



## VICTORIA POLICE

**Shane Patton APM**  
**Chief Commissioner of Police**

Victoria Police Centre  
311 Spencer Street  
Docklands Victoria  
3008 Australia

Telephone +61 3 8335 6400

P.O. Box 913  
Melbourne Victoria 3001 Australia

Our ref: LEX 12895

State Coroner Judge John Cain  
Coroners Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3006

**Subject:** Inquest into the deaths of Sisto Malaspina and Hassan Khalif Shire Ali

**Court References:** COR 2018 5661  
COR 2018 5663

**Date of Recommendations:** 28 June 2021

Dear Judge Cain,

***Victoria Police response to recommendations arising from Finding into the deaths of Sisto Malaspina and Hassan Khalif Shire Ali***

This document provides the response to your recommendations to Victoria Police arising from the Finding into the deaths of Sisto Malaspina and Hassan Khalif Shire Ali, delivered on 28 June 2021.

As part of its ongoing improvement processes and as a result of issues raised during the course of your investigation, Victoria Police has undertaken reforms to implement improvements in relation to its processes, involving changes to its practices and procedures within Counter Terrorism Command (CTC).

On 9 June 2021, Victoria Police (through CTC) approved various amendments to the Security Investigations Unit (formerly known as the Security Intelligence Unit) (SIU) and National Security Persons of Interest (NSPOI) Management Standard Operating Procedures (the SOPs). These changes have been directed toward optimising the capacity of Victoria Police to respond effectively to threats posed by NSPOI to attempt to prevent or disrupt any further attempted or actual terrorist attack in Victoria.

You will note that the changes made by the SIU on 9 June 2021 mean that some of your recommendations have already been addressed by Victoria Police.

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

***Recommendation 1: That Victoria Police review and, if necessary, amend any SIU Standard Operating Procedures (SOPs) to ensure they provide specific guidance about all aspects of its management of NSPOIs including:***

- a. *prescription of timeframes for the completion of tasks as well as procedures to ensure that outstanding tasks on a NSPOI file come to the attention of the relevant Team Manager to action and follow up;***

Victoria Police has established a procedure for setting review dates for NSPOIs at NSPOI Management meetings (which are meetings held within the SIU) and take place every fortnight. NSPOI Management meetings also reassess the management options of all NSPOIs that are due to be reviewed (as determined by their review date).

Review dates are determined having regard to various factors, including a NSPOIs threat level and type, the presence of security indicators, identified management options, and aggravating and mitigating factors. As part of the review of an NSPOI at an NSPOI Management meeting, the NSPOI will be assessed and their file reviewed and the nature of intelligence that has been received is considered to determine what action should be taken.

All tasks, outcomes, review dates and decisions made at the NSPOI Management meeting are documented in minutes. The minutes are disseminated to the Senior Management Team (**SMT**), which chair each NSPOI Management meeting, for review and approval before they are uploaded to Interpose and recorded in the relevant NSPOI investigation shells.

- b. *mechanisms to ensure that the SIU reviews all active files at regular intervals irrespective of an absence of evidence of escalating behaviours or the NSPOI's determined threat/risk level;***

NSPOI Management meetings are responsible for setting the review dates for NSPOIs. Review dates are determined utilising structured professional judgement and by taking into consideration a range of factors relating to the NSPOI, including their threat level and type, the presence of security indicators, identified management options, and aggravating and mitigating factors. Review dates must not exceed six months. Intelligence Supervisors are then responsible for recording this date in the minutes, NSPOI investigation shell, and Interpose 'Effective To' date.

Management options are also regularly reviewed to ensure they are suitable and proportionate to the threat profile of a NSPOI. Management options are reviewed at each NSPOI's review date. However, should intelligence be received which suggests that a management option requires escalation or de-escalation, analysts and investigators will notify their Detective Sergeant at the earliest possible opportunity. The Detective Sergeant is then responsible for reviewing the information and notifying the SMT, so the NSPOI can be reviewed in a timely manner.

- c. *when a fresh ANZCTC assessment should occur in response to new intelligence received about a NSPOI;***

Victoria Police has implemented instructions that a NSPOIs assessment under the Australia New Zealand Counter Terrorism Committee Person of Interest Security Prioritisation Tool (**the ANZCTC Tool**) must be updated prior to the NSPOI investigation's review at the NSPOI Management meeting to ensure that the SIU's decision-making is based on all intelligence available at the time.

The ANZCTC Tool assessment is now treated as a live document and must be regularly updated to ensure assessments are current. Additionally, instructions have also been provided to the SIU as to action to be taken upon receipt of new intelligence which may necessitate an escalation in a NSPOI's threat profile.

- d. *procedures relating to access and circulation of information received via ASNET to ensure that ASNET information relating to a NSPOI comes to the attention of the relevant Team Manager, and any other decision-maker (including CVE Unit member), in an accurate and detailed form;***

CTC will develop and implement clear procedures within the SOPs relating to accessing and circulating information received via ASNET about NSPOIs. This will ensure that all information comes to the attention of the relevant SIU Team Managers and other relevant CTC units, such as the CVE Unit. CTC's ASNET Command Instruction 03/21 will also be amended to reflect this procedure.

***e. a process for the documentation on ASNET of classified security information communicated to the SIU verbally;***

Victoria Police has established a requirement that a NSPOI's investigation shell will be updated where security classified information has been verbally communicated to the SIU, and which requires that the NSPOI's ASNET dossier be updated to record the details of any discussions between the SIU and Australian Security Intelligence Organisation (ASIO). In May 2021, CTC's ASNET Command Instruction 03/21 was amended to reflect this procedure.

