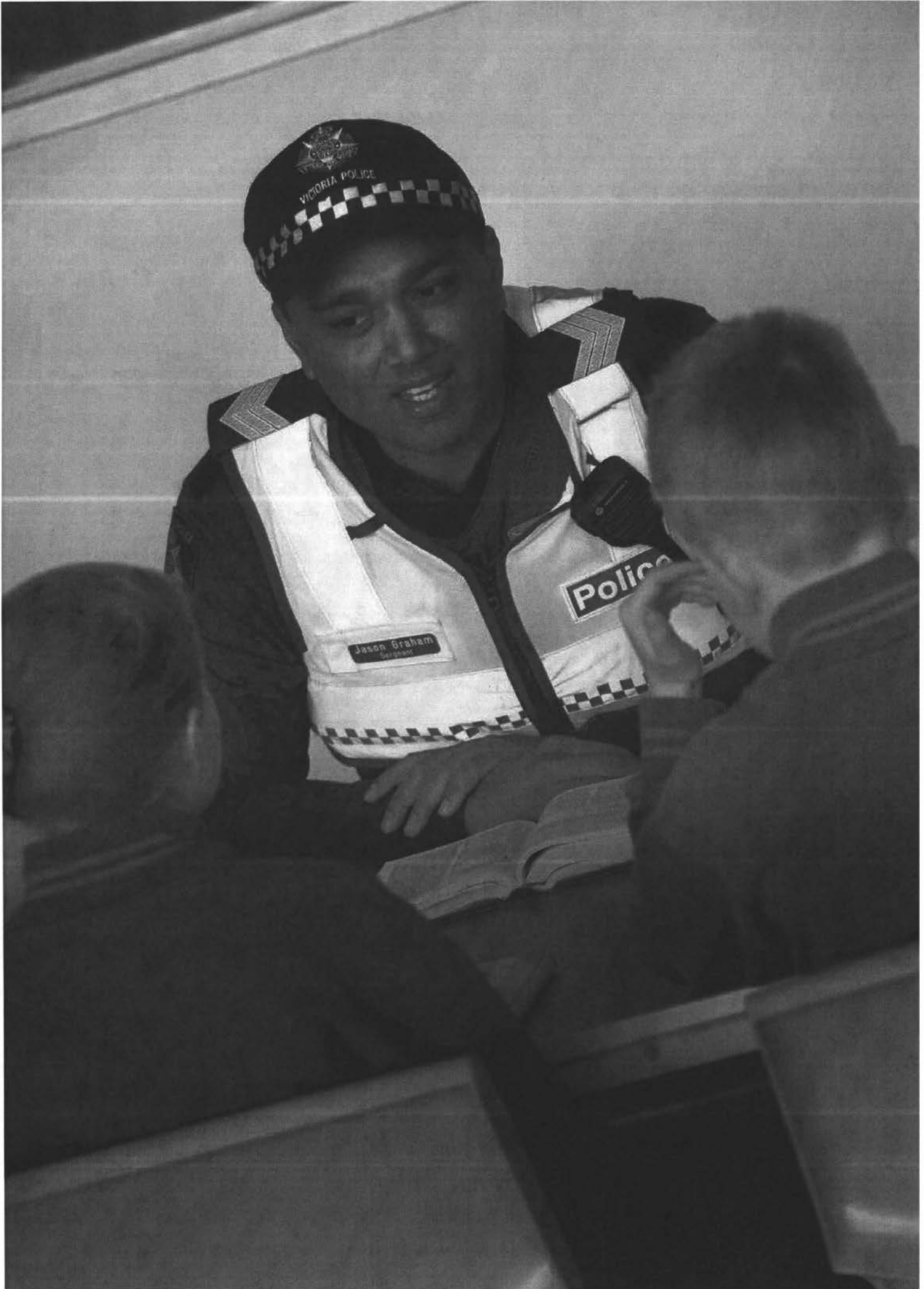
- Reform our cross cultural training curriculum as part of the Education Master Plan
- Introduce training to develop members' knowledge, understanding and recognition of unconscious bias and to provide members with the tools and capabilities to ensure unconscious bias does not impact their decision making.

### **Conclusion**

The feedback from this community consultation and review process has generated a wealth of information and ideas to inform our planning and reform activities. Our focus now shifts to action. This will be undertaken with a very clear commitment to strengthen community trust and confidence where we have lost it. We have been fortunate to have a diverse array of Victorians embrace this process and be willing to work with us on the way forward.

Victoria Police would like to acknowledge the contribution of all those who have participated in this process for their time and commitment. We look forward to continuing this partnership.







# 2

## Introduction

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### 2.1. The Case for Change

As the Victorian community becomes increasingly diverse in interest, culture, religion and relationships, so Victoria Police must maintain a high level of community confidence by understanding and meeting evolving community expectations of our service delivery and practice.

We understand that low levels of confidence and trust in police leads to dissatisfaction and disrespect for law enforcement, which in turn detracts from our ability to uphold the right of all people to live in a safe, secure and orderly community. We also know that effective community engagement increases confidence in police, and that policing practice which demonstrates that we treat people fairly and justly, is the best way to enhance the community's view and experience that we act on behalf of all Victorian citizens and serve the common good. This in turn, helps us achieve our core functions of:

- Preserving the peace
- Protecting life and property
- Preventing offences
- Detecting and apprehending offenders
- Helping those in need of assistance.

While independent public survey results show consistently high levels of confidence in Victoria Police; the circumstances that have led to this consultation process, as well as our own desire to continuously improve, mean that we should not be complacent or unchanging. We understand that community confidence is enhanced where we demonstrate through our words and actions that we uphold human rights and treat all persons with dignity and respect. It is therefore important that we hear and understand how people view, and feel about, their contact with police. This community consultation process has provided us with that voice and a very clear sense of how we can improve and build on the trust and confidence that we need from the people of Victoria to do our job.

The individual and organisational submissions, community forums, and independent reviews of our policies and practice in the two key areas of field contacts policy and data collection and cross cultural training, have provided a clear case for change in the way that we deliver our services and support our police members in doing so. The case for change has also been informed by feedback from members of Victoria Police. This reveals an expectation of change among the community and a readiness for change from within.

Victoria Police has developed a Three Year Action Plan to address the key issues raised in the feedback, with a focus on the following:

- Community Engagement
- Communication and Respect
- Field Contact Policy, Process in Practice, and Data Collection and Monitoring
- Complaints Process
- Cross Cultural Training Concepts and Strategies, Curriculum and Delivery

To ensure the sustainability and integration of these actions, we will embed this work in our business plans, with clear responsibility for implementation. The following section outlines the key organisational frameworks that will support the implementation of these actions.

## 2.2 Organisational Direction

### Victoria Police Blueprint

The Blueprint provides the direction, priorities and desired outcomes for police service delivery from 2012 to 2015. It sets out the following areas of focus:

- (1) **Effective Police Service Delivery** – Policing services are efficient and effective in meeting stakeholder needs and expectations
- (2) **Improving Community Safety** – Victoria Police focuses on the greatest harm so that individuals and communities feel and are safe
- (3) **Working with Our Stakeholders** – Victoria Police works collaboratively and responds to stakeholder expectations
- (4) **Achieving through Our People** – Our people are skilled, safe and supported.
- (5) **Developing Our Business** – Business systems and processes support effective police service delivery.

A number of organisational strategies give effect to the Blueprint priorities, such as the Stakeholder Engagement Framework, which outlines the expectations of Victoria Police in understanding and responding to the needs of our diverse stakeholders.

It is evident that the issues raised in the community consultation and external reviews touch all five areas of focus and as such, the Blueprint will provide the planning and reporting process for driving the necessary organisational change.

### Priority Communities Division

Victoria Police is expected to be visible, provide reassurance and assistance, and be professional in the way we deliver our services. We understand that community confidence is significantly impacted by both the experience and perception that police perform their duties in a manner that is procedurally just and fair and that at all times we uphold individual rights and treat all persons with dignity and respect. Every interaction between a member of Victoria Police and a member of the community therefore matters, whether as a victim, offender, participant in community-based activities or in the course of routine daily activities.

In recognition of this, in parallel with this community consultation and review process, we consulted key community agencies and stakeholders on how best to structure our organisation to engage more effectively, and in many instances more purposively, with the diverse communities of Victoria. An external review of our structures and processes reinforced the need for a refocused and reinvigorated approach to informing and driving community engagement. The result was a significant investment of resources in the establishment of a Priority Communities Division, led by a police commander.

A number of key stakeholder advisory groups will be integrated into the structure of the Division to contribute advice, expertise and feedback from representatives of the following communities:

- Aboriginal
- Multicultural and new and emerging communities
- Youth
- Aged
- Mental health and disability
- Gay, Lesbian, Bisexual, Transgender and Intersex (GLBTI)
- Victims of crime.

Additionally, the Chief Commissioner will chair a stakeholder advisory group dedicated to monitoring our commitment to and demonstration of human rights.

The Priority Communities Division will provide the leadership and expertise to deliver the improvements promised in the Action Plan. We will work with the stakeholder advisory groups for feedback and communication, and to develop accountability and performance measures. The Division will also develop a strategy to formalise our engagement with communities that will include organisational expectations and responsibility for community engagement across the organisation. The Division will work closely with the People Development Command to translate agreed good practice into effective training and education, particularly in the area of cross cultural training.

### **Victoria Police Education Master Plan**

The Education Master Plan is our strategic roadmap for delivering police education until 2020.

The centrepiece of the Plan is the concept of Continual Professional Development, comprising three long-term goals:

- (1) To support professionalisation of policing for continuous learning and improved response to a rapidly changing and complex environment
- (2) To support a more vibrant learning culture that enables a whole of organisation approach to learning and development, and empowers individuals to be active participants in their lifelong learning
- (3) To build the capability and capacity of the organisation by ensuring that learning and development is strategic, flexible, tailored, efficient and responsive to current and future needs.

The Education Master Plan and Continuous Professional Development provide the strategic environment in which we will integrate professional standards into the curriculum and provide quality localised workplace development.

### **Consultation and Review Process**

While these organisational directions demonstrate our commitment to change and reflection, the community consultation and review processes have highlighted specific priorities for restoring confidence in and satisfaction with our people and services among members of our community.

What follows in this report is how Victoria Police will address these specific priorities and how members of the community will know that we have done so. This document outlines the community consultation and independent reviews undertaken, the issues raised and the recommendations made that point the way forward for Victoria Police over the next three years.



# 3

## Background

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### 3.1. Announcement of Community Consultation and Reviews

In February 2013, as part of the settlement of litigation in the Federal Court of Australia alleging the existence of a practice of racial profiling within Victoria Police, in an agreed statement Victoria Police announced it would:

- (1) Invite community comment about, and then undertake an examination of:
  - the policy of Victoria Police on field contacts, including the collection of data concerning field contacts
  - Cross cultural training provided within Victoria Police.
- (2) Publish a public report on the results of this examination and announce what actions will be taken in response to these results.

It was announced that the community consultation would commence by 1 June 2013 and that the report would be published by 31 December 2013.

### 3.2 Explaining the Terminology

The community consultation and reviews focused on the critical areas of 'field contacts' and 'cross cultural training'. These terms are explained below.

#### Field Contacts

Police members undertaking operational duties, particularly patrol duties, have a number of responsibilities in relation to recording incidents and observations. This information is collected for the criminal justice system, and as intelligence on which police draw to identify evidence or gather information to assist in the investigation of a crime or when attending an incident.

Field contact reporting is a formal process used by police and Protective Services Officers to record details about circumstances that appear suspicious or contact with a person in specified circumstances. The Victoria Police Manual stipulates the circumstances under which police may submit a field contact report.<sup>2</sup>

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<sup>2</sup> Victoria Police Manual – Policy Rules, Reporting Contacts and Intelligence



A field contact is different from a 'stop and search' or, as it is referred to in Victoria, 'searches of person'. While members can submit a field contact report following particular searches without a warrant, different legislative requirements apply for 'searches of persons', as outlined in the Victoria Police Manual:

*Police have the power at both common law and statute law, to search persons in order to gather evidence and locate weapons to ensure the safety of members and the general public. Where the law authorises the search of a person, the circumstances of a particular case and relevant legislative requirements dictate the manner and extent (pat down search, full search or intrusive body search) of the search to be conducted.*

A specific source of authority, including legislation or informed consent, therefore applies to the conduct of a search of a person. That said, we will assess whether the insights and improvements gained through the community consultation and review of field contacts are also transferrable to the 'searches of persons' policy.

It is also important to note that general interactions between police and members of the community do not fall under the definition of a field contact and are not an indicator of suspicion or wrongdoing. While police may on occasion note a person's name and address, it does not automatically mean that a field contact report will be created. More often than not, police note these details to be able to say who they have spoken to at a particular time and place.

## **Cross Cultural Training**

'Cross cultural training' encompasses a range of facets of the educational curriculum within Victoria Police. It refers to the tools and knowledge police members need to acquire to perform their duties appropriately and effectively, taking into account the specific expectations and needs of a diverse and dynamic Victorian community. It explains to police members how to treat all people with dignity and respect, within a policing context. In addition to its inclusion in mandatory police training (such as the foundation course for recruits), tailored cross cultural training programs are delivered locally to meet the needs of specific communities.

Our cross cultural training recognises that an individual does not identify with a single community, but rather with many communities. These may include multicultural communities, Indigenous communities, and other communities such as youth or the GLBTI community. While this report focuses on the teaching and practice of cross cultural training we also expect that the learning from the community feedback and reviews will apply more broadly to interactions with community generally.

By way of background, Victoria Police provides a range of training to its members, both at the foundation level and in an ongoing, continuous development capacity. Foundation training is provided to police and Protective Services Officer recruits at the Police Academy to ensure they have the tools and knowledge required to perform the tasks inherent to the role of the modern day officer. Foundation training is segmented into modules, much like a university course, and is undertaken through a mixture of theoretical and practical classroom exercises.



