

Crime Command Operation Bendigo Completion Report

10-Jan-2015



VICTORIA POLICE

CAVEAT

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1) INTRODUCTION

Former Victoria Police Chief Commissioner Mr Neil Comrie AO, APM was commissioned by Victoria Police to undertake a review of the Source Development Unit's (SDU) management of a high risk human source identified as 21803838 and later 11792958 (herein after referred to as HS 3838). Mr Comrie produced his final report in July 2012 making recommendations resulting in the formation of Operation Loricated which was tasked to reconstruct the full Interpose file for HS 3838.

Operation Loricated commenced 29-Jan-2013 and was led by D/A/S/Sgt Damian JACKSON. In completing their task, Operation Loricated identified crime themes around the information supplied by HS 3838 that may pose a risk to Victoria Police. Following on from Operation Loricated in April 2014, Operation Bendigo Document Management Working Group was tasked to provide a detailed chronology of the management of HS 3838. During this time, legal conflict examples were identified that may pose a risk to Victoria Police and the justice system.

Operation Bendigo Investigation Group commenced 12-May-2014 tasked with reviewing the 5 legal conflict examples identified by the Operation Bendigo Document Management Working Group.

2) PROJECT MANAGEMENT

Initial Planning

At the commencement of the project, a planning process was undertaken to identify strategies and processes to establish the terms of reference and how the objectives were to be met.

Terms of Reference

To investigate five specific examples of potential legal conflict identified by the Operation Bendigo Document Management Working Group (identified in a report dated 29-Apr-2014 tabled at the steering committee). Within these examples:

- Identify documents and speak to investigators to establish what the relevant information gleaned was and how it was used by investigators.
- Identify the relationship that existed between Lawyer X and the person's subject of the relevant information.
- Identify in what capacity the information was provided to Lawyer X by the person subject of the relevant information.
- Identify whom, if any, persons whose legal professional privilege was breached.
- Identify any subsequent prosecutions that involved in some manner information provided in potential breach of legal professional privilege.
- Discussions where necessary with OPP prosecutors or staff.
- Provide an assessment on the impact any information that may have been provided in breach of Legal Professional Privilege had on the subsequent prosecution(s).

Within Scope

To investigate five specific examples of potential legal conflict identified by the Operation Bendigo Document Management Working Group (identified in a report dated 29-Apr-2014 tabled at the steering committee).

Out of Scope

Any investigation or examination of materials outside the five nominated examples.

Discussions with Lawyer X, any associates or other charged individuals.

Any out of scope issues not previously identified will be referred to the Operation Bendigo Steering Committee.

Investigation Plan

Three questions were identified that need to be answered in order to assess the five legal conflict examples:

- 1) Was the information provided to the police from 3838's clients?
- 2) How was the information used, by HSMU, investigators or informant?
- 3) Did the information have an impact on a prosecution/court outcome?

Methodology:

- Information provided – assess it and establish how it relates to each example.
- Identify the relevant pieces of information that have been given.
- Establish whether the subject of the information was a client and was it during the period of time in question.
- Was the information given referred to investigators?
- Who was it given to and how, verbal or written?
- How was the information referral documented by SDU and by the investigator?
- Do we have those source documents?
- Where else could it be recorded?
- Analyse it for a LPP breach.
- How was the information given used by police?
- Was someone charged?
- Was a conviction secured?
- What weight of the information given by the HS can be applied to the successful prosecution

Information Sources:

- Diaries – SDU & Investigators
- Investigators
- Briefs
- Intelligence Reports
- Court records
- LEAP
- Interpose
- Operation Loricated holdings

Oversight

Operation Bendigo Investigation Group reported to Detective Superintendent Mick Frewen and oversighted by the Operation Bendigo Steering Committee.

Administration/Logistics

Operation Bendigo was set up in a secure location at Intel & Covert Support Command, Level 18, 412 St. Kilda Road. Access was only given to Operation Bendigo members.

Two safes containing documents relating to Operation Loricated and HS 3838 civil litigation files were transferred from the Operation Bendigo Document Management Working Group. These safes were escorted from the VPC by Operation Bendigo members on 16-May-2014.

Four network computers were provided by PII [REDACTED] at IT Service Design, Infrastructure Department.

Operation Bendigo was managed under a secure PSC Taskforce folder. All relevant documents were transferred to Interpose under the covert Operation Loricated security group.

Staffing

Operation Bendigo Investigation Group was initially staffed by Detective Inspector Monique Swain (Crime Command) and Intel and Covert Support Commands

PII [REDACTED] - Senior Analyst (VPS 4) and PII [REDACTED] - Compliance Officer (VPS 3).

On 16th June 2014 Detective Senior Constable PII [REDACTED] and Detective Senior Constable PII [REDACTED] Crime Command commenced duty.

