

## **Audit finds ‘systemic failures’ in how Victorian police treat Indigenous complaints**

*Ibac found 41% of files audited contained indicators of bias on behalf of investigators*



*The Ibac audit of Victoria police's treatment of complaints by Aboriginal people disagreed with the choice of investigator for 45% of files audited.*

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An audit has found there are “systemic failures” in how Victorian police treat complaints by Aboriginal people, with more than 40% of the files examined revealing indicators of bias on the part of investigators.

The Independent Broad-based Anti-corruption Commission (Ibac) audited 54 complaints and serious incident files involving Aboriginal people, which were closed by Victoria police in 2018.

Of the 41 complaints, almost half (46%) related to the use of force or assaults by police, often during an arrest, while 21% concerned human rights breaches, 11% duty failures and 10% improper language or harassment.

Only three complaints, or roughly 7%, were substantiated, two of which concerned inappropriate language and the third duty failure. No complaint alleging assault was substantiated.

By way of comparison, a 2018 Ibac audit of complaints investigated by Victoria police's internal watchdog, the Professional Standards Command, had a substantiation rate of 19%.

"The persistence of extremely low substantiation rates is a significant deterrent to Aboriginal people making complaints about police, and can undermine efforts to build trust and confidence in the police complaints system among Aboriginal people," the report, released on Wednesday, said.

Ibac found 41% of files audited contained indicators of bias on the part of investigators, including by minimising the seriousness of allegations, downplaying officers' conduct, making inappropriate comments about witnesses and scrutinising the complainant's background or criminal history.

Twenty-two per cent of files indicated bias or lack of impartiality with respect to the police officers involved. This included dismissing complainants' concerns, implying that the complainant was not truthful, and commenting on previous irrelevant interactions with them.

Ibac disagreed with the choice of investigator in 45% of the files it audited, whether because of a conflict of interest, a relevant complaint history or for other reasons.

Commissioner Robert Redlich said the findings indicate "systemic failures" within Victoria police's complaints handling processes.

"Police misconduct and the investigation of complaints against police are issues that concern all Victorians, but they have particular significance for Aboriginal people who come into contact with police at a much higher rate than non-Aboriginal people. Despite this, Aboriginal people make very few complaints about police," he said.

"Ibac recognises how challenging it can be to make a complaint about suspected corruption or police misconduct. There may be social, economic or cultural barriers to speaking up and Ibac understands that making a complaint may be a difficult or confronting experience.

"Ensuring such complaints and serious incidents are investigated thoroughly and fairly is one way to help build trust in Victoria Police."

Forty-one per cent of the files examined by Ibac involved Aboriginal children and young people aged 17 or younger. Many of these files involved incidents occurring during arrest, though several also raised issues about the treatment of, and care provided to, Aboriginal young people in custody.

In some instances, it was unclear whether a family member, support person or advocate was contacted when a young person was arrested or if they were present when they were interviewed by police. Welfare checks were also not conducted in an appropriate or timely way.

“Victoria Police’s investigation of complaints related to these matters failed to identify these issues or recommend any action on the identified deficiencies,” the report reads.

Concerns with complaint handling systems and processes were also identified in the report, including how Aboriginal status was recorded, a failure to keep the complainant updated on the process of the investigation and conflicts of interest being poorly identified and managed.

Redlich also noted the failures were “longstanding”, given previous Ibac reports have identified similar issues.

Ibac’s report makes 10 recommendations for Victoria police including the establishment of a dedicated process for handling complaints by Aboriginal people.

Nerita Waight, chief executive of the Victorian Aboriginal Legal Service, said the report findings are “not new to us or Ibac and will not be remedied until police stop investigating police”.

“We have asked the government to implement an independent complaints body because we know that the culture within the police force does not allow for proper investigations of police complaints,” she said.

A spokesperson for Victoria police said it notes the findings contained in Ibac’s report and will take time to consider and respond to the recommendations.

“Victoria police is committed at all levels to achieving better outcomes for Aboriginal people in Victoria. We will continue to work to ensure the voices of our First Nations people are heard,” she said.