



Past Patterns – Future Directions

Victoria Police and the problem of
corruption and serious misconduct



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Letter of transmittal

To

The Honourable the President of the Legislative Council

and

The Honourable the Speaker of the Legislative Assembly

This Report is presented to Parliament pursuant to s.102J(2) of the *Police Regulation Act* 1958.

It demonstrates that the history of the Victoria Police over its 150 or so years, unhappily, is interwoven with recurring strands of misconduct and corruption.

On becoming Director, Police Integrity in November 2004, I was charged with the responsibility of, amongst other things, detecting and preventing serious misconduct and corruption in Victoria Police. I commissioned a review of policing in Victoria to identify past instances of serious misconduct and corruption in order to discern what lessons, if any, would emerge to inform the future work of the Office of Police Integrity (OPI). The result has been revealing.

Corruption and serious misconduct in Victoria Police has a long pedigree and the circumstances which have triggered it have been remarkably persistent. The patterns of misconduct and corruption depicted in the Report are confirmed by our current investigations and will remain a source for the focus of our work.

There has been no shortage of efforts in response to the problems, as demonstrated by the many (19) reviews, royal commissions and inquiries set up by successive governments over the 150 years of the Victoria Police's existence. Most such bodies made recommendations for government action, few were implemented and fewer reforms were sustained. Many of these bodies were established hastily in response to a particular revelation or political imperative and given limited tenure and restricted terms of reference. Their recommendations were often compromised out of political expediency and lack of commitment to reform.

Attempts to address misconduct or corruption on an ad hoc basis made little or no contribution to building a corruption resistant culture within Victoria Police.

Inquiries into police corruption in other local and international jurisdictions demonstrate that in addition to a strong, well-supported management, a further element is required to maintain a modern ethical Force resilient to corruption and misconduct. It is a permanent body, independent of the Force and at arms length from government with inquiry powers and resources to apply continuing pressure to maintain and improve standards of police conduct and performance. Victoria is now equipped with such a body.

Police are responsible for preventing and detecting crime; preserving peace and safety; and enforcing and upholding the law in a manner which has regard to the public good and rights of the individual.¹ In carrying out their duties, police have been provided with significant powers. They are authorised to carry and use weapons; they can lawfully detain and imprison a person; and they can seize and retain property.

When police abuse their authority or break the law they breach the trust of our society.

The experience of OPI to date is that the vast majority of police men and women do a good and conscientious job. But our experience also confirms the extent of the damage done to those police, the Force and the community as a whole, when one or more police are found to be corrupt. This Report will assist the work of OPI and the Force in ensuring the highest possible ethical and professional policing standards in accordance with the Victorian community's expectations.

A handwritten signature in dark ink, appearing to read 'J. Brannigan', with a stylized, cursive script.

DIRECTOR, POLICE INTEGRITY

¹ *A Guide to the Role of Police in Australia* Australasian Police Multicultural Advisory Bureau Cth

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Note on language

Use of names

Material obtained from the documents inspected by the Review Team that could identify individuals has not been included, except where the involvement of the person is a matter of public record.

Definition

The term 'corruption' is used throughout this report. For convenience the following definition, borrowed from the New South Wales *Independent Commission Against Corruption Act* 1988 is as follows:

Corrupt conduct is:

- a. any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or*
- b. any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or*
- c. any conduct of a public official or former public official that constitutes or involves a breach of public trust, or*
- d. any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.*

Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters:

- a. official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition)*
- b. bribery*
- c. blackmail*
- d. obtaining or offering secret commissions*
- e. fraud*
- f. theft*
- g. perverting the course of justice*
- h. embezzlement*
- i. election bribery*
- j. election funding offences*
- k. election fraud*
- l. treating*
- m. tax evasion*
- n. revenue evasion*
- o. currency violations*
- p. illegal drug dealings*
- q. illegal gambling*
- r. obtaining financial benefit by vice engaged in by others*
- s. bankruptcy and company violations*
- t. harbouring criminals*
- u. forgery*
- v. treason or other offences against the Sovereign*
- w. homicide or violence*
- x. matters of the same or a similar nature to any listed above*
- y. any conspiracy or attempt in relation to any of the above.*

Overview

This Report provides important lessons for an understanding of current police corruption. It reveals a number of general themes associated with episodes of corruption and serious misconduct by serving police and with the success or otherwise of efforts to address these problems. Taking the long view of what has occurred suggests that the causes extend beyond individual deviance. It invites examination of the social and legislative context in which policing has operated and of the Force itself.

Persistent features that emerge include:

- the inherent nature of the job of a police officer, especially those involved in areas at 'high risk' – those dealing with drugs; establishing relationships with criminals or people who associate with them; and those using informers;
- how loyalty and solidarity among police has worked to good and bad effect;
- the impact of police unionisation through the Police Association;
- the strength and integrity of police leadership;
- the internal and external response to those who engage in improper and corrupt conduct; and
- the relationship between police and the government of the day.

Only unceasing watchfulness can counter and minimise corruption and serious misconduct by members of a police force. Corruption can never be wholly or permanently eradicated, but the aim should be to watch constantly for its appearance, build resilience and move swiftly towards neutralising its impact.

The very nature of the job exposes a police officer to the temptations of corruption. Some, have been prepared to cross the line of legality to gratify some private desire, greed or vice. The enormous patronage of SP bookmakers and the readiness with which liquor

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regulations have been flouted are two examples in Victoria's history where police have been expected to enforce laws which many citizens have regarded as petty infringements of their liberties.

There has also always been a close connection between illegal prostitution and police corruption. This kind of pattern arises because although governments can readily make something unlawful, they can't make it unpopular.

Any consideration of police corruption must take into account the role of detectives. The eminent English authority, Sir Robert Mark, points out that the work of detectives offers great exposure to the temptations of corruption. Of necessity, many of their duties are performed in secrecy, either alone or in small groups. The daily milieu of their work, dealing with informers, criminals and other equivocal characters must tend to jade the strongest character.

Yet detectives are often in the front line of the community's defence against lawlessness. The majority of them, by the exercise of great personal energy, initiative and courage are dealing with criminality which baffles and frightens ordinary members of the community. The reassurance offered by detective successes enhances the general standing of the Force.

Informers have long been an integral part of police technique. While the use of informers is often an effective and sometimes an indispensable tool of investigation, the practice is fraught with potential for corruption. In the nature of things, most informers are criminals. They are often rewarded for their information by police 'going easy' on their own crimes. The relationships between detectives and informers can readily descend into wholly corrupt partnerships in which the proceeds of crime are shared on a regular basis.

Despite strong resistance, mainly by detectives, new measures for the registration and control of informers were introduced in 1992. For them to be effective, stringent and continuing supervision must be applied by management. This area of concern has already received attention by the Office of Police Integrity and will continue to be monitored.

The pursuit of sexual favours, from either prostitutes or female members of the public at large, is another recurrent theme. This Report describes a particularly serious history at a rural location in Victoria which persisted far too long through management ignorance and neglect. Such abuse of authority, though clearly wrong, may at first seem unrelated to our

a particularly serious history ... which persisted far too long through management ignorance and neglect

strict understanding of 'corruption'. However, sexual misconduct damages the integrity and reputation of the Force as a whole. Wherever it

is condoned or ignored, it opens the way for blackmail and bribery. The recurrence of complaints of this nature demands continuing attention by Force management.

Any sworn Force has its own ethos. A good 'esprit de corps' is reflected in officers cooperating and supporting each other loyally, and working conscientiously. If there is poor management, if there are serious grievances, or if there is corruption – police solidarity can become blind loyalty to fellow members. An 'us against them' culture can emerge.

Victoria Police has made considerable efforts to protect whistleblowers and investigate their allegations. Nevertheless, in an organisation where the 'brotherhood syndrome' has been so strongly entrenched, harsh consequences can still follow for a member who, by complaining, has broken group solidarity. Retribution may take the form of ostracism, abuse, assaults (from minor to very serious), death threats and criminal damage to property. Such a situation is disturbing in a police force whose function is to protect the community and to uphold the law.

There have been periods in Victoria's history when police were paid appallingly low salaries and when conditions of service were harsh and unfair. Police were held in lower esteem than other parts of the public services. Their rights in disciplinary proceedings and for promotion were very limited.

Such conditions gave members every reason to seek improvement through cooperation and common action. Members were obliged to support each other to obtain bare justice. This history has left an imprint. Police solidarity in Victoria has supported and should support the best work of the Force but misguided solidarity has been a significant factor in the continuance of corruption.

misplaced loyalty has at times allowed sections of the Force to decline into predators rather than servers of their community

Misplaced loyalty has at times allowed sections of the Force to decline into predators rather than servers of their community. The Longmore Royal Commission in 1881 called the Detective Branch a 'standing menace to the community'. In 1962, the Breaking Squad was exposed as a centre of systematic and serious crime and corruption, widely known in the Force, but long concealed through 'loyalty'. The Abortion Inquiry (1969) produced equally disturbing revelations. After completing his inquiry in 1976, Mr Barry Beach QC referred to certain police as a 'brotherhood' which would readily commit perjury to conceal the crimes of fellow officers.

Not until 1917 did the existence of a Police Association receive official recognition. Its behaviour was by no means militant, and it had no real role during the police strike of November 1923. The strike saw widespread public violence and looting, there were two killings and six hundred police lost their jobs. The strike should have been foreseen and averted by wiser measures on the part of Force Command and the state government. Although it happened eighty years ago, the trauma lingers in Force folk-memory.

The Police Pension Act 1923 (following immediately on the strike) imposed wide restrictions on the Association's permitted scope of activities. It was not until the 1940s, that the Police Association consolidated its standing among Force members.

Relations between the Force leadership and its members has varied. The style of early Chief Commissioners closely resembled that of rigid hierarchical command, blind to any consideration that a constable also had civil rights. The private characters of some Commissioners did not always invite loyalty or admiration. Into the latter half of last century, there were periods of cooperation and there were times when the Association expressed 'no confidence' in the Chief Commissioner. The story of how the Chief Commissioner's power to dismiss an unsatisfactory member has been removed and restored is also illustrative. It remains a highly contentious issue for some police.

The Association has long projected its power into the political arena. In 1976, Mr Barry Beach QC made a scathing report after investigating alleged extensive corrupt and criminal acts. Proceedings were recommended against fifty-five members of the Force. The Police Association reacted vehemently, organising mass meetings and hinting at a strike, even before most police knew of the nature of Beach's report and its recommendations.

Premier Hamer accepted a number of demands made by the Association. The Police Association emerged openly on the political scene as a player of considerable muscle.

One might suppose that corrupt police would be found chiefly among the under-performers, the lazy and less intelligent members, of which all organisations have their share. But, at least from the 1920s up to the present, it is clear that some of the Force's outstandingly successful police have also been corrupt. Individual service records started with commendations for hard work, originality, courage, leadership and the successful

noble cause, a mask behind which corruption can flourish

completion of difficult cases are no guarantee that the officer is not also engaged in corruption. Indeed, they may use their record and reputation

quite deliberately as a cover for their corrupt and criminal activities. The high performing officer, with lots of arrests, can develop 'hero' status. When that officer is shown to be corrupt it gives rise to the notion of 'Noble Cause', a mask behind which corruption can flourish. There are too many examples of this 'split' attitude for it to be treated as an occasional accident or aberration. In monitoring corruption, it is vital that Force management include high-flyers just as strictly as its other staff, or its under-achievers.

Beginning with Victoria's earliest newspapers, relations with the media have been important to the police, even more so in the present age of radio and television. The interests of the Force and the interests of the media are related, but they are not the same. On some occasions, the police may believe that the better course is to preserve confidentiality, but the public's right to know, and the desire to maximise its own audience influence the media's view of the same matter. This tension is a healthy feature of an open, democratic society. At times, however, a self-serving and symbiotic relationship developed between sections of the police force and some journalists whereby each manipulated the other for their own ends, compromising the integrity of both.

Notwithstanding this, the broader public interest has undoubtedly been served by media coverage. Not only does reporting inform the community about changes to laws or policies, it also exposes wrongdoing by citizens and police. To take an example from history, the serious wrongdoings that occurred under Chief Commissioner Thomas Blamey (1925–1936), may well have escaped full examination without the persistent – indeed sometimes sensational – coverage they received in the Melbourne press.

The political and legal environment in which it operates influences not simply the efficiency, but also the ethical 'tone' of any police force. When political influence (rather than

unenforceable laws that linger on the statute book, create conditions for police corruption

ability and character) ruled the appointments of chief commissioners, when governments responded to the demands of special interests such as

gambling and liquor, the police were affected. As noted elsewhere, unenforceable laws that linger on the statute book, create conditions for police corruption.

What emerges from this Report is the always-crucial influence of the capacity and integrity of the Chief Commissioner and senior police on the performance of the Force. Again and again, the need for high-quality, active management down the line is essential. Police

have special powers and responsibilities which, in a modern democracy, require a high level of accountability and supervision to minimise the risks of misconduct inherent in their role.

Certain police procedures have created opportunities for bending or breaking the rules. It is not reasonable to expect a police force to operate smoothly when, for example, the rules for arrest and custody of suspects, or taking statements, fingerprints or DNA samples are left to the discretion of the investigators. Allegations of impropriety in the areas of property and exhibit management have been persistent and remain today. Solutions to policing problems

**lessons learned in the past
need to be remembered**

have been proposed over time and are often painstakingly developed. Despite the care and attention which have attended such developments, there are practices and procedures which fall into disuse and become forgotten. Lessons learned in the past need to be remembered. Purposeful reform of regulation and practice in areas such as interview techniques and informer management can produce improvement. However, caution needs to be exercised to ensure reforms are workable and to prevent overcomplicated or onerous practices which would encourage police to 'cut corners' or drive practices underground.

A major stride forward for greater police accountability in Australia was the establishment of independent anti-corruption bodies to deal with these matters in a systemic and ongoing way. Interstate, these bodies grew out of the recommendations of a number of Royal Commissions which all concluded that trying to deal with corruption without such bodies would be illusory. Victoria established such a body, the Office of Police Integrity (OPI), in 2004. Since its inception, many of the areas OPI has focused on are strikingly similar to

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areas identified in this report. While the kind of corruption and serious misconduct on the part of some police has been remarkably persistent over time, the way of dealing with the problem will now be very different. Victoria now has, in effect, a standing commission with wide investigative powers and a mandate to lift the ethical and professional standards of the Force. This contrasts with earlier days of ad hoc investigations, from which the lessons and the remedies soon sank out of sight.

The advent of the OPI as a new and powerful independent organ of police accountability should not imply any complacency on the part of the Force's own internal mechanisms for

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monitoring corruption and enforcing ethical standards. History has demonstrated that corrupt police and those with self-interest in resisting change are adept at using 'the system' to their advantage. They are able to build alliances within and outside the Force to exert political and other pressure to circumvent accountability and evade justice. The government, the media and the community all have a stake in ensuring a professional and corruption-resistant Police Force.

The Colonial Period

Early History of Policing and Corruption

The original policing of Australia derived from eighteenth century England as inevitably as the First Fleet itself. The new settlers of 1788 had left behind a country where there were harsh laws, an entrenched class system, much poverty and crime, much public disorder and violence. Criminal punishments were draconian – horrifying, by modern standards. Many in both the Magistracy and police were notoriously dishonest and ineffective.

A significant factor in policing of that time was the relationship between police and criminals. It was a widely accepted belief among police that crime could be solved only by learning about criminals and cultivating relationships with them. To that end, police tolerated the establishment and maintenance of criminal haunts to facilitate such contact and built inappropriate relationships with criminal informers. Some of these relationships saw the active involvement of police in the very crimes they were supposed to suppress.

In 1829, the British Parliament passed Sir Robert Peel's Bill for improving the police in and near the Metropolis, and established the Metropolitan Police of London. There was some resistance to the concept by those who feared infringement of the traditional civil liberties of Englishmen. There were attacks on the new constables. Nevertheless, Peel's vision of a preventative body working peacefully in the community came to prevail. A new policing era began and (despite lapses and backslidings) endures in all well-governed modern communities today.

Policing the Port Phillip District

In 1835, six years after the establishment of Peel's New Police, settlers from Van Diemen's Land, despite official prohibition, began to occupy the land near what is now Melbourne. They included John Batman who, within a few short months, had written to Lieutenant Governor Sir George Arthur of Van Diemen's Land, seeking government protection.



In September 1836, Victoria's first three police officers arrived. They had been sent by the government in Sydney, where all three had already been dismissed for drunkenness. By March 1837, all had been sacked from their new billets in Port Phillip: one for repeated drunkenness, one for repeated absence, and one for bribery. Despite the discouraging start, replacements were appointed, including Henry Batman, son of the 'founder'.

In 1836, Captain William Lonsdale had been appointed Superintendent of the Port Phillip District, and its first magistrate. He recruited two 'prison gangers' from Van Diemen's Land to be police in Melbourne, believing that their experience would help to identify 'bolters' (as escaped convicts who had fled to Port Phillip were described). The plan was sound, but failed because of the unsuitability of the men, both of whom had resigned within eighteen months.

Several attempts were made to use the special knowledge and talents of the Aborigines in police work; their skill as trackers was legendary. Success was limited, although the corps of native police authorised by Governor La Trobe in 1842 was useful and well regarded. It was, however, abolished in 1852.¹

In the same period, Border Police, established to stop the unauthorised acquisition of Crown land and to prevent aggression against the Aborigines, were themselves often guilty of the conduct they were supposed to be preventing, thereby undermining the reputation of the developing force.

Even so, police numbers and presence expanded. In 1837, District Constable Patrick McKeever was appointed with two others to preserve the peace at Geelong. In 1838, an Act for regulating the police in towns was extended by proclamation from Sydney to Melbourne. Policing was extended to Portland, and in Melbourne, a new watch-house was built close to the site of the present Victoria Market.

In August 1838 Henry Batman, now Chief Constable of the Melbourne City Police, and under whose tutelage some of these police services had grown, was dismissed for bribery. Between 1838 and the appointment of Superintendent E. P. S. Sturt in 1850, no less than six Chief Constables were engaged to lead Melbourne's police. One of these, William Sugden, embraced the new English model of detectives and devoted ten per cent of his Force to a detective branch. Reliance on informers became the fundamental means for detectives to solve crime. Informer payments came from the wages of detectives without reimbursement. The Select Committee on Police in 1852 was told that 'there has been, in the case of several detective officers, a most suspicious suddenness in getting rich'.²

In 1851, two events dramatically changed policing practice and history. The first was the proclamation on 1 July separating the colony of Victoria from New South Wales under an *Act for the better government of Her Majesty's Australian colonies...founded on...principles of well-regulated freedom*. The second event was the discovery of gold in Victoria. Between 1851 and 1854, the population of Melbourne quadrupled. The variously established police services were too sparsely distributed and too uncoordinated to handle escalating crime and disorder. Along with many others, serving police simply deserted post and took off for the gold fields. Unprecedented social disruption and disorder threatened to overwhelm the new colony's government.³

The Creation of Victoria Police

Law and order challenges caused by the gold rushes led to the establishment of a Government Select Committee on 7 July 1852, chaired by Peter Snodgrass, MLC. Evidence was heard from many witnesses. Superintendent Sturt suggested that 'police should extend over the whole colony, directed by one Chief, and having all the material of a well-organised Department'.⁴ On 8 January 1853, *An Act for the Regulation of the Police Force* was assented to.

The new Force was based on elements of British policing experience, modified to take account of local conditions. Force management was autocratic and control centralised, and remained that way until well into the twentieth century. Decisions as to service improvement, including the power to dismiss and appoint constables, lay in the hands of the Chief Commissioner of Police. The Chief Commissioner was empowered to 'remove any Constable appointed under this Act, and to appoint another in his stead'. Additionally, he and other nominated persons could 'examine on oath into the truth of any charge or complaint preferred against any member of the Police Force as to any neglect or violation of duty in his office'. There was power to issue summonses to persons to give evidence in such matters, and it was an offence to fail to attend; or having attended, to fail to be sworn or give evidence. While the new Act also laid down rudimentary entry qualifications for police appointment, Robert Haldane's analysis of surviving records shows that the Force 'was comprised of men who in many cases were not what they were supposed to be'. Some police duties, together with a range of statutory offences designed to control police misconduct (including accepting bribes, desertion, assaulting superior officers and assisting prisoners to escape), were also set down. Even these basic standards reflected a rise in the public expectation of police.

Ongoing development of the Force was hampered by a number of factors: the government's method of selecting Commissioners; interference in Force management; increasing numbers of extraneous duties added to core functions; police pay cuts; and Force funding reductions. Overall, the view was that police could 'never be placed on an equal footing with other civil servants', as they were regarded as 'the servants of all work'.

Frequenting brothels and drunkenness were endemic amongst police. So much so, that in 1854 a prison was built in Richmond to hold police who broke the law. Chief Commissioner McMahon became embroiled in profiteering scandals; Mitchell, McMahon's predecessor, acknowledged that everybody dabbled in something, and Chief Commissioner

from this harsh environment ... loyalty to fellow police became the first consideration

Standish was a strange mixture of indolence, hedonistic weakness and creative strength.⁵ Early policing was a high risk, low status and poorly paid occupation of long, wearisome, twelve-hour shifts.

With few exceptions, most police were recruited from labourers, received no training and had to wait years for promotion. From this harsh environment police learned that it was better to rely on workmates for support rather than management. Loyalty to fellow police became the first consideration.

Eureka

The Eureka Stockade rebellion on the Ballarat goldfields was the first major test of the fledgling Victoria Police. In addition to the ordinary burden of maintaining law and order, the police were responsible for collecting the government licence fee from the miners. The Acting Chief Commissioner at the time was Charles McMahon, a former military man; his goldfields police were heavily armed with firearms, swords, bayonets and batons. The rough, hard policing strategy on the goldfields, contrasted with more harmonious policing in the rest of the colony. The licence fee of 30 shillings per month was both a device to raise much-needed revenue and an instrument of social and economic control as many miners found payment of the fee a genuine hardship. The government feared and despised the miners. Despite the government view that the miners were unruly, many citizens (and the *Argus* newspaper) regarded them as orderly and well disposed. Relations between miners and police were further exacerbated because police were paid half the revenue from fines imposed on miners who did not have licences.

The miners' patience fractured when Lieutenant Governor Hotham directed that miners' licences be inspected twice weekly. This, combined with anger at the authorities' response to the murder of miner James Scobie near the Eureka Hotel, resulted in the miners taking action. After torching the hotel, skirmishes, protest meetings, mass licence burnings and a violent licence hunt, the miners encamped at Eureka. Before dawn on 3 December 1854, 276 armed soldiers and police stormed the stockade and took 114 miners prisoner, wounded considerably more and killed possibly thirty. Only one policeman was wounded, but four soldiers were killed and sixteen wounded. It was said that the police, 'exasperated by their long-standing feud with diggers, committed many acts of brutality and wanton cruelty in their hour of triumph'. Eventually thirteen miners were tried for high treason. None were convicted. In the upshot, licence fees were abolished, miners' rights were issued, police numbers at the goldfields reduced and the oppressive manner of policing at the diggings curtailed.⁶

Chief Commissioner Standish 1858–1880

Appointed on 30 August 1858, Chief Commissioner Standish held office for nearly a quarter of a century. He was thus a dominant figure in moulding the Force; he was a man who was as flawed as he was talented. He did not favour 'militaristic' policing, preferring instead 'a proper civil police force'; he was the first to publish annual reports and criminal statistics. His easygoing and luxurious lifestyle impaired both the public image and the internal morale of the Force. Moreover, his stewardship as Chief Commissioner was marred by instances of favouritism, ill-considered decisions and corruption. Yet he retained office until 1880. Haldane notes 'it is arguable that the pervasive maladministration that derived from Standish's indulgences contributed substantially to the inefficient hunt for the Kelly Gang'.⁷

Between 1860 and 1863, three separate Government Select Committees examined the administration of the Force under Standish. One of these scrutinised the circumstances surrounding submission of a petition from 117 police who were critical of Standish and his

management. The petition was instigated by Sergeants Kelly and Browne, both of whom had been dismissed from the Force. The Select Committee found their dismissals harsh and injudicious and recommended reinstatement. Neither man was reinstated or compensated, notwithstanding that 440 residents of Richmond petitioned the Governor. Perhaps this should have been a warning to whistleblowers of a later age.

The Select Committee, which examined the Kelly and Browne case, recommended that Standish be replaced by a Board of three Commissioners. Not only did the government ignore that advice, but the Chief Secretary, John O'Shanassy, became even more closely involved with Standish, intruding upon the management of the Force, to a point where the pair began to circumvent Force entry processes to choose favoured candidates.

The 1863 Select Committee on Police also examined the performance of detective officers within the Force, clearly identifying that the achievement of every detective rested upon the degree to which he could establish networks of informers.⁸ Standish's unhappiest legacy to Victoria Police was the hunt for the Kelly gang between 1878 and 1880, later viewed as a chapter of errors. Standish left office under the Government of Graham Berry soon after the siege of Glenrowan, with a pension of 468 pounds. Standish's twenty-two years of service achieved much, but his conduct of the pursuit of Kelly 'relegated him to obscurity'.

The Kelly Outbreak

In 1878, three policemen were killed by Edward ('Ned') Kelly, and his associates. The whole Kelly cause célèbre still arouses public debate, but there is consensus about the shortcomings of the police and the methods used to capture the outlaws.

The Royal Commission into the pervasive mismanagement of the hunt (the Longmore Commission)⁹ shattered a number of police careers in addition to that of Chief Commissioner Standish. Widespread corruption was exposed. The activities of two members in particular, Winch and Lamer, included involvement in prostitution, gambling and borrowing from hotelkeepers, whilst being protected by Standish. Winch escaped criminal charges and retired on his pension. Special criticism was reserved for the Detective Branch, which was variously

the Detective Branch ... variously described as ... a 'nursery of crime' ... 'so iniquitous that it may be regarded as little less than a standing menace to the community'

described as 'inimical to the public interest', a 'nursery of crime' and a department whose 'system of working (was) so iniquitous that it may be regarded as little less than

a standing menace to the community'. It was said of the Branch leader, Inspector Secretan that '(his) appointment as officer in charge of detectives was a serious error of judgement (having) been promoted by the special favour of his officer (and)...described by several witnesses as...one of the most useless men in the service'. The Commission's recommendations included retiring Secretan and disbanding the Branch in favour of a new Criminal Investigation Branch that would be integral to the 'general police force under the command of the Chief Commissioner'.

Some understanding for the poor reputation of detectives extends back to 1862, when Chief Commissioner Standish had difficulties recruiting police into the Detective Branch. His solution was to recruit ordinary civilians, test them out for three days and then, if they were considered suitable, place them on a waiting list. If, later, they were called up to serve as detectives, they had to survive a one-month trial. There was no training.

At the heart of the Commission's condemnation was the long-standing use by detectives of criminal informers and the payment of 'secret service money' for information. The Longmore Commission found the informer system was all but useless in a rural environment,

condemnation of long standing use by detectives of criminal informers and the payment for information

where kinship and local knowledge made the establishment of informers difficult. Stark evidence for the 'precarious world of the police informer

was provided when gang member Joe Byrne murdered one of the few police spies, Aaron Sherritt, as a prelude to events at Glenrowan'. The system was also shown to be corrupt in so far as the spies in use 'may plan robberies and induce incipient criminals to cooperate', only to be lured into the hands of detectives.

In the end, the Longmore Commission's findings about the Force were ambivalent. It came down hard on numerous police, censuring them for incompetence, impromptitude, rivalry between senior officers, errors of judgement, indolence, misleading superiors and, in particular, it was critical of the senior superintendents. On the other hand, it largely failed to acknowledge the influence of other matters relevant to the Inquiry, such as socio-economic factors and racial, political and geographic issues. In addition to the structural recommendations referred to above, it made recommendations on recruiting, training, promotions, transfers, promotional examinations, compilation of a new police code and a proposal to vest management of the Force in a Board of three men. In its final report, the Longmore Commission 'highlighted yet again the characteristic inability of most senior police (to) willingly undertake reform and adapt to changing circumstances'. The features of the Longmore Commission of discovery, solution, piecemeal action, and forgetfulness, is a pattern often repeated in this Report.

Chief Commissioner Chomley 1881–1902

Hussey Malone Chomley took office as Chief Commissioner in March 1881. He was the first Chief Commissioner to be recruited from the ranks of Victoria Police, having joined the Victoria Police Force as a cadet in September 1852. His period in office was to bring the Force into the next century. Following the cloud left by Standish and the Longmore findings, he reorganised the Force. He was said to be a man of high character and principles and led by example; however his aim to form a smooth-running and respectable organisation was only partially successful.¹⁰

The Twentieth Century

Chief Commissioner O'Callaghan 1902–1913

On 1 July 1902, Thomas O'Callaghan was appointed Chief Commissioner of Police. The Longmore Royal Commission had described him as a man who was 'not trustworthy' and whose retention in the Force was 'not likely to be attended with credit or advantage to the public service'¹

As Chief Commissioner, O'Callaghan quickly lost the respect of his staff. Having actively campaigned during the 1890s for police to retire at the age of sixty, thereby accelerating his own promotion, on becoming Chief Commissioner he privately supported the government raising the retirement age to sixty-five years. This lengthened his own period of tenure at the expense of his members' promotional prospects. The government's decision was given effect by an Order-in-Council in 1902. Feeling betrayed by O'Callaghan's about face on this matter, a group of police met on 19 March 1903 to protest. A 'sympathetic press and concerned politicians' succeeded in having the obnoxious Order-in-Council cancelled.

Early in O'Callaghan's term, the government decided to withdraw police pension rights from all newcomers joining the Force after 1 January 1903; the objective was to save money and to bring the police into line with the public service. It was a bitterly received decision. Whilst O'Callaghan was not responsible for the government's action, he was seen as actively collaborating; Thomas Bent's government took no action on his own pension. Pensions remained an underlying cause behind the police strike of 1923.

O'Callaghan's leadership created discord in a number of areas including pensions: refusing to approve rules for the Police Association; and a new proposal that confined police to barracks to provide an emergency response capability. Police openly disobeyed O'Callaghan's decision to confine them to barracks, and a group went directly to the Chief Secretary to have the order annulled. With a rash of additional complaints from the community, Premier Bent commissioned James Cameron as Chairman of a Royal Commission to inquire into the Force and its management.



The Cameron Royal Commission (1905) examined matters affecting police pay, administrative methods and training. It gave considerable attention to the Force's inability to deal with unlawful gambling, especially the infamous John Wren's totalisator in Collingwood. Wren's Tote might be classed an early manifestation of modern day 'organised crime' in Victoria, since he used lawyers, politicians, petty gangsters and corrupt officials to sustain his enterprise for many years without any

Wren ... used lawyers, politicians, petty gangsters and corrupt officials to sustain his enterprise for many years without any significant police impact

significant police impact. Cameron found 'the police are powerless to suppress (the illegal gambling going on there)' without amendments to the legislation.

After stormy parliamentary debate, a new *Lotteries Gaming and Betting Act* enabled Wren to be closed down. Bent withdrew the Commission's funding, thus terminating its work. Some of the Cameron Commission's other recommendations related to police training, improvements to the beat system and the introduction of photographs and record sheets to aid criminal identification.

Shortcomings in O'Callaghan's leadership were also exposed, including his interference in the Licensing Inspector's prosecuting duties, and an alleged improper interest in a Carlton hotel. If proven, this latter allegation would have subjected him to instant dismissal under the Act. However, the Commission merely referred the matter for a legal opinion.

Yet, like Standish, O'Callaghan had made some positive reforms. The Police Guide, which he himself wrote to replace Police Regulations, was considered an 'excellent work'. He was not afraid to experiment with new ideas, such as the use of fingerprints which, at that time, was a new science. O'Callaghan was allowed to continue in office until 1913, when he was sixty-seven.

Six O'clock Closing – The Temporary Measure Lasting Fifty Years

For much of the twentieth century, Victoria's famous restricted hotel trading hours (popularly known as 'six o'clock closing'), stemmed from legislation introduced as a 'temporary measure during World War I, to safeguard the interests of our soldiers'. Earlier legislation had altered closing time from 11.30 pm to 9.30 pm.²

There was a perception that most people approved the restrictions and that 'the proposed reduction of the hours of trading will materially lessen the quantity of drink consumed'.³

Others were less sanguine. Mr Farthing, MLA, told Parliament that unless six o'clock closing 'will have the effect of curtailing drinking, and will make drunkenness less, then I say it is absolutely useless'. He produced statistics to support his argument and said that in his opinion, 'restrictive legislation never has the effect of curtailing drinking'. He predicted (accurately) an increase in 'sly grog' selling if the legislation was enacted. Nevertheless, amending legislation set closing hours at 6.30 pm.⁴

Despite the ostensibly temporary nature of the initial law, in 1919 Major Baird, the Chief Secretary, advised Parliament that the government had decided to maintain restricted closing hours as they were in 'the best interest of the people'.

As doubters like Mr Farthing had argued, restricted trading hours created a healthy 'sly grog' market. It was commonplace for publicans to trade after hours and otherwise to breach the law. A new term – 'the six o'clock swill' – described the behaviour of the crowds of men who descended on hotels after work, determined to get their fair share of drinking done before the shutters slammed down.

Insistence on enforcing these restrictions made a mockery of the law. People from all levels of society chose to breach the provisions on a regular basis, and police tasked with enforcing the law were subject to lucrative offers if they turned a blind eye to the breaches. Some yielded to temptation.

Allegations of corruption arising from the licensing laws continued to plague members of the Force, until eventually, on 1 February 1966, 10pm closing was introduced to abolish the 'temporary' prohibition first introduced in 1915.

Jury 'Squaring'

As will be seen later in this Report, the work of Justice Moffitt and others has demonstrated that organised crime, by its very nature, will attempt to corrupt police and others engaged in the justice system. It does this so that criminals can extend their influence

organised crime, by its very nature, will attempt to corrupt police and others engaged in the justice system

and power to avoid the consequences of their actions. While not pertinent to police corruption, an example of corruption involving organised crime from this era resulted in amendments to juries legislation in 1922.⁵ Melbourne criminals were accessing lists of jury panel members to both identify and influence jurors to reach verdicts favourable to the accused. One of the most notorious criminals of the day, Joseph Leslie Theodore ('Squizzy') Taylor,⁶ was said to be an offender.

Introducing legislation to address the problem, Premier Lawson quoted from a memorandum prepared by the Crown Law Department which claimed 'the need for a measure to deal with attempts to pervert the course of justice by the 'squaring' or influencing of juries has long been recognised by those connected with the administration of justice in this State'.⁷ Many State parliamentarians opposed the legislation as 'a most serious encroachment on the rights of the accused'.⁸ Opponents of the Bill who wanted to know the extent of the problem were given examples of successful jury tampering prosecutions and reminded of the difficulties in proving this sort of corruption. Premier Lawson said:

Naturally the person who is employing these wicked means to influence the course of justice is not likely to let the police know what steps he is taking to influence the jury. Nor is the jurymen who has been bribed likely to disclose the fact.⁹

In identifying the reason for the lack of more prosecutions, Premier Lawson articulates one of the barriers faced by modern day investigators into corruption and organised crime. In spite of opposition, the government secured the passage of the Bill.

The Police Strike

On 31 October 1923, in an act unprecedented in Australasia, twenty-eight members of the Victoria Police Force went on strike. The precursors included disputes about pensions, poor pay and conditions and a system of supervision, involving the appointment of special supervisors, imposed by Chief Commissioner Nicholson, which his men detested.¹⁰

Nevertheless, Nicholson believed himself justified. There were insufficient sub-officers and supervision was lax. He had personally observed men 'idling on duty, gossiping, smoking in uniform, drunk on night duty and virtually invisible' in both the city and suburbs. A number of police had been charged with disciplinary offences and some of the more serious incidents involved breaking and entering and consorting with criminals. Even though the special supervisors may have had legitimacy, the issue was an emotive one not only because of what they did, but also because their selection for this duty had been injudicious, a point considered in the subsequent Royal Commission.

The trigger for the strike appeared to be Nicholson's decision to purge the Licensing Branch on 8 February 1923. On that day, he summarily transferred seventeen licensing police to uniformed duties; among them was Constable William Thomas Brooks. Nicholson and Brooks did not personally know each other, but Nicholson said 'from what had come to my knowledge I considered that he was unfit for this class of work...he was very spiteful about it and tried to create a deal of trouble at that time'. Brooks was well regarded by his Sergeant, had three commendations to his name, was known for his work ethic and had no disciplinary breaches.

The transfer to uniform duties changed Brooks. He became a trenchant critic and dissident and circulated a petition (in conjunction with Alfred Pitts) demanding restoration of police pensions, conditions of employment similar to New South Wales police and the immediate withdrawal of the special supervisors.

Over the next nine months, emotions within the Force continued to boil. Some 700 signatures were collected for Brooks' petition, the special supervisors continued their unpopular activities, and then Brooks was 'capriciously' transferred to Geelong where he was ordered to perform licensing duties in Colac. Disobeying the latter instruction (on the basis that Nicholson had said he was unfit for such work), Brooks returned home where he was suspended and charged in open court with insubordination. Brooks won the ensuing contest with Nicholson. On 31 October, Brooks led twenty-eight police against reporting for duty at 10 pm that night, in opposition to the special supervisors.

Unbeknownst to Brooks and the others and in an attempted sleight of hand, Nicholson assigned the special supervisors to other duties the day after Brooks' rebellion. In a meeting on 1 November between Nicholson, Premier Lawson and Brooks, Brooks was told government support lay with Nicholson and the special supervisors would remain. Brooks' strike continued a second night and, in the fallout, some 600 police, including Brooks, lost their jobs.

In retrospect, trouble was inevitable. The government had downgraded conditions of employment for police and otherwise treated them shabbily. Chief Commissioner Nicholson proved himself an inept leader and administrator – he apparently could not take advice and did not have the ability to see for himself the ramifications of his shortsighted actions. He drew comfort from the government line regarding pay and conditions. Police supervision and standards of conduct were poor. Action was required, but not the sort of action taken by Nicholson. Brooks precipitated a unique event in Australian policing history.

The consequences for Melbourne were appalling: rioting, looting, two killings, hundreds of injuries, considerable property damage and a Force more than 600 police below strength. A Royal Commission chaired by Sir John Monash later found that while

the police strike, regularly invoked to promote fear ... particularly when issues of police powers, resources, pay and conditions were discussed

pensions were a critical issue, they merely created the possibility of a strike. Brooks was the principal engineer of the strike and an unsympathetic government had failed to both recognise and address

police grievances. Nicholson also received his share of criticism for a number of insensitive practices. Subsequently the police strike was regularly invoked to promote fear of anarchy and mob lawlessness – particularly when issues of police powers, resources, pay and conditions were discussed.

The Callaghan Conspiracy Case

'Police Sensation' – 'Detectives Accused' – 'Astounding Story Told' – so ran the banner headlines of the *Argus* on 3 April 1925. The story went on to give a detailed account of the opening address of Mr Gorman, the prosecutor of a case against three detectives. The prosecution case went as follows.

Between 8 and 9 pm on Thursday 12 February 1925 a man named 'Patsy' Quilter delivered two cases of tea, two cases of gin, a man's overcoat and a woman's overcoat to the Londonderry Hotel in Wellington Street, Collingwood. The licensee's daughter, twenty-six-year-old Annie Callaghan, received the property, which had been stolen from the Railways.

Shortly after Quilter left the premises, Detective Inspector Neil Olholm and detectives Leo O'Sullivan, Donald John McPherson and Walter Rufus Fowler arrived at the scene. Claiming to have a warrant, they made a thorough search of the premises and located the articles Quilter had dropped off. After telling Miss Callaghan she was in serious trouble, O'Sullivan suggested to her that he 'might be able to do something for her'. When she refused to deal with him the detectives picked up her father, Terence Callaghan, from his dairy in Easey Street, Collingwood and brought him back to the hotel. He was told that the detectives

might overlook the matter if he paid them 10,000 pounds. Although that demand was refused by Callaghan, he finally agreed to pay the detectives 6,500 pounds. The detectives stayed the night at the hotel and drank to their success.

