



VICTORIA POLICE

Our Ref: FF-266451

Coroner Ingrid Giles
Coroner's Court of Victoria
65 Kavanagh St,
Southbank, VIC. 3006

By email only: team11@courts.vic.gov.au

Subject: Bridget Flack - Finding into Death following Inquest
Court Reference: COR 2020 006727
Date of Receipt: 29 August 2024

Shane Patton APM
Chief Commissioner of Police

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Dear Coroner Giles,

This correspondence provides a response to the three recommendations directed to Victoria Police arising from the Finding into Death following Inquest delivered on 29 August 2024 in relation to Bridget Flack.

Victoria Police's response to the recommendations is set out below.

Recommendation 1

*That **Victoria Police** implement, as a matter of priority, all five recommendations contained in the Victoria Police Operational Safety Committee Incident review (**OSCIR**) relating to Bridget Flack's missing person investigation, dated 1 December 2021, including through amendments to the Law Enforcement Assistance Program (**LEAP**) or as otherwise deemed appropriate.*

Recommendation 1(i)

*Develop a **prompt sheet** to guide members through the compilation of a missing person's report, including when to seek expert advice when the missing person is vulnerable or a member of a priority community.*

This recommendation is accepted by Victoria Police and has been implemented through the development of an electronic prompt sheet (accessible through the program LEDR MK2).

When completing a missing person risk assessment, a police member is directed to consider risk factors and, when selected, a prompt for each risk factor will appear and provide links to the relevant Victoria Police policies in relation to that specific risk. For example, police members are directed to consider whether the missing person has been involved in a violent, homophobic and/or racist incident or confrontation. There is then a further link accessible to members which provides

guidance on specific vulnerabilities of at-risk communities such as LGBTIQ+ and those experiencing mental health issues.

Recommendation 1(ii)

*Review the **missing person risk assessment** to help identify risks specific to priority communities and vulnerable people, and to consider including 'LGBTIQ+' and/or specifically 'TGD' status as discrete factors to take into account in assessing risk.*

This recommendation is accepted in-principle by Victoria Police. The recommendation is supported in-principle as the second part of the recommendation relating to including LGBTIQ+ and/ or TGD is subject to exploration and likely funding to make the change. A review has been undertaken by Crime Command (which sits within the Executive Command, 'Public Safety & Security' of Victoria Police) in consultation with Deputy Commissioner Neil Paterson.

As discussed above in relation to recommendation 1(i), the missing person risk assessment prompts members to consider risk factors and guides members to consider Victoria Police's 'Priority Communities Division' intranet page which provides information on specific vulnerabilities of at-risk communities such as Aboriginal, Disability, LGBTIQ+, people experiencing mental health issues, multicultural and multifaith communities, senior Victorians and young people.

Being a member of these priority communities does not in itself result in a high-risk classification, nor is it possible at present to add 'LGBTIQ+' or 'TGD' as discrete risk factors in the missing person risk assessment. This is because it is uncertain as to whether the LEDR MK2 platform has the technological capacity to support this function. A police member is able to record that a missing person has a particular status, such as 'LGBTIQ+' or 'TGD', in the free text narrative field of the LEAP missing persons report via LEDR MK2 or by direct input to LEAP post submission of the report. Crime Command is currently consulting with the Digital Services and Security Department within Victoria Police to ascertain if such statuses can be added to the platform noting that any changes would be subject to the availability of funding.

Recommendation 1(iii)

*Review the electronic and hard copy **missing person risk assessment forms**, to achieve consistency between the two;*

Victoria Police no longer uses hard copy missing person risk assessment forms accordingly, the need for this recommendation has been superseded.

Recommendation 1(iv)

*Review the 'Crime Investigative Guidelines – Missing Persons' and 'Missing Persons Squad - Initial Action Guide' to provide for **specific procedures applicable to missing persons investigations occurring in urban areas**, including through reference to the application of the 'Victoria Police Practice Guide on Spontaneous Volunteers'.*

Victoria Police accepts this recommendation and considers the work to acquit this specific recommendation has been completed. Crime Command has completed a review of the 'Crime Investigative Guidelines – Missing Persons' and the 'Missing Persons Squad - Initial Action Guide' and has made amendments as appropriate.

The 'Crime Investigative Guidelines – Missing Persons' have been amended to include and reference the Incident Command and Control System (ICCS)¹ framework to ensure an appropriate response to missing persons investigations. ICCS is a structured response to incident management through management by objectives, functional management and span of control. The ICCS framework and command structure ensures that Victoria Police's missing persons responses are scalable and appropriate for the identified risks. Transit and Public Safety Command (TPSC) and State Emergencies and Support Command (SESC) were consulted to provide input, including the application of the Victoria Police Practice Guide on Spontaneous Volunteers and the ICCS framework owned by SESC. The updated Guidelines (version 1.9) were published on the Crime Command intranet page on 21 September 2023.

The 'Missing Persons Squad - Initial Action Guide' was not updated to include the ICCS structure as the guide relates to suspicious disappearance missing persons cases and is in essence a contact list to assist investigators in furtherance of the investigation of a missing person. In the case where a search for a missing person would be upscaled past that of the investigation cell at a local work unit, the normal ICCS structure would be implemented.

