IN THE MATTER OF THE ROYAL COMMISSION INTO FAMILY VIOLENCE

ATTACHMENT DM-15 TO STATEMENT OF ASSISTANT COMMISSIONER DEAN MCWHIRTER

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This is the attachment marked 'DM-15' produced and shown to DEAN MCWHIRTER at the time of signing his Statement on 27 July 2015.

Before me:

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

Attachment DM-15

Victoria Police Manual – Policy Rules

Crime reporting and investigations

Context

Police have a responsibility to investigate all reports of crime. Standards for recording reports of crime, taking crime reports and conducting crime investigations are required in order to ensure that police carry out this responsibility effectively and consistently. More specifically, these standards ensure that:

- police respond to incidents of crime in an appropriate and timely manner
- a degree of consistency in crime reporting standards is maintained
- the appropriate units attend the scene of a crime and the investigation is appropriately conducted, having regard to the nature and type of crime reported to police

This policy is intended to provide direction and support to members taking crime reports and conducting crime investigations.

Application

Policy Rules are mandatory and provide the minimum standards that employees must apply. Non-compliance with or a departure from a Policy Rule may be subject to management or disciplinary action. Employees must use the Professional and Ethical Standards to inform the decisions they make to support compliance with Policy Rules.

These Policy Rules apply to:

- Operational members
- Work Unit Managers
- Crime investigators

Definitions

The following definitions apply to these rules:

- Frontline unit Uniform, Highway Patrol units and Crime Scene Services.
- Frontline supervisor a Uniform, Highway Patrol or Crime Scene Services Sergeant.

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- Frontline OIC Member performing the role of an Officer in Charge of a
 Frontline unit.
- Handover 'Packaged' a process where a Frontline members 'package' their initial action investigation in circumstances where there is no requirement for an I&R member to attend.
- I&R Unit Investigation & Response Unit which may be geographically based general crime unit or a theme unit such as SOCIT etc.
- I&R Supervisors a Detective Sergeant assigned to an I&R unit.
- I&R OIC Senior Sergeant or Sergeant in charge of an I&R unit.

Also refer to the general VPM Dictionary for definitions and acronyms

Rules and Responsibilities

1. Requirement to report crime

- All incidents reported to police must be recorded as an offence unless there
 is credible evidence available at the time of reporting to suggest that a
 crime has not occurred.
- · Reports of crime must be taken by either:
 - an investigating member attending a scene
 - a member at a station.
- The reporting member is required to complete and submit all relevant LEAP reports and LEDR entries in accordance with VPMG Reporting a crime on LEAP.
- The completion of LEAP reports is the responsibility of the member to whom the incident is reported, regardless of the response zone in which the offence occurred.

2. Methods of crime reporting

2.1 Crime reporting processes

Different processes for taking crime reports apply depending on:

- · the type of crime being reported to police
- the manner in which an incident is reported to police.

The flowcharts in **VPMG Crime reporting and investigations** summarise the crime reporting process in detail.

2.2 Attendance and reporting at a scene

Police must attend the scene and take a report where:

- · the circumstances require urgent police attendance
- the seriousness of the crime warrants immediate police attendance refer to the VPMG Crime reporting and investigations for more information about serious crimes
- there is an identifiable suspect (e.g. a name or good description)
- the scene may reveal forensic evidence (e.g. blood/article left at the scene)
- · there is evidence at the scene that needs to be collected
- · the victim is distressed or requests that police attend the scene, or
- there is another reason for police to attend the scene (e.g. the incident appears to be part of a pattern of events, there is doubt over the authenticity of the report etc).

2.3 Telephone reporting

- Telephone reporting must only be used where the above criteria for attendance and reporting at the scene do not apply and the incident involves:
 - property damage (to a value limit of \$2000)
 - theft from a motor vehicle
 - theft of a motor vehicle
 - theft of a bicycle
 - theft other (to a value limit of \$2000 and not including shoplifting).
- When completing a telephone report, members must ensure that all relevant forms and reports are completed and submitted in accordance with VPMG Crime reporting and investigations.

