



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: LEX22372

Coroner Simon McGregor
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Subject: Darren James Brandon - Finding into death with inquest
Court Reference: COR 2018 2778
Date of Recommendation: 6 April 2020

Dear Coroner McGregor

Victoria Police response to recommendations arising from the Inquest into the death of Darren James Brandon

This document provides the response to your recommendations directed towards the Chief Commissioner of Police arising from the Inquest into the death of Darren James Brandon, delivered on 6 April 2020. Victoria Police's response to your Finding is set out below.

RECOMMENDATIONS TO ALL INSTITUTIONAL PARTIES

Recommendation 1

To enhance existing continuity of care, the various custodial health stakeholders train their staff about what information on their systems is visible to other stakeholders.

Victoria Police supports this recommendation.

As part of the induction and orientation of new clinical staff into Custodial Health Services (CHS), staff are trained on custody related risks including suicide, self-harm, violence, placement, medical and psychiatric risks. Staff are trained on how the risks are used, the requirement for a detailed commentary to be included upon the creation of a risk, and how the risks created by either Corrections Victoria or Victoria Police are visible to both agencies.

This training is reiterated when staff receive access to *The Custody Module Staff*, during internal staff training days and as nurses move into other roles within CHS.

In order to enhance the existing continuity of care, Victoria Police has now included this training as part of the annual competencies training which all CHS staff are required to complete.

Recommendation 2

Given that forensic clinicians have indicated that they would be most assisted by being able to obtain all necessary information from a single database, the interested institutional parties in this inquest, and such other stakeholders as they determine necessary for an effective review process, including but not limited to Justice Health, should meet to consider the viability of such an innovation, and report back to me once they have done so.

The Coroner's recommendation is under consideration by Victoria Police.

Discussions with Justice Health have already commenced on the feasibility of this recommendation. Concerns raised to date include the sharing of medical information with a law enforcement agency and how this may compromise the quality of care to persons in custody. Alternative options such as a separate or compartmentalised record with direct links is preferred, thus enabling sharing of appropriate information whilst protecting privacy.

Victoria Police is committed to ongoing discussions with Justice Health and other appropriate stakeholders regarding this recommendation; however understands that currently there are certain limitations that may impact upon the feasibility of this recommendation being implemented. Victoria Police will continue to engage with Justice Health on this matter as appropriate.

RECOMMENDATIONS TO THE CHIEF COMMISSIONER OF POLICE

Recommendations 3 and 4

Whilst a suspect remains self-represented, contact details of identified support people must be passed along to each subsequent informant and the ultimate prosecutor, so that prosecutor is able to assist the Court in the manner it will expect.

In recognition of the inherent vulnerability of people taken into Police custody, the Commissioner revisit the relevant parts of the Victoria Police Manual with a view to ensuring all relevant information in the possession of Victoria Police is conveyed to the police prosecutor.

Victoria Police supports these recommendations.

Victoria Police Policy¹ already sets out the information to be provided by the informant to the police Bail Decision Maker (BDM) and includes making enquiries as to the accused's personal circumstances, identifying any special vulnerabilities² and informing the BDM of any support services or advice obtained in the attendance or interview process. The informant is then required to complete Form 1372 (attachment A) and Form 286 (attachment B), which is provided to the prosecutor.

¹ Item 7.1 of VPM – Bail and Remand

² As set out in the *Bail Act 1977* (Vic) s 3AAA(1)(h)

Whilst the current forms allow for identification via check box as to the accused's status as a vulnerable person, Victoria Police is currently considering appropriate amendments to include a field for the contact details of any known support persons.

Victoria Police notes the current mechanism for recording information pertaining to an accused is in a dossier on LEAP. Victoria Police maintains that LEAP remains the best available repository for information such as support people because it is a database which is accessible to all police members.

Victoria Police is considering the implementation of a Remand Liaison Officer (RLO) at every court complex. The RLO pilot program (run at the Heidelberg Magistrates' Court) demonstrated how this role provided an opportunity to ensure that the best possible information is being brought before the BDM in every case. The RLO ultimately becomes an expert at utilising information such as the LEAP dossier. They learn to anticipate the expectations of the BDM, draw relevant information from various sources and present that information as a professional witness. This provides a level of consistency in information available to the various prosecutors and informants for suspects with multiple court appearances.

Recommendation 5

That police custodial officers be directed that, upon receipt of remand documentation for a prisoner issued by a court, that they immediately note and act upon any custodial management issues noted on the documentation, including by bringing any health or suicide or self-harm risk issues to the notice of CHS.

Victoria Police supports this recommendation.