Recommendation 1(v)

*Develop a **risk assessment matrix** in line with risk status/factors, to provide greater clarity in determining what may constitute a 'serious threat to the life or health of a person', to assist informing the **mobile phone triangulation** decision-making process in missing persons investigations.*

Victoria Police accepts this recommendation. A review of the policies and procedures around mobile phone triangulation was undertaken by the State Emergencies and Support Command of Victoria Police in response to the relevant OSCIR recommendation, which was completed in December 2023.

The request for mobile phone triangulation form VP Form 1501 has been redesigned. A member requesting mobile phone triangulation is required to include the circumstances that constitute serious threat to the life or health of a person in a particular matter. The form directs the authorising officer to review any missing persons risk assessment and to consider a risk assessment checklist based on the requirements of section 287 of the *Telecommunications Act 1997* (Cth) as part of the decision-making process. The redesigned VP Form 1501 better assists requesting members in sharing relevant information that enables authorising officers to make informed, risk-based decisions in mobile phone triangulation requests.

Recommendation 2

*That **Victoria Police**, under the guidance of experts from TGD community, make LGBTIQ+ awareness training mandatory for all police members and staff. Such training should include a TGD-specific component, addressing factors that can contribute to the risk of suicide in LGBTIQ+ and TGD communities, and the ways in which police members can appropriately assess and respond to such risks.*

This recommendation is supported by Victoria Police however, there are issues with regard to implementation and funding that are still being considered.

¹ Based on Australia New Zealand Policing Advisory Agency, 'A Common Approach to Incident Management: ICCS Plus' (2022).

At present, Priority and Safer Communities Division (PSCD) has an existing non-mandatory LGBTIQ+ awareness course, available on the Victoria Police Learning Hub (VPLH). The content of the course contains baseline information to enable Victoria Police employees to engage with members of the LGBTIQ+ community in a culturally safe and sensitive manner.

In response to the recommendation, the existing course is currently being re-developed by PSCD. In the absence of funding available to seek guidance from experts from the TGD community, PSCD will consult with the LGBTIQ+ Portfolio Reference Group and Trans, Gender Diverse and Intersex Sub-Committee, and others, to meet the specifications of the recommendation and the new course will be mandatory for all Victoria Police employees.

Victoria Police recognises that LGBTIQ+ awareness training promotes the delivery of effective and culturally safe policing responses to LGBTIQ+ communities. The new course developed as a result of the Coroner's recommendation will further increase the capacity for Victoria Police to appropriately respond to LGBTIQ+ community issues and appropriately assess and respond to relevant risk factors.

Recommendation 3

*That **Victoria Police**, in accordance with Priority Area 3 of 'Pride in our future: Victoria's LGBTIQ+ strategy 2022-32' progress, as a matter of priority, steps to improve data collection in relation to TGD people to capture all gender identities, by amending the Law Enforcement Assistance Program (LEAP) or as otherwise deemed appropriate. This should include amending the Form 83 'Police Report of Death for the Coroner' to include fields to capture all gender identities, to assist in improving the accuracy of data on deaths in the TGD communities, and specify a timeframe for this to be carried out.*

Victoria Police supports the recommendation in principle, however there are issues associated with its implementation.

a) Changes to LEAP

In relation to improving the data collection to capture all gender identities on LEAP, Victoria Police contributed to the development of the Department of Families, Fairness and Housing 2022-23 Victoria State Budget funding bid for the implementation of the LGBTIQ+ Strategy. Victoria Police was reliant on State Budget funding to enable us to implement a strategy ensuring data collected by the Department of Justice and Community Safety and Victoria Police services is inclusive of LGBTIQ+ people. Victoria Police did not receive any funding in the 2022-23 State Budget to support these required changes. Unfortunately, Victoria Police is unable to progress the above initiatives in the absence of funding.

In relation to improving the recording of TGD people on LEAP, the Priority and Safer Communities Division (PSCD) is working closely with the Police Enquiry and Data Sharing Department (PEDSD) to improve the process for members recording transgender and gender diverse individuals to ensure affirmed details are recorded as their primary details, and any legal details that are not congruent with their affirmed details will also be recorded. PSCD will also explore the development of supporting materials such as a Practice Guide, internal instructions for members, and the development of an externally facing form for TGD people to use to update their details.

b) Form 83

Victoria Police has considered amending Form 83 in isolation as a priority, however any changes would need to be implemented as a whole organisation to ensure consistency, and to ensure that data remains comparable and transferable between systems. The relevant issues requiring a whole of organisation approach with respect to Form 83s include:

1. Form 83s feed information into LEAP and, as such, if LEAP does not include a mechanism to capture gender diversity, the information from the Form 83 may be lost; and
2. The recommendation specifies that Form 83s should capture all gender identities, the implementation of which would require consideration by the whole organisation to ensure consistency.

As an interim measure, Victoria Police can detail additional information about gender identity in the 'background and circumstances' section of the current Form 83, where this information has been conveyed to Victoria Police at the time of preparing the report to the Coroner.

Yours sincerely,



Shane Patton APM

Chief Commissioner

5/12/24
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