

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Discipline

Context

Victoria Police aims to provide the community with a policing service that is professional, lawful, responsible, accountable, fair and based on sound ethical behaviour and judgement. An essential role in achieving that aim is played by an accountable, transparent and timely discipline system where priority is given to the need to maintain the highest standards of integrity, honesty and ethical behaviour.

To ensure this, standards of behaviour for Victoria Police employees are contained in:

- law (including the *Victoria Police Act 2013* (the Act) and the *Public Administration Act 2004*)
- the *Victoria Police Manual* and other relevant corporate and local instructions
- Codes of Conduct for police members and VPS employees.

Victoria Police maintains those standards through employee training, leadership, performance management and governance and has processes in place to:

- receive complaints and public interest disclosures about our employees
- ensure certain matters are reported to Professional Standards Command (PSC)
- ensure that complaints are investigated thoroughly and fairly
- determine what action is taken in relation to employees who fail to meet appropriate service or behavioural standards, engage in misconduct or have a criminal charge proven.

Policy at a glance

This policy includes:

- the procedures and requirements for authorisation and issuing of discipline charges, including requirements for Discipline Charge Notices
- the process for appointment and responsibilities of a Discipline Inquiry Officer
- procedures and considerations for the conduct of a discipline inquiry
- requirements for the determination of discipline inquiry outcomes and costs
- procedures and requirements for Admonishment Notices
- authorisation and laying of criminal charges including Criminal Charge Inquiry.

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Definitions

Affected person - a person who is directly affected by the conduct alleged in the complaint.

Appearance or attendance – participation in a discipline process which may be virtual or in-person, unless expressly denoted.

Breach of discipline – in accordance with s.125, the Act, a breach of discipline is committed if a police member:

- contravenes a provision of the Act or Victoria Police Regulations 2014
- fails to comply with a direction under s.84 of the *Independent Broad-based Anti-corruption Act 2011*
- fails to comply with the Chief Commissioner’s instructions
- fails to comply with a direction given under Part 5, the Act
- refuses to consent to the use of evidence derived from a sample in the circumstances referred to in s.87, the Act
- fails to comply with a direction given under Division 1, Part 9 of the *Independent Broad-based Anti-corruption Commission Act*
- refuses to consent to the use of evidence derived from a sample in the circumstances referred to in s.174 of the *Independent Broad-based Anti-corruption Commission Act*

- engages in conduct that is likely to bring Victoria Police into disrepute or diminish public confidence in it
- fails to comply with a lawful instruction given by the Chief Commissioner of Police (CCP), or a police officer of or above the rank of Senior Sergeant, or a person having authority to give the instruction
- is guilty of disgraceful or improper conduct (whether in their official capacity or otherwise)
- is negligent or careless in the discharge of their duty
- without the approval of the CCP:
 - applies for or holds a licence or permit to conduct any trade, business or profession
 - conducts any trade, business or profession; or
 - accepts any other employment
- acts in a manner prejudicial to the good order or discipline of Victoria Police
- has been charged with an offence (whether under Victorian law or under a law of another place) and the offence has been found proven
- aids, abets, counsels or procures, or who, by any act or omission, is directly or indirectly knowingly concerned in, or a party to the commission of a breach of discipline.

Criminal Charge Action Notice – written notification to the police member that sets out the details for an inquiry into a criminal charge punishable by imprisonment that has been found proven by a court.

Discipline Inquiry Officer – the person authorised by the Deputy Commissioner to determine an inquiry into a police member.

Discipline Charge Notice – a written notification to the police member that sets out details of the alleged breach/es of discipline

Misconduct – as defined in s.166, the Act, misconduct in relation to a police member means:

- conduct which constitutes an offence punishable by imprisonment;
- conduct likely to bring Victoria Police into disrepute or diminish public confidence in it
- disgraceful or improper conduct (whether in an official capacity or otherwise).

Police member – any employee, excluding VPS employees, employed by Victoria Police in accordance with s.7, the Act. This means police officer, protective services officer (PSO), recruit, and reservist.

