

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

From: Hotham-O
Sent: Tue, 15 May 2012 20:59:20 +1000
To: Gleeson, Steve
Subject: FW: 3838 matters

Hello Steve,

Sorry if there's too much in the responses and some is personal opinion, though evidence based.

Hotham

o

- I have been able to reconcile most of the Contact Reports in the Interpose file despite the often jumbled order. However a gap seems to exist between ICR 045 and 046 when the 3838 reference was still being utilised. This covers a 12 day period from 16/9/06 to 28/9/06. 045 ends on 15/9/06 and 046 starts on 28/9/06? Prior to 15/9/06 and post 28/9/06 the source was generating multiple daily contacts. It is not explained why there should be no contact at all recorded for this period? At the start of 047 there is even a comment to explain it being unusual for a lack of contact for a sole day on 28/9/06. On the face of it, it is open to interpret that 12 days of reporting have been missed but there is no sequential gap in the ICR numbering to suggest a report or reports have gone missing. It does not make sense. Can you assist please?
- o Richards-O can assist with this search Steve. he is also at Airlie with me for the next 9 days but will have a staff member identify if there is a missing SCR or any relevant diary entries.
 - I have been unable to locate any Acknowledgement of Responsibility. Could you please direct me to this / these.
- o As above Steve. My staff are also searching hardcopy records. The AOR can be delivered verbally and verified by way of the relevant (& subsequent) [REDACTED] This option is clarified in the draft VPM
 - I note that there were formal risk assessments conducted for 3838 on 15/11/05, and then again on 20/4/06. Aside from references to risks within the Source Management Logs were there any further formal risk assessments conducted by SDU / DSU? If so could I please be directed to these.
- o I've also asked for a physical search of this as well as referred the same to [REDACTED] My knowledge of the practice at SDU/DSU would be that the RA was repeatedly discussed at their management meetings. I believe these were fortnightly. The draft VPM clarifies the need for a written RA no more than 3 months apart
 - From the ICRs and Management Logs I note that advice was sought from an [REDACTED] psych on 20/11/06 and that on 11/12/06 it was suggested to the source that consultations with a Psych [REDACTED] would be put in place. A number of sessions then occurred. Did such processes generate any advices and if so where would these be located? I am interested in any process for advice from there professional consultations to be incorporated into the file and ultimately be factored into risk assessment processes? (I also recognise that there are mixed views as to the worth of such assessments!)
- o Again, [REDACTED] may assist with this although Sandy White-O would probably have a better knowledge. I believe he is contactable by phone whilst on LSL. I have requested a physical search anyway.

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

- In the Source Management Log for 8/1/09 (within an email from Tony Biggin that has been pasted into the file) there is mention of certain things being provided to Petra - namely a paper to reflect the management issues surrounding this witness and a risk assessment. I have not been able to locate these documents in the entire file and ask if copies are available for review? (please note that I have also called for the Petra Steering Group, file which may contain such information, but have not been provided with access to this as yet)
- My office is supposed to have all of the Petra material although it's already apparent we don't have documents such as the Steering Committee minutes. I have a physical search underway and should know by the morning
 - In the Source Management Log for 22/1/09 there is mention of the HS providing 6 pages of requests (related to potential Witsec admission?) Do you have a copy of this or is this something held by Witsec?
- Again with the search both at HSMU & SDU but likely to be held by Witsec who have a [REDACTED] database.
 - In the revised Human Source Management Guide you provided me, within section 5 it makes reference to a template and guide to risk analysis being provided at Appendix A . I do not have this (Appendix A) and would welcome a copy. Furthermore, has this
- Hopefully the documents I sent earlier today will cover this.

I understand that much development has taken place with the HSM practice guide since this particular case now under review commenced. I note the 9 page Australasian Human Source Risk Assessment Manual you have supplied is undated and I am curious to learn when it was published relative to this current matter? Can you assist please?

My understanding is the RA process is based upon AS/ANZ4360:1999 from 2005 until now. We have only slightly altered the format in the last 2 years. I am able to obtain copies of RA's from other Australasian LEA's readily if it would assist your report.

