VICTORIA POLICE

Review of field contact policy and processes

Final report

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Executive summary

Field contacts involve an officer approaching someone and requesting details of them because the circumstances appear suspicious, or because they have contact with an individual as a result of or in a specifically identified situation. After this the officer must complete a field contact report.

Concerns have been raised in recent years about Victoria Police field contacts, particularly in relation to a perceived disproportionate focus on certain ethnic groups. In response to such concerns, and specifically in response to a settlement of litigation in the Federal Court, Victoria Police undertook to conduct a review of field contacts.

The review involved public submissions from individuals and organisations across Victoria, with 68 submissions received. Victoria Police also conducted a series of community forums to discuss the themes emerging from the public submission process. Victoria Police commissioned the Cultural and Indigenous Research Centre Australia (CIRCA) to undertake an independent review of its field contact policy and processes, resulting in this report. The report outlines the findings of CIRCA's review of field contact policy and processes and practices, and includes a literature review (Chapter 2), findings (Chapters 3 to 5) and conclusions and recommendations (Chapter 6).

The review findings fall into three areas:

- Field contact policy and processes (Chapter 3)
- Data monitoring and receipting (Chapter 4), and
- Community and Victoria Police relationships (Chapter 5).

The findings of this review are based on a review of Victoria Police documents, the literature review, consultations with 69 community stakeholders and Victoria Police members, a review of the public submissions, and consideration of a summary of the community forums provided by Victoria Police.

Findings – field contact policy and processes

The review indicated that generally there is a lack of community understanding of what field contacts are. It also indicated that there is a strong perception among some culturally and linguistically diverse (CALD) communities and Aboriginal communities that they are 'singled out' in contacts with Victoria Police. It was commented that the public should be made aware of Victoria Police's field contact policy and processes and the public's rights and responsibilities in relation to field contacts.

Victoria Police members were consulted as part of the review. Overall, they did not see ethnicity as relevant to the decision to conduct a field contact. There was a strong feeling among members that field contact reports are important for intelligence-gathering and that they are not conducted without a legitimate reason. There was acknowledgement by some members, however, that there are concerns in the community about the way field contacts are conducted and that these need to be addressed.

Critical to understanding field contact policy and processes is the Victoria Police Manual (VPM), which lays down policy rules, as well as procedures and guidelines. There were many findings in the review regarding the VPM, as reflected in the recommendations listed below (and in Chapter 6). The VPM was found not to be sufficiently comprehensive or clear about field contacts.

Academy-based training in relation to field contacts was found to be minimal. Frontline Victoria Police members were clear that conducting field contacts is something that members learn on the job from more experienced members.

Feedback from frontline and supervising Victoria Police members indicated that they believe that field contacts should be initiated when people are spoken to in areas with a high incidence of crime or in circumstances deemed to be suspicious. The VPM is otherwise silent, however, as to the circumstances that may be reasonably believed to be suspicious.

Community expectations are that circumstances that warrant a person being the subject of a field contact should be limited to them having 'done something wrong', being suspected of having committed an offence, having witnessed an offence or being about to commit an offence. This review highlights the importance for the community of understanding what constitutes suspicion in relation to a person becoming the subject of a field contact report. The review also highlighted that the community expects that Victoria Police members will execute their duties in a manner consistent with their human rights obligations under anti-discrimination legislation, the Victorian *Charter of Human Rights and Responsibilities Act 2006* and the Information Privacy Principles in the Victorian *Information Privacy Act 2000*.

The importance of the communication style, tone and approach of the interaction and the reception that Victoria Police members receive from the community was also highlighted in the review. Community feedback identified the importance of individuals being informed about the nature of and reasons for the interaction. The expectation is that this information will be delivered in language that is easy for people to understand.

Victoria Police members reported that once a field contact report is submitted the information remains on the police database (LEAP) indefinitely. This was another significant area of community concern.

Findings – data monitoring and receipting

A consistent theme in the community responses was that there is a need for greater accountability and transparency in relation to field contacts, and data monitoring was seen as an important strategy for achieving this.

It was felt that data monitoring needs to be conducted across all levels – statewide, regional/divisional and local. There was considerable discussion on the need for monitoring to be conducted at a local level so that variations and trends at this level can be identified and responded to.

While the main focus of monitoring would be to assess if specific community groups are over-represented in field contact activity, it was also noted that it would be beneficial for monitoring systems to assess whether the reasons for field contacts are justified.

Another key consideration in relation to data collection analysis is benchmarking, and caution is needed to ensure the field contact data is assessed against an appropriate benchmark. There was also considerable discussion on the data review process, and there was a clear expectation from the community that the approach would include an independent assessment, with suggestions that key external organisations and advisory groups be involved.

Another matter which was identified in the submissions and literature review, and which was explored in the consultations, was 'receipting' – the practice of providing written acknowledgement of a field contact. Views were polarised regarding receipting. Community stakeholders were more likely to see the value of receipting in improving accountability and reassuring community members that police are acting legitimately and within the scope of their authority, while Victoria Police members were more likely to identify potential challenges. Further investigation of receipting by Victoria Police is needed to determine its relevance for field contacts.

Review findings – community and Victoria Police relationships

While a comprehensive study of community engagement was beyond the scope of this report, the matter of community and Victoria Police relationships arose frequently during the review process.

A number of good practice examples of community engagement were identified in the consultations, including local advisory groups made up of both community-based organisations and Victoria Police, an induction program for new recruits which involves visiting community-based organisations, and Victoria Police involvement in local sporting and community events.

At the same time, consultations with Victoria Police members and feedback from community stakeholders identified a number of challenges that were felt to have limited the effectiveness of Victoria Police community engagement strategies to date. The primary concern was that, while there is evidence of good practice, there is limited evidence that this filters through to Victoria Police members more broadly.

Of relevance to field contacts, Victoria Police members consistently discussed the need to give the community information about its policing role, and within this the role of intelligence-gathering in improving community safety. The review also highlighted the need to give the community information about rights and responsibilities concerning field contact practices.

Throughout the review there was considerable discussion about the importance of complaints processes and of ensuring community members are aware of these processes. Victoria Police complaints processes were felt to be unclear, slow and unlikely to yield positive outcomes because of

their reliance on an internal review mechanism. Independent review of complaints was seen as critical to the integrity of complaints processes.

Recommendations

In response to the findings on field contacts, CIRCA has made a total of 35 recommendations arranged under the following headings:

- Changes to the VPM
- Data monitoring
- Internal communication and training
- Community engagement
- Community information
- Receipting.

Changes to the VPM

1. In making amendments to policy and the Victoria Police Manual (VPM), consult with and seek input from operational members.

Reasonable suspicion

2. Amend the VPM to provide guidance to members in relation to circumstances reasonably believed to be suspicious. The amendments should provide a similar level of direction as that provided in the UK's PACE Code A. Any revisions will need to be made with significant input from frontline Victoria Police members and relevant community stakeholders. Consideration should also be given to providing this kind of guidance in relation to similar policies and processes, such as stop and search.

Human rights obligations

3. Seek expert legal opinion and consult with the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and the Office of the Victorian Privacy Commissioner to ensure that the field contact policy, procedures and guidelines comply with obligations under the Charter of Human Rights, anti-discrimination legislation and the Information Privacy Principles.
4. Amend the VPM to include guidance to members in relation to these obligations.
5. Give consideration to seeking this advice and providing direction to members in relation to comparable policies and processes, such as stop and search.

Areas with a high incidence of crime

6. Amend the VPM so that being located, spoken to or sighted in an area with a high incidence of crime does not qualify a person to be the subject of a field contact report, and provide clear

direction to members in the VPM that these circumstances alone are not enough to warrant a field contact report.

Communication

7. Amend the VPM to include direction to members on what they are required to tell individuals who are the subject of field contacts. This should include clear direction relating to the need to communicate:
    • The reason for the stop
    • The member's name, rank and station
    • The information sought and why
    • The recording of the information on the LEAP database, including how long the information will be kept on the database
    • The individual's rights and responsibilities in terms of the interaction, and that there is no requirement on them to provide the information.

8. Amend the VPM to provide direction to members in relation to initiating contact with and maintaining a respectful, friendly and sensitive approach, speaking in plain language and being aware that English may not be a person's first language. The appropriate guidance for members to be included in the VPM should be further explored, with input from frontline Victoria Police members and relevant community stakeholders. Mechanisms will also be required to ensure appropriate supervision of field contact practices.

9. Provide guidance to members in the VPM in relation to understanding and responding to potentially volatile situations.

10. Give consideration to whether or not, and how, to provide information about complaints mechanisms as part of the field contact interaction. It will be important to reflect on the impact that this will have on the nature and tone of the interaction.

Reporting requirements

11. Amend the VPM to include a requirement that all field contact reports are checked by a sergeant to ensure they are completed for legitimate and appropriate reasons before final submission to the LEAP database.

12. Amend VP Form L19 to include a section for supervising sergeants to confirm that the report has been checked, including a requirement to include the registration number of the member who approved submission of the report. The VPM should be amended to reflect this requirement.

13. Amend the VPM to provide direction to members in relation to the information that is required to be completed in a field contact report. This should specifically direct members that a physical description is required.

14. Amend the VPM to specifically state that ethnic appearance cannot be the sole descriptor in a field contact report.

Retaining field contact data on LEAP

15. Set a length of time that is reasonably necessary for field contact reports to remain on the LEAP database for law enforcement purposes. The VPM field contact policy and procedures and guidelines should be amended accordingly.

Consorting

16. In any future examination of the VPM field contact policy, consider the application of information obtained in field contact reports to a possible charge of habitually consorting. Expert advice, as well as input from the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), should be sought as part of any examination of the application of Victoria Police's field contact policy and procedures to consorting.

Data monitoring

17. Develop data monitoring procedures for field contacts to monitor whether field contacts are being applied disproportionately. This data should be monitored on a statewide, regional/divisional, local police service and individual Victoria Police member level. Victoria Police should seek input from frontline members in developing data collection and monitoring strategies.

18. Seek expert advice from statisticians about data analysis approaches.

19. Develop processes for independent review of data monitoring to be conducted at a corporate, regional and local police service level. These independent review processes should include the development of strategies to address any concerns that arise.

20. Develop policies and procedures to:
    • Ensure the confidentiality and security of the data, especially for individual Victoria Police members
    • Clarify the supervisory monitoring processes and procedures for Victoria Police members.

21. Revise field contact reporting procedures so that:
    • Reporting on ethnic appearance is a mandatory field. The VPM should provide clear guidance to Victoria Police members that 'ethnic appearance' is a required field of the field contact report. Procedures for the entry of VP Form L19 into the LEAP database should be amended to make ethnic appearance a mandatory field of the form.
    • Clear guidance is provided on the codes to be used in the ethnic appearance field in the VPM. Codes could be developed based on external stakeholder input and an assessment of approaches used in other jurisdictions, and it may also be valuable to review the current criteria included in the ethnic appearance data item to review common codes and completion rates. It would also be important to design the codes with consideration of the criterion to be used as the comparator.

22. Work with peak independent bodies (such as the VEOHRC) to develop a public reporting process that addresses concerns in relation to accountability and transparency.

Internal communication and training

Communication strategy

23. Develop a comprehensive communication strategy commensurate with the changes to the VPM that goes beyond notification via the newsletter to inform members of amendments to field contact policy and processes.

Training

24. Undertake standardised training for operational members of all ranks in relation to any amendments to field contact policy and processes. This should include training in relation to members' human rights obligations and obligations under the Information Privacy Principles.

25. Include scenario-based training which examines whether or not particular circumstances warrant a field contact, and which challenges cultural and unintended bias that influences individual decision-making in relation to initiating a field contact or submitting a field contact report in any training proposals around policy and procedure changes to field contacts. This training should also form part of recruit training at the Academy.

26. Enhance training at the Academy on field contact policy and processes to provide a stronger foundation of member responsibilities for new recruits, including training in relation to members' human rights obligations and obligations under the Information Privacy Principles.

27. Develop mechanisms to ensure that senior members provide appropriate ongoing on-the-job training to newer recruits.

Community engagement

28. Clearly define expectations and promote mechanisms for community engagement. This should include advisory groups (with external and internal stakeholders) at all levels across Victoria Police, including the corporate, divisional/regional and local station levels.

29. Ensure that providing advice on field contact policy and practice is included within the scope of the final Community Engagement Strategy (which was in draft form at the time of writing this report). The terms of reference for these advisory structures should include Victoria Police field contact policy and practices.

30. Ensure the community engagement strategy identifies approaches for directly engaging with and seeking input from young people and their representatives. This should include a review of successful Victoria Police youth programs with a view to expanding these across Victoria Police.

Community information

31. Develop a community information strategy as part of Victoria Police's response to the field contact review. The strategy should provide information on field contact policy and processes, as well as individual rights and responsibilities, and complaint mechanisms. This strategy should be developed and implemented utilising community engagement mechanisms. Consideration will need to be given to ensuring the strategy specifically targets vulnerable community groups.

Receipting

32. Trial receipting in a small number of metropolitan areas (with consideration given to also trialling in one regional location) in order to assess the efficacy of receipting for field contacts. This trial needs to be supported with a comprehensive evaluation. Victoria Police should also consider conducting data analysis of the LEAP database by ethnic appearance and location and comparing this with resident population data to identify police stations to be included in the trial.

33. In developing the approach for the trial:
   - Consult with young people to explore the perceived usefulness of receipting, the potential impact on knowledge and access to complaints mechanisms, information needs (what should be included on the receipt), method of receipt (full report versus business card), concerns that receipting could imply the field contact is a more serious police interaction, and potential strategies for addressing these concerns
   - Consult with Victoria Police members to develop processes to address concerns in relation to the bureaucratic burden of receipting and its perceived impact on reducing the number of field contacts
   - Consult with community stakeholders (including organisations representing vulnerable communities) to explore community expectations and assist in refining policies and processes.

34. Explore the implications of new technology in developing an efficient receipting process.

35. Ensure receipts provided by Victoria Police to community members during a field contact include the individual's name, field contact information (time, location), the reason for the field contact, the Victoria Police member involved, what will happen with the information, and complaints mechanisms. The consultation strategies detailed above may identify other information needs.

1. Introduction

1.1 Background

In February 2013, Victoria Police reached an agreed settlement of litigation in the Federal Court of Australia alleging the existence of a practice of racial profiling within Victoria Police. In an agreed statement, Victoria Police announced that:

By 1 June 2013, Victoria Police will invite community comment on the following two matters, and will then undertake an examination of those matters:

1. *The policy of Victoria Police on field contacts, including the collection of data concerning field contacts*
2. *Cross-cultural training provided within Victoria Police.*

By 31 December 2013, Victoria Police will publish a report on the results of that examination and will announce what action will be taken in response to the report.

As part of this process, Victoria Police invited public submissions from individuals and organisations across Victoria to provide feedback on Victoria Police's field contact policy and processes and cross-cultural training. Victoria Police received 68 submissions from community members and community organisations.

Victoria Police also conducted a series of community forums to discuss the themes emerging from the public submission process. The following public forums were conducted:

- Footscray – multicultural and diverse communities
- Carlton – multicultural young people
- Carlton – multicultural and diverse communities
- Dandenong – multicultural and diverse communities
- Thornbury – Aboriginal communities.

Victoria Police commissioned researchers from Victoria University to conduct an independent review of its current cross-cultural training, and commissioned the Cultural and Indigenous Research Centre Australia (CIRCA) to undertake an independent review of Victoria Police's field contact policy and processes. This report outlines the findings of the CIRCA review of field contact policy and processes.

1.2 Field contacts

Victoria Police use field contacts as an intelligence-gathering tool. Field contacts are distinct from public contacts, which is how Victoria Police refers to general contact and communication with the community. Field contacts involve an officer approaching someone and requesting details because

the circumstances appear suspicious or because they have contact with an individual as a result of or in a specifically identified situation. In these circumstances the police officer or protective services officer (PSO) is required to fill out a field contact report. The data collected in a field contact report includes:

- The reason the report is being completed
- Information about the geographical and structural location
- The name, date of birth, gender, address and phone number of the person
- Details about the car the person was driving at the time (if applicable)
- Physical descriptions of the person, including height, hair colour and style, eye colour, ethnic appearance, complexion, build and clothing
- Any additional information that the police officer or PSO may find to be relevant.

Despite similarities with Victoria Police's stop and search powers, which arise from a number of legislative provisions, the scope of this review was limited to Victoria Police's field contact policy and processes (which are not set out in legislation), meaning that stop and search powers were not examined as part of the review. Although it was beyond the scope of the review to examine stop and search powers, some of the issues discussed and the recommendations made are applicable to stop and search activity as well as to other Victoria Police activity more broadly.

1.3   Objectives

The objectives of the review were to assess current field contact policy and processes in order to identify areas for policy enhancements and process improvements.

The review was not seeking to determine whether or not the activity of racial profiling exists within Victoria Police. The starting point for the review was that there is significant community concern in relation to perceived racial profiling among Victoria Police members when undertaking field contacts and as a result, Victoria Police is undertaking a review of its field contact policy and processes to identify areas for improvement.

1.4   Methodology

The methodology included:

- A literature review of international best practice relating to data collection and policies for stops and for stop and searches
- A review of documentation relating to current Victoria Police field contact policy and processes, including the Victoria Police Manual (VPM), Victoria Police forms, the *Victoria Police Gazette*, policy history information, training documentation, and information from the Victoria Police intranet

- A review of the 68 public submissions received as part of the community consultation process conducted by Victoria Police, comprising 40 submissions from individuals and 28 submissions from organisations

- Consultations with Victoria Police members, including operational members, liaison officers, and deputy and assistant commissioners

- Consultations with community stakeholders, focusing on those who had not been part of the Victoria Police submission process and community forums

- Consideration of a summary of the community forums, provided by Victoria Police.

The document analysis and literature review commenced on 16 August 2013. Ethics approval to conduct the consultations was required, and this was received from the Victoria Police Human Research Ethics Committee (VPHREC) on 13 September 2013. Consultations were conducted from 19 September to 17 October 2013.

The table below summarises the consultations conducted as part of the review. The approach included site visits to four locations (Dandenong, Shepparton, Northcote and Bairnsdale), with interviews being conducted with Victoria Police members and community stakeholders as part of these site visits. Interviews were also conducted with peak organisations and a number of assistant and deputy commissioners and liaison officers from across Victoria. Consultations were conducted with 69 participants in total.

