

## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

Please note: This document includes all the recommendations of both the Comrie review and the Kellam review (IBAC) and shows all proposed future changed to both reviews.

## Summary of Recommendations

27 Comrie and corresponding IBAC recommendation

5 Recommendations (12,15,16,19,22) are NOT implemented. with executive approval on 27.2.17

| RECOMMENDATION  | IBAC Rec No. | ACTIONS TO DATE  | FUTURE ACTIONS   |
|---|--------------|--|--|
| 1. That Victoria Police reconstruct the full interpose file for 3838 so that to the fullest extent possible it represents as a complete, factual, sequential and accountable record of the utilisation of this human source. This should also include the linking of all available related material to this file securely and accountably retained in the one location on Interpose |              | <b>COMPLETED</b><br>This recommendation is completed as per Operation Loricated.   | Nil  |
| 2. That sufficient storage be provided within the Interpose application to ensure that related media for all human source files is securely contained in the respective human source file on Interpose.   |              | <b>COMPLETED</b><br>PII [REDACTED]   | Nil  |
| 3. That all Victoria Police human source policies, associated instructions and practice guides be revised to clearly reflect:<br><br>a. That special considerations apply to the obtaining, usage and management of information that may be subject to legal professional privilege.  | 1a           | <b>COMPLETED</b><br>Current policy outlines at section 4.6 Professional privilege and other circumstances.<br><ul style="list-style-type: none"><li>Members must be mindful that some sources as result of their occupations may have confidentiality obligations or professional obligations regarding confidentiality, e.g. lawyers, doctors and clergy. (3a)</li><li>Handlers must consider the legal and ethical implications for the management of these sources and the information or intelligence they transmit in compiling their registration applications. (3a) (3b)</li><li>Members must obtain advice from HSMU management as to the method of handling and recording of any such information or intelligence that may conflict with the professional obligations of the source. (3c) (See also HS Risk Assessment Question 10)</li></ul>   | Clarify HSMU Management in policy<br><ul style="list-style-type: none"><li>Amend Legal Services Division to Department</li><li>Include that the CSR must personally approve any registration involving legal professional privilege or mental health issues.</li><li>If there is potential for a breach of legal professional privilege then the matter is to be referred to the Human Source Ethics Committee</li></ul> |
| b. That the utmost caution ought to be exercised before engaging a human source who may have conflicting professional duties (eg lawyers, doctors, parliamentarians, court officials, journalists and priests etc).   | 1b           | <ul style="list-style-type: none"><li>The source Interpose file is to accurately reflect the planning and methodology to be followed in managing such a source. HSMU advice is binding and may include the quarantine of information transmitted that may breach such an obligation or relationship. (3a) (3b)</li><li>Where a human source, who is in a position to which confidentiality obligations or professional privilege applies, voluntarily offers information that is or appears to be in breach of that privilege then the following is to occur at the earliest opportunity: -<ul style="list-style-type: none"><li>the Interpose record is to be updated with a notation that the information appears to be in breach of professional privilege</li><li>the information is not be acted upon or disseminated further</li><li>the HSMU must be advised at the earliest opportunity</li><li>the HSMU must obtain legal advice from Legal Services Division regarding the use of information or intelligence obtained</li></ul></li></ul> | 3.3.18 Update from HSMU PII [REDACTED]   |
| c. That prior to the registration of any human source to whom a professional duty may apply, appropriate legal advice must be obtained.   | 1c           |  | All the above arrangements have been included in the VPM Review Policy Update 4.5 & 4.6<br>FF110244 refers – still pending   |



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION  | IBAC Rec No. | ACTIONS TO DATE  | FUTURE ACTIONS  |
|---|--------------|--|---|
| d. That handlers should not actively seek information from human sources to whom a professional duty may apply which would knowingly cause the human source to breach such a duty.  | 1d           | <p>which may breach a professional obligation (3c)</p> <ul style="list-style-type: none"> <li>- the HSMU will advise the CSR who in turn will advise the Human Source Management Ethics Committee</li> <li>- the Human Source Management Ethics Committee will review the information provided and make a recommendation as to how the information and the source will be treated. (3b)</li> </ul> <ul style="list-style-type: none"> <li>• Handlers must not actively seek information from human sources to whom a professional obligation may apply if such information would cause the human source to breach such a duty knowingly. (3d)</li> <li>• The strict adherence of this policy is not intended to discourage the use of high risk sources in such circumstances but to effectively manage the relationship and information obtained in accordance with acceptable legal and community standards.</li> </ul>  |   |
| e. That source handling and management duties provide no indemnification that would allow those performing such duties to disregard confidential notices that may be issued for OPI, ACC or similar types of coercive hearings. Contravening such notices, in the absence of formal authority to do so, carries risk of criminal prosecution. | 1e           | <p><b>COMPLETED</b></p> <p>The following dot points appear in the current Human Source policy under Section 2.2 - Human sources as witnesses</p> <ul style="list-style-type: none"> <li>• Members must not question an active or deactivated human source as to whether they have been the subject of a compulsory hearing before an agency such as IBAC, ACC or the OCE.</li> <li>• If a member becomes aware that an active or deactivated human source is to be or has been the subject of a compulsory hearing, before an authorised examiner at the OCE, ACC or IBAC, they must be mindful that the human source is likely to be subject of a confidentiality notice in respect of that examination.</li> <li>• If an active or deactivated human source volunteers to a member that they are or have been the subject of a compulsory hearing the human source must be advised not to discuss the matter as they are likely to be breaching the confidentiality provisions. PII [REDACTED] nor must the member pass that information on to anyone else.</li> <li>• PII [REDACTED]</li> <li>• Members must familiarise themselves with their lawful obligations to the relevant legislation under which a subpoena has been issued, especially disclosure provisions. Where a member feels obliged to contact the HSMU on a duty-of-care issue relevant to a subpoena, the liaison</li> </ul> | <p>Policy will need to be updated to reflect the change in name of ACC to ACIC</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p>Complete</p> <p>This section of policy is to be made clearer in regards to specific advice from IBAC, ACIC and OCE and a separate section in policy created specifically for Coercive Hearings.</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p>Additional heading for coercive hearings to be inserted in the VPM Review – Section 2.3</p> <p>FF110244 refers – still pending</p> |



