

Chief Commissioner Ken Lay
Victoria Police
Victoria Police Centre
Level 10, 637 Flinders Street
Melbourne 3000

Dear Chief Commissioner Lay,

Re: Case Review - Human Source 3838

As requested, I have undertaken a review of the human source 3838 matter consistent with the terms of reference provided which required my consideration of:

1. The adequacy of existing human source policies, procedures, instructions and control measures, including actual management and operational practices utilised, having regard to the particular professional standing of 3838, and
2. The process and associated issues whereby a human source may transition to become a witness including the adequacy of controls and risk recognition arrangements and mitigation for such instances.

In order to conduct this 3838 review Victoria Police provided me with the full-time assistance of Superintendent Steve Gleeson and he conducted a variety of inquiries on my behalf. The review process entailed:

- An electronic review of the full Interpose file for 3838 and that for 2958. For security reasons, in January 2008, 3838's informer registration number was changed to 2958 – (It should be noted that to avoid confusion the reference number 3838 is utilised throughout this review).
- Consideration of the Human Source related policy, instructions and guidelines current when 3838 was registered (September 2005).
- Consideration of the revised Human Source related policy, instructions and guidelines which were issued on 22 February 2010 and remain current.
- Consideration of a draft Victoria Police Human Source Practice Guide which remains under development and is yet to be formally approved or released.
- Consultation with key personnel including the then, and current, SDU management, HSMU management, Witness Security Group (WITSEC) management and with Interpose program managers and practitioners.
- Consideration of legal advice sourced from the Victorian Government Solicitor related to Victoria Police usage of human sources and allied witness protection issues.

- Consideration of an August 2010 Audit of Victoria Police Human Source Management Practices conducted by the Victoria Police Corporate Management Review Division.
- A literary review of subject-specific information and publications; and
- Consultation with subject matter experts from other jurisdictions and organisations, including teleconferencing where necessary.

In order to contemplate the transition from source to witness issue contained in the terms of reference for this review, I called for the Victoria Police files relating to the operation of the Petra Task Force Steering Group. Advice was provided that these files could not be located and accordingly could not be provided.

On June 15 2012, the review was provided with a further two large binders of correspondence that had recently been located in the office of the Assistant Commissioner Crime. These binders were labelled to indicate that they were the highly protected notes associated to the Petra Steering Group belonging to initially Assistant Commissioner, then later Deputy Commissioner, Simon Overland. These binders contained some, but apparently not all, of the progress reports submitted by the Petra Task Force. These binders also contained copies of some brief minutes for some of the scheduled Petra Task Force Steering Group meetings.

The content of these binders has assisted to some extent in considering the source to witness transition process; however the non-availability of key records has prevented full consideration of this particular matter. I am advised that other investigations are underway within Victoria Police to locate the missing material.

In accordance with instructions provided at the outset of this review there has been no consultation with investigators from Task Force Petra.

During the course of the review, documentary evidence was located which gave rise to certain concerns that were beyond the scope of the terms of reference for the review. These particular matters have already been the subject of a separate report back to Victoria Police by Superintendent Gleeson.

To gain a greater insight into the issues associated with the management of human sources, I was able to utilise an existing senior law enforcement contact in the UK to gain access to the leadership of the Serious Organised Crime Agency (SOCA). This proved to be a valuable source of information regarding relevant policies, procedures and practices in the UK. There is extensive reference to this UK material in the attached review report.

I recognise that this was a unique case that presented significant challenges for which there were, in many instances, no easy solutions. Nevertheless, this review indicates that the utilisation and management of 3838 was problematic for a number of reasons including:

- Inadequate policy direction.
- Inadequate risk assessment processes.
- Supervisory practices were not robust.
- Available psychological and legal advice was not appropriately engaged at an early stage.
- Arrangements between the Source Development Unit and the Petra Task Force (for Petra's engagement with 3838) were inadequately planned, structured and managed; and
- Transitional arrangements from human source to witness were not sufficiently managed or structured.

I have concluded that a number of policies and practices should be developed or revised to address the shortcomings identified by this review. These changes are the subject of the 27 recommendations enclosed in this report.

In conclusion, I wish to acknowledge the professionalism and diligence of Superintendent Gleeson in the completion of this report. He is an officer of considerable ability and is clearly an asset to Victoria Police.

I am available to further discuss any issues arising from this review.

Yours sincerely,



M. Neil Comrie AO, APM

2 August 2012