

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

STATEMENT OF INSPECTOR PETER JAMES FERGUSON

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I, INSPECTOR PETER JAMES FERGUSON, Inspector, Victoria Police, SAY AS FOLLOWS:

1. I am an Inspector with Victoria Police. I am the Officer in Charge of Police Communications D24. I have held this position since 2000. I became a member of the Victoria Police in 1980 and performed a number of operational roles before commencing work in the Police Communications Division in 1998.
2. I have a Bachelor of Arts (Police Studies) from Monash University and a Graduate Certificate in Public Sector Management from Flinders University.
3. I am a member of a number of national and state level committees including the:
 - 3.1 National Emergency Communications Working Group (Australia and New Zealand) (a working group comprising emergency services representatives from all Australian states and territories and New Zealand);
 - 3.2 Emergency Call Service Advisory Service (an advisory committee to the Australian Communications and Media Authority);
 - 3.3 Law Enforcement Security Radio Spectrum Committee (a national committee combined primarily of law enforcement agencies); and
 - 3.4 State Emergency Response Planning Communications Sub-Committee (I am the chairman of this sub-committee - it responds to the State Government Capability and Response Committee).
4. As Officer in Charge of Police Communications I am responsible for the management of emergency call taking, event dispatch and radio communications for the State of Victoria. According to the 2013-14 Annual Report of Emergency Services Telecommunications Authority (ESTA), around 1.25 million emergency

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calls for assistance are taken per annum for police. The communications services are delivered by ESTA.

5. I was responsible for the communications plans and delivery of all communications operations to the police security overlay to the 2005 Commonwealth Games.

SCOPE OF STATEMENT

6. I make this statement in response to a notice from the Royal Commission into Family Violence (the **Royal Commission**) pursuant to s 17(1)(d) of the *Inquiries Act 2014* (Vic) requiring me to attend to give evidence at the Royal Commission and to provide a witness statement.
7. In this statement I respond to a request by the Royal Commission for information regarding Module 11: Initial Police Response to Family Violence. In particular, my evidence will cover:
 - 7.1 the protocols of Victoria Police in relation to ESTA and the answering of emergency calls;
 - 7.2 the role of security monitoring companies; and
 - 7.3 the use of monitored personal safety alarms.
8. I understand that a number of statements have been filed by other members of Victoria Police in relation to Module 11. In so far as they may overlap, this statement should be read together with those statements and other statements filed by Victoria Police members.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

9. ESTA is responsible for receiving emergency calls in Victoria and dispatching emergency response vehicles and personnel.
10. ESTA provides the link between the Victorian community and the State's emergency service agencies. It provides Victoria's 24-hour emergency call-taking and dispatch services for police, fire, ambulance and the Victoria State Emergency Service (**SES**). In the 2013-14 financial year, ESTA answered more than 2.4 million calls for assistance; on average this is a call every 13 seconds. Close to 1.7 million calls to ESTA in 2013-14 came via the Triple Zero emergency call service. During the same period, it dispatched almost two million events, an average of more than 5400 each day, or one every 16 seconds (ESTA Annual Report, 2013-2014).

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11. ESTA also manages the provision of advanced, operational communications for Victoria's emergency services. These operational communications support police, fire, ambulance and SES personnel in the field by carrying radio calls over the Metropolitan Mobile Radio Service; supporting data transactions on the Mobile Data Network; and delivering messages to the Country Fire Authority, SES and Ambulance Victoria volunteers and staff via the Statewide Emergency Alerting System.
12. ESTA is a legislative body, established by the *Emergency Services Telecommunications Authority Act 2004* (Vic). This Act provides for the administrative arrangements of provision of services to be developed through consultation with the relevant emergency service.

PROCEDURE FOLLOWED BY ESTA AND VICTORIA POLICE

13. The procedures to be applied by ESTA when answering emergency telephone calls for Victoria Police are set out in a series of 45 Communications Standard Operating Procedures (**CSOPs**). These have been developed by Victoria Police, and incorporated into the procedures of ESTA. Those CSOPs most relevant to the operating procedures in responding to calls are:
 - 13.1 CSOP No.1 Calltaker, which details the requirements of Victoria Police for the answering of telephone calls in a communications centre by a communications service provider (ESTA) (**Confidential Attachment PF-1**).
 - 13.2 CSOP No. 2 Radio Communications and Dispatching, which details the requirements of Victoria Police for the provision of radio communications and dispatching of events for police attendance in a communications centre by a communications service provider (ESTA) (**Confidential Attachment PF-2**).
14. Further, the *Victoria Police Manual Procedure and Guidelines: Patrol responsibilities and communications* (**VPMG - Communications**) (**Attachment PF-3**) sets out procedures to be followed by police members when responding to calls for assistance.
15. The emergency call service is provided by Telstra. It is responsible for the service that answers calls to the emergency service numbers and then transfers them, with relevant information, to the requested emergency service.

