



VICTORIA POLICE

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Chief Commissioner of Police

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Coroner Darren J Bracken
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Subject: Janet Foster - Finding into death without inquest
Court Reference: COR 2016 2544
Date of Recommendation: 13 February 2020

Dear Coroner Bracken

Victoria Police response to recommendation arising from Finding without inquest into the death of Janet Foster

This document provides the response to your recommendation to Victoria Police, arising from the Finding into the death of Janet Foster without inquest, delivered on 5 February 2020.

The Finding raised issues relating to the urgency of the police response to a request to take a missing person report and to conduct a welfare check on Ms Foster.

Victoria Police's response to your Finding is set out below.

RECOMMENDATION

In the interests of public health and safety and preventing like deaths, I recommend the Chief Commissioner of Police consider reviewing the processes, policies and procedures for conducting welfare checks, with particular reference to the urgency with which welfare checks are conducted and the application of existing VPM Procedures and Guidelines.

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

Following receipt of your recommendation, Victoria Police Corporate Policy commenced a review of Victoria Police Manual (VPM) instructions which address general policing procedures that support members in responding to welfare checks (**Review**). In conducting the Review, Corporate Policy consulted the following key stakeholders: Crime Command, State Emergencies and Support Command, and the Centre for Law and Operational Development within People Development Command.

Corporate Policy concluded that the task of responding to a welfare check cannot be addressed through policy alone, due to the range of outcomes and courses of action that may be encountered by

police members when conducting a welfare check, and the need to ensure police responses reflect contemporary organisational and community expectations. In addition to the direction provided by the VPM, members receive 'on the job' training and guidance to inform their responses to welfare checks. Responses to welfare checks are dictated by risk assessments, with training provided to members and recruits regarding information gathering and the processes used to conduct an appropriate risk assessment.

In the circumstances, Corporate Policy is satisfied that the VPM provides adequate instruction for members to undertake their general duties, including the processes and responsibilities involved in responding to a request for a welfare check, when coupled with training, particularly 'on the job' training. For example, the VPM Policy Rules titled 'Operational duties and responsibilities' includes instructions that members are responsible for prioritisation of attendances on patrol tasks once an event is allocated, and includes guidance that while all employees are responsible for their own actions and conduct, the senior employee on patrol is responsible for ensuring that all messages or tasks are responded to promptly. The VPM Procedures and Guidelines titled 'Patrol responsibilities and communications' describe the situations in which an 'urgent' response, an 'as soon as possible' response or 'an attend when able' response is required. Further, the VPM Policy Rules titled 'Professional and ethical standards' state that where a particular circumstance is not provided for in the VPM, given the varied and complex situations members face, professional and ethical decision-making is to be undertaken. Members are encouraged to use the organisational values and the 'SELF' test to make decisions in such situations. The 'SELF' test involves a four-stage test to assist members to consider if their decision will stand up to public scrutiny, is ethical and in compliance with Victoria Police policies, practices or procedures, is lawful and considers human rights, and is fair on the community and individuals.

In this case, Victoria Police acknowledges that there may have been a misapprehension of process relating to the taking of a missing person report, despite the adequate instruction and guidance contained in the VPM, including the VPM Procedures and Guidelines titled 'Missing persons investigations' and the VPM titled 'Crime and event reporting and recording', and the training provided by Victoria Police regarding missing persons reports. Corporate Policy, in consultation with the key stakeholders within Victoria Police, have identified minor amendments that could be made to the VPM to provide further clarity for members. These include the addition of a reference to welfare checks in the VPM Procedures and Guidelines titled 'Missing persons investigations' in the context of the requirement for police members to immediately investigate a missing person report. The proposed amendments have been drafted and may be progressed in the future if supported during the next stage of consultation and as part of the ongoing holistic review of all operational policies. The purpose of the holistic review is to consolidate and simplify operational level policies and procedures contained in the VPM as the sole reference guide for members.

Yours sincerely



Graham Ashton AM
Chief Commissioner

16/6/2020