After a few beers, O'Sullivan told Miss Callaghan that he was a wealthy man, a curious achievement, when his annual salary would have been about 500 pounds.

Next morning, O'Sullivan accompanied Callaghan to the bank, and received an initial payment of 1,000 pounds in one hundred pound notes. Then O'Sullivan gave his benefactor sixpence for the tram fare home.

The following month, after receiving information, Inspector Montague and Superintendent Potter interviewed McPherson and Fowler. They admitted attending the hotel with Olholm and O'Sullivan, who performed special inquiries for the Railways Department. They claimed that no one from the hotel had been charged because the goods had been found in the back lane and not on the premises. The detectives said they had waited at the scene because they had information that the thieves were returning to collect the goods. The property was then taken back to the Railway lost property office. Olholm and O'Sullivan corroborated the story.

Other articles in the *Argus* detail how the saga unfolded.¹¹

Despite their denials, action was taken. Initially, it was proposed to hold an internal inquiry, but soon it was decided to present them before the court on a charge of conspiracy. Although O'Sullivan was junior in rank, he was also apparently the ringleader, a phenomenon that re-appears in other corruption cases through to current times. Before the hearing, O'Sullivan was admitted to a private hospital in Queens Road with a nervous breakdown. He was

unable to recognise any of his friends or relatives, and was even doubtful of the identity of his wife.

Fowler took more direct action

O'Sullivan, junior in rank, was also apparently the ringleader, a phenomenon that re-appears ... to current times

and disappeared without a trace. Olholm and McPherson were presented for trial. The jury found both men guilty, but delivered a strong recommendation for mercy due to their long service and previous good character. Judge Dethridge sentenced Olholm to twelve months imprisonment and McPherson to nine months. A subsequent appeal failed.

O'Sullivan was brought for trial in July 1925 and sentenced to three years gaol. It is unlikely that the Callaghan incident was the first illegal activity in which these men had acted together. O'Sullivan's comments about his wealth moved a member of parliament to suggest that such men should be forced to submit to an examination to satisfy the court they had come by their assets lawfully.¹² If not, he proposed the Crown should confiscate their property. Forward-looking as this comment was, it was not until towards the end of the twentieth century that asset recovery legislation came into force. Disclosure by police of their financial affairs remains a contentious issue in Victoria.

As is so often the case, until this time the four detectives had all been highly regarded, with excellent work records and numerous commendations for work well done. Lack of supervision played a part. Superintendent Potter said during his evidence: 'In practice, I interfere very little with the railway detectives. They have their own liberties and do not report property recovered to the detective office.'¹³

'The Combine'

Earlier in 1925, the *Argus* had run a story about brothel owners purchasing protection from police.¹⁴ It was claimed that a Joseph Nicolte had written letters to the Chief Secretary and to the Officer in Charge of the plain-clothes police, complaining that numerous brothels in Little Lonsdale, La Trobe and Spring Streets operated without police hindrance. On Wednesday 18 March 1925, Josephine Ricardo was reported as having handed a sworn declaration to the Chief Secretary. She also claimed that prostitution was flourishing in central Melbourne, and that police were being paid off by a core of brothel keepers known as 'the Combine' to avoid prosecution. It was also hinted that drug taking was rife in the brothels.

Police graft was reported as operating at all levels. Unless they were bribed to go away, policemen on the beat would loiter in front of brothels, scaring away the customers. More senior police were said to receive large payments to ensure that no prosecutions were launched against 'the Combine'. It was also claimed that prostitutes who attempted to operate on their own account were invariably prosecuted. By the standards of the times, the sums of money involved were quite large: in 1921, one woman is said to have paid 2,295 pounds to the police in 'protection' money. Commissioner Nicholson is reported as denying 'any knowledge of these things' amid calls for his removal.¹⁵

Chief Commissioner Thomas Blamey 1925–1935

Following the Royal Commission chaired by Sir John Monash, Nicholson retired for health reasons. The government announced as his replacement Thomas Blamey, a senior officer of the Australian Imperial Force who had served abroad during World War I. Blamey had many supporters who lauded his abilities as a great and gifted soldier. Sir John Monash praised him highly, especially for alertness and intellectual grasp. But other well-placed observers noted the indiscreet looseness of the style of his private life: indeed, they accused him freely of most sins and many crimes.

In the months before Blamey's appointment, Mr H. H. Smith, MLC, levelled allegations of corruption against the Force, and in particular, against the Licensing Branch. Smith claimed that 'sly-grog' and 'two-up' flourished because certain police had accepted bribes. He moved for a Select Committee 'to inquire into and report upon the administration of the Police department' because there was 'no place on earth where licensing supervision was so lax'. The government said that the incoming Chief Commissioner would handle the task. However, Blamey set a poor personal example. For Blamey, 'drinking was an innocent and indispensable element of everyday social life'¹⁶ and he openly breached the licensing laws in

his private life. The Chief Commissioner's own behaviour appeared to bury the previous allegations of corruption in the Licensing Branch.

The Victoria Police Association

The Victoria Police Association was born of Commissioner O'Callaghan's decision in 1902 to support the government in raising the police retirement age to sixty-five. A meeting by a number of police to protest O'Callaghan's action also considered forming an Association, a concept considered daring, for police then to be organised like a trade union was a rarity.

For the men of the Force, the need for unity was clear. Paid a pittance, working under conditions unacceptable to the ordinary labourer, yet expected to maintain themselves and their families in a 'respectable' manner and 'live in a house better than the house which an ordinary labourer occupies', was an almost impossible task. Police then faced considerable obstacles in their quest for fairer treatment. The milieu from which they came and into which they entered

worked against them. They were drawn from the lower echelon of the working class; recruited for brawn, not for

once enlisted in the Force, those men perpetuated the tough environment they found, and resisted innovation and change

brains, they entered a rigidly hierarchical and disciplined system which treated them harshly. Although from blue-collar background themselves, they were expected to keep their peers in their place. Once enlisted in the Force, those men perpetuated the tough environment they found, and resisted innovation and change.

Approval for the establishment of the Victoria Police Association was finally given in 1917. From hesitant beginnings, it gradually became more assertive, although it played virtually no role in the 1923 police strike. The government of the day was in no mood to let the new Association get out of hand. On 27 November 1923, only weeks after the strike concluded, the *Police Pensions Bill*¹⁷ was introduced into Parliament for its First Reading. In addition to much needed improvements to police pensions, the Bill contained clauses that:

- prohibited members of the Force being members of political or industrial organisations;
- introduced penalties for persons causing disaffection among members of the Force, or inducing members of the Force to withhold their services or commit breaches of discipline;
- defined the role of the Police Association as being 'For the purpose of enabling members to consider and bring to the notice of the Chief Commissioner all matters affecting their welfare and efficiency other than questions of discipline and promotion affecting individuals';
- required the Police Association to be entirely independent of and unassociated with any body or persons outside the Force; and
- legislated for policewomen to receive salaries, wages and allowances at the same rate as men of corresponding rank.

The new Bill passed into law on 22 December 1923.

In spite of the Association's conservative position during the strike, and the legislative constraints on its activities introduced in law immediately after the strike, it soon fell foul of Chief Commissioner Thomas Blamey. As a military man, there was no scope in his perspective for a 'trade union'. It took only eight weeks from his appointment before he was seeking a Crown Solicitor's opinion as to the status of the Secretary (who was not a sworn officer) and advice about some of the Association's activities. The Solicitor's opinion did not support the Commissioner. Showdown was precipitated when Blamey introduced new regulations for promotions, which relied upon ability and examination results.

The Association opposed the change, preferring to retain a system of promotion by seniority. The Association then raised the ante and hoping for a Labor victory, made it a political issue in the 1929 State elections. Blamey was outraged and sought another Crown Solicitor's opinion. Before he could act, Labor won office and Blamey found himself fighting to keep his job, which had been advertised. Diverted thus from his skirmish with the Association, he refocused, retained his job, but suffered a significant salary reduction. Four days after commencing his new contract, he exacted swift retribution on the defiant Police Association by declaring it an 'illegally constituted body'.¹⁸ Through administrative and disciplinary action, he destroyed the 'old' Association and replaced it with a creature of his own making – then referred to as the 'new' Association – which was under Blamey's total control. It was not until the 1940's that the Association re-emerged in a more independent form.

The Kelley Inquiries

In 1932, allegations of police brutality led to an independent inquiry into Blamey's management. Mr A. A. Kelley, PM, was appointed to sit as a one-man Board of Inquiry into serious claims of police violence arising from a peaceful protest in Flinders Street. Blamey was convinced that police actions had been necessary as a counter to political extremism and supported his men. Kelley, in the end, exonerated the police.

The following year there were new charges that police were trafficking in cocaine,¹⁹ and had engaged in some thirty instances of criminal collusion over the return of stolen cars to insurance companies for financial reward. It was also alleged that police were accepting bribes for investigating the car thefts.²⁰ The most serious allegation though was that the Chief Commissioner had failed to act in relation to the allegations or take any action against the offending police. Again, Kelley exonerated Blamey and the police involved.

During this Inquiry, both the Victoria Police Association and the Chief Commissioner were represented by the same solicitor, R. H. Dunn. Dunn continued to represent or act for the Police Association over the next forty years.

Kelley sat for twenty-seven days and heard from 146 witnesses. Kelley was reportedly very critical of the police handling of money and informers. Police were apparently accepting rewards from insurance companies for the return of stolen cars.

They justified keeping the money as 'out of pocket' expenses to reimburse themselves for payments made to informers.²¹ An editorial in the *Age* identified two other important areas of concern that had been revealed by Kelley.

That there are opportunities for the illicit disposal of cocaine seized by the police was a surprising and disquieting disclosure.

Later in the same article noted

Another and broader question brought conspicuously under notice related to the 'unreasonable intimacy' between a member of the force and a criminal.²²

Kelley's three key concerns about informer management, police and drugs, and improper relationships, echo loudly today. A further curious side note to the Kelley Inquiries is not just their low profile in police history, but the fact that much of the archival material (between 1921–1934)

Kelley's three key concerns about informer management, police and drugs, and improper relationships, echo loudly today

relating to Blamey's years in office and the Chief Secretary's inward correspondence 1933–1935, could not be located. Nor could the Premier's papers for the years 1929–1937. These documents particularly

cover Blamey's anti-communist focus, the activities of his 'special section' and 'complaint files concerning alleged police corruption, violence and harassment during the depression years'.

The Brophy Shooting

Blamey was forced to resign in 1936 following the MacIndoe Royal Commission, which inquired into the circumstances in which Superintendent John Brophy had been shot and wounded in Royal Park. The Commission found that Blamey had attempted to cover up the true circumstances; which were that Brophy was in the company of two women in a chauffeur-driven car when he was shot. The Commission considered Blamey's responses 'were not in accordance with the truth' and he 'failed to satisfy the standards of public accountability and personal integrity that his position demanded'. Blamey's position was now untenable and he resigned. He maintained that he was 'standing down to give the government freedom of action' to reorganise the Force. The official police history completed in 1980 stated that Blamey's 'only crime [was] a desire to preserve the reputation of the Force'.²³

Despite encouraging the development of the Police Provident Fund and introducing a number of reforms in police training, conditions and welfare, Blamey's leadership disappointed those who appointed and supported him. His term was marred by allegations of misbehaviour and corruption, both by Blamey and by the men of his Force.

Chief Commissioner Duncan 1937–1954

Faced with a public relations nightmare about the honesty and reliability of the Force, the government sought help from what then was considered the world's leading police force: London's Metropolitan Police. Chief Inspector Alex Duncan, a highly experienced detective in that Force, was invited to Victoria to inquire into and report upon the workings of Victoria Police.

Duncan saw urgent need to change the methods of the Criminal Investigation Branch (CIB). In his interim report, he criticised the lack of proper training for investigators, lack of supervision and accountability and their poor work ethic. He was also troubled by their

interrogation methods and the allegations of harsh treatment of suspects brought in for questioning.²⁴ The government, impressed by Duncan's work, offered him the position of

Duncan ... criticised the lack of proper training for investigators ... (and) was troubled by their interrogation methods and the allegations of harsh treatment of suspects

Chief Commissioner. He took office early in 1937 and began a program of much needed reform and modernisation that was interrupted by the outbreak of

World War II in 1939. Duncan's administration grappled with entrenched bad practice, poor leadership, maladministration and corruption. His influence was indeed positive, but he could not wholly reverse these problems in a short time.

Duncan's personal commitment to dealing with corrupt behaviour shows in his treatment of a Detective First Constable, later named in the 1969 'Abortion Inquiry.' In 1945, the Detective First Constable and a Detective Sergeant charged a known thief with unlawful possession; a complaint was received that they were vying with each other for the best bargain in purchasing the offender's car for their own use.

When questioned, both men freely admitted their actions. Neither they, nor others who were involved in the matter, could see anything wrong with their conduct. When the file was referred to Duncan for attention, he was horrified, particularly by the fact that these senior men could see no wrong in their actions over the car. He found the matter 'very disturbing'. After investigation, he transferred all members back to uniform duties. His decisive action contrasted sharply with the easygoing style of previous years.²⁵

Notwithstanding Duncan's commitment to developing and maintaining ethical standards of police conduct, corruption did occur. Ex-member of the Gaming Branch, and source for this information, former Chief Commissioner, Rupert Arnold (1963–1969), when interviewed many years later, denied there had been widespread corruption in the Branch during the 1940s. In a puzzling contradiction, however, he did admit that 'big money was changing hands' and that more than one policeman was taking a pay-off of 300 pounds a week.²⁶ It seems the consequence of these pay-offs facilitated the operation of some large-scale gambling operations.

The Clyne Royal Commission

On 5 August 1942, Mr Hollins, Member of the Legislative Assembly for Hawthorn, called for an inquiry into allegations he had made about the liquor industry. Hollins made no specific charge of police corruption, but it was implicit in his allegations. Despite initial Government opposition, a Royal Commission on Licensing Laws commenced later that month (the Clyne Royal Commission). Hollins attended the Royal Commission but refused to give evidence and to corroborate his allegations. Most of his claims were considered to be without foundation. Although some criticism was directed at police for exceeding the functions of their office by withdrawing charges against licensees, their actions were not seen as deriving from improper or corrupt motives.

Hollins was not assuaged. He told Parliament that the terms of reference for the Royal Commission had been deliberately restricted to prevent the truth from emerging. He said a number of police had been willing to testify, but would not do so because the Royal Commission would not afford them sufficient protection. The government denied the claim.²⁷

On 15 September 1942, State Parliament commenced debating issues to do with Starting Price (SP) bookmaking. It was suggested that while police were doing their best to contain the situation, the sheer numbers of offenders were overwhelming. Other impediments included ineffective offence penalties and a refusal by the Commonwealth Government to provide telephone records. The latter effectively prevented police from identifying SP 'bookies' who operated on the telephone system. Perhaps unfairly, Hollins again made a short statement to the House, claiming that police were failing to take action about SP bookmakers.

Attempts to obtain Commonwealth cooperation in dealing with these offences can be traced back to the Premiers' Conference of 1933 and the Conference of State Police Commissioners in 1938. While the Commonwealth refused to cooperate, ostensibly on the grounds of privacy considerations, it is likely the real impediment was political.

While it may not be possible to draw strictly accurate comparisons between different eras, it is noteworthy that Justice Connor, Chairman of a Board of Inquiry into Casinos, reported to the National Crimes Commission Conference of July 1983 that 'illegal bookmaking is a multi-million dollar industry run by people who can get up to forty or fifty telephones, and who, if their telephones are closed down, can get them in new premises a week later'. In his final Report, Justice Connor estimated the annual turnover for SP

bookmaking was \$1,800 million in NSW and \$1,000 million in Victoria and that this meant loss of turnover to the regulated and revenue attracting Totaliser Agency

Board of some millions of dollars per week.²⁸ Implicit in these comments is endless opportunity for bribery and corruption within policing.

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To Dismiss or Not to Dismiss

In 1946 during Duncan's term of office, the Chief Commissioner's authority to dismiss constables was lost. Originally bestowed by the *Police Regulation Act* of 1853, the power to dismiss fell victim to the Police Association's agitation over the police disciplinary system. A 'campaign' about the disciplinary process began, partly as a result of concern about Blamey's abuse of power and autocratic style. In 1938, the Victorian Country Party Government, supported by the Australian Labor Party, moved to introduce a number of amendments to the *Police Regulation Act*.²⁹

During debate on the matter, the then Chief Secretary, Mr Bailey, who introduced the Bill, made a prescient comment when he said 'the discipline of the Force cannot be maintained if there is to be a rigid observance of the rules of evidence...it is essential that

any court of inquiry shall have regard more to the real justice of the case than to legal forms'.³⁰ This point recurs repeatedly over the years whenever the issue of how best to maintain police discipline comes under consideration. The changes wrought by the amending Act included much needed improvement to police pensions. It also created a Board comprising a Police Superintendent and Police Magistrate (who held casting vote) to hear all contested cases involving breaches of duty or misconduct by police where conviction would result in dismissal.

The Board had no power to dismiss. It could only recommend dismissal to the Chief Commissioner.³¹ For Officers and Sub-officers, the Chief Commissioner had to forward the Board's opinion, together with his own recommendation, to the Governor-in-Council for a final decision.

The Chief Commissioner was also able to suspend from duty any member of the Force charged with an offence. Throughout the subsequent war years 1939–1945, industrial restraint held sway. But, with the election of the first Cain Labor Government in November 1945,³² the Association's position was asserted.

Committed to improving the lot of the police, the Labor Party claimed unique insight into their problems. William Slater, MLA, the Attorney-General in the new government, had formerly been the honorary solicitor of the Police Association. Unrest over discipline within the Force still prevailed. Dissatisfaction peaked in 1945 when a series of meetings was called by the Association. Attendances ranged from 600 to 800 members out of a Force of 2,000.

In due course, amending legislation was introduced to Parliament in March 1946. The passage was stormy. In a report to Parliament, Chief Commissioner Duncan gave his opinion that under the *Police Regulation Act* he was responsible to Parliament for the discipline and efficiency of the Force, so that any final decision on disciplinary matters should rest with him.

This prompted the Opposition to claim in debate that the Bill took control of the Police Force out of the hands of the Chief Commissioner and that 'to remove the right from the Chief Commissioner to command is to emasculate the Police Force'.³³ The government responded by saying, 'that every member of the legal profession, without exception, who has had experience of this class of inquiry has regarded the method as an entire travesty of justice'.³⁴ Earlier in the debate, Mr J. L. Cremean had argued that 'if discipline is to be maintained, it should not be at the cost of the democratic rights which all members of the community should enjoy'.³⁵ An example of so-called draconian discipline practices was given by a government member who reported that four members were transferred without charge from the CIB to the uniform branch, merely on the order of the Chief Commissioner.

The Government used its majority to make significant changes. Among them were creation of an independent Police Classification Board to 'determine the wages and general conditions of service of members of the police force'³⁶ and the independent Police Discipline Board 'to provide for inquiries into police misconduct'. Despite his calls to maintain the status quo, the Chief Commissioner was stripped of the power to dismiss constables. Restrictions on the right of the Police Association to be involved in matters of discipline and transfer (introduced in 1923) were also lifted.

While the changes were seen as fair and long overdue, they heralded a change in the management dynamic of the Victoria Police. From this point forward the Association was to become an increasingly influential, and at times, vocal body with considerable political

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influence which it could use to frustrate reforms by a number of Chief Commissioners. The role of the Police Discipline

Board in matters relating to the dismissal of staff in whom the Chief Commissioner had lost confidence was to prove contentious.

Chief Commissioner Porter 1955–1963

In 1955, Chief Commissioner Selwyn Porter replaced Duncan. One of his first initiatives was to form the Special Duties Gaming Squad to smash illegal SP betting. Led by Inspector Healey, a small team of investigators (including Sergeant 'Mick' Miller, later Chief Commissioner) quickly achieved spectacular results, with significant impact on some of the larger bookmakers. Although the illegal betting problem could never be entirely eliminated, actions heralded a turning of the tide.

For generations, SP bookies had provided a service that was widely used by all levels of Australian society. Most people who used the SPs were average law-abiding citizens who felt no guilt breaching laws they considered restrictive and unfair. As described by a former

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Deputy Chief Commissioner – the community at large wanted certain goods and services, and there were actual and

potential suppliers. When government decisions interpose police to prevent the community getting what it wants, opportunities for corruption emerge.³⁷ This is the lesson demonstrated by SP betting, illegal prostitution, after hours drinking, various forms of gambling and the current conundrum with drugs.

The matter was recognised by Mr Justice Kinsella who in 1964 conducted an Inquiry in New South Wales into SP betting. He said, 'Governments have found in all ages it is exceedingly difficult to administer effectively a law which is repudiated by a great number, not necessarily a majority of the people.'³⁸

SP betting laws were not only difficult and unpopular for police to enforce; they created an environment ripe for corruption. The rewards to SP bookmakers were high. Paying off corrupt police was considered an investment, which allowed the 'bookies' to continue operating. It was an open secret that many members of the Force were 'on the take'. Like the rest of the community, many of those police who were on the take saw nothing wrong with it: it was an activity which merely allowed the public to have a bit of fun and harmed no one. But such an attitude led to other corrupt practices that were far from harmless.

The Martin Royal Commission

A variety of factors in 1958 prompted the State Government to establish a Royal Commission into Off-the-Course (SP) Betting (the Martin Royal Commission). Headlines were guaranteed when Counsel assisting the Commission, Mr A. E. Woodward, claimed that the 'most serious social evil' arising from SP betting was corruption in the Police Force.

Woodward suggested that sixty per cent of police charged with administering the gaming laws were corrupt, twenty per cent were apathetic, and only twenty per cent were doing their jobs properly.³⁹

Inspector Healey, who gave evidence to the Commission, agreed there was widespread corruption in the ranks, but said fifty per cent were doing a reasonable job, thirty per cent were corrupt, and twenty per cent were inefficient.

Woodward also described the problem of corruption in the Postmaster-General's Department (PMG). It was twofold. PMG staff actively assisted bookmakers by giving them the capability to operate call centres to any level required, whilst maintaining their anonymity. Secondly, PMG management refused to cooperate with police inquiries seeking to identify those same bookmakers.

The Commission heard that extortionists preyed on SP bookmakers, and this had led to violence and shootings. It was not surprising, the turnover in SP betting in Victoria was huge – perhaps 250 million pounds a year.

Within days of the claims of police corruption, the Secretary to the Police Association, Mr H. McConville, appeared before the Commission to protest. He called upon the government to defend the police through counsel. The request was acceded to within days.

Chief Secretary Arthur Rylah announced that provision of representation was 'in line with the usual practice where general allegations were made against a section of the public service'.⁴⁰ He also promised that the government would not hesitate to take action, including an open inquiry if necessary, if the findings of the Commission 'disclosed anything which could cause public uneasiness'.

The claims of corruption within the ranks were also 'looked into' by Chief Commissioner Porter. He said that, in his opinion, Inspector Healey had drawn an incorrect conclusion. Porter conceded laziness and inefficiency, but no corruption. The government used these remarks to justify a decision not to proceed with any additional inquiry, saying it 'would not only be futile but uncalled for'.⁴¹

The Commission's most notable and lasting result was creation of the Totalisator Agency Board (TAB), where betting was legal. Established by an Act of Parliament in 1960, it came into operation in March 1961. Although not entirely eradicating SP betting, the TAB has ensured it would never again achieve its former size and influence.

Revelations of corruption and establishment of greater accountability

The Cusack Report

The first independent inquiry which identified the emerging problem of organised crime in Victoria, together with its attendant evil of corrupting public officials, was the Cusack Report of 1964. In many ways, this Report set the scene for what was to follow. Organised ethnic crime had developed over a thirty-year period almost unnoticed by any but the police, until an unprecedented outbreak of violence at the Queen Victoria Market in Melbourne. Organised crime then fell under intense media and public scrutiny.

A vigorous police campaign identified the offenders, after which public attention moved on. Although advised to equip the police to root out the organisation behind the murderous attacks at the market, government authorities of the day ignored that advice. The problem festered, and returned with the organised crime group even stronger and more entrenched than ever. This was a discernible and repetitive pattern in other events of recent times.

John T. Cusack was a District Supervisor of the US Bureau of Narcotics, and an expert in the workings of Italian crime. The State Government, on behalf of Victoria Police, had requested assistance from the US authorities to investigate a series of shootings associated with the Queen Victoria Market, Melbourne's major produce distribution centre.

During a nine-month period from April 1963 to January 1964, four men had been attacked using shotguns. Two men had been killed and two seriously wounded. In each case the victims were men with connections to the southern Italian region of Calabria, each reputedly involved with the Italian crime organisation known as The Honoured Society.

The Honoured Society had been known to exist in Australia since the 1920s and the first authenticated report of its activities in Victoria dates from 1930. Since then it had grown in influence, and there had been numerous police investigations into criminal acts perpetrated by its members. Despite this, there was widespread scepticism about the existence of 'The Mafia' in Victoria, and its deadly potential remained widely unrecognised. All changed when the 'market shootings' occurred, generating widespread publicity and community disquiet.



The police response was swift and effective. Employing a technique similar to what now would be called 'Task Force policing', the Homicide Squad formed a special investigation team which included experienced investigators with skills particularly suitable for the assignment. (It even brought in a young constable who had not completed probation, but who was fluent in the dialect of the suspected offenders.)

While police had extensive intelligence material about The Honoured Society and its members, they lacked understanding of a culture so alien to their experience. The then head of the Homicide Squad, Jack Matthews, is said to have approached the then Attorney-General, Arthur Rylah, and proposed that the services of an experienced Italian police officer and a US Mafia expert be obtained. Rylah agreed, and as a result, Ugo Macera, an Assistant Commissioner with the Rome Police, and John T. Cusack were brought to Victoria to assist the inquiry.

The investigation was highly successful and a number of offenders were charged; great credit is due Matthews for his leadership and investigative expertise. Notwithstanding his talents, Matthews was later gaoled for his part in the abortion scandal. He demonstrates the point that superior ability can sometimes mask wrongdoing. In some cases, 'indiscretions' are overlooked because of an outstanding work record. This trait has survived over the years and is evident today in a number of cases involving high performing police who have been found to be corrupt.

Once the crimes were solved and publicity subsided, the problem of organised crime might have been forgotten, had not Cusack submitted a report to the State government prior to leaving Australia. It included general information of great relevance to the future of criminal law enforcement in Australia. The inquiry had established beyond doubt that the Honoured Society was well entrenched in Australia, and posed a considerable threat to the community. An estimated 1,000 members lived in Victoria and New South Wales alone with smaller numbers living in other mainland states.

Run by shrewd and hardened criminals, the Society had proven involvement in a variety of crimes including extortion, prostitution, counterfeiting, sly grog, breaking and entering, illegal gambling, people smuggling and small arms dealing. It was constantly seeking new ways to spread its influence, the Queen Victoria Market attacks being its first steps to take over the produce business. It used violence, intimidation, and a ruthless 'code of silence' on its members – death if they spoke to authorities.

While he praised the technical skills of the police investigators who had cracked the case, Cusack predicted that, if not wholly rooted out, the Society within twenty-five years would be capable of diversifying into all facets of organised crime and legitimate business – both would feed each other. In his opinion, the Force had the skills to take on the task, provided their efforts were properly organised and supported in what Cusack considered would prove a very challenging and lengthy task.

Cusack recommended that the Force establish an Extortion Squad to target the Society's criminal activity and an Intelligence Unit (as US police had done ten years earlier) to identify current and emerging patterns of organised crime.

Although the Report was assessed by both the government and the Force, it was never publicly released; one copy found its way into the possession of a local journalist who published extracts from it, but there seems to have been little enthusiasm for implementing Cusack's proposals. Perhaps the tactical success of the investigators in solving the market murders and related crimes reduced belief in the necessity to take further action. The Society was shrewd enough to avoid public exposure in the years ahead, as it set about consolidating and extending its influence.

While the Force did establish a small intelligence unit, initially within the Homicide Squad, resources did not permit any greater development at the time. However, by the 1970s a small Crime Intelligence Bureau independent of the Homicide Squad had been created. It was not until 1977 that Chief Commissioner Miller established a fully-fledged Bureau of Criminal Intelligence to undertake the role envisaged by Cusack.

An Extortion Squad was never established. Subsequent intelligence reports suggest that Cusack's twenty-five year prediction was accurate. The Society remains a feature of the Australian criminal landscape, having acquired great wealth and diversified into a variety of legitimate businesses. Occasionally it has been linked to a variety of shooting murders, bombings and extortions: it is allegedly active in drugs, prostitution and other crimes, as well as in legitimate business.

As an endnote to this case study, Vincenzo Muratore, son of one of the men killed in the market murders of the early 1960s, was himself shot and killed outside his home in Hampton in August 1992.

Mr Justice Sholl

On 4 June 1965, Mr Justice Sholl of the Victorian Supreme Court was quoted in the press as saying 'After sixteen years on the bench, I have lost confidence in methods used by police in interrogations. The more so since suggestions from the bench to modernise

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what is done are entirely disregarded'.¹ His Honour's criticism related to a case in which a confessional statement police claimed had been given voluntarily by the accused had in

fact been made under duress. His Honour drew attention to the fact that police interviews took place without any independent witnesses being present, without any attempt to have a proper shorthand or taped record of interviews, and without the presence of any person to represent or assist the suspect.

His comments should have taken no one by surprise: he had been making them since 1961. Acting Chief Secretary of the day, Mr E. R. Meagher, was reported as saying he would discuss the Judge's comments with senior police.² As far as is known, no major change resulted from any discussions.

Nothing further was done until 1965. A motivating force had appeared in the form of coincidental allegations of police corruption from the Mr 'X' Inquiry.

The Mr 'X' Inquiry

Mr 'X' was a police informer who for years had been providing detectives – particularly members of the Breaking Squad – with information. In return, he enjoyed immunity from prosecution. Mr 'X's' information had resulted in many offenders being convicted and sentenced to imprisonment, but his relationship with detectives soured when he was charged with receiving stolen goods. Fearful of what would happen to a known informer in gaol, he decided that his salvation lay in informing against the police. He made broad scale allegations of corruption against the Force.

In the absence of any formal complaint procedure, Mr 'X' had been unsure of what to do. Having read Mr Justice Sholl's criticisms of the police in the daily papers, he telephoned the Judge and explained his story. From there he was referred to Solicitor-General Murray.

Mr 'X' spoke to Murray frankly and at length about his criminal activities and his relationship with the police, all of whom he named. He claimed police had formed a relationship with him to dispose of stolen property and would take a share of the proceeds. He told Murray that the police concocted evidence to convict innocent men, accepted bribes and were in a variety of conspiracies with criminals. While Murray was considering the matter, Mr 'X' went public and took his story to the media to ensure there would be an inquiry into police corruption. On 11 September 1965, *Truth* newspaper carried a banner headline: 'Police are Accused of Prison Murder Plot'.

Meanwhile, Murray had given a preliminary report to the Chief Secretary, Arthur Rylah, who referred it for investigation to the Chief Commissioner, Rupert Arnold. Arnold put a team of senior police to work on the inquiry.

Despite calls for a Royal Commission into Mr 'X's' allegations, there was no independent inquiry. Arnold's team of investigators concluded there was no evidence to launch criminal prosecutions, but six members of the Force were charged with disciplinary offences and appeared before the Police Discipline Board.

The findings yielded the following results: of six men charged, one was reprimanded for neglect of duty, two had neglect of duty charges adjourned for six months and the remaining three had all charges against them dismissed. This feeble penalty by the Discipline Board is

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simply part of the pattern that followed for years to come. During the police investigation, many members admitted using informers, with some claiming

that a major part of the serious crime in Melbourne was solved directly by their help. To achieve that result, however, it was necessary to overlook crimes committed by those same informers.

Throughout this era too, other forms of corruption continued to flourish. These included 'spotters' fees' offered by undertakers, security shutter suppliers and tow truck operators. In time, the corruption potential associated with these services led to a centralised allocation system through the police communications system, D24. Other forms of 'soft'

corruption included free meals from various restaurants, free bread, free milk, free newspapers and free liquor from hotels. The beneficiaries of these low-level activities were mostly uniformed police. Many might see these matters as mere 'perks of business', but they create an obligation between the supplier and recipient which carries potential for more serious exploitation.

The Police Association Response to Mr 'X'

The Victoria Police Association and its members generally attacked the government for the manner in which it responded to Mr 'X's' allegations. Feelings ran high and a special general meeting was held.³

Four hundred police attended the meeting. Twenty-one of whom spoke. Five key points of discussion were put to the meeting by the Executive:

1. The investigation and prosecution of recent disciplinary charges against members of the Victoria Police Force, based on allegations made by the criminal informer known as Mr 'X'.
2. The apparently unwarranted indemnities against prosecution granted to the criminal informer known as Mr 'X'.
3. The dangers to the community involved in indemnifying criminal informers who are prepared to inform against the police or public.
4. Responsibility for the defence costs of these disciplinary proceedings.
5. Remedial action that might be taken to prevent a recurrence.

The depth of feeling against Mr 'X' can be inferred from a comment by one of the speakers who described him as an 'infamous character...the lowest type of humanity; he was rejected by criminals and by other persons in society. This fellow had brought disgrace to us through his approach to the Solicitor-General, Mr Murray'.

Criticism was also directed at media coverage of the allegations, following which press representatives walked out of the auditorium. There was general acceptance that Mr 'X', a 'reasonably clever criminal' who found himself in trouble, had 'hoodwinked' the Solicitor-General into taking unwarranted action against police in circumstances where there was a lack of evidence. The Discipline Board had 'showed what it thought of the case presented when it dismissed three of the cases without any charges at all being proved against its members, two had cases adjourned and another was reprimanded. These charges that our members had supposedly proved against them were at the bottom of the barrel – if you could not charge anything else you charged 'neglect of duty'.

Much was made of the supposed preferential treatment given to Mr 'X' who, with his family, had been allocated a Housing Commission residence in a country town, thus leap-frogging the 30,000 people on the Housing Commission waiting list.⁴

Questions were raised about the legal costs incurred by the Association and the Secretary advised the meeting that the government would meet its own costs and pay 500 pounds of the estimated 900 pounds of Police Association costs on the Supreme Court writ.

The following motions were put and carried by the meeting:

- The government was to be told that the Victoria Police Association was concerned at the damage caused to the Force's reputation.
- The Executive of the Police Association was to examine ways of preventing a recurrence of the situation.
- The Chief Secretary was to be asked who had directed the prosecutions against the members of the Force.
- The Association was to be instructed to give financial aid for legal advice on the possibility of civil action against the Solicitor-General, the Chief Commissioner of Police, any of the Assistant Commissioners or any member of the Force involved in launching these prosecutions and, if the legal advice was favourable, that further financial aid was to be given to prosecute the matter in the civil court.

Although the strident dismissal of Mr 'X's allegations was predictable, it highlights a wider problem faced by corruption investigators. Almost invariably, those with intimate knowledge of police misconduct are criminals whose credibility is seriously undermined by their own known

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character and background. Experience shows that jurors are often loath to accept the evidence of such

people against the word of a police officer; this can make the prosecution of corrupt officers a very difficult task. Similarly, police informers with criminal backgrounds used as witnesses against other criminals face the same difficulty, and defence barristers strive with vigour to discredit them.

The police working environment of the day probably influenced the defensive attitudes. Crime was increasing and pay and conditions were poor. The Force was said to be at least 683 below appropriate strength,⁵ and the rate of resignations was increasing. Such factors, combined with the Force's long-standing tradition of group loyalty, make their resistive response and knee-jerk rejection of external criticism understandable, though not more creditable.

The Mr 'X' matter proved valuable training for the Association Executive, when they faced the greater challenge of the Beach Inquiry in 1976.

The Fall of Scotland Yard

In November 1969, the unthinkable happened. Scotland Yard (officially part of The Metropolitan Police Service of London), for generations the yardstick by which both the Victoria Police and many others of the world's police forces were judged, was rocked by

corruption allegations. A front-page article in *The Times*⁶ trumpeted the news that 'Tapes reveal planted evidence. London policeman in bribe allegations'. The evidence of a conversation with one of the corrupt officers revealed the existence of a 'firm within a firm', and it was a firm that was prepared to do business with criminals – for a price.

Corruption was found to be endemic within the Criminal Investigation Department (CID) of the Yard and had apparently been occurring for generations. The behaviour in CID contained many similarities to the allegations made against the Victoria Police Breaking Squad in the 1960s. Among the allegations were planting evidence on those charged with offences; committing perjury to obtain

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convictions; accepting bribes for not prosecuting; and using criminals as agents provocateurs to arrest others for receiving stolen goods. Against

entrenched opposition from the CID, which at that time was solely responsible for investigating corruption complaints against Metropolitan Police, progress was slow. In March 1972, the inquiry finished, resulting in gaol sentences for two detectives and the disappearance of a third, who fled Britain.

Scotland Yard's ability to confront endemic corruption was significantly enhanced by the work of Sir Robert Mark who later became Chief Constable of 'the Met'. Mark had begun his distinguished career with the Manchester Police before World War II, and was invited to join the Metropolitan Police as an Assistant Commissioner in 1967.

Shortly before publication of *The Times* article, Sir Robert had been appointed to the rank of Deputy Commissioner and had responsibility for discipline within the Force. Despite not being able to conduct his own corruption investigations, he made strong inroads into the problems of misconduct and corruption. His efforts were appreciated by uniformed officers who felt tainted by the publicity given to corrupt CID members. Mark had done away with a system where police convicted of criminal offences were suspended on full pay until their appeals had been heard. He also followed up some unsuccessful criminal prosecutions against police with disciplinary action leading to their dismissal. Perhaps one of his most effective but simple strategies was to send detectives back to the uniformed branch, a powerful act of public shaming. The practice came from the provincial forces and was previously unknown to the Met.

In his autobiography,⁷ when noting the relative lack of corruption amongst uniform members compared to detectives, Mark notes, it was 'not that they were essentially different from the CID so much as that the basic police principles of honesty and decency are not put to the much more severe test and temptation faced continually by the detective'.

When he had the opportunity to end the CID role in corruption investigations, Mark created Scotland Yard's A.10, a special anti-corruption branch. This unit set a standard for uncovering and weeding out corruption in the organisation which its successors continue to the present day.

From its inception, A.10 had much to do. Throughout the 1970s, various elements within Scotland Yard had been accused of corruption on a massive scale. Huge sums of money were involved and numerous officers up to the rank of Commander eventually received lengthy terms of imprisonment.

The story of corrupt conduct in the Met again echoes resoundingly to local investigators: improper relationships with criminal informers, and inadequate or weak legislation to control social issues such as prostitution, licensing, gambling and, more recently, illicit drug use.

The Abortion Inquiry

In a bid to expose police corruption and to reform abortion law in Victoria, Dr Bertram Wainer made a series of allegations about police corruption and the illegal abortion industry. On 9 December 1969, Wainer handed six affidavits to Solicitor-General Murray, in which he specifically alleged that high-ranking police were accepting bribes.

Chief Commissioner Wilby, a former Homicide Squad member, was directed by the government to personally investigate the allegations. However, five of the six deponents refused to be questioned, thereby forcing the government to appoint an independent Board of Inquiry.

William Kaye, QC, was appointed as a one-man Board on 5 January 1970. He was commissioned to determine whether members of the Force had demanded or accepted money from persons concerned with abortion in Victoria. The Board sat from 12 January 1970 to 28 May 1970.