In December 2019, advancements to the existing detainee risk assessment were implemented. Now, each person lodged into custody has an electronic detainee risk assessment completed which automatically gets sent through to Custodial Health, thereby bringing any health or suicide or self-harm risks to their attention. These risk assessments are updated every time a prisoner gets transferred, or there is an incident, or their circumstances change.

The Custody Management Division of Victoria Police will continue to review and revise the current detainee risk assessment.

Recommendations 6 and 7

That the Chief Commissioner of Police ensure that current and future health care providers and administrators receive training on how the applicable continuity of care policies are to be complied with whilst they fulfil their respective responsibilities.

That CHS implement a procedure for the electronic transfer of HEALTHe records upon the handover of a prisoner from police custody to a prison, whenever the transfer occurs.

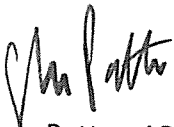
Victoria Police supports these recommendations.

Since November 2019, a number of practices have changed within CHS pursuant to the sharing of clinical information and ensuring continuity of care with Corrections Victoria and Youth Justice Prisons.

Health reports are generated on the day for prisoners identified on the Custody Operations 'Move List' from police cells into prisons. These Health reports are then emailed directly to Corrections and Youth Justice receiving prisons, including; Metropolitan Assessment Prison, Metropolitan Remand Centre, Ravenhall Correctional Centre, Dame Phyliss Frost Centre, Port Phillip Prison and the Parkville Youth Justice Centre. This information is forwarded to recipient email addresses which have been provided to CHS by the respective facilities. This information is emailed seven days a week. On weekdays this responsibility lies with CHS Health Information Staff and on weekends with the CHS Nurse Manager.

All CHS employees responsible for the transfer of information receive training on fulfilling and complying with these responsibilities. Further, this process has been formalised within the Standard Operating Procedures (**SOPs**) which all CHS staff have access to.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shane Patton', written in a cursive style.

Shane Patton APM
Chief Commissioner of Police

Preliminary Brief - Remand/Bail Application

Accused () v Informant ()

PERSONAL DETAILS OF THE ACCUSED

Occupation: _____ Marital Status: Married Separated De facto Single

Dependants: No.: _____ Ages: _____

Financial /
Home
Environment
Details:

IF BAIL IS OPPOSED

Is the accused of Aboriginal and/or TSI descent: Aboriginal T.S.I. Both Neither Not stated/unknown

Is the accused a child [Under 18 years]: Yes No

Is the accused a vulnerable adult [s.3AAAA]: Yes No

If yes, is the matter to be heard by a Bail Justice: Yes No N/A

If the accused is a child and does not have legal representation, has DHS Youth (BH) or CAHABPS (AH) been notified: Yes No N/A

Family Violence Risks [s.5AAAA]

[NOTE: A bail decision maker considering the release of the accused on bail must make inquiries as to whether there are any orders in force].

(1) Is there in force:-

(a) a family violence intervention order made against the accused; or Yes No

(b) a family violence safety notice issued against the accused; or Yes No

(c) a recognised domestic violence order [DVO] made against the accused? Yes No

Details:

Surrounding Circumstances Considerations [s.3AAA]

[NOTE: A bail decision maker must take into account all the circumstances that are relevant to the matter]

(2) Has the accused expressed support for [s.3AAA(m)]:

(a) the doing of a terrorist act ?**OR** Yes No

(b) a terrorist organisation? **OR** Yes No

(c) the provision of resources to a terrorist organisation? Yes No

Details:

(3) Does the accused have, or have they had, an association with [s.3AAA(n)]:

(a) another person or a group that has expressed support of the kind referred to in Q.2 (a)-(c) above? **OR** Yes No

(b) another person or a group that is directly or indirectly engaged in, preparing for, planning, assisting in or fostering the doing of a terrorist act?; **OR** Yes No

(c) a terrorist organisation? Yes No

Details:

Preliminary Brief - Remand/Bail Application

Accused () v Informant ()

Surrounding Circumstances Considerations Continued [s.3AAA]

(4) In regards to the **strength of evidence** against the accused [s.3AAA(b)]:

(a) has the accused made any **admissions**?

Yes No

Details:

(b) is there any **identification evidence**?

Yes No

Details:

(5) What is the **attitude or likely attitude of the alleged victim** to the accused being granted bail? [s.3AAA(j)]

Details:

(6) If the accused is charged with causing injury to a person, what is the **extent of the victim's injuries**? [s.8B]

Details:

(7) Is there currently a **FVIO, FVSN or recognised DVO in force** against the accused? [s.3AAA(f)(i)(ii) (iii)]

Yes No

Details:

(8) If the accused has been subject to previous bail conditions, what is the history of compliance with the conditions?

