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**Royal Commission  
into the Management  
of Police Informers**

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**Public Submission**

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# THE ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMERS: PUBLIC SUBMISSION

## Introduction

This submission follows formal communications and requests for assistance by the author to a number of law enforcement and government agencies from 2006 to 2014. In addition to a 2008 complaint to a legal body expressing concern about the abuses of power in operation during various civil legal proceedings.

After expressing concerns to a legal body, the former Office of Police Integrity (OPI), the Australian Federal Police (AFP), the Independent Broadband Anti Corruption Commission (IBAC), a former police minister and a senior member of Parliament, the author was contacted by an anti corruption minister and advised to make a formal complaint to IBAC.

This legal process with OPI began in 2012 and concluded prematurely in 2014. With the author requesting a senior legal officer to consider to execute a ultra vires and to order a Royal Commission into the police use of criminal informers and affiliated police corruption.

The observations contained within this report stem from the authors former work as a freelance journalist and as a human rights observer. Hence the reason why the author has made this submission as she has over fifteen years of observations into the alleged serious abuses of power operating within Victoria Police, OPI and other agencies.

It is important to note that this report is written to assist to protect the human rights and civil liberties of ALL Victorian citizens. It is NOT written to assist criminals to escape criminal sentences for their indictable offending.



## **Background to Submission**

The insights gained over the past decades have led the author to observe monumental abuses of power and grave human rights failings, operating within various law enforcement and government agencies. In addition to serious indictable offences by many colourful members of society going unpenalised.

In some cases career criminals were routinely rewarded with generous tax payer funded allowances, government contracts, lucrative property planning decisions and the revocation of indictable and summary criminal offences. In exchange for making knowingly false and misleading statements to police, as criminal informers. These false statements were often allegedly utilised to protect more senior criminals.

Moreover, it appears that false statements in question were also used to grant spurious Telephone Intercept powers. It is a matter of public record that information garnered from the telephone intercepts is alleged to have been routinely leaked to the media, criminal barristers, police informers and organised crime figures. The unlawful replay of telephone intercept material was also allegedly utilised to inflame tensions between police informers, their targets and innocent civilians. The resulting outcome has been police informers engaging in violent retribution to innocent civilian targets.

The utilisation of Victoria Police's questionable "B-Party" intercepts captured the discussions and email content of a large number of innocent civilians, who have no knowledge or, or involvement in criminal activity. This material is alleged to have been routinely taken out of context and misused to bring down senior police rivals. This material was additionally misrepresented to entrap key figures within criminal entities. The resulting outcome was a number of untimely deaths of innocent civilians, who were captured in "B party" intercept surveillance nets.

Many innocent civilians who have been adversely impacted by the abuses of power in question during these proceedings, have requested the author to act as their voice. To remedy the injustices, human rights abuses and breaches of the rule of law made by many police informers and senior police.

For the purpose of this discussion all police informers operating with the Victorian jurisdiction will include all informers contracted directly to Victoria Police, and/or informers contracted to the AFP. In addition to informers connected to other national and international law enforcements agencies seconded to Victoria police and their associates.

This report does not query regular police operations. It is noted that most police do a fine job performing their public servant duties. The focus of this report is on the questionable policing methods and abuses of power deployed against civilians, that has created an escalating cycle of violence and retribution.

It is relevant to state that Melbourne is the most unsafe city that the author has ever lived or worked in. The gross acts of negligence by Victoria Police and the former Office of Police Integrity (OPI), related to police informants and the leaking of telecommunication intercepts, have not made Victoria any safer. Quiet the opposite is true.

Further, the alleged criminal activity of a handful of senior police, OPI and VGSO officers, curtails civilians from approaching police and assisting them with knowledge of serious crimes.

It is important to note that the author has utilised almost every single legal mechanism available, to attempt to amicably resolve outstanding abuses behind close doors. All attempts at resolution over the past twelve or so years, have consistently been frustrated by various government personnel.

To answer a question often requested, the author is enmeshed in this Royal Commission as in the words of one of Victoria Police most doleful informers, the author "was a good source of information".

The intent of this report is to remedy failings residing within Victoria Police and associated agencies human source programs. And to highlight issues related to systemic corruption and grave human rights abuses operating within these agencies.