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION   | IBAC Rec No. | ACTIONS TO DATE  | FUTURE ACTIONS   |
|--|--------------|--|--|
| 4. That Victoria Police note my endorsement of the CMRD findings concerning the lack of risk assessment insight and lack of revisiting risk assessments as matters of significant concern. Such failing must be subject of substantial and sustained remedial action and should also be the focus of a follow up audit by CMRD no later than June 2013 | 2            | <p><b>COMPLETED</b></p> <p>Policy updated to reflect ongoing requirements as outlined below. Also, Internal Audit review of 2015.</p> <p>VPM Section 1.7 Controller, includes dot point</p> <ul style="list-style-type: none"> <li>Once registration has been approved (for further information about registration of sources see section 3) and a source code allocated, the controller is to: <ul style="list-style-type: none"> <li>monitor and review all activities within the source's Interpose file</li> <li>review both the risk assessment and Acknowledgement of Responsibilities Form on a monthly basis</li> </ul> </li> </ul> <p>PII [REDACTED]</p> <p>VPM Section 3.2 Human sources, includes dot point</p> <ul style="list-style-type: none"> <li>Risk assessments for human sources must be updated every three months at a minimum. The review must be conducted by the OIC in consultation with the controller (and other handling team members if desired).</li> </ul> <p>VPM Section 16 Audit and compliance, includes dot point</p> <ul style="list-style-type: none"> <li>Controllers must complete a monthly review of the source relationship, risk assessment and information gained.</li> <li>OIC's must review active registrations every three months.</li> <li>In cases of high risk sources the LSR, as a component of the monthly inspection process, must endorse current risk assessments to reflect that no new risks have arisen that would require a revised risk assessment being conducted and that the current risk assessment remains fit for the purpose. The LSR must also document the checks and inquiries undertaken in order to make such a determination.</li> </ul> | <p>Proposed development of Interpose reports to more easily identify when reviews are required as part of Team Central task resulting from Internal Audit review in 2015. This will also be included in the design of the replacement system for Interpose.</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p>This is now ongoing as part of the Blue Connect program with a proposal for an HSMU specific component - pending</p>  |
| 5. That Victoria Police develop a more comprehensive and robust human source risk assessment process to address the many shortcomings apparent in the 3838 risk assessment process. This revised process, in particular, must ensure:  | 3a           | <p><b>COMPLETED</b></p> <p>Victoria Police has developed two completely new risk assessment instruments; PII [REDACTED]</p> <p>PII [REDACTED] The new risk assessments are based upon [REDACTED] These risk assessments identify all generic risks present in a human source relationship as well as allowing for the identification of risks specific to that relationship.</p> <p>VPM Section 4.3 Risk Categories, includes the dot point:</p> <ul style="list-style-type: none"> <li>The risk assessment must clearly articulate the purpose for engagement of the source and if there is any change in that purpose or any movement from the original intent, then a full new risk assessment must be undertaken.</li> </ul>   | <p>The Risk Assessment is currently being re-worked so that sources with no or low risk will require less questions to be answered but sources of a higher risk will require more questions. It is also proposed to use separate document for an initial risk assessment and ongoing assessments. The ongoing risk assessments will deal specifically with any change of purpose, target or tasking, along with assessing the sources ability to comply with instructions and the AOR.</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p>Currently in draft with proposal for 13 basic questions for low risk. Pending.</p> |
| b. That where complex legal and ethical considerations are evident, such as the source being occupationally bound by other duties, then consultation must occur with the Victoria Police Director of Legal Services prior to completion of the risk assessment process.  | 3b           | <p><b>COMPLETED</b></p> <p>VPM Section 4.5 Legal, ethical, medical or psychological considerations includes the following dot points.</p> <ul style="list-style-type: none"> <li>Where complex legal, ethical or medical considerations are evident with a human source, such as the human source being occupationally bound by other duties, or there is (the presence of medical or mental health issues) advice must be sought from the HSMU. Examples of persons falling into this category include but are not limited to; lawyers, doctors, members of parliament and religious officials.</li> </ul>  | <p>It is proposed to separate legal professional privilege issues from health issues within policy.</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p>This has been separated in the VPM</p>  |