However, a significant amount of training in a police officer career is undertaken beyond the foundation training provided to recruits at the Academy. 'On-the-job' training, in particular, is one of the most effective training mechanisms available to Victoria Police. Accordingly, we have developed an experiential learning component to the curriculum within 'Dedicated Training Work Places' (DTWs) at police Local Area Commands across the state. These DTWs are recognised by the organisation as meeting good policing standards and therefore provide an appropriate learning environment for new police members. This relatively new concept is still under development, with an enhanced values-led philosophy being developed to further underpin the education values of these station environments. This was examined in greater depth in the cross cultural training review and will be discussed later in this document.

### 3.3 Governance

To ensure we fulfilled our commitment to seeking community comment on these two issues and publishing a report by 31 December 2013, the Victoria Police Human Rights Committee (VPHRC) assumed governance and oversight of this process. Representatives from Victoria Police provided updates on the progress of the VPHRC as part of regular senior officers' liaison meetings with the Independent Broad-based Anti-corruption Commission (IBAC).

In addition, the Chief Commissioner appointed Mr Julian Gardner as an independent advisor to ensure the integrity and transparency of the process and the quality of the outcomes. Mr Gardner brought a raft of experience to the process, including his involvement with several similar reviews. In particular, he was personally responsible for an independent review of Victoria's Equal Opportunity Act, and a review of mental health and well-being of children and young people in Western Australia.

Mr Gardner also chaired a Community Consultation panel conducting consultations throughout Victoria on the government's review of the *Mental Health Act 1986*, and over the course of his career has assumed the roles of Director of Victoria Legal Aid, Legal Co-ordinator of Fitzroy Legal Service, and Victorian Public Advocate.

Mr Gardner's role enabled him to have input into liaison arrangements, methodology and process, with access to the Chief Commissioner to convey any issues or concerns. Throughout the process, we ensured that Mr Gardner had complete access to all activities, documentation and outcomes.

### 3.4 Process

To gain the community's views of the issues and their expectations of the outcomes, we undertook three significant activities:

- (1) **Community consultation:** We invited written submissions on issues relating to field contact policies, processes and practices, as well as current cross cultural training programs
- (2) **Community forums:** We held a number of forums to discuss the themes emerging from the written submissions, the experiences and expectations of participants, and potential solutions or outcomes
- (3) **External reviews:** We commissioned two independent reviews of our field contacts policies and process and cross cultural training programs to examine current practice against community expectations and national and international good practice.

The information gathered through these activities has shaped our response to the two issues at hand and determined the commitments in our Three Year Action Plan.

The manner in which we utilised the information from each activity to inform the final response is demonstrated in *Figure 1: Informing the Process*.

### Community Consultation

We recognise the importance of not only listening to, but actively engaging with the community to identify the critical issues from a community perspective. As such, we undertook an eight week community consultation process on the two key issues at hand. To facilitate submissions, we produced booklets and fact sheets in eight languages other than English. These publications provided a definition of the term 'field contact', an explanation of field contact policies and processes, and an outline of the cross cultural training programs currently provided to police members. The publications also provided community members with a series of questions on the matters on which community comment was sought.

These questions were optional – community members were able to respond to all, some or none of the questions as they deemed fit.

We received 70 submissions, ranging from one page to over 150 pages, from both individuals and organisations representing

various community groups. Many of the submissions noted that the manner in which the community consultation was conducted demonstrated that Victoria Police was ready and willing to listen to what the community had to say.

The submissions raised a number of issues, some of which were general, and some of which were specific to a particular community. A myriad of solutions and suggestions were offered to address highlighted challenges, and while there were common themes, there was also a variety of contrasting views as to how Victoria Police could best achieve the outcomes that would meet the expectations of the communities the respondents represented.

From this feedback, we identified several recurring themes to explore further in the frank, open and solutions-based discussions of the community forums.

### Community Forums

We have a long history of conducting community forums to engage with various communities. Given the importance of engaging in a two-way conversation with the communities who responded to the community consultation, we hosted five forums over a two week period in September.

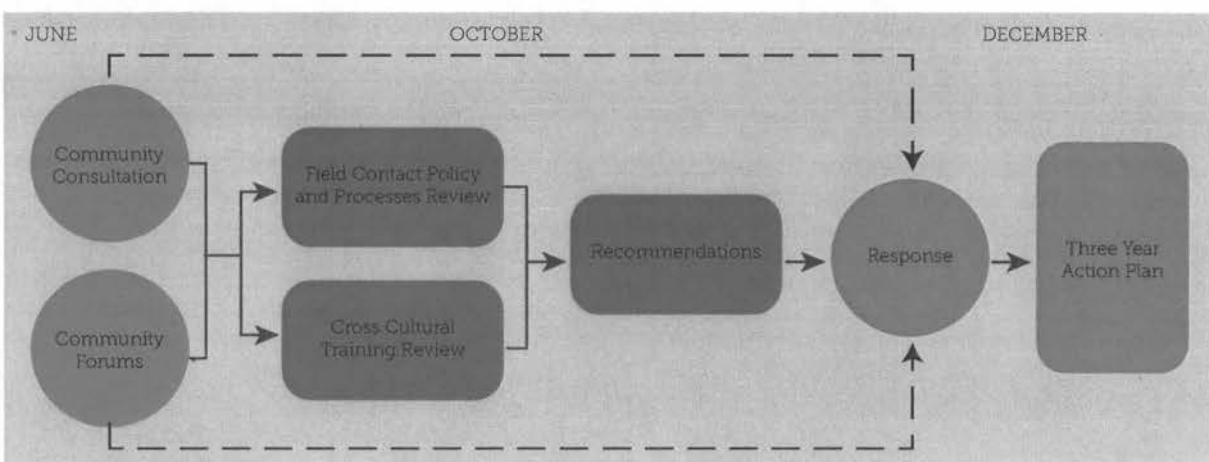


Figure 1: Informing the process

PROMOTING EQUALITY IN  
VICTORIA POLICE ENGAGEMENT  
AND ENFORCEMENT

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Each forum was facilitated by people external to Victoria Police, with attendance ranging from 5 – 40 people. Several community organisations, including the Ethnic Communities Council of Victoria (ECCV), the Centre for Multicultural Youth (CMY), the Aboriginal Advancement League, the Brotherhood of St Laurence, and the South East Migrant Resource Centre, assisted us with preparing invitation lists and identifying appropriate locations. The forums held in Footscray, Carlton and Dandenong focused on multicultural and diverse communities. The fourth forum, also held in Carlton, focused more on youth, while the final forum in Thornbury had a focus on Indigenous communities. Senior representatives from Victoria Police attended each forum to provide an operational perspective, answer queries, and absorb and acknowledge what the community had to say.

The forums were met with a positive reception from community members. Many attendees acknowledged the opportunity to engage in a dialogue with members from Victoria Police, and emphasised their desire to see more of the same in the future. Both community members and police participants provided feedback that the forums were a positive experience that provided hope of improvements in the near future. The community participants, in particular, felt this was a step in the right direction to strengthening relationships between Victoria Police and Aboriginal, multicultural and diverse communities.

The external consultants drew on the information and perceptions gathered through these activities in their reviews of the field contact policy and processes, and cross cultural training.

### External Reviews

To ensure the reviews into field contact policies and processes and cross cultural training were in-depth, objective and independent, we engaged external consultants.

Through a competitive Request for Quote process, we identified consulting teams qualified to undertake the reviews. The Cultural and Indigenous Research Centre Australia (CIRCA) was contracted to conduct the review of field contact policies and processes, while the Centre for Cultural Diversity and Wellbeing of Victoria University (Victoria University) was selected to conduct the cross cultural training review.

Both CIRCA and Victoria University approached the reviews from a number of perspectives, namely:

- They analysed the information presented through the community consultations and forums to inform the focus of the reviews and wider and more extensive community consultation on the specific issues that had been raised
- They held discussions with police members to gain an 'operational voice' and to explore the operational issues in practice. This allowed each consulting team to reach practical conclusions as to the most effective way to move forward
- They conducted literature reviews on the national and international experience of similar police jurisdictions to draw on good practice models that could be effective in Victoria.

Each consulting team collated this information for comparison against our current policies, processes and practices to identify gaps and opportunities for improvement. From this, CIRCA and Victoria University made a number of recommendations about the best way forward for Victoria Police. The reports by CIRCA and Victoria University can be accessed at [www.police.vic.gov.au](http://www.police.vic.gov.au). Our response to the recommendations of each report is outlined in the following sections.

# 4

## Key issues and themes

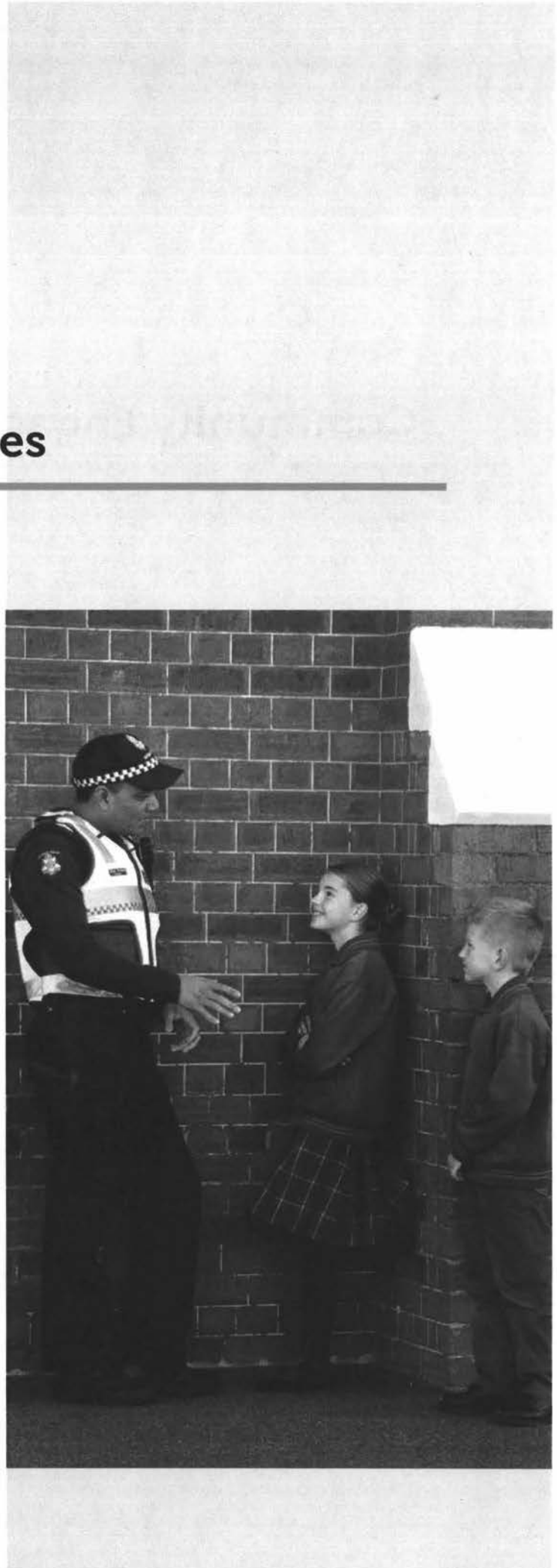
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This section summarises the key themes and issues raised in the community feedback and independent reviews, notes the recommendations made to address these concerns, and provides our response. A full list of the nearly 70 recommendations is at Appendix One.<sup>3</sup>

There were a number of key themes that emerged from the community consultation and reviews within which all of the subsequent recommendations fell. We have therefore grouped and discussed the key issues and recommendations under the following themes:

- Community Engagement
- Communication and Respect
- Field Contact Policy & Process  
*(Policy, Process in Practice, and Data Collection & Monitoring)*
- Complaints Process
- Cross Cultural Training  
*(Education Concepts and Strategies, Curriculum and Delivery)*

<sup>3</sup> Please note the reference to 'police' throughout the Report is inclusive of both Victoria Police Officers and Protective Services Officers



# 5

## Community Engagement

### Feedback

The need for Victoria Police to engage more deliberately and purposefully with some communities received a good deal of coverage in the community submissions. The desire for greater police involvement, time and resources to engage with specific community networks was particularly pronounced in the discussion of both cross cultural training and field contacts.

With regard to field contacts, it was encouraging to hear that there is a belief that Victoria Police community relationships have improved over time. However there is a view that engagement with certain communities can be inconsistent across the organisation and efforts can be too often focused on a few specific locations; and community engagement responsibilities limited to too few members, such as those with community engagement responsibilities. The field contact policy feedback very clearly noted the importance of community engagement and increased positive interaction as the vehicles to improve damaged community relationships and confidence. It was felt that this in turn could be demonstrated through greater community involvement in the development of policy and practice. Respondents also felt that our mechanisms and protocols for community engagement could be better developed,

including formal structures, partnerships and local community initiatives. They suggested that this would improve and promote dialogue between members of the community and Victoria Police.

Forum attendees indicated that by improving their informal and local engagement with diverse communities, stations would increase their familiarity and understanding of community issues, enhance the effectiveness of their communication and pave the way for strong, formal partnerships. To facilitate this, respondents suggested we undertake activities that increase community involvement and connection as part of our service delivery, and enhance positions such as the existing Police Aboriginal Liaison Officer (PALO), Multicultural Liaison Officer (MLO) and Youth Resource Officer (YRO) roles.

The cross cultural training review cites several key frameworks that affirm the need for Victoria Police to enhance our organisational commitment to community engagement. One such framework is the *Directions in Australia and New Zealand Policing 2012-2015*, which states that police efforts across Australasia need to:

- **Strengthen Communities** through integrated and problem solving approaches and increasing resilience



- **Engage with Communities** by building relationships through improved communication, information sharing and participation
- **Working with Community Diversity** through increased understanding of communities and enhancing members' skills and support to undertake collaborative approaches.

The cross cultural training review found that police participants strongly supported and understood community engagement to be a priority for Victoria Police, quoting one member as stating that:

*"... policing is community engagement, that's what it is. We're part of the community and we should never forget that..."*

(Victoria Police member)

The police participants felt that more should be done to broaden engagement, and that local leadership directs that all members engage, rather than just those with an interest or a multicultural background themselves.

