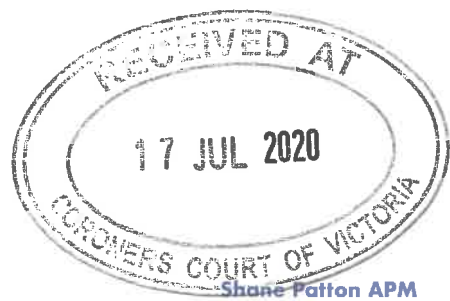




VICTORIA POLICE



Shane Patton APM
Chief Commissioner of Police

Victoria Police Centre
637 Flinders Street
Docklands Victoria 3008 Australia
Telephone +61 3 9247 6868

P.O. Box 913
Melbourne Victoria 3001 Australia

Our Ref: LEXD 11993

Deputy State Coroner Caitlin English
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Subject: Tanya Louise Day - Finding into death with Inquest
Court Reference: COR 2017 6424
Date of Recommendations: 9 April 2020

Dear Coroner English,

Victoria Police response to recommendations arising from Finding into the death of Tanya Louise Day

This document provides the response to your recommendations as they relate to Victoria Police, arising from the Finding into the death of Tanya Louise Day, delivered on 9 April 2020.

Recommendation 3: *That the Victoria Police Manual Rules and Guidelines be amended to include a falls risk assessment as part of the detainee risk assessment for each person in custody who appears to be affected by alcohol or drugs or illness.*

Since the death of Ms Day, a range of activities, initiatives and training have been implemented to mitigate the risk of a similar death or injury of a person in police custody.

These include (but are not limited to) the following.

- Additional mandatory training on the Victoria Police Learning Hub (VPLH) relating to the management of persons in police care or custody.
- Amendments to the Victoria Police Manual (VPM) "Persons in Police Care and Custody" and subordinate Victoria Police Manual Guidelines (VPMG).
- The introduction of a computerised and standardised Detainee Risk Assessment (DRA) which includes:
 - a specific and standalone risk assessment of persons lodged in custody for being found drunk in a public place;
 - introduction of the COMA Scale to all DRAs; and

- based on the Coma Scale and other facets of the DRA – minimum mandatory observation levels.
- Automatic notification (via email) to the Custodial Health Advice Line (**CHAL**) of all DRAs. CHAL is staffed 24/7 by qualified nurses who triage the DRA and prioritise any resulting care of medical needs of a person in police custody.
- CHAL can (where appropriate) arrange for any at risk person in custody to be:
 - checked via phone consultation;
 - taken to hospital;
 - prioritised for visitation by Custodial Health Staff
 - given appropriate medical care; or
 - a combination of the above.

Future activities planned to improve the safety and wellbeing of persons in police custody include:

- a holistic review of all police manual policy and guidelines to simplify, standardise and modernise all content;
- a review of phase one and implementation of phase two of the DRA to align policies, practices and procedures used by Victoria Police to manage the welfare of persons in police care and custody;
- Further mandatory training modules within the VPLH for custodial staff;
- ongoing review of foundation and promotional training of police, Police Custody Officers (**PCO**) and Protective Services Officers (**PSO**) for persons likely to be under the influence of drugs, alcohol or illness.

In relation to the specific recommendation by the Coroner that the VPM be amended to include a “falls risk assessment” Victoria Police has:

- started examining interstate and international practices to best understand what assessment might be undertaken by custodial staff, and the guidance and instructions provided to staff resulting from that assessment; and
- identified positions for questions and/or assessment tools within the current DRA. The DRA was designed with some flexibility, for example the current DRA was modified to include the current COVID-19 screening questions.

Recommendation 4: That there be a review of training and education within Victoria Police regarding the findings and recommendations of the Royal Commission into Aboriginal Deaths in Custody to ensure knowledge and appropriate compliance.

Victoria Police accepts Recommendation 4 and to that end will review training in the context of the RCIADC recommendations and report on specific training that has been, or is planned to be implemented, that seeks to enhance members cultural awareness and encounters with the Aboriginal

community. Examples of current training or key initiatives adhering to the RCIADC recommendations include:

- Revised Aboriginal Cultural Awareness Training to enable consistency in messaging, accreditation for recording compliance and adaptable for local input; and
- Professional Development Command suite of Aboriginal Cultural training within different courses/stages of policing.

