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22 May 2019

By email: howard.rapke@rcmpi.vic.gov.au
Mr Howard Rapke
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into the Management of Police Informants
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Contact
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Dear Mr Rapke

Royal Commission into the Management of Police Informants

We refer to your letter received at 12.26am yesterday about Mr Solomon's statement and to the concerns expressed by the Commissioner at yesterday's hearing.

At the outset, we wish to assure you that Victoria Police did not seek to conceal Mr Solomon's statement from the Royal Commission.

Victoria Police's objective is to provide full assistance to the Royal Commission. As you are aware, Victoria Police has dedicated very significant resources to this task and faces many challenges in the process. The task is complex and the workload is overwhelming. Where there have been occasions where documents have not been identified and provided in a timely way, that has not been an attempt to frustrate the Royal Commission process. It is the consequence of the overwhelming and difficult task being undertaken by Victoria Police. We hope that the approach that Victoria Police has taken to the disclosure of significant new pieces of information (e.g, the discovery of the earlier registrations; the discovery of Ms Gobbo's provision of information post de-registration) gives the Royal Commission confidence that Victoria Police is seeking to provide assistance and not seeking to conceal anything.

the Police member received the e-mail from Mr Solomon attaching his statement on 15 January 2019. He instructs us that the e-mail was received out of the blue. He had not, and has not since, received any other unprompted statements from members.

the Police member knows Mr Solomon well. They worked in the Homicide Squad together between 2005 and 2012. He assumes that Mr Solomon sent him the statement because they had a good relationship and he knew that **the Police member** had been seconded to Taskforce Landow to work on the Royal Commission.

the Police member recalls that he read Mr Solomon's email and the statement either later on the day it was received or the following day. Given that the email had been sent to him out of the blue, **the Police member** decided to telephone Mr Solomon to confirm that he had received it and to seek to clarify whether the statement was effectively a private submission that it may be more appropriate for Mr Solomon to provide directly to the Royal Commission. He made contact with Mr Solomon but he was not able to speak about the matter because he was

occupied with another task at the time. Mr Solomon said that he would contact the Police member the Police member

On 21 January 2019 at 12.49pm, the Police member received an email from Mr Solomon stating that he now had time to discuss the statement. the Police member cannot recall whether he responded to that email. He does recall having a casual conversation with Mr Solomon when he came across him in the Victoria Police complex a few weeks after receiving that email. Mr Solomon was in the company of Homicide Squad members and so the conversation was brief. the Police member recalls asking Mr Solomon if he had provided his submission to the Royal Commission and him stating that he had not. the Police member accepts that he should have then followed up Mr Solomon to have the discussion that he had intended to have from the outset. He neglected to do so and Mr Solomon's email was then not dealt with. the Police member cannot recall Mr Solomon telephoning him "on more than one occasion" to follow up the statement (para 4 of your letter) but that may be a reference to the contact that the Police member recalls as described above.

At the time, the Police member focus and the focus of Taskforce Landow and the Royal Commission was on the early period of Ms Gobbo's registration, being the 1990s period. The bulk of the work being undertaken at that time was directed to that period and the first round of hearings about that period. the Police member had not forgotten about Mr Solomon's email but he had effectively put it to one side while he was focussed on the overwhelming number of tasks that required his immediate attention for the first round of hearings. Mr Solomon's statement was not relevant to the first round.

the Police member had not kept Mr Solomon's email a secret. He had raised it with other members of Taskforce Landow. No other member took steps in relation to it as they were all focussed upon evidence relevant to the first round of hearings. Once those hearings were complete, their focus then shifted to the next set of hearings.

It was not until early May, that attention returned to Mr Solomon's statement. Former DSC Cameron Davey was to be a witness in upcoming hearings and a statement needed to be provided. On 6 May, the Police member contacted Mr Davey about the preparation of a statement and Mr Davey told him that he intended to provide a statement directly to the Royal Commission. Mr Davey raised Mr Solomon's statement. It was the upcoming hearings and the conversation that brought the Police member attention back to the statement.

The next day, on 7 May 2019, the Police member commenced the production process for Mr Solomon's statement. He provided it to the evidence section of Taskforce Landow for it to then go through the production process.

the Police member accepts that he should have progressed the production of the statement upon receipt of Mr Solomon's email. There was no desire to conceal the statement. It was due to the Police member initially wanting to make contact with Mr Solomon about his unprompted statement and then his attention moving elsewhere to an overwhelming number of pressing tasks.

On the Police member arrival at Taskforce Landow in December 2018, he recalls being formally briefed on the accountabilities and responsibilities that members have to the Royal Commission. He recalls being briefed on the Taskforce's remit which included identifying any information or material relevant to the Royal Commission without consideration for reputational impact upon the organisation or negative connotations. the Police member delay in

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seeking to produce Mr Solomon's statement was not due to any concern about reputational damage to Victoria Police.

Victoria Police apologises to the Commissioner for Mr Solomon's statement not having been provided shortly after it was received.

We are instructed that Victoria Police does not hold any other statements submitted directly to them by Victoria Police members for submission to the Royal Commission.

Yours faithfully

Corrs Chambers Westgarth



DM

Daniel Marquet
Partner