

IBAC Committee: Hon Kim Wells MP, Hon Marsha Thompson MP, Mr Sam Hibbins MP, Mr Danny O'Brien MP, Mr Simon Ramsay MLC, Mr Tim Richardson MP, Ms Jaclyn Symes MLC.

1 August 2017

Dear IBAC Committee Members,

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

The Loddon Campaspe Community Legal Centre (LCCLC), which encompasses the Goulburn Valley Community Legal Centre, has co-signed a joint submission to the IBAC inquiry into the external oversight of police corruption and misconduct in Victoria. In addition to the recommendations made to IBAC in this joint submission, we wish to draw IBAC's attention to the particular difficulties of making a police complaint when living in a rural or regional location.

The third item in the terms of reference for this inquiry is to:

3. Identify and review the main challenges to the effective oversight and investigation of complaints and disclosures about police in Victoria. This will involve an examination of the legal framework for the oversight of police in Victoria. The review will encompass both the legal responsibilities of those overseeing police as well as the perspectives and experiences of complainants, including marginalised Victorians.

We seek to draw attention to some specific perspectives and experiences of complainants who may be considered 'marginalised Victorians' by virtue of their regional, rural or remote context.

Particular issues arise for people living in a rural or regional location who seek to make a complaint against a member(s) of a local police station. The casework experience of the LCCLC indicates that the idea of simple participation in police accountability processes is hampered by the reality of small-town life in rural locations. Anonymity is also at risk in small communities – LCCLC has found clients are reluctant to complain because they feel they will be the objects of targeted treatment by local police. Client instructions often are "they know where I live, they will harass me if I complain".

These issues are exemplified by Case Study 1 which involves a vulnerable person, "Sandra", who was arrested in a small regional town:

Case Study 1: Sandra's Case

Sandra* was arrested and charged for drinking in public by members of her local police station in the small regional town in which she lives. She informed police that she was not drunk and that she suffered from a mental illness and was medicated for this. Their observations of her behaviour, assessed as drunkenness, were actually side-effects of her medication. Despite her explanation, she was still charged. When being transported to the police station, Sandra was roughly treated and sustained bruising. During her interaction with police they made sexist and racist remarks. Sandra instructed that during interview, police referred to Sandra's father, who had previously made a complaint about local police. She felt targeted. Sandra was not given water, was left in a cold cell in a wet dress and police refused to provide her their names.

Local police made an offer to LCCLC to withdraw the drunk in a public charge, but said the charge would proceed if Sandra intended to make a complaint about police conduct.

LCCLC lodged a formal complaint. IBAC's involvement began in November 2013. Sandra's complaint was referred back to the local police station for investigation by the same police officer that her father's earlier Office of Police Integrity complaint pertained to, despite repeated requests by LCCLC highlighting the conflict. LCCLC raised the following issues in the complaint:

- Evidence not considered
- Complainant not interviewed
- Conflict of interest
- Bruising to claimant
- Racist remark by police
- Sexual remark by police
- Failure to follow basic arrest protocols
- Maltreatment at station
- Length of time complaint took to resolve

IBAC resolved that most elements of her complaint were found either to be 'unable to be

determined' or 'not substantiated' due to lack of material evidence and closed the complaint in late October 2015. The complainant had provided material evidence, including photos of the injuries she sustained, and disappointingly, she was never contacted in the course of the investigation by police or by IBAC.

*not her real name

The joint submission co-signed by LCCLC makes many pertinent recommendations to improve the oversight of police corruption and misconduct that would address the particular issues experienced by Victorians from regional, remote and rural locations.

We reiterate our hope that Victoria embraces this opportunity to develop an exemplary system of police accountability.

Yours sincerely,

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