Subject member – a police member who is the subject of an investigation into a complaint.

Subject member representative – a person, other than a legal practitioner, representing the subject member at a discipline inquiry.

Scope and application

- This policy outlines the process for discipline action as it applies to police members from when the Final Investigation Report is completed to the completion of any subsequent discipline action.
- Police members seconded to other agencies remain subject to the investigation and discipline procedures of Victoria Police.

- Refer to **VPM Management of misconduct (VPS employees)** for policy regarding the management of misconduct for VPS employees (including Police Custody Officers).
- Discipline governance arrangements vary depending on the type of police member. The following table details the relevant command response for discipline processes:

Employee type	Responsible Command
Police recruit	PDC Conduct Unit, People Development Command (PDC)
Probationary police officer before graduation	PDC Conduct Unit, People Development Command (PDC)
PSO before taking oath	PDC Conduct Unit, People Development Command (PDC)
Probationary police officer after graduation	PDC or by agreement PSC
Confirmed police officers	PSC
Probationary PSO	PSC
Confirmed PSO	PSC
Police reservist	PSC

Discipline charges

1. Principles

Discipline action is an employment process. It must be transparent, accountable, proportionate and timely.

The principles below must be applied to any processes for determining disciplinary and other actions relating to police members.

1.1 *Discipline considerations*

The primary considerations when responding to a breach of discipline, are the:

- seriousness of the conduct of the police member
- intentions of the member when engaging in the conduct which is the subject of investigation
- extent of harm caused by the breach
- effect(s) of the breach or behaviour on the reputation and integrity of Victoria Police
- professional development of the police member
- employment history that pertains to either conduct or work performance.

1.2 *Natural justice*

Under the requirements of natural justice, parties within the complaints and discipline process have:

- the right to be heard

- the right to be treated without bias
- the right for any decisions made to be based on relevant evidence.

1.3 *Procedural fairness*

Under the requirements of procedural fairness, the subject member must:

- be informed of the nature of the allegation made, and receive all relevant documentation
- be given the opportunity to respond to the allegation and make a submission as to any sanction that may be imposed
- have their response genuinely considered
- be provided with reasoning to support a decision.

1.4 *Statute of limitations*

There is no statute of limitations applicable to the laying of a discipline charge.

1.5 *Prior discipline matters*

A prior discipline matter is any Admonishment Notice previously issued to the subject member and/or previous discipline charge found proven.

1.6 *Degree of proof*

The degree of proof to be applied is one of comfortable satisfaction. The decision maker must have a comfortable level of satisfaction fairly and properly arrived at, commensurate with the gravity of the charge, achieved in accordance with appropriate fair processes. For further advice regarding the legal foundation of this degree of proof, contact the Discipline Advisory Unit (DAU).

1.7 *Communications*

Discipline action and the notices relating to its application must be kept confidential. Any documents relating to the disciplinary process which are forwarded by post or by internal mail should be clearly marked 'confidential' on the envelope, and only be accessed by persons having a legitimate need to do so. Refer to **VPM Information access and disclosure** for further information.

2. **Discipline charges – general provisions**

Before consideration is given to discipline charges, it must be confirmed that:

- all potential criminal offences have been considered and pursued
- any criminal charges laid have been finalised at court, including any the lapse of any appeal period.

2.1 *Consultation with the Director of Public Prosecutions prior to laying a discipline charge*

- Where the discipline system is considered as an appropriate alternative to deal with criminal matters involving police members, the Assistant Commissioner, PSC must consult with the Director of the Public Prosecutions (DPP) prior to charging a person with a discipline offence. This must occur at the earliest opportunity.
- The criminal offences that the Assistant Commissioner, PSC must consult with the DPP are found in Schedule 4, the Act. All other offences may be considered for consultation if the Assistant Commissioner, PSC believes it appropriate. This provision is located at s.127(3), the Act.
- The Assistant Commissioner, PSC is the sole delegate for the CCP and will consider

and authorise all requests for DPP notifications.

