



VICTORIA
POLICE FORCE



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Coroner Jacqui Hawkins
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Subject: **Inquest into the deaths of Matthew Poh Chuan Si, Thalia Hakin, Yosuke Kanno, Jess Mudie, Zachary Matthew Bryant and Bhavita Patel**

Court References: COR 2017 0325
COR 2017 0327
COR 2017 0328
COR 2017 0329
COR 2017 0343
COR 2017 0465

Date of Recommendations: 19 November 2020

Dear Coroner Hawkins,

Victoria Police response to recommendations arising from Finding into the deaths of Matthew Poh Chuan Si, Thalia Hakin, Yosuke Kanno, Jess Mudie, Zachary Matthew Bryant and Bhavita Patel

This document provides the response to your recommendations to Victoria Police arising from the Finding into the deaths of Matthew Poh Chuan Si, Thalia Hakin, Yosuke Kanno, Jess Mudie, Zachary Matthew Bryant and Bhavita Patel, delivered on 19 November 2020.

In the aftermath of the Bourke Street tragedy, Victoria Police has been committed to identifying improvements to its processes and policies and to identify what can be learned from the events of 14 to 20 January 2017.

Prior to this inquest Victoria Police had undertaken many reforms and engaged in multiple initiatives to implement proposals and recommendations in relation to its processes, involving extensive changes to its practices, procedures, technologies and resourcing. These changes have been directed toward optimising the capability of Victoria Police to respond effectively should similar circumstances arise in the future.

In addition to the multitude of changes introduced by Victoria Police to address issues identified in the Bourke St tragedy, Victoria Police agrees to implement each of your Honour's recommendations.

Victoria Police's response to the recommendations are set out below.

Recommendation 1: That Victoria Police, in consultation with the DJCS, investigates the feasibility of Victoria Police-issued body-worn cameras being used to record all out-of-sessions bail/remand hearings.

Victoria Police has established a Working Group and is currently working in partnership with the Department of Justice and Community Safety to explore appropriate audio-visual facilities for the conduct of all out-of-sessions bail/remand hearings, including the feasibility of utilising Victoria Police issued body-worn cameras.

Recommendation 2: That Victoria Police reviews its training and supervision of members involved in bail/remand proceedings to improve members' skills and knowledge concerning:

- a) A proper preparation of the bail/remand brief**
- b) identification of the available grounds upon which to oppose bail**
- c) identification and presentation of the evidence relevant to opposing bail**
- d) information about obtaining all relevant information and seeking an adjournment if necessary**
- e) information about the circumstances around when and how to appeal a decision to grant bail**

Victoria Police will conduct a review of its training and supervision of members' conduct during bail justice hearings. This will include a review of foundation training delivered to recruits at the Academy, refresher training delivered to probationary constables, supervisor training delivered to sergeants and above and police prosecutors.

In particular, Victoria Police will review the training that is presently being given to ensure that members, particularly those at the level of sergeant, take an active role to guarantee that all relevant evidence is obtained and presented to a bail justice. This will necessarily involve a thorough checking of the Remand Brief document by a sergeant or above to ensure that it incorporates all relevant information, including LEAP priors, and is routinely provided to the bail justice at each hearing.

Legal Services Department will lead the review with the People Development Command as a key stakeholder. The review will consider current training with a focus on identifying any additional training required; the size and scope of additional organisational training will be determined by the review and influence the manner in which it is developed and delivered.

An essential part of this review will be to consider amendments to the Victoria Police Manual, titled 'Bail and Remand', to reflect new instructions arising from the revised training.

Recommendation 3: That Victoria Police develops force-wide policies and procedures to:

- a) ensure that notifications of failure to report on bail are forwarded to a Position-Based Email Account, such as the Officer-in-Charge of the police station, in addition to the informant;**

- b) provide guidance on the actions to be taken by the informant and Officer-in-Charge upon receipt of such notification.**

The Victoria Police Manual *Bail and Remand* presently includes a force-wide instruction to Victoria Police members that when an offender breaches a bail condition to report to a police station, the informant's Work Unit Manager must be notified within eight hours of the breach to take appropriate action, or if the bail was set by the Supreme Court, to also notify the Office of Public Prosecutions. In the event the informant is absent, the report will be actioned by whoever is performing the role of officer in charge of the police station.

