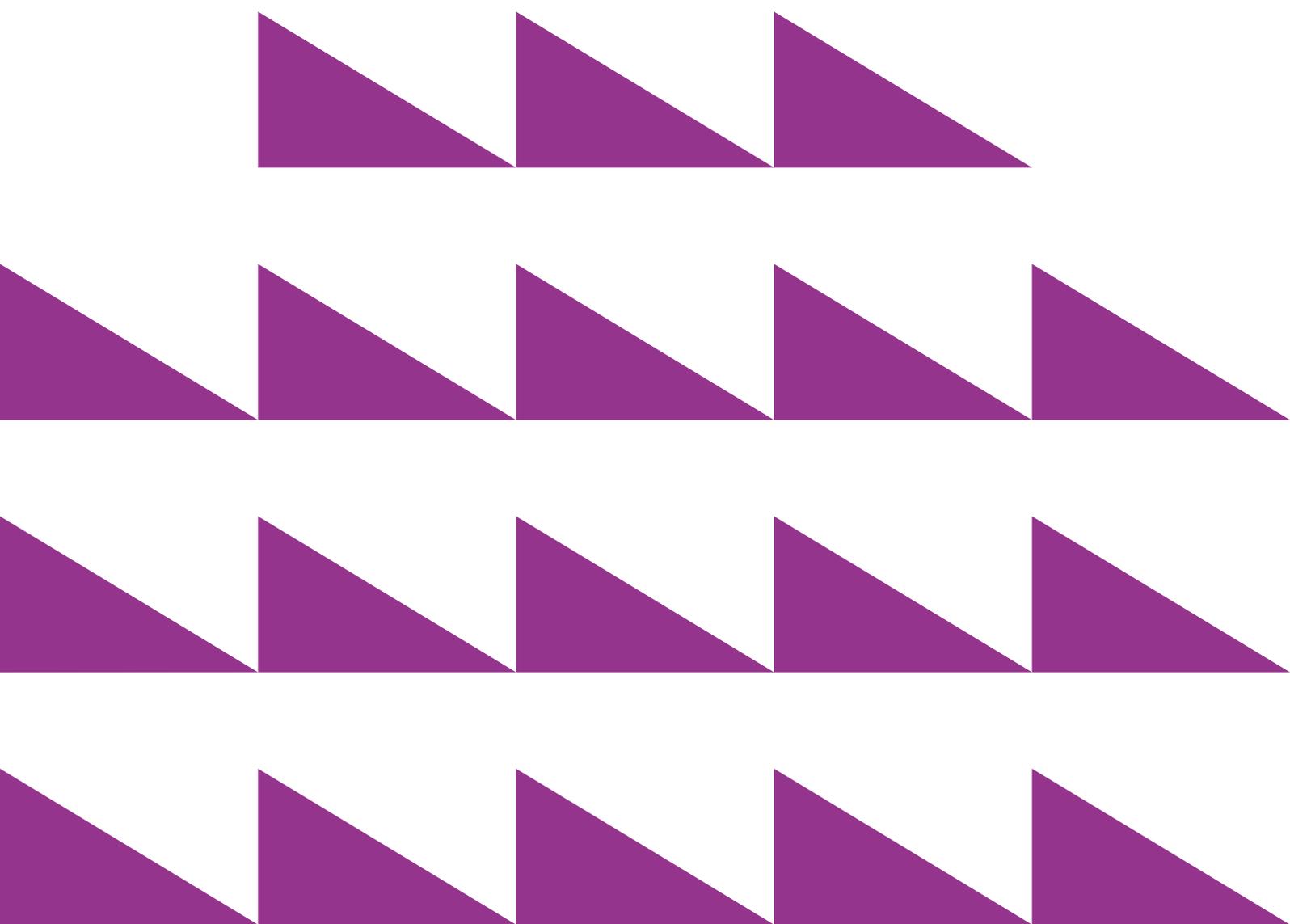


Operation Dawson

An investigation into alleged misconduct
by a former Victoria Police Superintendent

December 2021

A decorative graphic consisting of four rows of purple triangles. The first row has three triangles, the second row has five, the third row has five, and the fourth row has five. The triangles are arranged in a staggered pattern, with each triangle pointing downwards.