Consultation activity	Interviews
Site visit to Dandenong	• 4 Victoria Police members at Dandenong Police Station (1 inspector, 2 sergeants, 1 constable) • Southern Metropolitan Regional Aboriginal Justice Advisory Committee (RAJAC) (2 participants) • Southern Migrant and Refugee Centre • Dandenong & District Aborigines Co-Operative Limited (2 participants)
Site visit to Shepparton	• 6 Victoria Police members at Shepparton Police Station (1 sergeant, 1 senior constable, 3 constables and 1 Aboriginal police liaison officer) • Ethnic Council of Shepparton and District Inc. • Rumbalara Aboriginal Cooperative • Hume RAJAC • Aboriginal Community Justice Panel (ACJP), Shepparton
Site visit to Northcote	• 6 Victoria Police members at Northcote Police Station (1 acting senior sergeant, 1 leading senior constable, 3 senior constables, 1 constable) • Spectrum Migrant Resource Centre

	• Ngwala Willumbong Co-operative Ltd, Northern Metropolitan Region (2 participants)
Site visit to Bairnsdale	• 6 Victoria Police members at Bairnsdale Police Station (1 senior sergeant, 1 sergeant, 1 leading senior constable, 1 detective senior constable, 1 constable and 1 Aboriginal community liaison officer) • Gippsland Multicultural Services Inc. • Gippsland and East Gippsland Aboriginal Co-operative Ltd
Telephone interviews with Victoria Police members	• 5 assistant/deputy commissioners • 2 multicultural liaison officers • 1 inspector (supervising PSOs) • 3 PSOs
Face-to-face interviews with peak organisations	• Victorian Aboriginal Legal Service (3 interviews) • Victorian Equal Opportunity and Human Rights Commission (3 participants) • Centre for Multicultural Youth (2 participants) • Ethnic Communities Council of Victoria (2 participants) • Victorian Multicultural Commission
Face-to-face interviews with community stakeholders	• Settlement Delivery Support Services, AMES • Somali Australian Council of Victoria Inc • Islamic Council of Victoria • Australian Muslim Women's Centre for Human Rights • African Think Tank Inc. • Migrant Resource Centre North West • Afghan community representative • United Pasifika Council of Victoria • Loddon Mallee RAJAC • Parkies Inc. • Bert Williams Aboriginal Youth Services

1.5   Limitations of the review

There were a number of limitations of the review, predominantly relating to the timing and resources allocated to the review, which in turn restricted the scope of the review.

The review was allocated 32 consultancy days in total, which included an ethics application, a literature review of international best practice, fieldwork set-up, consultations with Victoria Police members and community stakeholders, review of the 68 public submissions and Victoria Police summary of the public forums, and analysis and reporting.

Time to arrange and conduct consultations with Victoria Police members and external stakeholders and to analyse and report on the findings was very limited. Ethics approval was received from the

Victoria Police Human Research Ethics Committee (VPHREC) on the afternoon of Friday 13 September 2013 and the draft report was submitted to Victoria Police on 25 October 2013.

Young people were not directly consulted as part of this review, although youth agencies have been consulted. Victoria Police also received submissions relating to the experience of young people and held a range of community forums that canvassed youth issues (including a youth-specific forum).

It should also be noted that CIRCA did not attend the community forums conducted by Victoria Police, although a summary of the comments from the forums was provided by Victoria Police and considered as part of the review.

Another limitation relates to the consultations with Victoria Police members. Given time constraints, this was limited to four one-day site visits to police stations, and participation was dependent on member availability on the day. Also, only a small number of consultations were conducted with PSOs.

It is also important to note that data relating to complaints about field contacts was not available for review and CIRCA did not review any field contact data or reports.

2. Literature review

CIRCA conducted a literature review of international best practice relating to field contact data collection and policies, for comparison against current Victoria Police practice. 'Field contact' is not a term used universally, and to address this, the literature review was extended to include terms such as 'stop' and 'stop and search'.

2.1 Approach to the literature review

Research questions

Studies were deemed eligible for consideration in this review if they contributed to a greater understanding of the following research questions:

- What approaches and policies are currently being used to reduce racial profiling in field contact/stop/stop and search?
- What practices in field contact/stop/stop and search have been successful in reducing both racial profiling and community concern about racial profiling?

Search approach

Electronic databases were searched for relevant Australian and international articles in English from 1999 until 2013. The following databases were searched: AGIS Plus Text (Informit), HeinOnline, Academic Search Complete (EBSCO), Expanded Academic ASAP International (Gale), Informit Complete, Google Scholar, JSTOR, Scopus (Elsevier), Trove, AUSTLII: The Australasian Legal Information Institute, Australian Federal Police Digest (Informit), ProQuest Research Library and SocINDEX with Full Text (EBSCO).

Searches were also made of available grey literature such as conference papers, reports and unpublished material through relevant Australian and international government and non-government websites in related areas such as police services, human rights and justice. Searches were also made using OpenGrey, GreySource and Scopus.

Search parameters and search terms

The following search terms were identified as effective and used in accessing both peer-reviewed and grey literature.

Initial searches were made using:

- field contact AND police AND best practice
- field contact AND policy AND police.

These searches retrieved very few results and so the search terms were expanded to capture relevant literature. The expanded searches were conducted using:

- police stop (and search)
- police stop and search AND best practice
- police initiated AND stop and search
- racial profiling
- community policing
- police AND ethnic minorities
- differential policing
- zero tolerance
- policing AND cultural diversity
- minorities AND policing
- policing AND communities
- policing AND discrimination.

Inclusion/exclusion criteria

Literature in languages other than English was excluded. No restrictions were made in the search methodology for location, cultural background, age or gender.

Only material from the United Kingdom, Europe (non-UK), Canada, the United States, and Australia and New Zealand was included.

Data evaluation and analysis

Potentially relevant studies were identified by reviewing titles and abstracts retrieved from bibliographic databases. Studies identified as relevant were then retrieved in full text. Where possible, assessment of the relevance of studies focused on studies that reviewed practical approaches to stop and search and/or measurable outcomes (change in stop and search rates/stop demographics, etc). However, a significant amount of the literature focuses on evidence in relation to the impacts of racial profiling in stop and searches.

Once the relevant material had been identified, a brief descriptive abstract was developed outlining the objectives, methods, sample and main results. In total 106 papers were retrieved and screened for relevance; of these, 48 met the search criteria and were found to be relevant and therefore were included in this literature review.

2.2 Overall results and analysis

While the literature in relation to police stop and search and racial profiling is extensive, much of it focuses on documenting the existence of racial profiling and its consequences in relation to the

experiences of communities, community perceptions and poor policing results (Bowling, 2011). As a result, many of the papers retrieved were not relevant to this literature review, which aims to document best practice approaches to policy and data collection in relation to police field contact and stop and search. Results were analysed in the following jurisdictions: the United Kingdom, Europe (non-UK), Canada, the United States, and Australia. The literature from New Zealand was extremely limited and did not specifically answer the research questions. As a result, literature from New Zealand has not been included.

An analysis of the literature points to the success of comprehensive approaches to policing in relation to stop and search, including reviewing legal standards, implementing systems to monitor police officer practices and detect profiling based on high-quality data collection, building policing skills to operate without profiling including cultural awareness training, recruitment drives to create diverse agencies, and engagement with communities to build trust and identify local problems.

In relation to data collection, the literature highlights the importance of a clear and comprehensive understanding of what is being measured, as well as a need to develop appropriate systems that can be used to effectively monitor and, if necessary, modify individual police officer behaviours.

2.3   United Kingdom

The relationship between the British police and minority ethnic communities is reflected in the ongoing controversy about the use of police power, the failure to properly investigate crimes against people from minority ethnic communities, and the view that the police are sometimes unaccountable to the communities they serve (Ellis, 2010; Bowling & Phillips, 2007; Reid, 2009). While the face of the British police force has changed with the increased recruitment of police officers from minority ethnic communities, stop and search is a focus for much of the discussion around racial profiling, and this is reflected in the UK literature. Bowling and Phillips (2007) argue that discrimination and intolerance persist and that in recent years the British police have drifted further towards a 'military model' of policing that emphasises crime fighting and adopts practices such as stop and search and proactive intelligence-gathering. Bowling and Phillips see this as counterproductive as it contributes to the criminalisation of marginalised communities and undermines community confidence in the police.

In the UK there have been significant ongoing attempts to reform policing through legal changes, police culture transformation and the restructuring of systems of police accountability. In 1981 Lord Scarman recommended new training procedures and new procedures to objectively govern stop and search procedures, including 'identifying racial prejudice amongst recruits, improving the disciplinary process in cases of racially prejudiced behaviour by officers, recruiting more ethnic minority officers, increasing community consultation through statutory liaison committees, introducing an independent review of complaints against the police, and the introduction of lay visitors to police stations' (Delsol & Shiner, 2006:246). In 1986 the *Police and Criminal Evidence Act 1984* (PACE) was introduced in order to reduce discriminatory practices by ensuring that police officers have 'reasonable grounds for suspicion' before a stop and search is conducted (Ellis, 2010).

In 1999 Stephen Lawrence Inquiry[1] suggested that the disproportionality[2] in police stop and search was the result of police targeting minority groups and recommended that a record of all stops and stops and searches should be made, including the reason for the stop, the outcome, and the self-defined ethnicity of the person stopped, with a record given to the person stopped (Reid, 2009). In response, the UK Home Office published a revised *Police and Evidence Act 1984* Code A (PACE Code A) in March 2002; in April 2003 a phased implementation of receipting began and the recording of all stops became mandatory in April 2005 (Delsol & Shiner, 2006; Miller, 2010; Home Office, 2005).

In 2008 Sir Ronnie Flanagan conducted a review of policing and recommended that:

- for stop and account[3], a receipt in the form of a business card, rather than a full report, be provided to the person stopped
- Airwave[4] be used to audio-record the encounter, including the ethnicity of the person subject to the encounter, in order to enable disproportionality monitoring, and
- 'dip sampling'[5] of the recording be used for supervisory purposes (Flanagan, 2008).

These changes were recommended as the review found that the process of providing a full record of stop and account encounters had become bureaucratic and had lost the focus on the importance of the interaction between the police and members of the public. Changes to the stop and account method were trialled in 2008 in 12 police forces, and in 2009 a change was made to PACE Code A that required a receipt rather than full record be provided for stop and account (Home Office, 2008). However, further amendments were made in March 2011 to PACE Code A so that there was no national recording requirement for stop and account and no requirement to give a receipt (Reid, 2009; Ellis, 2010). Under the amendments, police forces have been given the discretion to choose whether or not to record stop and account, and 10 of the 43 forces across the UK are continuing to do so (Stopwatch, 2011).

Reid (2009) examined the ongoing controversy over police powers to stop and search, looking at the evidence of racial disparity in use of these powers and reviewing attempts to improve use of stop and search by the police. Reid reviewed Flanagan's suggestions for making monitoring of stop and search more effective and argues that, since only about 12% of all stops and searches result in an arrest, it

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[1] The Inquiry was conducted by Sir William Macpherson of Cluny in 1998 following the investigation by the Kent Police of a complaint by the parents of Stephen Lawrence that the first investigation by the Metropolitan Police Service into the death of their son on 22 April 1993 had been mishandled. The purpose of the Inquiry was to inquire into the matters arising from the death of Stephen Lawrence, particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes.

[2] That is, when people from a certain group, such as Black or Asian people, are more likely to be stopped and searched in relation to their numbers in the population compared to the White population.

[3] Where a person is stopped and asked to account for their actions, behaviours or presence in an area, but not searched.

[4] Airwave is the name of the radio communication network used by the police service across the United Kingdom. It is a commercially run service owned and operated by Airwave Solutions Limited.

[5] Dip-sampling refers to reviewing a random sample of recordings regularly.

could be suggested that reasonable suspicions are lacking given the 88% of people stopped and searched who are not arrested for any offence. Reid notes that the requirement to make records only applied to stops and searches, and not to stops or to situations where search was voluntary rather than making use of the powers under PACE. However, Reid also notes that people may agree to a search because they do not know that they have the right to refuse or they may feel pressured to comply. Reid notes that the Flanagan report was clear that the safeguards for stop and search should remain the same but that the process needs to be streamlined through the use of mobile data systems. Reid argues that the use of technology in these processes may improve efficiency, but warns that for this to work in practice it must allow for proper scrutiny of individual officers. Reid notes that the changes in Home Office Circular 032/2008 replacing the full report requirements for stop and account with the requirement to provide a receipt only were premature given that the pilot sites had not been evaluated.

The debate around disproportionality in the literature tends to be polarised between those who see disproportionality as reflecting discriminatory police behaviour and those who claim that it is due to differential involvement in crime and disorder. Waddington et al (2004) argue that this dichotomy is unhelpful and that a consideration of what is 'justifiable' may be more useful. The importance of careful interpretation of Government data where it may be published in a form that does not control for the interaction between race, ethnicity and social class is also highlighted (Waddington et al, 2004).

There is no consistent view in the UK literature on the most effective criterion against which monitoring data of stop and/or stop and search activity should be compared (Bowling & Phillips, 2007; Waddington et al, 2004; Borooah, 2011). A number of analysis methods have been adopted, including comparisons with the resident population, the 'available population' (see below) and crime statistics (Bowling & Phillips, 2007; Miller, 2010; Waddington et al, 2004). For stop and search data monitoring in particular, analysis of 'hit rates' has also been used (Bowling & Phillips, 2007).

Miller (2010) reports that the population 'available' in public places to be stopped and searched has a different profile from that of the general population. Waddington et al (2004) replicated previous work by the Home Office researchers and found that, compared to the 'available population', those stopped and searched were not disproportionately drawn from minority groups. Waddington et al (2004) also found that disproportionality in national figures may be the result of those groups being more 'available' to be stopped and searched (rather than any particular selectivity on the part of the police). However, Bowling and Phillips (2007) point out that the criterion of availability is in fact biased against some ethnic groups since it is impacted by such factors as unemployment, homelessness and exclusion from school.

Waddington et al (2004) also discuss what they call the 'veil of ignorance' – difficulty in determining race from physical characteristics, thus inhibiting the capacity to target selectively, as well as the difficulty of making observations in darkness, from a moving vehicle, in poor weather, etc. They

suggest that these factors could be used to independently assess the nature and extent of disproportionality in stop and search decision-making.

Bowling and Phillips (2007) discuss the difficulty of defining a control group and of controlling for factors that place an individual at greater risk of being stopped by police. They also examine the impacts of 'statistical discrimination', where recorded statistics are themselves used as a basis for stop and search. Bowlings and Phillips conclude that the most robust measure of disproportionality is the per capita stop/search rate, since the issue of availability does not account for the disproportionate impacts that routine practices are having on people from minority groups.

While acknowledging that data published by the UK Ministry for Justice clearly shows that, compared to persons who are White, members of racial minorities in England, particularly Blacks, are far more likely to be stopped and searched by the police, Borooah (2011) explores whether such racial disparity in stop and search could be justified by racial disparities in offending or whether the disparity in stop and search exceeds the disparity in offending. Borooah goes on to propose a methodology for measuring the amount of excess racial disparity in police stop and search (a disparity coefficient), and also raises the issue of benchmarking and the issues in transient versus resident population. Using the most recently published Ministry of Justice data (for 2007/08) in England and Wales, and the proposed methodology, Borooah concludes that there is an excess of racial disparity in police stop and search in some police areas of England and Wales. Borooah further argues that it is hard to justify the large number of stops carried out and the racial disparity in stops, given that stops have not been a very productive form of policing (i.e. there is a low post-stop arrest rate). The damage caused to race relations through 'the large-scale stopping of innocent Blacks by an essentially "White" police force' is noted as being the central point of concern about the implementation of stops in England and Wales (Borooah, 2011:469).

Quinton (2011) examines the interpretative practices of the police when carrying out stop and search, and looks at how discretion is situated in a particular legal and social context. Ethnographic research was conducted in 1999/2000 and 2003 in 10 sites across England and Wales involving interviews with police officers on what prompted their suspicions, how they initiated and handled encounters, and the impact of policy changes. Observations of patrols were also conducted. The results showed that, rather than being objective, decisions to initiate contact tended to be based on broad generalisations and stereotypes and were likely to be unlawful. The categories that dominated police thinking were likely to result in suspicion falling disproportionately on marginalised community members. There was some evidence to suggest that discretion was restricted when officers were required to have reasonable grounds.

Bowling et al (2003) argue that reform should be based on responsiveness, accountability to the community and adherence to internationally recognised human rights standards. It is seen as critical that the police service is internally democratic, that it reflects the demography of the communities served and that it is accountable to them. The challenge for the future is to envision effective ways of reducing crime and disorder by including young people in the social life of the community and by

defining a new role for the police away from intelligence-led coercion and towards positive policing where officers are co-producers of community safety (Bowling et al, 2003).

The Stopwatch statement on police stop and account (2011) highlights concerns in relation to the removal of the national requirement to record stop and account, referring to the importance of procedural justice and the provision of evidence of both good and bad policing, along with robust data that can be analysed internally and externally.

The Equality and Human Rights Commission published two reports which analysed the publically available data on stop and search in 2010 and 2013 (Equality and Human Rights Commission, 2010, 2013). The 2013 report, *Stop and Think Again*, identified the following key steps that need to be taken to reduce disproportionality: targets for reduction and for reducing negative drug searches; training on 'reasonable grounds' for, and proportionate use of, the power; steps to ensure intelligence-led practice rather than practice based on 'hunches' or generalisations about groups; micro-monitoring to identify local or individual racially skewed patterns and challenge them; and senior level commitment and leadership.

Her Majesty's Inspectorate of Constabulary (HMIC) examined how effectively and fairly the police service in the UK is using the powers of stop and search, and made recommendations to build the public's trust in the police and support the legitimacy of the police service (HMIC, 2013). The report found that 27% of stop and search records examined did not include sufficient grounds to justify the lawful use of the power. The report also found that effective use of stop and search powers relies on strong leadership, a high level of supervision, and regular training across the organisation. The report highlighted the need for the collection of sufficient data to monitor the use of stop and search powers.

2.4   Europe (non-UK)

The English language criterion adopted for this report limited access to the European literature. The review of European literature relied heavily on the Open Society Foundations' publication *Reducing Ethnic Profiling in the European Union: A Handbook of Good Practices* (Open Society Foundations, 2012) and the Open Society Institute's publication *Addressing Ethnic Profiling by Police: A Report on the Strategies for Effective Police Stop and Search Project* (Open Society Institute, 2009). From this and other material that was accessed, it was clear that the literature focuses on three key areas for improvement in relation to ethnic profiling in stop and searches: ethnic monitoring and law enforcement data-gathering, improving the quality of encounters through intelligence-based law enforcement, and effective community engagement.

The evidence provided in *Reducing Ethnic Profiling in the European Union* (Open Society Foundations, 2012) supports the importance of documentation and monitoring of police stops and provides examples of stop forms from successful UK and European projects. Identified good practice principles included the protection of data and privacy, a careful and standard definition of ethnicity,

consistency and accuracy of data collection, and, importantly, support and buy-in from supervisors and managers.

Discussion in the literature refers to a resistance to bureaucracy – that stop forms are 'not real police work'. But the evidence suggests that compliance and consistency are essential to ensure that the use of stops forms is successful. The development of hand-held devices and use of mobile phones and digital recording of information is seen as providing increasing options in relation to monitoring. Overall, the literature points to the effectiveness of increased police efficiency when policing is based on intelligence rather than ethnic stereotypes (Open Society Foundations, 2012; Open Society Institute, 2009).

One project discussed in *Reducing Ethnic Profiling in the European Union* is Strategies for Effective Police Stop and Search (STEPSS), a European-funded pilot project conducted in Spain, Hungary and Bulgaria. This report showed that monitoring stops can reduce ethnic profiling and enhance efficiency. As part of the pilot project, training was provided in the use of forms, with data collected for a six-month period. It showed that operations that give police officers greater discretion to stop people resulted in increased disproportionate stops of minorities. Over the course of the pilot project fewer stops were made, but the proportion of stops leading to an arrest increased. It was noted that police are more effective when they have to develop clear and individualised grounds for stops and when they are held to account by supervisors (Open Society Foundations, 2012).

