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Our ref: CF/14/1117-02 CD/18/24556

14 May 2018

**HAND DELIVERY**

Mr Shane Patton APM  
Deputy Commissioner Specialist Operations  
Victoria Police  
Victoria Police Centre  
637 Flinders Street  
DOCKLANDS VIC 3008

Dear Deputy Commissioner

**Kellam report**

I am writing in reply to your letter of 9 May 2018, concerning the Kellam report.

In my earlier letter of 30 April I drew attention to Mr Kellam's findings regarding the Source Development Unit (SDU) members and those supervising and managing the SDU. I referred to the advice from your General Counsel that following receipt of the report, Victoria Police had resolved not to take any action with respect to individuals about whom those findings had been made. I also set out the reasons which counsel had provided for that course.

My letter sought any further explanation as to why no action was considered warranted.

In your letter you advised that no further investigation into the conduct of Victoria Police members had been undertaken. With respect, this does not address our question. We do not regard any further investigation as required. The Kellam report was clear with respect to the conduct of members of the SDU, and the conduct of officers responsible for their 'supervision, guidance, instruction and management', about whom the finding of 'negligence of a high order' was made.

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As was the case at the time of the Kellam report, and which continues to be the practice, upon the completion of an IBAC investigation the findings are conveyed to the Chief Commissioner for his consideration. As a matter of practice, IBAC does not recommend particular action be taken against individual officers, as this is within the remit of the Chief Commissioner to determine.

IBAC's position, therefore, is that while Mr Kellam's recommendations did not go to further investigation or disciplinary action regarding individual officers, his findings were clear and created an onus on the Chief Commissioner to respond accordingly. This is the reason why my letter sought written confirmation of verbal advice from counsel that it had been determined not to take any action with respect to individual officers.

In your letter, you advised that the SDU had already been disbanded as a result of the Comrie Review, and that senior police officers responsible for the supervision, guidance, instruction and management of SDU members had either resigned or were no longer working in such a capacity when the Kellam report was released.

I note, however, that a number of officers identified in the Kellam report as playing a managerial role over the SDU are currently discharging senior and important roles within the force. You correctly point out that Mr Kellam made no findings of criminal conduct, but his findings plainly demonstrated that the conduct would have brought the force into disrepute and diminished public confidence in Victoria Police.

I appreciate that there has been a considerable passage of time since the identified conduct and, indeed, since the release of the Kellam report. I also note that these occurred under previous force command and prior Chief Commissioners. If there are reasons other than those advised by counsel and in your letter as to why no action was, or is, required, I would be grateful for your further advice.

Yours sincerely



Alistair Maclean  
Chief Executive Officer