2.4 Taking a report where a person attends a police station

Where a person attends a police station to report a crime, a member may take a crime report at the station provided that the criteria for attending and reporting at the scene do not apply.

3. Attendance and initial action at crime scene

3.1 Initial responsibilities

- All urgent matters reported to a police station, whether by telephone or attendance at the station, must be referred to Police Communications for immediate response.
- Where relevant, the member taking the telephone report or the initial unit which attends the scene and takes a report must notify Crime Scene Services to determine whether Crime Scene Officers (CSO) are required to attend the scene. Where Crime Scene Services are not operating:
 - enter the relevant reports on LEDR or, if the report is not a LEDR based report, fax a copy of the LEAP reports to Crime Scene Services
 - advise the victim Crime Scene Services will contact them to arrange a suitable time to attend
 - advise the victim to leave the scene undisturbed as far as is reasonably practicable.
- The initial unit which attends the scene must ensure that the scene is preserved. Refer to VPMP Scene management for further information about preserving a crime scene.

Refer also to the 'supervisor attendance matrix' in **VPMG Crime reporting and investigations** for crimes requiring attendance of a 251, 265 or 150.

3.2 I& R Unit notification and attendance

- Investigations are assigned in accordance with the Crime Screening Principles in Section 4.1. Refer to VPMG Crime reporting and investigations for further information.
- The relevant I&R Unit must be notified of all reports of crime in accordance with the crime screening principles.
- All incidents suspected of being serious crime must be attended by an I& R
 investigator. Refer to VPMG Crime reporting and investigations for more
 information about CIU attendance for serious crime and attendance by
 supervisors at incidents where required.

3.3 Responsibilities of first members attending the scene

Responsibilities at the crime scene include:

- recording of all preliminary findings and notes on the Initial Action Pad
 [Form 502] following the general instructions for its use
 - the Form 502 must be carried by all Frontline members (observer and driver) when performing frontline duties

- preparation of the Initial Action Package Checklist [Form 1313] as outlined in VPMG Crime reporting and investigations
 - the Form 1313 must be compiled for all investigations irrespective of whether or not an investigation is to be handed over or retained
- initial action under the handover process as outlined in VPMG Crime reporting and investigations.

3.4 Responsibilities of Frontline senior member and supervisor

- The Frontline senior member must notify the Frontline supervisor of the circumstances and take charge pending their arrival.
- The Frontline supervisor upon arriving at the scene must:
 - take charge and co-ordinate the Frontline members
 - ensure quality standards of the initial action by their subordinates
 - notify an I&R Unit as soon as practicable in accordance with Section 4.1.

Where a Frontline supervisor cannot be contacted to attend an incident, the senior member must notify an I&R Unit as outlined above.

3.5 Responsibilities of I&R Unit member attending the scene

- Categorise and prioritise the incident/crime, utilising the Accountability and Resource Model (ARM) criteria. Refer to VPMG Crime reporting and investigations for more information about the ARM and the classification categories of serious crime.
- Where an incident or crime is assessed as Category 1 or 2, or specialist resources are required, report the incident to the Police Communications D24 who will advise the relevant Crime Command workgroup. The Crime Command workgroup which is primarily responsible for the investigation must:
 - provide appropriate support, as determined by the ARM classification and prioritisation, and facilitate specialist services as required.
 - notify the relevant Crime Squad of any offences falling within their respective investigative criteria
 - record the incident on LEAP, Interpose and an incident fact sheet.

