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VICTORIA POLICE

Commissioner Robert Redlich  
Independent Broad-based Anti-Corruption Commission  
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**Office of the Deputy Commissioner**

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Dear Commissioner Redlich QC,

**IBAC Report concerning Victoria Police handling of Human Source code name 3838**

I refer to my previous letter dated 26 June 2018 and note that that Victoria Police has not been provided any further information identifying nine individuals previously suggested by your office as requiring consideration for discipline action following the Kellam Report.

In the absence of this information, Victoria Police established a Kellam Report Review Panel (the Panel) led by Assistant Commissioner Professional Standards Command, Russell Barrett. The Panel, comprising a Commander and two Superintendents, reviewed and assessed the actions of former members of the Source Development Unit. Specifically, in accordance with the Panel's Terms of Reference (Appendix A), the Panel was to:

- a. consider the contents of the Kellam Report and its attachments;
- b. report on whether any current serving officers identified within the Kellam Report, who were in, or had direct management of, the Source Development Unit (SDU) from the period of 2005 to 2009, are believed to have committed a breach of discipline (per section 125 of the Victoria Police Act); and;
- c. if a breach of discipline by any such individual is identified, recommend appropriate, if any, intervention.

The Panel released its findings on 24<sup>th</sup> September 2018 following review of the Kellam Report and associated transcripts of interview of fourteen Victoria Police employees. The Panel found that:

- of the 14 employees who were interviewed, three remain current serving members PII [REDACTED] PII [REDACTED]
- within the context of the Terms of Reference, no current serving member had committed a breach of discipline.

In making these findings, the Panel took into account, amongst other things:

- "...that some members of SDU believed that if their superiors were engaged in reviewing and disseminating legally privileged or otherwise confidential information obtained from the Source, that such superior officers must have satisfied themselves, possibly by obtaining legal advice, that they were acting with propriety." (Kellam Report, Part C, Para 12);
- It was reasonable for the SDU members and their direct management to believe there was high level organisational endorsement of engagement with the Source and the general operational level activities that occurred in operationalising that endorsement;

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**PROTECTED****APPENDIX A***Kellam Report Review Panel***Terms of Reference**

In 2014, the Honourable Murray Kellam QC was engaged by IBAC to conduct enquires into Victoria Police's management of a specific human source. His findings were detailed in a document titled "Report concerning Victoria Police handling of Human Source code name 3838" (the Kellam Report).

The Kellam Report includes findings, inter alia:

- i. "...various activities of the SDU in the management of the Source can be said to have been improper, although ...any impropriety on behalf of individual police officers is substantially mitigated by the lack of guidance and supervision that those officers should have had from their superior officers particularly in the prevailing 'unique circumstances'" (p.80)
- ii. "...behaviour constituting negligence of a high order on the part of those responsible for their supervision, guidance, instruction and management..."
- iii. (p.81)

In correspondence dated 14 May 2018, Mr Alistair Maclean CEO, IBAC, stated "We do not regard any further investigations as required. The Kellam Report was clear with respect to the conduct of the members of the SDU, and the conduct of the officers responsible for their supervision, guidance, instruction and management."

Consistent with the position of IBAC, the Bendigo Steering Committee on 27 July 2018, determined that a 'review on the papers' of the Kellam Report should occur with regards to any potential breaches of section 125 of the Victoria Police Act.

The review is to be undertaken by a Review Panel of three senior members; being a Commander, and two Superintendents. One of Review Panel members is to be from the Professional Standards Command.

The scope of the Review Panel is limited to:

- a. consider the contents of the Kellam Report and its attachments;
- b. report on whether any current serving officers identified within the Kellam Report, who were in, or had direct management of, the Source Development Unit (SDU) from the period of 2005 to 2009, are believed to have committed a breach of discipline (per section 125 of the Victoria Police Act); and;
- c. if a breach of discipline by any such individual is identified, recommend appropriate, if any, intervention.

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- This matter arose during a broader period of organisational transition from very rudimentary traditional source management practices to a more sophisticated contemporary approach.
- The nature of the Source's profession, the seriousness of the crimes being investigated and the level of risk involved, added further layers of complexity that members had to grapple with;
- Whilst there may have been incidents of technical non-compliance with policy, there was no material to suggest that any member dishonestly or mischievously disregarded same;
- The failings were due, to a significantly greater extent, to the overall system in which the members worked, more than to the behaviour of any members themselves.

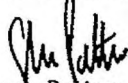
The Panel further noted that:

- those members exposed in some way to these events, have made significant learnings in relation to risk from the context of policy compliance, privilege and human source safety;
- many of the members exposed to the subsequent enquires into these events were significantly emotionally impacted;
- these events occurred some ten years ago, it is not believed to be necessary or appropriate to revisit this issue directly with the members involved.
- there have been no new facts or evidence provided that would cause the now Chief Commissioner to re-visit the decision not to take action, which was endorsed by a previous Chief Commissioner

Given all the above, it is not intended that any further action be taken in relation to these matters.

Should you have any further related queries, please contact me on (03) 26 (1)

Yours sincerely,



Shane Patton  
Deputy Commissioner

27 September 2018

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