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION   | IBAC Rec No. | ACTIONS TO DATE  | FUTURE ACTIONS   |
|--|--------------|--|--|
| c. That where other complex issues are recognised, such as health or mental health matters, then appropriate professional advice is obtained.  | 3c           | <ul style="list-style-type: none"> <li>Where complex legal or ethical considerations are present with a potential human source, HSMU must seek advice from Legal Services Division prior to the completion of the risk assessment process. Such advice must be brought to the attention of both the LSR and CSR for consideration prior to registration being approved.</li> <li>Where significant psychological or medical issues are apparent or are perceived to exist at any stage of the human source registration or management process HSMU must seek advice from Psychology Services or a Forensic Medical Officer at VIFM and provide that advice both to the LSR and CSR for consideration and proper regard.</li> </ul>   | <p><i>Review document</i></p> <p><i>Medical and Psych is at VPM 4.5</i></p> <p><i>Legal/Ethical and Professional Privilege is a VPM 4.6</i></p> <p><i>FF110244 refers – still pending</i></p>  |
| d. That any risk assessment reliant on positive obligation to utilise a source must be subjected to the utmost scrutiny to reflect upon the issues of proportionality and necessity. Positive obligation reliance must be for specific purpose only and approval must lapse upon fulfilment of this purpose. Where positive obligations are to be relied upon consultation must first occur with the Victoria Police Director Legal Services | 3d           | <p><b>COMPLETED</b></p> <p>Section 1.19 VPM creates an Ethics Committee whose terms of reference (TOR) in part addresses this recommendation.</p> <p>TOR number 4 requires the committee to review decisions taken by the Central Source Registrar Monitor in cases where there is a positive obligation to utilise a human source to ensure that the registration is proportionate and is necessary.</p> <p>The membership of the Ethics Committee is:<br/>Assistant Commissioner Intelligence and Covert Support Command (Chair)</p> <p>PII [REDACTED]</p> <p>Any source that falls into the positive obligation category would by default be high risk and approval would fall to the Central Source Registrar and not be approved on the CSRs behalf by members of the HSMU.</p>   | <p>The policy is to include a definition of positive obligation and the requirement for positive obligation registrations to be referred to the CSR and then referred to the Ethics Committee. Any such registration is to end when the obligation has been met.</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p>Added into the VPM Review</p> <p>FF110244 refers – still pending</p> |
| e. That source registration cannot occur until the Local Source registrar (LSR) has endorsed the risk assessment document to indicate their satisfaction that all perceivable risks have been identified, that the risk controls are sufficient and that any change to risk profile must trigger a new risk assessment.  | 3e           | <p><b>COMPLETED</b></p> <p>VPM at Section 1.9 Local Source Registrar (LSR), includes</p> <ul style="list-style-type: none"> <li>The CSR will not approve the registration until the LSR has endorsed PII [REDACTED] within Interpose to indicate their satisfaction that all perceivable risks have been identified within the risk assessment document, that the risk controls are sufficient and that any change to risk profile must trigger a new risk assessment process.</li> </ul> <p>VPM at Section 3 The Registration process Subsection 3.2 Human sources, includes</p> <ul style="list-style-type: none"> <li>The LSR must make a recommendation of approval for all source registrations.</li> <li>The generation by Interpose of a human source registration number only indicates that the details of the proposed human source have been registered on the system. The registration is not approved until such time as the CSR provides that approval.</li> </ul> | Nil  |

PROTECTED



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION  | IBAC Rec No. | ACTIONS TO DATE   | FUTURE ACTIONS   |
|---|--------------|---|--|
| f. That for high risk source cases the LSR, as a component of the monthly inspection process, must endorse current risk assessments to reflect that no new risks have arisen that would require a revised risk assessment being conducted and that the current risk assessment remains fit for purpose. The LSR must also document the checks and inquiries undertaken in order to make such determination. | 3f           | <p><b>COMPLETED</b></p> <p>VPM at Section 4.4 High risk and extreme risk sources, includes</p> <ul style="list-style-type: none"> <li>In cases of high risk source the LSR, as a component of the monthly inspection process, must endorse current risk assessments to reflect that no new risks have arisen that would require a revised risk assessment being conducted and that the current risk assessment remains fit for the purpose. The LSR must also document the checks and inquiries undertaken in order to make such a determination</li> </ul> <p>VPM at Section ,16 Audit and compliance, includes the following dot point</p> <ul style="list-style-type: none"> <li>In cases of high risk sources the LSR, as a component of the monthly inspection process, must endorse current risk assessments to reflect that no new risks have arisen that would require a revised risk assessment being conducted and that the current risk assessment remains fit for the purpose. The LSR must also document the checks and inquiries undertaken in order to make such a determination.</li> </ul> | Nil  |
| g. That for high risk source cases there is sufficient capability and capacity to service the relationship and maintain reporting requirements.   | 3g           | <p><b>COMPLETED</b></p> <p>PII [REDACTED]</p> <p>VPM at Section 4.4 High risk and extreme risk sources, includes</p> <ul style="list-style-type: none"> <li>A source identified as high or extreme risk following a risk assessment must be managed by sufficient personnel PII [REDACTED]</li> </ul> <p>PII [REDACTED]</p>   | Nil  |
| 6. That in redeveloping its human source risk assessment process Victoria Police consider the covert policing risk assessment methodology [REDACTED] (see Appendix C).  |              | <p><b>COMPLETED</b></p> <p>The current risk assessment document used for human sources is based on the ANZPAA five pillars of risk, which is the Australian National Standard. The main categories are as follows</p> <ol style="list-style-type: none"> <li>1. Risk to source</li> <li>2. Risk to police handlers</li> <li>3. Risk to information</li> <li>4. Risk to Victoria Police</li> <li>5. Risk to the community</li> </ol> <p>[REDACTED]</p> <p>Whilst there is not a direct correlation from one to the other an examination of the questions asked under both risk assessment are strikingly similar they are just grouped under different headings.</p>   | <p>Seek executive endorsement to not implement this recommendation.</p> <p>3.3.18</p> <p>Executive Endorsement obtained to not implement this recommendation from DC Patton on 27.2.17</p> <p>FF110244 ff12 refers</p> |