The review concluded that the relationship between cross-cultural education and community engagement is 'virtually inextricable'. From this, we have a clear sense that we need to ensure that 'proactive policing and community engagement' do not remain discrete practices, separate from what is considered core policing. They have to be embedded within "...a set of core values, beliefs and principles that underpin every aspect of a police officer's duties and conduct..." (Cross Cultural Training review p.155)

Both reviews advocated for strong leadership, an organisational commitment to human rights and diversity, a policing culture that values community engagement and proactive policing at all levels, and an appropriately trained and ethical workforce for effective community engagement.

There was a perception that once the values of proactive policing and community engagement are embedded in all aspects of policing, culture change will follow:

*"It's about those underpinning values. We have to get those right."*

(Victoria Police Senior Officer)

Whilst the cross cultural training review focused on the educational approaches required (which are discussed in more depth later), the field contact review focused on systemic change to 'broaden the reach' of community engagement strategies and create more consistent and sustainable mechanisms to drive commitment across the organisation. The latter review suggested that more must be done to ensure the 'instrumental voice' (Field Contact Policy review p.32) of communities is heard in the process of change.

Both reviews looked towards programs of work that are currently underway. The cross cultural training review referenced the guidelines under the Australia New Zealand Policing Advisory Agency (ANZPAA) Draft Guidelines for Education and Training For Community Engagement 2013 and supported the establishment of the Priority Communities Division as an important initial step. The field contact policy review supported our development of a strategy to enhance engagement with specific communities, including the establishment of formal infrastructure such as the stakeholder advisory groups under the Priority Communities Division.

The cross cultural training review advised the following way forward for Victoria Police:

- Formalise the organisational understanding of and commitment to protecting human rights and valuing diversity.
- Embed a philosophy of policing that values proactive policing, community engagement and crime prevention; and
- Commit to the ongoing development of an ethical and skilled workforce able to meet community needs and expectations. (Cross Cultural Training Review p.155)



### **Victoria Police Response**

We support the community feedback and recommended directions. For example, having contributed to the development of the ANZPAA Guidelines for Education and Training for Community Engagement, we are committed to the principles and practice approaches it outlines. The Education Master Plan and Continuous Professional Development model outlined earlier provide the mechanisms to review our current program of work and curriculum developments to determine the changes required to fulfil the directions recommended.

The stakeholder advisory groups under the Priority Communities Division will provide the frameworks for progressing these directions in partnership with specific communities. As an example, the Youth Advisory Group will focus on field contact review Recommendation 30, relating to enhancing our ability to engage more directly with young people. This Advisory Group will be involved in reviewing and providing advice on our strategic directions and program of work for policing young people against international good practice.

Our development of a strategy to enhance community engagement mechanisms will address the recommendations relating to broadening the reach and involvement of police members in engagement with particular communities and will consider options such as the creation of local community reference groups to tailor engagement to local and community policing needs.

We acknowledge the need to improve our communication strategies, not only in terms of the outcomes and implementation of this review, but also the ongoing communication with specific communities and within the organisation. We therefore consider this report as an initial communication that forms the basis for a comprehensive communications strategy on our next steps and future directions.

As has been frequently reiterated, enhanced awareness and understanding of police policy, process, rights and responsibilities, and complaints processes should be the goal of this communications strategy.

### **Victoria Police Actions**

To respond to the feedback summarised above, we will:

- Review our curriculum against the ANZPAA / values-led frameworks, human rights frameworks, and associated redevelopments.
- Develop good practice guidelines for local cultural awareness programs that can be tailored to local needs. We will do so with input and advice from the stakeholder advisory groups, to ensure they are appropriate and applicable. We will communicate the guidelines across the organisation to ensure consistency and effectiveness in local programs.
- Establish advisory groups to work with us by providing advice and guidance on the development of policy, processes, data collection requirements and community engagement initiatives. These groups will include a Strategic Advisory Committee and a number of stakeholder advisory groups coordinated by the Priority Communities Division. These groups will help us to establish what success looks like and how that might best be measured.
- Finalise and implement an organisational Community Engagement Strategy that includes good practice frameworks for community engagement initiatives, consultation, and accountability mechanisms.

# 6

## Communication and Respect

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### Feedback

The feedback is unequivocal that police need to interact with members of the community in a manner that is courteous and respectful. It is clear that when this does not occur, conflict, lack of confidence and mistrust in police can ensue. The participating police members recognised that the quality of their interaction, communication and overall approach was integral to a positive and 'successful' field contact (Field contact policy review p.44)

*"...If officers treated everyone with dignity and respect we wouldn't find ourselves getting into the problems that we get into."*

Victoria Police Senior Officer

Criticism of police communications during community interactions was a prominent issue. Respondents provided many anecdotal examples of communication methods described as rude, crude, intimidating, bullying, and threatening and which provoked fear, frustration, humiliation and anger in the individual. Many submissions and forum discussions conveyed the feelings of distress experienced by those who had negative or hostile contact with police members.

The community feedback and field contact review all emphasised the importance of communication styles – both *WHAT* information police were communicating and *HOW* this information was being communicated. The resounding message was that many respondents did not feel that police treated them with respect, and that this was reflected in the manner in which they communicated.

*"You don't have to know my culture to treat me as a human being...Police need to speak to people with respect regardless of who they are and how they look."*

-Footscray forum attendee

Both reviews were consistent in finding that if police approach people with respect, a professional manner and communicate the reasons for the contact, the level of satisfaction with the engagement increases. Much of the community feedback addressed the topic of what information was (and was not) relayed by police during a field contact stop. There was a general consensus that most community members were unsure of their rights and legislative requirements to provide information to police.



This issue is compounded when police fail to advise of any requirement to provide information, instead simply requesting it as a matter of course.

Respondents also suggested that police members need to improve both their verbal and non-verbal communication styles. Discussions indicated that respondents believed that police are often negative in their approach, which sets the tone for the ensuing conversation. This includes aggressive body language and facial expressions, rudeness, lack of respect, and a lack of basic manners. Many community members shared examples of interactions that were initiated not with a 'hello, how are you?' but with comments such as 'what are you doing here?' Respondents felt that police moved straight into enforcing the law before properly engaging with the community member or assessing the situation. This was considered particularly relevant when interacting with youth who are likely to 'mirror' the manner of engagement initiated.

Several examples were described where a police member had utilised a respectful approach, resulting in positive experiences for both police and the community member.

Respondents acknowledged the complexities and challenges that police face, and recognised the need for a balanced approach to sharing information, with police being able to engage informally with community without the expectation of formal procedure.

However, respondents also advised that effective communication was particularly important with regard to the purpose and rationale of a field contact. A number of respondents from multicultural and Aboriginal communities reported to the field contact review that racial profiling occurs. Some community members attending the forums suggested that even if this is not the case, because the trust is so low, the perception remains.

## Victoria Police Response

We agree about the importance of police members operating within the human rights framework at all times, and the critical need to ensure that all contact and decision making embodies procedural justice and fairness. We acknowledge the reports of the negative interaction and perceptions of racial profiling and recognise the community desire for police to 'engage first, enforce second' wherever practicable and appropriate.

We therefore accept that it is imperative that we work hard with the particular communities where we need to rebuild trust and confidence.

We support the implementation of a procedural justice-based approach to community interactions which may lead to the generation of a field contact, as there is strong evidence of the value of this methodology. For example the Centre for Excellence in Policing and Security (CEPS) trialed an enhanced script for Random Breath Testing (RBT) stops which included more explanation and context for the test and also some community engagement information.<sup>4</sup> Survey results indicated greater satisfaction, improved trust, confidence and compliance at these RBT stations. The findings of the trial are consistent with international research which as indicated in this study notes, that where people feel they have been approached in a procedurally just and fair way for legitimate reasons, they "... are less likely to believe that they have been personally singled out (e.g. racially profiled) and are more likely to accept the decisions ..."<sup>5</sup>

<sup>4</sup> Professor Lorraine Mazzerole, Dr Sarah Bennett, Ms Emma Antrobus, & Ms Liz Egging: Centre of Excellence in Policing and Security (June 2011) Briefing Paper : Key Findings of the Queensland Community Engagement Trial

<sup>5</sup> Ibid p.2

## Victoria Police Actions

To respond to the feedback provided, we will:

- Work through our stakeholder advisory groups to confirm community expectations of the information provided at the time of field contacts, and how best to communicate individual rights and responsibilities.
- Establish the benchmarks for communications with the community in general. These will come out of the finalisation and implementation of an organisational Community Engagement Strategy that includes good practice frameworks for community engagement initiatives, consultation, and accountability mechanisms
- Ensure communication and respect are considered in the revision of our field contact policy and practice, including the communication of the process to an individual as well as to the wider community.



# 7

## Field contact Policy and Progress

It is evident from the reviews undertaken and the supporting literature that there are a suite of approaches to improving policy and practice. These include understanding and applying relevant legal standards, implementing sound governance and monitoring systems to increase transparency and accountability (organisational and individual), education (including cultural awareness and understanding of bias and stereotyping), increasing diversity within the organisation, and community engagement. However, it is also apparent that we are not alone in needing to refine our policy and practice, and data collection, analysis and reporting. In this section we examine the feedback provided in the areas of:

- Policy
- Process in practice
- Data collection and monitoring.

### 7.1 Policy

#### Feedback

The principal concern to emerge from the community consultation and the external review was the perceived disconnect between our field contact policy and practice; the intent of the policy is not seen as being reflected in the manner in which it is implemented.

The feedback highlighted several areas within the policy whereby improvement and clarity could result in an improvement in its application. Greater detail in the policy to clearly guide police on the most appropriate way to apply the process was recommended. The review cites the statements on expectations and accountabilities in the relevant policy frameworks of police agencies in Canada, the UK and Europe. The participating police members could, in turn, understand the need for increased community awareness of the 'policy in practice' to provide reassurance that this is a procedurally just, transparent and accountable process. This is explored further in following sections.

One of the main issues raised with the policy revolved around the subjectivity of the field contact criteria, in particular the use of 'reasonable suspicion' and 'high crime locations' to validate the instigation of a field contact. The review observed that while the participating police members were able to describe what they believed constituted suspicious behaviour and their application of the same, they were less conclusive in the applicability of 'being in a high crime location' as warranting an intervention.



The police interviewed generally described the ability to detect suspicious behaviour as being 'learnt on the job' and involved observing particular body language, physical characteristics and behavioural patterns - what they described as "picking up a feeling" (Field Contact Policy review p.40). The literature referenced in the field contact policy review suggests that it is these types of 'hunches', broad generalisations and stereotypes, (Field Contact Policy review p.23) that must be replaced with objective and intelligence-based assessments in order to avoid unintentional bias and discriminatory practice.

*"Asking for details when someone has done nothing wrong gives a presumption of guilt."*

- Carlton forum attendee

Despite the confidence in the current policy demonstrated by the participating police members, community feedback indicated significant misgivings and discomfort about the term 'suspicious behaviour'. Respondents considered the policy overly subjective and lacking definition; similar concerns were expressed about the trigger of being in an area of a 'high incidence of crime'. The international literature also argues that basing suspicion on location in and of itself is too broad, and promotes discriminatory policing. Many submissions further asserted that it is unlawful to base suspicion on any characteristic protected under the *Equal Opportunity Act 2010* and that this should be reiterated to all police members. Some submissions further noted that Victoria Police has a legal obligation not to discriminate under the *Victorian Charter of Human Rights and Responsibilities Act 2006* and the federal *Racial Discrimination Act 1975*.

Similarly the literature as described in the field contact policy review was replete with international studies on the risk of discriminatory practice that can result from poorly defined policy. Whilst the literature is unclear as to whether disproportional contact is a result of police behaviour or not, it is apparent that decisions to make field contacts must be objective, evidenced-based and intelligence-led to avoid the risk of unlawful action (Field Contact Policy review p.23). As discussed earlier, effective communication during the contact would provide reassurance that the field contact is appropriate and legitimate.

The lack of a clear definition of 'suspicious behaviour' and 'high incidence of crime' in the *Victoria Police Manual* was seen as creating the potential for stereotyping, assumptions, and bias. This was seen as contributing to situations where operational actions are not considered to be objective, evidence-based or procedurally fair, and are thereby contributing to disproportionate contacts with some populations and communities. The field contact policy review recommends enhancing Victoria Police policy and guidelines along the lines of the United Kingdom Police and Criminal Evidence Act PACE Code A, which applies to search procedures and practice.

*"There is an understanding that this (field contacts) needs to be done, but it needs to be done better."*

- Dandenong forum attendee

The field contact policy review also notes that legal requirement for Victoria Police to operate under the *Victorian Charter of Human Rights and Responsibilities Act 2006* (Field Contact Policy review p.43) is not mentioned in the *Victoria Police Manual*, the source document for policy and guidelines for operational service delivery.

The review concludes that police members must be provided with the tools and knowledge to execute their duties in accordance with expectations, but also ensure community awareness of their rights and responsibilities.

### **Victoria Police Response**

The Victoria Police Manual is a living document that outlines requirements, expectations and good practice. Amendments to policy and guidelines are progressed through our policy liaison officers for consultation with the wider membership and may be supported by education and awareness to ensure compliance and appropriate application (discussed later in reference to education).

We accept the need to review the level and type of detail in our field contact policy to ensure it provides the necessary clarity for police members in terms of appropriate practices. We also acknowledge the need to better communicate the rationale and reasons for decisions. We will therefore examine the examples in other jurisdictions, including the UK PACE Code A to determine the most appropriate good practice for Victoria.

Furthermore, while we received significant recognition for the manner in which we have embedded human rights principles and practice across the organisation, we appreciate the need to maintain our organisational awareness and continue to embed human rights in our values framework. For instance, we will include an assessment of our compliance with the Victorian Charter of Human Rights and Responsibilities (2006) (VCHRR) in our organisational review of frontline policy compliance. This internal review will identify the drivers of non-compliance, consider how to minimise these risks, and recommend areas for improvement. We will also include an appropriate reference to the Charter in the Victoria Police Manual.

### **Victoria Police Actions**

To respond to the feedback provided, we will:

- Revise our field contact policy and associated processes, including the provision of definitions of 'reasonable suspicion' and 'high crime locations' as well as the education of all police members on the revised policy and practices.
- Develop and implement a cultural, community and diversity education strategy to underpin education reforms for local, division and regional delivery. This will include the redevelopment of human rights training.