4. Responsibilities for conduct of investigation

4.1 Crime Screening Principles

Depending on the seriousness of the crime or resources required, crime investigations may be conducted by Frontline Units, I&R Units or specialist taskforces. The Crime Screening Principles in the table below provide clarity regarding investigative responsibility by setting out investigation and notification requirements. However, an investigation which is identified as an I&R investigation may remain with a Frontline member provided that:

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- there is an agreement between the I&R OIC and Frontline OIC for a Frontline member to continue the investigation
- oversight and guidance is provided to that Frontline member by an I&R investigator
- the investigation is recorded and managed on Interpose by an I&R Supervisor
- the quality and timeliness of an investigation is actively monitored by an I&R OIC.

Crime Screening Principles	DISKY DATE OF BUILDING WITHOUT
Incident	Responsibility for investigation
Crimes against the person (including family violence in accordance with VPMP Family Violence)	Minor assault where an offender is identified and is not present but resides within the PSA; the investigation is of a non complex nature and there is no significant follow up Frontline unit able to arrest and process the offender(s) within the shift or where there is no significant follow up
Deaths that are suspicious or non routine (including deaths where a person was under the control, care or custody of a government department or organisation; drug overdoses; workplace deaths, SUDI, and murder-suicides)	I&R unit
Deaths that are non-suspicious or routine	Frontline unit with investigation management by Frontline supervisors In the case of suicides, I&R unit must be notified
Explosions and major arsons (including bushfires)	I&R unit
Fraud	I&R Unit following Packaged handover by Frontline unit.
Missing persons investigations	I&R unit where suspicious Routine missing person investigations may be retained by Frontline members for a maximum of 30 days, after which the investigation becomes the responsibility of an I&R unit. Human remains which remain unidentified after three days must be investigated by an I&R unit or earlier if required
Motor vehicle collisions where fatal or serious injury	Frontline unit unless there is evidence of criminal negligence by a driver in which case I&R units must be notified. The I&R unit must provide support and oversight and in some circumstances undertake any subsequent investigation
	 MCIU is to be notified as per MCIU call out criteria in the first instance. This instruction applies to any investigations retained by a Frontline member,

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Crime Screening Principles		
Incident	Responsibility for Investigation	
	where there is no MCIU oversight	
Property offences – ongoing investigation	I&R unit following Packaged handover by Frontline unit. Frontline members may require the attendance and/or advice of an I&R unit in certain circumstances	

4.2 Designated investigator responsibilities

- Report to and consult with the Police Commander until the management of the incident is completed in accordance with VPMP Scene management
- Do not investigate any crime that could create a real conflict of interest unless a supervising Sub-officer decides it that is appropriate to investigate - refer to VPMP Conflict of interest.
- Manage the scene and identify and implement the investigation procedures in accordance with VPMG Crime reporting and investigations.
- Handle all seized property in accordance with section 7, VPMG Crime reporting and investigations.
- Manage the entire investigation, including the preparation of any Brief of Evidence, Inquest Brief or relevant reports having regard to VPMP Briefs of evidence.

Record all details of the investigation on the LEAP Case Progress Narrative in accordance with **VPMG Reporting a crime on LEAP**.

4.3 I&R units' responsibilities

I&R units retain responsibility for any incident which is identified as an I&R investigation under the crime screening principles specified in Section 4.1, irrespective of who is assigned the investigation.

- I&R supervisors must:
 - ensure that a 24 hour investigative response is provided (a divisional I&R unit response) to ensure proper management of crime scenes and enable in person handover for crimes against the person
 - oversight investigations to ensure progression and manage risks
 - ensure a minimum of two investigators are rostered on for each metropolitan area to ensure adequate representation of the areas on which a crime occurred
 - escalate any investigation identified as a risk and also advise the I&R
 - task members and resources having consideration to the organisational target of crime resolution within 30 days

- escalate any investigation identified at risk to exceeding a 120 day timeline to the I&R OIC along with an appropriate comment made in the Interpose investigation file.
- I&R members are responsible for supervising the Frontline members at an in person handover. This includes oversight of witness interviews and providing guidance regarding evidence collection/preservation.
- I&R Primary Investigators are responsible for accepting the Initial Action Pack and assessing it against the Initial Action Checklist – Investigative Standards.
- I&R OICs must ensure:
 - that a 24 hour response is provided, investigations are recorded on Interpose, investigative standards are maintained and a report is provided monthly to their T&C Manager detailing any investigations that have exceeded 120 days
 - that afternoon shift and night shift resources are sufficient to cover the identified peak times including weekends
 - timely progression of all investigations is maintained for all crime in their geographical area of responsibility.