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION  | IBAC Rec No. | ACTIONS TO DATE   | FUTURE ACTIONS  |
|---|--------------|---|---|
| 7. That Victoria Police note my endorsement of the CMRD recommendation relative to consideration being given to formally drafted documentation defining the obligations of parties in the source / handler relationship, particularly in relation to high risk human sources. |              | <p><b>COMPLETED</b></p> <p>The AOR was updated in 2005 to outline specific responsibilities of the source during the relationship. This document was updated in September 2016 to include an additional responsibility.</p> <ul style="list-style-type: none"> <li>• If I am arrested or charged for a criminal act, my current relationship with Victoria Police and any reward eligibility will be reviewed;</li> </ul> <p>The VPM also provides advice for when specific instructions to be included at section 1.16.</p> <p><b>1.16 Acknowledgement of Responsibilities (AOR)</b></p> <ul style="list-style-type: none"> <li>• The AOR is a formal acceptance by the source that there are accountabilities in place that must be abided by. The Controller must deliver the AOR to the source within 14 days of the registration process commencing. The AOR must be reiterated by all handling team members for the duration of the source relationship.</li> <li>• The AOR must be the subject of constant evaluation regarding its sufficiency. At a minimum, the AOR must be reviewed on a monthly basis by the controller as part of the risk assessment review process. The outcome of that review must be endorsed on Interpose by the controller. Where the template AOR proves to be insufficient then additional instructions must be documented and reinforced with the source, by the Controller.</li> </ul> | Nil   |
| 8. That Victoria Police re-develop the template AOR to enable the inclusion of additional relationships as may be necessary in any particular source / handler relationship.  |              | <p><b>COMPLETED</b></p> <p>The VPM provides advice for when specific instructions to be included at section 1.16.</p> <p><b>1.16 Acknowledgement of Responsibilities (AOR)</b></p> <ul style="list-style-type: none"> <li>• The AOR is a formal acceptance by the source that there are accountabilities in place that must be abided by PII [REDACTED]. The AOR must be reiterated by all handling team members for the duration of the source relationship.</li> <li>• The AOR must be the subject of constant evaluation regarding its sufficiency. At a minimum, the AOR must be reviewed on a monthly basis by the controller as part of the risk assessment review process. The outcome of that review must be endorsed on Interpose by the controller. Where the template AOR proves to be insufficient then additional instructions must be documented and reinforced with the source PII [REDACTED].</li> </ul> <p>Section 1.16 of the VPM covers off against this recommendation due to the requirement for on-going monthly review and the requirement for it to be reiterated to the source. Also, the requirement for the AOR to be reiterated by all handling team members for the duration of the relationship. However there is scope to make the policy clearer in regards to requirements when the handling team changes.</p>   | <p>Policy can be updated to apply the same requirement for a documented hand over process with a new risk assessment, management plan and controller meeting for when the handling team is changed within the handling teams work unit. Also to include LSR notification.</p> <p>3.3.18 Update from HSMU PII [REDACTED]<br/>Updated in the VPM Review at section 1.16<br/>FF110244 refers – still pending</p> |