## **7.2 Process in Practice**

### **Feedback**

The community consultation and review indicated uneasiness about providing personal details to police when no wrongdoing has occurred. There was a lack of awareness and understanding of the difference between a general contact and a field contact and this confusion is undermining confidence in the field contact process.

The need for all field contacts to be conducted professionally and recorded consistently was clearly articulated. Some respondents pointed out that if a police member approaches an individual with a preconceived attitude, it will most likely be perceived as racism. To this end, there was strong support to standardise the approach, including the information conveyed by police during an exchange. Such an approach was seen to eliminate the potential for variance in the police engagement and behaviour, would assist in developing wider community understanding of the field contact process, and would increase trust and confidence that the process was being applied appropriately and consistently.

Throughout the community consultation and review process, the question of when it was lawful for police to request personal information was raised regularly. There was uncertainty about when a member of the community is obligated to provide personal details, and a widespread experience of police members neglecting to inform people of their rights. Anecdotal evidence was provided that when an individual did know their rights, police responded aggressively, and conflict escalated quickly and unnecessarily. The participating police members readily acknowledged the risk:

*"When they ask for my name, it's an argument, not a conversation. They ask for my name and I say why, and they ask for my name again."*

Anonymous

One of the recurring themes in the community consultation was the perception of targeting and bias among respondents from Aboriginal, multicultural and new and emerging communities. Respondents emphasised the message that while people need to be treated equally, treating people the same does not necessarily result in equality; sometimes people need to be treated differently to enable better results:

It is evident from the feedback that effective community engagement, the application of human rights principles, appropriate communication and information sharing, and clear policy and practice guidelines, contribute to dispelling mistrust and perceptions of bias. Respondents were agreed that until we provide sufficient explanations for the reasons behind a contact, trust cannot be established and the perceptions of bias and targeting cannot be dispelled:

*"Whether the targeting is happening or not, that is the perception because the trust is so low."*

- Footscray forum attendee

The literature review included in the field contact policy review indicates that police across the United Kingdom, United States, Canada and Europe are examining how to ensure their policies and practice uphold human rights and allay concerns of 'racial profiling' or targeting. As reported in the Field Contact Policy Review, there "remains a strong perception among some CALD and Aboriginal communities that the practice of racial profiling occurs in Victoria Police" (p.34) These jurisdictions therefore provide a solid contemporary evidence base from which Victoria Police can improve practice outcomes for policing and the community. One respondent is quoted as summing up the common sentiment as:

*"The law is the law - you don't need to know my culture to treat me with respect as a human being"*

- Footscray forum attendee

Throughout the process, the issues of unconscious and implicit bias were regularly raised. The concern was whether police members may be unaware of their internal bias and prejudices and how these can impact on their decision-making processes 'in the field'. Both the respondents and the reviews advised that police need to develop an ability to assess the overt and implicit drivers of their decision-making processes, and be provided with the tools to reflect on and adjust their behaviour. The consistent message was that cultural awareness, understanding of customs and beliefs, and sensitive communication can only add to an improved and respectful service, and that such characteristics should not differentiate service delivery in a negative or pejorative manner. The cross cultural training review focused on improved police members' understanding of the influences on their decision-making in the field.

The literature cited in the review advocated that "critical self-introspection must form part of any educative process with respect to culture" and that "students should be taken out of their comfort zones and (be) encouraged to move beyond merely learning about other cultures to a questioning of their own values, beliefs and behaviours"( Cross Cultural Training review p.34) This review cites a list of learning principles established within the United Kingdom, which are noted as potentially "highly valuable in overcoming long-term implicit bias informing individual actions, while facilitating the development of excellent communication skills across diverse groups" (Cross Cultural Training review p.46)

### **Victoria Police Response**

We accept the importance of community perceptions of procedurally just and fair field contact processes and therefore recognise that the application of standardised script and improved communication could enhance our policy in practice and provide greater reassurance to community members. We take note of the conclusion of the cross cultural training review that the "...issues of direct and implicit bias, racism and ethnic profiling... emerged throughout the Review as the single most important issue in cross-cultural education and training that communities wanted to see urgently addressed by Victoria Police" (Cross Cultural Training review p.162).

We are committed to developing an education framework that integrates education on 'unintended and implicit bias'. We believe the importance of this is such we intend to develop and deliver education material in the first year of our new Three Year Action Plan. Under the Education Master Plan and the wider review of our curriculum, we will consider the optimal means for delivering this material, including the 'Current Issues in Policing' module.

In response to the suggestions in several submissions, we propose to review our policies to ensure they do not lead to racial profiling. The finding that there remains a strong perception of racial profiling by police among community, is of critical concern for us. Victoria Police has a zero tolerance for any form of racial profiling and we will act to ensure that our procedures and policies are explicit in our expectation that this practice is not acceptable in any manner or circumstance. This would complement the revision of our field contact policy and guidelines. We will involve our stakeholder advisory groups in identifying policy areas with the greatest risk for racial profiling in our first year of action.

### **Victoria Police Actions**

To respond to the feedback provided, we will:

- Revise our field contact processes to include improved communication of the process to individuals and standardised interactions during field contacts.
- Create education material on understanding and recognising unconscious bias, including tools and capabilities for reflecting on decision-making and practices. This material will form a component of our redeveloped human rights training. The material will be supported by an overarching cultural, community and diversity education strategy.
- Review our policies to ensure that they do not lead to racial profiling and state explicitly in these that racial profiling is not acceptable, and that there is a zero tolerance of this practice in any form. We will involve our stakeholder advisory groups to identify the policy areas with the greatest risk for racial profiling. The review will complement the education material produced on unconscious bias.



## 7.3 Data Collection & Monitoring

### Feedback

The community consultation and review process indicated there was uncertainty and discomfort around how and why we obtain field contact data and how the data is used, by whom, and in what context. This extended to concerns about a lack of visibility of the data that would show whether field contact reports are being over-utilised with certain communities. There was a widespread view that enhancing the data collection and reporting processes would assist in identifying, investigating and addressing any issues with the field contact process (such as patterns of over representation of particular community groups) and thereby improve accountability and transparency.

Respondents discussed the collection, recording and reporting of ethnicity data in the context of the field contact process, and while there were perceived benefits in collecting and reporting this data, there was a strong sense that this process would need to be handled sensitively to avoid stigmatising communities. Some respondents supported public reporting of this information, while others cautioned that publishing an isolated number of field checks for particular ethnic groups, in particular locations, could lead to the perceptions that those ethnic groups were suspicious. This highlighted the complexities that we would need to consider in exploring the public reporting of any field contact data.

Respondents maintained that a consistent approach to collecting ethnicity data was paramount; though there were differing views as to whether this should be determined through self-identification, police perception, or through a series of questions (such as country of birth or cultural background).

Respondents agreed that whichever method was selected should be utilised throughout the organisation to ensure consistency in the data collection process.

This position was reiterated by the field contact policy review, which noted that while the collection of ethnicity data was important for monitoring of field contact usage, the recording of ethnic appearance data raised concerns. The main issue identified was the potential for police to use ethnic appearance as the sole physical descriptor, rather than in conjunction with other physical descriptors. This view was influenced by the ethnic appearance section of the field contact report being positioned separately from the other biographical descriptors. The review noted that the Victoria Police Manual does not provide any guidance to members on the mandatory recording of information in the field contact report, creating the potential for other physical descriptors not to be recorded. The review suggested that the unintended 'prioritisation' of ethnic appearance as the characteristic to identify an individual could lead to targeting, stereotyping or racial profiling.

By monitoring specific data sets such as ethnic appearance, the review suggested that Victoria Police could assess whether certain community groups were being over-represented in field contact processes. The review theorised that Victoria Police was well-positioned to implement data monitoring strategies but that the data collection processes must be improved first so that data is "...collected systematically and consistently, and monitored regularly" (Field Contact Policy review p.50). Both the review and community respondents believed that data monitoring needed to occur across all levels of the organisation, from individual members to state-wide. This, it was suggested, would allow for variations and trends at the individual, local and organisational level to be identified and



addressed. The literature in particular noted that the ability to review the practice of the individual was an important tool for addressing racial profiling (Field Contact Policy review p.51).

A consistent theme among respondents and the review was the implementation of a visible monitoring system, such as receipts, which is currently being trialled and implemented internationally. Respondents felt this would empower community members to hold Victoria Police to account for the utilisation of the field contact process and thereby prove or dispel perceptions of targeting. Furthermore, making this information publicly available, including the context around the data, would enhance community confidence and trust in Victoria Police. The literature and the field contact policy review supported the exploration of such a monitoring process.

The review pointed out, however, that a key consideration in the monitoring and analysis of data was the establishment of appropriate benchmarks against which to measure performance. Whilst data monitoring has received much attention internationally, the review established that there appears no consistency in the literature as to the most effective criterion against which data should be compared (Field Contact Policy review p.52). Given the complexities involved in the analysis of such data, the review suggested that Victoria Police seek community and expert advice on the most appropriate analysis methodologies, and ensure that the methodologies selected complied with the Information Privacy Principles (IPPs) for the collection, storage, use and disclosure of personal information.

The field contact policy literature review cites the difficulty of establishing 'appropriate' benchmarks on which to base data analysis, including literature that supports the need for 'multiple methods' of analysis and data collection for robust governance and accountability. (Field Contact Policy review p.31).

A reliance on statistical data alone would not be sufficient to provide community assurances of a procedurally just and fair application of this policing practice. The review also noted the importance of improved supervision measures to ensure the validity of the information recorded on the field contact report and entered into the Victoria Police Law Enforcement Assistance Program (LEAP) database.

The final area of concern to both respondents and the review was the retention of data collected through the field contact process in the LEAP database. Respondents indicated that they were not confident that the data was not being misused or used in a manner that breached their privacy. In examining this, the review noted that Victoria Police needed to ensure the collection, access, retention and potential destruction of any data collected complied with relevant legislation. The review urged Victoria Police to consider the length of time that information collected through the field contact process remained in the LEAP database.

### **Victoria Police Response**

We support this feedback and undertake to work with community representatives to improve the accountability and transparency of our field contacts policy and processes, starting in the first year of our Action Plan.

While the field contacts policy review suggests that we are "well positioned to implement data monitoring strategies..." (Field Contact Policy review p.69) we will still need to enhance the current data collection capabilities of our Information Technology (IT) systems significantly to support this. We concur that "improving the quality of current data collection processes to monitor field contact activity, in order to identify potential over-representation of specific community groups" (Field Contact Policy review p.69); combined with the review of the policy and improved internal governance, will strengthen community confidence in the process.

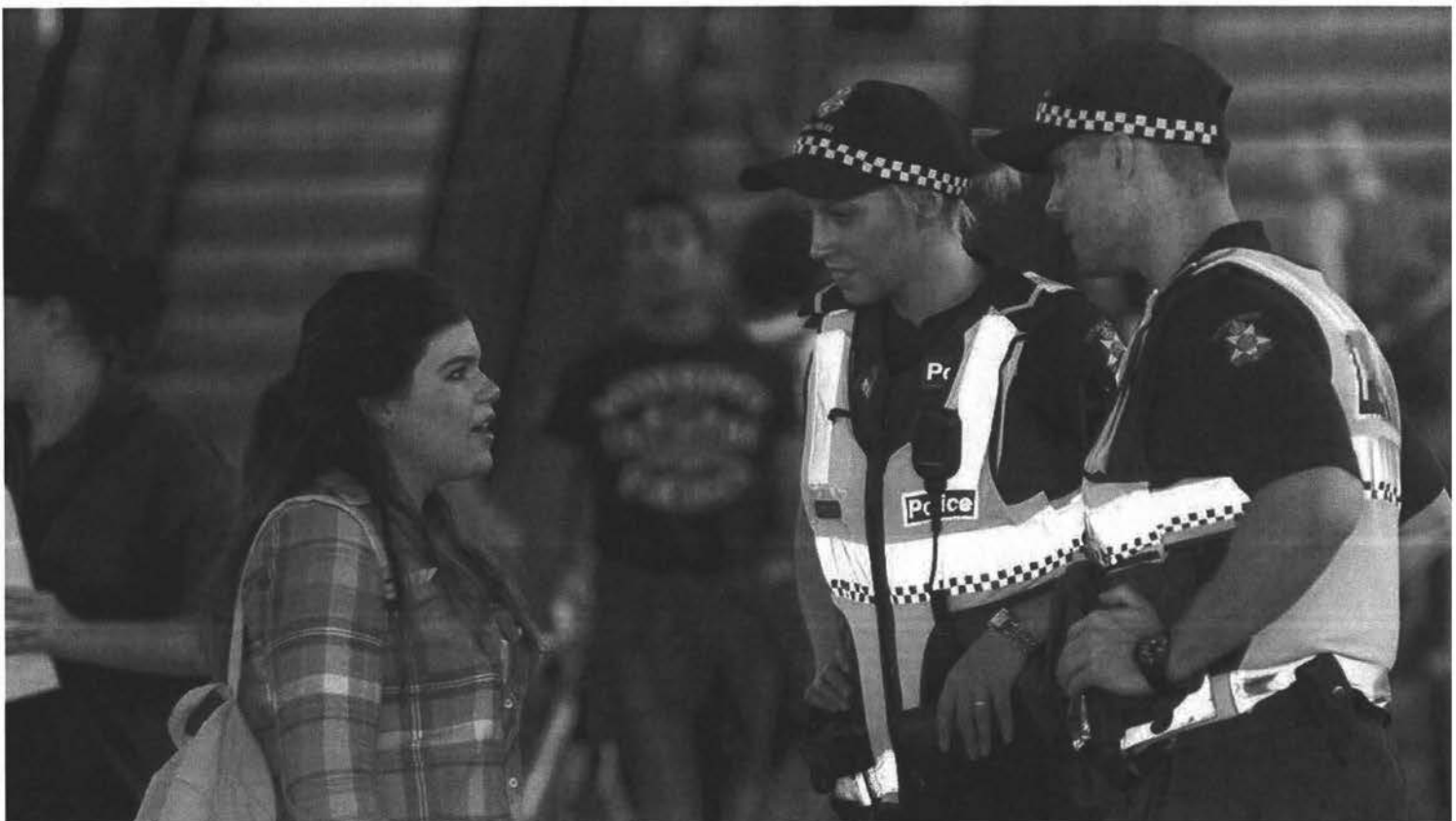
The information recorded on field contact reports is critical for intelligence and investigative purposes. Nevertheless, we appreciate the importance of assuring the community of the integrity of this process and demonstrating our compliance with Law Enforcement Data Security requirements and the Information Privacy Principles.