Details:

(9) Has the accused been charged with a **Drug offence**?

Yes No

(a) What type of drug is involved?

(b) What quantity is involved?

(c) Has there been any drug analysis to date?

Yes No

Details:

Preliminary Brief - Remand/Bail Application

Accused () v Informant ()

Step 1 - Exceptional Circumstances Test [s.4A]

A bail decision maker must refuse bail for a person accused of a Schedule 1 or other offence unless satisfied that exceptional circumstances exist that justify the grant of bail [s.4A(1A)].

Note: Only a Court can grant bail to a person accused of a:-

- Schedule 1 offence; or
- Schedule 2 offence and the accused has a terrorism record

A Police Officer or Bail Justice can grant bail to a person [or in certain circumstances where the accused is a Child, Vulnerable Adult or Aboriginal Person] where the person has:-

- committed an indictable offence, **OR** conspired to commit an indictable offence, **OR** committed an offence against the **Bail Act 1977** (Items, 1, 30 and 31 of Schedule 2)
AND
- at the time they committed it they were either on bail, on summons, at large awaiting trial or subject to a CCO or a parole order for a Schedule 1 or Schedule 2 offence (Item 3 of Schedule 1).

(10) Has the accused been charged with an offence listed within **Schedule 1 of the Bail Act 1977?** Yes No

Details:

(11) Has the accused committed a **Schedule 2 offence** and the accused has a **terrorism record [s.4AA (2)]** Yes No

Details:

(12) Has the accused committed a **Schedule 2 Item 1 or Item 30 offence (or in the case of a Child, Vulnerable Adult or Aboriginal Person any Schedule 2 offence)** that is alleged to have been committed by the accused **[4AA(2)(c)] :-**

- (a) while on bail for any Schedule 1 or Schedule 2 offence? Yes No
- (b) while subject to a summons to answer a charge for any Schedule 1 or Schedule 2 offence? Yes No
- (c) while at large awaiting trial for any Schedule 1 or Schedule 2 offence? Yes No
- (d) during the period of a community correction order made in respect of the accused for any Schedule 1 or Schedule 2 offence or while otherwise serving a sentence for any such offence? Yes No
- (e) while released under a parole order made in respect of any Schedule 1 or Schedule 2 offence? Yes No

Details:

(13) Has the accused been charged with an offence of conspiracy to commit, incitement to commit or attempting to commit an offence against Schedule 2 - Item (1) or Schedule 2 - Item (30) **[4AA(2)(d)]:-** Yes No

Details:

Preliminary Brief - Remand/Bail Application

Accused () v Informant ()

Step 1 - Show Compelling Reasons Test [s.4C]

A bail decision maker must refuse bail for a person accused of a Schedule 2 offence, or any offence where the accused has a terrorism record, unless satisfied that a compelling reason exists that justified the grant of bail.

Only a Court can grant bail to a person who is already on two counts of bail for indictable offences **AND** has committed any Schedule 2 offence **EXCEPT**:-

- An indictable offence committed whilst on bail, summons, at large awaiting trial, during a CCO or a parole order (Schedule 2 - Item 1 offence [Refer Question 15]); **OR**
- An offence against the **Bail Act 1977** (Schedule 2 - Item 30 offence [Refer Question 16]); **OR**
- An offence of conspiracy to commit, incitement to commit or attempting to commit an Item 1 or Item 30 offence (Schedule 2 - Item 31 [Refer to Question 17]).

Police can still grant bail in these circumstances if the accused is a Child, a Vulnerable Adult or an Aboriginal Person.

(14)	Has the accused been charged with an offence/s listed within <u>Schedule 2 of the Bail Act 1977?</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Details: <input style="width: 80%;" type="text"/>		
(15)	Has the accused committed an indictable offence that is alleged to have been committed:- [Schedule 2- Item (1)]		
	(a) while on bail for another indictable offence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	(b) while subject to a summons to answer a charge for another indictable offence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	(c) while at large awaiting trial for another indictable offence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	(d) during the period of a community correction order made in respect of the accused for another indictable offence or while otherwise serving a sentence for another indictable offence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	(e) while released on a parole order?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Details: <input style="width: 80%;" type="text"/>		
(16)	Has the accused been charged with an offence against the Bail Act 1977? [Schedule 2- Item (30)]		
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Details: <input style="width: 80%;" type="text"/>		
(17)	Has the accused been charged with an offence of conspiracy to commit, incitement to commit or attempting to commit an offence referred to in Question 15 or 16 (directly above) [Schedule 2 -Item (31)]		
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Details: <input style="width: 80%;" type="text"/>		
(18)	Has the accused been charged with an offence that is neither a Schedule 1 or Schedule 2 offence but the accused has a terrorism record? [s.4AA(4)]		
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Details: <input style="width: 80%;" type="text"/>		

Step 2 - All Offences - Unacceptable Risk Test.