PROTECTED



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION   | IBAC Rec No. | ACTIONS TO DATE   | FUTURE ACTIONS  |
|--|--------------|---|---|
| 9. That human source policies and instructions reflect that the sufficiency of the AOR must be the subject of constant evaluation, with additional instructions being documented and reinforced with the source as may be necessary.   | 4            | <p><b>COMPLETED</b></p> <p>The VPM provides advice for when specific instructions to be included at section 1.16.</p> <p><b>1.16 Acknowledgement of Responsibilities (AOR)</b></p> <ul style="list-style-type: none"> <li>The AOR is a formal acceptance by the source that there are accountabilities in place that must be abided by. PII [REDACTED] The AOR must be reiterated by all handling team members for the duration of the source relationship.</li> <li>The AOR must be the subject of constant evaluation regarding its sufficiency. At a minimum, the AOR must be reviewed on a monthly basis by the controller as part of the risk assessment review process. The outcome of that review must be endorsed on Interpose by the controller. Where the template AOR proves to be insufficient then additional instructions must be documented and reinforced with the source PII [REDACTED]</li> </ul> <p>Whilst the VPM at 1.16 covers off against this recommendation, it is believed that the AOR template can be modified to encourage the recording of additional instructions by specifically including a field for such instructions.</p> | <p>A new AOR has been developed with a blank field under the following</p> <p>I will comply with the following specific instructions (if required).</p> <p>PII [REDACTED]</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p>This was revised and updated in January 2018 and is in use</p> |
| 10. That the monthly source management review process includes safeguards to ensure consideration is afforded to both the sufficiency of the AOR given any developments in the relationship and that the AOR is being frequently and when necessary, reinforced with the source. |              | <p><b>COMPLETED</b></p> <p>The VPM provides advice for when specific instructions to be included at section 1.16.</p> <p><b>1.16 Acknowledgement of Responsibilities (AOR)</b></p> <ul style="list-style-type: none"> <li>The AOR is a formal acceptance by the source that there are accountabilities in place that must be abided by. PII [REDACTED] The AOR must be reiterated by all handling team members for the duration of the source relationship.</li> <li>The AOR must be the subject of constant evaluation regarding its sufficiency. At a minimum, the AOR must be reviewed on a monthly basis by the controller as part of the risk assessment review process. The outcome of that review must be endorsed on Interpose by the controller. Where the template AOR proves to be insufficient then additional instructions must be documented and reinforced with the source PII [REDACTED]</li> </ul>   | Nil   |
| 11. That supportive policy and training occur to appropriately embed this enhanced focus on the AOR process.   |              | <p><b>COMPLETED</b></p> <p>The VPM provides advice for when specific instructions to be included at section 1.16.</p> <p><b>1.16 Acknowledgement of Responsibilities (AOR)</b></p> <ul style="list-style-type: none"> <li>The AOR is a formal acceptance by the source that there are accountabilities in place that must be abided by. PII [REDACTED] The AOR must be reiterated by all handling team members for the duration of the source relationship.</li> <li>The AOR must be the subject of constant evaluation regarding its sufficiency. At a minimum, the AOR must be reviewed on a monthly basis by the controller as part of the risk assessment review process. The outcome of that review must be endorsed on Interpose by the controller. Where the template AOR proves to be insufficient then additional instructions must be documented and reinforced with the source PII [REDACTED]</li> </ul> <p>The delivery of the AOR is a focus of training PII [REDACTED]</p>  | Nil   |



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION  | IBAC Rec No. | ACTIONS TO DATE   | FUTURE ACTIONS   |
|---|--------------|---|--|
| 12. That Victoria Police introduce a process that would require the source registrar to compile a comprehensive statement particularising all considerations related to their authorisation of usage of human sources. This statement the registrar deems appropriate should also particularise any conditions that the registrar deems appropriate for authorisation. The authorising statement must also provide for formal adoption by all those who are to engage with the source. Victoria Police may consider adopting a format for this statement similar to that utilised by [REDACTED] |              | <p><b>NOT IMPLEMENTED</b></p> <p>It is not reasonable for the CSR to provide a detailed justification statement for every source registered. A registration approval by the CSR (or the HSMU on the CSR's behalf) is approved based on:</p> <ul style="list-style-type: none"> <li>the targets of the intelligence</li> <li>the tasking of the source</li> <li>risk assessment completed, including mitigation strategies</li> <li>the qualification of the handling team for higher risk sources</li> <li>recommendations of the OIC &amp; LSR</li> </ul> <p>For low and medium risk sources the registration is signed off by the HSMU who assess the file and examine the proportionality of the proposed tasking and use of the source.</p> <p>For sources that are high risk, [REDACTED] the CSR must personally approve registration. This applies a higher level of examination of proportionality is applied without the need for a specific statement from the CSR.</p> <p>If Mr. Comrie is referring to the LSR then the same argument would still apply. The LSR can put any restrictive comments or conditions on the Interpose file [REDACTED]</p> <p>[REDACTED]</p> | <p>Seek executive endorsement to not implement this recommendation.</p> <p>3.3.18</p> <p>Executive Endorsement obtained to not implement this recommendation from DC Patton on 27.2.17</p> <p>FF110244 ff12 refers</p>   |
| 13. That policies and procedures are developed to guide actions where significant psychological issues are apparent or are perceived to exist with a human source. These policies and procedures must ensure escalation of such issues to source registrar level and also ensure that where appropriate professional psychological advice is obtained and given proper regard.  | 13           | <p><b>COMPLETED</b></p> <p>The VPM at section 4.5 <i>Legal, ethical, medical or psychological considerations</i> included the following dot point.</p> <ul style="list-style-type: none"> <li>Where significant psychological or medical issues are apparent or are perceived to exist at any stage of the human source registration or management process HSMU must seek advice from Psychology Services or a Forensic Medical Officer at VIFM and provide that advice both to the LSR and CSR for consideration and proper regard.</li> </ul> <p>[REDACTED]</p>   | Nil  |
| 14. That human source policies, procedures and instructions be revised to clearly reflect that significant risks present when multiple handlers are utilised for any particular human source. Any proposal to utilise multiple handlers should be conditional upon an appropriate risk assessment process being conducted to ensure appropriate controls are set in place for all foreseeable risks.  |              | <p><b>COMPLETED</b></p> <p>The current VPM covers a change of handling team when the new handling team is from a different work unit.</p> <p><b>2.5 Transfer of human sources</b></p> <ul style="list-style-type: none"> <li>Where the transfer of a human source from one handling team to another team outside of the originating workgroup is being contemplated, the HSMU must be consulted. In any such instance an appropriate management plan must be formulated.</li> <li>The management plan must clearly articulate roles, responsibilities and management arrangements. A new risk assessment must be undertaken.</li> <li>A New Interpose registration process must be initiated by the receiving workgroup.</li> </ul>   | <p>Policy can be enhanced to apply the same requirement for a documented hand over process with a new risk assessment, management plan and controller meeting for when the handling team is changed within the handling teams work unit. Also to include LSR notification.</p> <p>3.3.18 Update from HSMU [REDACTED]</p> <p>Updated in the VPM review 2.5</p> <p>FF110244 refers – still pending</p> |



