

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

**ATTACHMENT WS AH-8 TO JOINT STATEMENT OF ASSISTANT COMMISSIONER
WENDY MAREE STEENDAM AND SENIOR SERGEANT AILSA CAROLINE HOWARD**

Date of document: 3 August 2015
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This is the attachment marked '**WS AH-8**' produced and shown to **WENDY MAREE STEENDAM** and **AILSA CAROLINE HOWARD** at the time of signing their Joint Statement on 3 August 2015.

Before me:



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

Attachment WS AH-8

Victoria Police Manual – Procedures and Guidelines

Obtaining information from external organisations

Source Policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- **VPMP Crime reporting and investigations**

Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the **Professional and ethical standards** to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

Procedures and Guidelines

1. Overview

Victoria Police may obtain information from external organisations to assist investigations, subject to any applicable:

- approval requirements
- privacy and legal considerations
- technological capabilities
- costs.

2. Obtaining information through police inquiry services

2.1 *Conditions for access*

Victoria Police Manual - Guidelines – Obtaining information from external organisations

- Police should only access information from external organisations where it is reasonably necessary for a law enforcement purpose. This may include:
 - investigating a criminal offence
 - identifying missing or deceased persons
 - addressing a serious or imminent threat to public safety
- External organisations reserve the right to refuse information.
- Conditions relating to the terms of provision are detailed on each pro forma application form.
- Most information is provided on a user-pays basis.
- Once the information is obtained, it becomes Victoria Police information and is to be managed in accordance with information management Policy Rules, including:
 - **VPMP Information categorisation, collection and recording**
 - **VPMP Information use, handling and storage**
 - **VPMP Information sharing**
 - **VPMP Review, retention and disposal**
- Where a formal arrangement regarding information sharing exists with an external organisation, members are to comply with the requirements of the specific Memorandum of Understanding (MOU) or Protocol regarding the receipt, storage, and handling of the information obtained. For information on a current MOU or Protocol, contact Information Security, Information Management Standards and Security Division.

2.2 Obtaining information

Agency supplying information	Application process	Authority
Airline requests	Request For Information [Form 1419] - by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Ambulance services (except statements, refer section 3)	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Australian Securities & Investment Commission	Make request using the Request Management System (RMS)	Officer
Australian Customs Service	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
AUSTRAC	<ul style="list-style-type: none"> • Speak to TIO or Analyst first as many have access to AUSTRAC • If no analytical access, download <u>AUSTRAC Intelligence Product Request Form – In confidence</u> or 	Any Member

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Agency supplying information	Application process	Authority
	<u>AUSTRAC Intelligence Product Request Form – Protected</u> (depending on sensitivity of information requested)	
Australian Defence Force	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Australian Federal Police	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Australia Post (except warrants, refer to section 3)	RMS	Officer
Australian Taxation Office	ATO requests are to be forwarded to ICS-INTELLIGENCE LIASON-OIC in accordance with section 4	Refer to section 4
Births, Deaths & Marriages (State)	RMS	Officer
Births, Deaths & Marriages (interstate/overseas)	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Business Licensing Authority	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Business names (State)	RMS	Officer
Centrelink	RMS	Officer
Consumer Affairs Victoria	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Coroner's Court	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Corrections Victoria	<ul style="list-style-type: none"> Refer to Victoria Police Prisons Intelligence Unit intranet site for services Email request to ICS-PRISONS INTELLIGENCE-OIC 	Any member
Department of Foreign Affairs and Trade	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Department of Immigration and Citizenship	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Department of Sustainability and Environment	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Gaming enquiries	Form 1419 by email to ICS-SPORTING INTEGRITY INTELLIGENCE UNIT-OIC	Work Unit Manager

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Agency supplying information	Application process	Authority
Health Insurance Commission	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
Internet site requests	RMS	Officer
Interpol requests to overseas police services	Refer to section 6.2	Officer
Interstate and overseas law enforcement enquiries	Refer to section 6.2	Officer
Land Titles (State)	RMS	Officer
Medicare	RMS	Officer
Power industry providers	RMS	Officer
Telecommunications service providers. Standard investigations (non life threatening cases ie call records, subscriber details, IPNDE checks)	<ul style="list-style-type: none"> RMS Requests for information regarding politicians and journalists. Business Hours - The Officer should send a detailed e-mail seeking the authorisation to STAFF OFFICER-AC PSC-OIC. After hours-Contact the Assistant Commissioner, PSC via D24 for approval 	<ul style="list-style-type: none"> Officer Assistant Commissioner, Professional Standards Command (PSC).
Telecommunications service providers. Non Standard-Serious threat to life or health of a person (life threatening cases)	<ul style="list-style-type: none"> Make requests through the Police Shift Manager, Police Communications (D24) refer to VPMG Investigation support for criteria and process 	<ul style="list-style-type: none"> Officer/265
Transport Ticketing Authority (Myki use information)	Contact Information Services Unit	Officer
Transurban	RMS	Officer
Electoral Roll checks	Form 1419 by email to STATE INTELLIGENCE DIVISION-LIAISON-OIC	Work Unit Manager
VicRoads (Vehicle security register only)	Contact the VicRoads Personal Property Security Register on 1300 007 777	N/A
VicRoads (All other checks)	<ul style="list-style-type: none"> Licence Extracts [Form 209] Request for Registration Extracts [Form 209A] For further advice, contact the Drivers Licence & Registration Extracts Unit (business hours only) 	N/A