Tasking and coordination must be done in accordance with VPMP Intelligence.

5. Specific crime investigations

In addition to the general requirements regarding crime investigations, the following apply to investigating and responding to specific crime:

Type of investigation	Requirements		
Serious crime investigations	 The investigating member must: record the investigation on Interpose and update as required. keep a hard copy file for all serious crime investigations. VPMG		
	 Files and exhibits from a serious crime investigation must be stored and retained in accordance with VPMG Crime reporting and investigations 		
Assaults	Have regard to VPMG Assault investigations.		
Sexual offences	Have regard to VPMG Sexual offences investigations.		
Drug investigations	Have regard to VPMG Drug investigations.		
Motor vehicle theft	Have regard to VPMG Motor vehicle theft investigations.		
Missing persons	Have regard to VPMG Missing persons.		
Organised crime offences	Have regard to VPMG Coercive powers.		

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Specific crime investigation	ons r	equirements
Type of investigation	Requirements	
Racing/Gaming Orders	•	Have regard to VPMG Racing and casino exclusion orders
Commonwealth offences		Have regard to VPMG Commonwealth offences investigations.
Workplace incidents	•	Have regard to VPMG Investigation of workplace incidents.
Animals		Have regard to VPMG Animals
Prejudice Motivated Crime	•	Have regard to VPMG Prejudice motivated crime
Fraud investigations	•	Have regard to VPMG Fraud investigations
Fire investigations	•	Notify the State Coroner of any fire involving: - a person held in custody - a reportable death - serious injury and death is a real possibility - significant damage to public property - community concern or public health or safety concern In addition to any other reports, complete the following for any fire incident: - Fire Report [Form L26] - Other Names re Fire [Form L8A]
Reports of crimes at sea	•	Have regard to VPMG Commonwealth offence investigations when the crime falls under Commonwealth jurisdiction Conduct all other investigations in accordance with VPMG Crime
3100-500		reporting and investigations.
Public transport offences	•	Transit Safety Division, must be notified of any offences occurring on the public transport system Transit Safety Division CIU must investigate any offences: that have a clear impact on passenger safety and security against a person who is a passenger on public transport or a public
	•	transport employee Where there is no direct bearing on passenger or employee safety, the local CIU must investigate: - thefts or burglaries from or on public transport buildings and other areas of the system - frauds committed on the public transport operator by employees or customers that do not require specialist knowledge of the public transport systems and procedures - criminal damage to or theft from vending machines or kiosks located on public transport property

Specific crime investigation	A TONING THE LEVEL MATERIAL TO BE DATED AND
Type of investigation	Requirements
Reports of criminal offences at schools	 Comply with the relevant Protocol between Victoria Police and Department of Education where a criminal offence is alleged to have been committed by a student: at school travelling directly to or from school during school sponsored activities Under the Protocol, a criminal offence means any behaviour that may seriously threaten the safety, security or wellbeing of any person for whom the principal/head teacher is responsible.
	 In accordance with the Protocol, the relevant Work Unit Manager is the police contact person and is responsible for managing the investigation. This includes:
	 notifying the Local Area Commander, Youth Resource officer, CIU an other areas as required informing the school principal/head teacher that an offence by a
	student has been alleged/committed and any action taken as a resul
Joint investigation with other Government and law enforcement agencies	 The relevant Work Unit Manager must consult with the Assistant Commissioner (Crime) before engaging in a joint operation with another agency.
	 A joint investigation plan/ agreement must be completed before any commitment of resources is made. Refer to VPMP Formal arrangements with external organisations for further information about preparing and registering MOUs
	 International or national serious crime investigations must be conducted under the MOU for the Conduct of a Multi-Jurisdictional Major Crime Investigation in Australia and New Zealand.
	Have regard to VPMG Obtaining information from external organisations
	Comply with VPMP Extradition, where applicable.
Breaches of the Working with Children Act 2005	Members must investigate breaches of the Working with Children Act. Where a breach of the Working with Children Act is reported to the Department of Justice, the Police Information Liaison Office (PILO) will be
	notified. The PILO must forward the matter to the local PSA for investigation. Refer to VPMG Protecting children for further information