[NOTE: Step 2 for both Exceptional Circumstances Test (s.4B) and Show Compelling Reason Test (s.4D). Also an All Offences Test (s.4E)]

(19)	Is there an unacceptable risk that the accused, if granted bail would:-		
	(i) Endanger the safety or welfare of any person?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Details: <input style="width: 80%;" type="text"/>		
	(ii) Commit an offence while on bail?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Details: <input style="width: 80%;" type="text"/>		
	(iii) Interfere with witnesses?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Details: <input style="width: 80%;" type="text"/>		
	(iii) Obstruct the course of justice?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Details: <input style="width: 80%;" type="text"/>		
	(iv) Fail to appear on bail?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Details: <input style="width: 80%;" type="text"/>		

Preliminary Brief - Remand/Bail Application

Accused () v Informant ()

Victim Notification

- 1. Victim/s have been notified of the bail/remand application: Y N
- 2. Victim/s have requested notification of outcome of application: Y N
- 3. There is concern for the victim's safety: Y N
- 4. Is the victim protected by an intervention order: Y N

Checked by Supervisor: _____ Date: _____

Prosecutor to complete in absence of Informant:

If Yes to Q2 or Q3, Informant's OIC notified of outcome by email on (time/date): _____ by (Reg. No.): _____

If Yes to Q3, Informant's OIC notified of outcome by telephone on (time/date): _____ by (Reg. No.): _____

Record of Police Bail Decision

Accused () v Informant ()

BAIL GRANTED [Complete Below & Bail Granted Details] **BAIL REFUSED** [Complete Below & Bail Refused Details]

Bail Decision Maker

Charges and Disposition are Authorised in the Circumstances: Yes No

Name: _____ Signature: _____

Rank / Reg. No.: _____

BAIL GRANTED DETAILS

- For any Schedule 2 offence you must complete a VP 497 Statement of Reasons for Granting Bail
- If objection is taken to the amount of bail fixed or conditions of bail you must complete and serve on the accused a VP 467 Statement For a Person in Custody When Bail is Refused or Objection to the Amount Fixed or Conditions of Bail. Within ordinary court sitting hours bring the arrested person before the court. Outside ordinary court sitting hours call a Bail Justice.

Bailed to Court: _____ Date: _____

BAIL REFUSED DETAILS

Date Bail Refused: _____ Time Bail Refused: _____

Reason/s for Refusing Bail:

Proposed Court Details

Court: _____

Court Date: _____ Court Time: _____

The Accused Is a Child, Vulnerable Adult or Aboriginal Person:

- Yes** => Accused **MUST** be brought before a Bail Justice as soon as **practicable**
=> Complete and serve a Form VP 467
- No** => Refer to "All Other Persons" section below

All Other Persons:

If the Accused **CAN** be brought before the Court within 48 Hours from the Date / Time Bail was refused:-

- Police can remand the accused in custody. No Bail Justice is required.
- Police must complete and serve a VP 467A Statement For a Person When Remanded By Police

If the Accused **CANNOT** be brought before the Court within 48 Hours from the Date / Time Bail was refused:-

- The Accused **MUST** be brought before a Bail Justice as soon as practicable
- Police must complete and serve a VP 467

Bail Justice Details

Date Bail Justice Called: _____ Time Called: _____

Name: _____ Time Attended: _____

Outcome: Bail Granted Bail Refused / Remand

Note: A copy of this "Record of Police Bail Decision" must be filed with the charges.

Preliminary Brief - Remand/Bail Application

Accused () v Informant ()

BAIL HEARING No.1

Heard at Court/other venue: _____ Date: _____

Was bail applied for: Yes No

Was the accused legally represented in this bail application: Yes No

Magistrate's/Bail Justice name: _____

Prosecutor's/Informants name: _____

Defence counsel's name: _____

Independent Third Person/Parent/Guardian/Interpreter: _____

REMAND DETAILS (if any):

Remanded to Court: _____ Date: _____

Magistrate's reason for refusing bail: _____

BAIL DETAILS (if any):

Bailed to Court: _____ Date: _____

Conditions of Bail: _____

BAIL HEARING No.2

Heard at Court/other venue: _____ Date: _____

Was bail applied for: Yes No

Was the accused legally represented in this bail application: Yes No

Magistrate's/Bail Justice name: _____

Prosecutor's/Informants name: _____

Defence counsel's name: _____

Independent Third Person/Parent/Guardian/Interpreter: _____

REMAND DETAILS (if any):