Victoria Police will implement an electronic (email notification) system where the investigating officer (informant) and the officer in charge of that member's station receives notification of breaches of bail reporting conditions. The Victoria Police Manual will be amended to reflect this procedure. Additionally, internal Victoria Police email notifications directed to each operational member will be used to advise members of this amendment and to remind them of their obligations in the management of bailed accused persons who have reporting conditions.

Recommendation 4: That Victoria Police reviews its training, policies and procedures on bail and remand with respect to high-risk recidivist offenders to ensure members:

- a) conduct a timely risk analysis using the ROPT, POINTER or similar tool**
- b) consider the need for and, if appropriate, implement a Priority Target Management Plan or Offender Management Plan within the meaning of Victoria Police Manual Tasking and Coordination or other suitable oversight plan designed to detect and disrupt further offending while on bail.**

Victoria Police acknowledges the need to identify persons of risk and to intervene earlier in a constructive and proactive way with recidivist offenders who have the potential to cause harm to the community or themselves. To achieve this objective, Victoria Police have introduced the Person of Interest Management and Coordination Model (Model) in order to enhance strategies to reduce the risks posed by recidivist offenders. The Model involves POI Tasking and Coordination meetings being conducted regularly in Police Divisions across Victoria and involves the use of risk analysis tools such as the Recidivist Offender Prioritisation Tool (ROPT) and the Person of Interest Nomination Tool and Enforcement Rating (POINTER) which is now named the Predictive Risk List (PRL).

Additionally, as part of Victoria Police's review of its training, policies and procedures on bail and remand with respect to high-risk recidivist offenders, members will be trained in the use of the Model and associated risk analysis tools to support prioritisation and early intervention where necessary.

Recommendation 5: That Victoria Police reviews its training, policies and procedures that govern the roles, responsibilities and coordination between the criminal investigation units and other supervisory units to eliminate role confusion and ambiguities concerning operational command in all areas, including criminal investigations, incident response and planned operations.

To ensure role responsibility and clarity Victoria Police accepts that a broader assessment is required to avoid recurrence amongst others in a comparable scenario. A review of training has commenced which will clarify resource management and patrol supervision issues to prevent such a reoccurrence. A review of training provided by Victoria Police to criminal investigation unit members and general

duties supervisory members is presently being delivered by the Centre for Incident & Emergency Management and the Promotional Programs Unit from within People Development Command.

The purpose of these reviews is to ensure that criminal investigation units and other supervisory units are clear as to what each of their roles and responsibilities will be during a criminal investigation, critical incidents or planned operations, and will ensure the training is consistent with Incident and Emergency Management Training, Foundation Training and Promotional Programs training.

Recommendation 6: Victoria Police conducts a review of its policies, procedures, training and infrastructure in respect of the management of critical incidents or emerging critical incidents and the proper and effective use of police communications, so that:

- c) There is, to the maximum extent possible, continuity of command in planned operations and critical incidents, particularly in circumstances where:
 - i. The operation or incident crosses Divisional or Regional boundaries and may involve a change of radio channel;**
 - ii. The operation or incident may involve the use of dedicated (TAC) radio channels****
- d) There is, to the maximum extent possible, continuity of involvement of police communications personnel performing the role of channel operator during a critical incident or emerging critical incident**
- e) All police members that may be impacted or become involved in an operation or incident are afforded the best possible situational awareness and clarity of command, plans, roles and responsibilities**

The evidence adduced in this inquest identified that most critical incidents that cross police borders involve pursuits or extended follows, and Victoria Police policies and procedures in relation to cross-channel communications are appropriate in that such operations stay on one channel with the same incident controller (pursuit controller or patrol supervisor). Other types of operations are usually static and do not involve crossing different divisional or regional boundaries. However, Victoria Police will conduct a review of its policies, procedures, training and infrastructure in respect of the continuity of command in the management of critical incidents or emerging critical incidents for the rare occasions when such operations do not involve pursuits or extended follows. This review is being conducted in conjunction with the Emergency Services Telecommunication Authority, and is presently in the process of reviewing its policies and procedures for planned and unplanned events such as emergencies and critical incidents with a view that those operations remain on a particular channel or be moved to a dedicated tactical channel when police divisional borders are crossed.

