**Submission to the Parliamentary inquiry into the external oversight of police and PSO corruption and misconduct in Victoria**

3 August 2017

Inquiry into the external oversight of police corruption and misconduct in Victoria

I am writing in response to the terms of reference provided by the Independent Broad-based Anti-corruption Commission Committee into the external oversight of police corruption and misconduct in Victoria (the inquiry).

Victoria Legal Aid (VLA) has considerable, practical, state-wide experience helping people who have interactions with Victoria Police and Protective Services Officers (PSOs) and we are well-placed to contribute to your inquiry.

Importantly, our clients are often people who live with a disability or mental illness, children, people from culturally and linguistically diverse backgrounds and those who live in remote areas. They are vulnerable in many ways, including in their interactions with authorities.

It is a truism that we now live in an era where more and more trust is placed in the hands of police to keep us safe. Not only is public confidence in policing important for the community to feel safe, public confidence in policing is also critical to effective law enforcement given that the public are often a key source of information for police. They go hand in hand together.

We believe there must be a robust, independent and external body that investigates allegations of police misconduct and corruption, because without it, public confidence in policing will inevitably be undermined. It is also crucial that the investigation process is properly resourced so that complaints are responded to quickly and efficiently, and in a transparent manner.

The current system which hands the investigation process back to the police is inappropriate for independent assessment of serious complaints.

Ultimately, we seek a system which makes the process of making complaints and the system of investigation more open and accessible for all Victorians.

We note the above general principles are aligned with the Flemington and Kensington Community Legal Centre’s (FKCLC) 2015 policy briefing paper *Independent Investigation of Complaints Against Police*. External oversight of police and PSO corruption and misconduct necessarily involves independent investigation, not just oversight.

We also believe that investigations should be adjudicated and redressed in a just, timely and transparent manner.

In considering best practice models for the external oversight of police corruption and misconduct, we consider that there may be scope for an oversight body to take a preventative, as well as a complaint driven approach.

A specific area in which we believe an oversight body may have an important preventative role is in the promotion of early and full disclosure of the police case against an accused person in criminal proceedings. In our criminal law practice, VLA has regularly raised with Victoria Police the need for early and full disclosure.

Early and full disclosure is critical to the operation of a fair and efficient criminal justice system. Inadequate disclosure can have a range of consequences, some of which can be very serious in terms of cost, delay and fairness of criminal proceedings, impacting on both victims and accused people. In the most serious cases, failure to fully disclose the police case against an accused person may amount to police corruption and misconduct.

A function of the model being considered by the inquiry could include providing external oversight and support to Victoria Police in setting clear policy, practices and procedures for early and full disclosure of the police case against an accused person. This function could be an effective means of promoting best practice and bringing about systemic change.

Thank you for providing VLA with an opportunity to provide our views on the terms of reference for this important inquiry.

Should you have any queries please contact Tamsin Mildenhall on 9280 3868.

Yours faithfully

Bevan Warner

Managing Director