### **Relevant Victoria police operations related to this Royal Commission**

The following Victoria police operations are relevant to these proceedings;

- Operation Dianna
- Operation Neon
- Operation Petra
- Operation Briars
- Operation Keel
- Operation Spectrum

## **Alleged police informant targets**

The following organisations where Victoria police informants were allegedly embedded within;

- o Universities, TAFE's (student and staff bodies)
- o Legal firms
- o Community Legal Centres
- o Sporting clubs / Fitness centres / Surf life saving clubs
- o Meditation and spiritual groups
- o Not For Profit boards
- o Medical centres / Hospitals / Health practitioner organisations
- o Environmental activists groups
- o Animal rights organisations
- o Bikie gangs / Organised crime groups

N.B. A number of the people that reside and work within these organisations have obligations of confidence towards their clients.



## **Royal Commission Terms of Reference**

This report seeks to respond to the following terms of reference;

- o 2. The conduct of current and former police in their management of human sources
- o 4a. The appropriateness of Victoria polices practices around disclosure of human sources to prosecuting authorities.
- o 5b. Systemic failures within the justice system related to the utilisation of human sources
- o 6. Additional matters that are necessary to resolve the Victoria Police police informer issues.

## **The conduct of current and former police in their management of human sources**

1. As more than ninety percent of members of Victoria police steering committee related to these proceedings were legally trained, Victoria police, OPI and IBAC should have known that gossip, innuendo, hearsay and malicious defamation, could not be utilised as reliable “intelligence”, for their briefs of evidence, or when seeking Telephone Intercept (TI) warrants.
2. It is extraordinary that this tainted informer material was allegedly utilised in a number of criminal and civil legal matters. This abuse of process taints the curial process and perverts the course of justice.
3. The amendment and destruction of evidence, inclusive of unlawful telephone intercept transcripts, granted with the assistance of criminal informers and the destruction of related briefs of evidence is disquieting.



4. Furthermore, the practices of police allegedly utilising edited versions of telephone intercept recordings, to inflame mentally impaired criminal informers into allegedly making false statements against certain individuals, is unethical, unlawful and a tortuous abuse of police powers.
5. The collation of material garnered from unlawful telephone intercepts, which was often leaked to the media to control the public narrative of crime stories, destroys the social cohesion of society and creates discord and distrust among various community groups.

### **The appropriateness of Victoria polices practices around disclosure of human sources to prosecuting authorities.**

6. Why was the justice system never informed that police had engaged the services of criminal and police informants, most of whom have mental impairments, long term substance abuse disorders and acquired brain injuries? These competency issues affect the credibility and reliability of evidence tendered to the Court, to grant warrants for Telephone Intercepts (TI) and intrusive surveillance mechanisms.
7. It is disquieting that Victoria Police relied upon the services and “intelligence” of Ms Nicola Gobbo for around a decade or more, [REDACTED] [REDACTED] should have signalled to Victoria Police Force Command that they had a duty of care to protect her from making inept “mistakes” and hurting third parties. It is disconcerting that all the warnings coming from within the police force were ignored.
8. The justice system must be fully informed that criminal informants who have proffered false statements to the Court, were in fact in receipt of financial and in kind inducements, to perjure themselves. The implications for these false statements are obvious.

9. The Court needs to be informed that criminal informers were allegedly given revocation of their criminal infractions. The Court should be made aware of **human sources criminal histories**. This is especially the case where informants have made false statements to the Court, to grant spurious warrants for Telecommunications Intercepts (TI).
10. It is disquieting that Victoria Police, OPI, IBAC and Victorian Government solicitors Office (VGSO) all allegedly breached the Model Litigant guidelines, in not allowing targets of police informers the opportunity to test and/or defend misinformation held about their persons. **The failure to allow targets named in spurious telephone intercepts the opportunity to defend or amend misinformation is a miscarriage of justice.**
11. Victoria police and OPI/ IBAC should have known that the utilisation of knowingly false information contained within criminal informers statements, that has never been open to be tested, amended or defended in Court, is not credible evidence. This practice of hiding “secret” evidence is a denial of due process and procedural fairness.

### **Systemic failures within the justice system related to the utilisation of human sources**

12. Victoria police force command's wilful misuse of unlawfully acquired Telecommunications Intercept transcripts and the reckless leaking of such content to third parties.
13. Misleading and deceptive conduct, by senior police related to misinformation contained in criminal informers statements tendered to Courts, to grant spurious telephone intercepts.