From my discussions with Tony Biggin I now have a greater appreciation of the difficulties and unusual circumstances of this particular case and how it has reshaped thinking on many fronts. I have also learnt that a [REDACTED] human source management course is now afoot and the 3838 matter is a case study for this. I am also keen to learn if, from your perspective, the 3838 has stimulated any particular changes to source management practices, and if so what the nature of these are / and the applicable dates etc.

The unique nature of this source due to both information and profession was not lost on the SDU but as time went on the value represented by initial and subsequent information has led to some of the most significant results in the organised crime environment. In considering a registration of another legal practitioner I believe the lessons from this source would provide healthy discussion. Whether we would be prepared to engage is another question altogether. 3838's personality is another variable we'd hope not to encounter again too.

The driving forces to have the source become a witness were outside the DSU. I believe there was vehement resistance but this can come 1st hand from Sandy White-O if Tony Biggin hasn't already relayed this view. My point of view is that 3838 should never have been made a witness. I have seen some similar instances since which confirm my

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

belief. There is a strong investigative imperative that is persuasive in the minds of many that convictions vindicate the transition from source to witness.

My experience is that this view willingly ignores the potential for harm in all areas of risk, but mostly for the source, our information and our reputation. This is not the advantage of hindsight, more applying the worst case scenario beforehand but not being satisfied the risks can be safely mitigated. We have built in more accountability around the transition from source to witness in the new policy to invest more authority in the CSR as an independent umpire (at 2.2). We currently have another matter involving a 'busy' source where one workgroup wants to use the source on a brief but the handling team (& HSMU) believe this has little merit and great risk. You have access to this file for comparative purposes if you want. I also have another source file where we were happy for the transition to occur. This was done in a manner where the consultation and risk was assessed prior to the statement being taken, source being further deployed etc.

I would also like to learn more about the HSMU role relative to HS file maintenance and Q/A. Does the HSMU role statement require this to be done?

We do have an audit role, Steve but this has always been limited, particularly with the rise in the number of active sources and registrations generally. Our charter includes, "Audit & risk assessment of the human source management process and practices". The CMRD review of source management identified this as unable to be achieved by HSMU. Neil Paterson has been very supportive to identify ways to meet this obligation and I have recently been able to add 2 more PII [REDACTED] with the hope of one more. This will enable my staff to conduct audits on their active sources on a 3 monthly rotation. This audit will be limited in some ways, for example the ability to [REDACTED]
[REDACTED]

We see this function as being one which should remain with the local chain of command, the controller and OIC mostly. If they are monitoring the activities of their staff correctly, i.e. intrusive supervision, shortcomings may be identified earlier. The proposed HSLO structure complements intrusive supervision with expertise and further quality assurance. The HSMU then provides the gatekeeper role and independent oversight of all files under management across all regions/departments. This doesn't really alter the HSMU capacity but it does push more accountability back to where it should commence at the local level. The HSLO/DSMT structures are critical to maintain the momentum we've built over the past few years.

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

Is so then how is this actually done and do the systems utilised readily provide for this being done.

The system commenced this month to conduct audits will rely simply on scheduled audits through Outlook and Updating the Interpose files. LSR's will be informed when Audits have been conducted on individual files. 3 month intervals will be adhered to. Interpose does not have in-built alerts that assist the management process so we have to employ some flexibility until improvements can (if possible) be made.

Does HSMU actually have the capacity and capability (systemically and otherwise) to perform a timely and functional QA role? I mention this because it seems that a number of 3838 file audits were undertaken and at least one of these (conducted 28/2/09) identified reports missing from the file relating to matters some 20 months prior. On face value this seems a little concerning given that this was a high risk file. Setting aside the unusual circumstances of this matter is HSMU in a position to fulfil the Q/A role?

As above, we will be in a good position in 3 months time to assess what our capacity for more meaningful audits has become with additional detective sub-officers. There are off-the-shelf products that can assist with this (the Oracle-based Pegasus is one) but I am not confident they would be a seamless fit into Vicpol and the cost may be prohibitive. Even more resources would clearly assist, certainly the one Neil ultimately wants for training will result in more audits. I still believe the HSLO structures will go a long way to solving many of the Q/A issues and limitations we know we have