

**HAND DELIVERY**

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30 April 2018

Mr Shane Patton APM  
Deputy Commissioner (Specialist Operations)  
Victoria Police  
637 Flinders Street  
Docklands VIC 3008

Dear Deputy Commissioner

**Kellam report**

As you will be aware, Victoria Police and the Commonwealth and State Directors of Public Prosecutions, to whom the Kellam report was provided, have for some considerable period focussed upon the questions whether public interest immunity could be maintained and whether any conduct with respect to Lawyer X gave rise to any miscarriage of justice.

IBAC has not been privy to that process. We were however advised some time ago by the Chief Commissioner that the recommendations of Mr Kellam concerning the procedures in handling human sources had been implemented.

You will recall that we met on 26 March and I subsequently wrote to you seeking a further update on the response of Victoria Police to the Kellam Report. I draw your attention, in particular, to Mr Kellam's two principal findings, which were:

- (i) "various activities of the SDU...can be said to have been improper, although...any impropriety on behalf of individual police officers is substantially mitigated..." (p80), and;
- (ii) "behaviour constituting negligence of a high order on the part of those responsible for their (the SDU) supervision, guidance, instruction and management..." (p81).

Separately to our discussions, the Commissioner and the Chief Commissioner met on 16 April. Mr Fin McRae, General Counsel, and I were present. Mr McRae advised that Victoria Police had considered the above findings of Mr Kellam and had resolved to take no action with respect to the conduct of individual officers. He stated that the decision not to investigate, in

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respect of the SDU officers, was due to Mr Kellam's finding of substantial mitigation, and in the case of those supervisory officers, because most were no longer employed by Victoria Police. Mr McRae further confirmed this position in discussions I had with him on a later occasion.

IBAC must consider whether any further action by the Chief Commissioner in that regard is warranted. To that end we would be assisted if you could make reference to any other factors that were relevant to the decision not to take any action with respect to any of the members concerned.

Yours sincerely



**Alistair Maclean**  
Chief Executive Officer