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Letter of transmittal

To

The Honourable President of the Legislative Council

and

The Honourable Speaker of the Legislative Assembly

In accordance with section 162(1) of the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) (IBAC Act) I present IBAC's report on its Operation Dawson, an investigation into alleged misconduct by a former Victoria Police Superintendent.

IBAC's findings and recommendations are contained in the report.



Yours sincerely

The Honourable Robert Redlich AM, QC
Commissioner

1 Summary of investigation and outcomes

1 Summary of investigation and outcomes

Operation Dawson was an investigation by the Independent Broad-based Anti-corruption Commission (IBAC) into the alleged police personnel misconduct of then Superintendent Paul Rosenblum.

In November 2017, Victoria Police informed IBAC of allegations that then Superintendent Rosenblum had misused his position to influence police investigations into sexual offences involving associates of his church. Allegations included that he unlawfully accessed and disclosed police information to members of the public involved in those investigations or their associates. IBAC determined to conduct an 'own motion' investigation under section 64(1)(c) of the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) (IBAC Act).¹

IBAC found Superintendent Rosenblum used his position to obtain and disclose police information without authorisation, about investigations in which he had a personal, rather than a professional, interest.

About IBAC's police misconduct findings

Section 162(6)(a) of the IBAC Act provides that IBAC must not include any finding or statement that a specified person is guilty or has committed any criminal or disciplinary offence.²

Except where the context suggests otherwise, references in this report to police misconduct have the same meaning as police personnel misconduct in section 5 of the IBAC Act.³ This is generally conduct that would bring Victoria Police into disrepute or diminish the public's confidence in it.

IBAC's findings are made on the civil standard, namely the balance of probabilities, based on the principles applied in *Briginshaw v Briginshaw*.⁴

As a result of IBAC's investigation, Superintendent Rosenblum was charged with the offence of misconduct in public office (MIPO). He pleaded guilty to unauthorised access of police information in lieu of the original MIPO charge and was sentenced to a three-month adjourned undertaking with no conviction recorded. As part of the adjourned undertaking, Superintendent Rosenblum was ordered to make a \$10,000 contribution to Beyond Blue and a \$10,000 contribution to the Blue Ribbon Foundation.

Up until the time of IBAC's investigation, Superintendent Rosenblum had a long and successful career with Victoria Police, holding various positions including as a detective and an instructor at the Victoria Police Academy. In 2017, he commenced in the Information Systems and Security Command (ISSC) and held the position of Agency Security Advisor.⁵ In this role, he was responsible for providing Victoria Police and its personnel with policy guidance and advice on physical and personnel security to ensure appropriate measures were in place to protect Victoria Police information.

Superintendent Rosenblum's seniority and responsibility for managing Victoria Police's information security and privacy risks exacerbated the seriousness of his conduct. As the Agency Security Advisor, he was fully aware of the importance of information security and the seriousness of unauthorised information access and disclosure. And as a senior officer, he should have clearly identified and appropriately managed the conflicts of interest that arose when associates of his church approached him for advice on the police investigations into sexual offences.

Operation Dawson highlights how conflicts can arise between an officer's public duty and their personal interests, and how if not appropriately identified and managed, those conflicts can have serious consequences, including undermining community confidence in the independence and integrity of Victoria Police.

¹ IBAC may investigate police personnel conduct in response to a complaint or a notification from Victoria Police, or on its 'own motion'. IBAC can initiate 'own motion' investigations into police personnel conduct under section 64 of the IBAC Act where IBAC determines a matter should be investigated even though a complaint or notification has not been received.

² IBAC can issue charges or refer matters to the Director of Public Prosecutions for consideration of charges. However, the ability to make a finding of guilt is limited to the courts (in the case of criminal offences) or a relevant disciplinary body (for disciplinary offences).

³ 'Police personnel misconduct' is defined in section 5 of the IBAC Act as conduct that constitutes an offence punishable by imprisonment, conduct which is likely to bring Victoria Police into disrepute or diminish public confidence in it, or disgraceful or improper conduct (whether in the officer's official capacity or otherwise).

