



VICTORIA POLICE

Office of the Deputy Commissioner

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Commissioner Robert Redlich
Independent Broad-based Anti-Corruption Commission
GPO Box 24234
Melbourne Vic 3001

Dear Commissioner Redlich QC

IBAC Report concerning Victoria Police handling of Human Source code name 3838

I refer to letter from Chief Executive Officer Alistair Maclean dated 18 March 2018 seeking further update on the implementation of the recommendations in the Kellam Report and advice on the arrangements in place for the ongoing protection and management of former police Human Source 3838, and I advise as follows:

Kellam Recommendations

All recommendations made by Mr. Kellam have now been acquitted. I have attached a status chart for your reference detailing the actions taken against each of the recommendations. (Attachment 1)

Protection of 3838

In early 2013, Victoria Police established an internal Steering Committee with oversight of, inter alia, all matters relating to this person. This Steering Committee has been maintained and continues to operate.

The Steering Committee is chaired by me as Deputy Commissioner, with membership comprised of an independent senior officer and representatives from:

- Professional Standards Command;
- Intelligence and Covert Support Command;
- Crime Command; and
- Legal Services Department.

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The Steering Committee is governed by Terms of Reference (Attachments 2 and 3). It maintains the highest level of security over all material considered by the committee. Further information can be provided in relation to the Steering Committee's governance structure and reporting requirements at a later date if so required.

In addition, I advise that the Intelligence and Covert Support Command (ICSC) continue to have primary responsibility for attempting to support and protect 3838 and, to this end, regularly conduct risk assessments based on the information available to them at any given time.

I also refer to a further letter from Mr. Maclean dated 30 April 2018 and confirm that no further investigation into the conduct of Victoria Police members has been undertaken by Victoria Police. I advise the following:

- i. The SDU was already disbanded in 2013 in accordance with recommendations of the Comrie Review (2012);
- ii. Senior police officers responsible for the "supervision, guidance, instruction and management" of individual police officers during the relevant period, had resigned or were no longer working at ICSC when the Kellam Report was released.

In addition to the above, I note the following factors of significance:

- iii. Mr. Kellam did not name any individual member of police in the conclusion of the Report;
- iv. Mr. Kellam made no findings of any criminal conduct on the part of any Victoria Police members.
- v. Mr. Kellam made no recommendation that any further investigation be undertaken by Victoria Police.
- vi. Victoria Police has not at any point received referral from IBAC requesting any further investigation or disciplinary action to be taken as a result of the conclusions of the Kellam Report.
- vii. In a press conference held on 10 February 2015, the then Acting Chief Commissioner of Police, Mr. Cartwright, in response to questions from media, publicly put the Victoria Police position on further investigation of members following the Kellam Report as follows:

"What I can say is what is not contained in any recommendation is a recommendation against individual about any individual. There is no recommendation that would suggest that we need to conduct further investigations, there is no recommendation that would suggest discipline or possible criminal offences by any person, by any individual. There is recommendation that we talk to the Director of Public Prosecutions but that is around the risks of miscarriages of justice, of getting trials wrong."

"There is no recommendation about an individual's misbehaviour. There is no recommendation to us that we need to investigate any individual. There is nothing to

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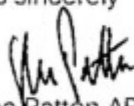
recommend that we need to explore the possibility that any individual has committed a criminal offence."

- viii. Further on the 26 June 2016, then Acting CCP Mr. Cartwright wrote to IBAC to advise on the Victoria Police response to the Kellam Report, the adoption of all recommendations and the changes that had been made to Victoria Police policies (Attachment 4).

Given the circumstances noted above, Victoria Police has not undertaken any discipline investigation or actions.

Should you have any further related queries, please contact me on (03) s 26 (1)

Yours sincerely



Shane Patton APM
Deputy Commissioner
Specialist Operations

09 / 05 / 2018

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