2.2 *Service of documents*

Unless otherwise agreed upon by the subject member, any documents related to the discipline process may be served by:

- delivering the documents to the member personally
- leaving the documents with a person nominated by the member (includes The Police Association Victoria))
- sending the documents by post to the member's usual or last known place of residence
- sending document(s) electronically to the member's nominated private email address.

2.3 *Advice from Discipline Advisory Unit*

- The DAU functions include:
 - the preparation of discipline process documentation
 - assessing documentation pertaining to discipline
 - drafting charges as appropriate
 - assisting the Discipline Inquiry Officer with an inquiry
 - representing the CCP before the Police Registration and Services Board.
 - providing advice on discipline procedures to PSC management, Victoria Police management, Executive Command and employees
- Police members who are the subject of discipline inquiries or processes may seek preliminary advice from the DAU on the processes, but such advice will not include evidential matters relating to the case itself, defences or pleading.

2.4 *Welfare considerations*

- At all stages of the discipline process, wellbeing support must be provided to the subject employee in accordance with section 4.8, **VPM Complaints**.

3. **Issue of Discipline Charge Notice**

- A police member may be charged with a breach of discipline if a complaint investigation under **VPM Complaints** has been conducted, and it is believed that the member has committed a breach of discipline. The member may be charged with a breach of discipline by a:
 - Deputy Commissioner
 - Assistant Commissioner
 - Superintendent, Capability, PSC.
- A discipline charge must be in the form of a Discipline Charge Notice (DCN), and must, in accordance with s.128, the Act:
 - be in writing
 - contain particulars of the alleged breach of discipline
 - specify when and where an inquiry into the charge is to be conducted
 - specify that the subject member must state in writing whether or not they admit or deny the truth of the charge
 - specify the time within which the officer must make the statement in writing as to whether the truth of the charge is admitted or denied.

- Discipline charges against members of PSC, or in relation to a member where a conflict of interest exists with the Assistant Commissioner, PSC must only be issued by a Deputy Commissioner, or an Assistant Commissioner other than the Assistant Commissioner, PSC as nominated by Deputy Commissioner, Capability.
- If a subject member is in the Discipline Intervention Program (DIP), the matter may proceed by way of an Agreed Facts DCN..

4. Agreed Facts Discipline Charge Notice

- When considering an application for the DIP, the relevant PSC Superintendent (refer to section 14.3 **VPM Complaints**) may approve the matter to proceed by way of Agreed Facts DCN.
- When proceeding by way of Agreed Facts DCN, the DAU will prepare the proposed DCN and forward to the subject member's representative for consideration. When the DAU and subject member's representative have agreed on the content of the DCN, it must be issued in accordance with section 2 of this policy.
- Where the subject member does not agree to the contents of an Agreed Facts DCN, the DIP application and/or DIP process will be abandoned. The investigation and/or discipline process will continue as normal.

5. Appointment of Discipline Inquiry Officer

- Upon the issue of a DCN, a Discipline Inquiry Officer (DIO) will be appointed by the Assistant Commissioner, PSC, or alternative Assistant Commissioner nominated by Deputy Commissioner, Capability if the subject member is from PSC or where a conflict of interests exists with the Assistant Commissioner, PSC. A Deputy Commissioner may appoint a DIO where the subject member is an Assistant Commissioner or is from Professional Standards Command.
- In the interests of natural justice and compliance with s.130(2), the Act, any person who has had any form of involvement with the administration or investigation of a discipline matter will generally be precluded from acting as a DIO in that matter. Potential conflicts of interest must be assessed and managed in accordance with **VPM Conflict of interest**.
- Where the appointed inquiry officer is a police officer of or above the rank of Commander, any references to DIO within this policy apply to the police officer appointed.

6. Service of Discipline Charge Notice

- The DCN and a copy of the relevant documents must be served on the member at least seven days prior to the date set for the inquiry unless the member provides written consent to a lesser period.
- The DCN should be served in accordance with section 2.2 of this policy.

