

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner 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 the Code of Conduct – Professional and Ethical Standards to inform the decisions they make to support compliance.

Registered Sex Offender management

Context

Victoria's sex offender registration scheme was established on 1 October 2004 by the *Sex Offenders Registration Act 2004* (SORA). The SORA established the Register of Sex Offenders (Register), which is administered by the Chief Commissioner of Police's (CCP) delegate.

The purpose of the SORA is to impose reporting obligations that require Registered Sex Offenders (RSOs) to keep police informed of their whereabouts and other personal details for a period of time and prevent them from engaging in child-related employment. The aim of the SORA is to:

- reduce the likelihood of RSOs reoffending in the community
- assist in the investigation and prosecution of any further offences
- prevent RSOs from working in child-related employment (including work carried out as a volunteer).

Victoria Police has responsibilities under the SORA and plays an important role in the community in the ongoing management of RSOs. This policy outlines the management responsibilities, procedures and risk assessment considerations involved in RSO management.

The Register is a limited disclosure model. If an RSO is in breach of their reporting obligations and cannot be located by Victoria Police there is a mechanism to publish their name and details on the Victoria Police News website. There is no mechanism for members of the public to obtain the personal details of RSOs.

Policy at a glance

This policy includes:

- compliance manager duties and responsibilities
- RSO reporting obligations
- child contact and child related employment for RSOs
- RSOs travelling interstate or overseas
- breaches of the SORA
- risk assessment of RSOs and RSO management plans
- information security and information sharing/disclosure.

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Definitions

Compliance Manager (CM) – a police member who has completed the Compliance Management Training Course and whose duties include the management of RSOs.

Discretionary offences – refers to offenders convicted of offences listed in specific schedules of the SORA, where the offender is a child, or convicted of offences listed in Schedule 3 or 4, where both the victim and offender are adults.

Notification of Reporting Obligations (NORO) – a signed acknowledgement which includes both detailed advice regarding an RSO's reporting obligations and that they have read and understood these obligations.

Offender Management team (OMT) – a team within the Offender Management Division (OMD) that is responsible for conducting and reviewing risk assessments of RSOs.

Proactive Targeting Team (PTT) – a team within the OMD who provide investigative and proactive support to CMs.

Regional Offender Management Operations Committee (ROMOC) – a regional governance committee with oversight over operational RSO management.

Registered sex offender (RSO) – a person as defined under s. 6, SORA. All registered offenders are identified by a flag on LEAP.

Registrable offences – refers to offences listed in Schedule 1 or 2 of the SORA, where the offender is an adult and the victim is a child.

Registrable offender – refers to an offender whom a court has sentenced for a registrable offence (as per s. 6, SORA).

RSO Management Plan (RSO-MP) – outlines risk mitigation strategies the CM will perform in the course of RSO management.

Section 25 (s.25 receipt) – Receipt of Information issued to an RSO under the SORA.

Serious Offender Management Steering Committee (SOMSC) – an organisational governance committee with oversight over RSO management practice and strategy.

Sex Offenders Registry (SOR) – a unit within OMD which coordinates the registration and reporting processes for registrable offenders and any disclosure of information from the Register.

Sex Offenders Registration Act (SORA) – primary legislative framework for RSO management.

Supervision Order – refers to a post-sentence order under the *Serious Offenders Act 2018*.

Scope and application

This policy applies to all employees and must be read in conjunction with the **RSO Management Practice Guide**.

Governance and oversight

1. Governance Responsibilities

1.1 *Deputy Commissioner –Public Safety and Security*

The Deputy Commissioner, Public Safety and Security is accountable for the efficiency and effectiveness of the relevant policies, implementation delivery and strategic engagement with Government.

1.2 *Assistant Commissioner – Intelligence and Covert Support Command*

The Assistant Commissioner, Intelligence and Covert Support Command (ICSC) is accountable for the administration of the Register and represents Victoria Police on the Detention and Supervision Order Review Board.

1.3 *Regional Commanders*

Regional Commanders are responsible for ensuring:

- any risk presented by RSOs in their region is operationally managed by Divisional Commanders
- that the Operations Support Superintendent is appointed as Regional Sex Offender Manager
- agendas at the Regional Tasking and Coordination (T&C) meetings include RSO management
- members appointed as CMs have completed the approved training provided by the SOR.

1.4 *Officer in Charge, SOR*

The Register must be maintained and coordinated by the member appointed as the Officer in Charge (OIC), SOR.

The OIC must:

- administer the Register and acquit the CCP's responsibilities under the SORA
- access and disclose relevant information to the National Child Offender System (NCOS) database on behalf of Victoria Police

- encourage the exchange of information between agencies engaged in the management of RSOs for law enforcement purposes, judicial process or administration of the SORA
- provide advice on managing interagency information sharing in compliance with legislative requirements
- assist the Independent Broad-based Anti-corruption Commission (IBAC) conducting audits of the Register
- provide authorisation of any submissions made on behalf of the CCP under s.11F, SORA in response to an exemption application made by a person under s.11A, SORA.

Additionally, the OIC, SOR must ensure:

- only appropriate information is shared between agencies
- the integrity and privacy of information is protected
- the exchange of information is in accordance with Victoria Police policy and the Victorian Protective Data Security Standards (VPDSS)
- that information is used correctly and for the purposes for which it was intended
- the disclosure of information is limited to the recipient's functions only
- offences against the SORA, where identified by the SOR, are disseminated appropriately for investigation
- all duties, functions and powers under the SORA are exercised as delegated by the CCP
- relevant statistical data is provided for the Victoria Police Annual Report.