The inquiry found the corrupt activity could be traced back to 1953 and centred on the Homicide Squad. Members of the Squad were being paid up to \$150 per week at a time when a detective's weekly wage was \$122.

A number of inappropriate relationships between police and abortionists were identified. One involved a former Homicide Chief Inspector, who as a Detective First Constable had been ordered out of the ClB by Chief Commissioner Duncan. After retiring from the Force, the man found employment with a reputed abortionist. This doctor was the only person called to the Inquiry who refused to answer all questions touching on the subject matter, thus inhibiting any exploration of the exact nature of his relationship with the former Chief Inspector.

Kaye found against four men:⁸ Superintendent John Matthews, Inspector Jack Ford, retired Station Officer Frederick Adam and former detective Martin Jacobsen. All four stood trial in 1971, charged with conspiring to obstruct the course of justice in so far as they accepted bribes to protect the illegal activities of abortionists.

Matthews, Ford and Jacobsen were convicted and sentenced to five, five and three years gaol respectively. Adam was acquitted. When passing sentence Mr Justice Starke commented, 'By your conduct you have severely shaken the community's confidence in the Victoria Police Force, and inevitably I think the morale of the Force must have lowered'. Justice Starke's comment proved depressingly correct. Even though the Homicide Squad was numerically small, it had enjoyed an iconic reputation within the Force for professionalism and integrity.

The Death of Neil Stanley Collingburn

On 26 March 1971, two Constables intercepted Neil Collingburn driving a car with two passengers in Nicholson Street, Carlton. Property suspected of having been stolen or unlawfully obtained was found in their possession and the three men were taken back to Russell Street Police Station.

One of the Constables travelled in the back of Collingburn's car. On the way, the two men argued and Collingburn is alleged to have produced an iron bar and threatened the Constable with it. There is a dispute about what happened on their arrival at Russell Street. The police claimed Collingburn went berserk and attacked a Constable without provocation. One of Collingburn's associates is said to have joined in the fight when a Sergeant came to the Constable's assistance. The police claimed that the only force used was in self-defence and then only to the degree necessary to subdue Collingburn.

Collingburn's associates, on the other hand, alleged that Collingburn had been subjected to an unprovoked assault by police in which Collingburn had been punched, kicked, jumped on, kneed and had his head rammed into steel lockers. They claimed the left side of Collingburn's face was black and blue and that he was bleeding from the nose and mouth.

Although the fight left Collingburn severely injured, he told the police duty officer that he was too scared to make a complaint. He was taken to St Vincent's hospital where, initially, he told medical staff he had been injured by falling from a chair. When told he was severely injured and would need an operation, he told the staff that police had beaten him.

Following surgery to repair a ruptured duodenum, he died on Sunday, 28 March 1971. Medical evidence of his condition at the time of admission showed in addition to the abdominal injury, he had a small bruise over one eye and a slight swelling of the lip. The case attracted wide publicity and induced public demonstrations against the police. The police involved denied the accusations but were charged with Collingburn's manslaughter. They were found not guilty by a jury in March 1972. The Collingburn case generated considerable publicity, and despite a final verdict exonerating the police, there were many in the community who saw the Force as violent thugs.⁹

The First 'Ombudsman' for Victoria Police

Prior to the verdict in the Collingburn case, the then Chief Secretary, Mr Rupert Hamer, announced on 15 September 1971, that he had appointed retired Stipendiary Magistrate, Allan Edwin O'Connell, as an 'Ombudsman' to review the action taken on complaints made against police. The retired Magistrate's role was to:

- examine files relating to complaints against members of the police force; and
- investigate any complaints by a member of the public who might be dissatisfied with the result of any investigation of any complaint against members of the police force which he has made; and to submit a report to the Chief Secretary stating whether he was satisfied or not that the complaints had been properly dealt with and whether proper action has in his view been taken.¹⁰

The appointment reflected a recommendation made in an inquiry by Sir Eric St. Johnston, discussed later, that the Chairman of the Police Discipline Board should make an annual examination of complaints against police made during the year, and report to the Chief Secretary as to whether proper action had been taken.

Due to a potential conflict of interest (the Chairman might have to comment on a case upon which he had himself adjudicated) the government decided to appoint an entirely independent person.

Whilst a welcome improvement, the concept had deficiencies. Without doubting O'Connell's skills for the task, he was a man at the end of a busy working life who was expected to make sense of a voluminous number of files on an annual basis.

Apparently he was to undertake this work without recourse to any data other than that given to him by the police. He had no staff, no budget, no vehicle and no premises. It was, moreover, merely a part time job.

The Under-Secretary wrote of the position:

Mr O'Connell is empowered to require answers to his questions from members of the police force and has access to relevant police files and records. As an investigator and not a law enforcement officer Mr O'Connell does not have similar powers over other individuals but he can and does seek interviews with witnesses.

Mr O'Connell's main task is to make reports and recommendations to the Chief Secretary. These reports are not made public but are used by the Minister to reply to allegations against police. Acting upon advice from Mr O'Connell, the Minister indicates what action, if any, is to be taken against the members concerned.¹¹

At the time, the announcement was welcome news, prompting calls for the concept to include other government departments. The Victorian Council for Civil Liberties reminded everyone of their calls for the appointment of a police ombudsman for the past five years and the *Age*, in an editorial, perceptively noted that Mr Hamer had failed to specify what powers the 'ombudsman' would have.¹² It commented that 'his effectiveness obviously depends to a large extent on whether he can call for documents, subpoena witnesses and take evidence on oath or not'.

In 1973, the first State Ombudsman took on a limited and reactive role in respect of complaints against police, a role that mirrored the code applied by the new office of Ombudsman to other government departments. It did not have a specific power to review police complaint investigation files.

Review of police complaint investigations was discharged by another retired Magistrate. Unfortunately, like any system of accountability based simply on paper review, it proved less than effective. Some years later when inquiring about the progress of long-delayed reviews, it was found he had died. His widow expressed relief at the fact that the growing mass of files taking up space in her lounge room could be removed.¹³

The role of reviewing police investigations into complaints against police was formally taken over by the State Ombudsman in 1980.¹⁴

The St. Johnston Report

Following release of the Kaye Report there were calls for a Royal Commission into the Victoria Police. But 'the Liberal Government decided against such a course because they had seen enough dirty linen washed through the press during the abortion Inquiry. Instead of a public hearing with judges and lawyers in the presence of the media, the Bolte Government chose a much less public course, arguably just as effective as a Royal Commission'.¹⁵

Colonel Sir Eric St. Johnston, a former Chief Inspector of Constabulary for England and Wales, was commissioned to undertake a study of the workings of the Force. Commencing in October 1970, St. Johnston submitted his Report to Government in November 1971 in which he made 186 recommendations for restructuring the Force.

St. Johnston recommended removal of the investigation of complaints against police by officers from the district in which they occurred, and a process to improve communication with complainants. He also considered the idea of a body separate from police to undertake the investigation of police complaints, but believed it to be impractical. He thought the idea unwarranted, as he was impressed by the quality of police complaint investigations, identifying improved communication with complainants as the only area for improvement. In his Report, St. Johnston indicated the numbers of matters referred for disciplinary process in the late 1960s was lower than one would have expected from a force the size of Victoria's; either the Force was exceptionally well disciplined or its management was lenient. Unfortunately, the issue was not explored further.

St. Johnston devotes seven paragraphs of his Report to corruption, and indicates that the scope of his inquiry did not allow him to ascertain whether corruption existed in the Force. He nevertheless commented on the factors he thought conducive to corruption. While he was satisfied generally with recruitment, training, processes for dealing with corruption and management commitment to corruption prevention, he was not satisfied that

**poor management and inadequate supervision
... (are) significant, current and ongoing
contributing factors in police corruption**

members of the Force were adequately supervised in their work or that members were paid enough to remove them from

'more obvious temptations'. The issue of poor supervision is one of the common themes among commentators, thirty-four years on from St. Johnston's examination.¹⁶ As is seen later in this Report, poor management and inadequate supervision have been identified in numerous inquiries and commissions as significant, current and ongoing contributing factors in police corruption.

One of the outcomes from St. Johnston's inquiry was the institution of a Register of Complaints against members of the police force. The Report was one of a number of studies made at that time which signalled the beginning of a new era in 'organisational change, improved police salaries and work conditions and bountiful recruiting. (These studies) altered the course of the Force and, although many problems lay ahead, it was a turning point'.¹⁷

The Beach Inquiry

Despite stirrings of change within the Force, Dr Wainer remained committed to his crusade of uncovering corruption in the Victoria Police. In October 1974, he presented further allegations of illegal police behaviour to the Solicitor-General, Daryl Dawson. The government appointed Cairns Villeneuve-Smith, QC, to undertake a preliminary examination of the material provided by Wainer.

Subsequently, Mr Barry Beach, QC, was appointed to sit as a one-man Board of Inquiry to report whether there was 'any credible evidence raising a strong and probable presumption that any, and if so, which members of the Victoria Police Force' were guilty of criminal offences, breaches of Standing Orders, or 'harassment or intimidation of any member of the public'.

Beach's Inquiry lasted more than fifteen months. He began his work by advertising in the daily papers inviting information from the public. Deluged by responses, it was suggested by some that, 'until then, there had been no effective police complaints system. Mr Beach had found a previously untapped source of allegations'.¹⁸

In all, Beach received 131 complaints, but due to the mass of material, confined himself to the detailed investigation of only twenty-one of those complaints. He examined 240 witnesses and concluded his Inquiry by making adverse findings against fifty-five police

Beach found ... police would conspire and commit perjury ... and the existence of a 'brotherhood syndrome' whereby police at all levels would do whatever was required to protect workmates

upon such matters as conspiracy, perjury, assault, unlawful arrest, corruptly receiving money and fabricating evidence. In essence, Beach found that police used high-handed, violent and illegal tactics

against both known criminals and members of the public, in order to achieve their ends. He also found that police would conspire and commit perjury as necessary, either in court hearings or when appearing before him. His Report also identified instances of inappropriate use of informers, and the existence of a 'brotherhood syndrome' whereby police at all levels would do whatever was required to protect workmates.

In the final outcome, Beach made extensive recommendations for police procedural reform in areas such as the investigation of complaints and the interrogation of people under arrest. Beach was scathing about the complaint processes and the standard of

investigations existing at that time. The Report was especially critical of police investigating police and said 'the Board's inquiry into [specific incidents] established beyond doubt the undesirability of police investigating complaints against police'.¹⁹

Police response to the Beach Report 'provoked the most serious display of animosity since the police strike of 1923'. Four thousand two hundred men and women from a Force of 6,400 met at Festival Hall on 18 October 1976 to formulate a plan of resistance. They had not seen Beach's Report, they did not know what his recommendations were, and they did not know which police he had named and why, but they gathered in what the president of the Police Association, L. J. Blogg, described as 'the greatest demonstration of unity in the history of the Association'.²⁰

The meeting instituted a 'work to rule' campaign, but there were hints also of a strike threat. In the face of such massive industrial opposition, Premier Hamer accepted a series of demands from the membership.²¹ Among these was one specifying that, 'Any change in police procedures was to be the result of a conference involving the police department, the Police Association and the government and not made on any recommendations made by Beach'.²²

The Chief Commissioner's Office, generally most circumspect in criticism of public figures, said, 'We do not intend to comment at length on the conduct of the Inquiry; but there is little doubt that it degenerated into an adversarial duel between Counsel Assisting the Board and Counsel for the Police Association. The contest generated a widespread belief among police that the Inquiry lacked objectivity. Many police witnesses, in particular, believed they appeared as accused persons rather than as professionals assisting a responsible and impartial Board of Inquiry. Sensational and biased news reports, the behaviour of certain witnesses and a lack of sensitivity regarding confidential police documents (diaries and antecedent reports) added to police grievances'.²³

In the wake of the meeting, only thirty-two of the fifty-five police named by Beach were charged, none were convicted: thirteen faced disciplinary offences; none of the offences were found proven.

The Norris Committee

The substantial voice of police opposition to Beach made the government less than enthusiastic about his recommendations for procedural reform. A decision was taken to appoint a Committee of Review headed by the Honourable J. G. Norris, QC, a former Judge of the Supreme Court. The Committee, cautious in approach, modified Beach's recommended reforms.

Haldane criticises the police reaction, the more so because they were people trained to sift and analyse facts and reach logical conclusions. He contends that they 'did not think

or discriminate. Bonded instinctively by camaraderie and swept along in a whirlwind of rhetoric, they provided legal, financial and moral support for each other, regardless of the merits of the individual cases. The corrupt, unlucky and stupid – and all who came near those categories – were gathered together under one umbrella and sheltered'.²⁴

bonded ... by camaraderie and swept along ... they provided legal, financial and moral support for each other, regardless of the merits of the individual cases

Nevertheless, cautious though it may have been, the Norris Committee was instrumental in changing the police landscape, the catalyst for which was the

Beach Inquiry. Once again, meaningful reform to the Force was achieved by external influence.

The Role of the Victoria Police Association

As a result of the Beach Report, the Police Association underwent radical change. However, while it reshaped itself into a militant group with significant political clout, that influence had come at a cost.

Some sections of the community were extremely concerned by the depth and scale of the police reaction to legitimate criticism. Indeed, the *Age* described the police behaviour, orchestrated by the Police Association, as a 'gross over-reaction' and went on to say that 'in some of the heated harangues from police spokesmen never has there been the slightest

some sections of the community were extremely concerned by the depth and scale of the police reaction to legitimate criticism

admission that any policeman could be anything but perfect'.²⁵ As Haldane observes of this period in the

Force's history, policemen had displayed a 'collective assumption' that they were 'beyond reproach and above the law'. Yet, the Beach Inquiry had effectively galvanised the Association to ensure it was better able to protect its members from future inquiries or prosecutions. Their experience following Beach had shown that they could exercise true industrial power.

The Fighting Fund

The idea of a fund to defend members of the Force charged with offences arose from a writ issued at Mildura during the early 1960s. Two members, Wood and Lentin, had damages awarded against them for assault and unlawful arrest arising from a gaming matter. The Police Association believed the government should pay the damages on behalf of the two men. They had received information from a Royal Commission in the United Kingdom which recommended that government should be responsible for costs against police awarded as a consequence of acts committed in the course of duty. The matter seesawed between the Association, Chief Commissioner and the Chief Secretary for approximately two

years. In the event, funds were advanced to Wood and Lentin from the Police Provident Fund by the Chief Commissioner. Later still, the Government agreed to pay fifty per cent of the damages, and Wood and Lentin had to repay the Police Provident Fund.²⁶

Just as the mid-1960s saw the growth of inquiries into allegations of police misconduct, they also saw the Victoria Police Association become increasingly involved in the provision of legal assistance to its members. After the Wood and Lentin case, a practice had developed of providing defence funding for police facing 'counter-summons' (the practice of offenders charged by police issuing process against the arresting police officer) unless special circumstances made this undesirable. Generally, R. H. Dunn or expert counsel would be engaged for this purpose. The strategy was highly successful, with police not only winning many of these cases, but having costs awarded against the defence.

However, disciplinary hearings arising from the Mr 'X' allegations required large sums to provide counsel for those appearing before the Board. By September 1965, some 291 pounds had been spent in legal defence for that year and it was suggested that legal costs would double in the coming year.²⁷

By February 1966, the Association's Secretary, W. D. Crowley, wrote that 'recent disciplinary charges have highlighted the need for the Association to have some fairly firm policy on the question of financial assistance to provide defence counsel on disciplinary charges'.²⁸ The Association Executive decided there should be no general agreement to provide legal assistance; each case would be judged on its merits, and, where it felt that a member had acted reasonably, the best counsel available would be provided.

Mr Crowley concluded 'as we grow stronger financially we will undoubtedly extend our policy of procuring expert counsel to protect our members' interest, and we must be prepared to put forth our best and strongest efforts when 'witch hunts' are being conducted. However, we should not spend money in defending the odd offender whose dismissal would help make us a better police force'.²⁹

Like any union, the Victoria Police Association works hard to defend and improve working conditions for its members. Legal defence, a prominent consideration, was particularly significant as a consequence of the Beach Inquiry. While the very nature of police work demands strong protection for police facing allegations in the judicial arena, decisions about who receives legal defence and who does not is complex. On occasions, it has led to the anomalous situation where police accused of corruption or serious misconduct have received substantial legal support from the Association. By longstanding arrangement with the State government, the Association is reimbursed in all criminal trials where a police officer standing trial is acquitted. Within a month following the Association's call for a fighting fund in the face of the Beach recommendations, the fund had risen from zero to \$13,495.30.³⁰ Some measure of the balance brought to the Beach saga by Tom Rippon can be distilled from his comment at the time the fund was created:

Contrary to what some of the media would have the public believe, we do not intend to defend all members who are charged with criminal offences. It is intended to defend all counter-summonses, discipline board matters and all Magistrates' Court hearings where the member is charged over an accident arising out of the driving of a police car. Occasionally, we may have to defend a member who richly deserves to be charged because of this blanket policy but security for all must outweigh this disadvantage.³¹

In the event, the Hamer government acceded to demands made by the Association. These were:

- a. That no police officer will be presented for trial on any alleged indictable offence without the normal preliminary hearings in a Magistrates' Court;
- b. That a Crown Prosecutor review the properly admissible evidence available before any proceedings are instituted and that this review of evidence be conducted without reference to Mr Beach's recommendations and the recommendations for any charges be based on such evidence given at the Inquiry;
- c. That the onus of proof at the Discipline Board be proof beyond reasonable doubt and no lesser standard before any proceedings are instituted;³²
- d. That any change in police procedure be the result of conference between the government, the Police Department, the Police Association, and not based on Mr Beach's recommendations;
- e. That in view of the way the Police Inquiry was conducted the government pay the cost of all police officers not convicted following charges flowing from the Beach Inquiry;
- f. That the government accept total vicarious liability for its police members in the future; and
- g. That the Government just as vigorously prosecute any person whosoever may have given false evidence before the Beach Inquiry, or any other person who may have conspired to mislead the Inquiry.³³

At that time, the Premier advised the Police Association that it was government policy to:

- re-imburse the Police Association for the cost of successful legal defence of charges against police officers;
- indemnify police against costs and damages arising from actions performed in the course of their duties and where it appeared that the member had acted reasonably and in good faith or in accordance with instructions.

Premier Hamer was expressing the basis of previous agreements to provide legal support going back over many years. The State Treasurer, Mr Lindsay Thompson, reaffirmed the agreement on 9 March 1982. In 1984, the government and the Police Association were represented at a private arbitration before the President of the Industrial Relations Commission of Victoria in relation to a number of cases in dispute. The result of this arbitration was that the government would pay bills in dispute and the parties would negotiate a new agreement.³⁴

On 26 June 1985, the government and the Police Association entered into a new agreement for the government to reimburse the Association in cases involving successful legal defence of Association members in a variety of forums. The agreement also brought to life the Association's Legal Fees and Costs Reimbursement Committee.

Following a change of government in 1992, the incoming administration reviewed policy on the provision of indemnities for Ministers and Crown servants and agents and, in short, decided it would back away from the agreement with the Police Association. In August 1995, the Department of Justice and Victoria Police set up a working party to address the changes and develop new policy. The new direction was of particular concern to Force Command because, although it had not been a party to the 1985 agreement, it had now become responsible for reimbursing the legal costs.³⁵

Negotiations with the Police Association dragged on interminably because the Association saw no reason to move away from the 1985 agreement; the government and Force Command demanded a change. In an undated letter from the Police Minister to Association Secretary, Paul Mullett, Minister Bill McGrath gave notice that government would terminate the 1985 agreement on 1 July 1999. The government said it was not intended to erode the fundamental agreement of 1985 but was concerned with existing arrangements based on greater accountability and wanted to support the Chief Commissioner's efforts to enhance ethical standards. The clear, but unstated, message to the Association was that tension now existed between what was available in the annual budget for running the Force and what could be diverted from that budget to fund successful prosecutions against police. It meant that should there be too many prosecutions, particularly with successful outcomes, some area of the police budget was going to have to be cut.

While the Chief Commissioner had been asked to develop a new set of arrangements, the government accepted that there were aspects of policing which made police members more susceptible to becoming embroiled in legal proceedings and, for this reason, accepted the appropriateness of developing a set of discrete arrangements for police members.

The reassurances did nothing to hasten negotiation. Both sides agreed to continue meeting but neither was prepared to make any concession. The first deadline came and went and a second deadline for 24 July 1999 was set. However, further discussion failed to resolve the impasse. On 24 July 1999, the government unilaterally terminated the 1985 agreement. The Chief Commissioner of Police was directed to develop new guidelines in consultation with the Association. After the change of government in 1999, guidelines were again reviewed. The Labor administration agreed to replace the 1999 arrangements with a Memorandum of Understanding (MoU). Modelled on the 1985 agreement, it took into account changes, which had occurred in the interim, together with perceived deficiencies in the original agreement. The MoU covered only the successful defence of criminal charges: civil matters had become indemnified under amendments to the *Police Regulation Act*. Under the new agreement, responsibility for reimbursing the Association was transferred from Victoria Police back to government.

Chief Commissioner 'Mick' Miller 1977–1987

The appointment of Chief Commissioner Sinclair Imrie ('Mick') Miller, on 13 June 1977, accelerated the pace of change within a Force already changing after the St. Johnston Review. He had been made Assistant Commissioner (Operations) on the same day Reg Jackson was sworn in as Chief Commissioner. With Jackson and others, he worked assiduously at the implementation of the St. Johnston recommendations, and so was no stranger to change. With Jackson, too, he was helping guide the Force when the Beach Inquiry began, this time as Assistant Commissioner (Crime) and, subsequently, as Chief Commissioner. Miller was driven by a commitment to accountability. He believed in a philosophy of candour when it came to public transparency.³⁶

His high standards almost immediately created conflict with the Police Association. Matters came to a head when executive member, J. R. Splatt, moved a no confidence motion in the police administration.

One of Splatt's grounds for complaint on this occasion was the alleged 'lack of support by senior officers'.³⁷ This was at the root of the friction between Miller and the Association, and stemmed from Miller's belief that the Force was accountable to the community for its actions. His philosophy was simply that 'in a society which believes in the rule of law, nobody is above the law...where a member's conduct is clearly unsatisfactory, it is unrealistic to suggest that the member should be blindly supported'.

Although the Association moved a motion of no confidence over his procedural and administrative changes, Miller remained committed to change. Whilst the well-being of the Force and its people were ever in his mind, he always saw his paramount allegiance being to the community.³⁸

Like Duncan before him, Miller could abide neither dishonesty, nor systems that protected it. During an interview conducted for this Report, he gave an example of his frustration in dealing with corrupt conduct and inept systems: once he had attended the Dawson Street police complex in Brunswick. By chance, he found a member putting petrol into the tank of his private motorbike from the police bowser. In due course, the member was charged and appeared at court where he was convicted by the Magistrate. The member's barrister told the Magistrate the conviction could result in his dismissal from the Force, and the Magistrate placed him on a good behaviour bond. He was then arraigned before the Police Discipline Board that also found against him, and dismissed him from the Force. The offender appealed to the Police Service Board, which reinstated him. On his return to the Force, he was posted to the Missing Persons Bureau, where he became a malcontent. He took sick leave and, in due course, was boarded out, medically unfit on the grounds of 'management-induced stress.'

While continuing the reforms proposed by St. Johnston, Miller ensured that the voice of Victoria Police was heard at the Australian Law Reform Commission (ALRC) established in 1975. Under the Chairmanship of Justice Michael Kirby, the ALRC instituted numerous inquiries touching on police procedure and practice, many strands of which had been raised

in Victoria by St. Johnston, Kaye, Murray and Beach: Criminal Investigation; Arrest, Search and Seizure; Complaints Against Police and Privacy were but a few. From responses to the ALRC there also emerged further reforms for the Force.

Miller believed that under his stewardship there was little evidence of entrenched corruption, partly following his creation of the Bureau of Criminal Intelligence which monitored criminal activity and organised crime to collect information for investigators. Of necessity, it also had to look for links between police and illegal activity. It was always acknowledged that there would be some individuals engaged in conduct that was unlawful or unethical; corruption could never be entirely removed from the Force. The best any conscientious Chief Commissioner could do was work constantly at its containment. This could be achieved by eternal vigilance, effective supervision and the removal of opportunities for corruption by attempting to engineer them out of existence. In this regard, the system of Duty Officers visiting police stations at unscheduled times, three shifts per day and attending, either announced or unannounced, at jobs in the field (such as assaults involving police, or collisions involving police) helped create an impression of both omnipresence and constant monitoring. He also placed Assistant Commissioners on call as Duty Commissioners; they were to be contacted for any major event after hours and, when necessary, attend the scene to ensure that matters were correctly handled. According to Miller, 'the standard of performance on the ground is in direct proportion to the rank of the officer in charge of the event'.

Miller had already tried on two previous occasions to augment Victoria's capability for dealing with organised crime and corruption by introducing the USA Racketeer Influenced and Corrupt Organisations (RICO) statutes. He had suggested first to Rupert Hamer, then Liberal Premier, and later to Race Mathews, a Labor Minister for Police, that the RICO statute which 'aimed to eliminate...the infiltration of organised crime and racketeering into legitimate organisations' operating in interstate commerce would be practical and effective. The legislation was considered to have a breadth sufficient to encompass 'illegal activities relating to any enterprise affecting interstate or foreign commerce'. RICO has particular application to crimes involving gambling, violence (murder, kidnapping, assaults and their attempts or conspiracies to commit) and loan-sharking. Miller's request was not acted upon.

Prickly thorns in Miller's side over police malpractice were both the Police Association and the Police Discipline Board. Considerable effort was put into building briefs against allegedly corrupt or under-performing police, but juries were often reluctant to convict police before the courts. Miller had a similar impression of the Discipline Board. He felt that it was very difficult to win a case due, in the main, to the high calibre of representation arranged by the Police Association.

From time to time ideas were floated through the Victoria Police journal, *Police Life*, public addresses and the daily newspapers, about the Chief Commissioner being given the power to dismiss the bad and the lazy in the Force. Such proposals were invariably met with trenchant opposition from the Association and indifference by governments acutely aware of the Association's political influence. The Force administration believed their authority to

the Force administration believed their authority to manage the workforce was eroded ... through overturned or diminished penalties imposed by the Discipline Board

manage the workforce was eroded and undermined through overturned or diminished penalties imposed by the Discipline Board. The outcome generated its own form of corruption: a softer approach on penalty and fewer recommendations to put police before the Discipline Board because of its history of weak sanctions.

Zebra Task Force

In 1981, the Internal Investigations Bureau received information about corruption within the Licensing, Gaming and Vice Squad. It seemed that that the entire unit was compromised by longstanding, systemic corruption.

The Deputy Commissioner (Administration) was given an urgent briefing on the matter late one Friday afternoon, following which the Chief Commissioner, Mick Miller, was informed. Miller directed that a Task Force be formed immediately to investigate the allegations. Cost was no object. The essential thing was to find the truth of the matter. The process of recruiting suitable staff began immediately; the team was in place by the following Monday morning.³⁹

The Zebra Task Force, as it was named, became one of the largest investigations of its type in that period. The investigators' first task was to audit more than 3,000 briefs of evidence and confirm that the results shown tallied with court records; some prosecution details had been falsified to maintain the appearance of success. In fact, corrupt officers had allowed offenders to continue their operations unhindered.

As this inquiry was a first of its kind in the history of Victoria Police, the investigators learned as they went, developing methods and expertise that would become a model for the corruption inquiries to follow. In that era, dedicated surveillance teams and technical support units were simply unheard of for internal investigators. Such resources would only become available later in the decade. Meantime, the investigators had to make do as best they could; the results speak for the expertise they developed. Miller continued to take a keen interest in the progress of the matter and visited the team weekly.

Although the investigators could not obtain sufficient evidence to prosecute the corrupt, their work nonetheless cleansed the ranks of the Licensing, Gaming and Vice Squad. Eighteen Squad members retired, resigned or went off on long-term sick leave. One man was charged and received a short term of imprisonment.

Some Squad members used great ingenuity to avoid the consequences of their actions. One man had an 'epileptic fit' when interviewed; he had never previously been known to suffer from the condition. The man took sick leave before successfully retiring on a pension, claiming that early retirement was due to stress brought on by the actions of management.

Another member, when required to answer a report explaining his actions, fired a number of shots through the document with his service revolver. He then stormed off to a hotel to drown his sorrows and never returned to the Force.

Prior to the commencement of Operation Zebra, a Senior Sergeant of the Licensing Branch came under investigation. It was alleged that he had corruptly received large sums of money to protect an individual from charges of illegal gaming, and had acquired assets considerably in excess of his police income. The difficulties in charging and prosecuting the Senior Sergeant demonstrate the problems faced by corruption investigators. Following the discovery of a mass of corroborative evidence, the Senior Sergeant was interviewed in September 1981. The interview involved sessions of up to three hours at a time over sixteen days. The interview document alone contained 269 pages.

He was eventually charged with corruptly receiving money, and his trial commenced at the Melbourne County Court on 1 August 1983. The trial concluded on 5 October 1983. Forty-nine Crown witnesses testified. Evidence of 'betterment' (i.e. evidence to show his wealth exceeded his known income) was disallowed by the judge on the basis that it was prejudicial.⁴⁰ The Senior Sergeant made an unsworn statement (upon which he could not be cross-examined) in which he claimed the key prosecution witness had been trying to 'set him up' for some time.

The Senior Sergeant was acquitted on the second day of the jury's deliberations. Charged with various disciplinary offences, he was found guilty on 19 July 1985 of four offences and dismissed from the Force. He appealed the decision. On 2 December 1985, he withdrew his appeal and on 16 December, at his request, the appeal was reinstated. On 30 June 1988, the appeal was abandoned.

The Zebra Task Force commenced as an offshoot of the Investigation into the Senior Sergeant's activities.⁴¹ The Task Force operated until late 1984, using the then-existing Internal Investigations team as its nucleus.

Additional staff were progressively seconded from other areas of the Force. While necessary, this affected the home stations of those seconded. Telecom also provided technical staff to assist in locating the illicit telephone installations used by the gambling syndicates.

The Task Force soon identified networks of illegal bookmakers whose wealth and influence gave them a strong power base; it was estimated that a 'fairly good sized operator' might have an annual income of around \$5 million per year.

Apprehending offenders was difficult. Community demand for betting facilities and the large profits meant that there was always someone ready to take a risk. Despite driving many offenders out of business and forcing others to move interstate where lesser penalties applied, the Task Force soon found there was no 'quick fix' solution and that 100 per cent permanent eradication was unlikely. Nevertheless, by the end, Zebra Task Force could legitimately claim that SP betting had been all but destroyed in Victoria. Zebra's work was not confined to SP bookies. It also included raids on Chinese gambling clubs where Triad involvement was alleged, and had a measure of success in charging people connected with a large 'place card' operation controlled by a prominent member of the Ships Painters and Dockers Union.

The Task Force produced some impressive statistics. The fines imposed on 560 offenders had brought the state revenue some \$929,000. A substantial amount of unlawful equipment used by the offenders was also seized. On the debit side, however, the

government injected \$192,000 to cover day-to-day expenses, along with an additional \$72,000 for special equipment.

Zebra had also enhanced the operations of both the TAB and racing industry generally. It was claimed that the TAB alone had shown a substantial increase in turnover; for example, in 1982–1983, TAB turnover increased by \$13 million. It would seem that the government's investment of \$264,000 in the police had paid remarkable dividends. The work of Zebra Task Force helped the later Costigan Royal Commission towards many of its conclusions about the national network of SP bookmakers.

Despite Victorian experience, no national standard of penalties for illegal bookmaking was adopted. Organised criminals facing too great a risk of prosecution simply relocated to jurisdictions with lesser penalties or risks of prosecution.

Serious impediments were inherent in the complex relations between State and Federal governments. The national protocol of the day demanded that proposals for national legislative change from a State police force had first to be agreed at the national Police Commissioners' Conference. On adoption by the Commissioners, the proposal would be listed for discussion at a Police Ministers' Conference. If there were not unanimous support for the proposal at Commissioner level, it went no further, handing a veto power to any State opposed to an idea. Given what we know now about corruption in different States, the veto was a powerful tool to protect corrupt activity around the nation.

A closing comment on this era comes from Chief Commissioner Miller, who wrote at the time Zebra was being wound down, 'corruption in the gaming area occurs in intermittent cycles and requires close and constant supervision by responsible officers. Experience over many years suggests that the potential for corruption will continue to exist as long as SP betting is permitted to thrive'.⁴²

Zulu Task Force

The special expertise of the Zebra Task Force investigators was soon employed on another major inquiry. Force command had identified a problem within their own ranks: a senior police officer was said to be involved in a corrupt relationship with a known criminal. Members from Zebra were called upon to conduct the inquiry.⁴³

To disguise its purpose, the new investigation was called Zulu Task Force and was ostensibly an offshoot of Zebra. The senior policeman's alleged criminal associate planned a major international insurance fraud in which fake Australian prints were to be exported to Naples, where Mafia members would destroy them, and an insurance payout claimed. Their luck was out. The prints were delivered on the same day of the Naples earthquake. In the confusion, the scheme was uncovered and the fraudsters arrested. A Task Force investigator went to Italy to participate in the follow-up inquiries.

Zulu Task Force members also became involved in a murder inquiry and a major drug investigation in northeast Victoria. A large marijuana crop was located in a remote region of the Southern Alps, along with the body of a man who had been killed in a shoot-out with another criminal. Unfortunately, while the investigators' expertise was recognised at the Force's highest levels, support from lower-level managers was not always so forthcoming. After two and a half years of intensive inquiries, the Zulu Task Force was wound up. The senior police officer suspected of being corruptly involved in criminality was exonerated. All that remained were the trials of the various criminals who had been arrested and charged.

Continental Airlines

The Continental Airlines affair began with a routine investigation by the Fraud Squad and coincided with the creation in April 1985 of the Force's first proactive investigation section – the Internal Investigation Unit (IIU). It was an initiative of Kel Glare, Assistant Commissioner in charge of the newly-created Internal Investigations Department.

The purpose of the IIU was to actively seek out evidence of corruption within the Force. Instead of waiting for allegations to be made, the IIU targeted suspect members and investigated their activities. The IIU also had responsibility for supervising routine criminal investigations in which police might be offenders.

First among these newly overseen investigations was a case commenced by the Fraud Squad, looking into allegations of fraud in the airline industry. Robert Tanfield was the Continental Airlines Victoria/Tasmania manager and was responsible for marketing. He was also an associate of police. Described by some as a 'frustrated policeman', he actively developed friendships with police and collected police memorabilia.

Continental was a newcomer to the region, and Tanfield had made extensive use of free or rebated tickets to build up business, a technique used extensively in the airline industry. Tanfield knew that the discounts were available only to airline industry staff, but he misused the scheme to provide cheap travel for a wide variety of friends and acquaintances, including police. He could verify ticket applications that falsely showed travellers to be employees of the industry. Ticket-issuing staff checked no further.

When police investigators met secretly with senior staff from Continental, it was revealed that some police had received discounted air travel, in some cases by purporting to be airline employees. The common link between the airline and those members was an Assistant Commissioner who was a close friend of Tanfield. Investigators discovered the Assistant Commissioner's handwriting on many of the documents and raised doubts about whether all the signatures were genuine.

Glare was briefed immediately. On 30 July 1985, police took out a warrant and arrested Tanfield, who was charged with thirty-two counts of fraud on Continental. An estimated 20,000 documents were seized.

The confiscated paperwork confirmed that, either knowingly or unknowingly, about eighteen serving and former police, many of very senior rank, were implicated in free and rebated air travel by Tanfield. What was beyond doubt was that people had received a benefit (free or cheap air travel to which they were not entitled) as a consequence of false documents. The scam was not restricted to police but swept up friends of the Assistant Commissioner, public servants and prominent business people within the community.

The next step was to interview various police to establish the facts and to learn the Assistant Commissioner's connection, if any to the fraud. Interviewees all denied defrauding the company and described a general pattern of travelling in response to promotions by the airline. Some had even received letters of introduction signed by Tanfield, stating that they were guests travelling as part of a promotion to inaugurate new services. While these facts might support claims of innocence, there remained the matter of the ticket application forms. Some members, it seemed, had signed application forms as employees, and others had their details included for them. It was not known whether Tanfield did this with or without their knowledge.

The investigators needed to establish whether the recipients held an honest belief that the discount was being properly extended to police. By this time, the Assistant Commissioner, who had been holidaying overseas, was directed to return to Victoria by Chief Commissioner Miller. In his interview about the allegations, he declined to answer questions. He was charged with forgery, uttering and conspiracy with Tanfield.

The status of many of the beneficiaries of this scheme was still unclear and the investigators who had begun preparing the briefs decided to obtain legal advice as to whether they should be treated as offenders or witnesses. The extent of the inquiry required a computer database to sort through the mass of material. Computers were only in limited use by the Force, Miller sought assistance from the government and a legal team was established. The government also agreed to pay for the additional computer expenses.

Unfortunately, the relationship between the legal team and the IIU investigators was a stormy one. Later, investigators claimed that the advice they sought was never provided. They also said the legal team placed undue pressure on them for early results, obstructing their investigation and changing the direction of the inquiry. Investigators also claimed that they were pressured to take out warrants, ostensibly to collect evidence in support of criminal charges, but actually to obtain information required by others for political purposes.

A series of leaks to the press heightened already keen media interest in the affair and speculation was rampant. Media interest again soared in September 1985, when it was disclosed that the State Governor might have received free travel. He resigned his vice-regal commission.

In February 1986, Tanfield's body was found in a car outside Maryborough. The inquest returning a finding of suicide. In October 1986, it was recommended that no further criminal proceedings take place against the Assistant Commissioner (who had by then resigned). Some police were formally censured by the Police Department.

This was not the end of the matter. In March 1987, the allegations were resurrected when an IIU report recommending the prosecution of certain members was leaked to the press.⁴⁴ Again, media speculation was rife, and in August 1987 the *Herald* newspaper made an application through the Administrative Appeals Tribunal for access to the police file for the Continental investigation.

The hearing resurrected previous claims of political interference, artificial time limits and disagreement between the legal team and the investigators over the direction of inquiries. Kel Glare, who was soon to become Chief Commissioner in place of Mick Miller, disagreed with assertions of political meddling. He did tell the Tribunal, however, that he felt the government had wound the investigation up too early.

It also transpired that the legal team had recommended to government that the only way to get all the facts was by a Board of Inquiry. However, the government believed the police were the best equipped to deal with the investigation, although there were some aspects which needed the help of skilled legal counsel.

Troubled times

The period encompassing the 1980s, is often labelled as the 'decade of greed'. Often for police, it was a time of doing a 'thankless task in thankless times' and they received mixed messages about their role and the need for accountability and integrity. The problems identified

the case studies involve greed, sex, drugs, bribery, violence, improper associations with criminals and intimidation

are limited neither to particular locations nor to particular forms. Corruption and dysfunction during this period involved uniformed

police and detectives. The case studies involve greed, sex, drugs, bribery, violence, improper associations with criminals and intimidation.

They show a failure across different levels to manage responsibly, the concealment of improper conduct, inadequate systems for dealing with offenders, inappropriate promotions, examples where seemingly hard work and good performance camouflaged corrupt behaviour, outright unlawfulness and an example of jury reluctance to convict police. The case studies suggest broader community dysfunction, problems and attitudes where the community has treated its police as a necessary evil, but still expected it to pick up the pieces in times of crises.

1982 – The Harris Drug Importation Scandal

William Stephen ('Dingy') Harris was born in June 1935. He entered the Police Force in September 1958, and by 1961 had begun working in the Gaming Branch. Following service in the CIB, he was promoted to Sergeant in October 1970 and transferred in June 1975 to the Hawthorn CIB.