Discipline Inquiry

7. Conduct of Discipline Inquiry

7.1 Procedure

- Police members who are charged with a breach of discipline will be subject to a Discipline Inquiry to enable those discipline charges to be determined (s.129, the Act).

- The assigned DIO has discretion to decide the procedure of the inquiry (s.131, the Act).
- Inquiry related activities must be audio and video recorded.
- The Discipline Inquiry Office, Legal Services Department (LSD) may issue practice notes to provide information to parties in proceedings in the inquiry on particular aspects of the inquiry's practice and procedure.
- An employee who is not a party to the proceeding but wishes to attend the discipline inquiry must seek approval from the DIO. If the employee wishes to attend on duty, approval must be sought from their line manager - inspector or above.

7.2 *Appearance and representation*

- A member subject to a discipline charge is entitled to be represented by any person other than a legal practitioner.
- A member subject to a discipline charge cannot be compelled to appear at a Discipline Inquiry and the matter may be determined in their absence if they do not appear.
- Whether or not the member chooses to attend the Discipline Inquiry, they must, at least 3 days before the initial directions hearing or another timeframe agreed to by the DIO, provide a statement in writing to the DIO as to whether they admit or deny the truth of the discipline charge(s). If the police member does not make this statement within the given timeframe, the discipline inquiry may proceed without the statement.
- The police member may include any other submission for the DIO to consider.

7.3 *Witnesses*

- The DIO may require a person other than a Victoria Police employee to attend at the inquiry to produce documents and/or give evidence, by issuing a summons in accordance with s.14 and s.15, *Evidence (Miscellaneous Provisions) Act 1958* as those sections were in force before their repeal. It is an offence not to comply with a summons to attend.
- Where a Victoria Police employee is required as a witness, the DIO will instruct the employee to attend the inquiry and/or produce documents. A summons will not ordinarily be issued as Victoria Police employees must, when a witness to an incident, cooperate fully with an investigation. Refer to section 3, **VPM Professional and ethical standards**.
- Any person who deliberately or recklessly gives false or misleading evidence at a Discipline Inquiry may be subject to discipline and/or criminal proceedings.

7.4 *Providing references*

- Employees are encouraged to provide character or referee evidence/statements in connection with discipline inquiries.
- Employees should be aware that statements provided to a discipline inquiry are considered by the DIO. All statements provided in support or subject employees must be true and be able to withstand scrutiny.
- Employees considering providing character or referee evidence/statements in connection with discipline, criminal and other matters must comply with section 15, **VPM Conflict of interest**.

- For further guidance on providing character evidence for a subject employee, refer to Practice Note No. 6 - Discipline Inquiries Character Evidence, available on the LSD intranet site.

7.5 *Discipline avoidance*

- If a subject member or their representative requests the adjournment of a discipline inquiry or criminal charge inquiry on medical grounds, the subject member must provide the DIO with evidence about their medical condition to support the request. Refer to Discipline Inquiry Office, Practice Note. 7 – Discipline Inquiries Medical Evidence, available on the LSD intranet site.
- To assist the DIO in determining whether the initial medical evidence provided necessitates an adjournment or the making of reasonable adjustments, the DIO may direct the subject member to undergo an assessment by an independent medical officer, if the DIO is satisfied that further medical evidence is required to inform an adjournment decision.
- Upon the DIO notifying the Police Medical Advisory Unit that the subject member has been directed to undergo an independent medical examination, the Police Medical Advisory Unit will allocate the medical assessment to the next available Independent Medical Examiner on the approved list of examiners.