Reducing Ethnic Profiling in the European Union also highlighted the impact on reducing racial profiling of improving the quality, precision and use of intelligence, increasing the supervision of discretionary decisions, and enhancing civilians' understanding (Open Society Foundations, 2012). Particular reference is made to the importance of quality subject descriptions and identifying characteristics such as skin, hair and eye colour, height and weight and clothing rather than relying on general race or ethnicity descriptors. Good descriptions are noted as leading to more efficient police actions, and less time wasted in stopping innocent people.

A range of good practices in relation to stop and search were identified, including supporting police officers by providing clear guidance on using intelligence in planning stops and searches, daily briefings to ensure officers have up-to-date intelligence and local information on which to base their activities, and monitoring of stop and search through gathering statistical ethnic data to determine whether these powers are disproportionately targeting minorities and whether they are being used effectively (Open Society Foundations, 2012).

One paper (Davies, 1999) makes the case for an increased focus on the lowest ranking officers who are likely to have the most frequent interaction with civilians, often with little or no direct supervision. Research indicates that day-to-day management and supervision is a key influence on officers' behaviour, and the literature supports the need for a paper trail that can be regularly reviewed.

The following case study from Spain examines the role of 'stop data' in supervision and management:

> *In Fuenlabrada, Spain, the municipal police achieved a dramatic reduction of disproportionality and an increase in positive outcomes of stops and searches by making systemic use of stop forms to monitor individual patrol officers and analyse operations and personnel deployment. The case study outlines how data collection enabled a reduction in unfair policing. Forms were able to be traced to an individual police officer and allowed for closer supervision and scrutiny which led to a significant reduction in officers' use of stops (by roughly half) and a tripling of the hit rate.* (Open Society Foundations, 2012:109)

Good practice principles identified in this study included establishing mechanisms to oversee patrol officers' use of their discretionary decisions, having supervisors check that officers are using stop and search lawfully, and operational decisions made with consideration of potential sensitivities in minority communities.

Community outreach and engagement were also identified as important areas in improving accountability, through increasing transparency and a greater sharing of information. It was noted that community information should be accessible and available in appropriate languages for the various communities. *Reducing Ethnic Profiling in the European Union* provides some examples of community involvement, such as voluntary contacts with civilians through 'ride-alongs' (in which civilians monitor police) and public forums, which demonstrate a commitment to transparency. An example was provided of civilian monitoring through police ride-alongs in Hungary:

> *In 2008, as part of the Strategies for Effective Police Stop and Search (STEPSS) project, a team of Roma community representatives observed two police shifts a week for a period of six months and discussed their observations with police supervisors. The monitors observed all aspects of daily policing, focusing primarily on stops and they had the right to interact with the person being stopped and record their observations. Prior to the ride-alongs, many Hungarian officers had little contact with Roma. The ride-alongs provided the opportunity for a frank discussion with Roma community members about patterns of offending, cultural traditions, and related matters. This led police to recognize the need for more training and in one pilot site a civilian monitor led a series of training sessions for police. Generally, the quality of stops was improved by the presence of monitors.* (Open Society Foundations, 2012:116)

The Open Society Justice Initiative materials also noted that the negative impacts of being repeatedly stopped by the police are significantly diminished if the officer's conduct is professional, polite and respectful. Being provided with a reason for the stop also increases the level of satisfaction with the encounter. Informing people of the reasons they are being stopped, the prohibition of any racial, ethnic or other slurs and providing information on how to make a complaint was seen as critical to achieving satisfactory outcomes (Open Society Foundations, 2012; Open Society Institute, 2009).

2.5 Canada

Canada is well known for its progressive policies on multiculturalism and inclusion and has a long history of receiving large numbers of immigrants. Most Canadian police services have policies that prohibit racial bias and racial profiling. However, in recent years, racial bias in relation to police stop and search has become a controversial issue (Wortley, 2011; Closs, 2006). Most of the literature is devoted to examining and documenting the existence of racial profiling in Canada, with very little information on implementation. In fact, as a result of bans in the collection and release of race-crime data, much of the evidence is qualitative and regularly questioned as being 'anecdotal' (Owusu-Bempah & Miller, 2010).

A randomised survey of Toronto residents (Wortley, 2011) examined attitudes to and experiences of racial profiling and found that Black respondents were three times more likely to experience multiple police stops than White respondents or Asian respondents. Black respondents were also six times more likely to have friends or family members who had experienced racial profiling.

A Canadian data collection project designed to quantify the racial and/or ethnic origin of all individuals stopped by Kingston police officers in 'non-casual' situations, followed a series of interactions between Kingston Police and black teenagers; it received media coverage and led to public perceptions of racial profiling (Closs, 2006). Closs discusses the general resistance to examining or addressing racial profiling in Canada and comments on the actions taken by Kingston Police to address community perceptions of racially biased policing. The resulting data suggests that Black male residents of Kingston between the ages of 15 and 24 were three times more likely to be stopped and questioned by Kingston Police. Closs also notes the lack of sound operational research and the reluctance on the part of Canadian police jurisdictions to develop data collection projects or explore the area of racially biased policing. The Kingston example is cited as a positive since it 'represents a unique effort to move beyond organisational defensiveness and denial in order to activate meaningful research that may contribute to substantive change in the Canadian police sector' (Closs, 2006:145).

Satzewich and Shaffir (2009) examined the significance of the consistent denials of the existence of racial profiling by police, how police view racial profiling as opposed to criminal profiling, and how police subcultures and concepts of professionalism contribute to neutralising claims of racial profiling. The authors examined the lens through which police see the work they do and provide an insight into how racial profiling continues to be a problem despite 'good intentions' by some police jurisdictions. Through interviews with police (18 police officers in total – 16 male and 2 female, 9 from minority populations and 9 White), the authors provide insight into the rhetoric of deflection used by police to neutralise claims about practices they view as sound, work-related criminal profiling, while critics see the same approaches as racial profiling..

Satzewich and Shaffir (2009) identify three methods that police officers use to neutralise and deflect allegations that they, or their colleagues, engage in racial profiling. The first is 'the intolerance of tolerance', which points to the changes and initiatives that have been made in the police force that

differ from the past and reveal it to be an organisation that is tolerant, diverse and fair. The second is referred to as 'the multicultural society of deflection', which focuses on improved recruitment methods designed to ensure recruits have higher levels of education, life experience and diversity of cultural backgrounds. The third is 'blaming the victim', which suggests that the problem lies with individuals and organisations that make claims of racial profiling and which the police consider do not fully understand the complexity of police work. The example often provided is the person who is stopped by police and then claims it is because they are Black, while police will consistently claim that this is not a relevant factor in their decision-making.

An inquiry into racial profiling by the Ontario Human Rights Commission (2003) aimed to give a voice to those people who have experienced profiling and to analyse the impacts of racial profiling. The report notes that the perception of profiling is, in itself, enough to be of sufficient concern for the issue to be addressed as it contributes to minority cynicism and mistrust of the criminal justice system. The report also notes the significant psychological impacts and social costs of racial profiling. It refers to initiatives such as clarifying enforcement policies for police and the community, improving training, enhancing community consultation and outreach processes and making complaints procedures accessible. It also cites evidence that racial profiling does not work and that a focus on one group can lead to persons who are committing crimes in other groups going unchallenged. The report concludes that racial profiling is neither an efficient nor effective practice.

In June 2011 the Ottawa Police Service approved a policy which provides advice on racism and the inappropriate use of racial profiling in exercising statutory powers in relation to police stops, investigative detention powers and suspect descriptions (Ottawa Police Service, 2011). The policy uses the term 'racialised' rather than 'visible minority' or 'person of colour', acknowledging that all these terms are social constructs which can position races as 'real', 'different' and 'unequal' in ways that impact on economic, social and political life. The policy goes on to outline the challenges in avoiding racial profiling and stereotyping and acknowledges that racial profiling is a serious problem in Canadian society, and that members of police services may be susceptible to its negative influence. It confirms the service's commitment to professional and reliable policing, promoting community confidence and addressing community concerns about racial profiling. The policy clearly outlines the roles and responsibilities of members, supervisors and the Chief of Police. The role of professional development and the importance of training is also highlighted (Ottawa Police Service, 2011).

The Traffic Stop Race Data Collection Project is the result of a settlement agreement reached in February 2013 between the Ottawa Police Services Board and the Ontario Human Rights Commission (OHRC) (Ottawa Police Service Traffic Stop Race Data Collection Project, 2013). The project commenced in June 2013 and involved police officers recording their perception of the race of the driver at all traffic or motor vehicle stops for a two-year period. It is planned that, at the conclusion of the two-year data collection period, extracted and deidentified data will be made available to the OHRC and made available publicly on the Ottawa Police Service website.

The Toronto Police Service (TPS) undertook a review of the way in which it engages with the community (Toronto Police Service, 2013). The Police and Community Engagement Review (PACER) commenced in March 2012 in response to growing concerns that police were unfairly targeting some people. An interim measure was implemented in July 2013 whereby police officers issued a receipt to members of the community every time they completed a field information report – known as a 'street check' or 'contact card' – to ensure accountability and improve communication with the public about the reason for the stop. In response to police and community concerns, the PACER found that the interim receipt process may not be the best solution for addressing the issues raised by the community, and the PACER report, released in October 2013, recommended that the receipt be redesigned to a business card format, with an area for police officers to record information regarding interactions with a community member (Toronto Police Service, 2013).

2.6   United States

The term 'racial profiling' was coined in the US in the 1990s and has been a significant area of discussion and debate, providing an ongoing challenge for law enforcement agencies. A significant amount of the literature documents the existence of racial profiling across the US. There is also a large amount of literature devoted to appropriate data collection methodologies in regard to assessing and reducing racial profiling. While it is impossible to provide comprehensive information on all the data collection methodologies here, reference is made to specific research that may be useful in developing and designing appropriate data collection systems.

Warren and Tomaskovic-Devey (2009) conducted an analysis of police search data and whether scrutiny of racially biased policing influenced changes in police officers' pattern of enforcement. They make several policy recommendations to reduce racial profiling, including supervising officers' policing practices in order to improve accountability. Data collection they also note as important, arguing that when supervisors are familiar with enforcement data they are able to identify and manage problem officers. External oversight such as through citizen complaint boards is also noted as particularly influential on police practices, leading to strategies which can assist managers in addressing racially biased enforcement practices and promote positive engagement with local communities (Warren & Tomaskovic-Devey, 2009).

A study of the Miami-Dade Florida Police Department resulted in five policy recommendations to reduce the perception and/or reality of racial profiling (Alpert, Dunham & Smith, 2007). It was noted that even a perception of biased policing damages community/police relationships and so it is in the interest of police services to address these concerns promptly by strengthening management strategies. Most of the recommendations from this study focus on implementing standardised procedures that apply to all citizens and do not use race inappropriately in decision-making. One internal comparison method suggested was to compare officers working the same areas and the same shifts for disparities. Comparing officers within similar jurisdictions was seen as a potential early warning system of problems which could then be addressed by supervisors. Training is also an important element in this context for ensuring that all officers have the knowledge and

communications skills to manage potentially negative interactions. Other recommendations include implementing a data collection system with the capacity to enable supervision and monitoring of officers and having officers complete an appropriate record of interrogation in the field.

As part of a strategy to respond to racial profiling, the Community Oriented Policing Services (COPS) entered into 21 cooperative agreements with police services across the US (Northeastern University, 2008). The COPS report features case studies in the six areas identified for intervention: recruitment and selection, training and education of police and community members, minority community engagement initiatives, accountability and supervision, collecting and analysing traffic stop data, and using technology to reduce racial profiling and increase officer safety.

The COPS Project identified accountability of police officers as very important, and this was linked to effective data collection through an early intervention system that enabled managers to identify officers with problematic behaviour who could then be offered training and/or counselling. Increasing the diversity of police officers and getting both officer and community buy-in for recruitment campaigns was seen as essential. Officer training in basic skills and an understanding of race and policing was also seen as an opportunity to instil positive organisational values in new recruits. The COPS Project also focused on implementing well-designed community engagement programs aiming to reduce public negativity towards police.

Farrell, McDevitt and Buerger (2002) argue that, while collection of information about traffic or pedestrian stops is an important part of a police department's strategy to address perceptions of bias, taken by itself it may be insufficient to resolve the controversy about racial profiling. The authors note that data collection systems have been implemented without strategies to disseminate information to the public or to create police-community dialogues. The authors propose a model of community/police taskforces to facilitate discussion of racial profiling data and open up community conversations about appropriate policing. Taskforces in some jurisdictions, they note, have been purely advisory, developed alongside data collection projects, while in other jurisdictions taskforces have been involved in determining the type of data to be collected and have played a role in overseeing data collection. The authors argue that the most useful role for their proposed taskforces would be involvement in a community-based problem-solving model of research where police representatives and community leaders work with an outside expert to develop both the types of questions to be addressed and the methodologies through which data will be collected.

Ridgeway (2007) examined data from the New York Police Department (NYPD) 'stop, question and frisk practices' and found the data pointed to problems with particular police officers rather than problems across the force. Ridgeway suggests that these problems could be addressed through effective supervision, monitoring of police activity and effective interventions when problems are identified. He further notes that the UF250 form used by the NYPD in 'stop and question' events was intended for investigative purposes and not for data collection about officer performance. Overall, Ridgeway (2007) makes six recommendations to improve police interactions with pedestrians during

stops and to improve the accuracy of data collected, including two recommendations regarding use of the UF250 form. The six recommendations are outlined below:

1. Officers should clearly explain to pedestrians why they are being stopped.
2. The NYPD should review the boroughs with the largest racial disparities in stop outcomes.
3. The UF250 should be revised to capture data on use of force.
4. New police officers should be fully conversant with stop, question and frisk documentation policies.
5. The NYPD should consider monitoring audits of the UF250.
6. The NYPD should identify, flag and investigate officers with out-of-the-ordinary stop patterns.

In 2012, Judge Sheindlin presided over a federal class action lawsuit alleging the NYPD's stop and frisk practices violated the Fourth and Fourteen Amendments. Judge Sheindlin appointed an independent monitor to report to the Court and to oversee the NYPD stop and frisk reform process after the Court decided that the NYPD was engaging in unconstitutional stop and frisk practices, including racial profiling against 'Black and Latino New Yorkers'. The NYPD was also directed to implement a 12-month pilot project in which police officers in the borough with the highest rate of stops in 2012 would wear body cameras to provide an objective record of stops (Centre for Constitutional Rights, 2008).

The US literature raises significant issues in relation to appropriate and quality data collection and how that data can be used to test for racial profiling and to build better police and community relations. Complex concerns are raised in relation to data collection, including the issue that comparing data from large numbers of stops can miss local trends (Ridgeway, 2007) and the need to develop appropriate control groups that reflect pedestrian and traffic flows and which then raise questions about how data is benchmarked and who is included/excluded in this process (Grogger & Ridgeway, 2006). Ridgeway and MacDonald (2010) examine the range of options available in external and internal benchmarking and conclude that the search for an appropriate benchmark remains elusive, 'with no way of establishing a correct population at risk of police attention' (Ridgeway & MacDonald, 2010:27).

While much of the US literature argues the need for mandatory collection of data to monitor the implementation of policies and ensure that they are applied in a race-blind manner (e.g. Saunders, 2013; Ridgeway, 2007) concerns are also raised in terms of the limitations of data collection, including that data is unlikely to be useful when police make fewer than 50 stops and that many of the methods suggested do not account for under-reporting (Grogger & Ridgeway, 2006).

While almost all the US studies retrieved emphasise the importance of quality data collection, Pickerill, Mosher and Pratt (2009) also acknowledge that the research is highly complex and that there is a need to analyse research from multiple perspectives and at various data points before there can be a full understanding of the complex role that race plays in police decisions to stop and search. They note that race is related to the broader context in which police make decisions and that this

impacts on data collection 'since the recognition of the multivariate nature of police officers' decisions to search has yet to be met by concurrent multivariate empirical models of such behavior' (Pickerill et al, 2009:2).

Piquero (2009) also supports the need for research efforts that use multiple methods to generate a careful description and understanding of police/citizen encounters, as well as a need for complementary research on mechanisms for ensuring lawfulness on the part of the police and increased compliance among citizens. Piquero argues for an analytical approach to research and policy through better training, better record-keeping and, in particular, the implementation of effective administrative controls within police organisations.

2.7   Australia

While Australia is one of the world's most ethnically diverse countries and has had sustained multicultural policies for many years, it has also experienced waves of 'moral panic' in relation to new groups of migrants. White (2009) argues that a result of these decades of moral panic is that ethnic minority young people grow up with a negative relationship with authority figures, particularly police. Recently Australia, and in particular Sydney and Melbourne, have seen both a media and police focus on the 'racial background' of 'youth' and 'youth gangs'. For example, Smith and Reside (2010) have examined African young people's experiences of policing practices across three regions of Melbourne – the City of Greater Dandenong, Flemington and Braybrook – highlighting the gap between the public discourse and what African young people have to say about policing issues.

Wood (2009) identifies community policing as an approach that is more likely to be effective with culturally diverse communities and refers to a 1999 project in Sydney's Bankstown and Campsie called Innovative Models of Police and Community Training Project. The project implemented strategies to address local issues and the escalating tensions between police and Arabic-speaking young people. These included community induction and intensive training on local cultural issues and cultural competency for all police, mediated small-group discussions between police and young people to promote greater understanding of each others' perspectives, and community information forums on policing issues, crime prevention and community safety. Wood (2009) cites evidence that these measures saw a reduction in violent confrontations between police and Arabic-speaking young people and an increase in police morale and job satisfaction.

Community attitudes can be a key factor in the outcomes of police interactions with diverse communities. Using data collected from a sample of Australian citizens, a study by Murphy (2011) examined factors that affect the willingness of people to cooperate with police efforts to control crime and disorder, and in particular how these factors may influence ethnic minority groups in Australia. The findings suggest that encounters that emphasise procedural fairness are not sufficient to alter pre-existing beliefs or attitudes about the police. Murphy argues that any police effort to engage minorities through processes that emphasise procedural fairness have to overcome pervasive views that the police cannot be trusted. Murphy describes an approach of providing community members

with an 'instrumental voice' where they are able to impact on decisions and outcomes rather than be involved in a superficial process of consultation which they may interpret as insincere. This research points to the need for genuine consultation and collaboration with culturally diverse communities and lends weight to the value of tailored models for community engagement which give an effective voice to ethnic minorities.

The need for cultural change in the police force is a significant theme in the Australian literature, and the Nexus Policing Project in Victoria, a police/university partnership, used a model of participatory action research to help police challenge the beliefs and meanings that inform their daily practices, and to consider innovative practices and new ideas (Wood, 2009). Wood suggests that both academics and practitioners pay insufficient attention to nurturing rank-and-file police as change agents and to building their capacity as knowledge workers and idea-generators in forging change. For example, the Nexus project undertook a mapping process in relation to 'youth issues', involving young people and police in examining the current situation and developing opportunities for change through youth-directed problem-solving. This approach provides an opportunity for police to examine preconceptions and beliefs and may also be useful in looking at the interactions between police and culturally diverse communities.

