

 Office of Police Integrity Victoria	 VICTORIA POLICE	JOINT AGENCY AGREEMENT
OPI Reference: POL/06/182		OPERATION OBOE (OPI) OPERATION PETRA (VICPOL)

1. BACKGROUND

- 1.1. On 16 May 2004, the Victoria Police Homicide Squad commenced an investigation into the murder of Terence and Christine Hodson at East Kew on 15 or 16 May 2004. To date, no person has been charged with their murders.
- 1.2. Terrence Hodson ("Hodson") was a criminal who, until about 27 September 2003, was also a police informer. Hodson was referred to in internal, "highly protected" police information reports ("IRs") by a registered number. Initially, that number was 4-390.
- 1.3. On 14 May 2004, shortly before Hodson and his wife were murdered, a newspaper published information that has since been traced to one of the IRs containing information Hodson had supplied ("IR44"). By the end of May 2004, it appeared from further media publications that at least part of a copy of IR44 had been seen by, and was, or had been, in the possession of journalists and perhaps criminals and other unauthorized persons.
- 1.4. Early in June 2004, the Police Ombudsman (as he then was) engaged Mr G.E. (Tony) Fitzgerald to investigate the matter. The investigation was delayed for some months until the *Police Regulation Act 1958* was extensively amended on 16 November 2004 and the Police Ombudsman was appointed to the new statutory office of Director, Police Integrity. On 22 November 2004, Mr Fitzgerald was formally appointed to investigate under s102F of the amended Act.
- 1.5. Terence Hodson's police handlers between mid-2002 and September 2003 were Detective Senior Constable David Anthony Miechel and Detective Sergeant Paul Noel Dale, who was in charge of a team at the Major Drug Investigation Division ("MDID") of which Miechel was a member.
- 1.6. According to Miechel and Dale, Hodson was a major criminal with ready access to other major criminals in Victoria and some other States who provided them with extensive, reliable information concerning criminals and their offences and otherwise assisted them in their police activities.

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- 1.7. Miechel prepared IR44, which is dated 31 May 2002, on the basis of information supplied by Hodson.
- 1.8. In the period prior to Saturday, 27 September 2003 (AFL Grand Final day 2003), Hodson had been assisting Dale's team, including Miechel, with an operation relating to suspected drug manufacturing and distribution activities at a house at East Oakleigh. On that day, a raid on the house, where there were thought to be drugs and possibly money from the supply of drugs, was imminent. On the evening of 27 September 2003, there was an attempted break-in at the house. Police attended swiftly and both Miechel, who was off duty, and Hodson were apprehended in the vicinity, arrested and charged.
- 1.9. Miechel, who was injured as he was apprehended, borrowed a mobile telephone from an ambulance officer at the scene of his arrest and telephoned Dale, who went to the MDID office soon afterwards.
- 1.10. Hodson subsequently implicated Dale in the East Oakleigh break-in. Dale was arrested, charged and suspended on 5 December 2003. The case against Dale collapsed when Hodson was murdered, and the charges against him were subsequently discontinued.
- 1.11. Mr Fitzgerald found that Dale was an obvious suspect in the theft IR 44 from the offices of the MDID.
- 1.12. It is possible, but not established, that the murders of Terence Hodson and his wife are connected to the unauthorised disclosure of information in IR44. Put simply, the murder of Terence Hodson may have been seen as an expedient way of 'silencing' him, and reduce the impact of serious allegations he had levelled against former Detective Sergeant Paul Dale, former Detective Senior Constable David Miechel and a host of criminals nominated in IR44.

2.

PETRA TASKFORCE

- 2.1. From 16 May 2004 to March 2007, the Victoria Police Homicide Squad was responsible for investigating the murder of Terence and Christine Hodson.

- 2.2. In March 2007, further information was received by Victoria Police regarding the murders and the possible involvement of former Detective Sergeant Paul Dale. As a result of this information, Operation 'Petra' assumed responsibility for the investigation. The 'Petra' Task Force is being headed by Detective Inspector Gavan Ryan, formerly of the 'Purana' Task Force.

3. OVERSIGHT OF 'PETRA' TASK FORCE

- 3.1. The OPI has oversighted the Victoria Police investigation of the Hodson's murders since 16 May 2004. At some future point, the OPI will conduct a formal review of the Homicide Squad and the 'Petra' Task Force investigations.
- 3.2. A Steering Committee has been formed to monitor the progress of the 'Petra' Task Force. The Assistant Director, Police Integrity, Mr Graham Ashton, attends all Steering Committee meetings in an oversight capacity.

4. 'PETRA' TASK FORCE STEERING COMMITTEE

- 4.1. The 'Petra' Task Force Steering Committee consists of:
- Deputy Commissioner Simon Overland (VicPol)
 - Assistant Commissioner Luke Cornelius (VicPol)
 - Detective Inspector Gavan Ryan (VicPol)
 - Assistant Director, Police Integrity, Graham Ashton (OPI)
- 4.2. The 'Petra' Task Force Steering Committee will be responsible and accountable for the overall conduct of the operation, including:
- Developing a concept of the operation, including operational objectives;
 - Maintaining coordination of the operation and enhancing cooperation and information sharing between participating agencies;
 - Monitoring results of the Operation against the objectives;

- Ensuring the efficient collection and timely dissemination of information and intelligence;
- Responsibility for the engagement of other Agencies to assist with the investigation.