⁴ *Briginshaw v Briginshaw* (1938) 60 CLR 336.

⁵ While he has since resigned from Victoria Police, this report will refer to Superintendent Paul Rosenblum using his rank at the time of the alleged conduct and his resignation.

1.1 What IBAC did

Operation Dawson investigated allegations that Superintendent Rosenblum:

- misused his position as a senior Victoria Police officer to influence a police investigation into historical sexual offences that involved members of a church in regional Victoria (**Case A**)
- misused his position as a senior Victoria Police officer to influence a police investigation into sexual offences that involved members of a church in Melbourne's south-eastern suburbs (**Case B**)
- accessed and disclosed police information to people associated with or involved in the above investigations into sexual offences.

IBAC's investigation included:

- nine witness interviews and 44 witness statements
- executing search warrants, including at Superintendent Rosenblum's home in June 2018 where documentary and digital exhibits were seized, and at the residence of the alleged perpetrator of the historic sexual offences being investigated by Victoria Police
- summoning six witnesses to attend private examinations under Part 6 of the IBAC Act to assist the investigation, which were conducted between June and November 2018
- conducting one criminal interview with Superintendent Rosenblum pursuant to section 464A of the *Crimes Act 1958* (Vic) in January 2019.

1.2 What the investigation found

IBAC found Superintendent Rosenblum used his position to obtain police information about investigations in which he had a personal, rather than a professional, interest. These investigations involved alleged sexual offences. Superintendent Rosenblum became aware of the investigations due to his personal involvement with a church.

In conflict with his duties as a police officer and in no way relevant to his role, Superintendent Rosenblum involved himself in those investigations through a deliberate course of conduct that included:

- unauthorised access to confidential information held on Victoria Police's Law Enforcement Assistance Program (LEAP)⁶
- contact with Victoria Police investigating officers, using his rank and its influence to elicit information that would otherwise not have been disclosed to him
- contact with the alleged offenders involved in the sexual offence investigations. He also had contact with associates of these offenders who were potential witnesses to the police investigations. During this contact, Superintendent Rosenblum disclosed confidential Victoria Police information.

Superintendent Rosenblum was also involved in drafting a letter, intended to be signed by an alleged victim of a sexual offence. The letter requested Victoria Police take no further action with its investigation of the offence. Members of the church requested this letter and later presented it to the alleged victim who refused to sign it. However, the alleged victim told IBAC they felt pressured to sign as they were aware a senior police officer had been involved in its drafting and perceived them to be supporting the alleged perpetrator.

LEAP contains sensitive information on members of the community including personal details of criminal involvement, addresses and contact details, as well as intelligence on people considered a threat. The community is right to expect that Victoria Police will securely hold this information in a way that is consistent with best practice approaches to information security.⁷

⁶ LEAP is a Victoria Police database that holds the details of any individual who has had contact with police as a victim or witness of crime, offender or employee, and links directly to other databases such as the VicRoads Licensing and Registration Systems and the National Police Records Systems.

⁷ IBAC, *Unauthorised access and disclosure of information held by Victoria Police* (Research report, September 2019) <www.ibac.vic.gov.au/docs/default-source/research-documents/unauthorised-access-and-disclosure-of-information-held-by-victoria-police.pdf?sfvrsn=1283ccb8_4>.

1 Summary of investigation and outcomes

Victoria Police personnel must have a legitimate business need to access records on LEAP and any unauthorised use of the system may be unlawful.⁸ This recognises that the misuse of LEAP information can seriously risk the privacy and safety of members of the public and the security of police investigations. Using LEAP, Superintendent Rosenblum was able to confirm the existence of the two sexual offence investigations, and he used this information in his contact with Victoria Police investigating officers.

When interviewed by IBAC, Superintendent Rosenblum said he did not believe his conduct was improper, and he did not 'see a huge issue' with his accessing of LEAP information as he was a serving officer. He said he was accessing the system because of concerns that the police investigations were being misrepresented within the church and that members of the church were 'saying things that perhaps shouldn't be said if there [was] a protracted investigation that is ongoing'. Superintendent Rosenblum reiterated these concerns in his response to IBAC's draft report, saying there was a potential for the police investigations to be compromised, and noted that he repeatedly advised his church associates to obtain independent legal advice.