We will therefore draw on the experience of our international counterparts to develop a data collection and monitoring framework that is relevant to and appropriate for Victoria. We will work with bodies such as the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and peak community organisations to adopt a methodology that meets expectations. The new independent crime statistics agency may provide the appropriate public forum for reporting this information and for advising on the most appropriate statistical modelling.

We will consider the basis for recording 'ethnic appearance' as part of the review of the policy and guidelines, taking into account the advice of key stakeholders such as the Centre for Multicultural Youth, which propose ascertaining an individual's ethnicity by asking about their:

- Country of birth
- Language spoken at home
- Self identified cultural background

These questions may indicate community representation, with the 'ethnic appearance' descriptor forming part of the physical characteristics recorded by police on the field contact report. We will work through the appropriate public reporting parameters with key stakeholders to ensure publication of such data does not stigmatise communities or community groups. We will also examine options for documenting the supervisors' authorisation on the form.





Given the extent of the concerns raised about our accountability, transparency and complaints processes in the area of field contact reports, we see the need to trial additional safeguards to demonstrate procedural fairness. One such safeguard is receipting, which is being trialled and implemented internationally. We will examine different types of 'receipting' methods to develop a model for trial in Victoria in the first year of our Action Plan, with implementation, evaluation and reporting on the outcomes of the trial to follow in the second and third years.

### **Victoria Police Actions**

To respond to the feedback provided, we will:

- Revise our field contact data collection, monitoring, analysis and reporting. Our policy revision will enhance accountability measures, such as supervisory oversight.
- Examine receipting options to identify which methods are appropriate to trial; design the process and practice guidelines, data collection and analysis methodology; and determine the reporting measures.

# 8

## Complaints process

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### Feedback

Respondents and the reviews communicated a clear desire to see improved transparency and accountability, through a number of channels, including the complaints processes. While these processes were outside the original scope, they were a natural extension considering the level of concerns with field contacts policy and procedures. Accordingly, the community consultation and the reviews considered the Victoria Police complaint handling processes.

The general perception was that Victoria Police complaint handling was not fair, transparent or timely, and resulted in a perceived lack of accountability and loss of faith in the process. Protracted resolution timelines and limited communication about process and outcomes had led to significant dissatisfaction and minimal confidence expressed by those involved in lodging a complaint. The field contact policy review reiterated this point, suggesting Victoria Police processes did not reflect community standards. While the duration of the process often depends on the level of investigation required (complaints that take up to 18 months often involve criminal investigation), the limited knowledge around procedural obligations undermines confidence in these processes. The review considered that undertaking disciplinary and dispute resolution processes sequentially,

rather than concurrently, contributed to the lack of timeliness in determining outcomes, thereby exacerbating community frustrations:

*"It takes too long for Victoria Police to respond to complaints. Then the issue becomes about the organisation, not the individual."*

- Carlton forum attendee

Concerns were raised repeatedly by respondents about limited access to information about the complaints process, including how to lodge a complaint and what recourse there is if the resolution is found to be unsatisfactory. Many of the submissions pointed out that the information Victoria Police provides caters to those with strong English skills and there is no assistance provided in the form of translation, interpreter services or advocate information. A lack of structured feedback mechanisms and clear communications regarding investigation outcomes meant that Victoria Police was seen to fail to 'close the loop':

*"One respondent stated that he has attended a police station over 20 times during a 9 month period about a particular incident but has received no feedback"*

-Banyule City Council

Respondents clearly conveyed this as a critical gap in service delivery, arguing that even if they were dissatisfied with the results of the investigation, they would be satisfied with the process if the communication and feedback was adequate. This would in turn increase their confidence in the accountability of the internal handling of complaints.

Both reviews cited specific community reservations about Victoria Police investigating complaints internally. The perception was that where it was the word of an individual against the organisation, Victoria Police will always protect its own. The cross cultural training review, for example, referenced the *"Boys, you want to give me some action?" Interventions into Policing of Racialised Communities in Melbourne (2009)* report that states that young people of African-Australian background largely did not report police harassment or incitement because of the internal nature of complaint investigation by Victoria Police. The review reported that participating community members felt the complaints process was 'unlikely to yield positive outcomes because of the reliance on an internal review mechanism' (Field Contact Policy review p.63) and suggested that Victoria Police needed to recognise that minimal complaints 'may not be an indicator of excellent service, but rather can represent a lack of community confidence in the process' (Field Contact Policy review p.63); a sentiment that was acknowledged by participating police members.

Nonetheless, the review indicated that in the future, a lack of complaints could be used as an indicator of improved cultural competency if members: were more engaged and responsive to community perspectives; developed a stronger understanding of the challenges facing diverse communities; were able to think creatively and proactively about how to best address these challenges; and had a broader array of strategies and tactics at their disposal. Therefore, while not examining the issues relating to complaints handling to the point of making recommendations, the field contact policy review

incorporated the provision of such information into several of its recommendations, including the implementation of a values-led framework.

### **Victoria Police Response**

We concur with the cross cultural training review proposition that a culturally competent police member will receive fewer complaints from the community about unsatisfactory treatment. As such, we commit to:

- Reviewing the accessibility of current information and feedback on the complaints process
- Implementing structured communication and feedback mechanisms
- More effectively communicating the different avenues that people can make a complaint
- Examining additional accountability and transparency mechanisms
- Identifying audit and review regimes to assess outcomes, resolution timelines and ongoing performance monitoring.

In undertaking these activities, we will engage with our stakeholder advisory groups and examine national and international best standards to identify improvements.

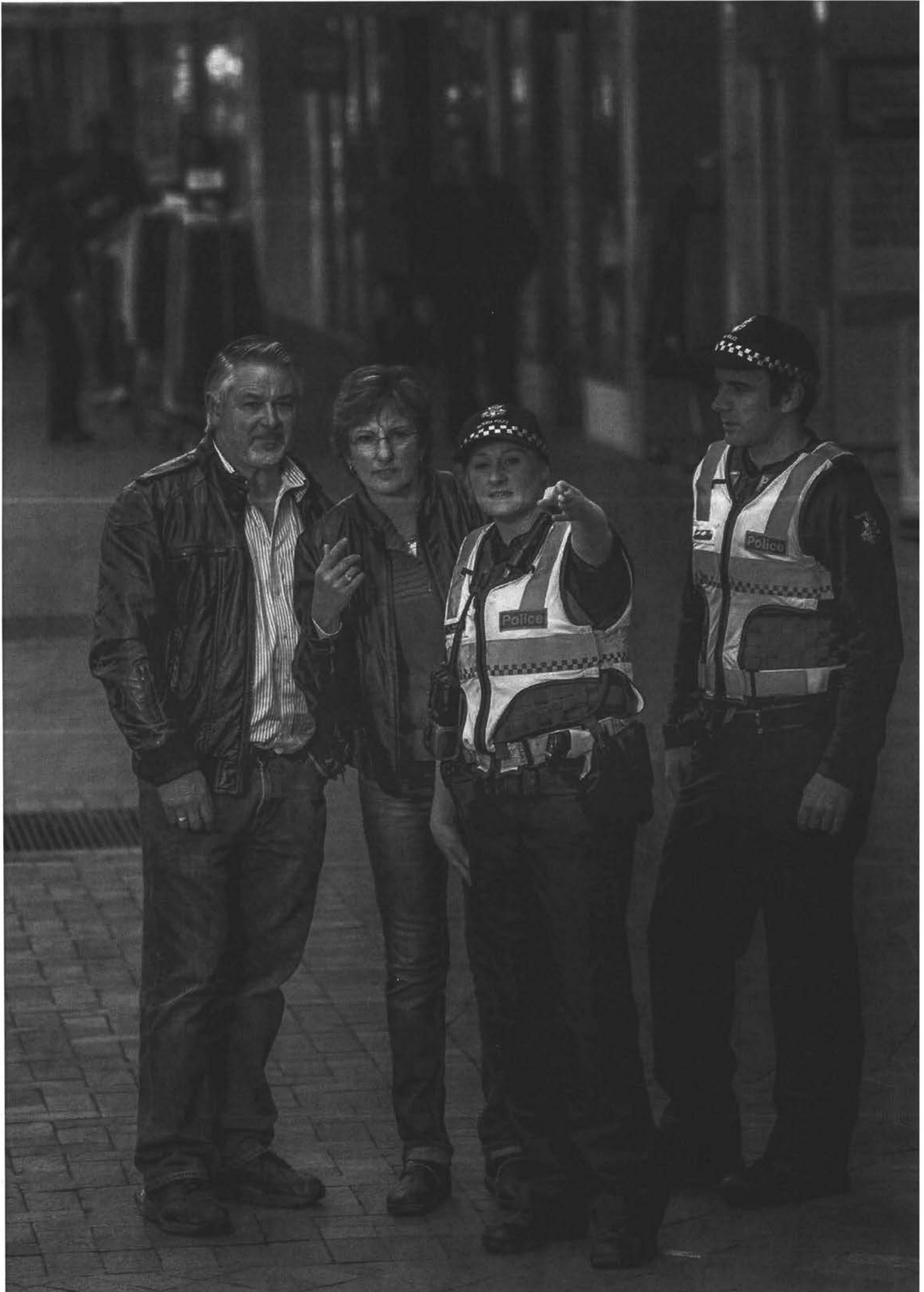
Whilst there are some elements of the complaints process that are governed by legislation, Victoria Police will seek to improve our accountability, timeliness and accessibility throughout this process, to strengthen our communication and feedback mechanisms.

### **Victoria Police Actions**

In response to this feedback, we will:

- Review our communication and feedback mechanisms, including the accessibility of information about complaint handling options and process; communication and feedback processes; and accountability and transparency mechanisms.





# 9

## Cross Cultural Training

### 9.1 Education Concepts & Strategies

#### Feedback

A strong desire for improved cross cultural training was evidenced in the community consultation, and the topic of what training police should receive was interwoven through conversations in each forum. In general, forum attendees believed police members required training in how to demonstrate respect and cultural sensitivity, recognise bias, and communicate better:

*"A good police officer understands culture, finds a way to communicate with everyone, and understands how the past can affect people today. Training should provide the tools for this."*

- Carlton forum attendee

Many of the conversations focused on educating police in how to unpack their decisions and challenge their own assumptions. The respondents' concerns focused on the issue of 'unconscious' or 'implicit' bias and the need for police members to understand the overt and implicit drivers of their decision making processes and be

equipped with the tools to modify their behaviour as necessary. The cross cultural training review advocated for:

*"... police members to align their own personal values to the Victoria Police values of integrity and ethical practice and to understand that trust was central to their interactions with the community..."*

(Cross Cultural Training review p.77)

Community feedback indicated that self-reflection would address perceived police complacency or desensitisation to situations through over exposure, and improve members' ability to dispel assumptions and to use their discretion effectively. There was strong support for this approach among participating police members, with one describing the need for self reflection as:

*"Really hitting the reset button on your own personal prejudices."*

Victoria Police member

### **Cross Cultural Training review**

The cross cultural training review explores the literature on 'cultural competence', a principle on which the Victoria Police foundation training is structured. It challenges this construct as a technically-driven concept, and critiques police education as being largely 'technically' driven, rather than guided by a curriculum (and values led) education approach (Cross Cultural Training review p.156). The review notes several strategic documents that will provide a sound platform for progressing changes to the Victoria Police education environment. For instance, at a national level, the development of ANZPAA Guidelines – Education and Training for Community Engagement, will enable Australian police jurisdictions to benchmark their education and training in community engagement; identify criteria and competencies against which to measure performance; and create a flexible education and training model to enhance police capability and promote national standards. The guidelines differentiate between and recognise the need for tailored individual and organisational outcomes (Cross Cultural Training Review p.62).

In the Victoria Police environment, the review observes that the People Development Command has initiated a number of strategic directions that will provide a supporting pathway for change, most notably the *Education Master Plan: Learning and Development to 2020*. This plan "serves as a structural and strategic roadmap for the education and training of Victoria Police members to 2020" (Cross Cultural Training Review p.66). The strategic directions and associated structural changes to the delivery of education are consistent with the findings of the cross cultural training review.

Initiatives under the Master Plan, such as the Continuous Improvement Model for Foundation Training, the Probationary Constable Role Competency Analysis, and the Enhanced Dedicated Training Workplace Project, will support and influence change in the cross cultural training environment.

The cross cultural training review includes a range of recommendations for creating a values-led framework to ensure that a core set of values, beliefs and principles underpin a police member's daily duties. The values must guide all elements of reactive and proactive service delivery, resulting in a capability profile that:

"produce(s) the kind of police officer who is able to think on their feet; successfully meet new challenges; adapt flexibly and responsibly to unexpected circumstances; communicate effectively; and respond with understanding and insight through a thorough grounding in human rights; cultural and community diversity ; and the skills need to bring these values to life in everyday practice"

(Cross Cultural Training Review p.157).

The review suggests that the first step is to provide the tools necessary to create a self-reflective police member who is able to "recognise the differences that arise from cultural background; understand their possible impact on the interactions they have with members of the public, and negotiate the differences so as to achieve a positive outcome" (Cross Cultural Training Review p.80).



### Victoria Police Response

Through the Education Master Plan and associated strategic directions in education, we are committed to embedding a values-led framework across all training and professional development. We will do this in a phased approach, starting with a broader review and revision of the curriculum. While this is in progress, we will integrate a values-led framework for policing into the current training sessions delivered by the Centre for Ethics and Community Engagement and Communication.

We will take account of the ANZPAA guidelines, to which we contributed, to support a consistent national approach. The Priority Communities Division will work with the People Development Command to identify good practice standards that are inclusive of human rights and cultural and community diversity principles, and to translate these into curriculum content.

The education reform required therefore comprises:

- (1) The review and redevelopment of all formal foundation training and promotional programs
- (2) The development of a good practice education program for Local Area Commands to support improved community engagement, understanding and respect of diversity and human rights.