2. Serious Offender Management Steering Committee

2.1 *Purpose*

In relation to sex offender management by Victoria Police, SOMSC's key responsibilities include:

- providing an escalation point to resolve any legal or operational risks
- guiding operational and strategic directions and priorities
- representing stakeholder interests in relation to current or future practices and issues
- informing project decision making, including advising the Executive Sponsor and other project members on any matters related to project governance
- identifying and supporting opportunities for Victoria Police involvement in relevant research
- overseeing the ROMOC in relation to their activities and relevant operational matters and, where relevant, directing action items to the ROMOC for completion
- liaising with ROMOC where issues may broadly impact regional policing.

2.2 *SOMSC representatives*

The SOMSC is comprised of:

- the Assistant Commissioner, ICSC
- the Commander, ICSC
- regional commanders (as nominated)
- the Superintendent, OMD
- the Inspector, SOR
- the Inspector, Targeting, Electronic Monitoring and Post Sentence Offenders (TEMPO)
- the Senior Forensic Psychologist, ICSC
- the Senior Project Officer, OMD
- Principal Policy Officer, Policy and Legislation Division
- the Secretariat, OMD.

3. Regional Offender Management Operations Committee

3.1 *Purpose*

The ROMOC provides operational oversight of the management of RSOs.

They are also responsible for:

- providing input into the development and promotion of best practice in relation to compliance with the relevant legislation, including the:
 - SORA
 - *Serious Offenders Act*
 - *Children, Youth and Families Act 2005* (CYFA) regarding RSOs and their access to children.
- identifying opportunities for improvement in current legislation, policy and practice
- tracking the completion of annual audits on RSO management
- engaging with relevant stakeholders and providing advice on issues relating to sex offender registration.

The ROMOC must report bimonthly to the SOMSC in relation to their activities and relevant operational matters.

Progression of items for discussion at the ROMOC is managed through submissions of an Issue Cover Sheet (ICS) [VP Form 1028] to the respective regional representative.

3.2 *ROMOC representatives*

The ROMOC is comprised of:

- the Superintendent, OMD
- Regional Operations Support Superintendents (Western Region, North West Metro Region, Southern Metro Region and Eastern Region)
- the Detective Inspector, SOR
- the Detective Inspector, TEMPO
- the Detective Inspector, Joint Anti Child Exploitation Team

- the Senior Forensic Psychologist, ICSC
- the Secretariat, SOR.

Responsibilities and procedures

4. General duties member responsibilities

4.1 *Identifying an RSO on LEAP*

RSOs can be identified by the following LEAP Flags:

- SEX OFN REG – an offender on the Register
- SOPO – an offender subject to a Sex Offender Prohibition Order (SOPO)
- SEXREG-SUPV ORDER-DO NOT BAIL or SUPV ORDER DO NOT BAIL – an offender subject to a Supervision Order (SO)
- SO – an offender subject to an SO
- RSO_MGMT PLAN – an RSO who has an RSO-MP.

4.2 *Information Report*

Members who are not involved in the day-to-day management of an RSO, who come into contact with an RSO in the course of their duties, must submit an Information Report (IR) to their local Divisional Intelligence Unit which contains the following details:

- the words 'Registered Sex Offender' or 'RSO' in the IR subject
- particulars such as any children present, associate names, phone numbers, addresses, vehicle registration numbers, description of clothing, and any other relevant information or detail as to the circumstances of the check.

4.3 *Receiving reportable information from an RSO*

Under the SORA, only the CM is authorised to receive reportable information related to an RSO's reporting requirements (see section 7.1 of this policy).

If an RSO attempts to report information as per their SORA reporting requirements to a member other than their CM, that member must:

- advise the RSO to call the SOR 1800 line on 1800 235 733 or to contact their CM
- submit an IR as per section 4.2 of this policy.

5. Management Responsibilities

5.1 *Divisional Commanders*

Divisional Commanders are responsible for ensuring:

- compliance and proactive RSO management in accordance with the organisational person of interest (POI) management model
- agenda items at the divisional T&C meetings include RSO management
- that Regional Audit Teams conduct annual audits on RSO management functions as per the SOR Auditing Guidebook (located on the SOR intranet page) and **RSO Management Practice Guide**.

5.2 *Regional Operations Support Superintendent*

Regional Operations Support Superintendents are appointed as regional RSO managers, and are responsible for:

- receiving ROMOC reports and ensuring outstanding matters are actioned by the relevant CM
- representing their region at ROMOC
- providing authoritative and timely advice to Regional Commanders and Divisional Superintendents on the management of RSOs
- tracking the completion of annual audits on RSO management.

5.3 *Superintendent, OMD*

The Superintendent, OMD is responsible for:

- the administration of relevant policies and post-sentence schemes
- ensuring all duties, functions and powers under the SORA are exercised as delegated by the CCP
- authorisation of INTERPOL Green Notices for RSOs who travel internationally
- chairing ROMOC meetings
- participating in SOMSC meetings.

5.4 *Proactive Targeting Team*

The PTT sits within OMD and is an available resource for CMs. PTT has five teams across Victoria, located in Central (Victoria Police Centre), North (Essendon), East (Box Hill), West (Ballarat) and South (Dandenong).

PTT functions include:

- providing a proactive intelligence-based response to RSOs
- proactive investigation in support of existing regional compliance management
- assisting the regions with the capacity to investigate high risk sex offenders through covert and overt investigative techniques
- assisting the regions with offender operations as determined by the T&C process
- offender engagement, intelligence gathering and referrals in line with recidivist RSO report findings
- assisting with locating missing RSOs
- providing advice and assistance on the application monitoring and enforcement of SOPO legislation.

To request the assistance of the PTT, members should use the process outlined in the **RSO Management Practice Guide**.