8. Determination of Discipline Inquiry

- The DIO is responsible for making a determination after considering all evidence and submissions made at the inquiry, and other relevant considerations. Refer to s.132, the Act.
- Upon making a determination, the DIO must complete a Discipline Charge Inquiry Report for the inquiry and a Notice of Determination for each charge.
- The DIO must provide reasoning for the determination either verbally or in the Discipline Charge Inquiry Report.
- Where the discipline charge is found proven, the DIO must determine the appropriate discipline outcome. Refer to s.132, the Act.
- If a DIO has determined that transfer or reduction in rank is an appropriate sanction, the subject member will be advised of the location of the new workplace but must not attend until contacted by the new Divisional Manager or their delegate.
- Where a police member is transferred to a position involving a reduction in an allowance, the police member's allowance will be reduced accordingly. Human Resources Command (HRC) will advise the police member in writing of the reduction in allowance, and such reduction will take effect at the same time the transfer takes effect.
- When a police member is reduced in rank, their seniority will also be assigned. Affixing seniority following reduction in rank does not constitute a separate determination of 'reduction of seniority'.
- If a discipline inquiry is adjourned on the condition that the subject member be of good behaviour or comply with any condition imposed, and at the end of the adjourned period it is identified that the subject member has not complied with the conditions of the good behaviour bond, including the payment of any financial amount, the DIO may continue the discipline inquiry and impose another sanction.

9. Costs incurred in Discipline Inquiry

- Police members are not entitled to costs incurred in the preparation and presentation of their own matters.
- In some circumstances, a person other than a Victoria Police employee who has been summonsed to attend by the DIO may be reimbursed for their reasonable costs by using a VP135 General Claim Form.
- Section 132(2), the Act provides for a DIO to order a police member to make restitution or pay such compensation or costs as are appropriate for the matter. The written discipline decision will be provided to HRC to facilitate recovery of monies.
- Where, as the result of a discipline inquiry, a police member is fined or ordered to pay restitution, compensation, or costs, any amount that remains outstanding 28 days after the date of the inquiry will be recovered from the police member's pay by way of instalments at the rate of one-tenth of the police member's gross salary in accordance with s.133(2), the Act.
- Where the person ceases to be a police member, the total of any amount remaining outstanding will be deducted from any salary or other monies due to the person.
- A subject member may apply to the Assistant Commissioner, HRC for review of the rate of recovery on the grounds of financial hardship. For further information on applying for a review of the rate of recovery, refer to section 7 of **VPM Reviews of discipline and professional conduct outcomes**.

Discipline Inquiry outcomes

10. Discipline determinations

In accordance with s.132, the Act, where a discipline charge is found proven following an inquiry into that charge, the following discipline determinations are available:

- reprimand the police officer or PSO
- adjourn the hearing into the charge on the condition that the officer be of good behaviour for a period not exceeding 12 months or on any other condition specified in accordance with s.132A, the Act
- a monetary fine not exceeding 40 penalty units
- impose a period, not exceeding 2 years, during which the officer is not eligible for promotion or transfer
- reduce the officer's rank or seniority
- reduce the officer's remuneration
- transfer the officer to other duties
- dismiss the officer.

Admonishment Notices

11. Overview

- An Admonishment Notice is an intervention that may be used when a police member commits a breach of discipline, whether on duty or off duty, and is a non-statutory mechanism available to support the discipline process. Admonishment notices are not a discipline determination under s.132, the Act

- An Admonishment Notice can only be issued to police officers and PSOs. They cannot be issued to VPS employees, protective custody officers, or recruits.
- A range of factors may influence the decision to issue an Admonishment Notice. These may include, but are not limited to, the discipline history of the member and the nature of the alleged breach of discipline.
- An Admonishment Notice is separate from the Performance Progression Cycle System, however there will often be a link between minor discipline breaches and management issues. The issue of an Admonishment Notice does not alleviate or substitute for any necessary management intervention or the application of **VPMG Management of underperformance**, and is most effective when coupled with performance management to address identified skill or knowledge deficiencies.
- Despite the relatively informal nature of an Admonishment Notice, the principles of natural justice must be applied.
- The issue of an Admonishment Notice does not prevent further discipline action being taken if considered necessary. Where further discipline action is taken in regard to the same matter, the original Admonishment Notice must be withdrawn.