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION  | IBAC Rec No. | ACTIONS TO DATE   | FUTURE ACTIONS  |
|---|--------------|---|---|
| 15. That system generated sequential paragraph numbering be introduced for ICRs with the appropriate instructions, training and education to ensure that separate issues are to be the subject of separate paragraphs. Where SMLs refer to or rely upon material contained in an ICR then the particular ICR paragraph number/s must be indicated in the SML. |              | <p><b>NOT IMPLEMENTED</b></p> <p>Interpose does not support automatic paragraph numbering</p>   | <p>Seek executive endorsement to not implement this recommendation.</p> <p>3.3.18</p> <p><i>Executive Endorsement obtained to not implement this recommendation from DC Patton on 27.2.17</i></p> <p>FF110244 ff12 refers</p> <p>This recommendation will be considered as part of the Case Management solution via Blue Connect.</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p><i>Whilst this is not possible in Interpose this is being discussed through the Blue Connect Program and is a work in progress</i></p>   |
| 16. That a mechanism be developed and implemented within the ICR process that draws attention to issues of significance and requires notation and a response by appropriate levels of management so that reasons for actions or inaction are accountably recorded for future reference.   |              | <p><b>PARTIALLY COMPLETED</b></p> <p>PII [REDACTED]</p> <p>PII [REDACTED]</p> <p>The VPM at Section 7.3 Recording and reporting contact, includes</p> <ul style="list-style-type: none"> <li>Following contact with a source and on completion of the Source Contact Report, the Handler or Co-Handler must brief the Controller.</li> <li>Controllers are to review the relevant Source Contact Reports on Interpose following any source contact briefing.</li> </ul> <p>The VPM at Section 7.4 Source Contact Report, includes:</p> <ul style="list-style-type: none"> <li>Issues of significance within a report should be highlighted and drawn to the attention of appropriate levels of management within the handling structure.</li> </ul> <p>PII [REDACTED]</p> | <p>Seek executive endorsement to not implement the ICT component of this recommendation.</p> <p>3.3.18</p> <p><i>Executive Endorsement obtained to not implement this recommendation from DC Patton on 27.2.17</i></p> <p>FF110244 ff12 refers</p> <p>The ICT component of this recommendation will be further considered as part of the Case Management solution via Blue Connect.</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p><i>Whilst this is not possible in Interpose this is being discussed through the Blue Connect Program and is a work in progress</i></p> |

PROTECTED



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION   | IBAC Rec No. | ACTIONS TO DATE  | FUTURE ACTIONS   |
|--|--------------|--|--|
| 17. That SDU implement a program of works to assure appropriate ICR standards related to the management of high risk human sources. This should involve the identification of best practice ICR examples to serve as a benchmark standards and should also involve HSMU oversight. |              | <p><b>COMPLETED</b></p> <p>The VPM at section 7.4 Source Contact Report, has the following:</p> <ul style="list-style-type: none"> <li>Will contain all relevant information about a source's contact with a handling team, whether by phone, fact-to-face or other means. The report is to contain a comprehensive précis of the meeting and link all operational information obtained. <a href="#">Click here</a> for a sample contact report.</li> <li>Separate issues in the report are to be the subject of separate paragraphs and those paragraphs are to be sequentially numbered for purposes of cross referencing in other documents.</li> <li>Issues of significance within a report should be highlighted and drawn to the attention of appropriate levels of management within the handling structure.</li> <li>The report shell in Interpose provides some pre-existing suggestions for the nature of matters to be recorded.</li> </ul> <p>The hyperlink goes to an example contact report showing how preferred layout. PII [REDACTED]</p> | Nil  |
| 18. That Victoria Police settle and publish within human source policy a clear and unambiguous definition of what constitutes tasking and ensures that this definition is brought to the attention of all personnel involved in human source operations                            | 6            | <p><b>COMPLETED</b></p> <p>The VPM at section 1.18 Tasking, has the following:</p> <p>Tasking is any approved assignment given to the human source by the handlers. includes asking the human source to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of the relevant agency.</p>  | <p>The word "approved" is to be removed and the word "or instruction" to be added after the word assignment.</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p>Updated in the VPM review</p> <p>FF110244 refers – still pending</p> |