Further Assistance - Contact Information Services Unit or Intelligence Collection and Liaison Unit by telephone (business hours)

3. Direct enquiries to external organisations

When making a request for information to the following organisations, a record should be kept of the enquiry. All these requests require the authorisation of an Officer.

Agency supplying information	Type of request/application process
Ambulance services	Fax a request to the Freedom of Information Manager of the relevant ambulance service to arrange a formal interview from an ambulance officer for use as a court statement
Australia Post - warrants	A warrant is needed to intercept mail articles for examination (Part 7B, <i>Australian Postal Corporation Act 1989 (Cwlth)</i>)
CCTV operators	Refer section 8
Department of Human Services (DHS)	<ul style="list-style-type: none"> • Contact the Executive Director, Corporate Services when requiring information from DHS records relative to the investigation of an offence. This position will arrange the collection of the information. • Contact the Proper Officer when requiring service of a subpoena on an employee of DHS. This position will accept service of the subpoena.
Department of Health (DH)	<ul style="list-style-type: none"> • Contact the Director, Legal when requiring: <ul style="list-style-type: none"> - information from DH records relative to the investigation of an offence - service of a subpoena on an employee of DH • The Director, Legal will arrange the collection of the information or accept service of the subpoena.
Emergency Services Telecommunications Authority (ESTA)	<ul style="list-style-type: none"> • Make requests for police related recordings or documentation according to VPMP Operational duties and responsibilities. • Make other requests for information, recordings or documentation to the emergency service to which the information is applicable. • Information from ESTA CAD system given to police is confidential and can only be released to another party when either: <ul style="list-style-type: none"> - permission is granted by the emergency service who provided the information; or - the information forms part of a brief of evidence where proceedings have commenced, and there is a legislative or ethical requirement for disclosure.

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Agency supplying information	Type of request/application process
Family Court of Australia	<ul style="list-style-type: none"> • Access to Family Court records will only be granted for the investigation of conspiracy, perjury, or other serious indictable offence • Police wishing to access Family Court records are to: <ul style="list-style-type: none"> - prepare a report to support the need for access, to be signed by the OIC/WUM - contact the Registrar of the Family Court or Registry Manager to arrange viewing of documents - give a copy of the written report to the Registrar before viewing the document. • Any costs for obtaining transcripts will be charged against regional budgets.
Hospitals and health service providers	Refer to section 5
Victorian Taxi Directorate – taxi in car video	Refer to section 7

4. Australian Taxation Office

- Members may only seek information from the Australian Taxation Office (ATO) in relation to a serious offence or proceeds of crime order. Access will only be granted when charges have been laid or will be laid.
- Make the requests on a Request to Disclose Taxation Information to a Law Enforcement Agency form and specify details of the offence and nature of the information sought. The form is available from the Intelligence Collection and Liaison Unit (ICLU) intranet page.
- Send requests to the relevant Authorised Officer under Instrument of Authorisation Misc 15.1 for approval.
- The Authorised Officer directs emails requests to ICS-INTELLIGENCE LIAISON-OIC. The requesting police member will be directly advised whether the information will be disclosed.
- ICLU senior sergeant and sergeant positions have limited authority under Instrument of Authorisation Misc 15.1 to handle the authorised information via an electronic process with the ATO.
- Members should not disclose any information obtained through the above process as evidence in a criminal prosecution.
- Where there is any doubt about the permitted uses of the information seek advice from the Authorised Officer who facilitated the request.

5. Hospital and health service information

5.1 Definitions

- **Health service providers** – means an organisation that provides a health service in Victoria. It includes private practice medical practitioners, pharmacists, dentists and psychologists who are not working at a hospital or community health centre. Refer to s.3, *Health Records Act, 2001*.
- **Hospitals** – applies to public and private hospitals. This definition includes community health centres. Refer to s.141, *Health Services Act 1988*.
- **Mental health services and persons** – defined under s.120A, *Mental Health Act 1986*

5.2 Requesting information from hospitals, psychiatric services and community health centres

- Section 141, *Health Services Act, 1988* and s.120A, *Mental Health Act, 1986* restrict the release of patient health information from relevant health services and psychiatric services
- Legislation does not oblige hospitals or relevant psychiatric services to disclose information about an individual. However, Health Privacy Principle 2.2 provides circumstances where the disclosure of health information may be permitted as follows:
 - the patient consents
 - it is required, authorised or permitted by law
 - the giving of information concerning the condition of a patient is communicated in general terms
 - it is reasonably believed necessary to lessen or prevent –
 - serious or imminent threat to an individual's life, health, safety or welfare
 - a serious threat to public health, public safety or public welfare
 - it is to identify a dead or missing person
 - a special authority from the Minister of Health is obtained.