Information Security

Strict information management guidelines were set in accordance with The Commissioner for Law Enforcement Data Security (CLEDS) standards.

Members were required to abide by a clean desk policy and were provided with locked cabinets to secure their work. All material of a highly sensitive nature was placed in the safes. An extra safe was provided by Legal Services for this purpose.

In the initial 3 months, weekly meetings were held where information security was an agenda item. All members completed a Conflict of Interest declaration form.

Operation Bendigo was provided with access to the following drive path to assist with the secure collation of information.

esd\$ (\\pwwtp 0005)/Investigation Division/Taskforces/OpBENDIGO.

Costs

Salaries were met by each individuals Command, a budget was not allocated however vehicles and stationary were sourced from Crime Command.

3) OPERATION BENDIGO REVIEW PROCESS

ICSC members reviewed all Operation Loricated holdings and prepared them for further assessment by the investigators. Investigators were assigned legal conflict examples to review, assess and complete a final report.

Op Loricated Web Based Solution which included over 5,000 Information Contact Report (ICR's) was the predominant source of information in the process taking the most resources to review and assess.

Operation Bendigo members had access to Purana Task Force Interpose holdings and "G" drive material. Official diaries of Source Development Unit members were obtained from Det. Supt. Paul Sheridan, as well as, diaries from investigators relevant to the enquiry. Investigators were spoken to in person; however, this was limited only to current serving and ex Crime Command members and not SDU or HSMU members. Contacts with investigators were kept to a minimum with only the necessary information regarding Operation Bendigo being disclosed. Over 100 boxes of Operations Posse and Magnum's archived briefs and investigation notes were retrieved from Victoria Police Archive Storage Centre (VPASC).

Reports on each example were submitted by the investigators and reviewed by Det. Insp Swain. The reports were then reviewed by S/Sgt Jenny Brumby (LLB) Prosecutions Division for further assessment from a prosecutorial point of view.

Issues/Challenges:

The information being reviewed was historical in nature; as a result, some of it was recorded manually and not electronically making it difficult to locate original documents. Numerous briefs of evidence relating to previous prosecutions were unable to be located from VPASC. It is presumed they were either filed with a different reference or filed incorrectly.

Limited historical data was obtained from the courts in relation to legal representation and sentencing. Due to its historical nature it was archived and required a subpoena to be retrieved.

Governance

Weekly updates were provided to the Operation Bendigo Steering Committee via A/C Leane.

Any issues or concerns were raised through Det. Supt Frewen.

4) CLOSURE OF OPERATION BENDIGO – INVESTIGATION GROUP

Personnel Reintegration

PII



IT

A number of computers have been used by the project team. These computers were supplied by Infrastructure and IT Department and ICSC. Members only saved information on Interpose and the secure folder "OpBENDIGO" minimising any security risks.

Information relating to Operation Bendigo was not communicated across the email system. Requests to speak to members were made over the email system however details of the meetings were not divulged in the emails. Members have deleted any of these requests from their email system.

These computers were refreshed 2 weeks prior to the conclusion of Op Bendigo. Prior to returning the computers, temp files and members profiles were deleted. We were advised this was the best option as to sanitise the computers requires the programs to be wiped and re installed at a significant cost.

Information

Two safes to remain at ICSC, the empty one supplied by Legal Services Department has been returned. All other information has been transferred to the Operation Loricated Interpose covert security group.

All diaries utilised have been returned to investigators and in the case of SDU diaries they have been returned to Det. Supt. Sheridan.

All material obtained from the Victoria Police Archive Storage Centre (VPASC) has been returned.

Access

Operation Bendigo member's access to the HSMU office have been removed and HSMU is currently using the office space. PII [REDACTED] will continue on their work in a secure location on the 7th floor as arranged by Supt. Brigham.

Interpose

Operation Bendigo is managed in an investigation shell within a 'Covert' Interpose Security Group INV LORICATED. Investigation MIN ID: INTMIN233086, only members of Operation Bendigo have been given access to the Operation Bendigo investigation.

5) CONCLUSION

Operation Bendigo Investigation Group concluded on Friday, 07-Nov-2014 with all terms of reference and objectives met.

The five examples identified by the Operation Bendigo Document Management Working Group as a risk to Victoria Police have been reviewed and assessed. The findings of Operation Bendigo are with Fin McRae, Director Legal Services Department.

The remainder of the legal conflict ICR's were reviewed and it was concluded that the five identified by the Operation Bendigo Document Management Working Group were the most relevant and the remainder did not pose any risk to Victoria Police or the justice system.

DOCUMENT DETAILS	
Author name(s):	Monique Swain Detective Inspector 26089
Unit:	Operation Bendigo
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