Superintendent Rosenblum said during his interview that he was also seeking to provide advice to the church as it implemented the recommendations and new compliance regimes arising from the Royal Commission into Institutional Responses to Child Sexual Abuse. In his response to the draft report, Superintendent Rosenblum raised concerns about the information provided to IBAC by church members involved in implementing the compliance regimes, which he stated was incorrect, defamatory and misleading.

Regardless of his intentions or beliefs, Superintendent Rosenblum's conduct was improper, adversely affected people involved in the police investigations and risked undermining public confidence in the integrity of Victoria Police.

Operation Dawson also established that associates of Superintendent Rosenblum's church approached him to 'draw on his experience as a senior police officer and his knowledge of the legal system to help ... with difficult issues raised in the congregation'. These difficult issues were both the sexual offences investigations being undertaken by Victoria Police and the church's own proceedings. IBAC found Superintendent Rosenblum contacted officers directly involved in the police investigations and liaised with church associates connected to the investigations. This gave the perception he was acting on behalf of Victoria Police rather than the church.

When IBAC executed search warrants upon Superintendent Rosenblum's home in June 2018, unsecured firearms and ammunition were found, as well as fireworks and prohibited weapons including a crossbow, oleoresin capsicum (OC) spray and an extendable baton. Superintendent Rosenblum did not have a relevant firearms licence for the firearms and ammunition.

At the request of IBAC, Victoria Police's Professional Standards Command (PSC) commenced an investigation into Superintendent Rosenblum's alleged illegal possession of prohibited weapons and other alleged firearms offences. Superintendent Rosenblum was suspended with pay on the same day in June 2018.

Superintendent Rosenblum resigned from Victoria Police while under investigation in April 2019. PSC's investigation resulted in Superintendent Rosenblum pleading guilty to multiple firearms charges. In June 2019, he was fined \$5000 with no conviction recorded.

IBAC charged Superintendent Rosenblum with one count of misconduct in public office in October 2019. Prior to the hearing, a plea deal was negotiated by the Office of Public Prosecutions, and in March 2021, Superintendent Rosenblum pleaded guilty to unauthorised access of police information and was sentenced to a three-month adjourned undertaking with no conviction recorded. As part of the adjourned undertaking, Superintendent Rosenblum was ordered to make a \$10,000 contribution to Beyond Blue and a \$10,000 contribution to the Blue Ribbon Foundation.

⁸ IBAC uses the term *Victoria Police personnel*, as per its definition in the *Victoria Police Act 2013* (Vic), to refer to all people employed by Victoria Police, including as sworn officers, recruits, Victoria Public Service staff etc. Any general references to employees also reflect this definition.

2 Systemic corruption and police misconduct vulnerabilities

2 Systemic corruption and police misconduct vulnerabilities

As a result of Operation Dawson, IBAC identified systemic corruption and police misconduct vulnerabilities associated more broadly with Victoria Police's practices and procedures.

2.1 Conflicts of interest in investigations of criminal offences

Victoria Police's conflict of interest policy states:

Employees must, wherever possible, avoid conflicts of interest that may arise between their responsibilities as employees and private interests. Where a conflict of interest cannot be avoided it must be identified, declared, assessed and managed appropriately.⁹

This policy clearly instructs officers they must not perform or undertake any duties relating to a police operation, investigation or prosecution where they are the victim; their relatives or friends are involved; or where they have a connection to a party in the matter. The policy states that if an officer does become involved, they must refer the matter to an independent officer and, when this is not practicable, seek advice from a supervisor who must advise how to deal with the conflict and record the decision made.¹⁰

IBAC has repeatedly raised concerns with Victoria Police about the management of conflicts of interest. These concerns have been raised in the context of IBAC investigations, reviews of Victoria Police investigations and audits of how Victoria Police handles complaints. At the time of this report, Victoria Police was reviewing its conflict of interest framework partly in response to those concerns. As part of this work, it is developing a practice guide which includes practical guidance to officers on how conflicts of interest may arise in relation to police operations, investigations or prosecutions and how to appropriately manage them.