12. Authority for issuing notice

- PSC investigators may issue an Admonishment Notice as part of an outcome for a complaint following authorisation by the PSC Superintendent with line control of the investigation.
- For investigations outside of PSC, the investigator may issue an Admonishment Notice as part of a complaint outcome, subject to the authorisation of the Divisional Commander and following consultation with the Discipline Advisory Unit (DAU), and the Superintendent, Conduct and Professional Standards Division, PSC, and/or the Superintendent, Capability, PSC
- A senior sergeant or above may issue an Admonishment Notice to a police member for matters:
 - not related to a PSC investigation or
 - as part of an outcome for a Class 3 professional conduct complaint where professional conduct resolution alone is insufficient to address the matter.

13. Circumstances where notice can be issued

- The decision to issue an Admonishment Notice must be based on credible evidence that it is more probable than not that the member committed a minor breach of discipline. A minor breach of discipline is where the employee's misconduct, coupled with their complaint history, can be adequately addressed by admonishment and does not warrant the issue of a Discipline Charge Notice.
- Admonishment Notices must not be issued for criminal offending.
- Although it is not necessary that the police member admit the breach, in cases where the breach is denied, consideration may be given to issuing a DCN to enable a Discipline Inquiry Officer to determine the truth of the matter.

14. Considerations before issuing a notice

- Before an Admonishment Notice is issued, enquiries must be made through the Probity Unit, PSC as to the subject member's discipline history. Although there is not a prescribed number of previous notices that prevents issue of a further notice,

if the member has been the subject of any previous Admonishment Notices, the issuer should investigate and consider whether an alternative action is more appropriate.

- Discipline considerations, procedural fairness and natural justice principles must be taken into account when considering issuing an Admonishment Notice.

15. Giving an Admonishment Notice

- When giving an Admonishment Notice, an Admonishment Notice [VP Form 191] must be used.
- For service of notice for matters that are the result of a PSC investigation:
 - notices should be served by the investigator. Where impractical, consider alternatives such as telephone or video conferencing and arrange to have the notice served by email following the conference
 - members who are the subject of the notice must be accompanied by a sergeant or above from their region/command/department who is senior in rank to the subject member.
- For a service of notice for matters that are not the result of a PSC investigation, the issuer must:
 - consider the most effective method by which to serve the notice, a structured interview may not be necessary in all circumstances
 - explain the reasons for issuing the notice, in addition to a discussion of the process and consequences of the notice
 - encourage the subject member to ask questions about the notice or the admonishment process
 - provide the subject member with a copy of the notice, signed by both parties where appropriate, take notes of the conversation and provide copies to the subject member.
- Following the service of a notice, the supervisor accompanying the member or issuing the notice must have a remedial discussion to aid in the member's professional development.

16. Recording an Admonishment Notice

- Where the Admonishment Notice is issued as an outcome of a PSC investigation, the Ethical and Professional Standards Office (EPSO) is responsible for ensuring this outcome, and a copy of the notice, is recorded in the Register of Complaints, Serious Incidents and Discipline (ROCSID).
- Where the Admonishment Notice is issued by a line manager, they must submit a copy of the notice and a PSC Complaint Form to the relevant EPSO within 14 days to ensure this outcome is recorded in ROCSID.
- Where the Admonishment Notice is issued as a result of an investigation conducted by the PSC Investigations Division or Sexual Offence and Family Violence Unit SOFVU, the Senior Investigation Officer must ensure the notice is recorded on ROCSID.

17. Review request by subject member

- For Admonishment Notice review processes, please refer to **VPM Reviews of discipline and professional conduct outcomes**.

Criminal charges

18. Criminal Charge Inquiry and appointment of Discipline Inquiry Officer

- Where a police member is charged with a criminal offence, the police member may also be subject to discipline action. Generally, any discipline action will not proceed to determination before the criminal charge is finalised at court, including any appeal period.
- Where a police member has been the subject of a criminal charge punishable by imprisonment that has been found proven, the Assistant Commissioner, PSC or a Deputy Commissioner will appoint a DIO to inquire into the matter and a Criminal Charge Inquiry will be conducted in accordance with section 136, the Act.
- Where there is a conflict of interest with the Assistant Commissioner, PSC, the Deputy Commissioner, Capability will nominate an alternative Assistant Commissioner to appoint the DIO.
- Where a police member has been the subject of any other criminal charge that has been found proven, they have committed a breach of discipline and may be subject to discipline action.
- Where the appointed inquiry officer is a police officer of or above the rank of Commander, the obligations of a Discipline Inquiry Officer apply.