Weber (2011) draws on statistical data, survey responses and interviews with senior New South Wales police to build up a picture of immigration status checking practices, concentrating on opportunistic street encounters. Reviewing the impact of immigration checks (street stops) which fail to uncover breaches of immigration law, Weber argues that they send a powerful message of non-belonging which could impact negatively on perceptions of police legitimacy and on social cohesion more broadly. Weber suggests that the prospect of being identified as an unlawful non-citizen is likely to render those without lawful status unwilling to access police services when needed. Weber suggests that NSW Police need to consider the community implications of their migration policing role, since immigration status, a non-observable characteristic, is likely to be operationalised in street policing through visible ciphers based on 'race', class, ethnicity and other indicators of non-belonging (Weber, 2011).

A review of Victorian police stop and search powers (Office of Police Integrity Victoria, 2012) was conducted as a result of concerns in relation to arbitrary use of police powers, targeting of particular groups, inadequate reporting requirements, an inability to measure effectiveness, and a lack of oversight and review. The review discusses what constitutes a proportionate search and notes that 'since stop and search is an intrusive form of surveillance, the State is obliged to ensure that it is exercised with diligence' (Office of Police Integrity Victoria, 2012:48). However, the review also notes that increasing police powers of stop and search does not generally lead to a reduction in crime rates and is of limited value when used in isolation. The review's conclusions support a combination of strategies that includes community education and community engagement. Recommendations made as a result of this review include simplifying the search without warrant form in order to increase

compliance with reporting requirements, addressing the flaws in statistical reporting, and initiating community discussion on a proportionate response to intelligence on knife-oriented crime.

A literature review prepared for Victoria Police (Mouy, 2013) explores international best practice in community engagement by police and examines a range of case studies. This is a useful resource for sourcing information regarding best practice in extending community engagement, which is regularly noted as a key element in the appropriate and effective use of street stops. In particular the literature review documents the increasing interest in and commitment to community policing and engagement both nationally and internationally, and notes the significance of this for vulnerable groups in the community. A number of key elements critical in achieving change within police organisations to support effective community engagement were identified. These include clear leadership, guidance and decentralised organisational structures that support local decision-making, and the capacity (both resources and skills base) for local police to make long-term commitments to partnership arrangements.

3. Review findings – field contact policy and processes

The findings in this and the next two chapters are based on a review of Victoria Police documents, the literature review, consultations with 69 community stakeholders and Victoria Police members, a review of the 68 public submissions, and consideration of a summary of the community forums provided by Victoria Police. This chapter focuses on field contact policy and processes, Chapter 4 focuses on data monitoring and receipting, and Chapter 5 focuses on relationships between Victoria Police and the community.

3.1 Community response to the review

Overall, the community welcomed the review of Victoria Police's field contact policy and community stakeholders commended Victoria Police for undertaking it. Community stakeholders recognise the important and difficult job that Victoria Police members do, and noted that Victoria Police community relations have improved over the last decade.

The community consultations and the public submissions indicate that, generally, community knowledge and awareness of field contacts is low, although some community organisations that receive direct feedback from young people are aware of the practice. Generally, the public does not distinguish between public contacts[6] and field contacts. As a result, a lot of the discussion in the community consultation processes focused on the broader issue of interaction between police and both culturally and linguistically diverse (CALD) communities and Aboriginal communities.

The review indicates that there is a strong perception among some CALD and Aboriginal communities that the practice of racial profiling occurs in the Victoria Police. Some community members feel they are being harassed, singled out in a group or asked for identification or contact details at train stations by police based on appearance (skin colour). This was particularly evident in the public submissions that reported personal experiences of negative interactions with Victoria Police members, including racial taunts, verbal abuse, intimidation, and aggressive and violent behaviour. There were also reports of community members feeling targeted, harassed, humiliated and over-policed by Victoria Police members, in particular people from vulnerable communities, including Aboriginal people, people from CALD and refugee backgrounds, young people, people experiencing homelessness and/or drug and alcohol dependence, sex workers, and members of gay, lesbian, bisexual, transgender and intersex communities.

The importance of public trust in the police was a consistent theme in the review. Negative interactions with police lead to frustration, fear and distrust and diminish the integrity and legitimacy of

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[6] 'Victoria Police refer to general contact and communication with the community as 'public contact'.

police in the eyes of the community. This can result in a lack of respect for police and an unwillingness to cooperate with them or report crime.

There is also significant concern that community members do not know their rights in relation to interactions with police. There is a strong feeling that the public should be made aware of Victoria Police's field contact policy and processes and the public's rights and responsibilities.

Feedback also focused on the need for mechanisms to be put in place that promote accountability and transparency, and community expectations were that this will be addressed through clear internal policy and processes that enable external input and review.

3.2   Victoria Police members' response to the review

It is important to note at the outset that the leadership of Victoria Police is committed to addressing community concerns about the perceived existence of racial profiling within Victoria Police. This commitment was also acknowledged by some of the community stakeholders consulted as part of this review.

Frontline Victoria Police members consulted generally indicated that they do not believe there are any issues with Victoria Police's field contact policy or the way field contacts are conducted. They did not see race and ethnicity as relevant to the decision to conduct a field contact, and said they do not engage in, and do not believe their fellow members engage in, any racial targeting or profiling (or if fellow members do, they have not witnessed it). The requirement to provide a reason for submitting a field contact report was an indicator to members that race or ethnicity would not be an adequate justification and therefore would not be the motivation for members conducting field contacts. These perspectives are consistent with the methods of neutralising and deflecting allegations that police officers or their colleagues engage in racial profiling, as identified by Satzewich and Shaffir (2009) and outlined in Chapter 2.

There was acknowledgement by some Victoria Police members that there are concerns in the community about the way field contacts are conducted and that these need to be addressed. Members felt that if Victoria Police explains its policies and procedures to the community, and the public is made aware of the important role that field contacts play in policing, this will assist in gaining community support.

As most frontline members did not believe there to be an issue with the field contact policy, internal buy-in for any amendments to the field contact policy and processes may be difficult to achieve. Victoria Police will need to be aware of this and include frontline members in the amendment process. Amendments to the policy and the Victoria Police Manual (VPM) will need to be made in consultation with, and with input from, operational members.

3.3   The role of field contacts in police work

The frontline Victoria Police members consulted as part of the review consider field contacts to be an important part of police work. Field contact reports are viewed as an effective intelligence-gathering tool that helps members execute their duties, and submitting field contact reports is seen as something that a good, conscientious member does. Field contact reports are a highly valued policing tool that is felt to contribute to arrests and convictions as well as member and community safety.

Field contact reports are also seen as an investigative tool that provides Victoria Police members with information about criminal elements in society – who they are, places they frequent, who they associate with – and a tool that can assist investigations by identifying people in the vicinity of crimes. Members see these reports as useful in linking people to vehicles, useful in identifying offenders, and as part of putting steps in place to prevent crime. Members indicated that they check the Law Enforcement Assistance Program (LEAP) database for field contact information on individuals where necessary.[7] Field contact activity can also lead to a Person Warning Flag form (Form 292) being submitted that alerts members to particular concerns in relation to an individual, such as that the person has been known to carry a weapon, has a history of self-harm, has a history of mental illness, or has been aggressive in previous dealings with the police.

There was a strong feeling among Victoria Police members that they do not submit field contact reports without a legitimate and appropriate reason. Their importance as an intelligence-gathering tool, as well as large workloads and paperwork burdens, were cited as reasons for this. Members reported that they are not tasked to go out and gather field contacts. Rather, field contacts are part of patrolling or responding to calls from the community. Although field contact reports are greatly encouraged by senior management as an intelligence-gathering mechanism, members were generally clear that there are no targets or quotas in relation to these reports. Having targets was seen as counterproductive as it would diminish the value of the reports as an intelligence gathering tool and would fill the system with unhelpful information.

3.4   Use of the Victoria Police Manual

Most frontline Victoria Police members consulted were not familiar with or confident about the actual content of the Victoria Police Manual (VPM) field contact policy rules and procedures and guidelines. The VPM was viewed as something that members refer to if something 'goes wrong'. As a result, members were on the whole unable to comment on how helpful or clear the VPM is about field contacts. Nevertheless, members generally felt current field contact practice reflects the VPM policy rules and procedures and guidelines, and it was noted that members are subject to scrutiny if their practice does not reflect the content of the VPM.

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[7] Pursuant to the LEAP guidelines and resources, members must electronically record the purpose of an inquiry or data relating to the inquiry using a numbered list of common policing functions in the 'reason for access' screen.

Some members noted that it is expected that senior members refer to the VPM, are aware of the policies, procedures and guidelines in order to be able to lead staff, and take responsibility if their teams are not aware of policies and procedures. Newer recruits tend to rely on the guidance of senior or more experienced staff. The Divisional Investigative Unit (DIU) was also cited as a source of support for frontline members in relation to Victoria Police policies and guidelines. It was reported that sergeants sometimes recap on policy during 'read outs' at the beginning of shifts, in particular at the beginning of the night shift.

Members are notified of changes to the VPM via the *Policy in Focus* newsletter, which is issued monthly and includes the fortnightly updates to the VPM as well as current policy topics in the organisation and frequently asked policy questions. A summary of the topics covered and links to the full issue of the newsletter are also published in the next available *Victoria Police Gazette*. Members also noted that managers update staff on policy changes via email and provide the reference for members to access complete information via the intranet. There was also some mention that changes in policy are discussed at a station level to clarify the implications of the changes to practice.

Some interviews with operational members pointed to a perceived gap between those who determine Victoria Police's policies, procedures and guidelines and the frontline members who implement them. In order for the policies, procedures and guidelines to be relevant and current, it was felt that they need to be written by members who are still operational, such as senior sergeants and sergeants, rather than personnel within corporate management units who may not have undertaken operational duties for some time. There was also some feeling that a change in policy would not necessarily impact on how the job, and field contacts, are conducted.

This indicates that it will be important for Victoria Police to have input from frontline staff when developing amendments to the field contact policy rules and procedures and guidelines. It also illustrates that the communication and training strategy informing members of the amendments to the field contact policy and processes will need to be comprehensive and commensurate with the changes, and go beyond notification via the *Policy in Focus* newsletter, particularly given the level of entrenched practice in relation to field contacts.

3.5   Field contact training

Information provided by the Centre for Intelligence Practice, Victoria Police People Development Command, indicates that training in relation to field contacts is minimal for PSO and police recruits as part of their Academy-based training. A session entitled 'Introduction to information reports' is delivered at week 6 for PSOs and week 11/12 for police recruits. The session is predominantly focused on information reports, but by necessity it touches on field contact reports in order to explain how they differ from information reports. The session addresses the generic policy of when to submit a field contact report, such as 'in circumstances reasonably believed to be suspicious', but the training does not expand on the definition of what these may be. It is understood that field contacts are not otherwise covered in PSO training. This session occurs before either group has had formal

LEAP training, which makes discussing field contacts difficult as the students have generally been given little context. A session on 'Intelligence' is also delivered in the final week of the Academy-based training; it covers some revision of the submission criteria for field contact reports, but this is not greatly expanded upon.

Frontline Victoria Police members were clear that, while recruits gain a basic understanding of field contacts as a policing tool at the Academy, conducting field contacts is something that members learn on the job from more experienced police members and through exposure. Skills development therefore depends on whether or not senior members are equipped to deliver this kind of on-the-job training to newer recruits. Also, even though there may be an expectation from management that senior members know the policy and perform their duties in accordance with VPM policy rules and procedures and guidelines, this cannot be assumed.

This highlights the important role that senior members within police stations play in on-the-job training. This is particularly relevant for PSOs, who have limited time in the field with their mentors. The importance of senior members' role is also supported by research, which indicates that day-to-day management and supervision is a key influence on officers' behaviour (Davies, 1999). Victoria Police should ensure that its senior members within stations are fully informed on field contact policy and process amendments in order to effectively maintain their role in on-the-job training. A standardised approach to training Victoria Police members on changes to the VPM should also be adopted. This training would need to include instruction on members' human rights obligations as well as obligations under the Information Privacy Principles (discussed further below). Mechanisms would also be required to ensure that senior members are providing appropriate ongoing on-the-job training to newer recruits. Furthermore, training at the Academy on field contact policy and processes should be enhanced to provide a stronger foundation of member responsibilities for new recruits.

In examining opportunities to improve Victoria Police practice and processes, the review examined perceptions about the usefulness of providing training in relation to circumstances reasonably believed to be suspicious, such as scenario-based training that explores whether or not particular circumstances warrant a field contact. Feedback from community stakeholders indicated that this type of training would fit with community expectations around there being greater clarity and consistency in the way Victoria Police members conduct their policing work. The importance of training in relation to reasonable grounds for suspicion is highlighted in the recent examination of stop and search powers in the United Kingdom (HMIC, 2013), which found that 27% of stop and search records examined did not include sufficient grounds to justify the lawful use of the power. Although this is the subject of a separate review, it is important to note that the need for training was raised consistently across the community stakeholder consultations, and community expectations are that training needs to challenge cultural bias and unconscious bias that may influence individual decision-making.

Generally, Victoria Police members felt that exposure to scenario-based training would be beneficial, particularly for newer recruits. There was, however, some scepticism around whether this kind of training would be likely to impact more experienced members. Supervising members felt that

scenario-based training on field contacts could form part of an Operational Tactics & Safety Training (OTST) package and could also include training on how to approach and interact with community members.

Victoria Police should include, in any training proposals around policy and procedure changes to field contacts, scenario-based training examining whether or not particular circumstances warrant a field contact, and challenging cultural and unintended bias that may influence individual decision-making in relation to initiating a field contact or submitting a field contact report. This training should also form part of recruit training at the Academy.

3.6　Field contacts in practice

Circumstances prompting field contacts

The VPM policy rules in relation to field contacts (see Appendix 1) require members to submit a field contact report where a person (or vehicle) is checked in the following circumstances:

- *found in circumstances reasonably believed to be suspicious*
- *found consorting*
- *in the course of entering a brothel during the execution of your duty*
- *committing behavioural or other offences on or in the vicinity of licensed premises*
- *during execution of a search warrant (except in the execution of warrants of financial institutions, utility companies and similar service providers)*
- *demerit point suspensions*
- *in breach of community corrections order conditions.*

In relation to the criterion that a field contact report is submitted in circumstances reasonably believed to be suspicious, the VPM field contact procedures and guidelines (see Appendix 2) provide that, in order to 'ensure the integrity of information recorded on LEAP', the following criteria are considered when completing a field contact report:

- *'found in circumstances reasonably believed to be suspicious' should be qualified and the reasons included in the 'remarks' section*
- *relationships to time / place / circumstances / crime instances should be made rather than generalised*
- *to qualify, a person must have been located / spoken to / sighted in an area with a high incidence of crime which must be justified, or in other circumstances that could be deemed to be suspicious and recording of that person's presence may be valuable in any future investigation, e.g., an area of 'gang' activity.*

Although some of the other criteria were mentioned, feedback from frontline and supervising Victoria Police members indicates overall that officers understand the policy in relation to field contacts to

mean that field contacts should be initiated and reports submitted when people are spoken to in areas with a high incidence of crime or in circumstances deemed to be suspicious. The VPM is otherwise silent as to the circumstances that may be reasonably believed to be suspicious.

Victoria Police members reported that it is part of 'police craft' to identify circumstances that are suspicious and people behaving suspiciously, and this comes with experience in the job. Members referred to assessing body language, nuanced physical characteristics and behavioural patterns, and many officers described the process as 'picking up a feeling'. Reluctance to answer questions and evasiveness were generally cited as indicators that people are likely to be involved in illegal activity. The link between drug use and involvement in crime was made often by members, who noted that it is generally easy to identify when people are drug affected, referring to shakes and sweats as indicators. Similarly, indicators were cited for intercepting vehicles that may be driven by people involved in illegal activity such as driving a vehicle in poor condition, the manner of driving (e.g. not slowing down for corners) and avoiding looking at the police vehicle.

There was little acknowledgement that Victoria Police members may make community members, and young people in particular, nervous by the mere fact that they are police officers. Although acknowledged by a few frontline members, on the whole there was no recognition that cultural behaviours such as avoiding eye contact may be misconstrued as indicators of suspicious behaviour. There was also no recognition of the possibility of unconscious bias influencing field contact practice. These were issues of concern for the community stakeholders consulted and were also raised in the summaries of the Victoria Police consultation process.

It was noted by Victoria Police members that suspicion may be based on a link to what has been happening or what has been reported in the area, information that is provided on daily sheets or as part of general duties tasking. Members indicated that field contacts are generally initiated in relation to people known by police to be involved in, or to have recently been involved in, criminal activity, or in relation to known driving offenders, such as those who drive with a suspended licence. Members indicated that working in a particular area for a length of time they get to know the people involved in criminal activity in the area, and in particular recidivist offenders. It was also noted that the local context will inform what may or may not be deemed suspicious. Circumstances that may give rise to suspicion in a regional town, such as walking the streets at 3am long after all venues have closed, may be unlikely to evoke the same response in a metropolitan location.

Members frequently referred to situations in which people do not have a legitimate reason to be in an area as circumstances that would likely give rise to a field contact report. Examples cited included walking around an industrial area during the early hours of the morning and loitering in a residential street with no reason, in a different area to which the individual lives, or in an area where a spate of burglaries has been reported. Sighting drug paraphernalia during a vehicle intercept was also commonly cited as a circumstance that will generally give rise to a field contact report. The decision to submit a field contact report is often driven by the question of whether the information in the report may assist another Victoria Police member in their duties.

Members noted that they need to qualify the reasons that the circumstances are reasonably believed to be suspicious when submitting a field contact report and that this is checked by a supervising Sergeant (discussed further below). It was felt that these processes support the submission of valid and useful field contact reports. Overall, members were confident in their ability to identify suspicious circumstances.

Some Victoria Police members noted that consorting 'used to be an offence' and in those circumstances they would inform individuals that a field contact report would be submitted, particularly if that person had been the subject of a field contact report previously. This suggests there may be a gap in Victoria Police members' knowledge of the interplay between a field contact report and the offence of habitually consorting. The scope of this review did not allow for an exploration of the application of field contacts in relation to consorting and the potential for field contact reports to lead to a charge of habitually consorting under section 49F of the *Summary Offences Act 1966*. However, any future examination of the VPM field contact policy should also explore the application of information obtained in field contact reports to a possible charge of habitually consorting. Expert advice, as well as input from the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), should also be sought as part of any examination of the application of Victoria Police's field contact policy and procedures to consorting.

Circumstances reasonably believed to be suspicious

Community expectations are that circumstances that warrant a person being the subject of a field contact should be limited to the person having 'done something wrong', being suspected of having committed an offence, having witnessed an offence or being about to commit an offence. Some stakeholders voiced concerns over stereotyping and potential harassment of individuals, especially in relation to young people, from particular ethnic backgrounds. Walking at night, standing in a group, congregating in a park, driving a nice car, being young and hanging around at a train station were cited as circumstances that were felt to be unduly deemed suspicious by Victoria Police members.