Through the Education Master Plan and the Continuous Improvement Model for Foundation Training, we will assess the best way to act on the feedback from the community consultation and review of our cross cultural training and education.

This will include:

- Identifying and making changes to the 'Current Issues in Policing' module to incorporate 'understanding and preventing direct and implicit bias, racism and racial profiling'
- Exploring other learning opportunities to impart this knowledge, in consultation with the Priority Communities Division
- Considering the timing and coverage of refresher training so that it is tailored to learner needs.

### Victoria Police Actions

To respond to the feedback, we will:

- Develop a cultural, community and diversity education strategy to underpin the wider education reforms for local, divisional and regional delivery. This strategy will outline the education needs of police members, particularly in the areas of unconscious bias, immersion, human rights, cultural awareness, and enhanced communication training.
- Reform our cross cultural training curriculum to integrate a values-led framework and the ANZPAA guidelines.

## 9.2 Curriculum

### Feedback

The argument for a values-led framework as the underlying principle for cross cultural training prompted consideration of the curriculum required to achieve the desired learning outcomes. The cross cultural training review saw the following limitations in our current approach:

- A lack of visibility and integration of human rights and associated values throughout the curriculum;
- The requirement for far greater attention

to the issues of bias and a need to challenge members' perceptions and understanding of their own prejudices and value frameworks; and

- Training outside of the foundation training at the Academy is ad hoc and fragmented.

Much of the community feedback also focused on the inclusion of content on how to recognise and prevent bias and racial profiling in order to foster positive change. This content was seen as central to both Academy and in-service (in the field) training.

The verbal and behavioural cues of police members formed a consistent theme throughout the community consultation. Whilst verbal and non-verbal communication skills are part of the current curriculum, to many respondents there appeared to be some gaps between the training and requisite behavioural and communication skills that sit alongside and demonstrate values in action. This would suggest that the issue may be about the retention of skills or their translation of skills into practice. For example, one forum discussed the sense that police should focus more on 'engaging first and enforcing second' and the review quoted one young participant's view that:

*"I'd like to express my opinion without being accused of "talking back"*

(Cross Cultural Training Review p.80)

Respondents frequently spoke of the importance of the manner in which they were approached, which was more often than not described as defensive and/or aggressive, with little regard or respect. As noted in the cross cultural training review, "the first point of contact with police can inspire or deter community members depending on whether the interaction is perceived as positive or negative" (Cross Cultural Training Review p.80).

There was a strong view that Victoria



Police should engage communities in the development of the curriculum, to avoid the perpetuation of stereotypes and cultural biases, and to create better linkages with operational service delivery and community engagement practice in the field. The participating police members agreed with these views, commenting on the limitations of an Academy-focused curriculum and urging the introduction of regular in-service training, in recognition of the learning that takes place in the field. These members also expressed the desire for greater reference to community strengths, rather than what they see as the current focus on "community based weaknesses or vulnerabilities" (Cross Cultural Review p.95).

The cross cultural training literature review cites the work of Robert Bean who expresses the view that no one study appears to have identified the best practice method for cross cultural training (Cross Cultural Training review p.41). It is also noted that Bean provides some clear parameters for consideration, and the conclusion that "cross-cultural education is a lifelong process" (Cross Cultural Training review p.41) and should be based on experience, interaction and adult learning principles, rather than didactic class room presentations. This literature and analysis of best practice models suggest that Victoria Police should be aspiring to far greater engagement with local communities, including but not limited to:

- Dialogue with and input from community partners;
- Cultural immersion;
- Deeper personal reflection about one's individual assumptions;
- The development of communication skills based on trust and respect;
- Ongoing and targeted training at all levels of police;

- The creation of an environment that 'addresses implicit biases brought to their (members) practice'
- Training under high pressure situations; and
- Direct interaction and experiential learning as a critical educative tool. (Cross Cultural Training review p.57-59)

The cross cultural training review indicates three key issues for Victoria Police to address, in order to embed a successful framework of cross cultural education and training.

These are:

- (1) Education and training for proactive policing and community engagement;
- (2) Balancing generalist versus community-specific approaches to training on cultural and community diversity; and
- (3) The role of critical thinking, reflection and evaluation skills in diversity education training.

The cross cultural training recommendations reflect both the findings of the literature and good practice modelling. They include the promotion of analytical skills and reflective practice as recommended in the Continuous Improvement Model for Foundation Training; the threading of learning on human rights, cultural and community diversity through field base practice and operational training; and the commitment to embedding a values-led approach.

## Victoria Police Response

The strategic direction of the People Development Command complements the intent and direction of these recommendations by working towards a far more interactive and thinking-based curriculum. Initiatives such as the Continuous Improvement in Foundation Training, the enhancement of the DTWs, and the introduction of interactive scenario and IT-based education technologies (such as the Hydra/Minerva Simulation System), will facilitate an enhanced end-to-end thinking curriculum and will better engage learners.

We accept the clear message that we need to deliver training that provides police members with the tools and capabilities to ensure their operational decision-making is not impacted by implicit biases. We will actively seek opportunities to incorporate revised training and assessment practices on cultural and community diversity issues, in our reform of instructional design and delivery and the enhancement of the DTWs program. We will also consider the feasibility of relocating or reallocating time in the existing curriculum, such as in the foundation training, to make sure that we achieve the best learning outcomes.

## Victoria Police Actions

To respond to the feedback, we will:

- Reform our cross cultural training curriculum as part of the Education Master Plan. This reform will examine the curriculum structure and alignment, identify improvements to foundation training and promotional pathways, and develop up-skilling and refresher training for delivery at the local level.
- Introduce training to develop police members' knowledge, understanding and recognition of unconscious bias and to provide members with the tools and capabilities to ensure unconscious bias does not impact their decision-making.

## 9.3 Delivery

### Feedback

The community consultation and feedback from participating police clearly advocated a move away from compliance-based education to a values-led framework with in-built accountability and continuous learning. The cross cultural training review quotes one police member's observation that:

*"Authentic and adaptive leadership should focus on building the culture... if you build the culture the right way the compliance will follow and so will the service delivery."*

(Cross Cultural Training Review p.106)

The participating police believed that the delivery and exposure to cross cultural training should be normalised, rather than be inwardly-focused, ad hoc and insufficiently mainstreamed. They saw improved engagement and understanding of specific communities as the responsibility and obligation of all members. 'Peer' and 'practical leadership' were seen as critical to enhancing everyday tasking and engagement in cross cultural education and practice. The participating members' desire was to create an environment that challenged behaviours, attitudes and values that were not consistent with those of the organisation; they wished to be "empowered to 'call out' a colleague on poor behaviour in relation to diversity issues..." (Cross Cultural Training review p.97).

Both community participants and police participants agreed that more cross cultural education should be developed and delivered in partnership with local communities; the community members recommended enhanced experiential learning for police members, whilst the police members talked of 'shared learning' with the community so that "having a close partnership or relationship with community means that we're actually policing with the community not just for the community" (Cross Cultural Training review p.99).

The practical delivery methods discussed by both community and police participants in the review included: the use of interactive scenarios that encompass police and community experiences; the inclusion of cultural awareness programs in local station induction programs; and taking police members out of the classroom to engage with community members – learning by doing, integration and ultimately, immersion with local communities. The review concluded that “multiple learning styles and resources were the most common things identified (as) desirable for education and training methods” (Cross Cultural Training review p.102). Reiterating the preference for interactive learning, the review found that police members considered online learning counter-intuitive to education in community and cultural awareness and engagement, citing the ‘isolating and solitary’ nature of this learning; the tendency for it to encourage compliance only; and their strong preference for ‘peer based and collaborative learning environments’ (Cross Cultural Training review p.103) .

The participating police also criticised what they saw as the ad hoc and reactive nature of the current education on cross cultural training, and the lack of associated ongoing professional development, arguing the “... need for sustainable training and education packages through dedicated training workplaces (DTW’s) and other local or regional mechanisms ...” (Cross Cultural Training Review p.94); informed by a contemporary ‘knowledge capture’ process. They expressed the view that improving organisational commitment requires far greater accountability across all levels of service delivery. The review indicated that to improve accountability:

*“Formal cross-cultural education and training must be coupled with rigorous policy and structural reform that includes*

*changes to department-wide practices... cultural awareness/competence should be embedded into governance, all communications, staff development and processes and delivery of services.”*

(Cross Cultural Training review p.77)

The review also contended that it was necessary for Victoria Police to provide refresher training; link cross cultural training to professional development, standards and progression (across all ranks); link the cross cultural training programs to organisational objectives; and make “the explicit connection between the values and goals of engaging with the community diversity as an inherent good on the one hand, and the operational benefits of doing so on the other.” (Cross Cultural Training review p.108)

Evaluation and assessment of individual and organisational performance standards and educational outcomes were considered by many to be fundamental to ensuring organisational and cultural change. The review reported the clear message from community and police respondents that a “lack of standardisation and consistency” was a significant limiting factor to performance measurement as:

*“What gets measured gets done”*

(Cross Cultural Training review p.83)

Failing to evaluate, measure and monitor was seen as a critical gap that tends to reinforce a message that anything community related is an ‘add on’ and not valued. There was a clear perception throughout the community consultation process that for Victoria Police, something needs to be measured in order to get done.

### **Victoria Police Response**

We endorse the features of cross cultural training outlined by specialists such as Robert Bean, including cross cultural training that incorporates: dialogue, interaction and experiential learning with community members and partners; opportunity for personal reflection; communications skills; and organisation wide delivery. We are well-placed to support and progress the recommendations made through the Education Master Plan and Continuous Professional Development framework, and will develop a cultural, community and diversity education strategy to integrate the recommendations from this process, into the strategic directions under the Education Master Plan. For instance, providing for a learner-centric experience will support the recommendations relating to learning by doing, self-reflection and delivery through the local workplace. Integration within the context of career progression and professional standards will facilitate delivery of ongoing learning across all levels of the organisation. Quality assurance will guarantee that localised and flexible learning options meet organisational and development needs. The Education Master Plan and Continuous Professional Development will be overseen

by an academic governance framework and supported by: an evolving People Development Command structure; specialised technologies to support learning; and the development of strategic partnerships with key community stakeholders, tertiary education providers, researchers and other policing and emergency service organisations.

The Priority Communities Division will identify and develop good practice, share this knowledge throughout the organisation, and maintain a resource base of good practice. The Division will undertake this work through community engagement, information sharing and sustainable partnerships across the spectrum of the Victorian community.

### **Victoria Police Actions**

To respond to the feedback, we will:

- Reform our cross cultural training curriculum by assessing and enhancing delivery methodologies and mechanisms; exploring options for further utilisation of scenario-based learning and case studies; and aligning formal assessments of both training outcomes and instructor qualifications



# 10

## VICTORIA POLICE RESPONSE SUMMARY

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We have undertaken this process through input and information from a variety of sources. We sought feedback from the community through a number of means and commissioned a critical analysis of our processes and training practices by two consultants. Through this, we heard a strong and consistent message, namely that:

*"Truly effective policing is achieved when police are able to both protect the community from crime and respect human rights and civil liberties."*

- Victorian Council for Civil Liberties

Our task is to rebuild the confidence and trust that we have lost among some community members. The improvements that we implement will ensure that we give effect to our intention that all members of Victoria Police treat every individual with dignity and respect.

We have produced a Three Year Action Plan to respond to the feedback and recommendations received. In essence, from 2014 – 2017 we will:

- Establish advisory bodies to provide advice and guidance on the development of policy, processes, and community engagement. This will include a Strategic Advisory Group chaired by the Chief Commissioner and Stakeholder Advisory Groups, established under the Priority Communities Division.

- Produce an organisational Community Engagement Strategy to guide our community engagement initiatives at all levels.
- Review and revise the curriculum for foundation and ongoing training to include adequate content on the issues raised in the feedback and recommendations.
- Review and revise our policies and processes on field contacts and complaints handling, with appropriate community input.
- Scope, trial and review a receipting pilot for field contacts processes, including data collection, analysis and reporting methodologies.
- Review and report on the initiatives implemented through the Action Plan, including the mechanisms put in place for ongoing monitoring and continuous improvement.

We will include updates on progress in our Annual Reports.

### 10.1 Three Year Action Plan

The following tables outline our commitments to responding to the feedback from this process, commencing January 2014.



## Year One

### Create / Establish Infrastructure

Establish community advisory groups to work collaboratively with Victoria Police by providing advice and guidance in the development of policy, processes, data collection requirements and community engagement initiatives. These groups will include:

- A Strategic Advisory Committee chaired by the Chief Commissioner
- Stakeholder Advisory Groups coordinated through the Priority Communities Division

These groups will be integral to the implementation of the Action Plan by helping us to establish what success looks like and how that might best be measured.

*Field Contact Recommendations:*

3; 16; 22; 28

*Cross Cultural Training Recommendations:*

12; 17; 23; 27; 29; 31; 32; 33

### Implement a Victoria Police Community Engagement Strategy

Produce and publish an organisational Community Engagement Strategy that includes good practice frameworks for community engagement initiatives, consultation and accountability mechanisms. The strategy will also establish the benchmarks for communications with community in general, thereby driving overall improvements, including the strengthening of our communication and engagement with young people.