Remanded to Court: _____ Date: _____

Magistrate's reason for refusing bail: _____

BAIL DETAILS (if any):

Bailed to Court: _____ Date: _____

Conditions of Bail: _____

Preliminary Brief - Statement Made By Informant

Accused () v Informant ()

Accused

Name	Family Name		Given Names	
	Sex	Date of Birth	Prior Convictions	

Informant

Name	Family Name		Given Names	
	Rank			Reg. No.
	Work Location			Telephone

Co-Accused

Name	Family Name		Given Names		Sex	Date of Birth

Orders / Applications

Forfeiture / Disposal			
Forfeiture Order required and form attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Witness Costs / Restitution / Compensation			
Witness costs, restitution or compensation sought and form attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Forensic Procedures (Crimes Act 1958)			
Application for forensic sample and form attached - S.464ZFB or ZGF [Juvenile Only]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Application for forensic sample and form attached - S.464ZF(2) or ZF(2AAA)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Sex Offender Registration			
Proposed action against the accused and form attached	<input type="checkbox"/> Mandatory	<input type="checkbox"/> Discretionary	<input type="checkbox"/> N/A
Contravention of Suspended Sentence			
If found guilty accused contravenes a suspended sentence and charge attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Exclusion Order (Section 89DE Sentencing Act 1991)			
Application for Alcohol Exclusion Order sought and form attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Exclusion Order (Part 8A LCRA 1998)			
Application for an Exclusion Order sought and form attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Motor Vehicle Impound Orders (Road Safety Act 1986)			
Forfeiture order for motor vehicle and form attached - S.84U(1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Impoundment / immobilisation order and form attached - S.84U(1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Forfeiture order for substituted motor vehicle and form attached - S.84V(1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Impoundment / immobilisation order for substituted motor vehicle - S.84U(1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Immediate Permit / Licence Suspension (S.51 Road Safety Act 1986)			
Accused permit / licence suspended and form attached (prosecution copy)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Date of service of notice on the accused	<input type="text"/>		
Does the victim want to provide a victim impact statement	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Victim impact statement attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Other (Specify)			
<input type="text"/>			

Note: Actual applications / orders are only attached to prosecution copy of the brief

Preliminary Brief - Statement Made By Informant

Accused () v Informant ()

Statement of alleged facts

Description of alleged offence(s) with reference to supporting evidence. Where relevant provide a description of the background and consequences of the alleged offence.

Statement made by accused

Relevant explanations provided by accused including statements of admission, mitigation or remorse (include direct quotes where practicable)

Preliminary Brief - Statement Made By Informant

Accused () v Informant ()

Witness list

No.	Name	Evidence	Statement Obtained	Document Attached
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1				
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Preliminary Brief - Statement Made By Informant

Accused () v Informant ()

Exhibit list

No.	Exhibit Description	Produced By	Exhibit Relevance	Police Possession
1				

Preliminary Brief - Statement Made By Informant

Accused () v Informant ()

Acknowledgment

I acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.

Signature

Signature of person making acknowledgment

Acknowledgment taken and signature witnessed by me at

Place

Date

Time

Before(1):

Name and address in legible writing, typing or stamp

(1) A person authorised under Section 38 of the Criminal Procedures Act 2009 to witness statements

REMAND/BAIL APPLICATION

(HAND UP MATTERS ONLY)

Accused Name: _____ ,	DOB: _____	Age: _____
Address: _____		

Charges (in brief): (attach copies of information's)

Informant: _____	Rank/No: _____
Station: _____	Ph. No.: _____

Remand application sought from:	
Hearing No. 1	
From Court: _____	Date: _____
To Court: _____	Date: _____

Hearing No. 2	
From Court: _____	Date: _____
To Court: _____	Date: _____

RESUME OF EVIDENCE

Are there any prior convictions?	<input type="checkbox"/> Yes	<input type="checkbox"/> No (If Yes, please attach)
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REMAND/BAIL APPLICATION

PERSONAL DETAILS OF THE ACCUSED

Occupation:	<input style="width:90%;" type="text"/>	Marital Status:	<input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> De facto <input type="checkbox"/> Single
Dependants: No.	<input style="width:90%;" type="text"/>	Ages:	<input style="width:90%;" type="text"/>
Financial / home environment details: <small>[This information will assist the court in assessing the risk factors you have raised and to determine if any proposed bail address is appropriate. Briefly detail where the accused lives and the circumstances. Consider; who the accused lives with (family, co-offenders, children); is there exposure to drug/alcohol use or other influences; do the associates of the accused support bail; has a suitable surety been identified; is the accused welcome at the current/proposed address; employment status and means of funding lifestyle including drug use]</small>			
<input style="width:100%; height:100%;" type="text"/>			