This review highlights the importance for the community of understanding what constitutes suspicion in relation to a person becoming the subject of a field contact report. Concerns were raised that the VPM does not provide any guidance to members on identifying and applying a standard to circumstances reasonably believed to be suspicious. Some felt there should be a set of clear criteria that define what should be deemed as suspicious circumstances or behaviour to warrant a field contact report. It was acknowledged by some that what constitutes reasonable suspicion may depend on the circumstances of each case and describing reasonable suspicion in this regard may prove difficult and likely insufficient, and that it may be more feasible to define what does *not* constitute circumstances that would reasonably be believed to be suspicious. Community expectations are that decisions to undertake field contacts are evidenced based and not discriminatory and that Victoria Police members have an objective basis for the suspicion based on information or intelligence and not generalisations or stereotypes.

The UK *Police and Criminal Evidence Act 1984* (PACE) and the accompanying PACE codes of practice provide the core framework of police powers and safeguards around stop and search, arrest, detention, investigation, identification and interviewing detainees in the UK. PACE Code A, which governs the exercise by police officers of statutory powers to stop and search and the requirements to record public encounters, provides the following guidance to police officers on the requirement for reasonable grounds for suspicion in exercising stop and search powers:

> 2.2   *Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence which are relevant to the likelihood of finding an article of a certain kind or, in the case of searches under section 43 of the Terrorism Act 2000, to the likelihood that the person is a terrorist. Reasonable suspicion can never be supported on the basis of personal factors. It must rely on intelligence or information about, or some specific behaviour by, the person concerned. For example, unless the police have a description of a suspect, a person's physical appearance (including any of the 'protected characteristics' set out in the Equality Act 2010 (see paragraph 1.1), or the fact that the person is known to have a previous conviction, cannot be used alone or in combination with each other, or in combination with any other factor, as the reason for searching that person. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity.*

> 2.3   *Reasonable suspicion may also exist without specific information or intelligence and on the basis of the behaviour of a person. For example, if an officer encounters someone on the street at night who is obviously trying to hide something, the officer may (depending on the other surrounding circumstances) base such suspicion on the fact that this kind of behaviour is often linked to stolen or prohibited articles being carried ...*

> 2.4   *However, reasonable suspicion should normally be linked to accurate and current intelligence or information, such as information describing an article being carried, a suspected offender, or a person who has been seen carrying a type of article known to have been stolen recently from premises in the area. Searches based on accurate and current intelligence or information are more likely to be effective ...*

The feedback from frontline members outlined above suggests that there may be circumstances in which members conduct field contacts without any evidence of behaviour or specific intelligence. The direction in the VPM field contact guidelines and procedures that 'relationships to time / place / circumstances / crime instances should be made rather than generalised' does not provide adequate guidance to members. Victoria Police's field contact policy would therefore benefit from a similar level of direction for members in relation to circumstances reasonably believed to be suspicious as provided for in the UK's PACE Code A. This would also give the community confidence that Victoria

Police members are initiating field contacts in a manner that is fair and appropriate and provide further accountability and transparency around field contact processes. Consideration should also be given to providing this kind of guidance in relation to similar policies and processes, such as stop and search. As previously noted, any revisions would need to be made with significant input from frontline Victoria Police members and relevant community stakeholders.

Human rights obligations

The community stakeholder consultations and public submissions indicate that community expects that Victoria Police members execute their duties in a manner that is consistent with their human rights obligations under anti-discrimination legislation, the Victorian *Charter of Human Rights and Responsibilities Act 2006* (Human Rights Charter) and the Information Privacy Principles in the Victorian *Information Privacy Act 2000*.[8] The review highlighted that there are significant community concerns that field contact practices breach these legislative instruments. The current VPM field contact policy rules and procedures and guidelines, for example, do not acknowledge these obligations, nor provide any guidance to members in relation to them to ensure that members do not carry out field contacts in a manner that discriminates against certain communities or individuals.

The PACE codes of practice in the UK acknowledge police force obligations under the *Equality Act 2000*. For example, PACE Code A includes the following principles governing stop and search:

> *Powers to stop and search must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination. The Equality Act 2010 makes it unlawful for police officers to discriminate against, harass or victimise any person on the grounds of the 'protected characteristics' of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, marriage and civil partnership, pregnancy and maternity when using their powers. When police forces are carrying out their functions they also have a duty to have regard to the need to eliminate unlawful discrimination, harassment and victimisation and to take steps to foster good relations.*

It will be important that Victoria Police seek expert legal opinion and consult with the VEOHRC and the Office of the Victorian Privacy Commissioner to ensure that its field contact policy, procedures and guidelines comply with obligations under the Charter of Human Rights, anti-discrimination legislation and the Information Privacy Principles. It will also be important that it provide guidance to members in the VPM in relation to these obligations. Consideration should also be given to seeking this advice and providing direction to members regarding comparable policies and processes, such as stop and search.

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[8] Under section 13 of the *Information Privacy Act 2000*, it is not necessary for Victoria Police to comply with some of the Information Privacy Principles if it believes on reasonable grounds that non-compliance is necessary for its law enforcement and community policing functions.

Areas with a high incidence of crime

Concerns were raised by community stakeholders about the criterion that being located, spoken to or sighted in an area with a high incidence of crime qualifies a person to be the subject of a field contact report. It was noted that areas with a high incidence of crime are generally areas of low socio-economic status and are areas in which vulnerable and disadvantaged community members are more likely to reside. It was felt that field contacts based on this measure alone mean that particular communities are more likely to be the subject of multiple field contacts. This can stigmatise such communities and has the potential to promote discriminatory policing.

Being located, spoken to or sighted in an area with a high incidence of crime is not one of the criteria in the VPM policy rules (outlined above) for when a field contact report should be submitted. Rather, it is introduced in the procedures and guidelines as a qualification relating to the criteria of circumstances reasonably believed to be suspicious. The implication is that to warrant a field contact report a person located, spoken to or sighted in an area with a high incidence of crime needs to be spoken to in circumstances that are reasonably believed to be suspicious. However, the inclusion of the words 'or in other' indicates that being located, spoken to or sighted in an area with a high incidence of crime in and of itself could be reasonably believed to be suspicious, or at least is alone enough reason to qualify a person to be the subject of a field contact. This broad direction also appears to negate the criteria in the previous guideline that directs that 'the relationships to time / place / circumstances / crime instances should be made rather than generalising'.

The consultations with members were inconclusive concerning whether most Victoria Police members consider that being in an area with a high incidence of crime alone is enough to warrant a field contact. Nevertheless, the intention of the policy is unclear and there is a disconnect between the policy rules and the procedures and guidelines.

Given the community concerns and the potential disproportionate impact this measure could have on particular communities, being located, spoken to or sighted in an area with a high incidence of crime should not in and of itself qualify a person to be the subject of a field contact report. Clear direction should be provided to members in the VPM that being located, spoken to or sighted in an area with a high incidence of crime is not alone enough to warrant a field contact.

The field contact interaction

Victoria Police members see the quality of the interaction as key to a successful field contact, and the communication approach and initial contact as crucial to members obtaining information from community members. Members recognise the importance of being friendly, respectful and courteous when interacting with community members. This is supported by literature that notes that the negative impacts of being repeatedly stopped by the police are significantly diminished if the officer's conduct is professional, polite and respectful (Open Society Foundations, 2012). There was some acknowledgement in the consultations with Victoria Police members that interactions can go wrong

when members react if individuals do not agree to provide their contact details or other information, or become rude or abusive, and it is in these circumstances that problems arise. It was also acknowledged that members may not always appreciate the impact that a field contact interaction may have on individuals because for members it is part of their daily duties.

The importance of the communication style, tone and approach to the interaction and the reception that Victoria Police members receive from the community was also highlighted in the community feedback. Community expectations are that Victoria Police members will treat the public with respect. It was noted that if police are friendly and upfront then people will be more likely to assist and less likely to be defensive. It was also noted that some members lack the cultural understanding that for some communities their experiences of police and authorities in other countries may impact on the way they respond to police in Australia. This could also be exacerbated when English is not the individual's first language. Concerns were raised that when individuals do not cooperate with police, or when they attempt to assert their rights, the field contact interaction can escalate into an arrest. Particular concerns were also raised around interactions with PSOs.

The VPM field contact policy rules and procedures and guidelines provide no direction about the nature of the interaction and what community members should be told when subject to a field contact. There is no requirement for Victoria Police members to inform people that they will be adding a field contact report to the LEAP database. Whether community members are told that the information obtained in the interaction will be recorded appears to vary among police stations and among members. Although there are circumstances where members will tell people that they will be submitting a field contact report, the consultations with members indicated that they generally do not inform people that they will be doing so, and that most individuals are not aware they are the subject of a field contact report.

Although some senior members indicated that they see no reason individuals should not be informed that the information will be recorded (acknowledging that sometimes circumstances do not allow for individuals to be told), there is a belief among others that community members do not need to know and that the aim of the information is to help members in their work. Feedback from community members also indicated that they are rarely informed of why they are being questioned and asked to provide their contact details.

Community expectations about the information provided to individuals who are the subject of a field contact report differ markedly from general Victoria Police field contact practice. The review found that the community expects police to be very clear about the nature of the interaction. The expectations are that police inform individuals of:

- The reason they have been stopped
- The information that is sought, and why
- Whether there is a requirement on the individual to provide the information
- The individual's rights and responsibilities in terms of the interaction

- The Victoria Police member's name and rank
- The fact that the information will be kept on record, and
- How long the information will be kept in the LEAP database.

The expectation is that this information will be delivered in language that is easy for people to understand.

The literature notes that being provided with a reason for a stop increases the level of satisfaction with the encounter (Open Society Foundations, 2012). As noted above, there is currently no guidance provided to members in the VPM field contact policy rules, or procedures and guidelines about field contact interactions. The VPM should be amended to include direction to Victoria Police members on what they must tell individuals who are the subject of field contacts. This should include clear direction relating to the need to communicate the points listed above.

Direction should also be provided on initiating contact with and maintaining a respectful, friendly and sensitive approach, speaking in plain language and being aware that English may not be a person's first language. The VPM should also provide guidance to members in relation to understanding and responding to potentially volatile situations, such as aborting the contact if the individual is becoming upset and does not wish to give details.

Consideration should also be given to whether or not, and how, to provide information about complaints mechanisms as part of the field contact interaction. It will be important to reflect on the impact that this will have on the nature and tone of the interaction.

The appropriate guidance for members to be included in the VPM should be further explored with input from frontline Victoria Police members and relevant community stakeholders. Mechanisms will also be required to ensure appropriate supervision of field contact practices.

The issue of providing the individual with a record of the field contact is discussed in Chapter 4.

Reporting field contacts in the LEAP database

Under the VPM field contact procedures and guidelines, members must submit a field contact report (VP Form L19 – see Appendix 3) to the Divisional Intelligence Unit (DIU). It is understood from the consultations with Victoria Police members that the process for submitting field contact reports changed recently. The process used to involve completing a hard copy report, which would be checked by a supervising sergeant and then submitted to the DIU for entry onto the LEAP database. In the consultations with members it was noted that currently members must enter VP Form L19 directly into the LEAP database via the LEAP Electronic Data Recorder (LEDR), which is then checked by a sergeant and submitted. This is felt by members to be a more efficient and secure process.

Overall, Victoria Police members felt there was an adequate level of supervision and checking of field contact reports. There was a general feeling among the members consulted that few field contact reports are rejected by sergeants for not meeting the criteria.

VP Form L19 includes sections for the reporting station and member registration number, contact date, contact time, contact type and location. There is a 'remarks' section where members are directed to 'include reasons for submissions'. Date of birth, age, sex and ethnic appearance are included in the contact name sections and there is a section for vehicle details. The second page of the form covers physical description, with a section for the height of the contact and tick box options for hair colour, hair length, hair style, eye colour, complexion, build, head clothing, upper body clothing, lower body clothing and footwear. There is also a section for additional comments and a source reliability scale and information accuracy scale. With the exception of the self-identifying police information, none of the fields in the form are required fields.

It is important to note that no completed field contact reports were examined as part of this review. Victoria Police members reported that they include any information in the field contact report that might be of relevance to other members and future investigations, with a level of detail that will be useful (e.g. the individual's reasons for being in the area, whether the person was aggressive, whether or not the person initially provided a false name, whether they were carrying multiple mobile telephones, were in possession of drugs or were carrying a knife). Members indicated that field contacts are often about recording a particular person's presence in a particular location at a particular time without a valid reason for being there. Some members noted that they would include the reason police were in the area, such as that they were tasked to attend or because it was an area of high crime activity.

The review suggests that, in general, the recording of name, address, date of birth and physical description is in keeping with community expectations and deemed to be reasonable if circumstances warrant the field contact. Community expectations are that the field contact report also clearly outline the objective reasons for the field contact. This is seen as necessary to ensure that during any review an accurate assessment can be made of whether the field contact was warranted and complied with the requirements of the policy.

There is nothing in VPM field contact policy rules or procedures and guidelines indicating that field contact reports are checked by a sergeant. To improve transparency and accountability, this should be included as a requirement in the VPM. Also, VP Form L19 should be amended to include a section for supervising sergeants to confirm that the report has been checked, including a requirement to include the registration number of the member who approved submission of the report. This requirement should also be reflected in the VPM. This will also emphasise the need to ensure that field contacts are completed for legitimate and appropriate reasons, in keeping with Victoria Police policy.

The recording of ethnic appearance was a dominant concern raised regarding the information captured in a field contact report. Some community stakeholders were troubled by the collection of this data at all and urged the seeking of alternative methods to collect data on race or ethnicity in order to monitor field contact practice and determine whether or not racial profiling practices are occurring. For others, the concern was that ethnic appearance becomes the sole descriptor used in the report and other physical descriptors are either not completed or not paid attention to. Prioritising ethnic appearance as the characteristic that police use to identify individuals leads to targeting, stereotyping or racial profiling of individuals from particular racial or ethnic communities.

The extent to which Victoria Police members complete the ethnic appearance section and the physical description section of the field contact report is unknown. Some members indicated that they do not complete the physical description section and some indicated that they do not complete the ethnic appearance section. The VPM does not provide any direction on reporting of this information. *Reducing Ethnic Profiling in the European Union* (Open Society Foundations, 2012) notes the importance of quality subject descriptions and identifying characteristics such as skin, hair and eye colour, height and weight and clothing rather than relying solely on general race or ethnicity descriptors. Good descriptions are noted as resulting in more efficient police actions and less time wastage in stopping innocent people.

To improve the quality, precision and use of intelligence, and to ensure that ethnic appearance is not the sole descriptor identified in field contact reports, the VPM should be amended to provide direction to members regarding the information to complete in a field contact report and to ensure accurate recording of field contact description details. The VPM should specifically state that ethnic appearance cannot be the sole descriptor.

Victoria Police members reported that once a field contact report is submitted the information remains on the LEAP database indefinitely. This was another significant area of community concern. Community expectations are that the information should be deleted after a certain time if it does not lead to an arrest. In essence, it was felt that information should only remain on the database for as long as is reasonably necessary for law enforcement purposes and in keeping with the Information Privacy Principles.

Concerns were raised among community stakeholders about the implications of being the subject of multiple field contacts and that this may create a profile of individuals that is unwarranted. This was also linked to concerns that field contact information – that is, Victoria Police members checking the LEAP database for an individual's prior interaction with police – may influence their decision to arrest. If field contact information remains on the LEAP database indefinitely, this could affect the way an individual is treated by the police for many years. The literature highlights European standards that establish basic principles for personal data collection, including that data should not be kept any longer than is necessary for a legitimate law enforcement purpose (Open Society Foundations, 2012).

Victoria Police should consider what length of time is reasonably necessary for field contact reports to remain on the LEAP database for law enforcement purposes, and the VPM field contact policy rules and procedures and guidelines should be amended accordingly.

4. Review findings – data monitoring and receipting

The review explored the perceived effectiveness of data monitoring and receipting in relation to field contacts, and receipting was also raised unprompted in several consultations. It is important to note that the application of these mechanisms could extend to other Victoria Police processes such as stop and search.

4.1   Data monitoring

A consistent theme in the community consultations and the submissions was that there is a need for greater accountability and transparency in relation to field contacts, and data monitoring was seen as an important strategy for achieving this. This was seen as a key issue given there is currently no data monitoring conducted that could provide evidence of whether racial profiling is occurring in relation to field contact activity. The review indicates that Victoria Police will need to develop data monitoring procedures for field contacts to monitor whether field contacts are being applied disproportionately. The primary benefit of implementing a data monitoring system is that it would allow field contact activity to be reviewed, allowing the organisation to identify potential concerns, investigate these concerns and ultimately improve practice.

There was also considerable discussion about the challenges of accurately monitoring field contact practice, and Victoria Police members raised concerns about how this could be achieved.

Data collection methods

It is important to keep in mind that, because field contact reports are already collected by Victoria Police, the implementation of data collection processes is not as complex or as onerous as in other international jurisdictions where recording processes did not previously exist, and have been implemented in response to public concern about racial profiling (Ramirez et al, 2000; Closs, 2006; Grogger & Ridgeway, 2006; Ridgeway & MacDonald, 2010; Open Society Foundations, 2012). The current process of recording field contacts on the LEAP database means that additional data is not required to be collected but, rather, current processes need to be revised so that data (such as ethnic appearance, which is not a mandatory field) is collected systematically and consistently and is monitored regularly. The key for Victoria Police is improving the quality of current data collection processes to monitor field contact activity in order to identify potential over-representation for specific community groups.

A consistent theme in the review was that data monitoring needs to be conducted across all levels, including statewide, at a regional/divisional level, at a local police service level, and down to individual Victoria Police members. There was considerable discussion on the need for monitoring to be conducted at a local level so that variations and trends at this level can be identified and responded

to. Analysis at a granular level was viewed as valuable as it allowed the local context to be considered, with concerns that this understanding could be lost at the statewide and regional level. It was also noted that within a local framework it is important to be able to review data for individual Victoria Police members in order to identify whether the practice of individual members requires attention. This is noted in the literature as an important mechanism for addressing racial profiling. Considerable care will be needed in ensuring confidentiality and security of this data, but its value as an internal supervisory tool was identified both in the community stakeholder consultations and in some consultations with Victoria Police members, as well as in the literature (Davies, 1999; Ridgeway & MacDonald, 2010; Open Society Foundations, 2012).

While the main focus of monitoring would be to assess if specific community groups are over-represented in field contact activity, it was also noted that it would be beneficial for monitoring systems to assess if the reasons for field contacts are justified, and this could happen as part of the supervision and checking process. There is an example from the West Yorkshire Police of data monitoring processes that explore if the reasons for stop and search are justified (Open Society Foundations, 2012; Stopwatch, 2011). The West Yorkshire Police have developed 'scrutiny panels' that consist of 10 to 20 members from other public agencies, local communities and at least one officer of Chief Inspector rank. The panel meets monthly, and at each meeting at least 10 stop and search forms are examined, five from ethnic minorities and five from all available forms (these are randomly selected in advance by community members and are deidentified so no personal information is included). The panel also reviews additional information about the circumstances of the interaction from the officers who conducted the stops, which could be through a supplementary report from the officer or a photocopy of their pocket book. Panel members examine the data, and one of the aspects they consider is whether the grounds for the stop were adequate and in line with expectations based on the codes of practice (PACE Code A).