5.5 *Regional Crime Inspectors / Investigation and Response Inspectors*

Regional Crime Inspectors and Investigation and Response (I&R) Inspectors are responsible for:

- compliance and pro-active RSO management in accordance with the organisational POI management model

- ensuring all tasks relating to RSOs are completed within the timeframe specified by the SOR e.g. initial and annual interviews
- consulting with CMs to ensure LEAP alerts are activated against all RSOs
- ensuring that all RSO activity, intelligence or contact with police is recorded and managed on Interpose
- ensuring that any risk present by RSOs within their division is pro-actively managed and mitigated.

5.6 *Work unit managers of RSO management units*

Work unit managers who are responsible for the management and supervision of members who perform the role of CM must complete the two-day RSO management face-to-face training course provided by the SOR.

Work unit managers are responsible for:

- monitoring the number and risk categories of RSOs and offenders with Supervision Orders within the Police Service Area (PSA)
- ensuring notifications are made to Department of Families, Fairness and Housing (DFFH) where it is identified an RSO has contact with a child
- ensuring that all RSO activity, intelligence or contact with police is recorded and managed on Interpose
- managing investigations of offences against the SORA and missing RSOs
- ensuring the appropriate level of policing response is available to effectively manage RSOs and mitigate the risk of re-offending
- ensuring RSO-MPs have been completed for all RSOs as required
- ensuring that the level of risk is appropriately managed
- monitoring compliance against RSO-MPs, review and approve annually as a minimum
- ensuring there are LEAP alerts on all RSOs' Master Name Index (MNI)
- ensuring all information regarding RSOs is stored securely in accordance with **VPMP Information use, handling and storage** and the SOR Interpose Guidelines
- ensuring all information regarding RSOs is destroyed securely in accordance with **VPMP Information review, retention and disposal** after confirmation of receipt of information by the SOR.

5.7 *CM supervisors*

Sergeants who are responsible for the supervision of members who perform the role of CM must complete the two-day RSO management face-to-face training course provided by the SOR.

Sergeants who supervise CMs are responsible for:

- authorising briefs of evidence for offences under the SORA
- providing oversight of the resolution and completion of IRs in relation to RSOs

- reviewing all RSO-MPs for medium and high risk rated RSOs, to ensure the accuracy and effectiveness of proposed strategies to mitigate and manage risk, prior to submission to the work unit manager
- reviewing all briefs of evidence for offences under the SORA that are submitted for non-authorisation, prior to submission to the work unit manager.

6. CM responsibilities

6.1 Overview

CMs are appointed at the discretion of the region and have primary responsibility for the day to day management of RSOs allocated to them.

Under s.23(3), SORA, only a police officer approved for the purpose by the CCP may receive reportable information from an RSO.

Victoria Police deems a police member who has completed the two-day RSO Management face-to-face training course to be approved for the purpose of performing the role of CM. Members must have completed this training in order to perform the role of CM.

6.2 Transfer of management responsibilities

RSOs are assigned to a CM according to their primary location.

If an RSO moves to a different location, the current CM must do the following prior to the new CM being re-allocated:

- complete a s.25 receipt
- notify the SOR.

The SOR will notify the new CM of the RSO's details and provide access to the relevant Interpose shells. Once the new CM is allocated, the new CM must:

- confirm the RSO is residing at the new location as soon as practicable by attending the new location
- provide the RSO with their contact details and explain they must report information to them rather than their previous CM
- review the RSO-MP and forward for endorsement by local management. This must occur within 14 days of RSO being transferred to the new CM
- if the RSO cannot be confirmed at the new address, notify the SOR who will transfer management back to the previous CM.

6.3 Initial interviews

It is a requirement under the SORA for an initial interview to be conducted in person (unless excepted due to Special Considerations, see section 7.3).

The CM must:

- arrange and conduct an interview with the RSO, as soon as practicable after the RSO is assigned to them or as directed by the SOR
- use the SOR Interview Template available on the SOR intranet page to conduct the interview
- serve and explain the current NORO (see section 7.2 of this policy)

- photograph the RSO including any tattoos, scars or distinguishing marks
- ensure RSO provides supporting documentation as prescribed in r.15, *Sex Offenders Registration Regulations 2014* (SORR) in relation to employment
- see proof of ID
- take fingerprints and DNA as required (see section 7.4 of this policy)
- ensure any special considerations are managed (see section 7.3 of this policy).

In addition, CMs should refer to the **RSO Management Practice Guide** for further instructions on conducting the interview.

6.4 *Annual interviews*

It is a requirement under the SORA for annual interviews to be conducted in person (unless excepted due to Special Considerations, see section 7.3).

The CM must:

- conduct an annual interview with the RSO every 12 months as directed by the SOR
- use the SOR Interview Template available on the SOR intranet page
- serve and explain the current NORO
- photograph the RSO
- photograph changes to any scars, marks or tattoos
- ensure RSO provides supporting documentation as prescribed in r.15, SORR in relation to employment
- take fingerprints and DNA as required (see section 7.4 of this policy)
- ensure any special considerations are managed as per section 7.3 of this policy
- if the RSO is subject to a SOPO, re-serve the documentation.

6.5 *Ongoing reporting obligations*

When receiving reportable information from the RSO, the CM must:

- ensure that the information reported is compliant with RSO reporting obligations and relevant timeframes (see section 7.1 of this policy)
- issue the RSO with a s.25 receipt using the SOR template
- upload a copy of the s.25 receipt to Interpose and forward the link to the SOR
- identify any breaches of SORA reporting obligations in line with section 8 of this policy and communicate to the SOR via Interpose
- ensure any special considerations are managed as per section 7.3 of this policy.

6.6 *Reporting child contact*

RSOs are required to report all children with whom they have contact as defined by section 4A of the SORA (see section 3.8, **RSO Management Practice Guide**). This includes children with whom they are maintaining a pre-existing relationship and any new child contact that occurs during their reporting period.