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Procedures for responding to emergency calls

16. CSOP No. 1 sets out the procedure that ESTA staff are to follow when answering calls for police attendances. ESTA operators answering calls from the public for police attendance must do so in accordance with the Victoria Police Structured Calltaking (**SCT**) process. The SCT is a structured computer program that prompts the operator to request certain information based on the answers given by the caller. All information required under the SCT process must be obtained from the caller and accurately recorded in the Computer Aided Calltaking and Dispatching (**CAD**) system.
17. A Police Communications Liaison Officer (**PCLO**) is a sergeant from the Police Communications D24 who actively oversees and assists ESTA in the delivery of their service. They are located with the ESTA operators.
18. When an ESTA operator receives a call, it is dealt with in accordance with the SCT process. The operator enters information into the program and is prompted to respond according to the SCT process. There are default priority levels for certain classifications of incidents, however, the default level can change according to the information provided by the caller.
19. If the emergency call service cannot speak to a person, but can hear sounds that indicate assistance may be required, the call is automatically transferred to ESTA with advice on what the emergency call service were able to hear. The ESTA operator will then try to communicate with the caller. If this is not possible the ESTA operator will transfer the matter to a PCLO for follow up. The PCLO will try to contact the caller to establish communication. If this is not possible the PCLO will try to determine the location of the call to dispatch a welfare check.

'Call no response' calls

20. If a person calls Triple Zero but then is unable to speak, they will be prompted by the emergency call service to press 55 if they require assistance. Where the emergency call service advises the ESTA operator that a caller has pressed 55, the ESTA operator will attempt to communicate with the caller. If this is not successful the ESTA operator will transfer the matter to the PCLO for assessment. The PCLO will try to contact the caller to establish communication. If this is not possible the PCLO will try to determine the location of the call to dispatch a welfare check.
21. Where the caller has not pressed 55 and there is no sound indicating that there is a need for assistance the call will be terminated by the emergency call service.

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Terminated calls

22. If a caller has terminated or abandoned the call in circumstances where the caller contacted Triple Zero, requested police, and has been transferred to ESTA, and where it was possible to establish that a caller was present by noise, voice or other indication, the call will be handled in accordance with the SCT process. The matter will be transferred to the PCLO for a call back in the first instance. In the event the PCLO is unable to communicate with the caller, but is able to ascertain the location of the call, a welfare check will be dispatched.

Event dispatching

23. CSOP No. 2 is the procedure that ESTA staff follow in dispatching calls for police attendances.
24. ESTA staff providing radio communications must dispatch events in accordance with the priority level associated with the event, being the default priority level or the priority as upgraded by the calltaker in accordance with SCT, to the appropriate police unit. ESTA staff do not reduce the priority of an event created on the CAD as generated by SCT process without the authority of the PCLO.

VICTORIA POLICE ALARM POLICY

25. Victoria Police have guidelines in place for responding to monitored alarms at fixed premises and also for some in-car monitored alarms. While Victoria Police respond to emergency calls, it is not the role of Victoria Police to monitor alarms and Victoria Police do not have the capacity to respond to every alarm that is activated. Victoria Police guidelines for responding to monitored alarms is set out at section 8 of the VPMG- Communications (see **Attachment PF-3**). These guidelines are applied by ESTA and incorporated into its structured call taking system.
26. Response to an alarm is dependent on the category of the alarm. These procedures apply regardless of whether the call is made through Police Communications Division or through a local police station. There are three categories of alarm:
- 26.1 category A - police will attend;
- 26.2 category B - police will attend only if a monitoring company can confirm an offence; and
- 26.3 category C - requires no response (unless an offence is confirmed).