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION  | IBAC Rec No. | ACTIONS TO DATE  | FUTURE ACTIONS  |
|---|--------------|--|---|
| 19. That Victoria Police establish an issues register to assist in the management of information provided by a human source that may warrant action but may not be the subject of immediate action. This register should be a component of the respective human source Interpose file and should reflect the reasoning for inaction. Issues registers should be the focus of monthly review with comment required in all outstanding entries to justify non-action. |              | <p><b>NOT IMPLEMENTED</b></p> <p>Interpose does not support this functionality.</p> <p>The essence of this recommendation has been met in other ways as the standard format for a contact report is to outline what information is disseminated either verbally or via an information report. Policy also requires controllers to check the contact reports and part of this would be checking that any information that should be acted upon or disseminated is managed appropriately. This is further backed up by OIC file reviews. PII [REDACTED] Issues such as comments regarding possible police corruption are monitored by the HSMU and referred to PSC. PII [REDACTED]</p> | <p>Seek executive endorsement to not implement the ICT component of this recommendation.</p> <p>3.3.18</p> <p><i>Executive Endorsement obtained to not implement this recommendation from DC Patton on 27.2.17</i></p> <p>FF110244 ff12 refers</p> <p>The ICT component of this recommendation will be further considered as part of the Case Management solution via Blue Connect.</p> <p>3.3.18 Update from HSMU PII [REDACTED]</p> <p><i>Whilst this is not possible in Interpose this is being discussed through the Blue Connect Program and is a work in progress.</i> PII [REDACTED]</p> |
| 20. That an appropriately qualified Victoria Police analyst review the entire 3838 file to ensure that:   |              | <p><b>COMPLETED</b></p> <p>Operation Loricated refers</p>  | Nil   |



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION  | IBAC Rec No. | ACTIONS TO DATE   | FUTURE ACTIONS   |
|---|--------------|---|--|
| 21. That Human Source Management policies and instructions reflect that in any instance where as a result of information being provided by a human source, verbal advice is provided to another area, such actions are to be fully documented in an expeditiously submitted Information Report.   | 7            | <b>COMPLETED</b><br><br>VPMs at section 6.5 Disclosure of information, include the following <ul style="list-style-type: none"> <li>Human source intelligence should only ever be disseminated verbally in cases of where there is an operational imperative. All verbal disseminations must be recorded in the relevant source contact report and then reduced to an information report and disseminated expeditiously.</li> </ul> | Whilst the policy has been updated to match the recommendation, practice has shown that there are some times when PII information needs to be verbally disseminated but cannot be placed in an information report. The policy will be updated to reflect these circumstances and the conditions that will apply.<br><br>3.3.18 Update from HSMU PII<br>Update in the VPM Review<br>FF110244 refers – still pending   |
| 22. That a post contact or end of shift reporting process be developed within Interpose for the management of high risk sources to enable the prompt formal reporting of developments of significance. This should include a significance classification scale for all matters reported and a systems generated email capacity to alert SDU management to those matters classified as being most significant. |              | <b>NOT IMPLEMENTED</b><br>Interpose does not support this functionality.<br>PII   | Seek executive endorsement to not implement the ICT component of this recommendation.<br><br>3.3.18<br>Executive Endorsement obtained to not implement this recommendation from DC Patton on 27.2.17<br>FF110244 ff12 refers<br><br>The ICT component of this recommendation will be further considered as part of the Case Management solution via Blue Connect.<br>3.3.18 Update from HSMU PII<br>Whilst this is not possible in Interpose this is being discussed through the Blue Connect Program and is a work in progress and consideration being given for a critical decision trigger being built into the system as part of auto notification |
| 23. That the effectiveness of the recently enhanced human source capability established at the HSMU be reviewed by way of CMRD follow up audit by no later than June 2013   |              | <b>COMPLETED</b><br><br>In 2015 the Internal Audit Unit conducted a review of Human Source Management. This audit has resulted in a number of recommendations being added to Team Central.  | Nil  |
| 24. That the human source audit and governance activities undertaken by the HSMU be subjected to appropriate targeting processes to give prominence to recognised high risk matters.  |              | <b>COMPLETED</b><br>The HSMU processes are designed around escalating issues of high risk. PII  | ICSC has developed a Compliance and Risk Management Unit (CARMU) that is independent of Covert Services Division. This unit will be tasked to regularly review HSMU practices to ensure high   |