14. The perversion of the course of justice, with innocent civilians being denied justice in a number of criminal and civil legal matters.
15. Privacy breaches and leaks of unlawfully acquired telecommunications intercept content to the media, to create a false narrative of key events and subsequently misled Parliament, the Courts and the public.
16. Misuse of The Secrets Act, by Chief of police, Graham Ashton and others to hide abuses of process related to criminal informers.
17. Breaches of the Evidence and Crimes Act, related to amendment and destruction of information, in a number of criminal and civil legal matters.
18. The alleged interference with witnesses in legal matters related to criminal informers.
19. Victoria police and the former OPI have history of misconstruing information contained within TI transcripts. It has been noted that the TI material was often taken out of context and utilised to build legal cases and character assassination devices against third parties.
20. This unlawful TI material was also misconstrued and allegedly utilised to bring down internal police enemies of Simon Overland. In the process creating a crisis of confidence in Victoria police force command. Consequently contributing to a mental health and bullying crisis within the police force.

21. The utilisation of police informers and the revocation of an informers criminal history, has been observed to encourage criminals to continually commit criminal offence, after criminal offence. There appears to be a shared understanding amongst criminal informers, that they can commit serious indictable offenses and that the police and government will continually protect them from criminal prosecution. This ill considered strategy perpetuates the cycles of violence.
22. Additionally, this corruption erodes the faith the Victorian community place in the police force and the Justice system to protect them from harm and to hold criminal offenders to account for their crimes.
23. It is curious practice that police turned a blind eye to criminals who have engaged in serious indictable offenses and who have also made generous political donations to state and federal political parties.
24. It is pertinent to query why did so many criminal informers aligned with criminal entities, receive such generous tax payer funded financial and in kind benefits, to mislead and deceive the Justice system?
25. There were alleged to be hundred of public servants in various government departments, that assisted many criminal informers to receive significant financial, in kind and other bonuses. This evidence was strategically hidden from the Auditor General.

## **Additional matters that are necessary to resolve the Victoria Police informer issues**

26. Some criminal informers claim they were richly rewarded for their crimes in knowingly misleading and deceiving The Courts, Parliament and the public. It is interesting to understand whether Victoria Police briefed these organisations as to the true criminal background of these informers?
27. It appears evident that senior police failed in managing the risks of harm associated with negligently misrepresenting police informers in controlled police stings and police "fishing" operations.
28. It also appears evident that senior police failed in their duty of care to take reasonable care when utilising police informers who posed a risk to members of the public.
29. Victoria police were aware that the actions of many of their mentally incompetent criminal informers injured members of the public. Why did the government oversight mechanisms consistently fail to prevent these mistakes from occurring year after year?
30. The surreptitious surveillance and "B Party" telephone surveillance of innocent civilians, that have no knowledge of, or involvement in crime is a curious practice and waste of taxpayer resources.
31. Senior police have admitted to leaking police intelligence, informants statements and the like to the media for personal financial gain. How can members of the Victorian community, or even the Justice system place any faith in the police force, if the personal considerations of police are placed above ethical considerations and the rule of law?

32. Chief Commissioner Ashton recently told the media that police protect the lives of people who give them intelligence about criminal matters. This is a patently false assertion. Police often leak misinformation from criminal informers, victims, briefs of evidence and general intelligence to the media. How can members of the Victorian community have faith in Mr Ashton, or indeed any of his supporters, when he misinforms the public?
33. Police are measured by the standard they walk past. Unless current and former officers speak out about abuses of power, the corruption within the police force will continue.
34. It is wrong to suggest that Victoria police and Ms Gobbo were perverting the course of justice in only criminal trials. The provision of misinformation from police and criminal informers also contributed to a denial of justice in a number of civil legal cases, over the past fifteen years or more. The interference in these civil trials by criminal and police informers, had the effect to protect certain criminals, while playing various parties off against each other. Ms Gobbo was allegedly front and centre of many of these unlawful strategies.
35. Leaks by the police of some profile public interest stories, designed to change the narrative and the facts to mislead Parliament, the Courts and the public, have contributed towards a loss of public faith in systems of governance. This tortuous police conduct decimates the trust that the public place in both the police force and the justice system. Such breaches of trust shreds the social cohesion and democratic tapestry that weaves all members of society together as a whole.
36. It is a matter of public record that Victoria police executed 22 or more Memorandums of Understanding (MOU's), with various commercial entities and governments departments. Why were so many criminal informants testimony allegedly utilised for and on behalf of these external enterprises? And to what extent was tax payer funded police resources utilised in private police security operations?