***f. a process for the referral of NSPOIs to the CVE Unit for de-radicalisation intervention(s);***

Victoria Police has established a criteria for the referral of NSPOIs to the CVE Unit for assessment which includes an updated process as to how these referrals are to be made by the SIU. This eligibility criteria is structured around three categories of NSPOIs. Category A – convicted terrorists or those assessed as holding radical views; Category B – those at risk of radicalisation and assessed as being at risk because of age, religious knowledge or vulnerability; and Category C – those who could radicalise others, those in an authoritative position or possess influence.

In the interests of consistency and unit alignment, this referral process and criteria will also be reflected in the CVE Unit's SOPs.

***g. a process involving senior SIU management to consider the appropriateness of managing a NSPOI as though s/he poses a lower level of risk in circumstances where the ANZCTC tool is regarded as having overemphasised the NSPOI's threat profile before the final treatment option is validated by (or as part of an enhanced process within) the NSPOI Allocation Meeting; and***

Victoria Police has implemented various layers of review and validation of a completed ANZCTC Tool assessment and associated management options. NSPOI Management options are now reviewed by the SIU SMT at each review date at the latest (which must not exceed six months) or earlier should relevant new intelligence be received by the SIU.

***h. expectations about consultation with partner agencies.***

Victoria Police has established a number of mechanisms for consulting with partner agencies. These include representatives from ASIO and the Australian Federal Police (AFP) who attend each NSPOI Management meeting; a representative from ASIO who attends SIU on a weekly basis to discuss any requests for information, deconfliction or to share intelligence pertinent to a NSPOI's management; and CTC has embedded one full time intelligence analyst with the Joint Counter Terrorism Team's (JCTT) Melbourne office to assist SIU members with any requests for information and to facilitate information sharing between the AFP and Victoria Police. Additionally, with the activation of each NSPOI, SIU consults with partner agencies, including ASIO and the JCTT, for the purpose of confirming which agency has primacy for the management of the NSPOI. All members of SIU are also expected to regularly and actively engage with key stakeholders and partner agencies as part of their day-to-day NSPOI management responsibilities to ensure NSPOI management is informed, judicious and thorough.

**Recommendation 2: That Victoria Police deliver training to all (temporary and permanent) SIU staff about the SIU's SOPs and raise awareness among them about the procedures used by its CTC partners, particularly the CVE Unit.**

CTC has conducted a review of its training to the SIU in relation to the procedures and processes of the SIU, including the instructions set out in the SOPs. That review is complete and all relevant training packages have now been updated. CTC will deliver training packages and information sessions to SIU staff to ensure that all members and staff are appraised of the procedures and requirements set out in the SOPs. This training will be delivered to all existing SIU staff, as well as new SIU staff.

**Recommendation 3: That Victoria Police develop and deliver training and/or a policy to ensure that information regarding disputed address details is recorded on LEAP by the member who makes that assessment and that such information is easily accessible to any police members verifying identification details via LEAP.**

Victoria Police is considering this recommendation with the intention of identifying a solution(s) that balances:

1. the complexities associated with the LEAP system, including cost implications of any system enhancements and function limitations; and
2. appropriate guidance to ensure members' conduct themselves within the bounds of their lawful authority to ask for or confirm a NSPOI's disputed address.

The development of policy and delivery of training to members to ensure that information regarding a disputed address is recorded on LEAP so that such information is easily accessible to all police members will be applicable force-wide, and accordingly, this recommendation will be considered as a force-wide policy development project.

**Recommendation 4: That Victoria Police review, and if necessary amend, any policy relating to the use of annotations on NSPOI and other LEAP warning flags, including the circumstances in which flags should be annotated, by whom and how they may be tailored to address specific information/intelligence gaps identified by SIU where general duties members may be able to provide assistance.**

Victoria Police has implemented instructions to the SIU that all active NSPOIs will be allocated a National Security Warning Flag (NSWF) and that this must be entered onto LEAP as a matter of priority. NSWF annotations for all NSPOIs require general duties members to submit an Information Report to SIU following contact with the NSPOI.

Additionally, Victoria Police will conduct a review of its policies and procedures in respect to the use of existing mechanisms within the LEAP system, such as Person Whereabouts Desired, where appropriate annotations can be made on a person so that general duties members are aware of any information being sought by the SIU and can conduct enquiries which may assist the SIU to fill any information or intelligence gaps on NSPOIs.

**Recommendation 5: That Victoria Police develop and implement a review where an actual or attempted terrorist incident has occurred to identify any opportunities for improvement in national security intelligence collation, analysis and assessment, and NSPOI management.**

Consistent with this recommendation, Victoria Police has undertaken a review of the Operational Safety Critical Incident Review (OSCIR) process. In January 2021, Victoria Police introduced a new policy in relation to the internal review process for incidents of death or serious injury involving police,

as well as any other incident or series of incidents as directed by the Deputy Commissioner, Capability Command.

Accordingly, CTC will work with Capability Command to develop and implement a process to ensure that actual or attempted terrorist incidents are reviewed by Victoria Police in accordance with the new OSCIR review policy.

***Recommendation 6: That Victoria Police and its national security intelligence partners consider developing a joint review process where an actual or attempted terrorist incident has occurred to identify any opportunities for improvement.***

CTC will liaise with its national security intelligence partners, including the Australian Federal Police and the ASIO, to jointly consider the development of a review process.

Yours sincerely



Shane Patton APM  
Chief Commissioner

27/9/21