*Field Contact Recommendations:*

29; 30

*Cross Cultural Training Recommendations:*

5; 18



PROMOTING EQUALITY IN  
VICTORIA POLICE ENGAGEMENT  
AND ENFORCEMENT

Year One	
<b>Review our policies to ensure they do not lead to racial profiling</b>	Review our policies to ensure that they do not lead to racial profiling and state explicitly in these policies that racial profiling is not acceptable, and that there is a zero tolerance of this practice in any form. We will involve our stakeholder advisory groups to identify the policy areas with the greatest risk for racial profiling.
<p><i>Field Contact Recommendations:</i> 13; 14; 21; 25;</p>	
<p><i>Cross Cultural Training Recommendations:</i> 1; 3; 15; 17; 29</p>	
<b>Revise field contact policies and processes</b>	<p>Revise our field contact policy in line with recommendations made. This will include an assessment of common practices (both formal and informal) as well as the tools underpinning the policy (for example field contact reports). The redevelopment will:</p> <ul style="list-style-type: none"> <li>• Define the terms 'reasonable suspicion' and high risk locations, as well as legislative requirements and obligations</li> <li>• Identify opportunities to improve the communication to individuals, for example by introducing standardised interactions 'scripts' during field contact exchanges</li> <li>• Provide general information on field contact processes to the wider community</li> <li>• Enhance accountability, for example by improving supervisory mechanisms</li> <li>• Examine data collection (including the nature of the data collected), as well as enhancing monitoring, analysis and reporting processes and capabilities</li> <li>• Training police members in the revised policy and its operational application.</li> </ul> <p>Further to this, we will examine the guidance and principles by which police exercise their discretion to ensure that the principles of dignity, respect, fairness and justice underpin the decisions that are made. This will enhance our practices associated with field contacts.</p>
<p><i>Field Contact Recommendations:</i> 1; 2; 3; 4; 5; 6; 7; 8; 9; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 24; 25; 26; 31;</p>	
<p><i>Cross Cultural Training Recommendations:</i> 3; 12; 29; 31; 32; 33</p>	
<b>Reform communication and feedback mechanisms of complaints processes</b>	<p>Reform our complaints processes, focusing specifically on community awareness and understanding of the process, as well as feedback mechanisms. This reform will include the examination of:</p> <ul style="list-style-type: none"> <li>• The accessibility of information regarding the process to lodge a complaint</li> <li>• The accountability and transparency mechanisms</li> <li>• Structured communication and feedback processes</li> <li>• On-going auditing and review of complaints handling processes and outcomes.</li> </ul> <p>This reform will examine national and international best standards to identify improvements and identify audit and review regimes for on-going performance monitoring.</p>
<p><i>Field Contact Recommendations:</i> 10; 23, 31; 33; 35</p>	
<p><i>Cross Cultural Training Recommendations:</i> Nil</p>	

## Year One

### Scope, develop and trial a receipting pilot

Work with our advisory groups to develop a receipting method(s) to be utilised in line with field contact processes for pilot. The development of this pilot will include:

- Exploring the various receipting options (for example full report, business card etc) and identifying which method(s) are appropriate to be trialled
- Defining pilot process and practice guidelines, including methodology and timeframes
- Ensuring the data collected is relevant and appropriate
- Identifying appropriate pilot sites across the state and working with those communities to clearly communicate the purpose and intent
- Preparing for the data collection and analysis methodology, including defining the collection and publication of effectiveness and efficiency data in the trial location(s)
- Defining the benchmarking mechanisms and determining what success looks like
- Determining reporting measures.

The method(s) trialled will be consistent with existing statutory requirements (e.g. IPPs). To ensure the pilot is conducted in a manner that will provide clear outcomes, substantial scoping and development will be undertaken before it commences.

*Field Contact Recommendations:*  
32; 33; 34; 35

*Cross Cultural Training Recommendations:*  
Nil

### Develop a cultural, community and diversity education strategy

Develop a cultural, community and diversity education strategy to underpin the wider education reforms for local, divisional and regional delivery. This strategy will outline the education needs of police members and will address the training focused on:

- Unconscious bias
- Immersion
- Human rights
- Cultural awareness
- Enhanced communication training.

*Field Contact Recommendations:*  
25; 26

*Cross Cultural Training Recommendations:*  
1; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16; 19; 20; 21; 22; 23; 26; 28; 30; 33

PROMOTING EQUALITY IN VICTORIA POLICE  
ENGAGEMENT AND ENFORCEMENT

Year One

**Develop and implement unconscious bias training packages as a component of redeveloped human rights refresher training**

Create and implement training packages to develop police members' knowledge, understanding and recognition of unconscious bias and to provide them with the tools and capabilities to ensure unconscious bias does not impact their decision-making. These training packages will form part of the redeveloped human rights refresher training.

We will initially develop packages for implementation across foundation learning curriculum and professional progression programs. These training packages will be further enhanced as part of the overall curriculum reform to be undertaken in subsequent years of this program of works.

*Field Contact Recommendations:*

25; 26

*Cross Cultural Training Recommendations:*

2; 3; 17; 24; 25; 29

**Develop and communicate cultural and community awareness guidelines**

The Priority Communities Division will create good practice guidelines for local cultural awareness programs that can be tailored to local needs and include guidance on communicating and working with young people in particular.

These guidelines will be developed with the community advisory and stakeholder groups to ensure they are appropriate and applicable. Once established, these guidelines will be communicated across the organisation using a top down approach to ensure they are championed appropriately.

*Field Contact Recommendations:*

26; 28





*Cross Cultural Training Recommendations:*

4; 5; 15; 17; 33;

**Year Two****Receipting pilot (implementation)**

Implement the Receipting pilot as scoped, including associated data collection, analysis and reporting processes.

The commencement of the pilot will be complemented by a comprehensive communication strategy. This will ensure communities impacted by the pilot have appropriate levels of understanding and awareness that the pilot is being conducted in their area, including the purpose and intent of the pilot and outcomes.

The length of the pilot will be determined as part of the scoping activities undertaken in Year One.

*Field Contact Recommendations:*

32; 33; 34; 35

*Cross Cultural Training Recommendations:*

Nil

**Develop a cultural, community and diversity education strategy (implementation)**

Commence implementation of the cultural, community and diversity education strategy at local, divisional and regional level. This will assist in the enhancing the provision of training with regards to unconscious bias and human rights (as implemented in Year One), while improving training provided regarding immersion, cultural awareness and enhanced communication.

*Field Contact Recommendations:*

25; 26

*Cross Cultural Training Recommendations:*

1; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16; 19; 20; 21; 22; 23; 26; 28; 30; 33

**Curriculum reform**

Commence reform of the Victoria Police cross cultural training curriculum that will:

- Integrate a values-led framework and the ANZPAA guidelines as part of the Education Master Plan
- Examine potential improvements to the formal foundation training and promotional programs, as well as develop up-skilling and refresher training for delivery at the local level
- Examine the curriculum structure and alignment
- Assess delivery methodologies and mechanisms, for example exploring options for further utilisation of scenario-based learning and case studies
- Align formal assessments of both training outcomes and instructor qualifications.

*Field Contact Recommendations:*

27



*Cross Cultural Training Recommendations:*

1; 3; 5; 6; 7; 8; 9; 13; 14; 15; 16; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;

**Year Three**

**Receipting pilot  
(evaluation)**

**Timeframe to be  
confirmed**

Evaluate and assess Receipting pilot outcomes to determine successes and improvements for potential expansion across the organisation. This will include an assessment of data collection practices, data analysis processes, and reporting mechanisms. The timing of this evaluation will depend on the duration of the pilot.

*Field Contact Recommendations:*

32; 33; 34; 35

*Cross Cultural Training Recommendations:*

Nil

**Curriculum reform**

Continue reform of the cross cultural training curriculum

*Field Contact Recommendations:*

27

*Cross Cultural Training Recommendations:*

1; 3; 5; 6; 7; 8; 9; 13; 14; 15; 16; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;

**Program of works  
assessment**

Initiate a comprehensive assessment of the program of works implemented as a result of this report, including benefits mapping, success and community expectation assessments. Works that may still be in progress at this time, in particular the Receipting pilot (as outlined above), will be assessed and reported on at an appropriate time.

*Field Contact Recommendations:*

Nil

*Cross Cultural Training Recommendations:*

Nil

**Assessment  
Report**

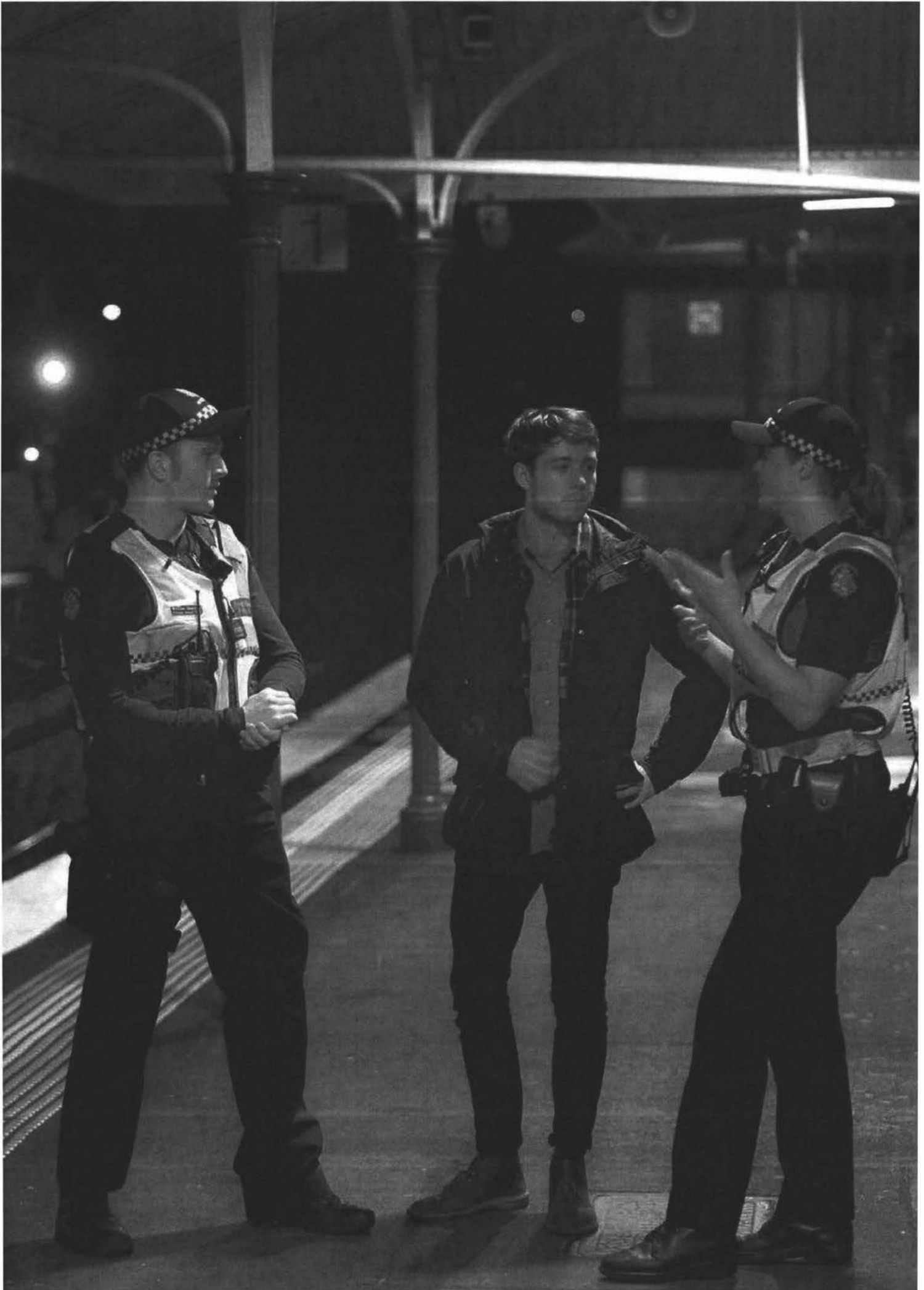
Produce a public report outlining the program of works assessment, including deliverables and assessment of outcomes to date. Works that may still be in progress at this time, in particular the Receipting pilot (as outlined above), will be assessed and reported on at an appropriate time.

*Field Contact Recommendations:*

Nil

*Cross Cultural Training Recommendations:*

Nil



# 11

## The Way Forward

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The feedback generated from this community consultation and review process has created a wealth of information and ideas to inform our planning and reform activities. Our focus now shifts to action. This will be undertaken with a very clear commitment to rebuilding community trust and confidence where we have lost it. We have been fortunate to have a diverse array of Victorian communities embrace this process and demonstrate willingness to work with us on the way forward. We look forward to continuing this partnership.

Following the release and publication of this Report, we will post a Community Briefing on the outcomes and commitments that have been identified from the consultation process on our website in the languages used for the consultation documents.

We would like to acknowledge the contribution of all those who have participated in the process for their time and commitment in assisting us to better serve the people of Victoria today and in the future.



# APPENDIX ONE: REVIEW RECOMMENDATIONS

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## Field Contact Policy & Process Review

### Field Contact Policy & Process Review: Recommendations

#### Recommendation 1:

In making amendments to policy and the Victoria Police Manual (VPM), consult with and seek input from operational members

#### Recommendation 2:

Amend the VPM to provide guidance to members in relation to circumstances reasonably believed to be suspicious. The amendments should provide a similar level of direction as that provided in the UK's PACE Code A. Any revisions will need to be made with significant input from frontline Victoria Police members and relevant community stakeholders. Consideration should also be given to providing this kind of guidance in relation to similar policies and processes, such as stop and search.

#### Recommendation 3:

Seek expert legal opinion and consult with the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and the Office of the Victorian Privacy Commissioner to ensure that the field contact policy, procedures and guidelines comply with obligations under the Charter of Human Rights, anti-discrimination legislation and the Information Privacy Principles

#### Recommendation 4:

Amend the VPM to include guidance to members in relation to these obligations.

#### Recommendation 5:

Give consideration to seeking this advice and providing direction to members in relation to comparable policies and processes, such as stop and search.

#### Recommendation 6:

Amend the VPM so that being located, spoken to or sighted in an area with a high incidence of crime does not qualify a person to be the subject of a field contact report, and provide clear direction to members in the VPM that these circumstances alone are not enough to warrant a field contact report.

### Field Contact Policy & Process Review: Recommendations

#### Recommendation 7:

Amend the VPM to include direction to members on what they are required to tell individuals who are the subject of field contacts. This should include clear direction relating to the need to communicate:

- The reason for the stop
- The member's name, rank and station
- The information sought and why
- The recording of the information on the LEAP database, including how long the information will be kept on the database
- The individual's rights and responsibilities in terms of the interaction, and that there is no requirement on them to provide the information.

#### Recommendation 8:

Amend the VPM to provide direction to members in relation to initiating contact with and maintaining a respectful, friendly and sensitive approach, speaking in plain language and being aware that English may not be a person's first language. The appropriate guidance for members to be included in the VPM should be further explored, with input from frontline Victoria Police members and relevant community stakeholders. Mechanisms will also be required to ensure appropriate supervision of field contact practices.

