



VICTORIA POLICE

Shane Patton APM
Chief Commissioner of Police

Our ref: LEXD 28601

Coroner David Ryan
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Victoria Police Centre
311 Spencer Street
Docklands Victoria
3008 Australia

Telephone +61 3 8335 6400

P.O. Box 913
Melbourne Victoria 3001 Australia

Subject: Simaile Masila-Liutolo - Finding into death following inquest
Court Reference: COR 2022 002896
Date of Recommendations: 21 September 2023

Dear Coroner Ryan,

Chief Commissioner of Police response to recommendations arising from the Finding into the death of Simaile Masila-Liutolo

This letter provides the response to your recommendations made in your Finding into the death of Simaile Masila-Liutolo, delivered on 21 September 2023 (the **Finding**).

RECOMMENDATIONS

There were two recommendations directed to Victoria Police, namely:

(A) The Chief Commissioner of Police bring to the attention and raise awareness for all police members the deployment guidance in respect of OC aerosols (including OC foam) as contained within the Victoria Police Oleoresin Capsicum Manual; and

(B) The Chief Commissioner of Police include guidance in relation to the timing of the deployment of bursts of OC foam in police training.

Victoria Police accepts recommendation (A). Recommendation (B) cannot be implemented.

Recommendation A: Operational Safety and Tactics Training

Victoria Police has completed reviews of the Victoria Police Oleoresin Capsicum Manual (**OC Manual**) and relevant Victoria Police Manual (**VPM**) policies and is currently in the process of reviewing the Tactical Options Manual (**TOM**). Recommendations made to date have included ensuring the Operational Safety and Tactics Training (**OSTT**) program includes regular refresher training to all officers on appropriate and safe use of OC aerosols (including OC foam), with specific focus on the potential psychological and physical injuries and steps to providing aftercare.

The OSTT biannual training package for the period between January and June 2024 will include information about the appropriate and safe use of OC aerosols. Training in relation to the safe use of OC aerosols has been threaded into a number of OSTT training packages during both skills training and contextualised scenario-based training. The Finding in this matter will be reviewed as part of the process in developing future OSTT content.

Recommendation B: Training in relation to timing of deployment of bursts of OC foam

Victoria Police does not accept this recommendation.

Victoria Police provide a significant risk assessment framework to allow for police members to make informed operational decisions which are timely, proportionate and necessary according to the prevailing circumstances. This is a principle-based approach that is nonlinear and permits adjustment and consideration as required, including escalation and de-escalation. It does not provide prescribed responses as this would restrict the latitude required for safe, effective and accountable policing.

For this reason, Victoria Police considers it wholly impracticable for police members to be given a direction as to the timing of the deployment of bursts of OC foam, and therefore whilst we will provide guidance to members we cannot implement the recommendation as framed.

Yours sincerely,



Shane Patton APM
Chief Commissioner

18/1/24