6. Investigative tools

Investigating members must consider whether any investigative tools should be used. When using such tools to identify an offender, the following rules also apply:

- Members must have regard to the processes detailed in the following:
 - VPMG Identifying offenders
 - VPMG Tagging of records to locate suspects or offenders
 - VPMP Investigation support
 - VPMP Human sources
 - VPMG Rewards.

- Identification evidence must be obtained in a manner that is fair and adequately tests the ability of the witness to recognise the suspect
- Identification parades must be conducted in accordance with Part 3.9 of the Evidence Act 2008, unless:
 - it would not have been reasonable to hold a parade
 - the suspect refuses to take part in a parade.
- Forensic procedures and fingerprints must be conducted in accordance with VPMP Forensic procedures and fingerprinting.
- Information sharing with external organisations must be conducted in accordance with VPMG Obtaining information from external organisations.

7. Recording and oversight of investigations

7.1 Recording

- All Frontline investigations (in accordance with the Crime Screening Principles) are to be managed on LEAP and remain the responsibility of the Frontline OIC.
- All I&R investigations (undertaken and oversighted) must be entered and maintained on Interpose. Specific responsibilities apply to:
 - the primary investigator who is to create and manage an Interpose investigation shell as detailed in VPMG Crime reporting and investigations.
 - the I&R OIC who is responsible for the timeliness and quality of such investigation.
- A centralised case file storage system must be operated by both Frontline and I&R unit as detailed in VPMG Crime reporting and investigations.
- The Time Attribution System (using the Oracle time sheet) must be completed weekly by all investigators, including Frontline members on assignment within an I&R unit, in order to monitor the investigative effort attributed to each investigation.

7.2 Work Unit Manager (Frontline OIC / I&R OIC) responsibilities

Oversee all crime investigations and ensure that:

- all avenues of investigation have been pursued and the investigation is properly conducted and recorded
- the file is updated on LEAP with the appropriate status and a supervising Sub-officer is assigned to oversee LEAP case management in accordance with VPMG Crime reporting and investigations

- all exhibits have been properly handled, examined, recorded and stored in accordance with VPMP Property management
- investigations are adequately supervised, where practical.

8. Withdrawal of complaint

- The investigating member must not encourage a victim to request no further police action or to sign a statement of no further police action.
- Where a victim wants to withdraw a complaint, the investigating member must:
 - obtain a signed statement of no further police action, as detailed in VPMG Crime reporting and investigations. Where the victim refuses to sign the statement of no further police action, the investigating member must document all circumstances of the refusal in the accompanying report
 - submit the statement and the report for approval to a member authorised to approve briefs in accordance with VPMP Briefs of evidence. Refer to VPMG Crime reporting and investigations for further information about the details to be included in the report.
 - inform the victim that their request may be rejected and the investigation may continue
- Where a victim wants to withdraw a complaint of a serious crime, the investigating members must:
 - obtain a signed statement of no further police action, as detailed in VPMG Crime reporting and investigations. Where the victim refuses to sign the statement, the investigating member is to document in the accompanying report all circumstances of the refusal for attachment to Interpose
 - attach the signed statement to Interpose, if obtained
 - document the request for withdrawal of complaint in the Interpose cell
 - use Interpose to email the statement and the report for approval to a
 member authorised to approve briefs in accordance with VPMP Briefs
 of evidence. Refer to VPMG Crime reporting and investigations for
 further information about the details to be included in the report
 - inform the victim that their request may be rejected and the investigation may continue
- The authorised member must then decide whether the investigation is to continue or cease, having regard to:
 - the seriousness and nature of the offence
 - the public interest in continuing the investigation
 - whether the offence is one of a series of offences
 - the solvability of the offence, particularly in view of the attitude of the victim
 - the allocation of investigative resources

