

**Royal Commission****into the Management of Police Informants****STATEMENT OF RUSSELL SCOTT FLETCHER**

- 1 My full name is Russell Scott Fletcher. I am a former member of Victoria Police, having retired on 15 February 2017.
- 2 I make this statement pursuant to a request from the Royal Commission into the Management of Police Informants that was received on 29 April 2020. This statement is produced to the Royal Commission in response to a Notice to Produce.
- 3 Specifically, I have been asked to provide a statement about warrant [REDACTED] which I applied for on around 24 February 2006, when I was a Detective Senior Sergeant in the Special Projects Unit (**SPU**) of Victoria Police.
- 4 I have made this statement at short notice and without access to my emails or diaries.

**Background**

- 5 I started at Victoria Police on 1 February 1977. In around November 1989, I was transferred to the Special Projects Unit as a Sergeant.
- 6 The SPU functions as a specialised service assisting other areas of Victoria Police in relation to telecommunications interception under the *Telecommunications (Interception and Access) Act 1979* (Cth) (**TI Act**) and surveillance device warrants pursuant to the *Surveillance Devices Act 1999* (Vic) (**SD Act**). It is divided into three groups: the Affidavit Preparation Section, Operations Section and Evidence Preparation Section.
- 7 In around November 1997, I was promoted to Senior Sergeant and was transferred to the Affidavit Preparation Section. The Affidavit Preparation Section assists Victoria Police members to prepare the affidavits required to secure warrants under the TI Act and SD Act.



- 8 For the purposes of making an application for a warrant, I only obtained enough information about the investigation to ensure that the affidavit in support had sufficient information to secure a warrant. I was not briefed on operational details. As there were some investigations where several warrants were applied for, I did become familiar over time with some of the 'key players' in an investigation, insofar as their names were concerned. To fulfil my role I did not need to know and did not ask for more detailed information about the operation, unless it was required to support the application.
- 9 Broadly speaking, the process to obtain a warrant under the TI Act or SD Act was as follows:
- (a) On most occasions, the investigator would provide the Affidavit Preparation Section with a high level overview and I would give them an indication as to whether or not their target might qualify for a warrant. Sometimes investigators would provide the draft documents referred to below without first providing this overview;
  - (b) If a warrant was to be sought, the investigator would then prepare a draft of the affidavit and an internal Victoria Police application form. The purpose of the application form was to assist the investigator to understand whether their draft affidavit included all of the relevant materials. The form also provided details of the target and service, and showed that the application had received approval from an Inspector or above. Sometimes the application form and draft affidavit were supported by a suite of other documents to verify the information in the draft affidavit: this included, for example, Information Reports and subscriber checks. An assessment if whether to include supporting documents was made on a case by case basis;
  - (c) The draft affidavit was provided to my team, who would review it, provide comments, ensure it was formatted correctly and obtain any further information required. A revised draft would then be provided to the VGSO for advice. If the VGSO were content with the affidavit, it would be sworn or affirmed by a member of the Affidavit Preparation Section, a further internal approval form was completed by the investigator and their Inspector (or above), and an application would be made to the relevant Court or Tribunal;



(d) If the warrant was granted, the process moved to the SPU Operations Section and then the intercept was made.

- 10 Once the process moved from the Affidavit Preparation Section to the Operations Section, the Affidavit Preparation Section did not have further involvement in the warrant unless the investigator sought a further, related warrant. A related warrant included an extension of the original warrant, a named person warrant, or a warrant in respect of a different target, including those identified through telephone intercept materials. In that case, the Affidavit Preparation Section would be provided with sufficient further information to justify the further warrant application. Again, once the further warrant was obtained, it would move back to the Operations Section.
- 11 The Affidavit Preparation Section was not involved in briefing the Operations Section about the investigation or the warrant. The members of the Affidavit Preparation Section would not have been well placed to do this because our knowledge of the investigation was limited to what was contained in the affidavit supporting the warrant.

#### Questions asked by the Commission

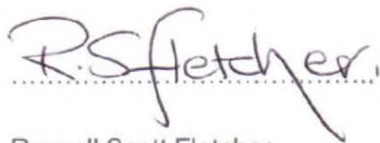
- 12 The Royal Commission has requested I answer the following questions by reference to warrant [REDACTED]
- (a) who within Victoria Police knew about, or was likely to have known about the warrant and the material produced as a result of the warrant;
  - (b) who had, or was likely to have had, access to that material;
  - (c) whether such material was produced as part of trial briefs in which [REDACTED] was a witness, and if it was not, what explanation is there for not producing it to the defence, or to the prosecution;
  - (d) whose decision it was to withhold such material from production;
  - (e) were any steps taken to ensure that a court determined whether such material should be withheld on the grounds of public interest immunity.
- 13 In response to 12(a), I knew about warrant [REDACTED] because I was the Affidavit Preparation Section member who swore the affidavit in support of the warrant.<sup>2</sup> I do not expect that I knew about the material produced as a result of this particular warrant because the process will have moved to the Operations Section once the

<sup>2</sup> VPL.2100.0008.0001

warrant was granted. I may have known about the material produced as a result of the warrant if it was relied on in an application for a further warrant as I have described at paragraph 10 above. I do not recall whether or not that was the case for this warrant.

- 14 Further, SPU staff, VGSO employees involved in obtaining the warrant, and investigators knew about the warrant. The investigators would have known about the resulting telephone intercept material. Some SPU staff (depending on their role and rank at SPU) would also have known about the telephone intercept material.
- 15 In response to 12(b), to the best of my knowledge, all SPU members have access to the database where telephone intercept material is stored, though not all SPU members are required to access that information to perform their duties. In addition, investigators named on the application form accompanying the draft affidavit are able to access material obtained under that warrant. In the situation where further warrants were required, occasionally I did access telephone intercept material in the form of call summaries and transcripts while I was in the Affidavit Preparation Section to perform my duties. However, more often than not, investigators seeking further warrants would provide summaries of the relevant intercepted materials.
- 16 I am unable to answer questions 12(c) to (e) because I was not involved in those processes.

Dated: 5 May 2020.



Russell Scott Fletcher