Said to be a likeable rogue, Harris' career was unremarkable until after the police investigation into the murder of Donald MacKay in Griffith on 15 July 1977. Police investigation led to Gianfranco Tizzzone. Charged with conspiracy to murder MacKay, Tizzzone provided information about an impending drug importation involving a Victorian policeman (known only as the 'Captain') whose contacts would enable the shipment to get through Customs. Thus, Operation Rock was created, a specialist Task Force which identified details



of a conspiracy to transport 330 kilograms of hashish from Beirut to Melbourne by air. The drug, also called 'Lebanese Gold', was to be sent in ten large packages described as 'Lebanese artifacts'. The consignment had a street value of \$8.5 million.

Using new telephone interception technology, the Task Force slowly identified all the main conspirators. The 'Captain' was identified as Harris. He had become involved in the plot some time in 1982, through a long-standing friendship with one of the other conspirators, a woman. The gang wanted Harris to use his supposed contacts with corrupt Customs and Australian Federal Police (AFP) to get the drugs past Customs at Melbourne airport.

Although he was to receive up to \$300,000 for his work, none of the conspirators, other than his female associate, knew Harris' identity. She acted as go-between to ensure his anonymity and, conscious of the risks of telephone tapping, he did not ring her from the office phone, but would call from a public phone box in front of the police station. Unfortunately for him, modern technology could tap the public phone just as readily as the one on his desk. Over many months, the investigation intercepted more than 14,000 phone calls; only 108 would be used for the prosecution.

Following delays caused by the war in Lebanon, the shipment finally arrived in Melbourne on 16 January 1983, where sniffer dogs detected the drugs. The investigators waited until one of the conspirators collected the material and then arrested him. However, because the investigation was ongoing, the remaining conspirators were not arrested until April, by which time they were becoming very concerned about what the police would do. Harris continued to earn his keep by providing them with advice about how to avoid detection.

After their arrest, the offenders, including Harris himself, were committed for trial. Despite his protestations of innocence, he was convicted, with his female associate and another of the conspirators at the Supreme Court in Melbourne. On 23 October 1987, he was sentenced to fourteen years imprisonment on a charge of conspiracy to import a prohibited import. His co-conspirators also received lengthy terms of imprisonment.

As is so often the case in criminal trials involving police, the charges against Harris were vigorously defended; newspaper reports at the time referred to the presiding judge's criticism regarding the 'enormous amount of money' that had been provided from Legal Aid for Harris.

**few offences can be more serious
... than the corruption of
policemen by one of their number**

The Legal Aid Commission's Director was quoted as saying that, while he could not put a figure on the aid provided, it ran to at least \$100,000.¹ The presiding judge was quoted

as saying to Harris, 'You are a disgrace to the police force you served for so long and you deserve condemnation.'² Harris appealed for a lower sentence, claiming that the presiding judge had unduly stressed that he was a policeman. In refusing his appeal the Full Bench of the Supreme Court said that 'few offences can be more serious or more inimical to the protection of the public and the administration of justice than the corruption of policemen by one of their number.'³

The Caulfield Crime Cars and the Brothel

Crime Car Squads (CCS) were tactical units that operated within the Victoria Police Force from the 1970s to the 1980s. In 1982, a Senior Sergeant headed the Caulfield CCS. He had joined the Force in 1958 and had extensive CIB experience. He transferred to Caulfield CCS in May 1979. Under his leadership, the Squad gained a reputation for both working hard and playing hard. In one fourteen-week period, in addition to detecting 212 traffic offences, the Squad of twenty-five men had arrested 101 offenders, the majority for serious criminal offences. Their excellent work record was brought undone by their extra-curricular activities, some of which involved an illegal brothel.

From 1980 onwards, many members of the Squad had been frequent visitors at a brothel in Glen Eira Road, Ripponlea. Ostensibly, the visits were to 'seek information about crime'. In reality, they were social occasions, and so frequent that local residents noted the police presence.

This situation came to an end after a complaint in June 1982 from career criminal, Ronald ('Joey') Hamilton. He claimed that police were regularly partying at the brothel, getting drunk whilst there and having free sex with the prostitutes. This conduct had culminated in a drunken party on the night of 21 December 1981. It was said that the police were violent and threatened to shoot the owner. It was claimed that a shot had been fired and one of the women had been raped.

Although an investigation began immediately and it was established that a bullet hole long pre-dated the party of 21 December, other physical evidence had been destroyed.⁴ Despite the fact that the most serious allegations, such as the rape, could not be proven, there was strong evidence to substantiate frequent police attendance at the premises.

There were also suggestions that they had overlooked criminal behaviour, such as drug abuse, and the presence of people known to have been wanted on warrant, because of their friendship with the staff. A number of police, perhaps ten or more, had been at the parlour on the night of 21 December but the only conclusion was that the members had acted inappropriately. Deputy Commissioner Hall directed that the Senior Sergeant, a Sergeant and Senior Constable be transferred to Force Reserve.

Ultimately, seven policemen were charged before the Police Discipline Board. Each was represented by Counsel and the hearing was conducted over a period of eleven days during September and October 1983. Charges were proven against four of the accused. The Senior Sergeant was reprimanded for failing to exercise proper supervision over the members under his control. He, the Sergeant and a Senior Constable were fined \$200 and a second Senior Constable was fined \$250 for acting in a manner likely to bring discredit on the Force (attending a massage parlour for reasons other than those connected with their duty).

The Board acknowledged the Squad's impressive work record in reducing serious crime. Many of their results had stemmed from the use of informers. The Board also accepted that many members of the Squad legitimately attended the parlour in furtherance of their duties.

The Board did not, however, accept that the members who were fined were attending the parlour for a legitimate purpose on the night of 21 December 1981. Nor did the Board accept that the Senior Sergeant had adequately supervised the visits of his staff to the premises. He admitted he had no idea of the extent of the visits his staff made as no records were kept.

this case demonstrates a failure at management level to appreciate risks facing members who are exposed to certain types of work

The links between the illegal brothel industry and organised crime figures, are now, and were then, well known. This case demonstrates a failure at management level to appreciate risks

facing members who are exposed to certain types of work. The temptation to form improper associations, or behave improperly is higher in some areas of policing than others.

Operation Cobra – Paul Higgins

Paul William Higgins joined the Victoria Police in 1965 when he was just eighteen. After initial posting to Russell Street, he was soon at South Melbourne, the police station whose sub-district included his childhood home, where he still lived with his parents. At that time South Melbourne was still a working-class community with many members of the Federated Ships Painters and Dockers Union and active criminals living there.

It was an ideal training ground for any young policeman, particularly one who aspired to become a detective. Higgins soon proved to be adept at thief catching, surviving the rough and tumble world of inner city policing. He developed an extensive knowledge of the activities of criminals 'and was able to obtain regular information concerning them'. So highly regarded were his talents that he was seconded into the newly-formed Armed Robbery Squad.

By the time he transferred to Russell Street CIB in 1972, he had ten commendations for good work. He proved a highly capable detective and his personnel record is littered with superlatives: 'keen, tireless, efficient and reliable, energetic, knowledgeable, capable and well conducted'. In 1976 he was promoted directly to the rank of Detective Sergeant. This was a most unusual appointment and reflected his high standing in some quarters. Normally, promotion to this rank required detectives to return to the uniform branch, and only after some years experience there would they be reconsidered for re-appointment to the CIB.⁵

After his promotion, Higgins was moved to the Consorting Squad, the squad that tracked associates of known criminals. There, he met and worked with two other Detective Constables. Both were younger than Higgins and had joined the Force in 1971. They were appointed to the CIB in 1976.

Many later claimed that the Squad's members, known familiarly as the 'Consorters', were a law unto themselves. They were used for confronting the toughest of criminals and as a member of the Consorting Squad, Higgins developed an extensive knowledge of the most troublesome criminals in Victoria, largely through his contact with informers. He performed special duties both inside and outside the State with some success. He was, for a time, seconded to the Bureau of Criminal Intelligence, then in the process of creation.

At the Consorters Higgins met Geoffrey Lamb. Lamb's chain of illegal brothels made him a millionaire. His only threat came from the Vice Squad. Not knowing whom to contact for protection within Victoria, he sought advice from corrupt police in New South Wales. Soon, Paul Higgins knocked on his door, establishing his bona fides by telling the brothel keeper, 'We have mutual friends in Sydney'.

Higgins shortly brokered an arrangement whereby, for regular payments (described variously by Lamb as \$3,000 a week or a month), police prosecution would be avoided. Allegedly, 'the whole Vice Squad was up for sale'. Over the next few years it would be alleged that Higgins and others in the Consorting and Vice Squads received cash and sex with prostitutes to turn a blind eye to Lamb's activities. They also 'did not see' the drug trafficking which openly occurred when they visited brothels. It was alleged, too, that police had firebombed rival brothel owners' premises to eliminate challenges to Lamb's empire. The situation was further complicated by an affair between Higgins and Lamb's wife, who died of a heroin overdose in 1983, shortly before investigating police could interview her.

Higgins and others also attempted to frame a rival brothel owner by planting explosives in his premises and then charging him with their possession. The charges failed at court. Despite Higgins' corrupt activities being contained within a tight group of like-minded police, rumours within the Force eventually reached the highest levels.

It was no coincidence that in March 1979, Higgins' absence from duty during an afternoon shift, and his failure to respond to calls from senior officers, brought him before the Police Discipline Board. Charged with four offences, including being absent from duty without leave, he was convicted of two charges: omitting to make an entry in his diary and failing to maintain contact with D24 (police communications) during the course of his shift. A number of senior officers supported him by giving evidence on his behalf and deposing to the value of his work as a sub-officer in the CIB. No penalty was imposed and the matters were adjourned for six months. He was summarily transferred to uniform duties at Russell Street by direction of the Deputy Commissioner (Operations).

It was a dramatic fall. The official record, however, shows that he responded in positive spirit; moreover, he was not without friends in his new environment. They reported he was working to a very high standard, maintained a constant number of arrests and was assisting greatly in the education of young members. So well did he perform that one inspector who strongly supported his rehabilitation arranged for his secondment to the Russell Street Crime Car Squad.

While there, a young constable reported that Higgins had been meeting with an informer who was helping to successfully 'set up' drug dealers for arrest. He was also claimed to have been involved in a racket to share a portion of the drugs seized from raids established by the informer. The informer would 'cut' the drugs and return some to Higgins for use as court exhibits. The informer sold the remainder and then shared the profits with Higgins. Finally, Higgins was claimed to have ordered the constable to falsify official records. He also obtained a pistol from an unknown source, which he then provided to the informer for his own protection.

The member of the Force who reported the matter suffered an intense campaign of vilification and ostracism, including relocation to a new station where staff had not previously worked with him. Even the personal support of the Chief Commissioner could not diminish the vilification campaign which badly affected his life. Despite all, he remains within Victoria Police, as a member of senior rank.

Higgins had seemingly enjoyed a free rein because management lacked corroboration for the allegations. Use of the internal discipline system would be fiercely contested and might fail unless the case was watertight. In 1982, Higgins applied for a position at the Russell Street CIB, where his failure to secure the appointment resulted in an appeal to the Police Service Board.⁶ As the level of proof for Board matters was not as stringent as the standard beyond reasonable doubt required in criminal trials in court, the Force felt able to lead evidence of Higgins' complaint history and known activities up to that time.

Because of the serious nature of the allegations, the Board considered that, for it to be satisfied of their substantiation, a higher degree of proof was required. All witnesses, including Higgins and the constable who made the allegations against him, gave sworn evidence.

At the conclusion of the case, the Board found it was unable to accept and act upon the evidence of the constable, alleging Higgins had 'set up' drug dealers, because it 'differed in very material and important respects with previous claims'. Also, since he was in a position analogous to that of an accomplice, the Board looked for material corroboration, but was unable to find any in significant areas of disputed facts. The evidence appeared to support Higgins rather than the constable and the Board dismissed the matter.

The Board found that the evidence that caused Force Command to lose confidence in Higgins could not be substantiated, and for this reason, neither loss of confidence nor the 'maintenance of the efficiency of the Force' was an issue that determined Higgins' suitability for the vacancy. He won the appeal.

The Board did find substance in the criticisms that Higgins got too close to his informers, and said he would need to change his approach in this respect. It went on to say, however, that 'it needs to be recognised that apparently he had throughout his service been somewhat encouraged to behave in this way by the results which he has achieved and the commendations and approval which the achievement of those results have brought him'.⁷ In essence, the Board appeared to be saying that Higgins' behaviour had been caused as much by the Force as by his own volition.

On 30 June 1982, Higgins was appointed to the Russell Street CIB. In 1983, a secret inquiry, Operation Achilles, was begun. Soon details were leaked to the press. An article claimed that a group of high-ranking detectives were probing claims of police corruption in the massage parlour and escort service industry, including payments to police for protection and immunity from prosecution. The Force made no official comment.

The article was based on fact. The 'Achilles' investigation team – which reported to Assistant Commissioner Paul Delianis – included Bernice Masterson, John Frame and Bob Falconer, each destined to reach Commissioner rank within the organisation. After fourteen months, their efforts still fell short of a prosecution case.

On 25 April 1984, Higgins was officially transferred to the Armed Robbery Squad. On 3 September 1986, he was promoted to the rank of Senior Sergeant at Russell Street, and soon after, was relocated to Prahran police station. This promotion was another that Higgins had to fight for, involving yet another appearance before the Police Service Board. The Board noted that while he had been unfavourably regarded by some of his superiors during his police career, his immediate supervisors had consistently entrusted him with important and sensitive investigations and tasks. His appeal was again successful.

However, the newly formed Internal Investigations Department had commenced fresh inquiries into Higgins' activities. Known as Operation Cobra, the sheer size of the investigation was astounding. Investigators interviewed 805 people and prepared a witness list of 170. They travelled to every State of Australia tracking down people who had been involved in the Melbourne vice industry during the 1970s and 1980s.

They also accessed new information uncovered by an unrelated Drug Squad inquiry. Eventually, key witnesses such as Lamb 'rolled over' and made statements implicating Higgins and other police. On 13 April 1987, based on legal advice suggesting that Higgins could no longer remain a working policeman, he was arrested, charged with conspiracy and suspended from duty. He was later bailed on his own undertaking. Despite this, the investigation continued. Subsequently, both of the other junior Detectives Higgins had met at the Consorting Squad were also charged.

The committal hearing for the three men began in October 1987. After long delays, caused in part by defence legal processes, the Crown withdrew charges in August 1988. Prosecutor Robert Redlich, QC, said that if the committal had been allowed to continue, it would have been an 'abuse of court process'.

During the committal, Geoffrey Lamb had been subjected to examination for seventy days, the committal proceedings had lasted over ten months, and it had cost the Victoria Police Association an estimated \$1.8 million in legal fees.

In 1990, one of Higgin's consorting squad associates secretly admitted that a group of police in the Consorting Squad had accepted bribes from Lamb to protect his brothel empire from prosecution. Later that year, the accused were directly presented for trial in the County Court. According to media reports it was to become the second-longest criminal trial in Victorian history.⁸ After 135 days of legal argument, a jury of fifteen, three more than the usual number, was empanelled. The extra jury members were required in case any of their peers withdrew from what was expected to be an unusually long trial.

That expectation was accurate. The trial, including legal argument, lasted 420 days. The prosecutor's final address proceeded from 16 December to 26 January, the defence from 27 January to 17 February and the Judge's charge to the jury went from 18 February to 15 March 1991.

The transcript from the aborted committal proceedings was about 7,000 pages and the trial transcript 32,000 pages. Legal Aid cost \$700,000. The Police Association spent an estimated \$1.8 million on legal fees and the Crown about \$6 million. The estimated total cost of 'Cobra', which included Court, legal and police expenses, ran to between \$30 and \$33 million.

Higgins was found guilty, and on 6 April 1993, the presiding Judge Strong sentenced him to seven years imprisonment with a minimum of five years. Higgins appealed unsuccessfully against his conviction and served his time at Ararat Gaol. In 1993, both his consorting squad associates pleaded guilty to one count each of receiving a secret commission. Both received suspended sentences.

The Cobra inquiry was not merely a record breaker, but a powerful and symbolic attack on corruption within the Force. At its heart was a struggle for control between senior management and an entrenched power group within the Crime Department who thought they were untouchable. It was also a battle for supremacy between the Police Association and Force Command. It was a fight management believed it had to win, no matter the cost.⁹ As a result, the Force would be changed forever.¹⁰

The fallout from the Higgins matter caused the Police Association to suffer its own problems. Its uncompromising stand in defending Higgins and his accomplices, no matter the cost, nearly broke the organisation financially. Its stance was a graphic demonstration of the point made by

in disciplinary matters, the Police Association provides a potent countervailing force to the authority of the Chief Commissioner

Neesham in his 1985 report: 'In disciplinary matters, the Police Association provides a potent countervailing force to

the authority of the Chief Commissioner'.¹¹ The Association's accounts show that in the period 1988 to 1992, \$6,948,682 was spent on legal fees. A substantial portion of that amount was used in the Higgins defence, but exact amounts are not known because the accounts are not public documents. The record also shows that the Association membership, which then comprised nearly one hundred per cent of all Victorian police, split over whether or not to support Higgins. On two occasions, members who disputed the decision petitioned for extraordinary general meetings to debate the issue. On the first occasion, in 1988, the vote went to the pro-Higgins group. By the second meeting, in 1990, with the Association giving every appearance that it was approaching bankruptcy, the tide of opinion had turned.

The Association moved to change the cost fund rule, ensuring that no commitment to provide unlimited defence funding would be granted to members in future. It was said of this situation that, even in the first instance, 'their funding of Higgins was utterly improper. Everything he was charged with arose outside (the course of) duty – it (funding) was right outside the parameters of Police Association funding'¹² It also cut off the funding for Higgins' defence. Once started, the process of change continued for some time. It resulted in the replacement of senior members on the Association executive, and the newcomers introduced an altered basis for the provision of legal cost funding.

Police and Sexual Impropriety

The following case study is one of predatory sexual behaviour perpetrated by police officers whose sworn oath to uphold the law was a sham. Between 1988 and February 1997, members from a Police Station in rural Victoria engaged in a variety of improper sexual

relationships with women living in the district. They targeted the young and the vulnerable to satisfy their personal sexual appetites. Allegations against them included rape, sexual assault, burglary, stalking, being unlawfully on premises and threatening behaviour. To conceal their improper behaviour, which had occurred both on and off duty, police falsified their duty records. These men appeared incapable of recognising they had committed any wrong – they came to view sex as an entitlement.

When the investigations were completed, there were some fifty separate allegations against twelve police. In some cases, the women refused to identify the men. Despite extensive inquiries, there was insufficient evidence to lay criminal charges. The difficulty was that in cases of criminality, the witnesses were not prepared to cooperate; they preferred the more private, and obviously less fearful environment of a private disciplinary hearing. Only one person was prepared to give evidence in court, but in her case, no corroborative evidence could be found. The standing of all police in the area, and their managers, was severely tarnished. In the event, disciplinary charges were laid against seven police. Four others were admonished. One man resigned before disciplinary action could be taken.

The story unfolded over a period of years. The first indication of wrongdoing occurred in 1992–1993 when IID investigated and charged a policeman with indecent assaults. Some of the charges were dismissed at committal and the Director of Public Prosecutions (DPP) entered a *nolle prosequi* in respect of the remaining charges because expert opinion suggested there was no reasonable prospect of conviction.

During the course of the inquiry, investigators were told by a member from the station that the offending policeman had used violence to get sexual favours from another female. She was interviewed, but refused to give details of what had occurred for fear of repercussions. Some years later, she alleged the man had raped her a number of times between February and August 1991. Her later allegations were uncorroborated and therefore unsubstantiated.

In 1993, another woman alleged that, over a number of years, on-duty police had attended all-night parties involving sexual activity at her home. She later withdrew her complaint and was adamant that she did not want to proceed. Several times between 1994 and 1996, a local community worker raised allegations with the Officer in Charge of the police station of police sexual misconduct. She claimed he would not take action.

On 11 January 1996, she lodged a formal complaint that police from the station engaged in sexual activity with teenage females and other vulnerable women. She indicated that other women had made allegations to her, but she was reluctant to provide their details because of 'professional privilege', extreme fear of repercussions, lack of faith in the system of police investigating police and embarrassment on behalf of some of the women (many had consensual relationships which they were reluctant to make public). The community worker named three women as victims but they refused to provide statements. Investigating police then tried to identify other women and, even though they did so, all of them refused to provide details supporting the allegations.

Notwithstanding, ESD investigators and Ombudsman Victoria officers persisted, and gradually more victims were identified. Further allegations were progressively received from January 1996 to February 1997, and investigations continued up to April 1997. Some of the

the abuse continued because management failed to acknowledge and deal with the local culture

complainants were either unwilling or too scared to make complaints, and serious allegations made by four of the women could not be prosecuted because of

lack of evidence. Several instances of witness interference by local police were identified as attempts to dissuade the women from giving evidence. In the final analysis, the abuse continued because management failed to acknowledge and deal with the local culture among some of the police who believed they had the right to treat the women the way they did.

Whilst a lack of sergeants contributed to poor supervision at the station, it was no excuse. The Ombudsman concluded that the Officer in Charge of the Station was primarily responsible for allowing the abuses to continue unchecked. In 1997, the Officer in Charge transferred to another location.

The inadequate officer/staff ratio within the District was a contributory factor. Senior managers denied any knowledge of what was occurring. Because the checks and balances within police management systems failed for so long to deal with both the dysfunctional police and their behaviour, this police misconduct would presumably have continued indefinitely if not for the determination of the woman who forced the investigation. In the end, two members were dismissed from the Force, one resigned before disciplinary proceedings could be instituted against him, one was compulsorily transferred and the remainder were each fined between \$1,000 to \$1,500.

Guns in the Roof

On Wednesday 10 May 2000, as part of Operation CAD, ESD investigators made an unannounced visit to the St Kilda Criminal Investigation Unit (CIU) to seize official records. While searching desks, investigators found marijuana seeds hidden under the bottom of a drawer. Looking around more closely, they saw dislodged ceiling tiles covered with 'dirty paw marks'. A search of the ceiling located a sawn-off shotgun, a revolver, two imitation pistols and illegal knives. By the time the search was finished, the investigators had also located \$200 cash, car number plates, a metal baton, drugs (including amphetamines) and credit cards. Several bottles of whisky, beer and wine were also found. Numerous contemporary media outlets reported the search. Concealment of the items seemed to have been comparatively recent. All were found near

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the CIU offices and adjacent to the Embona Task Force (units established across the metropolitan area to investigate

local armed robberies). The most obvious inference was that they were illegally obtained and may have been intended to plant on suspects. This was not the first time that illicit items had

been hidden in a false ceiling. In 1988, a cache of nine handguns was found in the ceiling space of the then Armed Robbery Squad and the former Major Crime Squad offices at the St Kilda Road police complex. In the publicity that followed the St Kilda Road raid, the activities of Operation CAD became public knowledge. It had begun as an inquiry into anonymous allegations of management problems at the CIU office. The visit on 10 May was the culmination of several months' work into allegations that included claims of excessive sick

recent experience confirms some police continue to use illegal tactics 'to get the job done'

leave, an inability of some police to handle more than three or four investigations a year, and conflict between officers. It was widely known that morale at the office was poor, and that some

members preferred partying to working. There were also long-standing rumours that some of the detectives had inappropriate associations with underworld figures. The troublemakers were led by a small but dominant group of 'old style' officers who had defied authority for years. Determined to operate as they saw fit, they refused to be accountable and deliberately flouted management efforts to have them conform to normal Force work practices. Despite a nineteen-month investigation, none of the items located could be linked to any member at the station. The case demonstrates that in 2000 some police members were willing to bend the rules and break the law. Recent experience confirms some police continue to use illegal tactics 'to get the job done'.

Demise of the Major Crime Squad

Created in 1980, the Major Crime Squad was an investigative unit within the Criminal Investigation Branch of Victoria Police. It had responsibility for investigating major crimes such as large burglaries, kidnappings, safe breakings, prison escapes. It also prepared consorting briefs.

The Squad's origins are with the first crime squad, introduced in 1931 to break up associations between known criminals. From their inception, the Squads' work brought their members in contact with Melbourne's worst criminals. Squad detectives gained a reputation for fighting fire with fire.

In the 1940s, the Breaking Squad was established to investigate major burglaries. The community standards of that time were far more tolerant of 'tough' police work. Few people cared if the civil rights of criminals were breached in the process of getting them before the courts. Squads such as these were also used for difficult tasks beyond the capacity of other detectives; few questions were asked, provided results were achieved.

In addition to an uncompromising stance in dealing with criminals, Squads made extensive use of criminal informers, and built long-standing associations in the underworld. The potential for these relationships to cause immense harm has already been seen in this Report, in the examination of various inquiries into the Breaking Squad in the 1960s.

The Squads were also involved in exchange programs with interstate detectives. These programs, commencing in the 1920s, were intended to facilitate cooperation between States and give investigators knowledge of the more active criminals operating throughout the

Commonwealth. Unfortunately, the programs also facilitated networking between corrupt police, as seen, for example, in the 1980s during the Operation Cobra investigation. By the late 1960s, large-scale drug abuse within the community had helped fuel a rise in violent crime. An alarming incidence of armed robberies led to the creation of a special anti-robbery team in the Consorting Squad. By the early 1970s, the work of that team had been formalised through creation of a separate Armed Robbery Squad. During this period, community attitudes about the handling of offenders changed, but the mindset of many in the crime squads had not. To many of these Squad detectives, their 'noble cause' meant the end justified the means. This attitude resulted in the type of behaviour that came under severe criticism during the Beach Inquiry of the mid-1970s, and persists in some quarters today.

In November 1980, the Breaking and Consorting Squads were amalgamated to form the Major Crime Squad. This administrative change did not alter the mindset of many of those working in the new Squad, where it was still 'business as usual'. It must be said that their work routinely placed them in positions of conflict and danger rarely seen in other areas of the Force, and their ranks contained many exceptionally competent detectives. The Squad entered the 1980s with an enviable track record for solving major crimes. However, the inherent contradictions attached to having a squad of police committed to using yesterday's methods, in an age where accountability was increasing, inevitably ensured that a fracture would occur.

There was a problem, too, in staff selection. More often than not, the overriding criterion was previous service in the same area, with the result that Squad membership and ideas became introverted and self-perpetuating. There also were discernible patterns of movement both into and out of the Squad. Certain inner suburban uniform stations were favoured destinations for Squad members who left on promotion; in those breeding grounds, younger police were identified who could be moulded to suit the Squad's requirements.

By the late 1980s, not only was the Major Crime Squad an anachronism, but the skills of many of its members were simply not sufficient. Under the prevailing ethos, members saw themselves as hard working, hard drinking tough guys; the Squad contained, however, a

to many of these Squad detectives, their 'noble cause' meant the end justified the means ... this attitude persists in some quarters today

significant minority who were lazy and incompetent. Results dropped and complaints about the Squad rose. Typically, Squad members were accused of theft (particularly of cash),

assaults, and an unnecessarily confrontational approach towards those with whom they dealt. There is also evidence of inappropriate relationships with known criminals. Efforts by management to turn the Squad around proved ineffective. Too many of the members didn't want to change. They had become a law unto themselves, and refused to accept direction.

The staffing situation was worsened as the more competent detectives were seconded out to duty in special Task Forces. In a further attempt to change the Squad's culture, its two Senior Sergeants were replaced by members with a demonstrated ability in providing tough but fair management.

By the early 1990s, the rot had well and truly set in. By then, the Major Crime Squad had lost the confidence of experienced detectives in other Squads, and more senior managers were no longer providing the same unqualified support for the Squad's activities. In spite of several management warnings to 'lift their game', things deteriorated during 1991.

In June of that year, a Major Crime Squad detective crashed a police car whilst off duty, and under the influence of alcohol. He tried to conceal his guilt by setting fire to the car to support his claim that an unknown offender had stolen it. Unfortunately, for him, onlookers had seen the whole incident, and watched as he set the car alight. He was later suspended and charged with criminal offences.

Additionally, throughout 1991 an IID investigation, Operation Windsor, had been targeting a Detective Sergeant and other Squad members. The Detective Sergeant and another man had devised a scheme whereby persons charged with criminal offences were paying substantial sums of money to have charges withdrawn. All concerned were later charged with criminal offences. Essentially, an informer relationship gone wrong, it not only corrupted Major Crime Squad members but also a Detective at the Bureau of Criminal Intelligence, who was gaoled for his part in the scheme. At the time of his arrest, the Bureau of Criminal Intelligence Detective had access to the highest levels of classified criminal intelligence held within the Force. The affair also tainted a member of the Fraud Squad, who was later acquitted of criminal charges.

The 'invincibility' of the 'Majors' is demonstrated by an incident which occurred during the IID search for evidence. The IID investigators first approached the Detective Superintendent in charge of the Division requesting his cooperation. They wanted to ensure that the arrest and subsequent search of the Detective Sergeant's work area for evidence was conducted as unobtrusively as possible. The Superintendent's response was to the effect: 'This is the Major Crime Squad; it will support its member'.

The arrest and search went ahead with all Squad members present. They formed a semi-circle around the area throughout the three-and-a-half hours the IID investigators were present. At the completion of inquiries, as the Detective Sergeant was led from the room, one of their number pushed forward. He shook the Detective Sergeant's hand and, speaking about the IID investigating officer said, 'you're twice the detective this [swear word] will ever be'. For the Superintendent and the Officer in Charge of the Squad to allow this conduct to occur sends an appalling message to subordinates.

Matters in the Major Crime Squad finally came to a head on 24 January 1992, when three of its members were involved in an alleged assault at the 'X' Club in King Street. Charges of intentionally causing serious injury, preventing the course of justice, and false imprisonment were later dismissed in the Magistrate's court when key witnesses, including the complainant, failed to appear. The Force response to the initial complaint was immediate. All Squad members were placed on restricted duties while senior management considered their future. On 9 March 1992, an Assistant Commissioner told them that the Squad was to be disbanded and that members would be redeployed within State Crime Squads. By June 1992, the Special Response Squad had been formed to replace the Major Crime Squad.

Many members who served in the Major Crime Squad during the 1980s continued to serve elsewhere in the Force through the 1990s. Some went on to have distinguished careers; others continued to bring discredit to the Force because of allegations about criminal behaviour. Disbanding the Major Crime Squad sent a clear message not only throughout the Force, but also interstate:¹³ thuggish tactics were not acceptable. However, there were still some units in the Force of similar culture to the Major Crime Squad, requiring attention in the years ahead.

The Armed Offenders Squad

Still widely known colloquially as 'the Robbers', the Armed Offenders Squad was formed in 1999 when the existing Armed Robbery, Special Response and Prison Squads were merged. The administrative review that created the change sought to build something new, but of the three Squads that made up the new unit, it was 'the Robbers' which kept their identity. That by itself tells something about both the nature of the work the Squad does, and about the people who work in it.

Since inception, the Armed Robbery Squad (1971) and its members developed a high public profile through innumerable media stories and 'true crime' paperbacks about their exploits. They have a strong sense of self-image and the worth of what they do. In 1986, the Squad's then Officer in Charge described it as 'the most consistently demanding area of the Victoria Police'.¹⁴ In 1995, a former Squad member claimed 'it's revered by all members. You may attend a scene and they see you and know who you are and you have instant respect'. Yet another former member recalled that 'these people (armed robbers) were difficult to apprehend and if you caught them and they received a conviction you felt as though you were actively accomplishing something. The camaraderie within the Squad was something you didn't find everywhere'.

The creation of the Squad had its roots in changing crime patterns over recent decades. In the early 1960s, armed robberies were a rarity; by the late 1960s they were considered a major concern. The figures speak for themselves: twenty-eight robberies in 1960, 144 in 1970, 607 in 1980 and 1,776 by 1990.¹⁵ Not only was the rising frequency of this crime a concern, but so too was the difficulty of obtaining sufficient evidence to secure a conviction.

Professional armed robbers usually disguised their appearance and took good care to avoid obvious connections between themselves and their offences. Such suspects are more likely than not to remain silent, to make no confession and to rely on their civil rights. With no confession, no eyewitness identification and an absence of physical evidence, chances of a successful prosecution can be slim.

Attempts to overcome the difficulty of proving offences by resorting to illegal methods were the subject of comment in the Beach Report. Beach detailed allegations of police conduct using intimidation and violence against suspects to either extort confessions or, alternatively, falsely manufacture confessional statements (a practice commonly known as 'verballing') to secure convictions.

The same behaviour was singled out for comment by Royal Commissioner Justice Williams who quoted Justice Michael Kirby, Chairman of the Australian Law Reform Commission, saying that 'some of them (police) probably believe that stretching the rules is justified by the unequal fight against crime'.¹⁶ Williams then referred to the case of Linus Patrick Driscoll, which had received attention in the High Court for the alleged practice of 'verballing'.

Driscoll was allegedly a member of a gang known as the 'toe-cutters', which kidnapped, tortured and killed other criminals to acquire the loot their criminal victims had stolen. The Victoria Police Armed Robbery Squad, learning that Driscoll was lying low in Melbourne, located and arrested him. He was taken to Russell Street Police Headquarters to be interviewed by a detective from New South Wales and by Victorian detectives. The product of that interview was before the High Court. Although the New South Wales detective was in charge of the interview, there is no reason to think – as Beach made clear – that verballing was not also conducted by Victoria Police.

Verballing was virtually eliminated during the 1980s when courts treated police use of unsigned confessional statements with extreme scepticism. The introduction of taped interviews in 1988 substantially improved police interview technique.

With the advent of new technology in the 1980s, such as listening devices and telephone interception, investigative practice has been revolutionised, due in no small part to some of the recommendations from various Royal Commissions. There are many cases today which would never have reached court in the past, but which, with the aid of new techniques, and not having to rely on confessions, carry an excellent chance of success.

Investigators had to adapt to a changing environment. For example, by the mid-1990s, bandits were less likely to commit bank robberies (down from 129 in 1987, to 40 in 1994) and more likely to strike at so called 'soft' targets such as convenience stores.

Changing environment or not, an aspect now very clearly evident, and worthy of further study, is that the 1980s was a particularly violent decade, both for the Armed Robbery Squad and the Victoria Police. Some commentators claim 'the Robbers' lost control over the criminal underworld because in the aftermath of the Beach Report, one of its alleged major tools, 'the verbal', had been removed. It has been claimed that because of this, certain criminals prospered and the response by some detectives, particularly in the Armed Robbery Squad, was a loss of control resulting in the killing of criminals rather than taking them to court.¹⁷

These claims remain purely speculative in the absence of definitive research. However, a fact beyond dispute is that Armed Robbery Squad members were charged over the shooting death of Graeme Jensen. Acting on an informer's tip that Jensen had committed armed robbery and murder, Squad members attempted to arrest Jensen at Narre Warren on 11 October 1988. Jensen evaded capture and was shot dead attempting to drive away.

The Director of Public Prosecutions, Bernard Bongiorno, QC, decided to charge the eight former or serving detectives involved in the shooting with murder. He presented them directly to the Supreme Court for trial. A Homicide Squad Detective investigating the

shooting, was also charged and suspended for allegedly impeding the investigation. The Homicide Detective, a highly respected police officer who prided himself on his professionalism, was shattered by the allegations. Two months later he committed suicide. His death provoked an immediate and emotional response from within the Force.

In June 1995, charges against seven of the eight men were withdrawn. Only one Detective was presented for trial on a charge of murder, he was subsequently found not guilty.

The nature of armed robbery crimes are often sensationalised by media exposure, generating strong pressure for their solution. The pressure can come from both police management and from the community generally. To a hard-pressed investigator, the logical source of information about possible offenders is the criminal fraternity itself, through the use

of informers. Sometimes their information leads to vital breakthroughs, but just as often it can lead nowhere. As

relationships with informers can lead police to lose perspective on the difference between lawful and unlawful activity

seen elsewhere in this report, relationships with informers can lead police to lose perspective on the difference between lawful and unlawful activity.

A case in point in the early 1990's, involved a heroin addict and convicted armed robber who, claimed detectives from the Armed Robbery Squad had protected and helped him commit crimes during the 1980s. He acted as their informer. Allegedly, these same corrupt police gave him a share of the cash and drugs seized at raids and shared reward money with him, allowing him to commit armed robberies while they turned a blind eye.

A Task Force, known as Operation Acorn, conducted extensive inquiries into the informer's allegations. The information gathered in the investigation totalled twenty-two volumes. Despite these efforts, the alleged criminal conduct of police could not be proven. Reasons for this included: the passage of time; the character, self-interest and shifting motivation of the criminals in the case; the legitimate disposal of old records; and the fact that a number of the police, supposedly implicated, pursued their right to silence, and refused to answer questions.¹⁸

An insight into the attitudes of some sections of 'the Robbers' in the late 1980s and 1990s can be obtained from the complaints lodged against them. In 1989, a Detective left the Squad on a promotional transfer to the rank of Sergeant at City West police station. On arrival at his new station, he reportedly stunned junior staff with his bizarre behaviour, which included assaulting and overbearing a suspect to obtain a false tape-recorded confession, and attempting to involve a junior member in his action.

The Sergeant, whose activities were widely covered in the press, proposed they kidnap a suspect drug trafficker and take him on a 'ride to nowhere' which his subordinate took to mean to murder the man. He also kept what he called his 'bag of tricks', an assortment of items such as firearms and articles of disguise that, presumably, were to be planted on suspects he charged. He also submitted a false work cover claim alleging that he dropped a sledgehammer on his hand during a raid. The truth was that he had broken his knuckle assaulting a man.

Alarmed by his conduct, the junior members sought advice from their superior officers and the Sergeant was charged and brought to trial where he was found guilty and gaoled for four years. In another example in 1990, two Detectives were found not guilty of a variety of charges connected to an incident at Catani Gardens, St Kilda.¹⁹ The two Squad members had attended an early morning barbecue in Catani Gardens, St Kilda with two interstate detectives. While there, a woman who was not known to them, joined their party uninvited. She had previously attended St Kilda police barbecues in the Gardens because she had a police relation and, in the absence of other social contacts, felt safe in the company of police. She later claimed they had been drunk and allegedly assaulted her, fired shots in the air and demanded sex. She fled and reported the matter, and an internal investigation commenced immediately. The two detectives were suspended and left the Squad.

Also in 1990, one of the Detectives involved in the Catani Gardens incident was convicted and fined \$3,000 and given a three month suspended sentence for making a death threat to a Constable, who had given evidence in the City West Sergeant's case. The death threat had been made in the Magistrates' Court, as a result of which the Detective was directly

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presented to the Supreme Court. Most members of the Armed Robbery Squad attended the Supreme Court hearing and presented an intimidating presence;

their action did not help the Detective, who resigned from the Force shortly after his conviction.

In 1991, the other Detective from the Catani Garden's incident was back in court for falsely claiming a police car parked outside his private address had been involved in a hit-run collision. The damage had in fact occurred when the Detective hit a sign on a median strip in North Road, East Brighton on his way home from the previously mentioned Catani Gardens barbecue. Police attended the scene, but left after the two detectives identified themselves as members of the Armed Robbery Squad.

In 1994, a Detective Senior Constable and Detective Sergeant were acquitted on a charge of accepting a bribe. Allegedly, the Detective Senior Constable had told a career criminal that he would only get bail on armed robbery charges if he paid the detectives. IID investigators filmed the two detectives removing a sum of money from where it had been hidden in the rear yard of criminal's home. When later searched for, the money could not be found, and both the Detectives denied the accusations.²⁰

In 1996, Judge Pratt of the Queensland District Court accused Victorian Armed Robbery Squad detectives of 'appalling brutality' in assaulting a man held in custody in Victoria on a Queensland arrest warrant. The Judge rejected confessional evidence relating to a charge that the man had committed an armed robbery in Brisbane, because the alleged confession was false and given under duress.²¹

More recent allegations in relation to members of the former Armed Robbery Squad will be the subject of a separate report to be published by OPI in 2007.