In addition to the completion of an interview or s.25 receipt, CMs must report all child contact to DFFH as soon as practicable using the Child Contact Report located on the

SOR intranet page. Should any immediate risk to the child be identified DFFH notification must be made immediately and appropriate action must be taken to ensure the safety of the child. Refer to section 16.4 of this policy and **VPMP Protecting Children**.

Child contact must be reported to DFFH within three days of receiving the report from the RSO.

The Child Contact Report must be:

- emailed to the relevant child protection intake PBEA (the intake where the child resides)
- uploaded to the RSOs document shell on Interpose and emailed to the SOR via an Interpose link.

If the child is reported as residing in another jurisdiction, the details must be recorded via a s.25 receipt or the SOR Interview Template (as appropriate), uploaded to interpose and forwarded via link to SOR. Generally, the SOR will notify that jurisdiction.

6.7 *RSO custody movements and subsequent interviews*

RSOs who have been in custody for 14 days or more are required by the SORA to make contact with police within seven days after their release from custody and to report all of their personal details.

If requested by the SOR, CMs should conduct a subsequent interview using the process for annual interviews (see section 6.4 of this policy).

6.8 *RSO-MPs*

CMs are responsible for completing RSO-MPs as directed by the SOR.

RSO-MPs must:

- be derived from the risk assessment, available intelligence in police records and the CM's knowledge of the RSO
- address the risks outlined in the risk assessment (see section 9.1 of this policy)
- detail proposed strategies to mitigate the RSO's risk of sexual reoffending by listing targeted strategies that must be implemented by the CM
- specify the regularity and detail about how each strategy will be undertaken
- be authorised by the senior sergeant or OIC of the work unit
- be uploaded to Interpose under the Management Plan and Checks tab in the person entity
- be sent to the SOR within 14 days of receiving a new risk assessment
- be reviewed and approved by the senior sergeant or OIC of the work unit every 12 months
- where an RSO has moved location and been transferred to a new CM, be updated by the new local management and forwarded for endorsement within 14 days of transfer.

For any RSO under their management who requires an RSO-MP, the CM must:

- ensure that all risk mitigation strategies outlined in the RSO-MP are completed within the relevant timeframes to the extent that is practicable

- determine whether any identified breaches of SORA reporting obligations relate to or increase the RSO's risk of re-offending
- record all completed RSO-MP actions within the Interpose shell.

CMs should refer to the **RSO Management Practice Guide** for further information on RSO-MPs.

7. Reporting obligations

7.1 Reportable information

Below is a summary of what an RSO is legally required to report – for more information refer to the NORO, the SORA or the **RSO Management Practice Guide**.

Reportable information	Timeframe to report
Their address, including addresses they frequently stay at or sleep	24 hours from the seventh day of residence (in person)
No longer residing at an address	24 hours (in person)
Location where they sleep on a regular basis	7 days from the second occasion of sleeping in that location within a 14-day period (in person)
Their full name and any other name by which they have been known	7 days
Contact with children (under the age of 18)	24 hours
Email addresses	7 days
Usernames (any name by which they are known or identified as on the internet)	7 days
Interstate travel of 48 hours or longer	At least 7 days before departure and within 7 days after return from travel
International travel	See section 12 of this policy Departure/return (in person)
Phone number(s)	7 days
Internet Service Provider	7 days
Vehicles (owned or generally driven)	7 days
Employment (paid or voluntary)	7 days
Tattoos, scars or distinguishing marks	7 days (in person ; photograph required)
Affiliations (with organisations that have child membership)	7 days
Passport details	7 days
Release from custody after a period of at least 14 days in custody	7 days

7.2 NORO

As per s.50, SORA, an RSO must be served written notice of their reporting obligations and the consequences that may arise, if they fail to comply with those obligations. RSOs are served a NORO either at court at the time of sentencing, upon release from custody or upon entering Victoria from another jurisdiction.

Additionally, CMs must serve and explain a NORO to the RSO at each initial and annual interview.

The current version of the NORO is available on the SOR intranet page, as well as translated versions.

7.3 *Special considerations for reporting*

An RSO has a right to receive support during an interview or while making a report under their SORA obligations, and is entitled to be accompanied by a support person of their own choosing.

The CM must:

- arrange for an interpreter if the RSO does not speak English or requires assistance to understand English. CMs must advise the Interpreter that the person is an RSO, and must only allow an Interpreter to assist if they have provided a signed undertaking not to disclose any information provided by the RSO
- arrange an independent third person for any RSO with a cognitive impairment
- ensure juvenile RSOs are accompanied by a parent or guardian or, if unavailable, an Independent Person.

Refer to **VPM Interviews and statements**, the **RSO Management Practice Guide** and s.24, SORA for further information.

A CM may establish alternative reporting arrangements where an RSO resides more than 100km from their nearest police station. This can include forming an agreement about:

- how information can be reported (e.g. by phone or email)
- how in person reports can be made (e.g. making an appointment within a reasonable timeframe).

Any agreement made in these circumstances must be recorded on Interpose and a link sent to the SOR.

Circumstances for electronic reporting

Under s. 23A, SORA the CCP or their delegate may direct or permit RSOs to electronically report matters that ordinarily must be reported in person (as specified in s. 23(1), SORA) in the following circumstances:

- a state of disaster as defined under s. 23, *Emergency Management Act 1986*
- a state of emergency as defined under s. 198, *Public Health and Wellbeing Act 2008*
- a pandemic declaration as defined under s. 165AB, *Public Health and Wellbeing Act 2008*.

In those circumstances, the CCP or their delegate may direct or permit a registrable offender to report electronically by the following means:

- audio visual link (preferred)
- audio link
- electronic communication.

Where electronic reporting will be used, the Inspector OMD or a Senior Sergeant from

OMD must make the direction and provide notification to the relevant CMs.