IBAC found that Superintendent Rosenblum involved himself in a police investigation into alleged sexual offences by drafting a letter for the alleged victim in Case A. The alleged offender was an associate of Superintendent Rosenblum's church and this letter requested that Victoria Police close its investigation. This was improper, and a clear conflict between Superintendent Rosenblum's duties as a senior officer and his personal interests. This conduct also undermined the rights of the alleged victim, set out in the *Victims' Charter Act 2006* (Vic). The alleged victim told IBAC they felt pressured to sign the letter due to Superintendent Rosenblum's involvement in drafting it and that they were concerned about the security of the information they had provided to Victoria Police.

In Case A, Superintendent Rosenblum also met with the alleged offender and their associate, and later agreed to appear before a church hearing to provide advice on police investigation processes. He also provided advice to the alleged offender on Victoria Police freedom of information processes for information holdings in LEAP and the case management system. This was a significant lack of judgement, with Superintendent Rosenblum failing to understand how this could be perceived by the victim and others who became aware that a senior Victoria Police officer was supporting people involved in internal church proceedings, including a person being investigated for sexual offences.

When this matter was brought to the attention of Superintendent Rosenblum's manager, Assistant Commissioner ISSC, they instructed Superintendent Rosenblum not to attend the church hearing. Superintendent Rosenblum complied with this instruction. It was the opinion of Assistant Commissioner ISSC that irrespective of whether Superintendent Rosenblum attended the hearing as a churchgoer or in an official capacity as a police officer, it would create a perception of Victoria Police support because of Superintendent Rosenblum's seniority. The Assistant Commissioner identified the conflict of interest and an appropriate way for this to be managed.

⁹ Victoria Police, *Victoria Police Manual – Conflict of interest policy* (Policy, 2019) 2.

¹⁰ Victoria Police, *Victoria Police Manual – Conflict of interest policy* (Policy, 2019) 17.

Superintendent Rosenblum was also found to have inappropriately involved himself with the investigation into sexual offences in Case B. Superintendent Rosenblum's church minister provided him with the personal details of a fellow church member who had made a complaint to police resulting in the sexual offence investigation. Superintendent Rosenblum then contacted the Victoria Police investigating officers and requested updates on the investigation as it progressed without declaring his personal interest. Superintendent Rosenblum had a clear conflict of interest in the matter, as he was a member of the same church and had a friendship with the church minister. He had no legitimate business need to enquire into this investigation; his involvement was driven by his connection to the matter through his church.

In response to a draft of this report, Superintendent Rosenblum disputed IBAC's finding that he had inappropriately involved himself in Case B. He stated he was making enquiries in relation to alleged police inaction and that he believes this was 'in line with what's expected of a senior officer when receiving this type of information'. Given Superintendent Rosenblum's seniority and extensive experience, he should have identified his clear conflicts of interest and managed them in accordance with Victoria Police policy, but he did not.

2.2 Unauthorised information access and disclosure

The unauthorised access and disclosure of police information is a significant concern for IBAC, as it is frequently detected in corruption and police misconduct investigations. In 2019, IBAC published a research report, *Unauthorised access and disclosure of information held by Victoria Police*.¹¹ That report analysed the corruption risks associated with information misuse and prevention opportunities, and highlighted the importance of police personnel maintaining the confidentiality of information held by Victoria Police. One of the report's main findings was that information misuse can be a key enabler of other improper conduct, as occurred in Operation Dawson.

It is critical that information and data held by Victoria Police on its systems, including LEAP, is handled in accordance with the Victorian Protective Data Security Framework to protect the privacy and safety of all members of the community.

¹¹ IBAC, *Unauthorised access and disclosure of information held by Victoria Police* (Research report, September 2019), <www.ibac.vic.gov.au/docs/default-source/research-documents/unauthorised-access-and-disclosure-of-information-held-by-victoria-police.pdf?sfvrsn=1283ccb8_4>.