Recommendation 7: That Victoria Police reviews its criminal investigator and investigator management training program with a view to incorporating a curriculum on risk evaluation, transition to incident management and the identification and management of critical incidents. Such training should incorporate an immersive, interactive training environment to support decision-making in critical incidents and emerging critical incidents.

Crime Command, primarily through its Investigation Management Course, provides intensive training to criminal investigators in relation to investigation of criminal offences and the identification and management of critical incidents. Acknowledging there is always room for improvement, a review is currently underway of all of training provided to criminal investigators to identify deficiencies and identify and assess areas for development and improvement.

Part of that review has resulted in the introduction of a Hydra training program (**Hydra**) as part of the Investigation Management Course, which will enhance the skills of investigators through simulated real time scenarios as part of the Incident Command and Control System (**ICCS**) structure. Victoria Police also proposes to introduce this training technique to all operational members of Victoria Police, especially those uniform members who perform a supervisory role.

Recommendation 8: That Victoria Police Professional Development Command develops and implements appropriate operational safety training on hostile vehicles and vehicle-borne attacks that incorporates simulation or Hydra experience training to enhance the skills and operational decision-making of frontline operational members (including uniform, criminal investigation units and the Critical Incident Response Teams) who may be called upon to act in response to a hostile vehicle or vehicle-borne attack.

Victoria Police (People Development Command) has already commenced delivery of operational safety training to all Victoria Police members on hostile vehicles and vehicle-borne attacks.

As part of its ongoing improvement processes, Road Policing Command of Victoria Police has established the *Hostile Vehicles Working Group* which is looking into simulation training with respect to hostile vehicles and vehicle-borne attacks. Its initial assessment is that the concept of using simulation or Hydra with respect to hostile vehicles and vehicle-borne attacks is problematic as it is not feasible to train all Victoria Police members (in excess of 14,000 members). This is due to the volume of training that would be required to be delivered across the whole of Victoria Police. Despite this concern People Development Command is continuing to explore and assess other options that may be used to provide simulation training.

The remit of the Hostile Vehicles Working Group includes reviews of hostile vehicle incidents, identification of improvement opportunities with respect to training and/or policies and advocates for policy development and/or practice change.

This Working Group consists of several units across Victoria Police including People Development Command, Road Policing Command, Transit and Public Safety Command, Legal Services Department, Health Safety and Wellbeing (OH&S), Regional representation and Capability Department.

Recommendation 9: That Victoria Police Professional Development Command incorporates regular annual or biennial refresher training on the Victoria Police Manual Hostile Vehicle Policy and on vehicle-borne attacks to ensure members' knowledge and skills remain up to date.

Victoria Police has delivered the Hostile Vehicle E-learning package that constitutes mandatory ongoing training for all members of Victoria Police with respect to responding to hostile vehicles. The training package incorporates the use of force when attempting to intercept a potentially hostile vehicle, including roadblocks, corralling, blocking, ramming, and shooting at moving vehicles.

Further, in 2020 Victoria Police developed and implemented additional training within the Operational Safety Tactics Training (**OSTT**) program to assist decision making involving a hostile vehicle. This training was in addition to the OSTT vehicle-borne attack training which was delivered to members of Victoria Police between July 2017 and July 2018.

Victoria Police will continue to review that training and related policies to ensure that all members maintain contemporary knowledge of relevant issues and risks posed by hostile vehicles or vehicle-borne attacks.

Yours sincerely



Shane Patton APM
Chief Commissioner

17/3/21