Operation Sellars – Secrets for Sale

In December 1994, a Detective Senior Constable of the Force Redeployment Group commenced leave. On 3 January 1995, the Detective Senior Constable did a car registration check via a police computer at the South Melbourne CIB office where he had once worked. The car check led to a major investigation that uncovered a thriving traffic in confidential data between some police and their associates in the private inquiry industry.

In the course of their duties, other police queried the Detective Senior Constable about the car check. His explanation raised more questions than it answered. A check by a supervisor indicated that the Detective Senior Constable had conducted 361 car checks in 1994 and 135 by early February 1995.

Within a month, IID had commenced the inquiry that became Operation Sellars. It became apparent that a network of police was providing information to a private investigator. The private investigator had at one time lectured students at the Victoria Police Detective Training School, had many friends and acquaintances in the Force, and socialised with them on a regular basis.

His successful business was primarily engaged in inquiry work for insurance companies. It mainly related to claim files about house burglaries and motor vehicle accidents. The information from his police friends gave his business a competitive edge. Many police provided the information simply because of their friendship, but it was alleged that others were paid by the private investigator for their services.

On 29 October 1996, IID investigators went to the private investigator's office armed with a warrant and seized a large quantity of records. They also visited a number of police stations and a private home in their search. The material they obtained corroborated everything they had been told, and included copies of printouts from the Force's computer records.

The profits were high in this lucrative trade. The car registration details the private investigator got for nothing were sold to insurance companies for \$75 per vehicle. His business was not just restricted to the provision of confidential information accessed via the Victoria Police LEAP database.

Even more insidious were the actions of a police sergeant who contacted the private investigator to advise him of the location of a stolen car. This information was legitimately received from other police in the course of the sergeant's duties. It was alleged that the private investigator and the sergeant planned to dupe the insurance company into believing that the private investigator had provided the police with the information leading to recovery of the car. Subsequently, the private investigator submitted an account for \$1,250 to the insurance company as a reward for recovery. Payment was stopped on the advice of police investigators.

At a court hearing, an insurance company claims manager stated that while it was an unusually high fee, it was not unusual for investigators to liaise with police when a stolen vehicle was recovered. Both the incident and the manager's statement harked back to the years of the Kelley Inquiry of 1933, when police helped investigators recover stolen cars for a fee.

In total, the activities of thirty-two police and four civilians were investigated. Twenty-two police were charged with a range of discipline offences including improper release of information, unauthorised release of information and engaging in conduct likely to bring the Force into disrepute. Fines imposed totalled \$14,550. Four of the police resigned and an Inspector was reduced in rank to Senior Sergeant. He was later reinstated on the recommendation of the Police Review Commission. One police officer and three of the civilians were charged with criminal offences.

inappropriate access and use of confidential police information by staff remains an ever-present risk

The private agent entered a plea of guilty at the Melbourne County Court on one count of attempting to obtain property by deception (the attempt to obtain a reward for recovering a stolen car). He was fined \$5,000. The court acquitted the Sergeant of a similar charge. Inappropriate access and use of confidential police information by staff remains an ever-present risk, as it is to all organisations that hold information of a confidential nature.²² Numerous police have been subject to disciplinary hearings for inappropriate access and release of information since Operation Sellars was completed.

Operation Bart

Following accidents, criminal damage and similar emergencies, police often need to ensure that protective security shutters are installed. Operation Bart investigated allegations that many police had by-passed the authorised police Shutter Service Allocation System and referred protective shutter jobs to companies that paid for the police referrals. It was one of the largest internal investigations conducted by Victoria Police and many young uniformed personnel at police stations throughout the Melbourne and metropolitan area were involved.

It began in March 1995, when a Constable contacted Ombudsman Victoria to discuss a number of matters. Among them was an allegation that police were receiving payment from shutter service operators. Initial attempts to report this to his superiors at Moorabbin had resulted in harassment and abuse.

The Ombudsman raised the issues with the then Assistant Commissioner of the IID and an investigation began on 9 May 1995. From a review of relevant files, the investigators learned that three major glass firms were soliciting the services of police, who were paid for referring incidents of broken windows to them.

A Senior Constable from Flemington was identified as being actively involved. A covert operation using a fictitious security and shutter services company was then established but the operation was aborted when it became evident that the targets were aware of it.

On 28 August 1995, three search warrants were executed on premises associated with a shutter services company. Records seized indicated that from April 1994 to May 1995, some 1,200 payments totalling \$144,000 were made to police.

On 1 September 1995, some three tonnes of documentation was taken from the forty-one police stations which, by then, had been linked to the inquiry. In response to the

size of the investigation, Force Command approved the formation of a Task Force. Named Bart, it commenced on 12 September 1995 with a staff of twenty, under the command of a Chief Superintendent of the IID. The number of Task Force staff grew to a maximum of forty personnel. It was officially wound up on 6 March 1998.

A total of 1,548 police from eighty-nine stations were investigated and more than 1,800 civilians were interviewed. Some of the shutter services involved did not cooperate. Following a legal opinion from the Director of Public Prosecutions during the early stages of the inquiry, the investigation primarily focussed on proving disciplinary rather than criminal charges against the police involved.

The results were astounding. Nine police were dismissed, seven resigned before hearings had been conducted and eighteen resignations were directly attributable to the operation. Of the rest, five were demoted and transferred, eighteen were transferred and 188 were fined. An additional 139 police were disciplined in other ways. Disciplinary fines imposed totalled \$239,000.

Only a limited number faced criminal charges. The Senior Constable from Flemington was convicted and fined \$1,000, a sum less than that imposed upon many of those who faced the disciplinary hearings. He was later dismissed from the Force through the disciplinary system. A shutter services company was fined \$40,000 at the Melbourne Magistrates' Court

officers of the rank of Inspector and above had no idea what was going on

after pleading guilty to corruptly giving or offering money as an inducement or reward to police.

The operation uncovered a worrying number of systemic failures. Early warning signs had been ignored by the IID, and local management was found to be inadequate. Officers of the rank of Inspector and above had no idea what was going on. Many of the sub-officers were simply not doing their job; through laziness, ineptitude or actual involvement in the corrupt practices, they had been blind. It was apparent that low standards of ethical behaviour were widely tolerated. There were also strong reasons to believe that some supervisors had colluded with, or pressured subordinates to make statements that minimised the supervisor's role in the scam.

While the shutter firms had actively solicited police, it was equally true that many police had taken advantage of the situation. The corruption spread quickly and broadly. On average, it took less than six weeks for the infection to spread with the transfer of a member from a station where the racket was blooming to another where it was unknown. Although

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there were some outstanding exceptions, too many people failed to appreciate the inherently unethical nature of their conduct.

On being questioned, many chose loyalty to their workmates over loyalty to the organisation, and baulked at 'dobbing in' others.²³ The then Ombudsman concluded that the root cause of unethical behaviour had been the existence of a working environment where breaking the rules had become acceptable.

While enhanced standards of recruitment, training and the reinforcement of ethical conduct were necessary, the real solution lay in changing the attitudes of middle and senior level management. They not only had to understand their role, but they also had to discharge it and take full responsibility for the conduct of members under their control.

Of particular concern was an apparent lack of supervision over operational units. The Operations Department took immediate steps to implement a stringent new policy that clearly defined the roles and responsibilities of field supervisors. Many front line managers saw these revamped instructions as too demanding and some actively resisted their implementation. After a twelve-month trial period, a modified policy and the subsequent instructions were incorporated into the *Victoria Police Manual*.²⁴

Persistent Patterns of Behaviour

The profiles of a number of police members provide good examples of weaknesses in disciplinary and promotion systems, and how internal police perceptions may differ radically from public perceptions and expectations.

While it is not possible for legal reasons to go into specific details regarding individuals, a number of personnel files examined by the review team demonstrate disturbing similarities in patterns of behaviour. The typical profile of these men and woman are individuals who, early in their careers, gain notoriety. A number of these police have been prosecuted in relation to serious criminal offences, ranging from serious assault to corruption charges, but all were found not guilty and remained in the Force.

They present as very confident individuals with an arrogant attitude to authority. Some are boastful about the misdeeds of their past, engaging with a wide circle of associates, including criminals.

The opinions of those they work with are invariably split, some viewing them as 'cowboys' or 'crooks', others as 'larrikins'. Their direct supervisors are generally forgiving of their aberrant behaviours because of their high arrest rates. Senior managers, on the other hand, find them troublesome and concerning. This ambivalence is often reflected in community attitudes. On the one hand are those who want to support police who are overzealous in their pursuit of wrongdoers, even though they may break some rules to justify a result: on the other hand are those who condemn any abuse of authority as 'disgraceful'.

An important feature these individuals have in common is the high number of public complaints they attract. In addition to any criminal proceedings faced by these police, some

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personnel files revealed individuals with more than fifty complaints registered against them, with up to six in a twelve month period.

Individual complaints are generally unable to be substantiated because, while police corroborate each other's version of events, there is usually no independent evidence to

corroborate a complainant's version; a proper scrutiny of the complaints made about these police demonstrates marked propensities for inappropriate behaviour

While the Force personnel records reviewed were often voluminous there were problems identifying and accessing relevant records held in separate 'silos.' Personnel assessment processes inevitably resulted in 'above average' reports but failed to provide objective assessments of the individuals.

In the absence of substantiated complaints and despite the concerns of some superiors, most of these members achieved promotions. Management was unable, in many of the cases, to intervene to change the behaviour. Some objective comments about unacceptable patterns of behaviour were made from some local officers and the Personnel Branch, but, having identified the problem, little seems to have been done about it. Those who did point out the aberrant behaviour patterns appeared to get little support from superiors.

By failing to take appropriate remedial action at the earliest opportunity, Victoria Police allowed unacceptable forms of behaviour by officers such as these to become entrenched. While the careers of members of police such as these are permitted to flourish, the detrimental impact is twofold. First, their presence in the Force must diminish public confidence in the professional standards of police.

noble cause corruption, that makes 'heroes' of those who break the rules, is inconsistent with an anti-corruption culture

Second, their bragging and 'track record' of getting away with misbehaviour or

breaking the rules sends the wrong message to their colleagues. The 'Noble Cause' corruption, that makes 'heroes' of those who break the rules, is inconsistent with an anti-corruption culture that must be a hallmark of the modern police force.

Drug enforcers 1952–2000

Early Beginnings

Illicit drug use in Victoria can be traced back as far as the 1850s, when 'opium dens' were part and parcel of the lifestyle of Chinese diggers at the gold fields.¹ On 12 February 1917, three Chinese men and a Melbourne Customs official were arrested during a night time opium raid² and in 1919, four police from Bendigo arrested 'three Chinese men for possession of opium'.³ These police appear to have later been commended for their efforts. But the actual formation of special police units to combat illicit drug use in Australia was slow in coming. The Australian Prime Minister sent a League of Nations Circular to all State premiers on 31 December 1937. It drew attention to the need for 'specialised police forces to deal with the campaign against dangerous drugs',⁴ and noted that only New South Wales possessed such a unit in Australia. Victoria Police did not establish a Drug Bureau until 1952.

The Drug Bureau

Victoria's Drug Bureau commenced as part of the Russell Street CIB in 1952 with two Sergeants, one of whom spent time at the Central Drug Bureau in Sydney before establishing the Victoria Police Drug Bureau on similar lines.⁵ Its charter was to 'more effectively control the illicit use of drugs in Victoria', to be achieved by the investigation of pharmacy records, complaints about drug use and trafficking, use of forged medical prescriptions and drug thefts from doctors' premises and cars, and from pharmacies. Even then, Victoria and New South Wales were still the only two States to have a police Drug Bureau.

During the 1950s, opium dens in Victoria remained, but were diminishing in number. Supply and use of Benzedrine tablets were popular among 'bodgies and widgies', but even by 1957, the Officer in Charge of the Drug Bureau, remarked that 'so far, we haven't struck a marijuana smoker'.



The Bureau's work required liaison with the Mental Hygiene Department to deal with addicts, enforcement of the *Poisons Act*, *Mental Hygiene Act*, *Medical Act*, *Opticians Registration Act*, *Police Offences Act*, *Dangerous Drugs Regulations* and the *Pharmacy Regulations*. The 1954 *Police Annual Report* reveals that fifty-one prosecutions were launched for 321 charges under the *Poisons Act*, *Medical and Inebriates Act* and the *Dangerous Drug and Pharmacy Regulations*; additionally, 'six addicts were lodged in mental homes under the *Inebriates Act*'.⁶ In 1955, the *Annual Report* declared that a number of premises occupied by Chinese had been searched under special warrant and eight Chinese had been charged with possessing and smoking opium. One opium den had even been demolished by Order of the Minister of Housing.⁷ By then too, the Bureau was working in conjunction with the Pharmacy Board, the Medical Board, the British Medical Association, State and Commonwealth Health Departments and the Department of Customs and Trade.

With criminalisation of cannabis in 1963, the Drug Bureau was separated from the Russell Street CIB to become a 'stand alone' unit in its own right within the Crime Department. By 1976, long-time head of what had, by then, become the Drug Squad, Inspector Roy Kyte-Powell, was expressing concern about the non-medicinal use of drugs and its spread across Australia. Commonwealth figures revealed that in 1973, 3,601 offenders had been detected – in 1974, this number had risen to 5,576. While a fifty-four per cent rise in this area of crime was worrying enough, the knock-on effect of 'drug-related crime' was becoming even more concerning.⁸

Kyte-Powell found increased complaint allegations against active investigators by offenders who would 'stop at nothing to embarrass police or others...and...allege all manner of misdeeds including brutality and corruption'. While he believed, after intensive investigation, that most such complaints could not be substantiated, they took considerable time to clear, were mostly non-productive and were damaging to morale. By the mid 1980s it had become evident that some of the allegations had substance.

The 'Dud' Drug Raid

After two years of intelligence gathering about unlawful marijuana crops grown between rows of grape vines, a drug raid scheduled for January 1981, near Swan Hill. Called Operation Leo, it was planned as the largest drug raid in the State's history.⁹

The operation had mobilised police from Melbourne, trail-bike riders, the Special Operations Group and others. As part of the security plan, some Task Force members were given false destinations.

In the early hours of 12 January, raids were conducted on fifty properties, but no marijuana was found. Coordinators of the raid had originally planned for it to happen on 14 January but brought the date forward after learning in the week before the due date that growers had been 'tipped off'. On the basis that it might cause destruction of the unlawful crops, the plan proceeded anyway.

The source of the leak was never identified; it could have been growers who supplied the original intelligence, or someone in the Force. The *Sun News-Pictorial* newspaper claimed that many of the participating police knew details of the operation 'days before they were officially told'.

The Drug Squad

By 1985, illicit drug use in Victoria warranted more comprehensive policing and the government approved staff increases to bring the total number of Squad members to 191.¹⁰ Previously, it had been a relatively small unit run by a Chief Inspector, with an Inspector as second in charge; they reported to a Superintendent in charge of Special Operations in the Crime Department. The Superintendent reported to a Chief Superintendent in charge of Operations who, in turn, reported to the Assistant Commissioner (Crime).¹¹ These significant staff increases upgraded the Officer in Charge position to Detective Superintendent.¹² But it was not all plain sailing. By 1987 optional early retirement had come to the Force in conjunction with the 38-hour week the then Police Minister went on record as saying the three-year plan to bring Drug Squad strength to 191 would have to be 'held back until at least the 1987–1988 State Budget'. By 1990, public acrimony between politicians about the size of the Squad was still occurring, to no avail. By August 2001, the authorised strength of the Squad was only sixty-eight members,¹³ less than half the 191 promised in 1987.

The Squad was structured into three operational units, each run by an Inspector having a team of twenty members (including an analyst and Tactical Investigation Officer). Units 1 and 3 dealt with major heroin trafficking, while Unit 2 handled investigations regarding illicit drugs and amphetamine traffickers. The Squad also coordinated major regional drug investigations, provided undercover support, made presentations on drug problems and liaised with agencies outside the Force. In 1999, a structural review of the Crime Department removed the Superintendent's position as Officer solely in charge of the Squad, spread the workload and made the Superintendent's position Officer in Charge, No. 4 Division, Crime Department responsible for the Drug Squad, Asian Squad and Armed Offenders Squad.¹⁴

In a general way, drugs and the unlawful activities connected with them had begun to taint police. In November 1988, two members attending a training seminar at the Police Academy were found guilty of disciplinary offences for smoking marijuana whilst in residence. At an appeal before the Police Service Board almost a year later, the presiding Judge

drugs and the unlawful activities connected with them had begun to taint police

overturned the findings saying 'the evidence against them was unsatisfactory'. A police trainee, just prior to his graduation, was dismissed for trafficking cannabis, arrested and later bailed. An ex-heroin dealer was then

awarded \$50,000 in damages after a County Court Judge found he had been assaulted and had cannabis 'planted' on him by two police from Warrnambool. Another case involving 'Dingy' Harris, is described earlier in this Report. He was charged with conspiring to import 330 kilograms of cannabis said to have a street value of \$8.5 million. Experience in other

jurisdictions informs us that some younger members of the police force are likely to be using recreational drugs. Recent corruption in the Drug Squad is the subject of other Ombudsman Victoria and OPI reports.

Deception and Perfidy

In 1990, Operation Clare was established to investigate persistent allegations that a 'mole' inside the Drug Squad was not only compromising investigations by selling information to criminals, but also placing at risk the lives of undercover operatives. It was further alleged that a particular target of the Squad had been warned of telephone tapping.¹⁵ The Assistant Commissioner IID did not claim straight-out corruption but rather, 'breaches of security protocol'. He further indicated that IID was concurrently investigating the sale of drugs by uniformed officers in regional Victoria, concealment of the theft of money by a detective during a drug raid and improper associations between police and criminals.

Over the next few years, a variety of allegations involving the Drug Squad besieged the Force. Some of these were quietly explored by the Force itself and others, like the very public ABC Four Corners Program of February 1998, produced an angry response from the Chief Commissioner and others.¹⁶ A miscellany of newspaper headlines between 1990 and 2002 throws some light on what was becoming a gloomy picture of Drug Squad impropriety:

- 'Taskforce Set Up to Investigate Leaks', (*Australian*, 27.12.1990).
- 'Police Lose \$1M Drugs', (*Herald Sun*, 14.10.1991).
- 'Inside Job Fear On Drug Theft', (*Herald Sun*, 19.3.1993).
- 'Probe On Drug Office Break-in', (*Herald Sun*, 22.6.1995).
- 'Claim of \$70,000 Police Bribe', (*Age*, 21.3.1996).
- 'Arrests In Police Burglary', (*Age*, 7.4.1997).
- 'Theft Hurt Us All Says Chief', (*Herald Sun*, 10.2.1998).
- 'Drug Officer Bribe Claim', (*Herald Sun*, 21.4.1998).
- 'Officer Suspected in Drug Squad Break-in', (*Age*, 1.4.2000).
- 'Crook Officer a Dinosaur Says Comrie', (*Herald Sun*, 31.5.2000).

Contemptible and Dishonourable Conduct

In January 1992, Sergeant Kevin John Hicks arrived at the Drug Squad from the then Major Crime Squad. Hicks had joined the Force from Hamilton in 1974. Between July 1979 and January 1985, he was twice commended for outstanding work performance and exemplary conduct and, with thirteen others, for courage, initiative and devotion to duty in the apprehension of armed and dangerous criminals.

Immediately prior to his arrival at the Drug Squad, the Superintendent in charge of the Major Crime Squad was preparing to move Hicks out because of significant under-performance. As the records of drug exhibits at the Squad were in disarray, Hicks was moved to the Squad to assist with property and exhibit management. It was putting a fox in charge of the chickens.

By all accounts, Hicks was irascible and sulky about his removal from the Major Crime Squad. He was also reputedly drinking heavily, had suffered a marriage breakdown and was struggling with maintenance payments. In his new role, Hicks was given the keys and

he developed the role ... of an affable, trusted confidant ... while he was milking his workmates for valuable operational information

unsupervised access to Attwood, a remote location near Tullamarine Airport where the Force stored noxious drugs and chemicals seized in raids. Attwood was also the site of the Police Motor Driving School and the Dog Squad. The

chemical storage site comprised a number of shipping containers within a chain-wire security compound. Within weeks of his appointment to the Drug Squad, and in his new role as Property and Equipment Officer, Hicks resumed a long-term association with a criminal in league with various motorcycle gangs and socially familiar with many police.

Hicks apparently developed the role and character of an affable, trusted confidant who was a genuinely interested and helpful sounding board to investigators, all while he was milking his workmates for valuable operational information. Over the next two years, he:

- gave his associate and others duplicate keys for the Attwood drug storage area;
- personally stole chemicals from Attwood for his associate;
- informed criminals about police raids, telephone taps and surveillance, thereby compromising colleagues and investigations;
- regularly received thousands of dollars in bribes.¹⁷

On 19 May 1997, both Hicks and his associate were arrested. Hicks subsequently pleaded guilty to criminal charges of bribery, burglary and theft and was convicted and

squad culture ... was excessively results-driven: outcomes at any cost ... the first casualties were effective supervision and proper administration

sentenced to seven and a half years gaol, with a minimum of five years before being eligible for parole. Discussion with both serving and ex-police who know the Drug Squad, and examination of ESD files, suggest Squad culture at the time was excessively results-driven: outcomes at any cost.¹⁸

In such an environment, the first casualties were effective supervision and proper administration. Short-staffing and work volume also exacerbated the unhealthy practice of short cuts and shoddy management as the following case study further demonstrates.¹⁹

Ineffective Management and Supervision

In August 1991, 1.3 kilograms of methylamphetamine was delivered to the Victoria Police Drug Squad by a country-based police officer and recorded as Property Book entry 196/912. Police Manual Instruction 5.15(1) required that on completion of cases involving drugs, drug exhibits were to be taken to the Drug Squad for destruction.

At the time, receiving procedures for these drugs required that they be accompanied by a report, court forfeiture order and original Crime Report. Drugs from the country could be received on any weekday during office hours and were to be entered by the Property and Equipment Sergeant. Protocols required that the courier delivering the drugs be given a receipt for them, after which they were placed in a plastic bag bearing a label signed by both the courier and receiving officer. The label was placed on the inside of the plastic bag, which was then heat sealed. The sealed bag was placed in a cardboard box, along with other exhibits taken on the same day. All exhibits were to be arranged in their numerical sequence of receipt.

At day's end, the box of exhibits was secured in a locked and alarmed storeroom on the third floor of the building, where they remained until ready for destruction. Files relating to each exhibit were placed in a folder and details about each exhibit were indexed and entered onto a computer. There seems to have been no requirement to weigh drugs at the time of transfer to the Drug Squad and it appears that no reference to the volume or size of the exhibit was recorded in the Property Book. When it was time for destruction, two officers of Inspector rank, and independent of the Drug Squad, visited the Squad, took possession of the drugs and checked against entries in the Property Book to ensure consistency and propriety. At least one exhibit was supposed to be randomly selected by the officers and forwarded to the State Forensic Laboratory for corroborative re-analysis, and, by implication, confirm the effectiveness of security arrangements. When all the Property Book entries tallied with the exhibits, they were written off and the drugs taken to Fairfield Hospital for supervised destruction. The process was complete when the independent officers submitted a report stating which exhibits had been inspected and destroyed, and which had been sent to the Laboratory for re-analysis.

On 4 October 1991, two independent Inspectors arrived at the Drug Squad to conduct audit and destruction procedures. Instead of a Sergeant in charge of Property and Equipment, they found a Detective Constable rostered for the task. A Sergeant and Senior Constable had been assigned to assist the Inspectors with the auditing and, over the course of the day, more than 450 drug exhibits were checked. Of these, 364 heat sealed plastic bags of exhibits were stored at the Squad. Sixty additional exhibits had been brought in by a Sergeant from St Kilda. At some point during the day, exhibit 196/912 was found to be missing. Initially this did not cause undue concern as the Inspectors had found that other exhibits, seemingly missing, had merely been stored out of sequence. A preliminary search failed to locate the missing exhibit.

The Inspectors decided to continue with the destruction process and simply note that exhibit 196/912 'had not been sighted'. As they had only the Property Book to work from, and not the files relevant to each exhibit, they did not know the missing exhibit weighed almost 1.5 kilograms. A subsequent investigation into the missing drugs by the IID revealed that, although receiving and storage procedures were followed in a general sense, there were a number of flaws.

For example:

- missing exhibits had previously been found sealed inside plastic bags with a different exhibit;
- keys used to access the alarmed storeroom were regularly left in the unlocked drawer of the receptionist on the second floor;
- lack of a replacement Sergeant for Property and Equipment duties meant the storeroom keys were passed around daily to different members performing those duties; and
- there were no internal inspection or audit procedures in place to guarantee security of exhibits because property responsibilities passed between different members.

Indeed, on the day of the Inspectors' audit, exhibits were to be moved from the third floor storeroom to an Operations room on the second floor where the audit was to take place. The Senior Constable assigned to this task then discovered, after having placed a number of exhibit boxes in the Operations room, that the room was not available so he had to move the boxes again to another room. During the IID investigation, he admitted that when moving the boxes of drugs from both the alarmed storeroom and Operations room, he had closed but not locked the doors: in fact, the Operations room could not be locked.

IID investigators found that the auditing Inspectors had failed in their duty by not notifying the Superintendent in charge of the Drug Squad as soon as they discovered the exhibit was missing. The Superintendent's staff told him about the missing drugs late in the day. He did not notify IID about the problem until 8 October 1991, four days later. The Superintendent also gave inconsistent advice to IID about when he conducted a search of the storeroom saying, on the one hand, it was 4 October, and on the other, 7 October. This inconsistency was compounded by the fact that he had not recorded the incident in his diary.

During the IID inquiry, an anonymous female caller reported that the missing drugs were in the possession of a particular Drug Squad member. That member's locker, desk and equipment were searched but the drugs were not found. The Acting Chief Inspector who had received the call thought it was vicious and vindictive and did not report it to IID. Had not the member falsely accused of taking the drugs relayed the matter to IID, it might never have been passed on at all. The incident caused unnecessary tension between IID and the Drug Squad.

IID investigators criticised the Superintendent in charge of the Squad for failing to provide clear and accountable instructions to his members when dealing with drug exhibits, for not undertaking a proper investigation at the time 196/912 was reported missing, for failing to follow

Force monthly inspection procedures and for failing to properly secure the storeroom keys. The investigators concluded these careless practices had been the standard for a considerable time, and recommended disciplinary action against the Superintendent and others.

The two independent auditing Inspectors received admonishments for their part in it. Both refused to accept the admonishment. Their actions resulted in a review of Force policy that determined that the standard of evidence required to deliver an admonishment should be the same as the standard necessary for a disciplinary charge. In subsequent cases if police refused an admonishment, they were automatically liable to be charged with a disciplinary offence.²⁰

This case study demonstrates not only the abysmal management at the Drug Squad at the time, but the exceptionally fertile ground there was for the blossoming of both opportunistic and systemic corruption as outlined below.

In between December 1996 and January 1997, documents and tapes relating to Operation Phalanx were stolen from the Drug Squad Office at the St Kilda Road Police Complex. Operation Phalanx was a major drug investigation targeting some of Victoria's biggest amphetamine manufacturers. Despite the establishment of Task Force Sentinel to investigate the burglary, to date, no one has been charged.

Between 1 July 1999 and 20 October 1999 a Beretta 9 millimetre pistol was stolen from a four-drawer safe in an office occupied by a Detective Inspector in the Drug Squad. The stolen pistol was one of four covert firearms kept in the bottom drawer of the safe. The Detective Inspector was subsequently charged and found guilty of discipline offences relating to the matter. He subsequently located the missing pistol in his office on 31 July 2000 and has since resigned.

Operation Hemi

Operation Hemi was the codename given to the 2000–2001 investigation into allegations of corruption by Drug Squad members, in particular, ex-Detective Senior Constable Steven Paton and Detective Sergeant Malcolm Rosenes. Operation Hemi identified a history of malpractice at the Drug Squad spanning a decade.²¹

Details regarding this operation and the subsequent work of the Ceja Task Force can be found in the first and second interim Reports of Ombudsman Victoria. A third and final report regarding the Ceja Task Force will be produced by OPI in 2007.

In brief, Operation Hemi and the Ceja Task Force found that from a Squad of about sixty-eight people, twelve were acting improperly. Their conduct fell into four basic categories, which Ceja has described as follows:

- **Loners** – These were police who engaged in malpractice without others and who worked in a controlled environment. That is, they worked within the systems and processes in place in the Squad but exploited weaknesses in the systems to their personal advantage. Effective supervision and sound procedures should be able to detect indicators of this type of corruption.

- Collectors – A culture developed whereby, from information obtained from informers and others, suspects were questioned or searches conducted in which money, goods or drugs were seized but never officially processed. These items were instead kept or sold by the member who seized them.
- Rip-offs – In these cases, informers were used to arrange drug deals in accord with general Drug Squad practice. Arrests would be effected, money and drugs seized but no action taken against the offenders. Again, the arresting officers retained the seized money and drugs.
- Distributors – This group cultivates informers to disperse high quality drugs into the community and receive kickbacks from sales. As serving police, Drug Squad members acquired their drugs from known importers and used their informers as distributors. Their strategy was twofold: they 'green-lighted' drug importation to the country and they established their private distribution chain. The amount of money involved in this form of corruption is not known but is believed to be huge. These police used the processes of the Force and their intimate knowledge of Force procedures as shields to conceal and expand their illicit business. Lastly, these people were generally above average performers; they got results, they had established 'operational' credibility: they 'were not the kinds of people who would be suspected of illegality'.²²

The motivation for those Squad members involved in corruption appears to arise from greed and the availability of opportunities for exploitation. They were able to get away with

they used police systems and procedures as both foils and camouflage

breaking the law because they were secretive, controlled their activities tightly and used police systems and procedures as both foils and camouflage. Another clear lesson from this analysis is that for effective personnel management and

supervision, 'high fliers' must be scrutinised just as closely as under-achievers. Managers cannot be naïve; they must assume that there are those who will grasp opportunities to

high fliers must be scrutinised just as closely as under-achievers

exploit weaknesses in any system. Corruption in any organisation is not totally eradicable; it can be minimised but only with vigilance. While the public,

the government and police would wish that none of these events had occurred, the fact remains that it was largely the Victoria Police who were responsible for identifying, investigating and prosecuting those who brought it into disrepute.

Better solutions

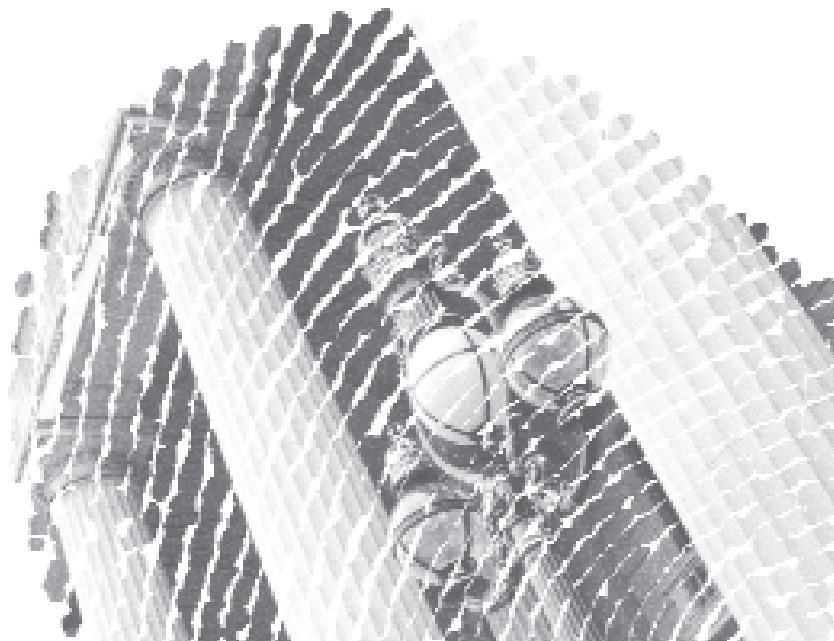
The Coldrey Committee

The work of the Coldrey Committee demonstrates that an appropriate balance can be struck between civil rights and the need for police investigative powers, when there is a will to do so.¹ The Committee was formed to consider legal interpretation of the power of police to interview arrested people.

In 1972, Section 460 of the *Crimes Act* was amended to provide for a person who was arrested to be immediately taken before a court or a justice. Police worked around this by claiming 'cooperation' from those they interviewed. By police accounts, even the most hardened criminals willingly accompanied them to police stations and submitted to hours of rigorous interrogation without having been arrested. In fact, there was an enormous gulf between the public expectation of police and what they believed police could do, and what the law actually allowed.

In the late 1970's and early 1980's judges began exercising their discretion to exclude what they considered unfairly or illegally obtained evidence and started rejecting voluntary confessions from accused people in custody. Police responded by lobbying for changes to the law. Following a submission to Government by police in 1982 arguing for appropriate and balanced police investigative powers,² a committee was eventually established under John H. Phillips, QC, to examine the issues. He recommended that the law allow police up to six hours to question suspects. The government accepted his recommendation, and in 1984 the law was amended accordingly.

Police encountered numerous practical and operational problems with the new law and Force management made a submission to the government, outlining the difficulties. In 1985, the government asked the Director of Public Prosecutions, John Coldrey, QC, to reconvene his consultative committee to examine the effectiveness of the amendments.



The Consultative Committee on Police Powers of Investigation was widely representative of those working in the field of criminal justice. It consulted broadly and undertook extensive research. It proposed a return to the situation pre-1983, which allowed consensual interviews without time limits, but with a variety of safeguards for the accused. To overcome problems of 'voluntary participation', and improve accountability for police conduct, independent monitoring was considered vital. It could be achieved by tape recording interviews. The government accepted these recommendations and the law was again revised. It was finally acting on a variety of recommendations that could be traced back to Solicitor-General Murray's report of 1965. Other western nations had done it, but Victoria was the first Australian State.

By 1988, the Force had received \$3 million to implement the changes and tape recording equipment was progressively introduced across the State. There was also a substantial police training program on both the technical and legal aspects of the new process.

In addition to police interviews, the Consultative Committee examined police powers, resulting in new laws on fingerprinting, body samples and the power to demand names and

the law was finally being used to fairly and effectively 'design out' actual and potential areas of conflict and corruption

addresses. Longstanding problems disappeared; the law was finally being used to fairly and

effectively 'design out' actual and potential areas of conflict and corruption. It was a lesson so simple but so often missed, as noted earlier by Justice Kinsella.

Informer Registration

From 1 January 1992, the Victoria Police required all criminal informers to be officially registered.³ It was seen as a revolutionary move, and resisted by some senior members, particularly those from the CIB.⁴

Some were concerned by the danger to an informer's safety or life, if their identity became known. The cases of Douglas and Isabel Wilson (see Chapter 9: Stewart Royal Commission), and more recent cases clearly show the risks. Before 1992, the only instructions about informers were contained in the Police Manual and primarily dealt with the need to protect the informer's identity. Release of informer details had always been strongly resisted by the Force on grounds of public interest immunity, a stance supported by a number of superior court decisions over the years.

Because informers were a primary resource for detectives rather than for other areas of the Force, the development of informer management guidelines had rested with the CIB. The Detective Training School (DTS) included informer management training. The DTS, then part of the CIB, outlined the risks in recruiting and handling informers, and recommended caution.

CIB management, content with the status quo, had no plans to alter a system that appeared to have worked well for generations. The push for change came from the newly

formed IID, which reported that the Deputy Ombudsman (Police Complaints) had raised a number of questions about Force informer management practice. Following complaints about the work practices of the Armed Robbery and other Crime squads, the Deputy Ombudsman considered that use of informers should be subject to more checks. The Force's senior managers received a clear message that if they did not act, the Deputy Ombudsman would raise the matter formally.

On 6 April 1989, at a Command Conference, the Force accepted 'in principle' a proposal for informer registration. A final decision was deferred pending further discussion between representatives of IID, Crime and Operations Departments. Those supporting the proposal claimed that informer registration would protect both the informers and police members against allegations. It would also assist members seeking information in a specific area of criminality.

The discussions continued for some time, creating suggestions about the best scheme. At that time, only the Drug Squad, Bureau of Criminal Intelligence and Licensing Gaming and Vice Squad had any formal informer management guidelines.

The remainder used a variety of informal systems that relied heavily on the trust which managers placed in detectives under their command. There was little recognition by those managers that their trust could be, and was, taken advantage of by those with a mind to do so.

Force Command's commitment to change won the day. Slowly but surely all the potential problems raised by the old guard were addressed. New instructions were adopted based on those developed by the Bureau of Criminal Intelligence. Once in force, the new

informer management remains problematic informer management guidelines came under strong criticism from the Police Association, but they remained in place. By the standards of today, the new instructions did not seem to move far, but they were a very important milestone: at last, some accountability had been introduced into a policing tactic which traditionally had been a source of corruption. Increasing accountability in this important area is necessary, since it remains fraught with potential for corruption. Investigations into the Drug Squad by Operation Hemi and the work of the Ceja Task Force have revealed that informer management remains problematic. In response, Victoria Police introduced the 'sterile corridor' approach to informer management adopted in Britain. The UK experience shows that every aspect of informer management must be secure, tight and clean. The issue of Victoria Police's informer management practices remains an area of interest for the OPI.

Legislative Issues

Intermittently, elements within the Victoria Police have been corruptly involved with gaming and prostitution rackets, just as similar connections have been seen elsewhere in Australia, the United Kingdom and North America. One underlying reason for this behaviour is inadequate legislation. Laws that attempt to 'stop' people from engaging in vice-related activities have proved largely ineffectual in reducing either the demand for, or the supply of

illicit services. In fact, prohibition has often ensured that profits remain high, making the industry attractive. The only thing standing between the customer and the supplier is the risk of prosecution.

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For those in the vice industry, corrupting the enforcement authority is a prerequisite for staying in business.

Political pressure by lobby groups to enforce laws that, ultimately, are ineffective, contributes to entrenching corruption. This was the prevailing situation in Victoria for decades. The dramatic increase in the number of brothels in Melbourne during the 1970s demonstrates how ineffective the law prohibiting prostitution was in reducing demand. Police data shows the number of brothels (euphemistically known as 'massage parlours') had increased

political pressure by lobby groups to enforce laws that, ultimately, are ineffective, contributes to entrenching corruption

from twenty-five in 1973 to approximately 149 by 1 July 1983.⁵ Operation Cobra, described in Chapter 7 of this Report, exposed police corruptly involved in this industry during the period.

The demand for gaming services too, with associated police corruption, was high during the 1970s, as demonstrated by the Zebra Task Force reported in Chapter 6 of this Report. In the 1980s, changed social conditions and the reformist government led by Premier John Cain produced changes that continued until the 1990s.

At first, attempts were made to contain the location of brothels through planning controls. A scheme under the *Planning (Brothels) Act* of 1984 was developed to enable local councils to regulate the areas of a municipality in which brothels could operate. However, a working party report submitted at the time conceded that 'appropriate regulation of the location of massage parlours could not be achieved by planning measures alone', and a 'coordinated revision of planning schemes, laws and enforcement procedures [would] be necessary for any change to be achieved'.⁶

In September 1984, then Professor of the University of Melbourne, now Justice Marcia Neave, was appointed to inquire into prostitution and, in particular, 'to examine the implications of the various alternative actions available to the government with respect to all parties involved in prostitution with particular reference to the implication of decriminalisation and legalisation thereof'.⁷

Neave's final report was released in October 1985.⁸ Her research found that there were between 3,000 and 4,000 men, women and transvestites working as prostitutes in Victoria on a regular basis. At least 120 brothels were operating, and there were an estimated 45,000 client visits to prostitutes in Victoria each week.

