

From: [REDACTED] Rachel
To: O'Meagher, Hall
Subject: FW: Charging thresholds & suspending/allocating jobs [SEC=OFFICIAL]
Date: Friday, 31 March 2023 11:30:25 AM
Attachments: image003.png

OFFICIAL

Hi Boss,

Please see the below e mail which relates to the date the threshold was advised to SOCA members.

DETECTIVE ACTING INSPECTOR RACHEL [REDACTED] (TUES-FRI)
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From: Hughes, Callum <[REDACTED]@afp.gov.au>
Sent: Friday, 16 September 2022 3:13 PM
To: ACT-CI-SACAT-Team1 <[REDACTED]@afp.gov.au>; ACT-CI-SACAT-Team2 <[REDACTED]@afp.gov.au>; ACT-CI-SACAT-Team3 <[REDACTED]@afp.gov.au>
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Subject: Charging thresholds & suspending/allocating jobs [SEC=OFFICIAL]

OFFICIAL

Hi all,

I wanted to provide you all with an update on two things: our thresholds to charge and a decision to suspend jobs. I know both points are contentious in their own right so I'm hoping that this information may provide some clarity and allay some concern.

Threshold to charge

We've gone on a lengthy journey involving legal advice and significant consultation with the wider AFP to produce an ACTP-wide policy position on when we charge. Our position (which will be produced in a new Better Practice Guide that is being drafted) is **not** to charge at the point you hold a reasonable suspicion. Instead, you may charge on the basis of reasonable and probable cause which is similar to a **reasonable belief**. This concept can be unpacked with the following two-part test:

1. Do you hold an honest belief that the probability of the accused's guilt is such that a charge is warranted; and
2. Is there a sufficient basis on the material present for this belief.

A belief is not an overly high bar to meet ("an inclination of the mind towards assenting to, rather than rejecting, a proposition"). This logically ties in with our powers (most of which exist at the suspicion threshold): we form an initial suspicion, conduct inquiries and then ask ourselves if we hold a reasonable belief at the end of the investigation. It is not our role to assess prospects of conviction or the ability to prove elements beyond a

reasonable doubt. The below diagram will likely be included in a new Better Practice Guide which puts our threshold in context with the DPP's and the Court's:



The CIMC have been assessing matters on this basis for the last month or so, and the templates have been updated. Of the 40 or so matters that have been before CIMC since January, only a handful have gone back with a recommendation contrary to what you and your Sergeants have proposed. Notwithstanding, I recognise the extra effort this process takes and I appreciate your understanding while we navigate a challenging climate.

Suspension and allocation of jobs

The Tls may suspend active investigations in PROMIS to enable you to focus on what you (jointly) view as your highest priority investigations. A matter may be suspended if:

1. The Sergeant enters a critical decision CNE;
2. VLOs or a member makes contact with the victim/complainant at least every six weeks and records this contact in PROMIS; and
3. Members retain carriage of suspended jobs upon departing SACAT (i.e. they aren't handed back to the team as a rule of thumb just because they haven't been progressed – case by case may dictate on this point though and exceptions will apply).

This is not a mechanism to allocate more work to anyone, quite the opposite. My rule for job allocations at SOCA MC is simple: I rely on an assessment from each Sergeant of their team's capacity. If and when the three teams' capacity is exhausted in a given week I take jobs that are leftover to CIMC for re-allocation within CI (generally Major Crime). D/Supt O'Meagher has this week authorised a temporary amendment in the CIRO Better Practice Guide to decrease the volume of work coming into Major Crime from patrol to offset the increase in work they will receive from SACAT. As an example, this week I am taking 4 out of 14 jobs for reallocation. As this process matures over the coming weeks I expect this will flatten out your workload to a degree as we work towards staffing the fourth team out of our Constables EOI.

Finally, thank you for all that you do in serving your community day in and day out. I'm continually impressed with the work I see coming out of the area - you should be proud of your efforts.

My door's always open and I'm happy to clarify or discuss any views or ideas.

Kind regards,

DETECTIVE INSPECTOR CALLUM HUGHES

Writing to you from Ngunnawal Country

CRIMINAL INVESTIGATIONS - SEXUAL OFFENCES & CHILD ABUSE

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The Australian Federal Police acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past, present and emerging.