2 Systemic corruption and police misconduct vulnerabilities

Simplifying and clarifying the prohibition against unauthorised access

Victoria Police policy states that access to police information must be for a work-related reason only. Sections 227 and 228 of the *Victoria Police Act 2013* (Vic) make it an offence to access, use or disclose police information, without reasonable excuse, if it is the duty of the member or former member of Victoria Police personnel not to access, use or disclose such information.¹²

Section 226 of the *Victoria Police Act* states that for the purpose of determining whether it is the duty of a member of police personnel not to access, make use of or disclose police information under the *Victoria Police Act*, regard must be had to Victoria Police policy, specifically the Chief Commissioner's instructions. The most relevant instruction is the *Victoria Police Manual – Appropriate Use of Information Policy*, which states:

*Employees and other Authorised Users must only access and use Victoria Police information held electronically and/or in hard copy, where they have a demonstrable, legitimate business need which is directly related to the performance of their current duties with Victoria Police.*¹³

IBAC recommends amending section 226 to impose a clear, stand-alone obligation on personnel to maintain the confidentiality of police information, without reference to separate policy requirements, and with a clear instruction that access must be directly related to their current duties and functions.

Expressing this as a duty to take certain action (rather than to not take certain actions) will provide an unambiguous direction to police personnel. As outlined on the following pages, Superintendent Rosenblum told IBAC he thought he had authority to access information – particularly in LEAP – as a result of his general duty to prevent and detect crime, even though his access was motivated by his private interests rather than his official duties. IBAC has over time found this to be a common, misguided justification when police personnel access information without authority. A much clearer legislative requirement will provide certainty as to the limits of an employee's authority and limit their ability to claim that they believed they were authorised to access and use information, even when their actions were not directly related to their current duties.

A legislative requirement for information access to be directly related to specific duties applies to the Australian Federal Police.¹⁴ Confidentiality requirements for the New South Wales Police Force are also clearer, with a general obligation to maintain confidentiality within the *Police Regulations 2015* (NSW).¹⁵

IBAC's recommendation for legislative reform, if adopted, will reinforce and help to promote a positive information security culture within Victoria Police with clear personal accountabilities.¹⁶

IBAC found that Superintendent Rosenblum disclosed police information without authorisation. Using Victoria Police systems and personnel, he obtained and disclosed details of investigations he had a personal interest in, and in Case A, used his private email account to share confidential police information. The disclosure of this information breached the privacy of those involved in the investigations, and did not comply with the *Victoria Police Manual – Appropriate Use of Information Policy* and the requirements for access to LEAP.

¹² See, for example, *Victoria Police Act 2013* (Vic) ss 226 – 228; Victoria Police, *Victoria Police Manual – Appropriate use of information policy* (Policy, 2019) 1.

¹³ Victoria Police, *Victoria Police Manual – Appropriate use of information policy* (Policy, 2019) 1.

¹⁴ See Australian Federal Police Regulations 2018 (Cth) reg 28.

¹⁵ Police Regulations 2015 (NSW) reg 76.

¹⁶ A positive security culture with clear personal accountability and a mature understanding of managing risk, responsibility and reputation allows an organisation to function effectively and support the delivery of government services. This is one of the six guiding principles of the Victorian Protective Data Security Framework and its standards (the VPDSF and VPDSS). See Office of the Victorian Information Commissioner, *Victorian Protective Data Security Framework and Standards*, 'Guiding Principles' (Information Page, February 2020), <ovic.vic.gov.au/data-protection/guiding-principles/>.

In Case A, Superintendent Rosenblum accessed and disclosed confidential police information from LEAP. He said he did this to assist the church after the alleged offender failed to obtain information from the relevant police investigation unit. A church minister approached Superintendent Rosenblum asking for assistance on this matter and Superintendent Rosenblum obliged by confirming details of allegations recorded on LEAP, and using his rank and influence to elicit information from officers investigating the matter.

In Case B, Superintendent Rosenblum accessed LEAP to look up details of members of his church who were the respondent and affected family members in family violence incidents and alleged sexual offences. He also then contacted the officers responsible for the investigation of offences, seeking further information on the investigation.