Neave refers to public concern about the involvement of organised crime in prostitution, but it was not the focus of her inquiry and she did not undertake any systematic

examination of the subject. She noted 'we make no comment on links between drug dealings and prostitution occurring through brothels and escort agencies since we have little evidence on this issue'.

Her tentative findings in this area are not surprising, given that about this time the main regulatory body, the Victoria Police, reported that 'it is claimed that whilst organised crime does exist in that industry, it is not on the same scale as the other illegal areas. The trafficking in narcotics seems to be on the increase within the parlours and part of the reason for this increase is attributed to lack of supervision by management due to intense police activity'. It was further stated that 'intelligence sources do not indicate any significant corruption by members of the Police Force'.⁹

The government accepted all but one of Neave's recommendations – her proposal to grant councils discretion to exempt certain areas within their municipalities from the ordinary criminal law on street soliciting. This suggestion was rejected following pressure from municipality, community and welfare groups, who foresaw a variety of problems if it was to be instituted.

Although new legislation was assented to in 1986,¹⁰ the matter was far from finalised. Strong political pressure delayed proclamation of the new law until August 1987 and ultimately, the government was forced to settle for partial reform only.¹¹

Not all the difficulties associated with prostitution were solved overnight, but a problem that had festered for generations had finally begun to be addressed. The Cain government was equally ready to explore the possibility of reform in gaming matters. In 1982, Xavier Connor was appointed to be a Board of Inquiry into Casinos (see Chapter 6). His report was presented to the Governor on 29 April 1983.¹² Premier Cain was then quoted in the press as saying 'the issue was now closed – the Government had found the findings and recommendations of the Inquiry 'compelling'...we are not prepared to expose this State and its citizens to the avoidable risk of introducing a facility on which organised crime could prosper'.¹³

On 29 March 1983, the government appointed Murray Wilcox, QC, to be a Board of Inquiry into Poker Machines.¹⁴ Pressure for the Inquiry came from clubs and machine manufacturers. The Inquiry honoured a pre-election pledge to examine the advantages and disadvantages of the machines.

Wilcox examined all aspects of the matter, including a detailed study of criminal activities associated with poker machines and clubs. An insight into one aspect of the local illegal gaming industry was provided when Counsel assisting the Inquiry, Bernard Bongiorno, QC, led evidence of a draw-poker machine racket operating in Melbourne. It was believed to have an estimated yearly turnover of \$3 million.

In discussing the risk of increased criminal activity if gaming machines were introduced, the Board of Inquiry said, 'the only question is the degree of increase, a matter which would depend upon the model adopted and the controls applied'.¹⁵

Wilcox recommended that poker machines not be permitted in Victoria. Any positive benefits they brought – such as their probable popularity and the creation of significant funds

for operators and potential employment – were far outweighed by negative factors. These included increased criminal activity, the adverse effects upon existing businesses, and the certainty that some would use the machines to gamble beyond their financial capacity.

While the government of the day supported the Board's recommendations, that support did nothing to reduce the insistent demand for change. In August 1985, the TAB introduced Pub TAB in hotels. By 1987, proposals for a Tabaret were introduced, and by 1990 the government had appointed a two-man team to investigate the security aspects required for setting up casinos. In 1990, all three Victorian political leaders dismissed a renewed push for the legalisation of poker machines. Premier Cain said he had 'no intention of changing [his] position...they are associated with organised crime and I do not want them here'. A change in Party leadership soon afterwards and, in the face of Victoria's dire financial position at the time, brought about a change of attitude towards the gaming issue.

In December 1990, Premier Kimer unveiled a gambling policy allowing the establishment of casinos, electronic gaming machines and Tabarets. In 1991, Xavier Connor was commissioned by the government to submit a further report on casinos. In it, he recommended a structure for introducing crime free casinos to Victoria. He was still of the opinion the State would be better off without casinos, and had no real confidence that, in the long term, crime could be kept out of them. He also made clear that he did not think it was a government role to stimulate gambling. The government nevertheless chose to proceed with the concept.

In 1991, legislation was passed founding the Victorian Casino Control Authority and the Victorian Gaming Commission. The Gaming Commission was established to control the gaming machines industry. Licensed clubs and hotels were able to bid for the machines operated by TAB and Tattersall's, and papers reported that government was to allow 10,000 machines in hotels and clubs across Victoria.

On 30 June 1994, a temporary casino at the World Trade Centre was opened as an interim measure, while the Crown Casino was being built on Southbank. In a little over a

balanced legislation can reduce opportunities for corrupt behaviour, so can effective and considered police policy

decade, Victoria experienced tremendous change in relation to gambling. While controversy about the social impact of

gaming continues, from a policing perspective the age-old problem of illegal gaming disappeared virtually overnight. The former gambling dens in Lygon Street, Carlton and Melbourne's Chinatown became almost a thing of the past.

Police Policy

Just as balanced legislation can reduce opportunities for corrupt behaviour, so can effective and considered police policy. Two examples illustrate the point, both of which arise from incidents that reflect adversely on Victoria Police. The first example relates to a number of patrons at the Tasty Nightclub, Melbourne who were searched, allegedly for drugs in

1994. So many indignities were inflicted upon the patrons during the searches that a considerable number of civil suits were brought against the police force. After the event, it emerged that both the written procedures and practices relating to personal searches were deficient. As a consequence, the entire suite of activities connected with searches was re-examined and policies rewritten.

The second example relates to the numbers of deaths in the late 1980's and early 1990's caused by police in shooting incidents.¹⁶ Following a spate of deaths, the entire

being more flexible than legislation, policy changes have an often-underestimated capacity to respond more rapidly to ... reduce opportunities for corruption

training regime involving the use of force was restructured, and the whole operational workforce was retrained over a period of approximately six months. Operational police are now

tested biannually against an improved standard. Reporting and recording procedures about the use of force were also revamped, so the numbers, locations and types of events involving critical incidents can be tracked and training adjusted in response to any new trend. This fresh approach to firearms and other weapons for controlling force produced a substantial reduction in police shootings, as well as increased safety awareness among individual police. However as demonstrated by the OPI review of fatal shootings by Victoria Police in 2005,¹⁷ policies and practices need to be regularly reviewed to ensure they are effective. Ongoing attention needs to be given to improving standards.

Police Force policy has to be dynamic and responsive to operational conditions, so that it reflects both policing standards and community expectations. Being more flexible than legislation, policy changes have an often-underestimated capacity to respond more rapidly to trouble spots, and take positive steps to provide improve professional standards and reduce opportunities for corruption.

Wrestling with the guards

Internal Integrity

Complaints against police had, for many years, been investigated within the local area where the incident giving rise to the complaint had occurred, generally under the supervision of an Officer appointed by the Chief Commissioner or his delegate. This changed after the Mr 'X' inquiry of 1965. In November 1965 a Senior Officer from Force Headquarters, was appointed to be responsible for the investigation of all public complaints and conducting investigations into serious complaints referred from the Districts.

The years 1969 to 1971 were particularly troubled times for Victoria Police. In addition to the anti-Vietnam demonstrations and industrial disputes about poor pay and resources, a number of incidents and scandals were internally investigated by police. (Some of these are discussed earlier in this Report.)

These cases led many to question the adequacy of a system based solely on 'police investigating police' notwithstanding that the internal investigations had resulted in the laying of serious charges, for example:

- In 1969, the driver of a police divisional van was charged with culpable driving as a result of the death of a woman. The divisional van had collided with the vehicle in which the woman was a passenger at the intersection of Warrigal and Dandenong Roads, Oakleigh.
- In 1969, Dr Bertram Wainer made serious allegations of police corruption in relation to illegal abortions. A number of persons who had made affidavits refused to cooperate with the internal police investigation. This forced the government to appoint an independent criminal inquiry in January 1970. Mr William Kaye, QC's subsequent Board of Inquiry established the allegations against four serving and retired police, three of whom were convicted in 1971.



- In September 1970, an internal police investigation was fiercely critical of the way police handled a protest march from the Northland Shopping Centre to LaTrobe University, later known as the Waterdale Road Riot.
- In 1971 an internal police investigation led to charges of manslaughter against two police following the death of Neil Collingburn.

In 1972, when Colonel Sir Eric St. Johnston conducted his inspection of the Force, he recommended changes to the existing complaint investigation process.¹ In St. Johnston's opinion, the Superintendent at the Complaints Section was 'greatly overworked'. St. Johnston suggested that this Superintendent become Staff Officer to a Deputy Commissioner, where he could oversight the investigation of complaints by other officers. The Superintendent could recommend to the Deputy Commissioner that a complaint be referred to the District for investigation, or that an experienced officer from elsewhere be appointed to investigate the complaint. St. Johnston also recommended that a complete Register of Complaints be kept at both Force Headquarters and District Headquarters. St. Johnston suggested that in place merely of a letter of advice, complainants should receive a 'personal call from an officer of the rank of Inspector, or in serious cases, from a Superintendent, to explain...what steps had been taken to investigate (the) complaint'.

The Bureau of Internal Investigations

On 1 August 1975, the Internal Investigations Branch of Victoria Police was restructured, expanded and renamed the Internal Investigations Bureau, commonly known as B-Eleven, (B11). The internal investigation unit now comprised ten senior officers experienced in conducting major investigations. This restructure met some of the difficulties raised in the Beach Report, about the unsatisfactory means for bringing complaints against police.

Indeed, the Victoria Police *Annual Report* for 1975 declared that the complaint investigation process adopted by the Bureau was superior to that of other States. That Report puts a gloss on the B11 activities, saying 'many complaints are malicious and/or trivial and are unworthy of serious consideration; nevertheless, all have been fully inquired into and brought to a conclusion'. While by today's standards this attitude to complaints looks trite, it nevertheless marked the beginning of a new process.

Nobody is Guarding the Guard

When retiring Commander Gordon Marchesi launched a broadside at the Force, in an interview with the *Age* in 1980. Members not only were astonished, but also regarded the action as disloyal. At sixty years of age, Marchesi had served Victoria Police for forty years, the last four of which as head of the Bureau of Internal Investigations. He was reported as saying 'Nobody is now seen to be guarding the guard'.² He complained that the Ombudsman only considered specific complaints and did not review all B11 investigations; moreover, more than 2,000 complaint files had not been reviewed since the demise of the system of review by a former Magistrate.

Marchesi conceded that there were isolated cases where police had fabricated evidence, taken the law into their own hands and covered up for their colleagues. The eleven-strong Bureau was undermanned and the 'brotherhood' syndrome was entrenched. 'Many of the policemen [sic] in this State have tunnel vision...they consider that it is them against the community. They do not consider their job as a community service. Their only aim is to gather victims'.

Other matters raised by Marchesi included problems of confidentiality for people wishing to make complaints, time delays with investigations and the fact that the Chief Commissioner had only visited the Bureau's office once in the past three years (both the Chief Commissioner and B11 shared accommodation in the same building).

Marchesi was critical of B11's inability to initiate its own investigations: only complaints made by the public were being investigated. While he did not believe corruption was widespread, he made it plain the Bureau did not have the capacity to look for problem areas. He was quoted as saying there should have been a separate tribunal made up of public representatives to directly oversee the work of B11.

His claims provoked an immediate response. Mr Lindsay Thompson, Minister for Police and Emergency Services, said the Bureau's strength would be increased, but gave no indication of the numbers he had in mind. A spokesman for his Department said that Squad strength and administrative functions were matters for the Chief Commissioner.

Chief Commissioner Miller described Marchesi's comments as a 'slur on the entire Force'. Miller criticised the general nature of Marchesi's 'brotherhood' comments and claimed that Marchesi's concerns only applied to a minority ('nor is their philosophy condoned by the administration of the Force or their colleagues generally').

Tom Rippon, Secretary of the Police Association, said his members would strongly resist an agency such as the type proposed after the Beach Inquiry. That is, a body comprised of six lawyers, who would hear charges against police, might convict them, and hear any appeals.

Marchesi's concerns were aired in State Parliament.³ Mr Thompson said that he had 'quite recently' arranged for the 2,000 outstanding complaints to be investigated by the Ombudsman. He accepted that the staff numbers at B11 were insufficient and would be increased, and that alternative accommodation would be found. No substantial improvements were made in the short term. Even the review of the 2,000 outstanding complaint files was abandoned by the Ombudsman as an exercise in futility. He subsequently only reviewed those files created from 1 January 1980. By 1981, the eleven staff had increased to thirteen, supported by two typists, which was considered inadequate to deal with the volume of clerical support required. By 1982, staff numbers had risen by one more and two stenographers had joined the Bureau. The *Annual Report* for 1982 noted that 'because of insufficient staffing, the Bureau continually calls upon District Officers to assist in the investigation of complaints'. Little happened until creation of the Internal Investigations Department in 1985.

Establishment of the Internal Investigations Department

On 21 February 1985, the Internal Investigations Bureau (B11) became a separate Department of the Victoria Police, known as the Internal Investigations Department (IID). It was led by Assistant Commissioner Kel Glare. The Executive Instruction which established the Department indicated it would 'carry out the functions of the former Internal Investigations Bureau'.⁴ However, unlike the former Bureau, the new Department was to 'direct greater emphasis towards preventing and detecting corruption within the Force by forming an Internal Security Unit'.⁵ Presumably this initiative had the support of the Police Association as the Secretary, Tom Rippon, wrote in his Journal message that the Police Association and the Police Department had recommended 'a substantial increase of manpower within B11, probably taking them to some eighty to one hundred individuals who would operate on a twenty-four hour basis, and would investigate all complaints against the Police irrespective of where they originated within the State'.⁶

It is noteworthy that at about the same time the Neesham Committee was examining, amongst other things, Force structures and procedures but 'the complex issues of complaints against police...were specifically excluded from (its) terms of reference'. The Committee did, however, report upon structural arrangements for the investigation of complaints in the Districts by members from other than B11 and the police disciplinary process.

The creation of IID brought an increase in staff. While the Neesham Report indicates that as of 30 June 1985, forty-five commissioned Officers and members were located within IID, this figure changes to more than sixty elsewhere in that Report.

The IID investigated the following types of matters:

- allegations that police have committed criminal offences involving corruption, conspiracy, perjury, violence involving bodily harm, theft or other serious offences;
- complaints by persons arrested, intercepted or interviewed alleging assault, unjust arrest or other mistreatment;
- complaints, either oral or in writing, that police have been neglectful, rude or have otherwise acted improperly; and
- internal matters of neglect or misconduct.⁷

In theory, IID was responsible for conducting investigations in the first two categories. The other categories of complaint would generally be handled at the District level but with IID oversight. Serious issues at District level could be taken over by IID. In practice, the limited resources of IID often meant that sometimes serious allegations were handled at the District level.

IID also had responsibility for training courses with 'particular emphasis on trends in complaints...and the importance of effective supervision, accountability and professionalism at all levels of the Force'.

In May 1985, the Chief Commissioner gave a strong message in *Police Life* about corruption in Victoria Police. He emphasised that:

*It is not sufficient to acknowledge and to deplore the existence of corruption in a police force. Determined efforts must be made to combat it. Because corruption co-exists with inefficiency, performance must be monitored. Supervisors must seek to identify those areas of police operations which are susceptible to corruption and to devise control mechanisms to detect its occurrence and to eliminate opportunities for its development.*⁸

Despite what appeared to be Miller's clear determination to lift the performance of the Force, external observers considered a lot more work needed to be done.

The Police Complaints Authority

The Police Complaints Authority (the Authority) commenced operating in July 1986 following amendments to the *Police Regulation Act* 1958 passed in 1985. Twenty-two months later, it was abolished. Its short history is characterised by controversy and relationships

its legacy is some practical lessons about what an independent body may face when it tries to ... control corruption and misconduct in police.

verging on the acrimonious with Victoria Police, the Police Association and eventually the Government. Its legacy is some

practical lessons about what an independent body may face when it tries to understand, eradicate or control corruption and misconduct in police. The considerable publicity that the Authority attracted also put police accountability on the public agenda. The Authority was created against a background of doubts – well aired in the media – about police improprieties in operational activities, including brutality to suspects, 'planting' evidence, and other matters. There was public scepticism about the effectiveness (and even the bona fides) of internal police complaints investigations.

The Authority was constituted as a single person with a staff of only four or five. The Authority took over from the Ombudsman's office the supervision of police internal inquiries into complaints by the public. It had an additional power to initiate its own investigations. Any matter of irreconcilable difference between the Chief Commissioner and the Authority was to be referred to the Minister.

In a very short while, relations between the Force and the Authority were openly antagonistic. The Authority's first official report attacked police 'obstruction' of its work.⁹ The Chief Commissioner's report of 1986-1987 spoke of poor results and lack of cooperation. Both sides pursued the argument in the columns of the daily press.

The police argued that the Authority lacked investigative expertise and experienced staff. They also claimed that the Authority was highhanded and aggressive. The Authority took a critical view of the work of the IID, claiming that it lacked transparency and favoured

the police; there were 'delays' which prejudiced the final disposition of complaints; the Department's procedures allowed police witnesses to collude in private to produce 'corroborative' statements; and generally there was a favourable treatment of police witnesses.

In 1987, the government appointed Professor Jack Richardson, a former Commonwealth Ombudsman, to make an independent assessment. His report acknowledged certain shortcomings on the part of the Authority. However, the report gave little comfort or support to the Force: Richardson wrote that, unless reforms were made, the public would continue to suspect that 'the IID functions as a disguise for police misconduct rather than to identify it'.¹⁰

While it is natural that the Police Association should frequently appear 'on the other side of the fence' from the police Command, in this instance they were at one: neither could accept the idea of an outside body reviewing what they both regarded as the Force's own internal affairs. When the Authority ceased to function, the jurisdiction of the Ombudsman was revived, with the newly created position of Deputy Ombudsman (Police Complaints) having practical responsibility for the oversight of police complaints handling.

IID – Continuous Improvement

Improvement begun by IID in 1985 was ongoing. Procedures such as covert investigations targeting police, which are taken for granted today, were being pioneered through the 1970s and 1980s. Resources were scarce and the pressures of establishing the new Department and undertaking the most intensive corruption investigations the Force had ever seen resulted in much necessary 'housekeeping' being left unattended.

Following the appointment of Bob Falconer as Assistant Commissioner (Internal Investigations) in February 1989,¹¹ the Internal Security Unit (ISU) was formalised in January 1990 and became an entity within the IID management structure with a Superintendent in charge. A local area network of personal computers was installed to provide an independent and secure computerised intelligence network.

Falconer's term also saw changes to the retention, management and dissemination of intelligence from the IID database. Records about problem stations, squads and individuals were commenced and a system for notifying the Deputy Ombudsman (Police Complaints)'s (DOPC) office about intelligence held at IID was introduced. Until that time intelligence unrelated to specific complaint files was retained at IID. The change was intended to aid accountability and to open up the Force to a more informed oversight. IID continued its work in the following decade under various Assistant Commissioners. While incremental improvements were constantly made and a variety of complaints investigated, it was, more or less, 'steady going' until 1993 with the return of dismissal powers to the Chief Commissioner.

The Return of Dismissal Powers

On 4 January 1993, the Kennett Government appointed Neil Comrie Chief Commissioner of the Victoria Police (CCP). A precondition to Comrie's acceptance of the position was introduction of increased disciplinary powers to the Force. Within the first months of his arrival, the government moved to honour its commitment to his request.

Amending legislation was introduced into Parliament increasing the disciplinary powers and creating the Police Review Commission.¹² The Police Discipline Board and Police Service Board were abolished, allowing the Police Review Commission (PRC) to hear appeals and reviews. The Chief Commissioner was required to have 'due regard to a recommendation' of the Commission arising from a review of disciplinary decisions, but was not bound by the Commission's opinion.

The PRC did not take over the role of the Police Service Board relating to wages and conditions for members, a decision apparently reflecting the new approach to industrial relations by the government of the day. The most contentious of the new powers granted to the Chief Commissioner was the authority to dismiss police from the Force. The new Act authorised the Chief Commissioner, or an Officer authorised by the Chief Commissioner, to inquire into and determine a charge. If the charge were proven, a variety of sanctions ranging from reprimand to dismissal could be exercised. This proposal prompted immediate opposition from the Police Association and on 27 April 1993, 3,000 members packed the Dallas Brooks Hall to discuss the proposed new discipline procedures. While many aspects of the proposals raised concerns, none was as contentious as the lack of a binding right of appeal; without this, they saw themselves as 'second-class citizens', denied natural justice.¹³

Comrie attended and addressed the meeting, but members were apparently unconvinced by his explanation of the need for the change, and his reassurance of careful checks and balances within the system. It was claimed that the Bill was not an attack upon corruption, but on members' rights. The Association felt that resistance to the proposals was not about protecting the guilty, but protecting the 'good, hard-working, honest policeman'. Not unexpectedly, the membership voted overwhelmingly for their Executive to seek the introduction of a binding right of appeal. Despite opposition, the new legislation was introduced that year. While it seemed the Chief Commissioner had virtually unfettered power to dismiss unsuitable staff, the devil was in the detail. Division 4 of the new Act referred to fitness for duty and replaced a provision that allowed the Chief Commissioner to apply to the Police Discipline Board for an inquiry into the capacity of a member of the Force to properly discharge his duties.¹⁴

The earlier definition of fitness had been broad and referred to 'fitness (other than infirmity of mind or body)', whereas the 1993 provision referred to a member who was 'incapable of performing his or her duties or inefficient in performing his or her duties and that incapacity is not caused by any infirmity of the mind or body'. Under the 1993 provisions, the Chief Commissioner or authorised person could inquire into the matter of a member's fitness for service, and the member could be transferred, reduced in rank or dismissed.

Project Guardian

Project Guardian was established in February 1996. The impetus for this project stemmed from the broad scale involvement of police in the 'kick-back' arrangement with window shutter companies described in Chapter 7. In addition to assessing the implications for the Force of Operation Bart, Guardian was required to examine more general matters of

corruption in the Force. The findings of Commissions of Inquiry into police forces in other jurisdictions were a significant influence in shaping the final outcome of the Force's proposal.

The final strategy resulted in the development of the Ethical Standards Department (ESD), which replaced IID.

this is one of the first references in Victoria Police documentation to the importance of management action in addressing unethical behaviour

Project Guardian was also designed to develop a 'more effective and streamlined discipline

system as well as examining the manner in which Victoria Police detects, investigates and prosecutes corruption and unethical behaviour'.¹⁵

Other matters within the brief of the Project included examination of:

- supervisory accountability;
- recruiting standards and background checks;
- training and education;
- recognising ethical behaviour; and
- supporting and managing internal reporting and sources.

This reference to supervisory accountability is one of the first references in Victoria Police documentation to the importance of management action in addressing unethical behaviour. Significantly, the matter of recruitment standards in the context of ethical implications for the Force was also addressed.

Raising the Standard – The Ethical Standards Department

Establishment of the Ethical Standards Department on 2 September 1996 signalled a new direction for Victoria Police. In effect, the aim was to change the culture of the Force by emphasising prevention of unethical behaviour rather than treating symptoms once they had occurred.¹⁶ Members would receive education, training and guidance to decrease the risk of unethical behaviour. While the capacity to investigate allegations of corruption and unethical conduct would be enhanced, there was now to be clear emphasis on actively detecting malfeasance and unethical conduct, both through proactive investigation and the application of integrity tests. People would be encouraged to make complaints so that the Force could respond to dissatisfied members of the public and learn from the complaint. A new 'supervisor resolution' process would allow supervisors to quickly resolve minor complaints emanating from 'customer service' and procedural issues, by liaising with complainants and counselling the members whose conduct had led to the complaint.

A new strategic initiatives and services division would review ethical standards and assess the risk associated with corruption and unethical behaviour. It would work with other departments to devise policies, strategies and programs aimed at promoting high ethical standards among all members. The proposal was laudable and well overdue. It would take time, however, to assess the effectiveness of the new strategy.

Chief Commissioner's 'Loss of Community Confidence' Dismissal Powers

On 21 April 1999, the then Minister for Police and Emergency Services, Mr Bill McGrath, introduced into Parliament a number of amendments to the *Police Regulation Act*.¹⁷ The amendments were in response to recommendations from the Ombudsman's report on Operation Bart, and to enhance the ethical standards and disciplinary process within the Force.¹⁸ Importantly, they included a power to dismiss members of the Force who were considered unsuitable to continue, having regard to their integrity and the potential loss of community confidence in the Force if that member was to remain a police officer.

However, the proposed amendments also removed authority for final dismissal from the Chief Commissioner and gave a dismissed member the right of appeal to the Police Board on the grounds that the decision was 'not sound, defensible or well founded'. The burden of proof at appeal rested with the dismissed member. If the appeal was successful, the Board could order reinstatement, the payment of compensation or refer the matter back to the Chief Commissioner to be dealt with according to any directions of the Board.

As might be expected, the proposed amendments immediately placed the Victoria Police Association at odds with the Chief Commissioner and the State government. The Association's stance was not necessarily based on personalities, but more a long-standing and philosophical opposition to the existing discipline code with its lack of binding appeal right.¹⁹

At the time, the Association was already involved in an industrial campaign against the government over a perceived lack of police numbers. Using the catch-phrase 'Cutting Police Numbers Is A Crime' the Association had launched a public campaign to raise community awareness about policing levels. In May 1999, the Association Delegates' Conference moved and passed a vote of no confidence in the Premier, the Police Minister and the Government of Victoria for their handling of the police numbers issue. Resentment was fuelled by the belief that the proposed legislative changes had been prepared in secret by the Police Board of Victoria, which the Association believed had planned to have its proposals pass into legislation without any consultation with the Association. The Association believed these various issues were being played out by a government determined to 'destroy' the Association by moving its membership onto individual employment agreements.

Despite a determined campaign by the Association, the legislation was enacted. The Force was cautious about exercising the power. It was not until 2004 that Chief Commissioner Christine Nixon used it to dismiss two members from the Force. Both cases were successfully appealed by the Victoria Police Association to the Victorian Supreme Court. In 1999, the Kennett government abolished the Police Service Board in the face of strong opposition from the Police Association. The Association believed that an independent body, similar to the Service Board, was required to oversight many aspects in the management of the Force. It proposed the creation of a Police Career Services Commission (PCSC) to carry out this function.

Ministerial Review – 2000

In 2000, the Brack's government appointed former Tasmanian Police Commissioner, John Johnson,²⁰ to conduct a Ministerial Review into many areas of the Victoria Police. His

Report was presented to the then Police Minister Andre Haermeyer in March 2001. It is a detailed document that addresses a variety of issues including the relationship between government and Victoria Police; resourcing the Force; human resource planning; and the operation of the proposed PCSC. At the time of writing, the government is considering proposals for the revision of the *Police Regulation Act*.

The Skills of Corruption Investigators

Experienced investigators interviewed throughout this Report generally believe that police corruption inquiries are far more demanding than other cases. Indeed most agree there is no more formidable a barrier to the elimination of police corruption than the 'blue curtain – the conspiracy of silence among police'.²¹ Rogue police know how best to respond to external threats. Because they are intimately acquainted with the justice system, the corrupt have a ready

rogue police ... intimately acquainted with the justice system ... have a ready understanding of how to subvert it

understanding of how to subvert it.²² They can be adept at providing glib explanations at short notice, manufacturing alibis and using

other tactics to deny investigators evidence that might otherwise have been available. They are supported in this by the 'brotherhood' mentality. While considered by some not to be as widespread as it once was, it still exists. The network of friends and associates in the Force may not themselves be corrupt, nor even condone corruption, but they will often have sympathy for a 'mate' simply because he is a fellow member. This may not involve active cooperation with the suspect; it can be passive support with members failing to cooperate, or to provide facts.

In some cases the 'mates' are sympathetic simply because the Ethical Standards Department is involved. Corruption investigators are still regarded with some suspicion and referred to in derogatory terms. Corrupt networks are not restricted to police within the Force. They can include members of other law enforcement and quasi-law enforcement agencies, the media, gaming and liquor industries, private inquiry agents, the security industry, ex-police and some members of the legal fraternity. In such an environment, rumour spreads

corruption investigators are still regarded with some suspicion and referred to in derogatory terms

fast. For example, many records necessary to investigators are only accessible at a local level. Even the most discreet inquiry

can lead to whispers that quickly get back to, and alert, those under investigation. There may be obstructionism and delay. The hierarchical and bureaucratic structure of the Force itself can also aid the spread of rumour. Upward reporting to more senior levels, other than on a 'need to know' basis, increases the probability of word getting out. Not only that, hostility towards anti-corruption investigators can further compound this problem, as shown by the example of the Major Crime Squad and the difficulties encountered by whistleblowers.

Investigators believe that corruption cases provide only 'fleeting windows of opportunity' to gain the best evidence available. These opportunities occur only in the early stages of the inquiry, and once word escapes, those under examination immediately engage in 'damage control', making it increasingly difficult to get to the truth. Investigators believe, therefore, that every effort must be made to move swiftly, if an inquiry is to succeed.

Modern technology and specialist expertise must be available, and ongoing management commitment is necessary to ensure the long-term health of an investigation. A significant obstacle to the successful prosecution of corrupt police is the character of those with whom they are involved. Often their associates are either criminals or persons of such dubious character they can easily be discredited at court when giving evidence against the corrupt police officer.²³ The corrupt trade on this fact.

Other problems related to convicting corrupt police include the poor quality of briefs. This phenomenon has been noted in North America. Unusually high acquittal rates or, if convicted, the widespread belief that penalties are too low have been documented. In addition the police prosecution cases have been found to be either of poor quality, or the prosecution had been pressed reluctantly.²⁴

Police criminal associates also pose significant problems to investigators. They are generally reluctant to become involved in the first instance and, even when they do agree to testify, they often can become an adverse witness and deny their original statements. In the case where witnesses may not necessarily be of bad character delays may deflect the interest of the witness. A witness made hostile by this process can become resentful about the amount of time the matter is kept hanging over his head and may not be as good a witness as first thought. It is evident, therefore, that to operate effectively in this environment, investigators must be highly motivated, meticulous, resourceful, astute and experienced.

They also need the courage to face threats and intimidation, not only from the criminal fraternity but also from other members of the police force. Instances where investigators (and occasionally their families) were threatened and intimidated are part of the public record. Whilst not common, instances of physical violence have also been reported. More often the response is one of verbal abuse, harassment or ostracism from the wider workforce.²⁵

Sadly, the level of skill and commitment required to successfully complete corruption investigations is under-estimated and receives scant recognition other than within the ranks of those immediately affected. It is a poor reward for what is arguably one of the most necessary functions of the police force.

Inquiries and Royal Commissions

Since the 1960s, Royal Commissions and Boards of Inquiry in Australia have reported on significant patterns of organised crime within the community, as well as entrenched and systemic corruption with local police forces. Despite jurisdictional differences, there are obvious similarities both in the nature of the corrupt behaviour and the solutions proposed to control it. In particular, the work of the Moffitt, New South Wales (1973–1974), Woodward, New South Wales (1977–1979), Williams, Canberra (1977–1979) and Costigan, Canberra (1980–1984) Royal Commissions and the Connor Board of Inquiry into Casinos, Victoria (1982–1983) were searchlights revealing what hitherto had been a formidable but shadowy force in Australia. Each inquiry identified various levels of corruption affecting police and other public officials.

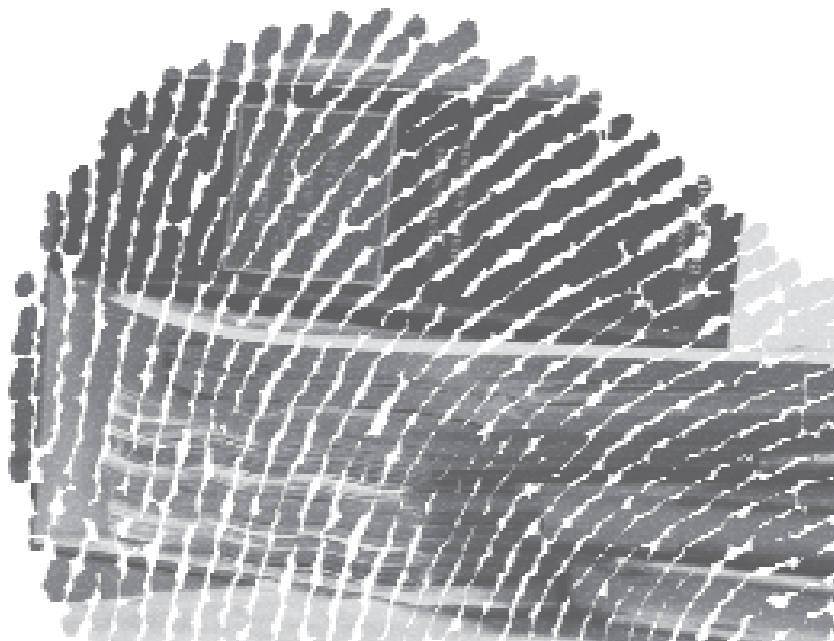
Organised crime and police corruption generally go hand in hand, due mainly to opportunity and to the availability of huge sums of money. Opportunistic police in the right place at the wrong time can easily be seduced by theft, bribery, sexual favours, drugs and

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other forms of corruption. At the foundation of major crime and corruption is an abdication

of personal responsibility. These inquiries have shown that criminals engaged in organised crime deliberately, and systematically, set about recruiting and corrupting a range of public office-holders at all levels on the basis of developing potential leverage for 'the business'.¹ This maintains and extends the wealth and power of organised crime.

The work of Lusher, New South Wales (1979–1981), Wood, New South Wales (1997), Fitzgerald, Queensland (1989), and Kennedy, Western Australia (2002) concentrated on problems of long-standing corruption in the police forces in their respective states. While there has been no such inquiry into Victoria Police since the Beach Inquiry (1975), the risk of corruption is ever-present, as the Ombudsman's Reports on the Ceja Task Force (Drug Related Corruption, 2003 and 2004) clearly demonstrate. Moreover, as shown elsewhere in this Report, instances of lazy, dishonest and corrupt police practices have regularly been reported by daily newspapers both before and after Beach.



Although not the focus of this study, it is noteworthy that during the same period there have been significant inquiries into police malpractice in other jurisdictions. In 1972, the City of New York established the Knapp Commission into Police Corruption. In 1992, it was followed by the Mollen Commission, because the lessons from Knapp had ceased to have any effect.²

Similar problems arose in the United Kingdom. The McPherson Inquiry (1999) found that the reason for the poor result obtained from the investigation into the murder of a black student was a combination of professional incompetence, institutionalised racism and a failure of leadership. As a result, a White Paper on police reform was published in 2001. It contains initiatives for raising police standards to an acceptable level, tackling under-performance, and introducing a range of improvements to police resources and working conditions.

The report of the Independent Commission on Policing for Northern Ireland (Patten Inquiry, 1999) also deals with issues aimed at improving police services to the community, accountability and the culture and ethos of policing in Northern Ireland. This Report provides

actual and potential corruption exists in every force; it must be treated as the systemic problem it has always been

a general overview of facets from some of these inquiries that are relevant to corruption in Victoria. In the

period covered by this study, corruption has become better understood, and so have ways of dealing with it. Often, police management has been reluctant to face external criticism, but now it is accepted that actual and potential corruption exists in every force; it must be treated as the systemic problem it has always been.

Solutions to corruption involve major changes to culture, structure and process and should not be restricted merely to an investigative or disciplinary response. Any consideration of the links between organised crime and corruption must include the conditions that allow the former to occur.

a one-dimensional approach which purports to 'fix' the police problem will never be successful without also addressing the nature of opportunities that facilitate corruption

Government decisions to regulate tax, or prohibit certain goods and services create opportunities for organised crime to exploit. A

one-dimensional approach which purports to 'fix' the police problem will never be successful without also addressing the nature of opportunities that facilitate corruption; any treatment of symptoms can be no more than palliative if the underlying cause is not identified and dealt with.

Police forces have to demonstrate responsible leadership; they must be intolerant and unforgiving of corrupt activity; they must demonstrate a relentless commitment to ridding the force of those who would bring it into disrepute; and they must be vigilant and find innovative ways of building resilience to corruption. Greater accountability has followed the use of external and independent oversighting 'watchdog' bodies. These encourage police management to maintain its focus on corruption prevention, detection and reform long after the impetus delivered by a 'one-off' independent inquiry has passed.

The Moffitt Royal Commission 1973–1974

In 1973–1974, Mr Justice Moffitt chaired a Royal Commission to examine the penetration of registered clubs in New South Wales by organised crime, and to look especially into allegations concerning gambling in those clubs. Moffitt saw Australia as a likely target for infiltration by organised crime from the United States. Some Australian businesses were claimed to have close connections with American organised crime groups, and allegations were being made of high pressure and corrupt methods being employed to expand those businesses in Australia.

He found evidence of a police 'cover up' in an investigation into this behaviour and warned that 'one of the weapons of organised crime is corruption of officials, particularly those, such as police, charged with investigating organised crime'.³

Despite finding little hard evidence, he accepted the presence of organised crime in the community, and found existing law enforcement inadequate against the threat. He identified the need for improved investigation techniques, and suggested effective intelligence systems to identify 'targets' that would be investigated using 'task forces'. He also called for greater cooperation between Australia's law enforcement agencies.

The Woodward Royal Commission 1977–1979

The Woodward Royal Commission was appointed to inquire into the illicit drug problem in New South Wales,⁴ prompted by (among other things) the public perception of a growing drug menace involving large-scale importation of illegal drugs, and the cultivation of substantial commercial crops of marijuana in various areas of country New South Wales, including Griffith. There were sudden and curious increases in the wealth of alleged growers, and on 15 July 1977, anti-drugs campaigner, Donald Bruce MacKay, from Griffith disappeared.

These and other things created media calls for an inquiry into the 'drug problem' based on reports of the involvement of a secret criminal organisation. The Commission presented a detailed picture of widespread, organised, drug-related crime in New South Wales, involving cannabis, heroin and other substances; it also detailed the social problems caused by drug abuse. The movement of organised crime into the drug trade was confirmed, showing the great wealth generated in these activities. The illicit operations were described in detail. The Commission went on to make a critical appraisal of drug law enforcement technique, and suggested improved methods for attacking the drug trade.

Even though its existence had been raised in Victoria years earlier, Woodward's inquiry confirmed that the 'The Honoured Society' was active in Australia, and was involved in extortion, drug trafficking, the market murders of Melbourne in 1964 and other forms of crime. Woodward also confirmed that a cell of the 'Society' had operated in Griffith, New South Wales.

The Commission concluded that MacKay was dead, and that the Honoured Society was responsible for his death. A corrupt link between certain members of the New South Wales Police and the Society was established, and accusations levelled against certain detectives for covering up the activities of local criminals for dishonest motives.

In March 1984, New South Wales Police told the MacKay inquest that Robert Trimbole, formerly of Griffith, had ordered MacKay's execution. Trimbole had contacted a criminal associate, Gianfranco Tizzone, in Melbourne. Tizzone was said to be a drug trafficker and police informer. Tizzone contacted a Melbourne gunsmith and patron of the Police Pistol Club, to hire a 'hit man'. Allegedly, they recruited painter and docker James Frederick Bazley to do the job. Bazley and Tizzone were later convicted of the murder of MacKay and drug couriers Isabel and Douglas Wilson. Trimbole left Australia for Ireland. Irish Courts refused his extradition.

The Williams Royal Commission 1977–1979

By 1977, public concern about the impact and potential of the burgeoning drug trade throughout Australia prompted Prime Minister Fraser to authorise a national Royal Commission into Drugs.⁵ The Chairman was Mr Justice Williams. The wide-ranging terms of reference enabled the Commission to conduct an exhaustive examination of the unlawful drug trade, and to deliver a comprehensive report on the 'industry'.