Data analysis comparators

A key consideration in relation to data collection analysis is benchmarking, and caution is needed to ensure the field contact data is assessed against an appropriate benchmark. Several Victoria Police members questioned whether it is possible to identify an appropriate benchmark. They had concerns that if inappropriate benchmarks are used the results could be misinterpreted as evidence of racial profiling rather than a reflection of the 'available' population, the unique circumstances of Victoria Police field contact activity or specific tasking for Victoria Police members. There were also concerns among members that over-representation of Aboriginal and/or some CALD groups in field contact reports could be symptomatic of other factors, such as limited social support structures for specific communities, poor housing conditions and lower socio-economic status.

Internationally, data monitoring has received considerable focus in relation to racial profiling by police, and there are many studies assessing the efficacy of a range of data collection methods. However, there is no consistent view in the literature of the most effective criterion against which the data

should be compared (Bowling & Phillips, 2007; Waddington et al, 2004; Ridgeway & MacDonald, 2010).

It is not possible to discuss the data collection methodologies in detail in this review, but it is important that Victoria Police consider the various approaches that have been adopted in other jurisdictions and seek expert advice when developing data collection approaches.

In summary, a number of analysis methods have been adopted to find appropriate benchmarks, including comparisons with the resident population, the 'available' population[9] and crime statistics[10] (Bowling & Phillips, 2007; Miller, 2010; Waddington et al, 2004). For stop and search data monitoring in particular, analysis of 'hit rates' has been used (Bowling & Phillips, 2007). In the US, internal benchmarking has been used, focusing on individual decision-making by comparing officers' stop decisions with decisions made by other officers in similar contexts (Ridgeway & MacDonald, 2010). Surveys have been used in several jurisdictions to provide evidence of racial profiling of police. For example, the European Union Agency for Fundamental Rights (2009) conducted the European Union Minorities and Discrimination Survey with immigrant and ethnic minority respondents across Europe. The survey, involving 23,500 respondents, explored relations with police and minority groups, and it found that there were very high levels of police stops among some minority groups. Surveys have also been conducted in Canada (Wortley, 2011), the US (Newport, 1999) and the UK (Her Majesty's Inspectorate of Constabulary, 2013).

It is argued in the literature that the use of resident population data allows for a per capita rate that provides a reasonable estimate of different ethnic groups' overall experience of the use of the police power (Bowling & Philips, 2007; Equality and Human Rights Commission, 2010). Using resident population data relies on the availability of robust population data (Miller, 2010). Other limitations identified in the literature relate to resident populations not taking account of the time spent in the streets and other public places when people could be described as 'available' to be stopped, or any empirical evidence on the extent to which different groups are involved in crime (Bowling & Phillips, 2007).

While the 'available' population could be seen as having more relevance, and to better reflect the circumstances of a local area (Equality and Human Rights Commission, 2010), there is no consistent approach to how this can be accurately measured (Bowling & Phillips, 2007), which presents a significant limitation. It is also argued that using available population does not hold up to scrutiny as a

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[9] The 'available population' recognises that some groups are more available or unavailable than others to be stopped by police. For example, this could be based on availability in the times and places where police stop and/or search powers are most extensively used, with suggestions that the ethnicity profile of those available at these times in these places may vary in comparison to the ethnicity profile of the resident population. It should be noted there is no consensus in the literature on how the 'available population' can be accurately measured.

[10] Crime statistics refers to the level of criminal offending among specific ethnic groups, and the most commonly used measures are arrest rates, victims' descriptions of offenders, and self-reported offending surveys. It should be noted that several articles suggest that there is no robust measure of general crime rates that can be used for the purpose of comparison in determining the presence of racial profiling in stop and/or search activity.

general explanation for the overall pattern because it is self-fulfilling, it is not a neutral criterion as it depends on other socio-economic factors known to be associated with particular ethnic groups, and particular ethnic groups will inevitably be more 'available' than others (Equality and Human Rights Commission, 2010).

There are also concerns that crime statistics are not an appropriate benchmark for comparing stop rates as there is no robust measure of general crime rates that can be used for comparison (Bowling & Phillips, 2007; Ridgeway & MacDonald, 2010).

Measuring ethnicity

There was some discussion among community stakeholders about the most appropriate measure for ethnicity (i.e. police perceptions or self-reported) when monitoring data in relation to field contact activity by cultural background. Police member perceptions are felt to be a relevant measure when assessing if racial bias influences field contact activity. The literature does not provide clear direction in this regard. It should be noted that in the UK self-reported ethnicity has been collected since the introduction of receipting, although analysis of disproportionality to date has been based on ethnic appearance.

'Ethnic appearance' as identified by Victoria Police members is currently recorded. This review did not analyse field contact data recorded on the LEAP database, so it is not known whether ethnic appearance is collected consistently, and in what format. It will be important when developing a data monitoring system to put measures in place to ensure a high level of compliance in completing this data item in order to enhance the reliability of the data monitoring process, as this data item will form the basis of data monitoring in relation to racial profiling. Measures should include providing clear guidance to Victoria Police members that ethnic appearance is a mandatory field, and on the codes to be used. In the UK, police members use the Police National Computer (PNC)/Phoenix classification system for recording ethnicity as perceived by the police member,[11] and information on the self-defined ethnicity codes to be used by police is also provided in the Home Office *Stop and Search Manual* (Home Office, 2005b:74). It may also be helpful to review the current criteria included in the 'ethnic appearance' data item to help develop appropriate codes.

There was some discussion on the appropriateness of Victoria Police members collecting self-reported ethnicity data when completing field contacts, and further investigation is needed in relation to this. It will be important to seek advice from key external community stakeholders and young people, and it will be valuable to assess the UK experience of recording self-reported ethnicity. The consultations conducted in this review suggest there are a number of considerations. For example, as discussed above, there was some suggestion that recording self-reported ethnicity is not required, as

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[11] Codes include: IC1 – White person, northern European type; IC2 – Mediterranean European/Hispanic; IC3 – African/Afro-Caribbean person; IC4 – Indian, Pakistani, Nepalese, Maldivian, Sri Lankan, Bangladeshi, or any other (South) Asian person; IC5 – Chinese, Japanese, or South-East Asian person; IC6 – Middle Eastern person; IC0, IC7 or IC9 – Origin unknown.

the appropriate basis for assessing potential racial profiling is Victoria Police member perceptions. Some also suggested that asking community members questions about their ethnicity during every field contact could be seen as inappropriate, and would result in more information on racial background and ethnicity being collected. This could potentially encourage Victoria Police members to consider ethnicity in scenarios where this may not have ordinarily been the case, reinforce perceptions that members are targeting particular CALD or Aboriginal communities, and have a negative impact on community relations. On the other hand, a few stakeholders questioned the efficacy of publicly reporting data that is based on police perceptions of ethnicity, which could be misinterpreted.

Concerns were raised that increasing the requirements of Victoria Police members to record self-reported ethnicity could be counterproductive in terms of community relationships, and there is a need for greater community discussion on this.

Independent review

There was considerable discussion on the data review process, and there was a clear expectation from the community that the approach would include an independent assessment, with suggestions that key external organisations and advisory groups be involved. This was seen as critical for enhancing accountability and transparency, increasing community confidence and, where relevant, improving field contact policy and practices. It was also seen as important because of comments from some that data can easily be misconstrued or manipulated; an independent review process may provide some assurances to the community more broadly that this is not occurring.

A number of suggestions were provided regarding the most appropriate method for independent review of monitoring data on ethnicity and field contacts. The overall preference was that independent reviews occur across all levels, from the service area level through to the regional and corporate levels, via advisory groups or direct involvement of independent stakeholders at each level. There was a preference for monitoring data to be assessed at a local level, in order to develop appropriate Victoria Police responses in collaboration with external input where required. There were concerns, however, that this level of understanding and the ability to identify local trends could be lost when only looking at aggregated data at a regional and statewide level. In the community consultations, the submissions and the literature, this dialogue with police and community was felt to be very valuable (Open Society Justice Initiative, 2012; Northeastern University, 2008). It should also be noted that a local independent review process is needed in conjunction with divisional and corporate processes so that this collaboration occurs throughout Victoria Police.

There are several studies that demonstrate the benefits of having independent and external input into data monitoring. For example, in the US, Farrell, McDevitt and Burger (2002) argue that data collection systems need to use a community/police taskforce model to facilitate discussions of racial profiling and open up community conversations about appropriate police operations. It is noted by Warren and Tomaskovic-Devey (2009) that external oversight is influential on police practices and

strategies, and it can assist managers in addressing racially biased enforcement practices and building positive engagement with local communities. Similarly, the Community Oriented Policing Services (COPS) project (Northeastern University, 2008) noted that objectively analysing data can be done through a partnership between police and outside experts. In the UK, British law requires police and police oversight authorities to promote public confidence in their use of stop and search by presenting statistics to the community. For most police forces in the UK, this happens through the community/police consultative groups, which meet monthly (Open Society Justice Initiative, 2012). It should also be noted that in some examples from the US community taskforces have been involved in developing data monitoring processes as well as overseeing these processes and responding to findings (Farrell et al, 2002).

There are several examples of independent bodies reviewing police activity. In the UK the Equality and Human Rights Commission has examined data for each police force on the number of stops and searches based on ethnic appearance, identifying five forces whose patterns suggest that they should be a priority for further inquiry. This is an important model to consider when assessing possible data monitoring and review processes, as it enables areas of concern to be identified for further inquiry. Another example is the Ottawa Police Service, where processes have been formalised so that the Ontario Human Rights Commission (OHRC) can review data collected for traffic stops where officers record perception of driver race using an in-car computer system. Recording by officers commenced in June 2013. In the US, the Racial Profiling Data Collection Resource Center is managed by the Institute on Race and Justice at Northeastern University. This is a central clearinghouse for police agencies, legislators, community leaders, social scientists, legal researchers and journalists to access information about data collection efforts, legislation, model policies, police-community initiatives and methodological tools that can be used to collect and analyse data. This initiative started in 2001 as a result of a grant provided by the Bureau of Justice Assistance, part of the Office of Justice Programs, United States Department of Justice.[12]

Publically available information

There is an expectation that data on field contacts will be publically available, but there are a number of concerns in relation to this that must be considered carefully. It is critical that systems that demonstrate an accountable and rigorous process are followed and reported on publically, and it is also critical that this is done in a way that limits the potential for data to be misinterpreted and misreported in the public domain. Victoria Police will need to work with peak independent bodies – such as the Independent Broad-based Anti-corruption Commission (IBAC), the Victorian Government's recently established independent crime statistics agency, and/or VEOHRC – to develop a public reporting process that addresses concerns in relation to accountability and transparency.

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[12] http://www.racialprofilinganalysis.neu.edu/index.php

4.2   Receipting

While there was considerable complexity in the responses to receipting (the provision of a written record of a police stop), generally views on receipting were polarised. Community stakeholders were more likely to see the value of receipting in improving accountability and reassuring community members that police are acting legitimately and within the scope of their authority, and Victoria Police members were more likely to identify potential challenges, although this was not exclusively the case. Members referred to freedom of information procedures as an avenue for individuals to access the field contact report, thereby rendering receipting unnecessary. Further investigation of receipting by Victoria Police is needed (including piloting) to determine its relevance for field contacts.

Receipting for stop and account and stop and search was introduced in the UK in April 2005 after a phased implementation had begun in 2003 (Home Office, 2005a; Reid, 2009). When this policy was first introduced, it was a mandatory requirement to make a report and provide a copy where a person is stopped and asked to account for actions, behaviours or presence in an area, but not searched (i.e. stop and account). This policy was revised in 2009 and it is no longer mandatory to make a record of the stop, and a receipt in the form of a business card (or similar) could be provided (Home Office, 2008), although some police forces retain the requirement to have a record of stop and account activity (Stopwatch, 2011). Recording the self-reported ethnicity of the person stopped has continued to be mandatory in order to enable disproportionality to be monitored. The Equality and Human Rights Commission reviews the data to assess disproportionality, and this review process has been used to identify police forces that require further inquiry (Equality and Human Rights Commission, 2010, 2013).

In Canada, the Toronto Police Service undertook a review of the way in which it engages with the community (Toronto Police Service, 2013). As part of the review, an interim measure was implemented in July 2013 whereby police officers issue a receipt to members of the community every time they complete a Field Information Report, also known as a 'street check' or 'contact card', to ensure accountability and improve communication about the reason for the stop. The final review report, released in October 2013, recommended that the receipt be redesigned to a business card format, with an area for police officers to record information regarding interactions with a community member (Toronto Police Service, 2013).

Benefits

For those in favour of receipting, the main perceived benefit is that it would enhance accountability and transparency in relation to Victoria Police field contacts and as a result provide opportunities for racial profiling to be monitored, reviewed and, where relevant, addressed.

The other significant benefit identified in the consultations was that receipting provides information to individuals that would detail the field contact activity, indicate why they had been stopped, and provide them with a record of the field contact. These were identified as benefits that improve

transparency and assist in ensuring individuals are appropriately informed during the field contact interaction.

Another advantage identified was that the receipting process could assist in addressing concerns that there is a need for a clear and independent complaint handling mechanism for field contacts, as it would provide documentation that could support claims of harassment and improve awareness of the complaints process. The ability to empower community members to make a complaint (where warranted) was seen as an important benefit of receipting.

It was also noted that receipting would enable an independent review of Victoria Police field contact activity, and the idea of this was highly valued. This could work on a number of levels, as receipting provides community members with evidence that could be independently reviewed, and this review process could be initiated by external stakeholders. Furthermore, receipting would enhance data collection and monitoring processes so that external stakeholders, in consultation with Victoria Police, could review data.

It was suggested that the receipting process itself may act as a deterrent to disproportionate policing, as it would encourage members to give more consideration as to whether the field contact is warranted. This is supported in some of the literature from the UK that suggests that the requirement to record stops promotes individual accountability and reminds police officers of their legal duties not to discriminate on the grounds of race, ethnic origin, nationality, etc, by ensuring that decisions to stop people are subject to examination by supervisors and the community (Delsol & Shiner, 2006; Stopwatch, 2011).

While raised less often, there was also a suggestion from some Victoria Police members that receipting could assist when trying to explain why they are conducting field contacts, and in some cases could improve relationships as it would increase awareness of why members are talking to individuals in the community.

Challenges

While many benefits of receipting were identified, several challenges were raised. Victoria Police members generally felt that receipting is unnecessary, and some also suggested it would be ineffectual in addressing racial profiling. There were significant concerns about the burden of additional paperwork, with a belief that this could reduce the number of field contacts conducted and therefore have a negative impact on intelligence-led policing.

If receipting is trialled or adopted, considerable care will be needed to develop processes that minimise the bureaucratic burden, especially given that in many cases Victoria Police members complete the field contact report at the police station rather than at the time of the field contact. This point is critical, as compliance may be compromised if the burden of reporting is felt to outweigh the benefits provided. A number of approaches have been used in the UK, including carbon copies of

reports, summaries of reports, receipt numbers and business cards, and these could be considered. Consideration of the paperwork burden should also take into account advancements in technology that could limit the reporting burden. Some of the literature highlights, however, that it is important that any utilisation of mobile data systems and new technologies has appropriate safeguards in the form of checks and scrutiny (Reid, 2009). It is worth noting that in the UK the process for stop and account changed in 2008 so that receipts in the form of business cards or similar were provided rather than full reports, based on concerns about the burden of completing the reports (Flanagan, 2008).

Other challenges raised included concerns that the field contact report could be misconstrued as something more serious (notice to appear, warrant, etc), and that receipting could damage existing relationships. If receipting is introduced, it would be important that Victoria Police consult with stakeholders to develop strategies to ensure these concerns are addressed. The literature also notes the importance of having the leadership onside to see these strategies implemented effectively (Equality and Human Rights Commission, 2010, 2013; Open Society Foundations 2012).

Receipting details

A number of suggestions were given about the information that needs to be included in the receipt. It was consistently suggested that the receipt needs to include the individual's name, field contact information (time, location), the reason for the field contact and the Victoria Police member involved. These items were included when receipting was first introduced in the UK and are included in the receipting process introduced in Toronto. It was suggested that the receipt provide information on how the information collected will be used and stored, which is also an important consideration.

There were also requests for information on complaints processes to be included (including external complaints processes) and, given the level of concern in relation to Victoria Police complaints processes, this will be an important consideration if receipting is implemented.

There was some mention of the inclusion of ethnicity data on the receipt provided to individuals, and there are a number of considerations in relation to this inclusion. If the Victoria Police member's identification of 'ethnic appearance' alone is included on the receipt, this could be received negatively by the individuals concerned. If self-reported ethnicity is included on the receipt, additional questions will need to be asked by Victoria Police members to gather this information; this is discussed earlier in Section 4.1.

5. Review findings – community and Victoria Police relationships

While the scope of this review was on field contact policy and processes, there was discussion among both Victoria Police members and community stakeholders of the relationship between Victoria Police and the community, and the strengths of this relationship as well as opportunities for improvement. These findings are relevant in that they provide important feedback on community perceptions and expectations, as well as opportunities for improving community confidence that field contact processes are conducted fairly and appropriately.

The following topics were discussed consistently:

- The relationship between Victoria Police and the community, and within this strategies for enhancing community engagement
- The need to improve complaints handling, and
- The importance of community information.

5.1 Relationship between Victoria Police and the community

Among both Victoria Police members and community stakeholders there was a perception that relations between the two have improved over time, and several Victoria Police community engagement strategies and practices were seen to have had a positive impact on community relationships. The strategies identified tended to operate at the service area (police station/local) level, and a number of good practice examples were provided. There were also examples of engagement strategies and strong relationships at the corporate and divisional/regional level. However, there were concerns that these are not seen consistently across the organisation, as collaborative practice is often focused on a few specific locations and/or a small number of members, and is in many cases limited to those members who have community engagement responsibilities.

While community engagement could be seen to be beyond the scope of this field contact policy and process review, CIRCA believes it is a key consideration for Victoria Police. Community engagement provides opportunities to enhance community confidence in Victoria Police more broadly and to provide ongoing community input in the refinement, implementation and review of field contact policy and processes.

The importance of community engagement is demonstrated by the development of a draft Victoria Police Community Engagement Strategy (9/4/13). As stated in this strategy,

> … community engagement is recognised as having a direct correlation with increased confidence in police. This in turn is associated with:

- Greater likelihood to report victimisation

- *Improved community cooperation and assistance with police enquiries*
- *Enhanced compliance and observation of the law.*

The importance of community engagement was also emphasised in the community feedback, with the general consensus being that an increase in positive community interactions will improve community relationships and confidence, enable Victoria Police to gather input from community representatives, and improve practice.

Good practice

A number of good practice examples of community engagement were identified in the consultations. These generally involved:

- Local advisory groups or community action groups/committees that include representatives from community-based organisations, Victoria Police, other justice agencies, local government and other government agencies
- Cultural camps where young people and Victoria Police members come together
- An induction program for all new recruits which involves visiting a number of community-based organisations
- Strong working relationships between senior Victoria Police members and specific community-based organisations, such as multicultural and Aboriginal organisations, and active involvement of senior members in community activities to ensure that local community leaders 'know' Victoria Police
- Running meetings with community leaders and members in response to specific community and/or Victoria Police concerns
- Victoria Police involvement in local sporting and community events.