PROTECTED



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION  | IBAC Rec No. | ACTIONS TO DATE  | FUTURE ACTIONS  |
|---|--------------|--|---|
| 25. That a process of independent and appropriately skilled case officer assessments is established to provide for the frequent, comprehensive and accountable review of all high risk human source files.  | 8            | <b>COMPLETED</b><br>In regards to high risk sources, the Superintendent of the Covert Services Division case manages the files by taking on the role of the LSR and providing the intrusive supervision. The role of the CSR is managed by another Superintendent within ICSC.   | risk matters are being identified.<br><br>3.3.18 Update from HSMU <b>PII</b><br><i>Several audits have been undertaken by the Compliance and Risk Management Unit at ICSC and all recommendations have been implemented</i> |
| 26. That in any instance where it is contemplated that a human source is to be engaged by other police in order to secure evidence an appropriate management plan must first be compiled. Such a plan should clearly articulate roles, responsibilities and management arrangements and also include a full risk assessment process. The plan should also endeavour to extract the maximum benefits available from all learnings derived to date from source interaction. | 9            | <b>COMPLETED</b><br>The VPM at section 2.4 Transfer of human sources, details the following: <ul style="list-style-type: none"> <li>Where the transfer of a human source from one handling team to another team outside of the originating workgroup is being contemplated, the HSMU must be consulted. In any such instance an appropriate management plan must be formulated.</li> <li>The management plan must clearly articulate roles, responsibilities and management arrangements. A new risk assessment must be undertaken.</li> <li>A New Interpose registration process must be initiated by the receiving workgroup.</li> </ul> | Nil   |



## REVIEW OF STATUS OF RECOMMENDATIONS MADE BY MR. COMRIE

PROTECTED

| RECOMMENDATION  | IBAC Rec No. | ACTIONS TO DATE  | FUTURE ACTIONS  |
|---|--------------|--|---|
| <p>27. That Victoria Police develops a process to be activated whenever it may be contemplated that a human source may be required to become a witness. This process should include the compilation of a source to witness transition management plan which encompasses:</p> <ol style="list-style-type: none"> <li>Comprehensive legal advice and the involvement of the Victoria Police Director legal services.</li> <li>Full risk assessments and briefing notes (both from source managers and from the particular investigators)</li> <li>WITSEC program suitability and economic impact assessments (if protected witness issues are perceived to exist or be likely)</li> </ol> <p>An appropriate high-level committee should be convened to make accountable decisions in regards to proposed transitions. Representation on this committee should include senior management having responsibility for human source operations, the particular investigation and, where appropriate, WITSEC.</p> | 10           | <p><b>COMPLETED</b></p> <p>The VPM at Section 2.2 Human sources as witness, included the following points</p> <ul style="list-style-type: none"> <li>There will be occasions where human sources are utilised as prosecution witnesses. The decision to register a witness as a human source must be made in consultation with the HSMU at the time of registration. Any dispute over the status of the person being registered will be determined by the CSR.</li> <li>Where an active or deactivated human source becomes a prosecution witness following their registration, the HSMU must be advised before any documents are provided to external entities, such as legal practitioners. This is to ensure the integrity of police methodologies and document security are not diminished.</li> <li>The Human Source Ethics Committee may determine that the use of a human source as a witness is not in the best interests of the human source, the organisation, an investigation, the community or any combination of these.</li> <li>Members must not question an active or deactivated human source as to whether they have been the subject of a compulsory hearing before an agency such as IBAC, ACC or the OCE.</li> <li>If a member becomes aware that an active or deactivated human source is to be or has been the subject of a compulsory hearing, before an authorised examiner at the OCE, ACC or IBAC, they must be mindful that the human source is likely to be subject of a confidentiality notice in respect of that examination.</li> <li>If an active or deactivated human source volunteers to a member that they are or have been the subject of a compulsory hearing the human source must be advised not to discuss the matter as they are likely to be breaching the confidentiality provisions. The member must not record this fact in the human source file or anywhere else, nor must the member pass that information on to anyone else.</li> <li>If a member has recorded a conversation with a human source who volunteers they are or have been the subject of a compulsory hearing that record must remain intact within the Interpose file but no mention of this admission is to be recorded on a source contact report or anywhere else.</li> <li>Members must familiarise themselves with their lawful obligations to the relevant legislation under which a subpoena has been issued, especially disclosure provisions. Where a member feels obliged to contact the HSMU on a duty-of-care issue relevant to a subpoena, the liaison officer at the body issuing the subpoena should be contacted for advice.</li> </ul> <p>The referral of a source to witness case to the ethics committee would result in a hand over plan being developed. However, it might not be that every source that transfers to a witness requires referral to the ethics committee.</p> | <p>VPM Section 2.2 to be updated to include that a management plan to be established when a source is to transfer to a witness. This will need to include who manages the risk to the source/witness if they are still being deployed to gather information/evidence to ensure the best outcome for the source.</p> <p>Where the transfer of a high risk source to a witness may occur the CSR is to be notified and a referral made to the ethics committee.</p> <p>ACC to be updated to ACIC - done</p> <p>3.3.18 Update from HSMU (Nicholls)<br/>Updated in the VPM Review<br/>FF110244 refers – still pending</p> |