5.3 Requesting information from other health service providers

- Legislation does not oblige health service providers to disclose information about an individual.
- In addition to the circumstance listed above, health service providers may use or disclose health information if it is reasonably believed necessary for a law enforcement function and is not a breach of confidence (HPP 2.2(j)).

5.4 Medical release

When information from a hospital, psychiatric service or health service provider is required:

- Forward a report to the Director of Medical Services or equivalent
- Complete and attach an Authority to Release Medical Documents [Form 60] signed by the patient (and parent/guardian if a child)
- Provide patient with Health Information Collection Statement, as directed by Form 60. In urgent matters contact the hospital or health service provider by telephone. Form 60 is still required.

6. Interstate and overseas enquiries

6.1 Attendance overseas and assistance from overseas police services

- Members must liaise with the ICLU when they require assistance from external agencies.
- When members intend to travel overseas to conduct enquiries within an international policing jurisdiction the Australian Federal Police (AFP) must be contacted to ensure the correct processes are followed. This can be done through the email: International-Reception@afp.gov.au
- It is advised that the AFP are informed of arrangements for non-operational overseas travel via the above contact point.
- Some travel or investigative purposes will require approval from the Attorney General's Department. The AFP can advise of these requirements on a case by case basis and facilitate the application process.
- For further information regarding the AFP role in overseas enquiries see the website of <http://www.afp.gov.au/policing/international-liaison.aspx>

6.2 Enquiries from interstate and overseas police services

- All requests for interstate/overseas investigation or enquiries, including Mutual Assistance Requests, are to be accompanied by a completed Referral of Information to an External Organisation [Form 1418]. Form 1418 must be authorised by the Work Unit Manager.
- The request should contain sufficient information (victim statement /information report etc) to enable an investigation by authorities in the other jurisdiction. The request may be scanned and emailed to STATE INTELLIGENCE DIVISION-LIAISON-OIC or sent by mail.
- For further information contact the ICLU.

6.3 Requests for overseas antecedents

To establish the international antecedents of an arrested person or person coming under police notice prepare a report which includes information on the:

- person and any documentation (e.g., passport, etc)
- person's travel movements
- submit the report, together with one set of fingerprints and any available photographs of the person, to the Manager, Fingerprint Section, for attention.

7. Obtaining information from taxi-cab in-car security camera system

7.1 Authorised purposes for use

Taxi-cab in-car security camera systems digitally record visual images within a taxi-cab. An external camera may also be fitted which may capture images outside the taxi. These images may only be used for the following authorised purposes:

- for investigation, enforcement or prosecution of an incident in or about the taxi cab that:
 - is an indictable offence, or an offence against the *Firearms Act, 1996* or a summary offence against the person eg: Unlawful Assault or Breach of Intervention Order; or
 - involves unlawful activity or risk to safety that is not an indictable offence under the *Crimes Act, 1958*, or an offence against the *Firearms Act, 1996*, or a summary offence against the person.
- where it is believed on reasonable grounds that the recorded materials will assist in the investigation, enforcement or prosecution of an indictable offence, or an offence against the *Firearms Act 1996*, or a summary offence against the person.

7.2 Obtaining stored images - general

- Where the investigating member wishes to obtain images for an authorised purpose and to assist their investigation, they should complete:
 - an Authority for Access to Information from Taxi-Cab In-Car Security Camera System [Form 1045]
 - appropriate LEAP forms.
- Only the Victorian Taxi Directorate (VTD) officer may download the images stored within the system's memory. Contact the VTD Enforcement Unit directly, or after hours through the Police Communications (D24).

7.3 Obtaining stored images

- Where driver is incapacitated – where an incident occurs in or about a taxi-cab which is an indictable offence or an offence against the *Firearms Act 1996*, or a summary offence against the person and the driver is incapacitated, the authority of the Divisional Patrol Supervisor is required to authorise the attendance of a VTD officer via the PCC.
- Where driver is not incapacitated – where an incident occurs in or about a taxi-cab which is an indictable offence or an offence against the *Firearms Act 1996*, or a summary offence against the person and the driver is not incapacitated the driver should:
 - report incident to police
 - take the taxi-cab to the nominated download station
 - assist the VTD operator selecting the images relevant to the incident
- For indictable offences or offences against the *Firearms Act 1996*, the investigating police member should accompany the taxi-cab to the nominated location and obtain relevant images as necessary.
- Authorisation for a download is to be obtained from the Divisional Patrol Supervisor.