Like his predecessors, Williams found that organised criminal activity did exist and was flourishing. Not only that but, in his view, the criminal law was ill-equipped to grapple with it. He

corruption did not dwell solely around the drug trade, but was also found more generally throughout various facets of criminal law enforcement

also acknowledged the presence of widespread police corruption linked to the illicit drug trade. This behaviour was not confined to any one state but extended across the

nation. Moreover, corruption did not dwell solely around the drug trade, but was also found more generally throughout various facets of criminal law enforcement.

Williams found it significant that some police witnesses had expressed concern about other police and that these concerns 'affected their ability to perform their duties efficiently because they were reluctant to entrust information to certain officers or segments of their force or to another force and, in some cases, positively declined to do so'.

In his view, allegations of corruption levelled against police were best dealt with by a frank recognition of the existing opportunities and temptations and the likelihood that, on occasions, they will be taken advantage of. He considered that police forces generally were becoming more aware of the necessity to respond to corruption allegations and were able to investigate and deal effectively with them. He said:

Speaking of the necessity for police to act against corrupt behaviour, it is...essential that the overwhelming majority of honest police are ever-vigilant to stamp out such practices as soon as they commence. This will be far more effective than allowing the matter to escalate to a stage where action is finally taken against the person guilty of malpractice. The police attitude at command level and indeed the ministerial level must not be the conventional public relations exercise piously stating all is well; it should show it is actively interested in assisting people outside the Force who wish to make a complaint against police in the formulation

and investigation of the complaint. The attitude of command to the Force must be that small abuses of power and petty breaches of regulations are not considered lightly. It is small departures from duty for what appeared justifiable reasons that later lead to gross dereliction of duty.⁶

Williams accepted the necessity of having 'police investigate police' because of their experience, contacts and skill, but he also endorsed the desirability of having an independent body to monitor the investigations. In this sense, Williams' approach to tackling police corruption embraced a process of continuous improvement. 'Police forces must carefully consider and constantly review operational organisation and practice with a view to not only minimising the possibility of corruption, but to ensuring that any suggestions of corruption can be effectively dealt with.' He warned that no police force should be complacent about their anti-corruption measures, but should constantly seek to improve them.

The Lusher Inquiry 1979–1981

During the 1960s and 1970s, New South Wales Police were the subject of an ongoing series of allegations that its members had been involved in corrupt activity. Evidence emerged demonstrating that police at almost every level of the Service had been involved in organised crime and its protection.

A group of police whose power base was within the CIB and its various squads orchestrated the corruption. Their influence extended to the Police Association and the media, and through their connections, they had little to fear from corruption investigations. Senior management was seen as being either too corrupt or too inept to take the necessary remedial action.⁷

The inability of the Service to reform itself led to the appointment of a Royal Commission, chaired by Justice Lusher.⁸ Tasked with inquiring into the administration of the Force, he found that the extent of corruption pointed to serious management deficiencies, the absence of proper procedures to deal with corruption, and responses that concentrated on individual offenders rather than confronting wider institutionalised corruption.

Changes introduced in the wake of his report included regionalisation, a flattening of the command structure and attempts to change the police culture and to promote integrity. Community-based policing was adopted as the principal operating strategy. Training and recruitment were restructured amongst a range of anti-corruption measures. The Ombudsman's powers were also extended to enable oversight of complaints against police.

It was not until 1987 that major restructuring of the Service took place, with the establishment of four police regions. Centralised police squads were devolved and geographically based patrols instituted.

The most dramatic change was the dismantling of the CIB and movement of detectives to four Regional Crime Squads and new patrols. It was hoped this move would end the cycle of corruption. Instead, as the work of the later Wood Royal Commission would demonstrate, all that this initiative achieved was to spread the problem across the State.

The Costigan Royal Commission 1980–1984

The Commonwealth and Victorian State Governments established this Commission to inquire into whether the Federated Ship Painters and Dockers Union had engaged in illegal activities in relation to shipping.⁹ Frank Costigan, QC, went on to demonstrate that the Union was little more than an organised crime gang. He also uncovered other widespread networks of corrupt activity extending across the nation. His seminal work confirmed that organised crime was entrenched and expanding in Australia and that traditional law enforcement methods were inadequate to eradicate it. Costigan advocated new, groundbreaking techniques to overcome the 'wall of silence' inevitably encountered during investigations of this kind.

While his report contains little direct reference to police corruption, he identified widespread organised crime in areas other than drug trafficking, and noted the connections between organised crime and police corruption, confirming the findings of previous Royal Commissions. His findings reminded authorities of the dual difficulties confronting them.

Costigan noted interesting links to past events. For example, despite the work of the Martin Royal Commission in 1958, there remained a vast network of SP bookmakers operating both in Victoria and around Australia. Immense sums of money were involved and it was alleged that State police were taking bribes to facilitate the continuance of the illegal activity. By this time, Victorian Chief Commissioner Miller had established Zebra Task Force that confirmed the corrupt relationships between SP bookies and telephone technicians.

The Stewart Royal Commission 1981–1983

Prime Minister Malcolm Fraser established a second Royal Commission into drugs in 1980 because of public concern that existing law enforcement agencies were failing to cope with the activities of major drug traffickers.¹⁰ The Stewart Royal Commission was established following a Victorian Coroner's findings on the murder of Douglas and Isabel Wilson, whose bodies were found in shallow graves at Rye (Victoria) on 18 May 1979. The Wilsons had been killed as punishment for informing the Queensland police about drug trafficker Terence John Clark.

Clark claimed informants in one or more of the Australian law enforcement agencies, including the Bureau of Customs, and used information from them to avoid capture. Clark also claimed he was told about the associates who had told police about him. At the Wilson inquest in 1980, the Coroner found that Clark had organised large-scale drug importations to Australia from Asia, and that 'organised crime and corruption ran rampant'.

The Coroner forwarded a copy of the evidence to the State Attorney-General with a view to having the matter investigated, thus prompting Stewart's inquiry. After a lengthy probe, Stewart was satisfied that certain law enforcement officers were committing criminal offences. He was disturbed that so many allegations had been made. 'Indeed there is no reason to believe that corrupt practices of this kind are restricted to drug matters. There is in fact every reason to believe that organised crime of all kinds depends in part upon the availability of these corrupt practices.' Stewart found cogent evidence that Commonwealth and State officers had engaged in corrupt practices in relation to the deaths of the Wilsons.

The Commission also found considerable evidence that organised criminal activity occurred in Australia and, like its predecessors, recognised its potential for corruption. 'Apart from facilitating mobility and power, cash resources allow organised crime to corrupt others in order to protect and further its activities...the most vulnerable public officials in these situations are those charged with investigation and prosecution of the crimes involved.'

Stewart drew attention to the inadequacy of existing complaint systems against corrupt police. Reliant on the receipt of complaints from the public or other police, existing systems were ineffectual when it came to the type of 'victimless' crimes typically associated with prostitution, gambling or drugs, where police corruption was evident. Seeking guidance abroad, Stewart

reliant on the receipt of complaints ... systems were ineffectual when it came to the type of 'victimless' crimes ... where police corruption was evident

found that, like Australia, similar weaknesses existed in the English complaints system. But the English had proposed a solution: the establishment of a permanent cadre of investigators

comprising mixed teams of appropriately skilled people, including some police officers, dedicated to this type of work. Sir Cyril Phillips, Chairman of the Police Complaints Board in the United Kingdom, warned that because present arrangements had failed to come to grips with police corruption it was 'no longer possible to avoid the necessity for an independent external agency'.

Stewart conceded that police corruption could at best be controlled and never eradicated; the difficulty lay in developing controls that were effective. He made a number of recommendations for change, including the creation of an independent body, an Inspectorate of Australian Police Forces, with a specific charter to root out corruption. In Stewart's view, a good inspection system, ruthlessly and efficiently applied, would go a long way to controlling police corruption. 'A great virtue of such an organisation would be its ability to listen to the lower ranks of the police, during formal or informal inspections, hear their complaints and make a fearless report. Against this background, senior officers would tend to take a greater interest in supervision as they would be concerned that something might be disclosed.'¹¹

Other recommendations included insistence on command responsibility and accountability; the provision of high-quality training for police, and better recruitment procedures; ethics training and proper police behaviour; frequent interchange of police working in high risk areas, and the ruthless pursuit of corruption within police forces, including the charging of police officers whenever sufficient evidence is found.

The Neesham Inquiry 1982–1983

In September 1982, the Victorian Ministry for Police and Emergency Services appointed a Committee to 'advise upon the capacity of the Victoria Police Force, in terms of structure, procedures, personnel and equipment, to:

- fulfil its organisational philosophies;
- achieve the objectives of government;

- respond to the needs of the community; and
- maintain a high standard of efficiency in a situation of likely continued limitations on the availability of resources.¹²

Mr T. A. Neesham, QC, who had been Deputy Ombudsman and was later to be appointed County Court judge, chaired the Committee. At the time of their appointment, 'the public complaint process was excluded from the Committee's Terms of Reference because it was the subject of discussion between the Ombudsman and the Ministry'. But in June 1983, the Minister requested the Committee to 'conduct an urgent review of 'the procedures adopted in maintaining internal discipline within the Force". The adequacy of the Bureau of Internal Investigation, the constitution and role of the Police Discipline Board and of the Police Service Board and the powers of the Chief Commissioner were specifically mentioned.

In their introduction to the review of the disciplinary system, the Committee noted the paramountcy of discipline to effective organisational functioning; its purpose in developing self-control and fostering orderliness and efficiency; the temptations to which police could be subjected – as they typically worked alone or in pairs with a minimum of direct supervision – and the importance for internal disciplinary procedures to have the confidence and support of the public while also maintaining the morale, self-esteem and initiative of members.

The Committee examined disciplinary procedures both within the Force and elsewhere, and found there was a 'need for balance between the requirements of a strong and effective police organisation and the unassailable fact that individual police officers should, as far as possible, have the same rights and privileges as other members of the community'. At that time, the Committee was of a mind that a coherent disciplinary system did not exist. It went on to make the following comment:

The Force has entered an era which could not have been envisaged by those who drafted the 1946 amendments to the Police Regulation Act which so limited the Chief Commissioner's authority in matters of Discipline. They could not have imagined that the Chief Commissioner's decisions, albeit circumscribed, could be the subject of Supreme Court writs and other challenges. They could not have envisaged the temptations facing police officers in their daily duties that have been revealed by the Stewart Commission and other inquiries. They would never have believed that a police constable could refuse to answer work-related questions put to him by an Officer of Police and escape sanction. The Committee's recommendations attempt to redress the imbalance and provide the Chief Commissioner with workable authority while protecting the rights of each and every member of the Force.

The Committee then set out seven points that it considered should underpin a formal discipline code. These included publication of disciplinary procedures advice about sanctions, protection from false allegations, pursuit of the discovery of truth about matters, public redress, public confidence in, and accountability of, the system and need for an appeal process independent of the Force.

The Committee made recommendations on matters of suspension, probationary periods, complaint investigation, discipline hearings, the Chief Commissioner's powers and some miscellaneous matters. These included internal publicity about the positive role of discipline, the monitoring role of the Ombudsman, ill-health retirements, a need for the Police *Annual Report* to detail disciplinary statistics, time limits for offences, the standard of proof in disciplinary matters (a civil standard of proof was considered appropriate) and amendments to the Police Regulations.

In spite of comprehensive consideration of the Chief Commissioner's powers, and a variety of circumstances in which it had been difficult to dismiss members who no longer were regarded as an asset to the Force or to the public (as policemen), the Committee did not support dismissal powers being given to the Chief Commissioner. The principal reason appeared to be that 'police officers...are entitled to a degree of protection especially having regard to the relative ease with which they can become the victims of complaints'.

The Report found that the system of conducting complaint investigations had a negative effect on working relationships in the regions, and that complaint investigations lowered Force morale generally. The Report also found that if the Internal Investigations Department (IID) took over investigations into serious matters, the regions would have a more manageable task in respect of investigating minor matters, which tasks could be delegated to experienced Sub-officers. It also recommended the creation of small investigation groups at regional headquarters that would report to the region, not to the IID. This recommendation was unacceptable to Victoria Police which saw it as unnecessary due to the strengthening of the IID, and the subsequent creation of the Police Complaints Authority.

In all, because of its more general terms of reference, the Neesham Committee made some 220 recommendations touching upon numerous areas of the Force. A considerable number of the recommendations were implemented but others were not. In general terms,

arguments for dismissal powers to be vested in the Chief Commissioner waxed and waned

the overall effect of the Neesham Review was a positive one for the Force. One particularly useful practice was the requirement to report each year upon the progress of implementing

the various recommendations to the Minister. It was an effective method of ensuring that good ideas did not 'just slip off the plate'. Arguments for dismissal powers to be vested in the Chief Commissioner waxed and waned, and those powers eventually were reinstituted under Chief Commissioner Neil Comrie in 1993.

Board of Inquiry into Casinos 1982–1983

In 1982 the Victorian Government constituted (Francis) Xavier Connor, then QC, to be a Board of Inquiry, to report and make recommendations upon whether a casino or casinos should be established in Victoria.

His consideration included organised crime because he recognised that gambling was a favourite target, and that casino gambling was particularly vulnerable for exploitation because of the vast numbers of unrecorded cash transactions. Connor sought to establish the breadth

and depth of organised crime in Victoria, to learn about the milieu that casinos would be entering, as well as their prospects for commencing and remaining free of organised crime.

He took evidence on this from Fred Silvester, an Assistant Commissioner of the Victoria Police and Director of the Australian Bureau of Criminal Intelligence. Silvester advised the Board there was a great deal of organised crime in Victoria, much of it having interstate and overseas links. For example, illegal bookmaking had an estimated annual turnover of \$1,000 million. In spite of the efforts of both the Gaming Squad and Task Force Zebra, the bookies had ready access to telephone services through corrupt Telecom employees whose conduct hampered police efforts.

Connor recognised that organised crime could not flourish without corrupt police or without corrupt public officials operating at high levels on regulatory bodies. Silvester gave evidence of a good deal of this form of corruption in Victoria, and, when asked: 'Are we winning at the moment against organised crime or moving back?' Silvester responded firmly, 'Moving

backwards'. Deputy Commissioner J. R. Hall of the Victoria Police, who added, 'We cannot escape the fact that much organised crime could

much organised crime could not exist unless there was involvement by some members of police forces

not exist unless there was involvement by some members of police forces and other law enforcement agencies'.¹³

A Quarter to Midnight

Although the work of Moffitt and his successors had presented the Australian public with overwhelming evidence of the threat posed by organised crime, the general lack of public knowledge and debate about the subject caused him such concern that in 1985, he published a book entitled *A Quarter to Midnight – The Australian Crisis: Organised Crime and the Decline of the Institutions of State*.

In it, he described how organised crime and corruption had spread across the nation and developed international links. According to Moffitt, the problem was not only that organised crime was here, but also that not enough was being done to grapple with it. In his opinion, there was a strong possibility that if firm action was not taken immediately, the problem would be ineradicable, and could compromise the integrity of the State.

He stressed that organised crime and corruption went hand in hand because the organs of State had to be corrupted for organised crime to flourish. The police were only one of many targets among those engaged in the administration of justice and government departments generally. Moreover, organised crime had the ready wealth to achieve corruption.

Moffitt pointed out that both the Australian public and their political leaders had to understand that organised crime involved with drugs, and organised crime otherwise are interdependent. 'While we do not do what we ought, the drug trade and organised crime generally continue to flourish and expand and the wealth and power of

those involved grow'. For Moffitt, it was of critical importance that any attacks on organised crime address the issue of police corruption, 'whatever else may be required, the fight must be lost unless the police are honest and able to work together'.

Moffitt also referred to an inquiry commissioned by US President Johnson in 1967, which linked the growth of organised crime to the corruption of officials in which it was said that: 'All available data indicate that organised crime flourishes only where it has corrupted local officials. Neutralising local law enforcement is central to organised crime's operations. What can the public do if no one investigates the investigators and the political figures are neutralised by their alliance with organised crime?'

The Fitzgerald Inquiry 1989

In 1987, following a series of articles in the *Courier Mail* about the police in Queensland, and then the national televising of Chris Masters' program 'The Moonlight State' on the ABC's *Four Corners*, Queensland's Acting Premier Gunn announced an inquiry.¹⁴

Although the general expectation was that here was yet another political device to relieve pressure on the government, the inquiry successfully unmasked widespread corruption in the Queensland police, particularly embracing gaming and vice. It was revealed

the real value of this inquiry lay ... in the improved structures and systems developed to overcome corruption

that corruption extended to the very leaders of the police force, and tainted some politicians. In time, criminal prosecutions were launched

against some of those involved, and sweeping measures were recommended to minimise opportunities for future corruption. Former Police Commissioner, Sir Terence Lewis, was convicted of taking bribes and sentenced to 14 years in prison. The real value of this inquiry lay not so much in netting the corrupt, but in the improved structures and systems developed to overcome corruption, which led to a rebuilding of the police force. An Electoral and Administrative Review Commission and Criminal Justice Commission were established to carry on the business of reform and to decide what specific reforms should be made.

The drastic action was required because corruption had become so deeply embedded in the heart of the police. Generations of men had been moulded into accepting corrupt systems and responded either by joining in or by learning to work around it.

The ranks of the corrupt held talented, intelligent and ruthless men who grouped together as an elite unit. Holding positions of power and influence, they controlled the systems of accountability. As a result, self-assessment and self-regulation had failed. Corruption continued unchecked because there had been no opportunity for external appraisal and criticism.

Positive internal checks were overwhelmed, subverted or simply ignored. The corrupt distorted acceptable traits such as loyalty and perverted the benefits of esprit de corps. In the end, significant numbers of corrupt police actively worked to perpetuate a system of

misconduct and contempt for the criminal justice system. Fitzgerald also identified a police code that meant a different standard for enforcement of the law if the subject were a police officer. This informal, and quite unlawful, policy effectively placed police beyond the law, thereby

the ranks of the corrupt held talented, intelligent and ruthless men who grouped together as an elite unit

eliminating concern about possible apprehension and punishment. While the strength and extent of this culture was attributed to the power and

influence of a police elite, it took hold with passive acceptance of the situation by the honest majority. It was further strengthened by the systems and structures that introduced police into the Force. It was then consolidated by the manner in which the Force selected its leadership. The corrupt had devised and implemented a malignant succession plan.

Other factors allowing continuance of misconduct and corruption included outright rejection of external criticism or internal dissent; an antagonistic and hostile attitude by the police union, which opposed any notion of corruption investigations; failure of the Force Internal Investigations section; the influence of organised crime and the use of its huge profits to corrupt police and others in justice administration.

To turn this situation around, Fitzgerald identified avenues towards improvement, including a need to penalise police who failed to report illegal activity or misconduct and a need for improved standards of recruitment and training, including rigorous background checking and psychological testing to identify the personality types which would resist the current culture. Fitzgerald predicted that in spite of broad public exposure to the findings of his Inquiry, 'innovations will be sterile and impotent if attitudes do not change. If the community is complacent, future leaders will revert to former practices'.¹⁵ Police themselves also had to recognise that checks and balances and changes in attitude were necessary if the activities of the corrupt were to be detected.

The Mollen Commission 1992–1994 (US)

The Mollen Commission¹⁶ investigated the nature, extent and causes of police corruption in the New York City Police Department; it also examined the Department's competence and commitment to preventing and detecting corruption. The inquiry illustrates the universal nature of both the causes of and solutions to police corruption, with many lessons for Victoria.

While the Commission found that although most police were honest and hard working, there was corruption among police in relation to theft, robbery, drug stealing and extortion. These unlawful acts bloomed in parts of the city not only because of opportunity and greed, but also because of factors such as complacent supervisors who failed to maintain a watch on integrity, fearing the consequences of a corruption scandal more than corruption itself. Commanders responsible for fighting corruption failed to enforce the principle of accountability, because of the emergence of an 'us vs. them' mentality between some parts of the community and the police, and because for years the New York City Police Department abandoned its responsibility to ensure the integrity of its members.

Once again, loyalty and trust, attributes which the Commission saw as vital to the promotion of effective and safe policing, had been prostituted to a sort of group loyalty which had prospered at the expense of the officers' sworn duty, thus making allegiance to fellow officers (even corrupt ones) more important than allegiance to the Department and community.

The existing corruption controls had been introduced by the 1972 Knapp Commission which investigated police corruption and revealed widespread, systemic corruption. It divided responsibility for tackling corruption between local commanders and a centralised Internal Affairs Division. The concept was simple: local commanders could be responsible for fighting corruption in their own local commands. The system relied exclusively on the police manager's commitment to integrity rather than on institutional oversight. Once public attention and Departmental priorities shifted elsewhere, the Department's interest in controlling corruption began to wane.

The Mollen Commission concluded that the New York City Police Department should remain responsible for effectively policing itself, and for keeping its own house in order. To do this, the Department required effective internal corruption controls. The Commission also required the Department to develop improved recruitment systems, in-service performance evaluations and to introduce integrity training.

There was a belief that it was impossible for the Department to bear this responsibility alone. It was seen as being subject to powerful internal pressures to avoid the disclosure of corruption and, in the absence of external scrutiny, established attitudes were likely to prevail. There was required a truly independent oversighting monitor, outside the Department's chain of command, that would exert continuing pressure on the Department to purge itself. The monitor was seen as requiring its own investigative capacity to successfully conduct audits of the Department's internal controls.

The Wood Royal Commission 1994

The Wood Royal Commission was established in 1994 to inquire into the workings of the New South Wales Police Service and the nature and extent of corruption in that Service.¹⁷ Its work retraced familiar ground. Significant systemic and entrenched corruption involving a wide range of criminal behaviours by police was revealed. This conduct was supported by a negative police culture described as the 'enemy within' – it thrived on greed and valued allegiance to colleagues, even those who were corrupt, above loyalty to the police service. Dependent on group loyalty and a tradition of mateship and peer pressure, it

dependent on ... loyalty ... mateship and peer pressure ... this malign culture persecuted any who broke the 'code of silence'.

gave its adherents little reason to fear exposure. This malign culture persecuted any who broke the 'code of silence'. Loyalty is a strong and

positive quality, but it needs to be directed to the benefit of the organisation and the community, not to a shadowy world of infamy. The police denied its problems. However, commencing at the highest levels, institutionalised corruption was found. The disciplinary

process was inadequate, and the internal investigation capacity lacked tangible effect. Serious corruption had escaped notice or gone unchallenged. Even so, like the Mollen Commission, Wood found cause for optimism. There were many honest police providing a service in conditions that could be dangerous and demanding. Commissioner Wood concluded that:

*with an appropriate change of culture, the establishment of leadership which places integrity and professionalism above all, the institution of an anti-corruption plan which existed in action rather than word, and the creation of an external agency with the capacity and will to fight serious misconduct, public confidence and a true sense of vocation in the Police Service could be restored.*¹⁸

A wide-ranging series of solutions were proposed to transform the New South Wales Police Service, including new management and employment standards; changes to education; training; and professional development. The Commission recognised the critical importance of education, and of corruption prevention strategies. It noted deficiencies in the complaints and discipline system, and advocated moving away from the formal adversarial procedures to a more managerial mode, whereby commanders at patrol level would deal with complaints and matters of discipline.

Crucial to success was acceptance of the need for change. Police had to demonstrate they were open and honest, and that they shunned corrupt practices. Similar lessons were learnt from the wide-ranging investigation of the Rampart Area Corruption in the Los Angeles Police Departments in the 1990s.

The Rampart Area Corruption Incident (US)

In late 1997 and early 1998, members of the Los Angeles Police Department (LAPD) working in the Rampart area of the city were identified as suspects in three serious criminal offences: a bank robbery, the false imprisonment and beating of a person who had been arrested and handcuffed, and the theft of three kilograms of cocaine from the LAPD Property Division. Investigations showed that the offenders were closely associated as either work partners or friends. In time, Rafael Perez, the officer implicated in the theft of the cocaine, offered to enter a plea of guilty and provide information on the other Rampart officers in exchange for a reduced penalty.

Perez's information revealed a much deeper level of corruption than had originally been suspected. Innocent people had been framed, convicted and imprisoned. Subsequently, Police Chief Bernard C Parkes convened a Board of Inquiry to assess the extent of police corruption in the Rampart area.

The Board released a report in March 2000.¹⁹ It concluded that incidents had occurred because a few individuals had decided to engage in blatant misconduct and, in some cases, criminal behaviour. Their misconduct was made possible by the failure of LAPD and its management team in Rampart to exercise vigorous and co-ordinated oversight of police operations in the area, in particular of the CRASH Unit (CRASH was an LAPD acronym for Community Resources Against Street Hoodlums). If management had been more

effective, the crimes and misconduct that had occurred may well have been prevented, discouraged or discovered much earlier. The personal integrity of certain officers had become eroded and their activities had infected those around them. The LAPD believed that it had to learn from the experience and establish systems to prevent and detect similar patterns in future. The Board's recommendations covered eight main areas:

- Testing and screening police officer candidates;
- Personnel practices;
- Personnel investigations and the management of risk;
- Corruption investigations;
- Operational controls;
- Anti-corruption inspections and audits;
- Ethics and integrity training; and
- Job-specific training.

The pressing need for attention to these aspects of policing has emerged from several other inquiries including those in Victoria. Specific matters include lack of uniform standards for recruitment to the police force; poor personnel evaluation; limited capacity to capture all relevant personnel data to inform personnel and promotion decisions; and clear patterns of conduct being undetected.

In its consideration of operational controls, the Rampart Board of Inquiry conceded that many of the problems it discovered were a consequence of officers failing to follow established LAPD procedures. The impact of this failure was compounded by a failure of supervisors and managers to oversee their work. Staff knew that the chance of anyone detecting non-compliance was negligible, and this gave opportunity for them to take dangerous shortcuts.

The Board identified the need to revitalise and reinforce core values among its employees so that each of them understood their responsibility to uphold the integrity of the LAPD. Training was required about some less routine procedures and special training was required for people promoted to supervisory and mid-management ranks.

The Report also commented on the need for Chiefs of Police to retain full authority and responsibility for the discipline of employees and that they must be fully accountable for the exercise of that authority.

At the heart of the Board's findings was a conclusion that the problems of LAPD began with its failure to instil a standard of excellence throughout its ranks. In the preface to the Report's Executive Summary, the Board referred to a comment by Captain Ross Swope of the Washington DC Metropolitan Police Department in an address to a Department of Justice Symposium on Police Integrity in 1996. He said 'The major cause in the lack of integrity in American police officers is mediocrity'. Captain Swope said that mediocrity stemmed from the failure to hold police officers responsible and accountable. It came from

a lack of commitment, laziness, excessive tolerance and the use of kid gloves. He put the view that American police employees could be grouped into three broad categories: high achievers who applied core values such as prudence, truth, courage, justice, honesty and responsibility; those who occupied the middle ground; and those with few of the values held by the high achievers. The extent to which those at either end of the scale influenced those in the middle group depended on supervisors and middle managers. Theirs was the daily and ongoing responsibility to ensure that appropriate workplace standards were maintained. Higher-level managers were responsible for ensuring that the proper standards were maintained among their subordinate commands.

The Board found that the answer lay not in 'new programs or approaches to police work but in the scrupulous adherence to existing policies and standards, the ability to detect any individual or collective pattern of performance which falls short of that expectation and the courage to deal with those who are responsible for those failures'. This assumes that the correct policies and standards were adopted in the first place.

The Board's report was widely criticised for minimising the seriousness of what had occurred and for not addressing structural problems that may have allowed a corrupt culture to fester. Later in 2000, two further reports were released. The first was a study initiated by the Police Protective League (the police union).²⁰ Later, in November, a report commissioned by the Police Commission was released.²¹ Among other things, both reports addressed the need for a better disciplinary system and strengthened arrangements for independent oversight of LAPD.

The Kennedy Royal Commission 2002

In December 2001, public concern over several controversial investigations by the Western Australian Police Service (WAPS) and doubt over the integrity of that organisation led the Western Australian Government to establish a Royal Commission.²² The Commission's task was to find out whether there had been corrupt or criminal conduct by members of WAPS and to review the effectiveness of existing procedures and systems for investigating and dealing with criminal conduct by police. Geoffrey Kennedy, QC, headed the Inquiry. As

the Service had ... cultural shortcomings ... they supported the notion of 'noble cause' corruption, believing it to be justified by perceived deficiencies in a justice system which favoured offenders

with the Fitzgerald Royal Commission, priority was given to establishing a basis of reform rather

than prosecution of individual officers. Kennedy's report disclosed the existence of corruption ranging from stealing to assaults, perjury, drug dealing and the improper disclosure of confidential information. What he found significant was the extent to which WAPS had been ineffective in monitoring these events and modifying procedures to deal with problems and prevent their repetition. The Service also had ongoing cultural

shortcomings. Many police were still unlikely to report misconduct. They supported the notion of 'noble cause' corruption, believing it to be justified by perceived deficiencies in a justice system which favoured offenders.

The existing external oversighting agency for WAPS, the Anti-Corruption Commission (ACC), was ineffective, essentially, because it lacked the necessary powers. Replacement was recommended. The government concurred and a new organisation, the Corruption and Crime Commission (CCC), was created. Kennedy also saw a need for the CCC to develop capacity for monitoring the progress of reforms in WAPS. An auditor was appointed to conduct a qualitative and strategic audit of the reform process, a tactic similar to that recommended by Wood for the New South Wales Police Service.

The Royal Commission focussed upon areas most directly affecting corrupt and criminal conduct prevention and detection. It found that WAPS did not compare favourably with either national or international management standards of policing. An issue for the Royal Commission was that since 1994, WAPS had been undergoing a process of almost continuous change. Most of the obvious structural and strategic measures had been implemented, yet problems remained. Difficulties seemed to arise from the delivery of reforms in areas of culture, management and technology. In 2002, WAPS initiated a strategic review of systems ranging from recruitment to education, management to leadership and information technology and basic conditions of employment, all of which needed reassessing to help transform the organisation. The Kennedy Royal Commission sought procedures to assist that process. It drew on the New South Wales experience of corruption and was guided by the Wood recommendations which helped to establish wide-ranging benchmarks for management and corruption prevention.

Lessons from the Past

Within Australia, between 1973 and 2002 ten major inquiries have been conducted, either dealing specifically with organised crime or examining the management and conduct of Victoria Police. Some key findings arising from the inquiries held in Australia and dealt with in this Report are as follows:

- The long-standing presence of organised crime is confirmed across Australia.
- The presence of international criminal groups within Australia is confirmed.
- There have been, and will be, attempts to corrupt police and other public officials.
- There have been linkages, both here and overseas, between organised crime and police corruption.
- Police corruption is not confined to any particular force.
- Police methods for investigating complex structures involving organised crime have been inadequate; powers are needed to grapple with 'the code of silence' for both organised crime investigations and police corruption investigations.
- Independent and external oversighting bodies are required to monitor the management of complaints against police: they need power to launch their own corruption investigations, capacity to monitor the progress of reforms recommended from complaint investigations, and capacity to employ independent auditors (of both themselves and the force being examined) to make those reform assessments.
- Mechanisms are needed within police forces that can extract lessons from complaint investigations and disseminate them widely in the Force.
- Recruitment must be supported by rigorous background checks and psychological testing to ensure that, as far as possible, only recruits with ethics and the right temperament and attitude enter the Force.
- There has been a history of failed, lethargic and inadequate internal investigations units.
- The most fundamental and simple anti-corruption strategy comes down to strong and effective leadership and supervision.
- Limited tenure and enforced transfers in all areas of high risk policing are necessary.
- The culture of a force is a besetting and pervasive area of difficulty. Change can only be achieved by good leadership, constant monitoring, training and effective discipline. Integrity testing should be regularly used.
- So called 'noble cause' corruption is totally unacceptable. The attitude of some police towards 'bending the rules' must be dealt with through training, effective supervision and discipline.
- An anti-corruption culture must be fostered among police to build resistance to corruption, encourage early identification of opportunities for corrupt practices and an intolerance to corrupt members who would bring the Force into disrepute.

Looking forward

Readers of this Report must be asking: 'How did the perpetrators of these abuses 'get away with it' so often and for so long?' Further questions quickly follow: 'How did such matters escape the knowledge or the attention of the Force Command? Were the regional Superintendents culpably out of touch with the actual performance of the units under their direction? How did the corruption of Constables continue under the very noses of the Senior Sergeants at individual police stations?'

Corruption in a police force strikes at the heart of the justice system. This Report has canvassed the experience of other Australian states and similar jurisdictions overseas. The evidence is clear. Corruption, wherever and whenever occurring, arises from similar causes, and exhibits similar characteristics. Victoria's history and more recent experience of police corruption has close parallels in many other jurisdictions.

The very nature of police work creates opportunities for corruption. It remains an ever-present challenge to the Force Command, and to police management right down to the level of individual police stations. Dealing with corruption cannot be done intermittently, as the

dealing with corruption cannot be done intermittently, as the failures of the past have shown

failures of the past have shown. It requires ongoing and sustained effort. Victorian governments have set up many Royal Commissions and Inquiries

to probe particular scandals and abuses. Such inquiries reach back to the days of Ned Kelly, and have continued steadily ever since. Seen together they demonstrate that ad hoc measures aimed at specific problems do little to maintain a corruption-free Force; a single problem may be remedied, but then, after a short pause, the cycle of corruption resumes.

While we have seen cases where suitable amendments to existing laws have designed out corruption, there are also examples of Government policies (however unintentionally) fostering the growth of corruption, and creating burdens for the police. Passing unsound laws running counter to widespread public opinion and tolerance creates an environment for corruption to flourish. History has shown that law-making in such areas



as liquor regulation, off-course betting and illegal prostitution ought to be framed carefully to avoid setting police an impossible enforcement task and to avoid creating fresh opportunities for those able to be corrupted. The growth in organised crime and the huge wealth generated by the illegal drug trade creates an environment to challenge modern police and the justice system.

Not solely in Victoria, but in the annals of police forces generally, certain themes persist. For example, corruption raises its head disproportionately in criminal investigation branches; detectives often work alone or in small groups away from close supervision; they are often involved in what may become corrupting relations with criminals and informers. Another disappointing but recurring theme, reflected in recent court cases, is that outstanding service in one area of policing is no guarantee of probity elsewhere. A number of officers with outstanding service records of hard cases successfully prosecuted, valour medals won, and many commendations have nevertheless been convicted of serious corruption.

As repeatedly pointed out in this report and elsewhere, it is misconceived to think of corruption in terms of aberrant individuals. Astute and proactive management by the Force itself is the first line of defence against corruption and misconduct.

Procedures for handling complaints made by the public against the police remain integral to anti-corruption strategies. The view held generally by the Force has been that, if complaints are genuine, only police have the necessary skills to competently deal with complaints about serious misconduct or corruption. A system under which 'police investigate police' lacks transparency and cannot command unqualified confidence. There is consistent evidence of misconduct not adequately probed; of 'delays'; of procedures neither rigorous nor impartial, whereby police witnesses receive favourable treatment; poor quality prosecution briefs contributing to a surprisingly small proportion of cases proceeding to conviction and, at times, almost risibly lenient penalties.

There is no doubt that, over recent years, the Force has tried to improve its procedures, and has made a number of structural and administrative changes to this end. For example, better safeguards now protect 'whistleblowers' who report misconduct from within the Force. Some Chief Commissioners have dedicated immense energies specifically towards the eradication of corruption and the proper handling of complaints.

However, any fair-minded assessment, both of the longer history and of current times must conclude that even strenuous efforts by police management require the oversight and reinforcement of an independent body outside the Force, equipped by law with special powers to ensure rigorous investigation. The existence of such an independent authority enhances transparency and public confidence, and allays doubt about 'police investigating police'.

The Report gives many examples of influences that have impeded the effective operation of anti-corruption and anti-misconduct measures. One of these is a widespread 'culture' in the Force which, at the slightest criticism of police officers, closes protectively around the members under question. The Police Association as the industrial voice of rank and file members has at times played an important part in perpetuating this culture. The role

of the Police Association in combating corruption should not be underestimated as one anti-corruption lawyer notes:

In the past, in other jurisdictions in which widespread police corruption has been exposed there was a real danger of a police association or its equivalent being part of the problem rather than part of the solution. This was largely because of a fundamental dilemma in deciding who the association represented. Was it the majority of honest police who abhorred corruption and did not want corrupt people within the profession? Or was it those against whom cogent evidence of corruption had been uncovered? Surely the interests of the former are not compatible with those of the latter. A police association can play a vital role in combating corruption by declaring its abhorrence of it and actively assisting in ridding the Force of it. It can provide support and encouragement for those who wish to report corruption and can actively encourage ethical attitudes and behaviour. Above all, it can be a welcoming supporter of the new breed of trainees who come imbued with enthusiasm and concentrated ethical training prior to their graduation. Their attitude is likely to reflect that of their leaders, and indeed, community expectations.¹

The words of an *Age* editorial are also worth quoting:

None of this implies that police brutality, intimidation and officiousness in dealing with criminal suspects or ordinary citizens are widespread, and it must be recognised that police are vulnerable to false complaints. Rather, the problem is the 'brotherhood syndrome', the sense of 'them and us', the siege mentality, that encourages police to support each other against complaints from the outside. The sensitivity of the influential Police Association to the slightest criticism of its members is notorious. In this climate, younger police officers absorb the feeling that they can get away with misconduct and overbearing behaviour, because the system will protect them. ...What is still needed is a willingness by all police to accept a collective responsibility for the good name of their force, and not to shield comrades who they know have broken the rules. One useful measure would be to give the chief commissioner clearer and stronger disciplinary powers without the necessity for legalistic inquiries and hearings to deal with conduct unbecoming a police officer...

the challenge for individual Victoria Police members is how to embrace a culture committed to professionalism and high integrity that can maintain solidarity but admit mistakes and learn from them

The date of this editorial may be a surprise for some. Written 22 February 1988, nearly twenty years ago, it still has relevance for current times.

The challenge for individual Victoria Police members is how to embrace a culture committed to professionalism and high integrity that can maintain solidarity but admit mistakes and learn from them. This means ridding themselves of the attitudes and values that support criminals in their midst. The true test to those committed to good policing will

be how persuasive they can be in changing the mind-set of those still clinging to 'us and them' attitudes.

History will repeat itself and opportunistic or deliberate corruption will flourish unless we adopt sustainable strategies to address it. These strategies must:

- Build resistance to corruption by creating an anti corruption culture within police that is intolerant of bending the rules, let alone breaking them;
- Look to high risk areas and be vigilant to quickly identify emerging opportunities for corrupt practices;
- Support strong management that addresses unacceptable behaviour;
- Work effectively to rid the Force of those who would bring it into disrepute.

The continual theme that threads its way through this Report and indeed has permeated the Victoria Police since its inception, is that misconduct has flourished when effective management is absent. This is not unique to Victoria Police but is true of policing generally.

The culture of Victoria Police however makes effective governance and leadership difficult at times. For many decades, there has been an 'us and them' culture between

the culture of Victoria Police however makes effective governance and leadership difficult at times

management and the workforce. This has been nurtured to great effect by the Police Association, and too easily encourages police members to move

outside police force governance systems to air grievances, leak information, develop improper associations and protect corrupt officers.

Along with highlighting this culture, we have seen on numerous occasions in this Report, examples of corrupt police who have been results-driven and high achievers. Too many within the Force see these officers as heroes, breaking rules and abusing their power for a 'noble cause'.

There are many amongst police and in society that regard 'noble cause' corruption as a lesser evil, an understandable and entirely subjective grey zone in which we are all

noble cause corruption is the nursery of entrenched and systemic corruption

permitted to turn a 'blind eye'. What this Report demonstrates is that noble cause corruption is the

nursery of entrenched and systemic corruption. If a police force wants to rid itself of corruption, it must attack noble cause corruption.