IF BAIL IS OPPOSED

Is the accused of Aboriginal and/or TSI descent?	<input type="checkbox"/> Aboriginal <input type="checkbox"/> T.S.I. <input type="checkbox"/> Both <input type="checkbox"/> Neither <input type="checkbox"/> Not stated/unknown
Is the accused a child [Under 18 years]?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the accused a vulnerable adult? [s.3AAAA]	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, is the matter to be heard by a Bail Justice?:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
If the accused is a child and does not have legal representation, has DHS Youth (BH) or CAHBPS (AH) been notified?:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Family Violence Risks [s.5AAAA]

[Note: A bail decision maker considering the release of the accused on bail must make inquiries as to whether there are any orders in force].

(1)	Is there in force:-	
	(a) a family violence intervention order made against the accused; or	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(b) a family violence safety notice issued against the accused; or	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(c) a recognised domestic violence order [DVO] made against the accused.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Details:		<input style="width:90%; height: 40px;" type="text"/>

REMAND/BAIL APPLICATION

Surrounding Circumstances Considerations [s.3AAA]

[Note: A bail decision maker must take into account all the circumstances that are relevant to the matter. When considering the surrounding circumstances if responses to Q.2 & Q.3 indicate a terrorism risk then the higher threshold test applies, that is:-

- Accused of a Schedule 2 offence – exceptional circumstances test applies
- Accused of an offence that is not Schedule 1 or 2 – show compelling reason test applies]

- (2) Has the accused expressed support for [s.3AAA(m)]:-
- (a) the doing of a terrorist act; OR Yes No
- (b) a terrorist organisation; OR Yes No
- (c) the provision of resources to a terrorist organisation: Yes No

Details:

- (3) Does the accused have, or have they had, an association with [s.3AAA(n)]:-
- (a) another person or a group that has expressed support of the kind referred to in Q.2 (a)-(c) above; Yes No
OR
- (b) another person or a group that is directly or indirectly engaged in, preparing for, planning, assisting in or fostering the doing of a terrorist act; OR Yes No
- (c) a terrorist organisation Yes No

Details: [Only relevant if the bail decision maker is satisfied the accused knew of the person or group's terrorism connection]

- (4) In regards to the strength of evidence against the accused [s.3AAA(b)]:-
- (a) has the accused made any admissions? Yes No

Details: [Admissions include confessions of being present or involved in any part of the offence, including self-defence]

- (b) is there any identification evidence? Yes No

Details: [Briefly refer to the evidence linking this accused to the offending (eg. found committing, recognised by victim or identified from photo board). This will be consistent with witness statements and exhibits]

- (5) What is the attitude or likely attitude of the alleged victim to the accused being granted bail? [s.3AAA(j)]

Details: [Briefly refer to the attitude of the victim as expressed to you during the investigation. This will be consistent with witness statements and VIS]

- (6) If the accused is charged with causing injury to a person, what is the extent of the victim's injuries? [s.8B]

Details: [Briefly refer to the evidence of injuries. This will be consistent with witness statements, photographs and medical reports]

- (7) Is there currently a FVIO, FVSN or recognised DVO in force against the accused? [s.3AAA(f)(i)(ii)] Yes No

Details:

- (8) If the accused has been subject to previous bail conditions, what is the history of compliance with the conditions?

Details:

- (9) Has the accused been charged with a drug offence? Yes No

(a) What type of drug is involved?

(b) What quantity is involved?

- (c) Has there been any drug analysis to date? Yes No

Details:

REMAND/BAIL APPLICATION

Step 1 – Exceptional Circumstances Test [s.4A]

A bail decision maker must refuse bail for a person accused of a Schedule 1 or other offence unless satisfied that exceptional circumstances exist that justify the grant of bail [s.4A(1A)].

Note: Only a Court can grant bail to a person accused of a:-

- Schedule 1 offence; or
- Schedule 2 offence and the accused has a terrorism record

A Police Officer or Bail Justice can grant bail to a person [including a Child, Vulnerable Adult or Aboriginal Person] where the person has:-

- committed an indictable offence, OR conspired to commit an indictable offence, OR committed an offence against the Bail Act 1977 (Items 1, 30 and 31 of Schedule 2)
AND
- at the time they committed it they were either on bail, on summons, at large awaiting trial or subject to a CCO or a parole order for a Schedule 1 or Schedule 2 offence [s.4AA (2)(c)].

