

PROTECTED

Terms of Reference for Independent Case Review

Policing jurisdictions worldwide utilise informers (human sources) and recognise this to be a legitimate and effective means to gather investigative information and intelligence.

Victoria Police is cognisant of the complexities and potentially significant risks associated to the use of human sources and has a suite of policies, procedures and instructions in place to provide guidance for their effective and accountable usage and to mitigate risk.

Victoria Police has established a Human Source Management Unit with responsibilities for the registration of all sources and oversight of associated policies and training. The full time management of those human sources deemed to be high risk becomes the responsibility of a dedicated unit known as the Source Development Unit (SDU).

Human source 3838 (from here on in referred to as 3838) was a high risk source being utilised by Victoria Police under the primary management of the SDU. A Victoria Police Task Force conducting a high profile investigation identified value in 3838 becoming a witness as to give evidence. This meant that 3838 would transition from the category of a human source, to that of a (protected?) witness.

Outcomes envisaged from the utilisation of 3838 as a witness were not achieved. This was due to various reasons including the preparedness of 3838 to provide the evidence sought and consideration of competing priorities, including the balancing of risks to particular individuals.

Complexities also arose as a consequence of the particular professional standing of 3838.

Victoria Police disentanglement from 3838 continues to be a complicated and costly process requiring ongoing management. This has also involved 3838 instigating civil action against Victoria Police.

Victoria Police now seeks an independent review to consider and provide advice upon specific aspects of this 3838 matter. This review is to focus on:

1. The process and associated issues whereby a human source may transition to become a witness including the adequacy of controls and risk recognition arrangements and mitigation for such instances.
2. The adequacy of existing human source policies, procedures, instructions and control measures, including actual management and operational practices utilised, having regard to the particular professional standing of 3838.

Whilst this review is primarily focussed on the 3838 matter, in order to provide a balanced and objective assessment of usual process, it may also entail consideration of a sampling of other high-risk human source files.

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This review may also involve consideration of specific human source management arrangements in place in other jurisdictions with a view to determining best practice for such aspects for Victoria Police.