#### Recommendation 9:

Provide guidance to members in the VPM in relation to understanding and responding to potentially volatile situations.

#### Recommendation 10:

Give consideration to whether or not, and how, to provide information about complaints mechanisms as part of the field contact interaction. It will be important to reflect on the impact that this will have on the nature and tone of the interaction.

#### Recommendation 11:

Amend the VPM to include a requirement that all field contact reports are checked by a sergeant to ensure they are completed for legitimate and appropriate reasons before final submission to the LEAP database.

#### Recommendation 12:

Amend VP Form L19 to include a section for supervising sergeants to confirm that the report has been checked, including a requirement to include the registration number of the member who approved submission of the report. The VPM should be amended to reflect this requirement.

#### Recommendation 13:

Amend the VPM to provide direction to members in relation to the information that is required to be completed in a field contact report. This should specifically direct members that a physical description is required.

#### Recommendation 14:

Amend the VPM to specifically state that ethnic appearance cannot be the sole descriptor in a field contact report.



## Field Contact Policy & Process Review: Recommendations

### Recommendation 15:

Set a length of time that is reasonably necessary for field contact reports to remain on the LEAP database for law enforcement purposes. The VPM field contact policy and procedures and guidelines should be amended accordingly.

### Recommendation 16:

In any future examination of the VPM field contact policy, consider the application of information obtained in field contacts reports to a possible charge of habitually consorting. Expert advice, as well as input from the Victorian Equal Opportunity and Human Rights Commission, should be sought as part of any examination of the application of Victoria Police's field contact policy and procedures to consorting.

### Recommendation 17:

Develop data monitoring procedures for field contacts to monitor whether field contacts are being applied disproportionately. This data should be monitored on a state wide, regional/divisional, local police service and individual Victoria Police member level. Victoria Police should seek input from frontline members in developing data collection and monitoring strategies.

### Recommendation 18:

Seek expert advice from statisticians about data analysis approaches.

### Recommendation 19:

Develop processes for independent review of data monitoring to be conducted at a corporate, regional and local police service level. These independent review processes should include the development of strategies to address

### Recommendation 20:

Develop policies and procedures to:

- Ensure the confidentiality and security of the data, especially for individual Victoria Police members
- Clarify the supervisory monitoring processes and procedures for Victoria Police members.

### Recommendation 21:

Revise field contact reporting procedures so that:

- Reporting on ethnic appearance is a mandatory field. The VPM should provide clear guidance to Victoria Police members that 'ethnic appearance' is a required field of the field contact report. Procedures for the entry of VP Form L19 into the LEAP database should be amended to make ethnic appearance a mandatory field of the form.
- Clear guidance is provided on the codes to be used in the ethnic appearance field in the VPM. Codes could be developed based on external stakeholder input and an assessment of approaches used in other jurisdictions, and it may also be valuable to review the current criteria included in the ethnic appearance data item to review common codes and completion rates. It would also be important to design the codes with consideration of the criterion to be used as the comparator.

### Recommendation 22:

Work with peak independent bodies (such as the VEOHRC) to develop a public reporting process that addresses concerns in relation to accountability and transparency.

### Field Contact Policy & Process Review: Recommendations

#### **Recommendation 23:**

Develop a comprehensive communication strategy commensurate with the changes to the VPM that goes beyond notification via the newsletter to inform members of amendments to field contact policy and processes.

#### **Recommendation 24:**

Undertake standardised training for operational members of all ranks in relation to any amendments to field contact policy and processes. This should include training in relation to members' human rights obligations and obligations under the Information Privacy Principles.

#### **Recommendation 25:**

Include scenario-based training which examines whether or not particular circumstances warrant a field contact, and which challenges cultural and unintended bias that influences individual decision-making in relation to initiating a field contact or submitting a field contact report in any training proposals around policy and procedure changes to field contacts. This training should also form part of recruit training at the Academy.

#### **Recommendation 26:**

Enhance training at the Academy on field contact policy and processes to provide a stronger foundation of member responsibilities for new recruits, including training in relation to members' human rights obligations and obligations under the Information Privacy Principles.

#### **Recommendation 27:**

Develop mechanisms to ensure that senior members provide appropriate ongoing on-the-job training to newer recruits.

#### **Recommendation 28:**

Clearly define expectations and promote mechanisms for community engagement. This should include advisory groups (with external and internal stakeholders) at all levels across Victoria Police, including the corporate, divisional/regional and local station levels.

#### **Recommendation 29:**

Ensure that providing advice on field contact policy and practice is included within the scope of the final Community Engagement Strategy (which was in draft form at the time of writing this report). The terms of reference for these advisory structures should include Victoria Police field contact policy and practices.

#### **Recommendation 30:**

Ensure the community engagement strategy identifies approaches for directly engaging with and seeking input from young people and their representatives. This should include a review of successful Victoria Police youth programs with a view to expanding these across Victoria Police.

#### **Recommendation 31:**

Develop a community information strategy as part of Victoria Police's response to the field contact review. The strategy should provide information on field contact policy and processes, as well as individual rights and responsibilities, and complaint mechanisms. This strategy should be developed and implemented utilising community engagement mechanisms. Consideration will need to be given to ensuring the strategy specifically targets vulnerable community groups.

## Field Contact Policy & Process Review: Recommendations

### Recommendation 32:

Trial receipting in a small number of metropolitan areas (with consideration given to also trialling in one regional location) in order to assess the efficacy of receipting for field contacts. This trial needs to be supported with a comprehensive evaluation. Victoria Police should also consider conducting data analysis of the LEAP database by ethnic appearance and location and comparing this with resident population data to identify police stations to be included in the trial.

### Recommendation 33:

In developing the approach for the trial:

- Consult with young people to explore the perceived usefulness of receipting, the potential impact on knowledge and access to complaints mechanisms, information needs (what should be included on the receipt), method of receipt (full report versus business card), concerns that receipting could imply the field contact is a more serious police interaction, and potential strategies for addressing these concerns
- Consult with Victoria Police members to develop processes to address concerns in relation to the bureaucratic burden of receipting and its perceived impact on reducing the number of field contacts
- Consult with community stakeholders (including organisations representing

### Recommendation 34:

Explore the implications of new technology in developing an efficient receipting process.

### Recommendation 35:

Ensure receipts provided by Victoria Police to community members during a field contact include the individual's name, field contact information (time, location), the reason for the field contact, the Victoria Police member involved, what will happen with the information, and complaints mechanisms. The consultation strategies detailed above may identify other information needs



## Cross Cultural Training Review

### Cross Cultural Training Review: Recommendations

#### **Recommendation 1:**

Conceptualise and develop the central framework for education and training around cultural and community diversity as a values-led framework focused on proactive policing and community engagement. Such a values-led framework should clearly distinguish between a broad ethical and values-based approach to policing and cultural/community diversity on the one hand and the current cultural competence model on the other, which comprises a set of technical skills and is not a philosophy or value in and of itself.

#### **Recommendation 2:**

Ensure that all police officers receive regular compulsory refresher training on human rights and cultural and community diversity principles, obligations and skills in the field.

#### **Recommendation 3:**

Ensure that understanding and knowledge of human rights diversity principles, obligations, frameworks and practice are clearly linked to operational and professional practice training by incorporating the scenario-based exercises and case studies contained in the Victoria Police Human Rights Project's 'Introductory Seminars to Human Rights' curriculum content.

#### **Recommendation 4:**

Ensure that ongoing cross-cultural training for all serving officers is regularly updated and assessed, and identify and address the need for current knowledge and skills for officers as required and in line with best practice approaches and knowledge in this field.

#### **Recommendation 5:**

Use the Draft ANZPAA Guidelines on Education and Training for Community Engagement – Community Diversity Domain to inform and benchmark the development of education and training programs with respect to policing and cultural and community diversity.

#### **Recommendation 6:**

Implement regular and consistent unit and program-level evaluation mechanisms for all education, training and professional development courses and packages addressing cultural and community diversity, including evaluation feedback from learners. Such feedback from learners should contribute to a student-centred evidence base for Victoria Police educators and trainers to assess the effectiveness of program design and delivery.

#### **Recommendation 7:**

Develop a longitudinal evaluation mechanism to assess the effectiveness, relevance and impact of all training and education for recruits, probationers, professional development and supervisors/managers in relation to human rights, cultural and community diversity knowledge and practice.

#### **Recommendation 8:**

Develop a set of documented and transparent indicators for instructor development and qualifications to deliver cultural and community diversity modules and content within its curriculum and field-based training settings.

#### **Recommendation 9:**

Consider broadening the range of teaching and learning personnel in relation to delivering education and training on cultural and community diversity to incorporate a mix of police and relevant external education providers and sources where this will add value to the training experience and outcomes for police in the context of community diversity.



## Cross Cultural Training Review: Recommendations

### **Recommendation 10:**

Explore how to better utilise existing members with relevant cultural and community diversity knowledge, skills and expertise to contribute to teaching and learning in this area, with regard for the risks and safeguards that need to be in place to protect and ensure members' wellbeing.

### **Recommendation 11:**

Where members do contribute to teaching and learning on cultural and community diversity in Academy, DTW or other field-based contexts, ensure that they have documented ability to do so through some form of assessment, evidence of community acceptance, qualifications, or other robust and validated indicators.

### **Recommendation 12:**

Ensure that the newly established Priority Communities Division has a strong role in contributing to the knowledge, skills, standards and resources supporting cultural and community diversity education and training at all levels of the organisation.

### **Recommendation 13:**

Retain the Professional Policing Units and incorporation of the units into future curriculum approaches as the overall education and training model is redeveloped through the Victoria Police Education Master Plan.

### **Recommendation 14:**

Ensure that instructional design and delivery approaches at Victoria Police include agreed methodologies for learner-centred training and work to embed a combination of higher order thinking and analytical skills with field-based practice and operations wherever possible (consistent with the Victoria Police Continuous Improvement Model for Foundation Training Recommendation 5, p. 34).

### **Recommendation 15:**

Develop and incorporate case study and scenario-based learning using a variety of delivery vehicles and learning resources, both open-source and purpose-designed, to enhance education and training on cultural and community diversity.

### **Recommendation 16:**

Explore how to incorporate visual and interactive electronic and digital learning technologies into the design and delivery of curriculum, in-service training and professional development for recruits and serving officers.

### **Recommendation 17:**

Develop, update regularly and make available to all police recruits and members a resource base of learning and teaching materials used in developing knowledge and skills relating to community and cultural diversity to support both local and regional initiatives and encourage self-guided learning and research.

### **Recommendation 18:**

Use the Community Diversity Domain of the Draft ANZPAA Guidelines for Education and Training in Community Engagement to identify, develop and stream cultural and community diversity elements of the curriculum and to develop a clear articulation of their relevance, rationale, goals and function within the overall curriculum. This will assist in identifying existing and future strengths, gaps and areas for improvement as the new Victoria Police Education Master Plan unfolds.



### Cross Cultural Training Review: Recommendations

#### **Recommendation 19:**

Retain a focus on introducing key concepts and values in proactive policing, community engagement and cultural and community diversity at the beginning of the Foundation Training Program through the 'Introduction to Diversity' module and associated modules dealing with ethics and human rights.

#### **Recommendation 20:**

Consider relocating the position, timing and duration of other modules dealing with specific aspects of cultural and community diversity to later stages of the curriculum to support sequential and cumulative learning by police recruits and foster an intersection with developing knowledge and skills in operational and practice contexts.

#### **Recommendation 21:**

Reposition 'Community Encounters' at the very end of the Foundation Training program so that recruits have the benefit of enhanced conceptual and also operational learning to bring into their interactions with diverse community members through this program.

#### **Recommendation 22:**

Extend the timing and duration of cultural and community diversity modules to maximise their effectiveness for police learners.

#### **Recommendation 23:**

Ensure that cultural and community diversity skills and knowledge are explicitly picked up and extended within operationally focused elements of the Foundation Training program, and that these aspects of cultural and community diversity training are clearly identified as such within operational modules.

#### **Recommendation 24:**

Redevelop 'Current Issues in Policing' as a module focused on understanding and preventing direct and implicit bias, racism and racial profiling as an existing part of the current syllabus, drawing on best practice examples provided in the international literature and police departments in other countries.

#### **Recommendation 25:**

Develop and implement formal moderated assessment of police and PSO recruits' knowledge and understanding of principles, obligations and frameworks for police conduct in relation to human rights, ethics and cultural and community diversity, with clear thresholds linked to student progression in the remainder of the training program based on assessed learning outcomes.

#### **Recommendation 26:**

Move education and training approaches toward more active learner engagement through field-based experiential learning and away from passive learning models based on instructional rather than facilitative approaches to student learning and engagement (consistent with Continuous Improvement in Foundation Training, Point 5.22, Recommendation 4, p. 34).

#### **Recommendation 27:**

Introduce specifically developed training and assessment packages during the 18 months of probationary constable field-based training, delivered by appropriately trained instructors and/or station supervisors/managers that specifically address and assess cultural and community diversity knowledge and skills.

#### **Recommendation 28:**

Strengthen the qualifying instruction programs for Sergeants, Senior Sergeants and Inspectors specifically with regard to ensuring that appropriate knowledge, skills and understanding of cultural and community diversity can be demonstrated via formal assessment before confirming progression to these roles.

## Cross Cultural Training Review: Recommendations

### Recommendation 29:

Link demonstrated knowledge and understanding of human rights, ethics and cultural and community diversity principles, obligations and frameworks, and how to embed these as core elements of workplace culture and behaviour, to professional development processes for promotion purposes to Sergeant, Senior Sergeant and Inspector ranks.

### Recommendation 30:

Ensure that compulsory refresher training for supervisors and managers is implemented and assessed at levels of knowledge, skill and responsibility commensurate with rank level.

### Recommendation 31:

Develop and implement formal training in mentorship on cultural and community diversity for supervisors and managers.

### Recommendation 32:

Incorporate education and training goals and expectations around cultural and community diversity for supervisors and managers as a component of annual performance reviews.

### Recommendation 33:

Incorporate specific tasking expectations, benchmarks and responsibilities for supervisors and managers of stations and service areas to develop and implement strategies, activities and programs around engagement with diverse communities in their local area to support acquisition of relevant skills and knowledge by leaders.