(10) Has the accused been charged with an offence listed within **Schedule 1 of the Bail Act 1977**? Yes No

[Click Here for a full list of Schedule 1 Offences](#)

Details:

(11) Has the accused committed a **Schedule 2 offence** and the accused has a terrorism record? [s.4AA(2)] Yes No

Details:

(12) Has the accused committed a Schedule 2 – Item 1 or Item 30 offence [**or in the case of a Child, Vulnerable Adult or Aboriginal person any offence**] that is alleged to have been committed by the accused [s.4AA(2)(c)]:-

(a) while on bail for any Schedule 1 or Schedule 2 offence? Yes No

(b) while subject to a summons to answer a charge for any Schedule 1 or Schedule 2 offence? Yes No

(c) while at large awaiting trial for any Schedule 1 or Schedule 2 offence? Yes No

(d) during the period of a community correction order made in respect of the accused for any Schedule 1 or Schedule 2 offence or while otherwise serving a sentence for any such offence? Yes No

(e) while released under a parole order made in respect of any Schedule 1 or Schedule 2 offence? Yes No

Details:

(13) Has the accused been charged with an offence of conspiracy to commit, incitement to commit or attempting to commit an offence against Schedule 2-Item 1 or Schedule 2-Item 30 [s.4AA(2)(d)]:- Yes No

Details:

REMAND/BAIL APPLICATION

Step 1 – Show Compelling Reason Test [s.4C]

A bail decision maker must refuse bail for a person accused of a Schedule 2 offence, or any offence where the accused has a terrorism record, unless satisfied that a compelling reason exists that justifies the grant of bail.

Only a Court can grant bail to a person who is already on two counts of bail for indictable offences **AND** has committed any Schedule 2 offence **EXCEPT:-**

- An indictable offence committed whilst on bail, summons, at large awaiting trial, during a CCO or a parole order (Schedule 2 - Item 1 offence [Refer question 15]); **OR**
- An offence against the **Bail Act 1977** (Schedule 2 - Item 30 offence [Refer Question 16]); or
- An offence of conspiracy to commit, incitement to commit or attempting to commit an Item 1 or Item 30 offence (Schedule 2 - Item 31 [Refer to Question 17]).

Police can still grant bail in these circumstances if the accused is a Child, Vulnerable Adult or Aboriginal Person.

(14) Has the accused been charged with **an offence listed within Schedule 2 of the Bail Act 1977?** Yes No

[Click Here for a full list of Schedule 2 Offences](#)

Details:

(1 5) Has the accused committed an indictable offence that is alleged to have been committed:- **[Schedule 2 Item (1)]**

- (a) while on bail for another indictable offence? Yes No
- (b) while subject to a summons to answer a charge for another indictable offence? Yes No
- (c) while at large awaiting trial for another indictable offence? Yes No
- (d) during the period of a community correction order made in respect of the accused for another indictable offence or while otherwise serving a sentence for another indictable offence? Yes No
- (e) while released on a parole order? Yes No

Details:

[Only applies to new charges arising out of this investigation and served by you. If you have charged this accused with an indictable offence. Briefly refer to any charges for an indictable offence that the accused has outstanding including court dates and relevant bail conditions]

(1 6) Has the accused been charged with an offence against the **Bail Act 1977? [Schedule 2 Item (30)]** Yes No

Details:

[ONLY APPLIES TO NEW CHARGES SERVED BY YOU INCLUDING A CHARGE AND WARRANT TO ARREST. Detail the relevant Bail Act offence(s). "Failure to Answer Bail" include dates, court location and informant details for each charge of FTA. "Contravene Conduct Condition" include date and detail of breach, specify condition breached. "Commit Indictable Offence Whilst on Bail" include date, location and nature of alleged indictable offence]

(1 7) Has the accused been charged with an offence of conspiracy to commit, incitement to commit or attempting to commit an offence referred to in Question 15 or 16 (directly above)? **[Schedule 2 Item (31)]** Yes No

Details:

(1 8) Has the accused been charged with an offence that is neither a Schedule 1 or Schedule 2 offence but the accused has a terrorism record?:- [s4AA(4)] Yes No

Details:

REMAND/BAIL APPLICATION

Step 2 – All Offences Test - Unacceptable Risk

[Step 2 for both Exceptional Circumstances Test [s.4B] and Show Compelling Reason Test [s.4D]. Also an All Offences Test [s.4E]

(19) Is there an **unacceptable risk** that the accused, if granted bail would:-

(i) **Endanger the safety or welfare of any person:** Yes No
 Details: [Eg. FV cases where there is violence and/or threats ; dangerous driving including pursuits/ drugs/ alcohol; propensity to assault and/or carry weapons/firearms]