5. SUSPECT

5.1. A suspect in both the OPI and Victoria Police investigations is:

- Former Detective Sergeant Paul Noel Dale
Major Drug Investigation Division
Victoria Police

6. SUBSTANTIVE OFFENCES

6.1. The OPI investigation into the unauthorised disclosure of information in IR44 involves alleged breaches of Common Law and the Police Regulations Act 1958, namely:

- Misconduct in public office
- Unauthorised disclosure of information and documents (Police Regulation Act 1958, Section 127A)

6.2. The Victoria Police investigation into the murder of Terence and Christine Hodson involves breaches of Common Law and the Crimes Act 1958, namely:

- Murder, contrary to the common law
- Conspiracy to murder (Crimes Act 1958, Section 321)

7. COOPERATION BETWEEN THE OPI AND VICTORIA POLICE

- 7.1. As indicated previously, Victoria Police is responsible for investigating the murder of Terence and Christine Hodson. As an independent oversight body, the OPI will maintain detachment from the day to day running of the murder investigation. At the same time, the OPI will continue to actively investigate the unauthorised disclosure of information in IR44.
- 7.2. Recent information received by the 'Petra' Task Force supports the theory that the murders of Terence Hodson and his wife are connected to the unauthorised disclosure of information in IR44. Because of the investigation 'overlap' between the Victoria Police and OPI, there is a heightened need for cooperation between the agencies.

8. JOINT AGENCY AGREEMENT

- 8.1. Both the OPI and Victoria Police have significant intelligence holdings relating to the murders of Terence and Christine Hodson and the unauthorised disclosure of information in IR44.
- 8.2. During the course of the OPI investigation of the unauthorised disclosure of IR44, issues of internal security (Victoria Police) have been identified that may disrupt the activities of the 'Petra' Task Force. For this reason, it is intended that some OPI specialist resources will be made available to the 'Petra' Task Force on an as needs basis.
- 8.3. This Joint Agency Agreement is intended to define the scope and procedures for the exchange of information and resources.

9. AGREEMENT FROM THE OPI

- 9.1. Once the Joint Agency Agreement is executed:
 - OPI case officers will share information with the 'Petra' Task Force where it is considered relevant to the Hodson's murder investigation or the security of the 'Petra' Task Force Investigation. This includes information gained through the use of Telecommunication Intercepts (Telecommunications (Interception and Access) Act 1979 (Cth) Section 67), OPI hearings (Police Regulation Act 1958,

Section 102G), physical surveillance (Police Regulation Act 1958, Section 102G) or electronic surveillance (Surveillance Devices Act 1999, Section 11(2) and 30F).

- The Assistant Director, OPI will advise the Steering Committee when /if the OPI intends to hold hearings relevant to the unauthorised disclosure of information in IR44 (Police Regulation Act, Section 102G).
- The Assistant Director, OPI may authorise the provision of technical support to the 'Petra' Task Force including financial analysis, computer analysis, physical surveillance and technical surveillance.
- The Director, Police Integrity, may authorise OPI hearings to further the 'Petra' Task Force investigation.

10. AGREEMENT FROM VICTORIA POLICE

10.1. Once the Joint Agency Agreement is executed:

- The 'Petra' Task Force will share information with the OPI which is considered relevant to the unauthorised disclosure of information in IR44, murder or the security of the OPI Investigation. This includes information gained by Victoria Police through the use of Telecommunications Intercepts (Telecommunication (Interception and Access) Act 1979 (Cth)), physical surveillance or electronic surveillance (Surveillance Devices Act, Section 11(2) and 30F).
- The 'Petra' Task Force will regularly brief the OPI about the progress of their investigation into the Hodson's murders through the 'Petra' Task Force Steering Committee.

11. COSTS

- 11.1. As a general rule, each agency will be responsible for meeting their own costs.
- 11.2. If the Assistant Director, OPI authorises technical support to the 'Petra' Task Force including financial analysis, computer analysis, physical surveillance and technical surveillance, the costs of providing the support will be met by the OPI.
- 11.3. If the Director, Police Integrity authorises OPI hearings to further the 'Petra' Task Force investigation, costs associated with the hearings will be met by the OPI.

- 11.4. Where the exchange of information or resources (in accordance with this agreement) is likely to involve substantial costs, the matter should be referred to the 'Petra' Task Force Steering Committee for resolution before the expenditure is incurred.

12. SECURITY

- 12.1. Each agency will employ high level security measures to ensure:

- The physical safety of all officers involved in the operation;
- The physical safety of human sources and confidential sources. To this end, the identity of any registered informers or confidential sources is not to be disclosed to persons not directly involved in the investigation without the approval of the 'Petra' Task Force Steering Committee.

13. MEDIA

- 13.1.1. No media release will take place until both agencies have been briefed and can activate agreed media policies.
- 13.2. Any media release will acknowledge each agency's role in the operation.

Signed:

Simon Overland
Deputy Commissioner
Victoria Police

Date: 25th of June 2007

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Graham Ashton
Assistant Director, Police Integrity
Office of Police Integrity

Date: 25th of June 2007

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