CMs who have been directed by the SOR to allow RSOs to engage in electronic reporting must, within 72 hours:

- inform RSOs under their management that electronic reporting is in place
- provide instructions on how to comply with their reporting obligations using electronic reporting.

CMs should conduct any reporting that would normally occur in person via audio-visual link, preferably using Microsoft Teams on a Victoria Police authorised device.

Where audio-visual link is not possible, then audio or other electronic communications should be used.

The RSO's identity must be confirmed to the best of the CM's ability regardless of the type of electronic reporting used.

7.4 Fingerprints and DNA profile samples

All registrable offenders (whether their registration period is current or expired) must have their fingerprints and DNA profile samples taken, and these must be recorded in accordance with the below legislation:

Legislation reference	Powers and conditions
s.27(1), SORA	Power to take fingerprints: • where the fingerprints or fingerscan of the registrable offender are not already held by police • where an offender is currently reporting under SORA and the police officer is not satisfied as to their identity
s.464ZFAB, <i>Crimes Act 1958</i>	Power to take DNA profile sample: • where the person is a registrable offender and a forensic sample is not already held by police

In most circumstances, CMs will be notified by the SOR if an RSO requires fingerprints or a DNA profile sample to be taken. These samples must be taken in accordance with **VPM DNA profile samples** and **VPM Fingerprinting**.

7.5 Suspensions

Provisions exist under ss.39, 39A and 45A, SORA to apply for a suspension of reporting obligations for certain RSOs.

Members must consult the SOR for advice regarding all suspension applications. SOR will issue an Interpose task to the CM detailing the requirements. An application for a suspension must be made by the CM on behalf of the RSO, using a detailed ICS.

The CM or SOR detective sergeant is responsible for:

- completing the application, including obtaining any relevant supporting documentation from the RSO
- assessing the application against the legislative criteria (see the **RSO Management Practice Guide** for more information)

- making a recommendation as to whether the RSO presents low or no risk to the sexual safety of one or more persons in the community
- forwarding the application and their recommendation to the SOR for approval.

RSOs whose reporting obligations are suspended are assigned to a local CM.

During the course of the suspension, CMs should:

- ensure there is a LEAP tag on the RSO
- comment on any IRs that relate to the RSO
- review the RSO's circumstances and the suspension on a yearly basis and record this in a comment on the investigation shell
- if required, prepare a renewal application and ensure it is submitted prior to the expiration of the suspension.

7.6 Registration exemption orders

- Provisions exist under s.11A, SORA to apply directly to the court of sentencing for a sex offender registration exemption order.
- Offenders have no more than six months to apply for a registration exemption order from the date of being sentenced for a registrable offence.
- If such an order is granted, the offender is no longer considered to be a registrable offender and as such is not bound by the reporting obligations of an RSO under the SORA.
- All applications for registration exemption orders are made by the registrable offender directly to the sentencing court. The SOR will then be notified and assess against eligibility. There is no requirement for the CM to complete any additional tasks relating to applications for registration exemptions.

8. Offences against the SORA

8.1 Overview

The main offences against the SORA are listed in the table below.

Offence	Relevant legislation
Offence for RSO to fail to comply with their reporting obligations	S.46(1), (1A) – Indictable offence S.46(1B) – Summary offence
Offence for RSO to furnish false or misleading information	S.47(1), (3) – Summary offence S.47(2) – Indictable offence
Offence for RSO to engage in, or apply for, work that is child-related employment	S.68(1)(a)(b) – Summary offence
Offence for RSO to apply for a change of name without prior approval	S.70C(1)-(2) – Summary offence

8.2 Breaches

- Where a member identifies a breach committed against the SORA, standard investigative procedures apply.

- Upon request, the SOR will issue a Certificate Concerning Evidence (CCE), which must be attached to any brief of evidence relating to offences committed against the SORA.
- Briefs of evidence regarding breaches against the SORA must be authorised by a sergeant or above.
- Non-authorised briefs must be approved by a senior sergeant or work unit manager.

8.3 *Change of name or sex descriptor*

- An RSO must not apply for a change of name or sex descriptor to Births, Deaths & Marriages Victoria (BDMV) without prior approval from the CCP.
- RSOs that are subject to a supervision order, interim supervision order, detention order or an interim detention order must make the application to change their name or sex descriptor to the Post Sentence Authority.
- RSOs that are subject to a parole order must make the application to change their name or sex descriptor to the Secretary of the Department of Justice and Community Safety (DJCS).
- If an RSO requests to change their name or sex descriptor, the relevant CM must complete an Application by a Registered Sex Offender to change their name or gender [VP Form 1318] and submit to the OIC, SOR for approval.
- If an RSO is in custody, they must seek approval from the CCP and Secretary of DJCS to change their name or sex descriptor. The RSO must complete an Application by a Registered Sex Offender to change their name or gender [VP Form 1318] and submit to the OIC, SOR for approval. Corrections Victoria will provide the RSO a copy of the blank form.
- CMs should follow the process set out in the **RSO Management Practice Guide**.

9. Risk management

9.1 *Risk assessments*

All RSOs are assessed by the OMT to determine their risk and the level of management required.

The OMT is responsible for:

- conducting initial risk assessments of all RSOs
- conducting risk reviews as required
- conducting risk assessments as required for international travel, exemption orders, suspension orders and name/sex descriptor change applications.

Initial risk assessment involves the use of static and dynamic tools. These tools combined form an overall risk rating (low, medium or high) and this assessment is communicated to the CM responsible for their management.

RSOs assessed at a medium or high risk level, or as directed by OMT, must have an RSO-MP (see section 6.8 of this policy).

Further details on risk assessments can be found in the **RSO Management Practice Guide**.

10. RSOs with enforceable actions

10.1 *Criteria for enforceable actions*

An RSO is deemed to meet the criteria for an enforceable action if the RSO has any of the following matters:

- failing to present for initial, subsequent or annual interviews
- is not residing at their last known address and has failed to report within legislated timeframes
- outstanding warrant(s) of apprehension:
 - warrant(s) for failing to appear, issued by a court
 - Charge and Warrant for an offence, issued by another police member.
- outstanding LEAP person whereabouts or missing person relating to a current investigation by another police member, listed on LEAP
- outstanding Active Forensic Idents (DNA or Fingerprint)
- notification from Corrections Victoria, other agencies or reliable intelligence that the RSO is failing to comply with a Community Corrections Order or similar court-imposed order.

10.2 *Process for the management of RSOs with outstanding enforceable actions*

The relevant CM must coordinate initial enquiries within 72 hours of the RSO meeting the criteria in section 10.1 above, including but not limited to:

- attendance at the RSO's last known or reported address/location(s)
- calling phone numbers associated with the RSO
- forwarding a PCSMS to the RSO's last reported mobile number(s)
- emailing the RSO's last reported email address(s)
- contacting family and known associates of the RSO.

If the RSO is in compliance with their SORA reporting obligations, the enforceable actions should be cleared within 72 hours.

SOR will continue to monitor all RSO enforceable actions. The SOR OIC may deem an RSO missing prior to the 72 hours as required, depending on risk to the community.

Results of all enquiries must be recorded in the RSO's Interpose investigation shell.

10.3 *Criteria to be considered a missing RSO*

If the RSO is still unable to be located after 72 hours and the enforceable action has not cleared, the RSO is deemed as "missing".

The OIC, SOR may deem an RSO missing prior to the 72 hours as required, depending on the risk to the community.

The CM must undertake the steps outlined in section 10.4 below.

10.4 *Process for the management of missing RSOs*

Further enquiries if the RSO is not yet in breach of the SORA - CM • Notify a SOR detective sergeant • Submit a L12 LEAP person whereabouts (WHBs) detailing action required if the RSO is located (e.g. establish current address, advise RSO to contact CM ASAP, notify CM of the new address) • Continue to conduct all relevant enquiries as per the missing RSO avenues of enquiry checklist (located on the SOR intranet page) and record the results in the Interpose Compliance Management Shell If the RSO cannot be located, and it is established that the RSO is now in breach of their reporting obligations, follow the actions required by the CM if the RSO is identified as missing <u>and</u> in breach of the SORA – CM	Actions required by the CM if the RSO is identified as missing <u>and</u> in breach of the SORA - CM • Immediately notify a SOR detective sergeant, who will then facilitate creation of an Interpose missing RSO Investigation shell • Submit a L12 LEAP person WHBs or update the existing LEAP person WHBs detailing action required when the RSO is located (e.g. Charge and Remand) • Issue a Charge and Warrant for the relevant breach offence (within 72 hours of completing enquiries detailed at step 1) • File the Charge and Warrant with Warrants Unit, Police Enquiry and Data Sharing Department, for uploading to EWOK • Prepare a detailed remand application [VP Form 286] and upload a copy to the Central Brief Storage System (CBSS) • Engage with PTT and then Fugitive Taskforce • Complete the Request to Publish Form [Form 1471] - this must be submitted for approval within 72 hours of obtaining the warrant • Continue to conduct all relevant enquiries as per the missing RSO avenues of enquiry checklist (located on the SOR intranet) and record the results in the Interpose missing RSO Investigation shell
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10.5 *CM responsibilities*

In addition to the steps outlined in section 10.4 above, CMs must:

- notify their OIC and I&R Inspector that the RSO is missing and/or in breach of the SORA and request the Interpose missing RSO Investigation shell be considered for inclusion in divisional T&C
- liaise with the SOR detective sergeant on a daily basis and provide updates on the progress of the investigation
- seek assistance from the SOR to assist with facilitation of enquiries that are beyond their capability e.g. enquiries with interstate registries, complex RMS checks, open source etc.

10.6 *SOR responsibilities*

To provide support to the CM in their management of a missing RSO, the SOR must:

- provide a briefing and updates to OMD senior management and ROMOC
- conduct an Investigation Case Conference with the region of the missing RSO along with specialist support units, ICSC and Fugitive Taskforce, Crime Command

- conduct a daily review during which the SOR detective sergeant should make entries within the Interpose missing RSO Investigation shell, noting progress and providing advice to the CM
- ensure notification to the relevant PTT to provide assistance with conducting enquiries beyond the capacity of the CM
- ensure the missing RSO is included on the ROMOC active WHBs list
- ensure CM's, OIC and I&R Inspector are listed as assignees on the Interpose missing RSO Investigation shell.

10.7 *PTT responsibilities*

To provide support to the CM in their management of a missing RSO, the PTT must:

- liaise with the CM on the creation of the Interpose missing RSO Investigation shell to offer and provide assistance to conduct enquiries to locate the missing RSO
- ensure all enquiries conducted by PTT are detailed in the Interpose missing RSO Investigation shell
- liaise with the SOR detective sergeant on a daily basis and provide updates on the progress of the investigation.

10.8 *ROMOC responsibilities*

In relation to a missing RSO, ROMOC is responsible for:

- monitoring the status of the missing RSO
- ensuring the missing RSO is included in divisional T&C
- considering escalation through divisional and/or regional T&C.

10.9 *Crime Command actions*

The OIC, Fugitive Taskforce will consult with the SOR and the CM to determine the level of support they will provide on a case by case basis.

10.10 *Extradition*

If an RSO has absconded interstate, consideration should be given to extraditing the RSO. For further information refer to **VPM Extradition**.

11. Publication of RSO details

11.1 *Overview*

There is provision in s.61, SORA for the CCP or their delegate to publish certain details of an RSO if they are unable to be located.

CMs must ensure that the RSO has met the criteria and circumstances outlined in section 10 of this policy before commencing the application process.

11.2 *Application process*

The below table outlines the process and responsibilities for completing an application:

Step	Action
1	CMs - Complete Publication of Registrable Offender's Details Application [VP Form 1471], in consultation with a SOR detective sergeant - Include information on the form obtained from enquiries made under section 10 of this policy
2	OIC SOR - Review the application and value add where necessary - Assess if request meets the criteria for publication - Consult with SOR detective senior sergeant and CM regarding strategy for publication - Provide a recommendation and forward to the Superintendent OMD
3	Superintendent, OMD - Evaluate the application - Provide a recommendation and forward to the Assistant Commissioner ICSC
4	Assistant Commissioner, ICSC or Deputy Commissioner, Public Safety and Security - Provide final approval of the application - The approver will generally be determined by availability
5	OIC of SOR - For approved applications, liaise with Media, Communications and Engagement Department (MCED) to co-ordinate publication - For applications not approved, liaise with the CM to determine other strategies to locate the offender MCED - After the information has been published, MCED is responsible for notifying the appropriate media outlets

11.3 *Removal of published information*

The OIC, SOR must ensure that published information is removed from Victoria Police sites:

- as soon as possible after the RSO has been located (all information must be removed)
- at the instruction of the CCP or their delegate (part or all of the information may be removed).

12. International travel

12.1 *Overview*

Commonwealth legislative provisions restrict the overseas travel movements of RSOs who are Australian citizens.

Victoria Police has the authority to:

- request for an RSO's passport to be cancelled, surrendered or refused to be issued
- approve or deny an RSO's application to travel overseas.

Refer to the SOR intranet page for further information.

12.2 *Permission to travel overseas*

- In accordance with s.271A.1, *Criminal Code Act 1995* (Cth) it is an offence for an RSO who is an Australian citizen, to travel or attempt to travel overseas without having received permission from their respective jurisdiction.
- CMs should provide the Registered Offender Overseas Travel Application / Notification – Part A (located on the SOR intranet page) to the RSO to complete.
- CMs must upload the completed form to Interpose and forward to the SOR for assessment.
- CMs should advise the RSO not to formally book or pay for any travel until approval is received.
- CMs should refer to the **RSO Management Practice Guide** for further direction and a detailed application process.
- At least seven days prior to departing Victoria, an RSO must provide their CM a copy of supporting documentation as prescribed in r.13A, SORR
- When an RSO returns from travelling to another country, they must report their return, **in person**, within three days of entering Australia.
- Within 72 hours of returning to Australia, an RSO must report their return in person and provide supporting documentation as prescribed in s. 20(2A), SORA and r. 13A, SORR.

13. Death of an RSO

- The death of an RSO must be handled in accordance with the **VPM Deceased persons**.
- The SOR must be notified of the death as soon as practicable. If necessary, the SOR will ensure the CM is notified.
- In the absence of an attending member, the CM must submit a Death of a Person [VP Form 214] to ensure the death is recorded on LEAP.
- CMs must ensure a copy of the Form 214 and where relevant, a copy of a Report of Death [VP Form 83] is scanned and uploaded into Interpose and forwarded via an email link to the SOR.

14. Protected witnesses

Where an RSO has involvement with the Witness Protection Unit (WPU), consultation must occur between the Work Unit Manager of the WPU and the OIC of the SOR to ensure the ongoing compliance management requirements pertaining to the RSO are maintained.

Information management and disclosure

15. Information security and management

15.1 *Information access and official records*

The CCP has delegated their functions under the SORA to the OIC, SOR by Instrument of Delegation OM 1.

The OIC SOR must ensure:

- the Register is only accessed by a person, or class of person, who is authorised by the CCP
- access to the personal information in the Register is restricted to the greatest extent possible.

Only those authorised by the CCP's Instrument of Authorisation OM 2 issued under s.63(1), SORA can have access to the Register (i.e. physical access to file and database information including the SOR database, Interpose files, NCOS).

15.2 *Security classification level*

The following protective marking applies to all SOR information: 'OFFICIAL: Sensitive'.

The SOR recommends the use of the optional Information Management Marker 'Legislative Secrecy' to clearly delineate the legislated requirements to which some SOR information is subject.

Refer to **VPM Information, categorisation, collection and recording** for further details.

15.3 *Electronic files*

- All information regarding RSOs must be managed on Interpose in accordance with the SOR Interpose Guidelines, located on the SOR intranet page.
- All information regarding RSOs must be sent to the SOR through Interpose.
- Any electronic documents containing SOR information stored outside Interpose must be saved on a Victoria Police network drive in a secure folder with limited access.
- All hardcopy information must be destroyed after the SOR has confirmed receipt of the electronic copy. Destruction of the information must comply with processes in **VPMG Information and information equipment disposal**.

15.4 *Interpose file management*

The following applies to RSO file management within Interpose:

- Interpose investigation shells used for managing or investigating an RSO must not be kept in or transferred to the VICPOL security group
- only one compliance investigation shell per RSO should be created.

15.5 *Use of SOR data by NEO users*

- Information held by the SOR within Victoria Police databases is accessible to authorised NEO users.
- NEO provides access to personal details reported by RSOs. NEO users should be aware that there are specific requirements within the SORA which govern the access, disclosure and management of that information.
- Before using information from the SOR in a document, IR or intelligence product, NEO users should contact the SOR for advice in writing via ANCOR-INTELLIGENCE-OIC PBEA.

- SOR information must not be disclosed to an external agency or member of the public. In the event that a disclosure is required, contact must be made with the OIC, SOR who will assess the request and manage any subsequent disclosure.
- When SOR information is used in any document, IR or intelligence product, the document must be marked with the appropriate security classification 'Official – Sensitive'.