19. Service of Criminal Charge Action Notice

- A Criminal Charge Action Notice will be served on the subject member advising them of the inquiry date and the appointment of the DIO. Service is to occur not less than seven days before the inquiry date.

20. Criminal Charge Inquiry process

20.1 *Appearance at the Criminal Charge Inquiry*

- A police member cannot be compelled to appear at a criminal charge inquiry. If they do not appear, the matter may be determined ex-parte.
- Whether or not the police member chooses to attend the criminal charge inquiry, they may provide a written submission for the DIO to consider in their determination.
- Where, as a result of a court hearing a police member is sentenced to imprisonment, the DIO may elect to hear from the police member in writing rather than verbally. In such a case, the police member should be advised that they may make a written submission and attach documents that they wish to be taken into account by the DIO. If the imprisoned police member requests to make a verbal submission, they may do so if there are suitable telelink facilities available.
- Police members may be represented by any person other than a legal practitioner.

20.2 *Conduct of the Criminal Charge Inquiry*

- The assigned DIO has discretion to decide the procedure of the inquiry.
- The Discipline Inquiry Office may issue practice notes to guide the DIO. This includes:
 - whether an inquiry is open or closed
 - how formal it needs to be to allow for proper consideration of the matter
 - whether inquiry-related activities will be recorded

- the manner in which they will receive evidence.
- In addition to endorsement from the authorised DIO, any employee who is not a party to the proceeding but wishes to attend on-duty must seek approval from their line manager, of or above the rank of inspector.

21. Determination of Criminal Charge Inquiry

21.1 Determination

- Upon making a determination on the matter, the DIO will complete a Notice of Determination and provide it to the police member or their representative at the conclusion of the inquiry. The DIO will provide reasoning for the determination either verbally or in a Criminal Charge Inquiry Report.
- If a DIO has determined that transfer or reduction in rank is an appropriate sanction, the police member will be advised of the location of the new workplace but must not attend there until contacted by their new Divisional Manager or their delegate.
- Where a police member is transferred to a position involving a reduction in an allowance, the police member's allowance will be reduced accordingly. HR People Services Division, HRC will advise the police member in writing of the reduction in allowance, which will take effect at the same time as the transfer.
- When a police member is reduced in rank, their seniority at that rank will also be assigned. Affixing seniority following reduction in rank does not constitute a separate determination of 'reduction of seniority'.
- In accordance with s.136(1), the Act, one or more of the following determinations are available to the CCP when a criminal charge punishable by imprisonment is found proven against a police member:
 - reprimand the police member
 - reduce the member's rank or seniority
 - reduce the member's remuneration
 - adjourn the hearing into the charge on the condition that the member be of good behaviour for a period not exceeding 12 months or on any other condition specified
 - a monetary fine not exceeding 40 penalty units
 - impose a period, not exceeding 2 years, during which the member is not eligible for promotion or transfer
 - transfer the member to other duties
 - dismiss the member.

Reviews

22. Review of discipline and professional conduct outcomes

- For information on review processes for discipline outcomes, please refer to **VPM Reviews of discipline and professional conduct outcomes**.

Related documents

- **VPM Complaints**
- **VPM Reviews of discipline and professional conduct outcomes**

- **VPM Professional and ethical standards**
- Delegation COM 1
- Delegation DS 5.1
- Delegation DS 5.2
- Delegation DS 5.13
- Delegation DS 5.14

Further advice and information

For further advice and assistance regarding this policy, contact PSC or your supervisor.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
22/05/24	First issued as part of the Discipline Transformation Project. This policy updates and replaces VPMP Complaints and discipline, CCI 09/17 Discipline Intervention Program and Regional Admonishment Process, VPMG Discipline action, and VPMG Admonishment notices.	FF-226089