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27. The above categories relate only to premises-based alarms and some in-car monitored alarms. There are no categories relating to monitored personal safety alarms. The categories relate to the different types of alarms, for instance, alarms that are monitored by an approved monitoring service, hold-up alarms or high-risk premises alarms. Category A alarms are those the police will respond to without requiring confirmation of an offence. How the police will respond to a Category A alarm is an operational decision and will vary according to each situation.
28. In order for an alarm to fall within category A the monitoring company must have an alpha code and the situation must fit within the criteria for a category A alarm. For instance, a hold-up alarm that is activated by an owner or employer at a premises where cash or valuables are kept, or an alarm at a premises that is categorised as high risk, will be a category A alarm.
29. An in-car monitored alarm is a category B alarm. Where it is safe and appropriate to do so, police may request monitoring companies to immobilise the vehicle.
30. ESTA operators classify calls according to the information that is most significant. For instance, if an alarm has activated, but the caller is also able to provide confirmation that a physical assault is occurring, then that call will not be classified as an alarm, but rather as an offence involving physical assault and will be dealt with accordingly.

Security monitoring companies and alpha codes

31. In order for Victoria Police to respond to category A alarms, security companies must contact Victoria Police by ringing Triple Zero and communicate their alpha code or the request for police assistance may not be accepted.
32. Alarm companies must hold a Private Security Business Licence and a grading from the Australian Security Industry Association Limited (**ASIAL**). An alpha code will not be provided to alarm companies that are not licensed or do not have a current grading. Not all licensed and graded alarm monitoring companies are issued with an alpha code. An alpha code is a unique and confidential three-letter code issued to licensed and graded alarm companies to allow them to report category A alarms.
33. Alpha codes are issued to alarm monitoring companies for use in relation to premises based alarms. They are a way of ensuring that the alarm monitoring companies satisfy the regulations and have the correct licences. Alpha codes are issued by the Licensing and Regulation Division of Victoria Police to alarm monitoring companies that meet the required standards. The Licensing and

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Regulation Division maintain a list of all security monitoring companies that have an alpha code (**Confidential Attachment PF-4**).

34. When an alarm monitoring company calls Triple Zero to report an alarm, the call is connected to ESTA in the State of Victoria and they are asked for their alpha code. The alpha code does not give the alarm monitoring company any priority access to police. The alarm monitoring company must still provide all the requested information to the operator.
35. Only alarm monitoring companies that have an alpha code are able to report category A alarms to police. Police will respond to a category A alarm without requiring confirmation of an offence. The police will not attend all alarms reported by an alarm monitoring company with an alpha code. The police will respond in accordance with the category of the alarm.
36. Currently, there are no alpha codes issued to alarm monitoring companies that are intended for use in relation to the monitoring of personal safety alarms. The existing alpha codes are not intended for use in relation to the monitoring of personal safety alarms. If an alarm monitoring company reports an offence occurring to ESTA then this will be dealt with as an offence and not an alarm. Therefore, whether or not the company has an alpha code does not affect the way the call is handled by the ESTA operator.
37. If an alarm monitoring company were to report a personal safety alarm to ESTA, but were unable to confirm or verify that an offence was occurring, it would most likely be dealt with by the ESTA calltaker as an unconfirmed category B alarm and police would not attend (see paragraph 26.2 herein). However, it is difficult for me to say precisely what would occur, because the current alarm categories do not include monitored personal safety alarms. As I stated above, if the alarm monitoring company is able to verify an offence, for instance if it is able to hear noises suggesting an offence is occurring (e.g. an assault), the call will be dealt with in accordance with the reported offence, and will not be classified or dealt with as a reporting of an alarm. ESTA prioritise all events as 1, 2 or 3. These priorities relate to the time frame for ESTA to take the call and dispatch the event to a police resource to respond. Priority in police response is then determined by the relevant operational member based on a number of factors such as, the information provided by the caller to the calltaker, other events requiring police attendance, and the resources available to police at the time.