37. Senior police have privately revealed that two individuals were the prime beneficiaries of almost all the financial rewards delivered for people providing intelligence to the Victorian Crime Stoppers hotline. Despite neither party being the original person involved in providing such intelligence to the Crime Stoppers hotline. It is pertinent to query if Ms Nicola Gobbo, [REDACTED] and/or any other criminal informers involved with police, received financial benefits from Crime Stopper tips offs from the public? If so, who authorised the wrong parties to receive this reward money and for what purposes?
38. Half truths and the non provision of key evidence provided to Justice Kellam during his judicial inquiry into police informers and police misconduct, is the same as a full mistruth. Essentially the practice of proffering half truths and withholding and destroying evidence, is a perversion of the course of justice. This practice of corruption erodes the public's confidence in Victoria police, IBAC and democratic systems of governance.
39. Furthermore, the leaking of the Kellam Report to a journalist further erodes public confidence in Victoria Police, IBAC and the Department of Justice.
40. The failures of the justice system to hold criminal offenders, criminal informers, corrupt police and OPI operatives to account and instead relying on "trial by media" tactics deployed over the past fifteen years, exhibits a failure of Victorian democratic institutions.
41. The "underbelly" effect of leaking suppressed police reports to the media and the dramatisation of criminal informers and organised crime figures, in public broadcasts only serves to compound the trauma of victims of crime, who are repeatedly denied justice.
42. The questionable actions of criminal informers and underworld figures are not entertainment. The mainstream media fails to understand that by giving a platform to damaged criminals in society, only serves to glorify their appalling behaviours. And further presents such debauched individuals as a 'model exemplar', for other directionless individuals in society.

43. The author supports free speech and the exposure of abuses of police corruption, to ensure democracy operates equally. However, media reporting becomes dangerous when innocent civilians are harassed and at times killed, when journalists break laws to unlawfully gain information for public interest stories. Such unethical practices of law enforcement agencies leaking to the press are unwelcome and unwarranted.
44. It is a known fact that perpetrators of traumatic crimes, such as those enacted by police informers and corrupt police carry the psychological burden of their indelible crimes within their DNA for three generations or more.
45. The lack of justice, apologies and restitution delivered to survivors of rogue police informers and police misconduct is astounding. The epigenetic imprinting of trans-generational trauma from unresolved grief related to police corruption and informers abuses of power, leaves long lasting damage to both victims and perpetrators alike. Studies of surviving families of traumatic historical events suggest that intergenerational trauma is carried within the DNA of survivors of trauma, for around three generations, or 120 years.
46. Therefore a strong public interest exists to bring justice, closure and prompt and full restitution to victims and survivors of police informer abuses and tortuous police misconduct.





# RECOMMENDATIONS

## Recommendations for Royal Commission, related to utilisation of police informers;

- To promptly create and introduce a legislated Bill of (Human) Rights for all Victorian citizens, visitors, refugees and residents.
- To create legislation to enshrine the right of privacy for both individuals and corporations operating and living within Victoria.
- To promptly and justly provide financial compensation for all civil and criminal cases that were tainted by all police informers.
- To improve the Inspector General and human rights body oversight mechanisms, to prevent such gross acts of police and intelligence negligence from occurring again.
- To mandate that all police, intelligence officers, civilians staff and police informers receive mandatory human rights training on an annual basis.
- To initiate global best practice measures as identified in the Police Accountability Report (2015), to mitigate instances of police informer and police misconduct abuses.
- To issue timely, formal public apologies and appropriate legal restitution to people subjected to police informer abuses. As detailed under the United Nations Guiding Principles on Business and Human Rights, 2011, (UNGP's). By promptly implementing the three pillars of the United Nations, Human Rights Council; 'Protect, Respect and Remedy' framework for responsible human rights practices.
- To strengthen the whistle-blower protections offered to serving and former police, intelligence agents and anti corruption officials, who seek to expose systemic corruption residing within both the state and federal police, anti corruption and intelligence agencies.