This will be an important focus of the OPI in coming years. The work it has already done in moving against the now defunct Armed Offenders Squad was targeted at this goal. Those that went on the record to excuse the activities as noble cause corruption would lead us, as this Report has demonstrated, on a perilous path. Any abuse of authority by police, let alone systemic abuse of authority, weakens the foundation of public trust in police that is necessary for a civil society.

Policing is moving into one of its greatest periods of reform. It is becoming more sophisticated. As the workforce professionalises, police need technical expertise and specialist knowledge as well as the muscle and street-saviness of their forbears.

As it makes this transition, Victoria Police at all levels has an enormous opportunity. Its members could view the cases in this Report as isolated aberrations. Such an approach would be illusory given that a number of strands of corruption identified are still evident today. Alternatively, Victoria Police can build a Force that can be confident in its ethical and professional reputation because it is constantly rigorous in its self-appraisal and willingly holds itself accountable to the public it serves.

As OPI enters its third year of existence it continues to build on its experience. In addition to information obtained from hearings, OPI investigators have been able to obtain significant evidence through the execution of search warrants, use of surveillance devices and use of assumed identities. While some police are exonerated by the work of OPI, others have been exposed as criminals and corrupt.

Through the work of OPI investigators, often in conjunction with Victoria Police Ethical Standards Department, some seventeen briefs of evidence, involving over 100 charges, have been prepared for the prosecution of Victoria Police members and others. Current investigations indicate further criminal charges are likely to be laid in the near future.

In November 2006, with the granting of authority to conduct telecommunication interception and receive intercept material, OPI gained the capacity to share information and work with other anti-corruption investigative bodies.

In conjunction with its investigative role, OPI receives and monitors complaints about police conduct generally and has built a corruption prevention and research capacity. In addition to the early identification of trends in police conduct, and close monitoring of individuals or areas at risk of breeding corruption, OPI will continue to identify best practise standards and recommend measures to address systemic issues.

Areas that regularly reappear in this Report remain at risk of breeding corruption. Consistent with the work OPI has already done, they highlight where the focus of attention lies:

- Police involvement in the illicit narcotic trade, including manufacturing and selling drugs;
- Continued undesirable relationships between serving police and convicted criminals;
- Improper and illegal management of informers by police including committing crimes with them;
- Police stealing property and money from the public; and
- Police actively subverting the legal process to their own end.

In addition to targeting activities in these areas, OPI will continue to support Victoria Police management to rid the Force of those who abuse the trust society has vested in them. It will work with Victoria Police to build resistance to corruption and a culture that values the highest possible ethical and professional standards.

Acknowledgements

The Review team cast its net wide. Its reading included the leading texts on corruption and related topics published in Australia and overseas. As the focus of the work was on Victoria Police, a broad array of state archival material, legislation and public documents was examined. Many Second Reading speeches and debates reported in the Victorian Hansard were fruitful. The Annual Reports of Victoria Police and of Ombudsman Victoria were consulted, as well as the relevant files in both offices. Newspaper articles spanning 150 years have been scrutinised. Victoria Police cooperated fully with the Review. Numerous decisions of the Police Appeals Board (and its predecessor bodies) were studied. There were rewarding interviews with many serving and retired members of the Force of varying rank and of especially relevant experience.

Appreciation for the work involved in the Report goes to the project leader, Brian Hardiman, Chief Inspector Ralph Stavely who was seconded to the Office of Police Integrity from Victoria Police, Mr Graeme Brewer, Research Consultant, and Assistant Commissioner (Retired) Bill Robertson and project coordinator Margret Holmes. Inspector Richard Watkins, made available by Victoria Police, provided valuable insights for the Review team. The generous and candid contributions of numerous current and former serving police, including previous Chief Commissioners were appreciated. (For confidentiality, references to such interviews are cited in this Report by date only.) Others from the legal profession and public service were among the more than fifty people interviewed. Their insights supplemented the extensive documentary research, greatly enhancing the value of the Report. Victoria Police library and records staff were unfailingly helpful and their contribution to the Report deserves particular recognition.

Special thanks are also due to Dr Bob Haldane whose history *The People's Force* guided the Review team's exploration of Victoria's policing history.

Appendix one

Chronology of main events 1852–2004

- 1852 Report from the Select Committee on Police – recommending the establishment of Victoria Police
- 1853 **Chief Commissioner Mitchell**, first Chief Commissioner of Victoria Police, takes office
- 1855 **Chief Commissioner Mitchell** leaves office
- 1855 **Chief Commissioner McMahan** takes office
- 1858 **Chief Commissioner McMahan** leaves office
- 1858 **Chief Commissioner Standish** takes office
- 1863 Report from the Select Committee of The Police Force – investigating allegations of maladministration in the Force
- 1880 **Chief Commissioner Standish** leaves office
- 1881 **Chief Commissioner Chomley**, first policeman to be appointed Chief Commissioner takes office
- Longmore Royal Commission of Enquiry into the Kelly Outbreak etc – First and Second progress reports
- 1882 Longmore Royal Commission of Enquiry into the Kelly Outbreak etc – Interim report
- 1883 Longmore Royal Commission of Enquiry into the Kelly Outbreak – Proceedings, Minutes of Evidence Appendices etc
- 1902 **Chief Commissioner Chomley** retires due to ill health
- Chief Commissioner O’Callaghan** takes office
- 1906 Cameron Report of the Royal Commission on the Victoria Police Force
- 1913 **Chief Commissioner O’Callaghan** leaves office
- Chief Commissioner Sainbury** takes office
- 1919 **Chief Commissioner Sainbury** leaves office
- Chief Commissioner Steward** takes office
- 1920 **Chief Commissioner Steward** dies in office
- Chief Commissioner Gellibrand** takes office
- 1922 **Chief Commissioner Gellibrand** leaves office
- Chief Commissioner Nicholson** takes office
- 1923 Police Strike
- 1925 **Chief Commissioner Nicholson** leaves office
- Monash Report of the Royal Commission on the Victorian Police Force
- 1925 **Chief Commissioner Blamey** takes office

- 1933 Kelley Report of the Board of Inquiry
- 1935 **Chief Commissioner Blamey** forced to resign
- 1936 Macindoe Report of the Royal Commission on the Alleged Shooting at and Wounding of John O'Connell Brophy
- 1937 Duncan Interim Report on the Police Force of Victoria
Chief Commissioner Duncan takes office
- 1942 Clyne Report of Royal Commission into Licensing Laws of Victoria
- 1954 **Chief Commissioner Duncan** resigns
- 1955 **Chief Commissioner Porter** takes office
- 1958 Last major revision of the *Police Regulation Act* 1958;
Martin Royal Commission into Off-the Course (SP) Betting;
Establishment of Police Discipline Board (disciplinary matters) and Police Service Board (conditions and certain appeals on promotion and transfers)
- 1961 Victorian Totalisator Agency Board (TAB) commences operation after a crackdown on illegal (SP) betting
- 1962 Investigation into allegations of corruption in the Breaking Squad
- 1963 **Chief Commissioner Porter** dies in office
Chief Commissioner Arnold takes office
- 1964 Cusack Inquiry into organised crime following shootings at the Queen Victoria Market
- 1965 Chief Superintendent (Investigations) (complaints against police)
- 1969 **Chief Commissioner Arnold** leaves office
Chief Commissioner Wilby takes office
- 1970 Kaye Board of Inquiry into allegations of bribery by abortionists
- 1971 St. Johnston Report regarding the operation of Victoria Police
Chief Commissioner Wilby leaves office
Chief Commissioner Jackson takes office
- 1973 Office of Ombudsman Victoria established
- 1974 Beach Inquiry commenced following further allegations of police corruption
- 1975 Internal Investigations Bureau (B11) established (complaints against police)
- 1976 Norris Committee of Inquiry into the appropriateness of Beach recommendations for procedural reform
- 1977 **Chief Commissioner Jackson** resigns
Chief Commissioner Miller takes office

- 1981 Zebra Task Force inquiry into corruption at the Licensing, Gaming and Vice Squad
- 1982 Neesham Committee Report on the capacity of Victoria Police
- 1985 Internal Investigations Department (IID) established (complaints against police);
Continental Airlines affair
- 1986 Enactment of *Police Regulation (Amendment) Act*;
Police Complaints Authority commenced operation
- 1987 **Chief Commissioner Miller** leaves office
Chief Commissioner Glare takes office
- 1988 Police Complaints Authority ceased operation
Officer of Deputy Ombudsman (Police Complaints) established
- 1992 **Chief Commissioner Glare** leaves office
- 1993 **Chief Commissioner Comrie** takes office
Police Review Commission established (replaced Police Discipline and Police Service Boards; granted recommendatory power in relation to disciplinary matters, and promotions and transfers)
- 1995 Operation Bart investigations of corruption involving police and certain window shutter services
- 1996 Ethical Standards Department established (investigation of complaints against police; proactive investigations and pro-ethics strategy) following the report of Project Guardian
- 1999 Police Appeals Board established (replaced Police Review Commission; granted binding, decision-making power on disciplinary matters, and on promotions and transfers);
Post-implementation Review of Ethical Standards Department (Martin Review);
Chief Commissioner of Police granted legislative authority to dismiss members in whom there is a loss of confidence in their integrity
- 1999 Arrests of police following Operation Hemi investigation of allegations of corruption within the Drug Squad
- 2001 **Chief Commissioner Comrie** leaves office
Chief Commissioner Nixon takes office
- 2002 Establishment of CEJA Task Force to inquire into drug-related corruption by Force members
- 2004 Office of Police Ombudsman in June; Office of Police Integrity established in November

Appendix two

Synopsis of Victorian Inquiries and Commissions

In total, this report refers to 6 Royal Commissions (the Longmore Royal Commission into the Kelly outbreak reporting in 4 parts). It also refers to 13 reports into the Victoria Police (note – there are three reports referred to under paragraph 2 below; and there were two separate reports by Duncan in 1937, an interim report being necessitated by the urgency of the need to take corrective action in relation to the work practices of the detectives).

1. Report from the Select Committee on Police. Melbourne, Government Printer, 1852. (Shodgrass) – Established by the Legislative Council with a view to improving the efficiency of policing in Victoria. Transcripts of evidence taken refer to corruption within the detective branch of the police in Melbourne, and a general state of inefficiency within policing in Victoria. This report led to the establishment of the Victoria Police.
2. Report from the Select Committee on The Police Force, together with the Proceedings of the Committee, Minutes of Evidence, and Appendices. Melbourne, Government Printer, 1863. – Problems with the administration of the Force led to three separate Government Select Committees that investigated allegations of maladministration within the Force. Included allegations of corrupt activity by certain officers.
3. Progress Report of the Royal Commission of Enquiry into the Circumstances of the Kelly Outbreak, the Present State and Organisation of the Police Force, etc. Melbourne, Government Printer, 1881 (Longmore), and the Second Progress Report of the Royal Commission of Enquiry into the Circumstances of the Kelly Outbreak, the Present State and Organisation of the Police Force, etc. Melbourne, Government Printer, 1881. (Longmore). Interim Report of the Royal Commission of Enquiry into the Circumstances of the Kelly Outbreak, the Present State and Organisation of the Police Force, etc. Melbourne, Government Printer, 1882 (Longmore). Royal Commission on Police, The proceedings, Minutes of Evidence, Appendices, etc Melbourne Government Printer, 1883 (Longmore) – A Royal Commission established to inquire into police inefficiency in the hunt for the Kelly gang, but later included an inquiry into corruption within policing in Melbourne, and the many problems involving the detective branch.
4. Report of the Royal Commission on the Victorian Police Force. Melbourne, Government Printer, 1906. (Cameron) – established because of allegations that the Force was unable to suppress crime, and that there were elements of corruption in the ranks.
5. Report of the Royal Commission on the Victorian Police Force. Melbourne. Government Printer, 1925. (Monash) – sought to establish the causes of the police strike, the origins of which included both poor pay and conditions, repressive supervisory practices, and allegations of misbehaviour and corruption amongst certain units within the Force.

6. Report of the Board of Inquiry Appointed to Inquire into Certain Allegations and Complaints made against Certain Members of the Police Force, including the Chief Commissioner of Police. Melbourne, Government Printer, 1933 (Kelley) – related to allegations that police were involved in drug trafficking, and also had sought rewards from Insurance companies for the recovery of stolen cars.
7. Report of the Royal Commission on the Alleged Shooting at and Wounding of John O'Connell Brophy, A Superintendent of Police. Melbourne, Government Printer, 1936. (MacIndoe) – the inquiry which led to the resignation of CCP Blamey, after attempts were made by the Force to 'hush up' the circumstances of the shooting.
8. Interim Report of Alexander M. Duncan, Esq., Chief Inspector, London Metropolitan Police, on the Police Force of Victoria. Melbourne, Government Printer, 1937, and Final Report of Alexander M. Duncan, Esq., Chief Inspector, London Metropolitan Police, on the Police Force of Victoria. Melbourne, Government Printer, 1937 – In the wake of the MacIndoe Royal Commission Duncan was brought to Victoria by the State Government to inquire into the state of policing. He was particularly critical of the methods used by detectives.
9. Report of the Royal Commission Appointed to Inquire into Certain Allegations Regarding the Administration of the Licensing Laws of Victoria. Melbourne Government Printer, 1942. (Clyne) – this Royal Commission was in part established because of imputations by a member of parliament that there was corruption in the police administration of licensing laws. While the member failed to substantiate these allegations before the Commission he claimed the evidence was not produced because of inadequate protection for those police who could support the claims.
10. Report of the Royal Commissioner Appointed to Inquire into Off-the-Course Betting together with Minutes of Evidence. Melbourne, Government Printer, 1959 (Martin) – police evidence before this inquiry freely admitted widespread corruption amongst police enforcing SP betting legislation.
11. Procedure on the interrogation of Suspected Persons by the Police. Melbourne. Office of the Solicitor General. 1965 – the Murray Report, initiated following complaints by the Chief Justice in relation to improper police interrogation techniques, it led to changes in interview procedures, and the establishment of the first formal complaint structure within Victoria Police.
12. The Mr X Inquiry. Victoria Police, 1965. – Allegations of police corruption made by a police informer to the Solicitor-General, were referred to the Chief Commissioner of Police for investigation. Although not an 'independent' inquiry as such, it attracted enormous publicity, which impacted on public perceptions of the Force.

13. Report of the Board of Inquiry into Allegations of Corruption in the Police Force in Connection with Illegal Abortion Practices in the State of Victoria. Melbourne. Government Printer, 1971 (Kaye) – following allegations brought to the Government's attention by Dr Bertram Wainer; this inquiry established long standing corruption with the Homicide Squad, 3 members of which were ultimately convicted and gaoled.
14. A Report on The Victoria Police Force following an Inspection by Colonel Sir Eric St. Johnston, C.B.E., Q.P.M., H.M. Chief Inspector of Constabulary for England and Wales, 1967-70. Melbourne, Government Printer, 1971 – in the wake of the Kaye Inquiry the State Government arranged for St. Johnston to inspect the Victoria Police. Whilst not an inquiry into corruption per se, he did note numerous deficiencies in the management of the Force. Amongst other things he drew attention to the urgent need for increased supervision.
15. Report of the Board of Inquiry into Allegations Against Members of the Victoria Police Force. Melbourne, Government Printer, 1976 (Beach) – inquired into further allegations of misbehaviour and corruption within the Victoria Police brought by Dr Wainer. Despite adverse findings against 55 police for matters including conspiracy, perjury, corruption, etc, no member of the Force was convicted of any offence.
16. Reports of the Committee Appointed to Examine and Advise in Relation to the Recommendations Made in Chapter 8 of Volume 1 of the Report of the Board of Inquiry Appointed for the Purpose of Inquiring Into and Reporting Upon Certain Allegations Against Members of the Victoria Police Force. Melbourne, Government Printer, 1979-80. (Norris) – A Committee established by the Government to review Beach's recommendations.
17. Report of the Committee of Inquiry – Victoria Police Force (Chair: T.A.Neesham QC). Established in 1982, it reported in 1985. The terms of reference initially focused on management and efficiency issues although these were amended in June 1983 to include urgent review of the procedures adopted in maintaining internal discipline.
18. Ministerial Administrative Review into Victoria Police Resourcing, Operational Independence, Human Resource Planning and Associated Issues. Department of Justice, Melbourne, 2002. Undertaken by John C. Johnson. The review had its genesis in comments made by the Victorian Labor party prior to the 1999 State election to ensure the Victoria Police would be a modern and efficient force. It was an administrative review that did not comment on police corruption.

The Terms of Reference for this review included – Recommendation of appropriate protocols between Government and Victoria Police, review of human resource planning, succession planning, career path opportunities, effective consultation and issue resolution, and development of a model for the proposed Police Career

Service Commission. It contained an analysis of the Discipline Process and a possible updated framework for that process. Force Command supported the current discipline model; the Victoria Police Association opposed it and outlined perceived problem areas.

Johnson recommended the continuance of the current system in the short term, with the Police Career Service Commission to oversee the discipline framework and undertake a more substantial update in due course. He made specific recommendations about such matters as fairness of the discipline process, the hearing officer role, the administration of the discipline process, consistency of levels of sanctions, practicality of reinstatement, appropriateness of action taken, and oversight of the discipline process by the Police Career Service Commission.

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Melbourne Police Strike 1923, National Library of Australia Collection (image ref: an24616971). Reproduced with kind permission from the National Library of Australia.

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Statue at Court of Appeal, Melbourne. Reproduced with kind permission from the Department of Justice.

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Age Staff Photographer, *In the dock (Higgins, Glare & Strang)*. The *Age* January 29, 1995. Age Archives, Courtesy of The *Age*

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Age Staff Photographer, *Generic police corruption*, The *Age* February 8, 1996, reproduced courtesy of Fairfaxphotos (Image ID 4834731)

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Parliament House Melbourne. Reproduced with kind permission from the Department of Premier and Cabinet.

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Abraham, C., *Victorian Police Badge*, The *Age* September 28, 2004. Reproduced courtesy of Fairfaxphotos (Image ID 4248879)

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Chapter 10

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Abbreviations

ACC	Anti-Corruption Commission
AFP	Australian Federal Police
ALRC	Australian Law Reform Commission
BCI	Bureau of Criminal Intelligence
CCB	Central Correspondence Bureau
CCP	Chief Commissioner of Police
CCC	Corruption and Crime Commission
CCS	Crime Car Squads
CIB	Criminal Investigation Branch
CID	Criminal Investigation Department
CIU	Criminal Investigation Unit
CRB	Central Registry Branch
DOPC	Deputy Ombudsman (Police Complaints)
DPP	Director of Public Prosecutions
DTS	Detective Training School
ESD	Ethical Standards Department
IID	Internal Investigation Division
IU	Internal Investigation Unit
ISU	Internal Security Unit
LAPD	Los Angeles Police Department
MoU	Memorandum of Understanding
NCA	National Crime Authority
OPI	Office of Police Integrity
PCA	Police Complaints Authority
PCSC	Police Career Services Commission
PMG	Postmaster-General's Department
PNC	Police National Computer
PRC	Police Review Commission
RICO	Racketeer Influenced and Corrupt Organisations
SP	Starting Price (bookmaking)
TAB	Totalisator Agency Board
VGP	Victorian Government Printer
VPMSB	Victoria Police Management Services Bureau
WAPS	Western Australian Police Service

Endnotes

Chapter 2

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2. A detailed account of the many setbacks and difficulties of the Colonial period will be found in chapters 1 and 2 of R. Haldane, *The People's Force*, 1986.
3. G. Serle, *The Golden Age; a History of the Colony of Victoria 1851–1861*, 1963.
4. VPMSB, *Police in Victoria 1836–1980*, 1980.
5. *Australian Dictionary of Biography*, vol 6, 1976 pp.172-3.
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8. Select Committee on the Police Force, *Report*, 1863.
9. Between 1881 and 1883 the Longmore Royal Commission published two progress Reports, one interim report and a final report, with much supplementary detail. (See Appendix Two of this Report). Useful general discussions appear in G. Serle, *The Rush to be Rich: a History of the Colony of Victoria 1883–1889* (passim), and in Haldane, op.cit., chapter 2.
10. *Australian Dictionary of Biography*, vol. 3, 1969 p. 393.

Chapter 3

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6. H. Anderson, *The Rise and Fall of Squizzy Taylor*, 1971, pp. 112–13.
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10. A full discussion of the strike will be found in Haldane, op.cit. and in G. P. Brown and R. Haldane, *Days of Violence*, 1998.
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13. *Argus*, 3.04.1925.
14. *ibid.* 21.03.1925.
15. *Truth* 28.03.25.
16. Haldane, op.cit. pp. 194–196.
17. *Police Pensions Act*, 1923, sections 29, 30, 31.
18. Haldane, op.cit., pp 201-207.
19. Board of Inquiry to Inquire into Certain Allegations and Complaints Made against Certain Members of the Police Force including the Chief Commissioner of Police, *Report*, 1933, p. 23.
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24. A. M. Duncan, *Interim Report*, 1937, pp. 8, 9, 12–15.
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26. A. Dower, *Deadline*, 1979, p. 21.
27. For details see Royal Commission Appointed to Inquire into Certain Allegations Regarding the Administration of the Licensing Laws of Victoria, *Report*, 1942, and *Victorian Parliamentary Debates*, (Assembly), 8.12.1942, pp. 2016–65.
28. Board of Inquiry into Casinos ordered by the Legislative Assembly, *Report*, 1983, Chapter 14.
29. Act to Amend the *Police Regulation Act* 1928.
30. *Victorian Parliamentary Debates*, 26.10.1938, p. 2346.
31. A remarkably similar process to the Police Review Commission created in 1993.
32. Haldane, op. cit., pp. 233–6.
33. Brigadier Tovell, Member for Brighton, *Victorian Parliamentary Debates*, 2.04.1946, p. 1113.
34. Mr Slater, *Victorian Parliamentary Debates*, 17.04.1947, p. 1481.
35. Mr Cremean, *Victorian Parliamentary Debates*, 2.04.1946, p. 1117.
36. This was later renamed the Police Service Board – Act 6957/1962.
37. Interview material 31.03.05.
38. See also R. Hall, *Disorganised Crime*, 1986, p. 28; N. Morris and G. Hawkins, *The Honest Politician's Guide to Crime Control*, 1970, pp. 108–9.
39. Royal Commissioner Appointed to Inquire into Off-Course Betting, *Report* 1958–1959, p. 15.
40. *Herald*, 20.10.1958.
41. *Victorian Parliamentary Debates*, session 1958–59, vol. 257, p. 2554.

Chapter 4

1. *Sun News-Pictorial*, 4.06.1965.
2. *Truth*, 9.09.1961.
3. *Victoria Police Association Journal*, May 1966, pp. 234–247 provides a précis of the Minutes of the Special General Meeting of the Police Association held at the Police Auditorium, Latrobe Street, Melbourne, Thursday, 31.03.1966 at 8.00 pm.
4. Since development of the Victoria Police Witness Program in 1986 the action taken for Mr 'X' is note action taken for Latch is not at all inconsistent with ensuring witness safety.
5. *Victoria Police Association Journal*, May 1966, p. 255, Secretary's Note.
6. *The Times*, 29.11.1969.
7. R. Mark, *In the Office of Constable*, 1979.
8. Board of Inquiry into Allegations of Corruption in the Police Force in Connection with Illegal Abortion Practices in the State of Victoria, *Report*, 1971.
9. Victoria Police CCB File 82-3-591/85, 'Collingburn, Neil Stanley (Dec'd. D.O.B. 24/3/42 Dkt 769/62) inquiry into circumstances surrounding his arrest on 26/3/71'.
10. Ombudsman Victoria, *Annual Report*, 2003, pp. 65–6. The fact that these reports were not made public would seem to explain why it has been difficult to assess the effectiveness of the reporting process.
11. *ibid.*, pp. 65–6.
12. *Age*, 16.09.1971.
13. Interview material, 31.05.2005.
14. Ombudsman Victoria, *Annual Report*, 2003, p. 66.
15. Haldane, op. cit., p. 279.

16. E. St. Johnston, *A Report on the Victoria Police Force*, 1971.
17. Haldane, op. cit., p. 279.
18. *Age*, 12.09.1989.
19. Board of Inquiry into Allegations against Members of the Victoria Police Force, *Report*, 1970.
20. Haldane, op. cit., p. 290.
21. Victoria Police, *Inspectorate and Future Plans, Report on Recommendations of the Board of Inquiry into Allegations against Members of the Victoria Police*, 1977 p. (xvi).
22. Haldane, op. cit., p. 291.
23. Victoria Police, *Inspectorate and Future Plans*, op. cit.
24. Haldane, op. cit., p. 291.
25. *Age*, 19.10.1976.
26. *Victoria Police Association Journal*, 1963, p. 154.
27. 'President's Annual Report, Legal Assistance for Members', *Victoria Police Association Journal*, September 1965, p. 69.
28. *Victoria Police Association Journal*, January 1966, p. 145.
29. *ibid.*
30. *Victoria Police Association Journal*, December 1976, p. 51. Money was raised from social nights ('I' District raised \$850) and donations from groups such as the Queensland Police Union, which sent \$1,000.
31. *Victoria Police Association Journal*, March, 1977 p. 7. In June 1985, Rippon reinforced these comments by writing that in cases where police had accidents driving police cars and were found to have a blood alcohol content over the legal limit 'it was...abundantly clear that either on a moral or legal basis, the Association could not and would not provide funding in this area'. *Victoria Police Association Journal*, June 1985, p. 9.
32. Minutes of the General Meeting of Members of the Victoria Police Force and the Victoria Police Association held Monday 18 October 1976 at Festival Hall, Melbourne, in *Victoria Police Association Journal*, November 1976, p. 31.
33. This demand was framed well before the October meeting; see *Victoria Police Association Journal*, August 1976, p.13.
34. *Victoria Police Association Journal*, October 1984, p. 31.
35. Victoria Police CCB File 012202/98, 'Legal Representation Reimbursement of Fees and Costs for Police Members'.
36. *Police Life*, June 1978, provides a comprehensive account of the numerous achievements by Miller in his first twelve months of office, Haldane, op.cit. pp. 282–296 also describes his work.
37. Underlying Splatt's motion was Miller's public rebuke and apology, on three separate occasions, for the actions of errant policemen: the Association believed his candour showed a lack of support for the membership. *ibid.*
38. For this section Interview material has been drawn from 31.03.2005; 14.04.2005; 03.06.2005.
39. Interview material, 3.06.2005.
40. Interview material, 31.03.2005.
41. Special funding was required to establish the Task Force and eventually was granted by government; see Victoria Police CCB File 24-41-694/82, 'Operation Zebra: Funds required for operating expenses re investigation of large scale illegal betting'.
42. Victoria Police CCB File 24-41-701/82, 'Operation Zebra – Establishment of above to investigate activities re Starting Price Bookmakers in Victoria'.
43. Interview material, 3.06.2005.
44. *The Sun News-Pictorial* 06.03.87.

Chapter 5

1. *The Sun News-Pictorial* 24.10.1987.
2. *Age* 24.10.1987.
3. R. V. Harris (1989) 41 ACRimR p. 1.
4. Victoria Police. *Report of investigation into allegations involving police and massage parlour at Glen Eira Road* 25.10.82.
5. The rationale for this was pragmatic: it aimed at developing the skills of younger, less experienced members by having the more experienced police available to mentor them; it ensured that, over time, the make-up of different squads or units would slowly turn over to help keep them 'clean'; it also ensured that a newly promoted member did not have to switch overnight from being 'one of the boys' to becoming the supervisor and decision-maker of former peers, thus allowing that newly promoted officer to acquire and develop new (supervisory) skills in relatively neutral territory.
6. Police Service Board Reported Decision of 15 June 1982 (No A17/82).
7. Police Service Board Appeal, A17/82, op. cit.
8. *Herald Sun* 27.03.1993.
9. For some members engaged in the investigation, the cost was severe and placed families and relationships under strain because of excessively long hours and concern about well-being; furthermore, the lack of resources and the hostile attitudes towards investigators by other police did little to bring peace of mind or make the job any more easy.
10. It is of interest that throughout the whole of this saga, Kel Glare was a common factor: first as Assistant Commissioner (IID) and secondly as Chief Commissioner. In the latter phase, he requested from the government, many times, the authority to dismiss from the Force people like Higgins. It was never granted, nor was there any sensible explanation other than it was 'too hard'. At the same time, from his personal interaction with the Association, he knew 'they vehemently opposed the Chief Commissioner having the power to sack'. Interview material.
11. Committee of Inquiry – Victoria Police Force, *Report*, vol. 2, 1985, p. 596.
12. Interview material, 29.03.2005.
13. Peremptory action achieved through administrative process had an effect on similar squads interstate. It was realised that similar tactics could be employed against them too, as a means of bringing people into line. Interview material, 29.03.2005.
14. N. McDonald, 'Armed for Major Crime', *Police Life*, September 1986, p. 160.
15. Victoria Police, *Annual Report*, 1960, 1970, 1980 and 1989–1990.
16. Royal Commission of Inquiry into Drugs, *Report*, Book B, parts VI–IX, 1980, pp. 228–9.
17. J. Silvester, A. Rule and O. Davies, *The Silent War*, 1995, p. 6.
18. Ombudsman's File 059895.
19. *Sun News-Pictorial*, 24.04.1990.
20. *Herald Sun*, 24.01.1991.
21. *Herald Sun*, 6.06.1996.
22. J. Miller, *Police Corruption in England and Wales*, 2003, p. 13.
23. This characteristic has been evident since the Fitzgerald Inquiry in Queensland in 1989 and remains a feature of some police culture.
24. 'Resource Management and Patrol Supervision', *Victoria Police Manual*, pp. 103–4.

Chapter 6

1. J. Ross, 'Drugs and the Law', *Police Life*, June, 1975, p. 4.
2. *Truth*, 12.02.1917, in *Police Life*, vol. 2, no. 10, March, 1957, p. 1.

3. *Police Life*, May, 1987.
4. League of Nations, *Advisory Committee on Traffic in Opium and Other Dangerous Drugs*, 1936.
5. *Police Life*, vol. 2, no. 10, March, 1957, p. 1. See also Victoria Police, *Annual Report*, 1952, p. 25.
6. Victoria Police, *Annual Report*, 1954, p. 16.
7. Victoria Police, *Annual Report*, 1955, p. 16.
8. R. Kyte-Powell, 'Drugs and Modern Policing', *Police Life*, December 1976 p. 13.
9. *Sun News-Pictorial*, 13.01.1981.
10. Ombudsman Victoria, *Interim Report 'CEJA'*, 2003, p. 3.
11. Victoria Police, *Annual Report*, 1981.
12. Ombudsman Victoria, op.cit.
13. Victoria Police, *Drug Squad Review*, p. 43.
14. Ombudsman Victoria, op.cit.
15. *Age*, 27.12.1990.
16. 'Police under Fire: Comrie Blasts TV Expose as Letdown', *Herald Sun*, 11.02.1998. Dr Perry (former Ombudsman) who appeared on the program said, 'it provided little evidence to support its allegations, was unprofessional and dishonestly edited'. Former ABC television news and current affairs Director Jock Rankin was reported to have criticised the program as shallow and lacking in substance, saying it was 'trial by media'.
17. R.V. Hicks and Pilarinos [2000] VSC 236 (30 May 2000)
18. Miller, op. cit., p. 21 reports that in England and Wales 'performance driven' culture 'encouraged officers to cut corners in order to achieve apparently successful outcomes...its negative consequences are best illustrated...by...rule bending'.
19. Deputy Ombudsman (Police Complaints) File 046791.
20. Police File C3 – 2/778/1998, 29.12.1992.
21. Apart from the matters already mentioned, a review of previous audits by the Corporate Management Review Division confirmed a culture that applauded operational focus to the detriment of administrative practice. In particular, lack of attention to the latter revealed inordinate lethargy by supervising officers: a 1991 review had identified thirty-five functions needing to change. It took the Squad three and a half years to achieve these, and even then not without pressure. See Miller, op. cit., p. 9.
22. Interview material, 26.04.2005. J. Stevens, 'Integrity is Non-negotiable', p. 2, reports a similar finding in the UK: 'Well respected career detectives who all had substantial experience. They were generally extremely effective as detectives most of the time and so had many supporters which meant that they were rarely treated with suspicion.'

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2. Victoria Police Management Services Bureau, *A Search for Sanity*, 1982.
3. *Force Circular Memo* 91-9-4, 17.12.1991. Effective 1.01.1992.
4. CRB File 51-449/92 'Registration of Informers' relates to the development of the policy.
5. Inquiry into Prostitution: *Options Paper*, Victoria, November 1984, p. 4.
6. Report by a Working Party to the Minister for Planning and Environment on Location of Massage Parlours, Victoria, October 1983, para. 1101, p. 53.
7. *Victorian Parliamentary Debates*, second reading of the Prostitution Regulation Bill, 23.10.1986, pp. 1495–6.
8. Inquiry into Prostitution: *Final Report*, Victoria, October 1985, vol. 1.
9. CRB File 24-61-3933/84, 'Massage Parlours – Policing of'. Report from the Assistant Commissioner (Crime) to Deputy Commissioner (Administration) 23.01.1983.

10. *Prostitution Regulation Act*, No. 124/1986, assented to 23.12.1986.
11. 'Labor Settles for Part Reform of Prostitution Law', *Age*, 22.07.1987, p. 3.
12. Board of Inquiry into Casinos Ordered by the Legislative Assembly, *Report*, 1983.
13. 'All Bets Are Off', *Sun News-Pictorial*, 25.05.1983, p. 1.
14. Board of Inquiry into Poker Machines, op.cit.
15. ibid. para 6.52.
16. This matter is referred to in Chapter 7 of this Review in connection with Project Beacon and the Police Shootings Inquiry.
17. *Review of Fatal Shooting by Victoria Police*. Report of the Director Police Integrity PP No 177 of 2005

Chapter 8

1. E. St. Johnston, *A Report on the Victoria Police Force*, 1971
2. *Age*, 7.11.1980 & 08.11.1980.
3. *Victorian Parliamentary Debates*, 11.11.1980, pp. 2381–2 and 2430–4.
4. Chief Commissioner of Police, Executive Instruction No. 165; Internal Investigations Department – Establishment of, 12.03.1985.
5. Victoria Police, *Annual Report*, 1985.
6. *Victoria Police Association Journal*, November 1984, p. 9.
7. Victoria Police, *Annual Report*, 1985, p. 49.
8. S. I. Miller, *Police Life*, May 1985, p. 75.
9. Victoria Police, *Annual Report* 1987; Police Complaints Authority, *Annual Report* 1987.
10. Review of the Investigation of Complaints by the Internal Investigation Department of the Victoria Police: *Report to the Minister for Police and Emergency Services*, 27 October 1987, written by Professor Jack Richardson.
11. Interview material, 23.05.2005 and Victoria Police, *Annual Report*, 1989–1990, p. 31 and 1990–1991, p. 45.
12. *Police Regulation (Discipline) Act*, 1993, (No. 35/1993).
13. *Victoria Police Association Journal*, April 1993, pp. 7–9, and May 1993, pp. 3, 5 and 25–49 relating to the Special General Meeting.
14. *Police Regulation (Amendment)*, No. 10250, 1985, Section 89.
15. Victoria Police, *Annual Report*, 1995–1996.
16. *Victoria Police Gazette*, 2.09.1996, no. 17, pp. 1, 2, 9 and 10, and *Police Life*, April 1996, pp. 6, 7, August, 1996, pp. 4, 5, and December 1996, pp. 6, 7. H. Goldstein, *Policing in a Free Society*, 1977, p. 214, supports this type of approach.
17. 30/1999, *Police Regulations and Firearms (Amendment) Act* 1999.
18. *Victorian Parliamentary Debates*, Police Regulations and Firearms (Amendment) Bill – Second Reading, 22.04.1999.
19. *Victoria Police Association Journal*, March 1999; April 1999; May 1999; August 1999.
20. Ministerial Administrative Review into Victoria Police Resourcing, Operational Independence, Human Resource Planning and Associated Issues, *Report*.
21. Goldstein, op. cit., p. 202.
22. R. Mark, *In the Office of the Constable*, 1979, p. 102, believes the two groups most immune from the criminal law are the police and lawyers.
23. Interview material, 14.06.2005 and see also Mark, op. cit., p. 103.
24. Goldstein, op. cit., p. 215.
25. Interview material, 3.06.2005.

Chapter 9

1. McCoy found that 'Organised crime leaders maintain an informal central intelligence system among themselves of compromised solicitors, magistrates, police, accountants, company investigators, parliamentarians, media figures, journalists and assorted minor public figures. At an appropriate moment the compromised individual is contacted and asked to do one more favour – a small one perhaps, but large enough to contribute to the survival of the system of organised crime.' Cited in E. Whitton, *Can of Worms*, 1986, p. 10.
2. See also J.H. Skolnick and D.H. Bayley, *The New Blue Line*, 1986, p. 19; pp. 82–3, (citing Nelson, *The Cop Who Wouldn't Quit*, p. 89); pp. 119–20.
3. Royal Commission on Allegations of Organised Crime in Clubs, *Report*, 1974, p. 12.
4. Comments for the Woodward Inquiry are drawn generally from Royal Commission into Drug Trafficking, *Report*, 1983.
5. Comments for the Williams Inquiry are drawn generally from Royal Commission of Inquiry into Drugs, *Report*, 1980.
6. Royal Commission of Inquiry into Drugs, op.cit., p. B 231.
7. See also H. Goldstein, *Policing a Free Society*, 1977, p. 191.
8. Comments for this section are drawn generally from Commission to Inquire into the New South Wales Police Administration, *Report*, 1981.
9. Comments for this section are drawn generally from Royal Commission on the Activities of the Federated Ship Painters and Dockers Union, *Report*, 1983.
10. Comments for this section are drawn generally from Royal Commission of Inquiry into Drug Trafficking, *Report*, 1983.
11. *ibid.*, p. 591. The inspection concept has now become a practice of Victoria's Office of Police Integrity.
12. Committee of Inquiry – Victoria Police Force, *Report*, 1985.
13. Comments for this section are drawn generally from Board of Inquiry into Casinos Ordered by the Legislative Assembly, *Report*, 1983.
14. Comments for this section are drawn generally from Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct, *Report*, 1989.
15. *ibid.*, p. 6.
16. Commission to Investigate Allegations of Police Corruption and the Anti-corruption Procedures of the Police Department (Mollen), *Report*, 1994, see particularly the summary at pp. 1–9.
17. Royal Commission into the New South Wales Police Service, *Report*, 1979.
18. Royal Commission into the New South Wales Police Service, *Interim Report*, 1996, para. 2.82.
19. Los Angeles Police Department Board of Inquiry into the Rampart Area Corruption Incident, *Public Report*, 2000.
20. Chemerinsky, *An Independent Analysis of the Los Angeles Police Department's Board of Inquiry Report on the Rampart Scandal*, 2000.
21. Rampart Independent Review Panel, *Report*, 2000.
22. Royal Commission into Whether There Has Been Corrupt or Criminal Conduct by Any Western Australian Police Officer, *Report*, 2004.

Chapter 10

1. Gary Crooke, QC in the *Age* 29.09.06

Corruption, wherever and whenever occurring, is likely to arise from similar causes, and to exhibit similar characteristics. Recurrent patterns of misconduct and corruption feature in the 150 years of policing in Victoria. So do the reviews, royal commissions and inquiries instituted by various governments since 1853.

With limited tenure and restricted terms of reference, their recommendations were often compromised because of a lack of ongoing commitment to reform. Reactive 'one off' measures have made little or no contribution to building a corruption resistant culture within Victoria Police.

History will repeat itself and opportunistic or deliberate corruption will continue to occur without appropriate mechanisms in place to address them. The measures taken in recent times in Victoria and other Australian jurisdictions mean Police Forces and the external anti-corruption agencies are now positioned to provide an ongoing and sustained effort in building corruption resistance.



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