9. Completion of investigation

Work Unit managers must ensure that:

- suspects are informed of the outcome of the investigation, unless there is good reason for not doing so
- victims and/or reporting persons are advised of the outcome of the investigation in accordance with the VPMP Victims support.
- exhibits and seized property are disposed of as per VPMP Property management
- the LEAP case progress narrative and status are updated.

10. Reinvestigation after acquittal

A member must not conduct, or authorise the conduct of, a reinvestigation of an offence of which a person has previously been acquitted unless the Office of Public Prosecutions has given written authorisation. Have regard to **VPMG Double jeopardy**.

Quick Links

- Accountability and Resource Model (ARM)
- VPMG Crime reporting and investigations
- VPMG Reporting a crime on LEAP
- VPMG Assault investigations
- VPMG Sexual offences investigations
- VPMG Drug investigations
- · VPMG Motor vehicle theft investigations
- VPMG Missing persons
- VPMG Investigation of workplace incidents
- VPMG Commonwealth offences investigations
- VPMG Prejudice motivated crime
- VPMG Coercive powers

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- VPMG Obtaining information from external organisations
- VPMG Tagging records to locate offenders and suspects
- VPMG Rewards
- VPMG Animals
- VPMG Double Jeopardy
- MOU for the Conduct of a Multi-Jurisdictional Major Crime Investigation in Australia and New Zealand
- · National Protocol for Receiving Reports of Crimes at Sea
- Project Clarendon Standing Operating Procedures Crime Reporting

Further Advice and Information

For further advice and assistance regarding these Policy Rules, contact your supervisor or local training officer.

Update history

Date of first issue	22/02/10		
Date updated	Summary of change	Force File number	
25/05/10	Oversight from VPM Review – crime screening identified in Section 3 as the process for assigning investigations to the CIU.	058307/09	
06/12/10	Inclusion of Reports of Crimes at Sea in the table located in section 5 to refer to VPMG Commonwealth Offences	054872/08	
20/06/11	VPMG Racial and Religious Vilification Offences was replaced by VPMG Prejudice Motivated Crime	062479/10	
15/08/11	Specifies that members supervising LEAP case management must be at Sub-officer rank.	058307/09	
16/03/12	Updated legislative change to reinvestigation after acquittal and reference to VPMG Double jeopardy	070250/11	
18/06/12	Amended to include greater details of records members should create to document the withdrawal of a complaint. The term 'major crime' is redundant and replaced with 'serious crime'. The phrase 'statement of no complaint' has been replaced by 'statement of no further police action' (section 6)	070417/11	

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08/10/12	Amendment to align management terminology (section 4.2)	060620/09
16/01/13	Updated to reflect organisational governance and structural changes.	FF-074790
15/04/13	Reporting of specific incidents/crimes to Crime Command is now through Police Communications D24 (section 3.3)	FF-076304
27/05/13	Amendments to include investigation of breaches of the Working with Children Act 2005	072767/12
02/09/13	Table updated to include reference to VPMG Racing and casino exclusion orders	FF-041877/05
29/01/14	Incorporation of CCI 01/13 Advancing Investigation Management (AIM) into the VPM	068754/11
31/03/14	Minor amendments to incorporate fraud investigations	FF-074085