7.4 Taxi-cab unable to be driven

Where required by police or where a taxi-cab cannot be driven, the investigating member may request a VTD officer to download the images on-site or remove the camera system's storage unit. The operator is to:

- hand the unit to police; or
- secure the unit until advised by the investigating police member that it is no longer required.

7.5 Obtaining images to investigate other offences

Images cannot be obtained unless it is in relation to an authorised purpose as specified above.

7.6 Transportation of evidence envelopes

The person who is the subject of the LEAP incident report should not be used to transport the evidence envelope from the download facility to the investigating member.

7.7 Recording procedure

- Record details of the request and receipt of the images from the VTD officer in the Case Narrative of the relevant LEAP incident.
- Work Unit Managers are to ensure completed copies of the Form 1045 are filed and maintained for audit purposes.

- When the images are received on compact disc, the receiving police member is to:
 - complete the appropriate section on the evidence envelope. If the evidence envelope seal is broken, notify the Inspector Road Policing by report
 - record and store the discs as exhibits in accordance with **VPMP Property management**.

7.8 Release of information

- Generally, recorded information should only be released to the media to gain public information in respect to the identity of a suspect or offender. Where there is a need to release images downloaded from an in-car security system to the media:
 - consult the Media Unit before releasing any information. Refer to **VPMG Release of information to the media**
 - a Work Unit Manager is to approve the release, in accordance with **VPMG Release of information to the media**
 - obtain the written consent of identifiable individuals in the recorded material, unless this would jeopardise the investigation or increase the risk to safety
 - the released images and/or information should relate to the offence under investigation only, and not to the operation or security of the in-car security camera system.
- Crime trend and pattern data between Victoria Police and the VTD may be exchanged - refer to **VPMP Information sharing**.

7.9 Disposal/destruction of images

When no longer required for investigative or court purposes, dispose of any compact disc or product (e.g. printed material) containing images obtained from the taxi in-car security camera, in the following manner:

- No brief submitted (investigation only) - treat as unclaimed property and mulch, shred or destroy the disc and printed images in line with local instructions. Refer to **VPMP Property management** for details.
- Brief submitted – attach disc and any printed images to the brief and destroy with brief in normal manner.

8. Obtaining information from public area CCTV

8.1 Access to general CCTV footage

- Videotapes, photographs, information and images remain the property of the CCTV operators.

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- Police applying to view, obtain or copy a videotape (or master copy) or any other recorded material should contact the relevant site. Refer requests from the public or other parties to the CCTV owner.
- The footage must be handled in accordance with **VPMP Digital asset management**.
- As a general rule, employees should not release any CCTV information to the media or other members of the community. Release should only occur after agreement with CCTV owners and generally, will only be in order to gain public information in respect to the identity of a suspect or offender.
- Exchange of crime trend and pattern data with CCTV operators is encouraged, subject to the conditions in **VPMP Information sharing**.

8.2 Access to railway station CCTV tapes

- Railway staff will only give tapes to a member of the Transit Safety Division (TSD). Police members requesting to view or access a tape are to contact the CCTV Analyst, Divisional Support Group, TSD, or after-hours the TSD Duty Sergeant.
- Tapes can only be viewed at the TSD.
- Tapes are retained for 14 days before they are recycled. If held at the TSD, they will be kept for 60 days unless other arrangements are made.

Further Advice and Information

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

Update history

Date of first issue	22/2/10	
Date updated	Summary of change	Force File number
16/08/10	Police Communications (D24) included in table at section 2 as the agency for obtaining information from telecommunications service providers in life threatening cases (Section 2).	063571/10
22/02/11	Introduction of the requirement for all CCR requests involving journalists and politicians to be authorised by the Assistant Commissioner, PSC (Section 2)	066038/10
10/04/12	Section 3 – Amendments to the process for authorised requests for information from the	040944/05

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	Australian Taxation Office with the introduction of an electronic process	
13/08/2012	Complete review of guidelines to streamline and update requirements, reflect organisational change and introduce greater accountability in regard to requests for information from external organisations	066132/11
21/01/13	Updated to reflect organisational governance and structural changes.	FF-074790
11/06/2013	Table at section 2.2 updated to clarify telecommunication record requests.	067539/11
18/11/13	References to redundant instruments following IMSSD review have been updated with corresponding new instruments.	069562/11
01/07/14	Legislative references updated due to commencement of <i>Victoria Police Act 2013</i>	FF-079620
16/03/15	Clarification of the approval process for overseas travel for operational purposes	FF – 066132/11