(ii) **Commit an offence while on bail:** Yes No
 Details: [Threats made (especially in FV cases); history of Bail &/or IVO breaches; lifestyle including need to finance drug habit]

(iii) **Interfere with witnesses:** Yes No
 Details: [Victims of FV are vulnerable and known to the offender. Whilst emotions are heightened accused are likely to contact victims in attempt to reconcile relationships or intimidate victim. Eg. likelihood of threats]

(iii) **Obstruct the course of justice:** Yes No
 Details: [Destruction of physical evidence (ie.phone messages, CCTV, weapons); attempting to communicate with co-offenders and/or organise a false alibi]

(iv) **Fail to appear on bail:** Yes No
 Details: [Prior history of FTA & breach of court orders; current living arrangements (NFPA)]

REMAND/BAIL APPLICATION

VICTIM NOTIFICATION

Informant to Complete

- 1. Victim/s have been notified of the bail/remand application: Yes No
- 2. Victim/s have requested notification of outcome of application: Yes No
- 3. There is concern for the victim's safety: Yes No
- 4. Is the victim protected by an intervention order: Yes No

Checked by Supervisor:

Date:

Prosecutor to Complete in the Absence of Informant

If 'Yes' to Q2 or Q3, Informant's OIC notified of outcome by email on [time/date]: by (Reg No):

If 'Yes' to Q3 (above) Informant's OIC notified of outcome by telephone on [time/date]: by (Reg No):

REMAND/BAIL APPLICATION

RECORD OF POLICE BAIL DECISION

Accused _____ V Informant _____

BAIL GRANTED [Complete Below & Bail Granted details] BAIL REFUSED [Complete Below & Complete Bail Refused Details]

BAIL DECISION MAKER DETAILS

Charges and Disposition are Authorised in the Circumstances Yes No

Name: Signature:

Rank / Reg. No.:

BAIL GRANTED DETAILS

- For any Schedule 2 Offence you must complete a VP 497 Statement of Reasons for Granting Bail
- If objection is taken to the amount of bail fixed or conditions of bail you must complete and serve on the accused a VP 467 Statement For a Person in Custody When Bail is Refused or Objection to the Amount Fixed or Conditions of Bail. Within Ordinary court sitting hours bring the arrested person before the Court. Outside ordinary court sitting hours call a Bail Justice.

Bailed to Court: Date:

BAIL REFUSED DETAILS

Date Bail Refused: Time Bail Refused:

Reason/s For Refusing Bail:

Proposed Court Details

Court:

Court Date: Court Time:

The Accused is a Child, Vulnerable Adult or Aboriginal Person:

- Yes
- Accused **MUST** be brought before a Bail Justice as soon as **practicable**
 - Complete and serve a Form VP 467A
- No
- Refer to "All Other Persons" section below

All Other Persons:

If the accused **CAN** be brought before the Court within 48 hours from the Date / Time bail was refused:-

- Police can remand the accused in custody. No Bail Justice required.
- Police must complete and serve a VP467A Statement For a Person When Remanded By Police

If the accused **CANNOT** be brought before the Court within 48 hours from the Date / Time bail was refused:-

- The Accused **MUST** be brought before a Bail Justice as soon as practicable.
- Police must complete and serve a VP 467

Bail Justice Details

Date Bail Justice Called: Time Called:

Name: Time Attended:

Outcome: Bail Granted Bail Refused / Remand

Note: A copy of this "Record of Police Bail Decision" must be filed with charges

REMAND/BAIL APPLICATION

BAIL HEARING No. 1

Heard at Court/Other Venue:

Date:

Was bail applied for:

Yes No

Was the accused legally represented in this bail application:

Yes No

Magistrate's / Bail Justice name:

Prosecutor's/Informants name:

Defence counsel's name (if any):

Independent Third Person/Parent/Guardian/Interpreter:

REMAND DETAILS *[if any]*

Remanded to Court:

Date:

Magistrate's reason for refusing bail:

BAIL DETAILS *[if any]*

Bailed to Court:

Date:

Conditions of Bail:

BAIL HEARING No. 2

Heard at Court/Other Venue:

Date:

Was bail applied for:

Yes No

Was the accused legally represented in this bail application:

Yes No

Magistrate's / Bail Justice name:

Prosecutor's/Informants name:

Defence counsel's name (if any):

Independent Third Person/Parent/Guardian/Interpreter:

REMAND DETAILS *[if any]*

Remanded to Court:

Date:

Magistrate's reason for refusing bail:

BAIL DETAILS *[if any]*

Bailed to Court:

Date:

Conditions of Bail: