

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 VPM Professional and Ethical Standards to inform the decisions they make to support compliance.

Supervision Orders

Context

The *Serious Offenders Act 2018* (SOA) is intended to enhance community protection by requiring offenders who have served custodial sentences for certain serious offences, and who present an unacceptable risk of harm to the community, to be subject to ongoing detention or supervision. A number of post-sentence orders can be applied to both serious sex and serious violent offenders, including Detention Orders (DOs) and Supervision Orders (SOs) and interim versions of both orders (IDO/ISO).

The SOA provides police with a number of powers to assist with the enforcement of an SO or an ISO.

Offenders in the community who are subject to an order under the SOA must be managed in accordance with this policy.

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Definitions

Compliance Managers (CM) – As defined in **VPM Registered Sex Offender management**.

I&R member – For the purposes of this policy the term 'I&R member' is used to refer to any member who works in an I&R Unit (including the CIU, SOCIT, FVIU and DRU).

Joint Management Plan (JMP) – A plan required for each SO offender. It is based on an offender's risk of reoffending, and is owned and developed by Corrections Victoria with input from Victoria Police.

Offender Management Plan (OMP) – A plan required for all SO offenders which details the management strategies which will be used over a 12-month period, based on the offender's risk.

Post Sentence Authority (PSA) – A body established to monitor compliance with and administer the conditions of orders under the SOA.

Residential facility – Specialist residential facilities providing accommodation for serious offenders who require a higher level of supervision than those able to reside in the community.

Responsible Agency – includes the Secretary of the Department of Justice and Regulation, the Secretary of the Department of Families, Fairness and Housing (DFFH) and the Chief Commissioner of Police.

Supervision Order Specialist Response Unit (SOSRU) – A joint initiative between Victoria Police and Corrections Victoria (CV), providing a strategic and collaborative approach to the monitoring and management of offenders subject to SOs.

Detention and Supervision Orders

1. Overview

Supervision Order (SO)	Detention Order (DO)
• Post-sentence order issued by a court requiring the offender to comply with conditions that are tailored to their risk of reoffending • Duration of up to 15 years • Offenders can reside either in the community or in a mandated residential facility, depending on the conditions of their order • All SOs are located on LEAP. A person of interest notation (LEAP warning flag) of 'SUPV ORDER – DO NOT BAIL' is used on the offender's Master Name Index (MNI) Summary page. • Full details of the SO are located in the remarks section, as well as conditions and any attached instructions from the Post Sentence Authority (PSA).	• Post-sentence order issued by a court which detains an offender within a detention unit within a prison • Duration of up to three years • Requires the offender to reside in a detention facility
Interim Orders	
In circumstances where offenders would otherwise be released from custody before a detention/supervision order application can be heard, the court may issue an interim order for a period of up to four months.	

2. Management of SO offenders – roles and responsibilities

2.1 Case management

- Compliance Managers (CMs) and allocated I&R members are appointed by the region and are responsible for the management of offenders allocated to them.
- CMs are responsible for the management of offenders who are also Registered Sex Offenders (RSOs).
- I&R members are responsible for the management of offenders who are not RSOs.

2.2 Allocation of I&R members to offenders

- The T&C Manager, Offender Management Division (OMD), Intelligence and Covert Support Command, must ensure all offenders are allocated for ongoing management to an I&R manager within the response zone responsible for the residence of that offender.
- The I&R Manager must ensure that an I&R member has been allocated ongoing management of each offender in their response zone.

2.3 Compliance Managers and allocated I&R member responsibilities

The CM/allocated I&R member is responsible for:

- consulting with SOSRU on a regular basis for support and advice, including in relation to the development of OMPs
- liaising with the appointed CV Specialist Case Manager on a regular basis
- compiling an OMP for the offender for approval within seven days of allocation
- managing the offender in accordance with the approved OMP, or where proposed activity cannot be undertaken, recording the rationale within the SO Interpose shell and notifying SOSRU
- escalating issues and risks with offenders via divisional T&C
- recording all issues and risks within the Interpose shell and sending a link to the record to SOSRU for attention
- conducting regular inquiries into the offender's personal details and activating LEAP alerts on the offender's MNI, vehicle and licence
- liaising with relevant supervising authorities such as Community Corrections Officers or DFFH
- notifying SOSRU as soon as possible via phone when further offending by an offender is identified.

2.4 SOSRU Responsibilities

- The level of support provided by SOSRU will be determined by the degree of harm the offender presents. The operational response from SOSRU may include:
 - visual monitoring
 - home visits (including visits to residential facilities)
 - compliance checks (i.e. alcohol testing)
 - curfew adherence (CV function)
 - electronic device monitoring (CV function)

- submission of briefs for SOA breaches and other offences.
- In addition to operational support, SOSRU is responsible for:
 - coordinating risk assessments for all offenders
 - creating and/or granting access to an Interpose investigation shell to the allocated CM or allocated I&R member
 - recording all actions in the relevant Interpose investigation shell and notifying the CM/allocated I&R member where appropriate
 - providing intelligence to CV to ensure the JMP remains current
 - ensuring JMPs are endorsed by the Manager Post Sentence Branch, CV and Detective Senior Sergeant SOSRU, and are held in the relevant Interpose investigation shell
 - attending CV case conferencing, quarterly reporting and meetings to ensure appropriate transition of offenders into the community
 - providing a member to attend court to represent rural members in SO matters if requested and if resources permit.

Offences and police powers without warrant

3. General

- A breach of an SO without reasonable excuse is an indictable offence.
- Police have powers within SOA:
 - to arrest an offender if they reasonably suspect the SO offender has breached conditions (see section 4.1)
 - to apprehend and detain in limited circumstances (see section 4.2).
- Members must contact SOSRU for advice in the first instance for any breaches of a condition relating to medical treatment.

4. Powers

4.1 *Power of Arrest*

This section applies to the arrest of SO offenders in both the community and in residential facilities (e.g. Corella Place).

- Members should arrest an offender if they reasonably suspect that the offender has breached one of more of the conditions of an SO or ISO, other than a condition relating to medical treatment (e.g. a requirement to take medication).
- Members may enter and search a premises without a warrant where they reasonably believe the offender to be, for the purpose of arresting that offender under s. 162. In these circumstances, members must:
 - comply with the provisions for searches and associated seizures as per s. 163
 - make an announcement before entry as per s. 164
 - provide warning that reasonable force may be used as per s. 165
 - report any use of force (see section 19)
 - report any use of power of entry (see section 19).
- Upon arrest, members must:
 - immediately contact the Post Sentence Branch (PSB), CV via phone for advice and guidance on current conditions of the SO.

- record the contact with PSB in their diary (or on ePDR) and on Interpose (via an Information Report, or directly on to the offender's investigation shell if the member has access)
 - prior to interview, arresting members should contact SOSRU for advice regarding the interview procedure, provision of CV information and expected disposition of offender.
 - interview the offender in relation to the breach of SO.
- When a member makes an arrest for a breach under s.162, executes a warrant or becomes aware that a person may be in breach or imminent risk of a breach of an SO, they must immediately notify and seek advice from SOSRU.

4.2 Holding Power

This section applies to SO offenders in both the community and in residential facilities (e.g. Corella Place):

- Members may exercise powers under s.155 to apprehend, detain and convey an offender to a police station if there is an imminent risk that the offender will breach a condition of an SO other than a condition relating to medical treatment (e.g. requirement to take medication).
- Members may use force that is reasonably necessary to apprehend and detain the offender. Use of force must be reported in accordance with section 19 of this policy.
- The use of apprehension and detention power does not mean the offender has been arrested.
- Whilst being detained, the offender must not be interviewed or questioned in relation to any breach of a supervision order or any other offence.
- The offender may be detained for up to 72 hours, after which the offender must be charged or released.
- The member must immediately provide details of the offender and the circumstances under which the offender has been detained to SOSRU followed by PSB.

4.3 Procedural requirements when offender is detained

If a member apprehends and detains an SO offender, they must:

- inform the offender of their rights, that the offender may:
 - communicate or attempt to communicate with a friend or relative to inform that friend or relative of the persons whereabouts; and
 - communicate or attempt to communicate with a legal practitioner.
- arrange an interpreter where required
- as soon as practicable, give the offender a notice containing prescribed information about the offenders rights and responsibilities [Form 1382].

Unable to locate SO offender

- Where the offender is an RSO in addition to being subject to an SO, and they are unable to be located, they must be managed in accordance with **VPM Registered Sex Offender management**.
- For all other offenders subject to an SO who are unable to be located:
 - the I&R member allocated for management must contact SOSRU immediately for further instruction and advice
 - SOSRU is responsible for the initial management and coordination of any investigation into the whereabouts of the SO offender.

Charges and prosecution

5. Charges

- The member compiling the brief and considering charges in relation to a breach of an SO or ISO should contact SOSRU for assistance.
- SOSRU should:
 - ensure that the brief contains all the required information and should provide charge wording and LEAP codes.
 - assist members to obtain CV history that is necessary for the prosecution of the charges.

6. Filing of Charge

- The charge and summons/charge and warrant are filed in the Magistrates Court and the offender is directed to appear in the court that made the SO.
- A copy of the charge/s and bail/remand application must be emailed as soon as possible to the Office of Public Prosecutions (OPP).

7. Bail/Remand

An SO offender who is arrested under s.169 must as soon as practicable be:

- remanded in custody to appear at the court where the original SO was made (i.e. County or Supreme Court); or
- released on bail to appear before the court where the original SO was made (i.e. County or Supreme Court), in accordance with the *Bail Act 1977*.

8. Prosecution

- It is general practice for the informant not to request committal proceedings in SO breach proceedings.
- A full Hand up Brief of evidence must be compiled by the informant.
- All enquiries to the prosecution should be directed to the Principal Solicitor (Continued Detention), Police and Advice Directorate at the OPP.

Information Disclosure

9. Sharing of Information with relevant persons

- Any information sharing must comply with s.284 and **VPMP Information sharing**.
- The exchange of Victoria Police information must comply with Victoria Police policy. Refer to **VPMP Information use, handling and storage**.

10. Publishing identity

- The identity and location of an SO offender can only be published in accordance with s. 277(2).
- The identity of an SO offender must not be published without prior consultation with the OIC SOSRU and approval from the AC ICSC. This consultation and approval is not required for publication on the Australian National Child Offender System.
- Additional provisions apply in relation to the publication of RSO details – see **VPM Registered Sex Offender management**.

11. Media

- Members must not disclose the identity of an SO offender to the media.
- If an incident involves multiple agencies, the OIC SOSRU will consult with the Media Unit and the other parties before releasing any information to the media.
- Any request from the media relating to an SO offender is to be directed to the OIC SOSRU.

Search and seizure

- When searching persons or property, members must comply with policy outlined in **VPM Searches of a person** and **VPM Searches of property**.
- Police have specific powers under the SOA that allow them to conduct searches relating to persons subject to an SO or ISO without a warrant. These powers also allow police to seize and examine items if required.
- A SOA Receipt of Seized Things [Form 1497] must be issued for all items seized.
- The tables below outline specific conditions for searches and seizures. For full details refer to the relevant section of the SOA.

12. SO Offenders at a residential facility

Legislation reference	Powers and Conditions
Search (s. 218)	An officer who is ordered, directed or otherwise authorised under this Part to conduct a search may search and examine an offender and any thing belonging to, found in the possession of, or under the control of, the offender. To the extent practicable, a pat-down search must be conducted by a person of the same sex as the offender being searched. A search may continue only for as long as required to achieve the purpose of the search. An officer may, if necessary, use reasonable force to carry out a search under this Part.
Search inside premises (s.224)	CV may request a member or Victoria Police may make a request to the officer in charge of a residential facility, to search that facility: • for the good order of the facility; or • for the safety/welfare of offenders/staff/visitors of the facility; or • to monitor an offender's compliance with their SO; or • if they reasonably suspect the offender of conduct associated with an increased risk of re-offending. If the search is requested or approved, members may: • search any part of, or thing in the facility • search and examine any person (except a judge or magistrate) in a residential facility • require a person wishing to enter the facility, to submit to a search and examination, including anything in that person's possession or control.
Seize & examine (s.219)	In carrying out a search, members may seize anything found in the facility, whether in a person's possession or not, that the member reasonably suspects will compromise the: • good order or management of the facility; or • safety/welfare of offenders/staff/visitors of the facility, or a member of the public; or • offenders compliance with the SO; or where police reasonably suspects the offender of conduct associated with an increased risk of re-offending or breaching the conditions of the order.

12.1 Further Conditions when conducting a search

When conducting a search under the SOA:

- the search of the person means either or both a:
 - garment search
 - pat-down search
- members may use reasonable force if necessary to carry out the search
- the search may continue only for as long as necessary to achieve the purpose of the search.

12.2 Further conditions when seizing an item

When conducting a search under the SOA a member may:

- examine/operate any seized item to ensure compliance with an order or assess if the item is related to re-offending or breaching an order
- take a sample of anything belonging to anyone else if it can be used as evidence for an indictable offence or must be taken to avoid concealment, loss or destruction
- use reasonable force to seize an item.

12.3 Police initiated search

The following process must be used when police wish to conduct a search at a residential facility:

Step	Action
1	Victoria Police • Seek endorsement from direct line manager • Consult with OIC SOSRU
2	SOSRU • Help determine if a search is both valid and appropriate • Consult with PSB and/or residential facility where necessary • Provide guidance to the CM/member on course of action
3	Compliance Manager/member • Where SOSRU has confirmed a search is appropriate complete Application to conduct a SOA Search [Form 1472] and forward to Inspector or above, with Approval to Conduct a Search [Form 707]
4	Officers Approval (Inspector or above) • Review application, giving consideration to resources and other relevant operations (e.g. scheduled targeted operations) • Forward approved application to OIC SOSRU
5	SOSRU • Review application for completeness • Forward to PSB
6	PSB • Assess application • Provide recommendation for/against approval of the search • Forward to the OIC of the relevant residential facility
7	OIC of residential facility • Assess the application and provide final approval

When an application is approved it will be returned to OIC, SOSRU and the applying member. The member will then manage the search in line with the **VPM Searches of property**. SOSRU will continue to act as a liaison between the residential facility and member throughout the process.

12.4 Corrections Initiated Search

Where CV would like Victoria Police to conduct a search at a residential facility, the following process should be followed:

Step	Action
1	OIC of residential facility Request for police to conduct a search of the facility, including details of why the search is required to be sent to the SOSRU OIC.
2	Victoria Police When a request is received complete Application to Conduct a SOA Search [Form 1472] and progress the Form to SOSRU for review
4	OIC of SOSRU Review of the request, giving consideration to the resources/operational requirements.
5	<u>Approved Request</u> • If supported, forward Form 1472 and completed Form 707 to Inspector or above for officers approval • Contact the OIC of the residential facility to coordinate the search • SOSRU will manage the search in line with VPM Searches of property. <u>Not approved request</u> • Record the reason/s for the decision • SOSRU must notify PSB when a request is not approved.

13. Offenders in the community

Legislation reference	Powers and Conditions
Search (s.227) Powers of Entry (s.229) Seize & examine (s.228)	Where members reasonably suspect one of the following: • that a search is necessary to monitor an offender's compliance with their order; or • that the offender is displaying conduct associated with an increased risk of re-offending or breaching the conditions of the order. Members may: • enter and search a location occupied by the offender, and anything (including any vehicle) belonging to or in the possession of or under the control of, the offender, at the location; and • search and examine the offender at the location In carrying out a search, members may seize anything found in the possession or under the control of the offender, which the member reasonably suspects: • will compromise the safety of a member of the public; or • will compromise the offender's compliance with the order; or • relates to conduct associated with an increased risk of re-offending or breaching conditions of the order.

13.1 Approvals for unplanned search

- Due to circumstances which warrant immediate action, there may be occasions where the decision to conduct an unplanned search is made.
- In those circumstances, the member conducting the search must receive verbal approval from the applicable Duty Officer (150) to conduct the unplanned search.
- The approving officer (Inspector or above) must ensure the reason for the search complies with the legislation.
- The member must complete Forms 1472 and 707 no later than the end of the shift and notify SOSRU immediately of search and result.

13.2 Return of seized property

- Where authorisation no longer exists to retain property that has been seized from a location other than a residential facility (s.242) the CM/member must:
 - complete **Retrieval Notice [Form 1479]**
 - make reasonable efforts to serve the notice on the owner of the property.
- If property is not retrieved it should be managed as unclaimed in accordance with **VPM Seized property and special property types**.

14. Recording Searches

14.1 Overview

- Records relating to the result of a search are required for intelligence and reporting purposes.
- A copy of all forms and application to conduct a SOA search, whether approved or not approved, must be filed at SOSRU
- Form 707B must be completed after any search is conducted. That form, along with any result of search and appropriate Information Report, must be forwarded to OIC, SOSRU for filing.

14.2 CM/I&R member responsibilities

The Compliance Manager/allocated I&R member is responsible for:

- ensuring copies of all forms relating to a search request (approved or not approved) are provided to OIC SOSRU
- completing the *results of search* section of the application form
- notifying the OIC SOSRU immediately if force was used
- recording all actioned searches on Interpose on the investigation shell for that offender
- if force was used, complete **Use of Force App report** and notify OIC SOSRU
- ensuring the search is recorded on Interpose on an IR linked to the offender's investigation shell. The IR must include:
 - a title with the words Supervision Order, the offender's name, and the search address
 - an uploaded copy of the approved request
 - a summary of why the search was conducted

- details for the search including, what location and/or who was searched, items seized, if force was used, if holding powers were used (reason and time period) and any other relevant information
- the outcome of the search including, details of any breaches of the SO offenders, any other identified offences and details of any charges laid including the management of any investigation.

A link to the IR must be forwarded to the SOSRU PBEA for information and outcome for dissemination to CV.

Audit of computers and other devices in the possession of an SO offender

15. Overview

Where the offender is required to comply with a direction contained in their SO regarding computers and other devices in their possession, a member may enter, search, seize, and examine a relevant item in order to monitor compliance.

16. Powers and conditions

Condition	
In accordance with s. 233, an offender must comply with a direction from the Post Sentence Authority to provide police with a computer/device in their possession. Where the offender fails to comply the following powers apply:	
Legislation reference	Powers and conditions
Enter and search (s234) Seize and examine (s.235)	Where an offender has failed to comply with the above condition members may then: • enter and search a location occupied by the offender, and anything (including any vehicle) belonging to or in the possession of, or under the control of, the offender at the location; and • search and examine the offender at the location. In carrying out a search, members may seize or operate any computer or other device for the purpose of auditing it for any images, programs or other material that may: • constitute a breach of the conditions of the SO or: • increase the risk that the offender may commit an offence.

Alcohol testing of SO offenders by police officers

17. Powers and Conditions

Where an offender is required to comply with a direction contained in their SO regarding the consumption of alcohol, a member may direct an offender to submit to breath testing.

Members should perform breath testing using the procedure and approved devices as set out below.

Condition	
In accordance with s. 216, where an offender, who is living in the community, is required to comply with a direction contained in their SO regarding the consumption of alcohol, police may direct that offender to submit to breath testing	
Legislation reference	Powers and conditions
s. 216	At the direction of a member, the offender must submit to breath testing. A direction under this section can only be given if the member has reasonable grounds to suspect that the offender has breached a condition of the SO by consuming alcohol.

18. Procedure for breath testing

The member conducting the test must:

- inform the offender that it is suspected on reasonable grounds that the offender has breached a condition of their SO by consuming alcohol
- verify that the offender has not had anything to eat or drink, and has not smoked, for period of at least 15 minutes before the sample is taken. Breath testing should not be conducted until this 15 minute period has elapsed
- inform the offender that if they refuse to submit to breath testing as directed, they may be arrested and breach proceedings may be commenced against them
- inform the offender of the results as soon as practicable.

The test must be conducted using one of the following approved devices:

- device known as the Lion Alcolmeter SD-400 Touch
- device known as the Lion Alcolmeter 600.

Where the test returns a positive result, the member conducting the test must:

- notify SOSRU (during business hours) immediately or the SOR on-call number (after hours) to report the breach
- enter the information on the relevant Interpose investigation shell or submit an IR if the member does not have interpose access.

Where the test returns a negative result, the member conducting the test must notify SOSRU via email to the SOSRU PBEA.

Legislative requirements regarding reporting

19. Reporting use of powers

- Where a member has used power of force, power of entry or power of search as legislated under the SOA, it must be reported via SOSRU PBEA as soon as practicable. The report should include:
 - the relevant enabling power under the SOA
 - offender details
 - nature of the use of powers.
- Contact SOSRU for further information.

Related documents

- VPM Registered Sex Offender management
- Memorandum of Understanding Multi-Agency Panel (Post Sentence Scheme)
- *Serious Offenders Act 2018*
- *Serious Offenders Regulations 2018*
- *Corrections Act 1986*

Further advice and information

For further advice and assistance regarding this policy, contact SOSRU. Refer to the [Tempo Group \(SOSRU\) intranet page](#) for contact details, including afterhours telephone numbers for SOSRU and the Post Sentence Branch, CV.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
03/09/2018	Replaces VPM Serious Sex Offenders Detention and Supervision . SSODSA legislation replaced by SOA. Policy around management of violent offenders also included.	FF-128827
17/12/18	Minor amendment to section 4.2, heading changed to replicate legislation. Addition of s. 218 powers in section 12.	FF-128827
08/04/19	Update to correctly reference VPM Searches of a person	FF-105377
21/10/19	Instrument names amended to reflect updated property management policies	FF-116667
25/01/22	Updated to reference VPM Searches of property	FF-187958 3
29/05/2025	Consequential amendment to replace reference to Use of Force Form 237, 237A-D with Use of Force App for 20/05/25 Use of Force App rollout	FF-266536