Recommendation 5: That training be implemented for all Victoria Police custody staff regarding the Victoria Police Manual Rules, Guidelines and local police station Standard Operating Procedures regarding the mandatory requirements applicable for the safe management of persons in police care or custody.

Victoria Police notes no findings were made to suggest the members had inadequate knowledge of or training in the relevant VPM rules and guidelines or local station Standard Operating Procedures regarding the safe management of persons in police care or custody.

There are several courses on the VPLH relating to the management of persons in police care or custody. These courses are targeted to custody staff based on their level of involvement in supervising or managing persons in custody. These levels are mandated by VPMP Persons in Police Care or Custody as follows:

Course	Required to complete course
PPC Custody: All Staff 2019	All members and PCOs involved in managing or supervising persons in care or custody up to and including Inspectors.
PPC Custody: Custody Staff 2019	All members and PCOs up to and including Inspectors who work in, or are involved with, detention facilities (including members performing 265 and 150 shifts) must also complete this course.
PPC Custody: SPCOs and Police Managers 2019	All members from the rank of Sergeant up to and including inspector and Supervising PCSs must also complete this course.
Persons in PSO care or custody 2019	All PSOs

In response to the Coroner's recommendation from the Inquest into the death of Michael Darmody in 2017, the VPLH courses were reviewed and updated to include information on the medical checklist and the ISOBAR system of communicating health information. Updated versions of these courses were made available in 2019 and are a mandatory element of foundation training for sworn members and PCOs and certain promotional programs.

In April 2020, Executive Command mandated the compulsory completion of these courses to ensure they were undertaken by all relevant employees and not just those undergoing foundation or promotional training. It is expected that all custody staff will have completed the relevant course(s) by the end of 2020.

Victoria Police is satisfied the updated courses provide adequate instruction for VP custody staff regarding the current VPM and VPMGs. These courses will be reviewed following any future policy changes.

Training is not provided in the local Standard Operating Procedures (SOP). The purpose of the SOPs is to provide a more localised level of detail in line with the VPM and centralised training is incompatible with this approach.

With regard to training in relation to the VPM and VPMG, Victoria Police will continue to monitor completion rates and will consider the need for further communication activities to reinforce the mandatory completion of these courses.

With regard to the Station SOPs, Victoria Police will remind Station Commanders of the importance of reviewing and updating their SOPs regularly to ensure they align with the VPM, and to ensure all custody staff are provided with a copy upon commencement of their role.

Recommendation 6: That training be implemented within Victoria Police regarding the medical risks of individuals affected by alcohol.

All police members receive training regarding risks of individuals affected by alcohol, including the risk of driving while intoxicated; the links between alcohol and violence; and alcohol and accidental injury. Members are also trained in assessing and responding to individuals according to the Coma Scale.

The Custodial Health Service (CHS) currently provides training to commencing PCOs and Supervising Police Custody Officers (SPCO) covering a broad overview of the health risks in custody and the role of CHS in providing support in addition to direct clinical care. CHS also provides regular engagement through training days at all PCO locations across Victoria. The content varies on demand to meet the current needs in each area, and over the course of the year has included training on how to care for individuals affected by alcohol and other intoxicating substances.

CHS will work with People Development Command to assess the specific training needs for Victoria Police members and employees specific to their roles, responsibilities and likely engagement with individuals affected by alcohol, noting the recipients of this training are not health professionals. Once identified, these training needs will be developed into targets for deliverable training packages for all relevant employees.

It is noted the Victorian Government is moving towards a public health, rather than a law enforcement response to public drunkenness. The proposed roles and responsibilities of Victoria police within the proposed public health model have not yet been made explicit. These future roles and responsibilities need to be understood before a complete assessment can be made on future training requirements.

Recommendation 7: That Victoria Police request the Victorian Equal Opportunity and Human Rights Commission to conduct a section 41(c) review of the compatibility of its training materials with the human rights set out in the Charter.

Victoria Police agrees to engaging VEOHRC pursuant to s.41(c) of the Charter for the purpose of reviewing the training provided to Police and Police Custody Officers regarding human rights and custody, particularly the protection of Aboriginal Cultural Rights (s.19(2) Charter) and humane treatment when deprived of liberty (s.22), and provide a contemporary education package that promotes the protection of these rights.

I trust this advice clarifies the position of Victoria Police in respect to your findings in this matter.

Yours sincerely



Shane Patton APM
Chief Commissioner

14/7/20