The Police and Youth Leaders Engagement Team (PYLET) in the City of Greater Dandenong and Casey areas was a specific example identified by a number of Victoria Police members and community stakeholders. This involves a team of members and local volunteer community youth leaders engaging with and assisting youth on the street in high-risk community locations and public spaces. Early intervention is the fundamental objective of the model. Feedback from members and community stakeholders indicated that this project has had a significant impact on young people's behaviours. It was also suggested that the program has contributed to decreasing criminal activity in these areas on the nights it operates.[13]

The strengths of these good practice examples were that they enhance community relations, develop collaborative relationships, and provide an avenue for improving relationships, addressing community concerns and passing information 'both up and down on both sides'. While the review was not able to explore these community engagement approaches in detail, the results suggest there is considerable value when a broad range of Victoria Police members are involved, including senior members, liaison

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[13] It is understood that the program is currently being evaluated.

officers and, importantly, frontline members, with strong leadership and support 'from the top'. It was also felt that success depends on a wide range of agencies and services being committed to working together collaboratively and achieving positive outcomes. The strength of a localised approach is documented in the draft Community Engagement Strategy, and this is further supported in these consultations.

There was positive recognition of the work Victoria Police has done at a corporate level in developing community consultation mechanisms, such as involvement in the Aboriginal Justice Agreement Phase 3, Regional Aboriginal Justice Advisory Committees, the Police and Community Multicultural Advisory Committee and the Victoria Police Multi-Faith Council, as well as direct consultations with the Victorian Multicultural Commission. Several community stakeholders indicated that there is a strong commitment to improving cultural competency of Victoria Police among its leaders.

Opportunities for improvement

The consultations with Victoria Police members and feedback from community stakeholders identified a number of challenges that were felt to have limited the effectiveness of Victoria Police community engagement strategies to date.

The primary concern was that, while there is evidence of good practice, there is limited evidence that this filters through to Victoria Police members more broadly. It was suggested that, while many individual members have developed positive community relationships, this has not driven cultural change within Victoria Police. Community stakeholders were also unsure of the mechanisms within Victoria Police to 'roll out' community engagement approaches. As mentioned above, the good practice examples tend to be focused on a small number of members, often in specific roles, and this learning and experience does not appear to filter through to other members. Very few general duties members consulted had been involved in community events.

It is also worth noting that, while there was recognition of the positive contribution made by liaison officers, there were some concerns that skills in community engagement and cultural competency were unnecessarily limited to members in these roles, with the liaison officers potentially being a lone voice within Victoria Police.

Strong leadership was also mentioned consistently, and this is needed to drive effective community engagement by ensuring that Victoria Police members know that community liaison and engagement is expected of all members, rather than being seen to be limited to a specialist role and general duties officers attending community events only when invited. There was a perception among some community stakeholders that there is commitment from the senior level to improving Victoria Police community relations but this is not reflected across the broader member population.

The findings suggest there is a need to broaden the reach of community engagement strategies within Victoria Police and to ensure there is 'cultural knowledge handover' (such as through

mentoring/shadowing) to encourage organisational cultural change. There is also a need for a systematic approach to ensure there is greater exposure for members, rather than relying on what is perceived to be an ad hoc and voluntary approach. The preference is for clearly defined community engagement mechanisms across the organisation to enable this consistent approach. Locally based decision-making also needs to be enabled, as detailed in the draft Community Engagement Strategy.

Mechanisms for community engagement should be clearly defined and promoted, and include advisory groups (with external and internal stakeholders) at all levels across Victoria Police, including Corporate, Divisional/Regional and Police Service Area. Refining of field contact policy and practice should be included within the scope of the final Community Engagement Strategy, so that the advisory groups are briefed to consider and discuss Victoria Police field contact policy and practices within the broader engagement framework.

There was also some criticism of the current community engagement approaches – that they, while effective in developing strong relationships with community leaders, have limited focus on young people. Several community stakeholders suggested that the community representatives who are engaged with Victoria Police are often not connected with and are not representatives of young people. As outlined in the literature review (Chapter 2), programs that promote engagement between young people and the police, including mediated small-group discussions, can lead to a reduction in violent confrontations between police and young people (Wood, 2009). There is a need for community engagement strategies that target young people directly, or that target organisations that specifically represent young people.

The community engagement strategy should identify approaches that will directly engage with and seek input from young people and their representatives.

5.2   Community information needs

Victoria Police members consistently discussed the need to give the community information about the role of Victoria Police, and within this the role of intelligence-gathering in improving community safety, especially for new and emerging communities that have less familiarity with Victoria Police. The belief is that improved community understanding will enhance perceptions and interactions. Community stakeholders highlighted the importance of Victoria Police giving the community information about their about rights and responsibilities in relation to police interactions. The importance of community education is also a consistent theme in the literature. One example includes the 'know your rights' campaign conducted in the UK, which aimed to educate the public about stop and/or search (Miller, 2010).

The review highlighted the need to give the community information about rights and responsibilities, complaint mechanisms and field contact practices. It was suggested that providing information on field contact practices, including intelligence policing, what constitutes suspicious circumstances to

warrant a field contact and how Victoria Police use this information, could increase community confidence.

Victoria Police should consider a broad community information campaign as part of the implementation of the revised field contact policy. Consideration will need to be given to ensuring the strategy specifically targets vulnerable community groups.

5.3 Complaints processes

Throughout the review there was considerable discussion about the importance of complaints processes, and of ensuring community members are aware of these processes. Victoria Police complaints processes are felt to be unclear, slow and unlikely to yield positive outcomes because of the reliance on an internal review mechanism. Independent review of complaints was seen as critical to the integrity of the complaints processes. The feedback suggests that Victoria Police's 'internal barometer' does not reflect community standards, especially given that complaints may take 18 months to be investigated internally. There were also suggestions that Victoria Police should consider processes that enable internal disciplinary and dispute resolution processes to occur concurrently, if possible, so community members' concerns are responded to earlier.

There was a strong belief that Victoria Police should improve complaints processes and recognise that a lack of complaints may not be an indicator of excellent service, but rather of a lack of community confidence in the process. This is something that was acknowledged by some Victoria Police members involved in the review.

Although there was acknowledgement that some improvements have been made by Victoria Police, there were many requests for more transparent and timely complaint-handling processes with community input gathered through consultative groups. Community engagement was identified as a method for collecting and resolving complaints.

A few Victoria Police members spoke of the robust review processes adopted in a number of areas, with the risk management and review process for vehicle pursuits given as an example. It was suggested that these review processes could be adopted for field contacts, as this would enable the organisation to determine if individual members are behaving in a way that meets expectations.

Among community stakeholders there was discussion about the need for the field contact interaction to provide information on complaints processes. The ability to empower community members to make a complaint (where warranted) was an influencing factor in the positive responses received in relation to receipting.

The feedback suggests there are opportunities for Victoria Police to improve community confidence in the handling of complaints via community engagement strategies that encourage the collection and resolution of field contact complaints.

6. Conclusions and recommendations

The review identified a number of opportunities for improving field contact policy and processes to ensure that police practice is not discriminatory. The main concern in relation to field contacts is the lack of accountability and transparency, and community expectations are that this will be addressed, in keeping with Victoria Police's obligations under the Human Rights Charter.

While the review focused on identifying opportunities for improving field contact policy and processes, a number of considerations that are outside the scope of this review are worthy of note:

- When considering the recommendations from this review, it will be important that Victoria Police also consider their applicability to stop and search activity, as well as other Victoria Police activities more broadly.
- Victoria Police should consider introducing an overarching policy prohibiting racial bias and racial profiling across the organisation.
- Significant concerns were raised in the review about Victoria Police complaints processes, particularly the need to increase accessibility, improve timeliness and provide an independent review process. Victoria Police should consider reviewing complaints mechanisms.
- Recruitment was identified as an important consideration. Suggestions included strategies to enhance the cultural diversity of Victoria Police members, the inclusion of integrity testing as part of the recruitment process, and human resource mechanisms that recognise and value cultural competency and foster a human rights culture.

The review also identified a number of principles that it will be important for Victoria Police to follow when developing their response:

- External input needs to be accessed when assessing, developing, implementing and reviewing field contact policy and processes.
- Victoria Police members, including operational members, should be consulted.
- Strong leadership is critical throughout the process.

Significant resources will be required to meet community expectations in relation to improving field contact policy and processes, and this will require an integrated organisational response. It will be important that Victoria Police clearly communicate both internally and externally the intended course of action and associated timelines, including clear short- and long-term milestones.

These conclusions and recommendations need to be considered in light of a number of limitations, predominantly related to the timing and resources allocated to the review, which in turn restricted the scope. The review commenced on 16 August with a Victoria Police document analysis and literature review, and consultations were conducted from 19 September to 17 October, with a draft report submitted on 25 October. The limited scope of the review meant that it was not possible to consult directly with community members and in particular with young people, and this is a significant

limitation. Furthermore, only a small number of consultations were conducted directly with PSOs, and Victoria Police response to the review will need to be considered in the context of PSO service delivery.

CIRCA did not attend the community forums conducted by Victoria Police, although a summary of the comments from the discussions provided by Victoria Police was considered as part of the review. The findings of this review will therefore need to be examined by Victoria Police in light of these discussions.

6.1   Changes to the VPM

Most frontline members did not believe there to be an issue with the field contact policy. Internal buy-in for any amendments to the field contact policy and processes may be difficult to achieve. Victoria Police will need to be aware of this and include frontline members in the process moving forward.

The review found that Victoria Police members do not regularly refer to the content of the VPM field contact policy rules and procedures and guidelines. There is also a feeling among members that for policies, procedures and guidelines to be relevant and current they need to be written by members who are in operational roles. There was also a perception that a change in policy would not necessarily impact on how the job, including field contacts, is conducted.

Recommendation:

1. In making amendments to policy and the Victoria Police Manual (VPM), consult with and seek input from operational members.

Reasonable suspicion

It is expected that decisions to undertake field contacts are evidence based and not discriminatory and that members have an objective basis for the suspicion based on information or intelligence and not generalisations or stereotypes. Although members are confident in their ability to identify suspicious circumstances, the VPM does not provide clear guidance as to the circumstances that may be reasonably believed to be suspicious, and there is a need for clear direction in this regard.

Recommendation:

2. Amend the VPM to provide guidance to members in relation to circumstances reasonably believed to be suspicious. The amendments should provide a similar level of direction as that provided in the UK's PACE Code A. Any revisions will need to be made with significant input from frontline Victoria Police members and relevant community stakeholders. Consideration should also be given to providing this kind of guidance in relation to similar policies and processes, such as stop and search.

Human rights obligations

It is expected that Victoria Police members execute their duties in a manner that is consistent with their human rights obligations under the Victorian Human Rights Charter, anti-discrimination legislation and the Information Privacy Principles.

The current VPM field contact policy rules and procedures and guidelines do not acknowledge these obligations or provide any guidance to members in relation to them to ensure that members do not carry out field contacts in a manner that discriminates against certain communities or individuals.

Recommendations:

3. Seek expert legal opinion and consult with the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and the Office of the Victorian Privacy Commissioner to ensure that the field contact policy, procedures and guidelines comply with obligations under the Charter of Human Rights, anti-discrimination legislation and the Information Privacy Principles.
4. Amend the VPM to include guidance to members in relation to these obligations.
5. Give consideration to seeking this advice and providing direction to members in relation to comparable policies and processes, such as stop and search.

Areas with a high incidence of crime

The current VPM field contact procedures and guidelines suggest that being located, spoken to or sighted in an area with a high incidence of crime alone is enough to warrant a field contact. The intention of the policy is unclear and there is a disconnect between the policy rules and the guidelines and procedures.

Areas with a high incidence of crime are generally areas of low socio-economic status, and are areas in which vulnerable and disadvantaged community members are more likely to reside. Field contacts based on this measure alone mean that particular communities are more likely to be the subject of multiple field contacts. This can stigmatise particular communities and has the potential to promote discriminatory policing.

Recommendations:

6. Amend the VPM so that being located, spoken to or sighted in an area with a high incidence of crime does not qualify a person to be the subject of a field contact report, and provide clear direction to members in the VPM that these circumstances alone are not enough to warrant a field contact report.

Communication

Victoria Police members being friendly, respectful and courteous when interacting with the public is universally valued.

Interactions with individuals can go wrong, and may escalate into an arrest when members react if people do not agree to provide their contact details or other information, or become rude or abusive. It is in these circumstances that problems arise. It is important that Victoria Police members understand that some communities' experiences of police and authorities in other countries may impact on the way they respond to an interaction with police in Australia. This could also be exacerbated when English is not the individual's first language.

The VPM field contact policy rules and procedures and guidelines provide no direction about the nature of the field contact interaction and what community members should be told when subject to a field contact. There is no requirement for Victoria Police members to inform people that they will be submitting a field contact report to the LEAP database.

Community expectations about the information provided to individuals who are the subject of a field contact report differ markedly from general Victoria Police field contact practice.

Recommendations:

7. Amend the VPM to include direction to members on what they are required to tell individuals who are the subject of field contacts. This should include clear direction relating to the need to communicate:
    *   The reason for the stop
    *   The member's name, rank and station
    *   The information sought and why
    *   The recording of the information on the LEAP database, including how long the information will be kept on the database
    *   The individual's rights and responsibilities in terms of the interaction, and that there is no requirement on them to provide the information.

8. Amend the VPM to provide direction to members in relation to initiating contact with and maintaining a respectful, friendly and sensitive approach, speaking in plain language and being aware that English may not be a person's first language. The appropriate guidance for members to be included in the VPM should be further explored, with input from frontline Victoria Police members and relevant community stakeholders. Mechanisms will also be required to ensure appropriate supervision of field contact practices.

9. Provide guidance to members in the VPM in relation to understanding and responding to potentially volatile situations.

10. Give consideration to whether or not, and how, to provide information about complaints mechanisms as part of the field contact interaction. It will be important to reflect on the impact that this will have on the nature and tone of the interaction.

Reporting requirements

It is important that field contact reports clearly outline the objective reasons for the field contacts. This is necessary to ensure that during any review an accurate assessment about whether a field contact was warranted and complied with the requirements of the policy can be made.

There is nothing in the VPM field contact policy or procedures and guidelines reflecting the practice that field contact reports be checked by a sergeant.

The reporting of ethnicity data is necessary for monitoring data in relation to field contact activity by cultural background. There are significant concerns about the recording of 'ethnic appearance' data. These include concerns that ethnic appearance may be the sole descriptor used in the field contact report and that other physical descriptors are either not completed or not paid attention to. Prioritising ethnic appearance as the characteristic that police use to identify individuals may lead to targeting, stereotyping or racial profiling of individuals from particular racial or ethnic communities.

The extent to which Victoria Police members complete the ethnic appearance section and the physical description section of the field contact report is unknown. The VPM does not provide any direction to members on reporting this information. The VPM needs to be amended in order to improve the quality, precision and use of intelligence, and to ensure that ethnic appearance is not the sole descriptor identified in field contact reports.

Recommendations:

11. Amend the VPM to include a requirement that all field contact reports are checked by a sergeant to ensure they are completed for legitimate and appropriate reasons before final submission to the LEAP database.
12. Amend VP Form L19 to include a section for supervising sergeants to confirm that the report has been checked, including a requirement to include the registration number of the member who approved submission of the report. The VPM should be amended to reflect this requirement.
13. Amend the VPM to provide direction to members in relation to the information that is required to be completed in a field contact report. This should specifically direct members that a physical description is required.
14. Amend the VPM to specifically state that ethnic appearance cannot be the sole descriptor in a field contact report.

Retaining field contact data on LEAP

Under current Victoria Police practice, field contact reports remain on the LEAP database indefinitely, and this is an area of significant community concern. It is expected by the community that the information should only remain on the LEAP database for as long as is reasonably necessary for law enforcement purposes and in keeping with the Information Privacy Principles.

Recommendation:

15. Set a length of time that is reasonably necessary for field contact reports to remain on the LEAP database for law enforcement purposes. The VPM field contact policy and procedures and guidelines should be amended accordingly.

Consorting

The review suggests there may be a gap in Victoria Police members' knowledge of the interplay between a field contact report and the offence of habitually consorting. Having said this, the scope of the review did not allow for an exploration of the application of field contacts in relation to consorting and the potential for field contact reports to lead to a charge of habitually consorting under section 49F of the *Summary Offences Act 1966*.

Recommendation:

16. In any future examination of the VPM field contact policy, consider the application of information obtained in field contacts reports to a possible charge of habitually consorting. Expert advice, as well as input from the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), should be sought as part of any examination of the application of Victoria Police's field contact policy and procedures to consorting.

6.2 Data monitoring

The review indicated there is a need for greater accountability and transparency in relation to field contacts, and monitoring was seen as an important strategy for achieving this. The primary benefit of implementing a data monitoring system is that it would allow field contact activity to be reviewed in order to identify potential concerns, investigate these concerns and, where necessary, address these concerns and improve practice. The main focus of monitoring should be to assess if specific community groups are over-represented in field contact activity.

Victoria Police is well positioned to implement data monitoring strategies, because field contact reports are already collected and recorded on the LEAP database. The key for Victoria Police is improving the quality of current data collection processes to monitor field contact activity in order to identify potential over-representation of specific community groups. Monitoring should commence utilising ethnic appearance as the measure, although further investigation is needed on the

appropriateness of collecting self-reported ethnicity data. This should include seeking advice from key external community stakeholders and young people, and it will also be valuable to assess the UK experience of recording self-reported ethnicity for stop and account. In determining data collection processes, Victoria Police will need to ensure it meets its obligations under the Information Privacy Principles.

Data monitoring needs to be conducted across all levels, including statewide, at a regional/divisional level, at a local police service level, and down to the individual Victoria Police member level. It will be important to be able to review data for individual members in order to provide an internal supervisory tool, while ensuring confidentiality and security of this data.

Designing and developing appropriate data analysis methodologies when assessing over-representation of specific communities is complex, and this review has touched on a number of considerations relating to this. It will be important that Victoria Police consider the various data analysis approaches that have been adopted in other jurisdictions, and seek expert advice when developing data collection approaches. In particular, it will be necessary to explore appropriate collection and analysis methodologies for Aboriginal community members, as comparisons with census data (which captures self-identification) may not accurately determine levels of disproportionality where officer-determined ethnic appearance is used as the measure.

There is a clear community expectation that the data monitoring approach should include an independent assessment, with external organisations and advisory groups involved.

There is an expectation that data on field contacts will be publically available.

Recommendations:

17. Develop data monitoring procedures for field contacts to monitor whether field contacts are being applied disproportionately. This data should be monitored on a statewide, regional/divisional, local police service and individual Victoria Police member level. Victoria Police should seek input from frontline members in developing data collection and monitoring strategies.
18. Seek expert advice from statisticians about data analysis approaches.
19. Develop processes for independent review of data monitoring to be conducted at a corporate, regional and local police service level. These independent review processes should include the development of strategies to address any concerns that arise.
20. Develop policies and procedures to:
    • Ensure the confidentiality and security of the data, especially for individual Victoria Police members
    • Clarify the supervisory monitoring processes and procedures for Victoria Police members.
21. Revise field contact reporting procedures so that:

- Reporting on ethnic appearance is a mandatory field. The VPM should provide clear guidance to Victoria Police members that 'ethnic appearance' is a required field of the field contact report. Procedures for the entry of VP Form L19 into the LEAP database should be amended to make ethnic appearance a mandatory field of the form.