16. Disclosure of RSO information

16.1 Overview

- Information on the Register must not be released for the purpose of community notification.
- Disclosure of any information to a general audience regarding RSOs is not permitted by the SORA.
- Disclosures can only be made under the criteria in the SORA and in this policy.
- In the event of an unauthorised disclosure, the OIC of the SOR must be notified immediately for advice and recording.

16.2 Disclosures under ss.63 and 64, SORA

In accordance with s.63, SORA, the SOR may disclose information to:

- the Registrar, BDMV – in relation to the administration of the *Births, Deaths and Marriages Registration Act 1996*
- the Secretary, DJCS – in relation to the administration of the *Worker Screening Act 2020*
- the Firearms Appeal Committee – in relation to the administration of the *Firearms Act 1996*.

Under s.64, SORA personal information held in the Register, may be disclosed to one of the following:

- a government department
- a public statutory authority
- a court.

Disclosure to the above parties can only be made if the criteria stipulated under s.64(2), SORA is met.

Members must record disclosures on Interpose, including details of the parties involved and the reason for the disclosure. Refer to the **RSO Management Practice Guide** for further instructions.

The OIC, SOR must keep a copy of information disclosed from the Register, including the details of to whom and for what purpose the information was disclosed.

16.3 Detected offences under Part 4 of the SORA

In the event of a detected breach of compliance with Part 4, SORA, such as inappropriate disclosure of information or unauthorised access to the Register, the following must occur:

- the OIC, SOR must be notified immediately

- the OIC of the work unit where the disclosure occurred must ensure both of the following notifications are made in writing:
 - Security Incident Report to the Security, Information and Privacy Division for inclusion in the Security Incident Register
 - a complaint/incident form [VP Form 918] to Professional Standards Command.

The OIC, SOR must assess all available information and:

- ensure the information disclosure is recorded on the Register
- report the disclosure in writing to IBAC.

16.4 *Disclosures under the CYFA*

- Section 42D, CYFA allows for an authorised person to disclose certain information about an RSO if it is in the interests of the safety and wellbeing of a child.
- In most instances, there will be other methods available that ensure the safety of the child without disclosing the status of the RSO. Members should refer to section 14.2 of the **RSO Management Practice Guide** for further guidance on assessing whether a disclosure is required.
- All child contact that is reported under the SORA is communicated to DFFH, who assess and manage any required disclosures. Therefore it is rare that a member may need to access the disclosure provisions in the CYFA.
- All members must consult the SOR (including after hours contact) for advice prior to any disclosure being made under s.42, CYFA.
- For the purposes of the CYFA, an authorised person is any police officer who has received approval from a senior sergeant or above.
- Any senior sergeant or above who is providing approval must consult with the OIC of the SOR, or their delegate, prior to approving disclosure under s.42, CYFA.
- When determining what to disclose the approving officer must ensure:
 - enough information should be provided for the parent/guardian/care giver to make an informed decision concerning the safety and welfare of the child
 - that victim identification is avoided under all circumstances.
- The approving officer must complete Registered Sex Offender Status Disclosure: Approval Checklist [VP Form 1447] to determine if disclosure should be made. Form 1447 asks the approving officer to make an informed decision from the information provided by the police member and in consultation with the SOR.
- If the disclosure is not approved, the approving officer must:
 - inform the requesting member of their decision and ensure DFFH notification has been made and an IR has been submitted
 - record the reason and supporting evidence for their decision on Form 1447 and submit this to the SOR.
- When approval has been provided, the disclosing member must:
 - take reasonable steps to notify the RSO of the member's intention to make a disclosure regarding the status of the RSO's registration; unless the member believes, on reasonable grounds, that doing so would endanger the life or safety of any person (s.42D(3), CYFA)

- only disclose information in line with the assessment and decision making of the approving officer.
- Following the disclosure, the member who made the disclosure must:
 - submit an IR by the end of the shift that details the circumstances of the contact and action taken
 - provide an update to DFFH at first opportunity regarding the details of who has been informed of the RSO's status. The update should include the outcome of the disclosure (for example, RSO left the property).
- Following the disclosure, the approving officer must:
 - ensure the disclosing member submits an IR and provides an update to DFFH
 - provide a copy of the authorised or non-authorised Form 1447 to the SOR.

Members should refer to the **RSO Management Practice Guide** for further instruction.

17. Media

- Members must not disclose the identity of an RSO to the media.
- Any request from the media relating to the identity of an RSO must be directed to the Victoria Police Media Unit.

18. Freedom of Information

Any member receiving a Freedom of Information (FOI) application regarding an RSO must forward the FOI application as soon as practicable to:

- the FOI Division PBEA: FREEDOM OF INFORMATION-MGR, and
- the OIC SOR PBEA: SEX OFFENDER REGISTER-MGR

The FOI application will be considered by the FOI Division.

Related documents

- **RSO Management Practice Guide**
- *Sex Offenders Registration Act 2004*
- *Serious Offenders Act 2018*
- *Children, Youth and Families Act 2005*
- *Crimes Act 1958*
- *Criminal Code Act 1995 (Cth)*
- *Births, Deaths and Marriages Registration Act 1996*
- *Worker Screening Act 2020*
- *Firearms Act 1996.*
- **VPM Sex Offender Prohibition Orders**
- **VPM Supervision Orders**
- **VPM Family violence and child information sharing**

Further advice and information

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

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
02/07/21	First issued, policies reviewed and consolidated as part of VPM Review Project. Replaces VPMP Registered Sex Offender management , VPMG Registered Sex Offender management and CCI 05/18 Restrictions on overseas travel by Registered Sex Offenders .	FF-139279
27/09/23	Updated to reflect VAGO audit outcomes and legislative amendments.	FF-234734