



VICTORIA POLICE

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Coroner Paul Lawrie
Coroner's Court of Victoria
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Subject: Investigation into the death of Joshua Gonzalez – Response to Recommendations
Court reference: COR 2020 004903
Date of finding: 14 April 2025

Dear Coroner Lawrie

This document provides the response to your recommendations to Victoria Police arising from the Finding into the death of Joshua Gonzalez, dated 14 April 2024.

Recommendations

You have made the following recommendations directed towards Victoria Police:

Recommendation 1: That the Victorian Department of Health (through its Mental Health and Wellbeing Branch, or other appropriate branch) and Victoria Police work in conjunction to develop a universal structured approach for the transmission of essential information upon handover from police of a person in their care and control pursuant to section 232 of the Mental Health and Wellbeing Act 2022.

Recommendation 2: That the Victorian Department of Health (through its Mental Health and Wellbeing Branch, or other appropriate branch) and Victoria Police work in conjunction to develop the necessary training and tools for police and medical staff to implement the practice of a structured approach for handover from police of a person in their care and control pursuant to section 232 of the Mental Health and Wellbeing Act 2022 in all cases.

Response to Recommendations

The death of Mr Gonzalez occurred prior to the current *Mental Health and Wellbeing Act 2022* (the Act). The current Act commenced on 1 September 2023. Consequently, updated policies, documents and training have been implemented to reflect the new legislative regime governing the care of people experiencing a mental illness or mental health crisis.

The Chief Commissioner of Police supports these recommendations and considers that the recommendations have been addressed, as part of implementing the new Act, as set out below.

Recommendation 1

Victoria Police provides a standard structured handover to a health professional through the provision of a form – L42.

This contains the following information:

- Police or PSO involvement from the decision to take a person into care and control until they are no longer in the care and control of police or PSOs
- Reason for police or PSO involvement
- Decision making based on health advice, behavioural observations and safety of the person at risk and others
- Referrals made to a mental health service
- Where and how the person was transported
- Transfer of care and control details

This form was updated following the commencement of the Act.

To further enhance communication between service providers, , Victoria Police continues to liaise with the Department of Health in relation the 'Victoria Police – Department of Health protocol for responses to people with mental illness or experiencing a mental health crisis' (the Protocol) this includes the timeframes for completion and implementation of the Protocol. The Protocol sets out the agreed arrangements for interactions between police, PSOs, mental health clinicians and authorised health professionals when responding to mental health crises. The Protocol contains a clear statement requiring that information be shared with authorised persons, including at the point at which care and control of a person is being transferred from police to authorised health professionals at a hospital or specified body.

The current draft outlines that authorised persons performing functions under the Act must give proper consideration to the following information sharing principles;

- Facilitating smooth transitions to and between services;
- Involving family, carers and supporters where appropriate;
- Respecting cultural views and preferences;
- Upholding the persons dignity and maintaining accuracy and relevance in recorded information; and
- Ensuring information is accessible and acknowledges the needs of individuals (for example, age or relevant disability).

The Protocol also outlines the legislative requirements for disclosure of information between Victoria Police and authorised persons under the Act and other relevant Acts.

Recommendation 2

Following the commencement of the Act in 2023, Victoria Police delivered updated training to reflect the new legislative regime. Mandatory online learning was provided for police and PSOs up to and including the rank of Sergeant on the provisions of the new Act. Existing training for police and PSOs was also updated to align with the new Act, including foundation level training for police and PSO recruits and Police Responding in Mental Health Events (PRIME) training.

The training encompasses the relevant legislative changes, stigma, bias, behaviours indicative of a mental health crisis/illness, communication, de-escalation and the mental health system. Training also includes a module on suicide and the process and information to be provided on transferring care and control of a person to an authorised health professional at a hospital or specified body.

The PRIME training commenced in the second half of 2020, and is additional to the provision of training for members that was in existence at the time of Mr Gonzalez's death.

A primary tool that also provides direction to police and PSOs is the Victoria Police Manual (VPM) Care and control. This was created after the Act came into effect on 1 September 2023. It covers the following:

- direction on police and PSO roles and responsibilities under the Act
- guidance for police and PSOs regarding the exercise of their powers to:
 - take a person into care and control if they appear to have a mental illness and require care and control to prevent imminent and serious harm to the person or to another person
 - take a person into care and control for the purpose of transporting them under the Act
 - enter premises to take a person into care and control
 - search a person for items that present a danger to the health and safety of any person
- considerations that police and PSOs must have regard to in the exercise of their powers including relevant principles under the Act and the protection of human rights.

Victoria Police will continue to work collaboratively with the Department of Health to finalise the protocols and ensure the process for transfer of care and control to an authorised person is effectively communicated between service providers. Victoria Police will also continue to ensure that police and PSOs receive the appropriate guidance and training on the Victoria Police process for handover of care and control.

Yours sincerely



Mike Bush CNZM
Chief Commissioner

24/8/25