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DEVELOPMENT OF NEW GUIDELINES FOR MONITORED PERSONAL SAFETY ALARMS

38. As I refer to above, I represent Victoria Police on the National Emergency Communications Working Group for Australia and New Zealand (**NECWG**). NECWG meet twice per year. In addition, the police representatives from this group also meet twice yearly.
39. The NECWG is in the process of developing national police alarm activation guidelines, including guidelines applicable to monitored personal safety alarms (**MPSA**). I understand that consultation is presently underway with the security industry in order to ensure that the guidelines will be suitable for both emergency services and the security companies that monitor personal alarms.
40. The most recent meeting of the NECWG took place between 10 and 13 November 2015 . I attended that meeting.
41. The guidelines were originally developed with the concept of the 'lone worker' in mind, for instance security officers or home nursing services and other employees who work on their own and may enter dangerous situations. More recently, the guidelines have been redrafted to include monitored personal safety alarms for high-risk family violence situations.
42. It is anticipated that the guidelines will contain a set of standards that must be met to warrant police action. For instance, that:
- 42.1 the MPSA must be monitored by a graded central monitoring station certified to the same standards required for monitored premises alarms and operated by a business holding a current state regulator's licence;
 - 42.2 if the alarm is activated the central monitoring station must validate the alarm by attempting to contact the user. If contact is unable to be made, then the central monitoring station will contact the user's supervisor or employer for direction;
 - 42.3 on validation from the user or their employer, the central monitoring station will call police response and will include the location of the MPSA device and last confirmed location of the MPSA and the user; and
 - 42.4 the central monitoring station must continue tracking the location of the MPSA at regular intervals (minimum 60 seconds) and report any changes to the police.

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43. The draft guidelines are due to be considered at a national meeting of all Police Commissioners in March 2016. It is hoped that these guidelines will be adopted at this meeting and will then form part of Victoria Police's procedures for responding to alarms.
44. However, it is important to note that Victoria Police continue to advise that, wherever possible, calling Triple Zero is the fastest and most effective way to access assistance.

LIMITATIONS OF SOME MONITORED PERSONAL SAFETY ALARMS

45. There are a number of potential limitations to MPSA that must be taken into account when determining the role they can play in increasing safety for victims.

One way communication

46. MPSAs often provide for only one-way communication. This means that once the alarm is activated the central monitoring station can hear the victim, but the victim cannot hear the central monitoring station. In order for the central monitoring station to ask the person for more information, the central monitoring station would need to call the victim on their mobile phone. Because the victim cannot hear anything from the central monitoring station, the victim may not be aware if the alarm has in fact reached the central monitoring station and if they are being heard, the victim may wrongly assume that the alarm is working.

Limitations to network being used by MPSA

47. MPSA are limited by the network on which they operate. For instance, I understand that the SafeT card operates on the 3G network. This network will not give any better coverage than a mobile phone. There will be situations where the network will give less coverage than a call to Triple Zero because a call to Triple Zero is able to run through different networks and in this sense is a more robust option. Telephone calls to Triple Zero will roam to other networks if there is an outage on one network.

Limitation to battery life

48. Obviously, the MPSA battery must be charged in order for it to work properly. Therefore, the MPSA is limited by its battery life.

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Additional points of potential delay and potential error or malfunction

49. If a victim calls Triple Zero, they immediately have access to emergency services and two-way communication. If the victim is relying on an MPSA, there are a number of additional steps involved, and therefore a number of additional points of potential malfunction, error or delay.
50. It is possible that the central monitoring station may not have been alerted to the victim activating the duress alarm, and the victim will not know this. In the case of MPSA that only provide for one-way communication, if the central monitoring station needs to speak to the victim, they have to telephone them.
51. Once the central monitoring station has validated the alarm, the central monitoring station then need to call Triple Zero and request emergency services. If the victim was able to call Triple Zero initially, it is likely that the process would be more efficient and that emergency services could be dispatched earlier. Additionally, the Triple Zero operator is able to locate the caller through caller line identification data from calls made from fixed lines, and mobile origin location information for calls made from mobile phones.
52. Victoria Police support effective strategies that improve safety for victims. Careful consideration should be given to the use of any MPSA to ensure that they do, in fact, increase the safety of victims. Victims should be fully informed of the benefits and limitations of MPSA so that they are not placed in further danger by acting under a false sense of security. A situation where a victim is placed at further risk by reliance on a MPSA, where a direct call to Triple Zero is a realistic option and would produce a quicker response, should be avoided. Additionally, development of any new programs or strategies must involve collaboration with emergency services to ensure that appropriate procedures are in place.

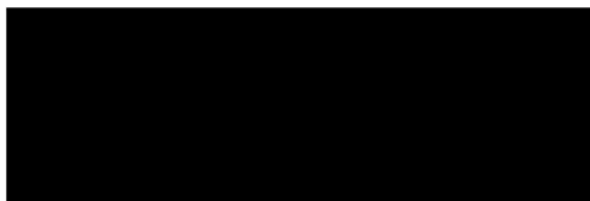
Signed by

PETER JAMES FERGUSON

at Melbourne

this 2nd day of December 2015


Before me



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