- Clear guidance is provided on the codes to be used in the ethnic appearance field in the VPM. Codes could be developed based on external stakeholder input and an assessment of approaches used in other jurisdictions, and it may also be valuable to review the current criteria included in the ethnic appearance data item to review common codes and completion rates. It would also be important to design the codes with consideration of the criterion to be used as the comparator.

22. Work with peak independent bodies (such as the VEOHRC) to develop a public reporting process that addresses concerns in relation to accountability and transparency.

6.3   Internal communication and training

Communication strategy

The review found a limited level of engagement among Victoria Police members with the VPM field contact policy rules, and procedures and guidelines. This highlights the importance of a comprehensive communication and training strategy to communicate the changes to Victoria Police's field contact policy, practice and procedures.

Recommendation:

23. Develop a comprehensive communication strategy commensurate with the changes to the VPM that goes beyond notification via the newsletter to inform members of amendments to field contact policy and processes.

Training

Conducting field contacts is something that Victoria Police members predominantly learn on the job from more experienced police members and through exposure. Skills development therefore depends on senior members being equipped to deliver on-the-job training to newer recruits.

Training in relation to circumstances reasonably believed to be suspicious, such as scenario-based training examining whether or not particular circumstances warrant a field contact, would be beneficial. Scenario-based training on field contacts could form part of an Operational Tactics & Safety Training (OTST) package, which could also include training on how to approach and interact with community members.

Recommendations:

24. Undertake standardised training for operational members of all ranks in relation to any amendments to field contact policy and processes. This should include training in relation to members' human rights obligations and obligations under the Information Privacy Principles.

25. Include scenario-based training which examines whether or not particular circumstances warrant a field contact, and which challenges cultural and unintended bias that influences individual decision-making in relation to initiating a field contact or submitting a field contact report in any training proposals around policy and procedure changes to field contacts. This training should also form part of recruit training at the Academy.

26. Enhance training at the Academy on field contact policy and processes to provide a stronger foundation of member responsibilities for new recruits, including training in relation to members' human rights obligations and obligations under the Information Privacy Principles.

27. Develop mechanisms to ensure that senior members provide appropriate ongoing on-the-job training to newer recruits.

6.4 Community engagement

Community engagement is important in enhancing community confidence in Victoria Police and provides opportunities for enabling community input in the refinement, implementation and review of field contact policy and processes. The value of community engagement is enhanced when a broad range of Victoria Police members are involved, including senior members, liaison officers and frontline members, with strong leadership and support from senior members. There is a need to broaden the reach of the community engagement strategies within Victoria Police and to ensure there is 'cultural knowledge handover' to encourage organisational cultural change. In particular, there is a need to focus on community engagement approaches that target young people directly, or that target organisations that specifically represent young people.

Recommendations:

28. Clearly define expectations and promote mechanisms for community engagement. This should include advisory groups (with external and internal stakeholders) at all levels across Victoria Police, including the corporate, divisional/regional and local station levels.

29. Ensure that providing advice on field contact policy and practice is included within the scope of the final Community Engagement Strategy (which was in draft form at the time of writing this report). The terms of reference for these advisory structures should include Victoria Police field contact policy and practices.

30. Ensure the community engagement strategy identifies approaches for directly engaging with and seeking input from young people and their representatives. This should include a review of successful Victoria Police youth programs with a view to expanding these across Victoria Police.

6.5   Community information

The review highlighted the need to provide the community with information about the role of Victoria Police, rights and responsibilities, complaint mechanisms and field contact practices, including intelligence policing, what constitutes suspicious circumstances to warrant a field contact, and how Victoria Police use this information. Providing the community with this information would potentially increase community confidence.

Recommendation:

31. Develop a community information strategy as part of Victoria Police's response to the field contact review. The strategy should provide information on field contact policy and processes, as well as individual rights and responsibilities, and complaint mechanisms. This strategy should be developed and implemented utilising community engagement mechanisms. Consideration will need to be given to ensuring the strategy specifically targets vulnerable community groups.

6.6   Receipting

Given the limited scope of the review, further investigation of receipting is needed (including piloting) to determine its relevance for field contacts. Receipting offers benefits in relation to accountability and transparency by providing individuals with a record of the field contact and a reason why they have been stopped. The burden of additional paperwork, and the effect of this on field contact activity within Victoria Police, are important considerations.

Recommendations:

32. Trial receipting in a small number of metropolitan areas (with consideration given to also trialling in one regional location) in order to assess the efficacy of receipting for field contacts. This trial needs to be supported with a comprehensive evaluation. Victoria Police should also consider conducting data analysis of the LEAP database by ethnic appearance and location and comparing this with resident population data to identify police stations to be included in the trial.

33. In developing the approach for the trial:

    • Consult with young people to explore the perceived usefulness of receipting, the potential impact on knowledge and access to complaints mechanisms, information needs (what should be included on the receipt), method of receipt (full report versus business card), concerns that receipting could imply the field contact is a more serious police interaction, and potential strategies for addressing these concerns

    • Consult with Victoria Police members to develop processes to address concerns in relation to the bureaucratic burden of receipting and its perceived impact on reducing the number of field contacts

- Consult with community stakeholders (including organisations representing vulnerable communities) to explore community expectations and assist in refining policies and processes.

34. Explore the implications of new technology in developing an efficient receipting process.

35. Ensure receipts provided by Victoria Police to community members during a field contact include the individual's name, field contact information (time, location), the reason for the field contact, the Victoria Police member involved, what will happen with the information, and complaints mechanisms. The consultation strategies detailed above may identify other information needs.

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Appendix 1

Victoria Police Manual – Policy Rules

Reporting contacts and intelligence

Context

Members undertaking operational duties, particularly patrol duties, have a number of responsibilities in relation to the recording of differing types of incidents and observations. This information is collected not only for the purpose of the criminal justice system but also to ensure that police have a body of information and intelligence that they can draw on when undertaking investigations or attending incidents. This information and intelligence is kept on a number of Victoria Police information computer systems, such as LEAP and Interpose.

In relation to attending incidents at particular premises or dealing with specific person this information and intelligence is useful not only in managing such situations, but particularly important for the safety of members, the public and the person themselves, especially when dealing with violent or persons who might pose some other risks.

The purpose of these Policy Rules is to detail employee responsibilities in regard to reporting contacts, incidents and intelligence for recording on information systems.

Application

Policy Rules are mandatory and provide the minimum standards that employees must apply. Non-compliance with or a departure from a Policy Rule may be subject to management or disciplinary action. Employees must use the Professional and Ethical Standards to inform the decisions they make to support compliance with Policy Rules.

These Policy Rules apply to:

- Operational members

- Operational supervisors

Rules and Responsibilities

1. Reporting contacts

Members, in addition to crime reporting and investigative requirements detailed in **VPMP Crime reporting and investigations** must:

- submit a Field Contact Report [Form L19 or L19A] where a person (or vehicle) is checked in the following circumstances –
    - found in circumstances reasonably believed to be suspicious - found consorting
    - in the course of entering a brothel during the execution of your duty - committing behavioural or other offences on or in the vicinity of licensed premises
    - during execution of a search warrant (except in the execution of warrants of financial institutions, utility companies and similar service providers)
    - demerit point suspensions.
    - is in breach of community corrections order conditions. Further guidance is given in VPMG **Person of interest and person warning flags**.

Reports must be submitted to the DIU in accordance with **VPMG Field contacts**. Field Contact Reports [Form L19C] are also required for particular searches without warrant; see **VPMG Search of persons**.

- submit a Person Warning Flag form [Form 292] where they come into contact with, or become aware of, a person who -
    - carries a firearm
    - is violent
    - carries a weapon
    - uses force
    - has a drugs association
    - is on a drug treatment order
    - is a custody risk (where incident occurs in custody)
    - has a medical condition
    - has attempted or threatened suicide or self injury
    - has a mental disorder
    - uses alternative identities
    - is a vexatious complainant.

Further guidance is given in **VPMG Person of interest and person warning flags**.

2. Reporting intelligence

Information that may have value as intelligence, but is not otherwise collected or recorded, must be submitted to the local DIU using the electronic Information Report. Where the information is critical, the most appropriate intelligence/investigative unit must be notified immediately.

Victoria Police Manual – Policy Rules – Reporting contacts and intelligence

Quick Links

- VPMG Field contacts

- VPMG Person of interest and person warning flags

Further Advice and Information

For further advice and assistance regarding these Policy Rules, contact your supervisor or local intelligence unit.

Update history

Date of first issue	22/02/10	
Date updated	**Summary of change**	**Force File number**
19/03/2013	Reference to **VPMG Person warning flag** removed and replaced with **VPMG Person of interest and person warning flags** and an amendment to update organisation structure.	064238/10

Appendix 2

Victoria Police Manual – Procedures and Guidelines

Field contacts

Source Policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- VPMP Reporting contacts and intelligence

Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the **Professional and ethical standards** to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

Procedures and Guidelines

1. Reporting contacts

1.1   Criteria

VPMG Reporting contacts, incidents and intelligence outlines the circumstances that Field Contact reports are required to be submitted. One of the criteria is where persons are found in circumstances reasonably believed to be suspicious.

To ensure the integrity of information recorded on LEAP, consider the following when completing the Field Contact Report [Form L19]:

- 'found in circumstances reasonably believed to be suspicious' should be qualified and the reasons included in the 'remarks' section

- relationships to time / place / circumstances / crime instances should be made rather than generalised

- to qualify, a person must have been located / spoken to / sighted in an area with a high incidence of crime which must be justified, or in other circumstances that could be deemed to be suspicious and recording of that person's presence may be valuable in any future investigation, e.g., an area of 'gang' activity.

1.2 Submission of forms

VPMP Reporting contacts, incidents and intelligence requires Field Contact reports to be submitted to the DIU in a number of circumstances:

- Field Contact Report [Form L19]

- Field Contact—Brothel [Form L19A] – where the report is due to a visit to a brothel during the execution of duty.

2. Consorting

2.1 Legislation

- Under s. 49(F), *Summary Offences Act 1966*, a person may be charged with habitually consorting with a person who has been found guilty of, or who is reasonably suspected of having committed an organised crime offence. An organised crime offence is defined in s.49(F)(3).

- As a guideline, a person can be charged with habitual consorting after either:
  - nine reports within one month
  - 12 reports within three months.

2.2 Reporting

- Report any persons found consorting by completing a Field Contact [Form L19] and a Field Contact – Consorting [L19 Part B]. This includes persons who are arrested together.

- When completing the forms, be mindful that the quality of the report is important to any future court appearances.

- Submit the completed forms for checking by a Sub-officer. Then forward it to the DIU where the consorting occurred.

2.3 Investigating consorting offences - responsibilities

- DIU:
  - records details on LEAP

- identifies incidents of multiple consorting
- in cases of multiple consorting, notifies in writing the CIU in whose response zone the offender lives.

- CIU – responsible for laying charges and subsequent brief preparation.
- Consorting Crime Theme Desk - authorises briefs and provides assistance and advice as required.

3. Suspension of field contact criteria

3.1 Reasons

The field contact criteria may be suspended to enable additional information to be recorded on LEAP if:

- the investigation relates to a serious offence or part of a series of offences likely to continue
- the investigator demonstrates that the recording of all persons and vehicles in a specific area will assist in some material way.

3.2 Approval

- Local Area Commanders may approve suspension of a field contact criteria subject to:
  - issuing directives to employees regarding the commencement and cessation of the suspension period (except where an approved operation is being conducted for a set period)
  - ensuring the allocation of a distinct prefix code for the investigation to the relevant DIU Manager or intelligence practitioner
  - appropriate monitoring of the information data entry process.
- When the period of suspension is over, DIU Managers or intelligence practitioners are responsible for discarding all information entered under the allocated prefix code in accordance with LEAP instructions.

Further Advice and Information

For further advice and assistance regarding these Procedures and Guidelines, contact your supervisor or local intelligence unit.

Victoria Police Manual - Guidelines – Field contacts

Update history

Date of First Issue	22/02/10	
Date Updated	**Summary of change**	**Force File number**

Appendix 3

FIELD CONTACT REPORT	Forward Direct to DIU	VP Form L19

| REPORTING STATION | | CONTACT DATE | | CONTACT TIME | | MEMBER Reg. No | |

CONTACT TYPE	☐ Vehicle Check (with person/s)	☐ Vehicle Only	☐ Search Warrant	☐ Licensed Premises	☐ Person Check	☐ Consorting (Submit L19B for each person consorted)
	☐ Demerit Point Notification					

GEOGRAPHICAL/STRUCTURAL CONTACT LOCATION

| Flat No. | | Street No. | | Street Name & Type | |
| TOWN/ SUBURB | | | RZ | |

Remarks (Include reasons for suspicions)

CONTACT NAME No. 1

Mni No.		1st Name	
FAMILY NAME		2nd Name	
DOB		Age		Sex: ☐Male ☐Female	Ethnic Appearance	
Flat No.		Street No.		Street Name & Type	
TOWN/ SUBURB		State		Postcode	
Phone No's:	(Home)	(Work)	(Mobile)

CONTACT NAME No. 2

Mni No.		1st Name	
FAMILY NAME		2nd Name	
DOB		Age		Sex: ☐Male ☐Female	Ethnic Appearance	
Flat No.		Street No.		Street Name & Type	
TOWN/ SUBURB		State		Postcode	
Phone No's:	(Home)	(Work)	(Mobile)

CONTACT NAME No. 3

Mni No.		1st Name	
FAMILY NAME		2nd Name	
DOB		Age		Sex: ☐Male ☐Female	Ethnic Appearance	
Flat No.		Street No.		Street Name & Type	
TOWN/ SUBURB		**State**		**Postcode**	
Phone No's:	

VEHICLE DETAILS — Indicate which Contact Name was Driving this Vehicle ☐1 ☐2 ☐3

REGO No.		State	
VEHICLE MAKE		Type		Model	
Body Type		Year		Colours	
Engine No.		Vin/Chassis No.	

| Additional information re vehicle | | Include Drivers Licence details on Page 2 |

CONTACT NAME PHYSICAL DESCRIPTIONS

VP Form L19

Height **1** cm	Height **2** cm	Height **3** Cm

HAIR COLOUR
1 2 3
☐ ☐ ☐ Abnormal Colour
☐ ☐ ☐ Black
☐ ☐ ☐ Brown
☐ ☐ ☐ Blonde/Fair
☐ ☐ ☐ Grey
☐ ☐ ☐ Auburn/Lt. Brn.
☐ ☐ ☐ Red/Ginger
☐ ☐ ☐ White
☐ ☐ ☐ Yellow

HAIR LENGTH
1 2 3
☐ ☐ ☐ Long
☐ ☐ ☐ Shoulder
☐ ☐ ☐ Collar
☐ ☐ ☐ Short
☐ ☐ ☐ Crew
☐ ☐ ☐ Partially Bald
☐ ☐ ☐ Extensively Bald
☐ ☐ ☐ Totally Bald
☐ ☐ ☐ Other

HAIR STYLE
1 2 3
☐ ☐ ☐ Straight
☐ ☐ ☐ Curly
☐ ☐ ☐ Afro
☐ ☐ ☐ Braided
☐ ☐ ☐ Tied Back
☐ ☐ ☐ Mohawk
☐ ☐ ☐ Dreadlocks
☐ ☐ ☐ Flat Top
☐ ☐ ☐ Wig/Toupee
☐ ☐ ☐ Punk/Spiked
☐ ☐ ☐ Wavy
☐ ☐ ☐ Other

EYE COLOUR
1 2 3
☐ ☐ ☐ Blue Grey
☐ ☐ ☐ Black
☐ ☐ ☐ Blue
☐ ☐ ☐ Brown
☐ ☐ ☐ Diff/Dual Eye
Colour
☐ ☐ ☐ Grey
☐ ☐ ☐ Green
☐ ☐ ☐ Hazel
☐ ☐ ☐ Red

COMPLEXION
1 2 3
☐ ☐ ☐ Fair
☐ ☐ ☐ Ruddy
☐ ☐ ☐ Tanned
☐ ☐ ☐ Olive
☐ ☐ ☐ Dark
☐ ☐ ☐ Black
☐ ☐ ☐ Medium
☐ ☐ ☐ Acne
☐ ☐ ☐ Freckled
☐ ☐ ☐ Fresh
☐ ☐ ☐ Pale
☐ ☐ ☐ Pock Marked
☐ ☐ ☐ Spotty
☐ ☐ ☐ Other

BUILD
1 2 3
☐ ☐ ☐ Obese
☐ ☐ ☐ Solid
☐ ☐ ☐ Medium
☐ ☐ ☐ Thin

CLOTHING HEAD
1 2 3
☐ ☐ ☐ Peaked Cap
☐ ☐ ☐ Knitted cap
☐ ☐ ☐ Balaclava
☐ ☐ ☐ Stocking mask
☐ ☐ ☐ Akubra style
☐ ☐ ☐ Head band
☐ ☐ ☐ Scarf
☐ ☐ ☐ Helmet
☐ ☐ ☐ Plastic/Rubber Mask
☐ ☐ ☐ Other

CLOTHING UPPER BODY
1 2 3
☐ ☐ ☐ Long Coat
☐ ☐ ☐ Jacket
☐ ☐ ☐ Sports Coat
☐ ☐ ☐ Suit
☐ ☐ ☐ Pullover
☐ ☐ ☐ Windcheater
☐ ☐ ☐ Vest
☐ ☐ ☐ Shirt
☐ ☐ ☐ Tee Shirt
☐ ☐ ☐ Track Top
☐ ☐ ☐ Uniform
☐ ☐ ☐ Naked
☐ ☐ ☐ Blouse
☐ ☐ ☐ Singlet
☐ ☐ ☐ Raincoat/Parka
☐ ☐ ☐ Oilskin
☐ ☐ ☐ Other

CLOTHING LOWER BODY
1 2 3
☐ ☐ ☐ Sports Pants
☐ ☐ ☐ Suit pants
☐ ☐ ☐ Jeans
☐ ☐ ☐ Shorts
☐ ☐ ☐ Track pants
☐ ☐ ☐ Work pants
☐ ☐ ☐ Overalls
☐ ☐ ☐ Slacks
☐ ☐ ☐ Dress
☐ ☐ ☐ Skirt
☐ ☐ ☐ Naked
☐ ☐ ☐ Other

CLOTHING FOOT
1 2 3
☐ ☐ ☐ Work Boots
☐ ☐ ☐ Sports Shoes/Boots
☐ ☐ ☐ Thongs
☐ ☐ ☐ Dress Shoes
☐ ☐ ☐ Sandals
☐ ☐ ☐ Casual Shoes
☐ ☐ ☐ Barefooted
☐ ☐ ☐ Other

ADDITIONAL INFORMATION

SOURCE RELIABILITY SCALE	INFORMATION ACCURACY SCALE
☐ A ☐ B ☐ C ☐ D ☐ E ☐ F	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6
——— DECREASING ———➤	——— DECREASING ———➤