When interviewed by IBAC, Superintendent Rosenblum asserted he had a legitimate business need to conduct Victoria Police system checks and did not see how his enquiries and searches of people personally known to him was improper or constituted a conflict of interest. His evidence was that he failed to see how his actions were inconsistent with the standards required of all police officers. Superintendent Rosenblum's failure to uphold these standards is particularly egregious not only because of his seniority, but also because he was Victoria Police's Agency Security Advisor with responsibility for overseeing information security.

In his response to the draft of this report, Superintendent Rosenblum said his actions in conducting these checks were relevant to his role, as all police have a general duty to respond to concerns raised by members of the public. IBAC does not accept this proposition on the basis that while police officers do have general duties under section 51 of the Victoria Police Act,¹⁷ these do not override their obligations to use Victoria Police's information and systems in line with policy and appropriately manage any conflicts of interest.

When Superintendent Rosenblum accessed LEAP to conduct the checks, he electronically confirmed that his access was for a legitimate business need. He explained:

I ticked that box because at that stage I had concerns – and I'm a ... serving member of Victoria Police ... I'm not trying to ... look at an investigation for any illicit or malicious purpose.

He failed to recognise that his personal concerns for members of the church did not constitute a legitimate business need and that these checks were unauthorised and contrary to Victoria Police policy. Superintendent Rosenblum rationalised the LEAP checks as follows:

So I spoke to ... a colleague of mine about that ... and we both agreed that, well, mate, you know ... it's okay, we're coppers, we're allowed to look at the LEAP system.

By rationalising their conduct, both Superintendent Rosenblum and his colleague disregarded the importance of information security and privacy. In the case of Superintendent Rosenblum, this was particularly serious given his position as Agency Security Advisor. In its 2019 research report, IBAC highlighted the need for Victoria Police to undertake ongoing education and training of police personnel to help prevent and detect information misuse.¹⁸ The recommendation for clear legislative direction in this area builds on this, by seeking to ensure police personnel understand their obligation to only access, use and disclose police information if required by their current duties.

In November 2019, and in response to a separate IBAC investigation into unauthorised access of police information, Victoria Police advised it had undertaken significant steps to strengthen its information security. This included improving computer systems and auditing, and increasing information security training and awareness to reduce the risk of unauthorised access occurring and not being detected. Victoria Police also conducted a 'needs analysis' to inform targeted improvements to its training programs including to recruits and supervisors.

¹⁷ These duties are imposed on police by legislation or the common law. The common law tends to describe these duties in general terms, including the prevention and detection of crime, and the prevention of disturbances or breaches of the peace. See, eg, *State of NSW v Tyszyk* [2008] NSWCA 107, [80] – [83] (Campbell JA).

¹⁸ IBAC, *Unauthorised access and disclosure of information held by Victoria Police* (Research report, September 2019) 28, <www.ibac.vic.gov.au/docs/default-source/research-documents/unauthorised-access-and-disclosure-of-information-held-by-victoria-police.pdf?sfvrsn=1283ccb8_4>.

2 Systemic corruption and police misconduct vulnerabilities

Despite the action taken to strengthen Victoria Police's information security, IBAC considers unauthorised access to and disclosure of information to be enduring corruption and police misconduct risks, capable of bringing Victoria Police into disrepute and undermining community confidence. It is evident that some police personnel continue to disregard their obligations around information use and that Victoria Police needs to do more to improve employees' understanding of the seriousness of such conduct.

2.3 Poor complaints management by the Professional Standards Command

The allegations that Superintendent Rosenblum misused his position to influence police investigations into sexual offences involving associates of his church were submitted to PSC by a fellow officer in September 2017. This complaint was classified by PSC as an 'incident file' rather than a complaint.¹⁹ PSC justified this to IBAC on the following basis:

In a number of matters we're able to obviously not take action ... because action has previously been taken or the matter is not considered to be a complaint, misconduct or whatever. And in the nature of those we have things like ... the private behaviour of ... police members. And this particular matter obviously related to the private behaviour of ... [Superintendent] Rosenblum.

While Superintendent Rosenblum's attendance at a church hearing could be considered unrelated to his professional role, the complaint went further than this. The complaint alleged Superintendent Rosenblum had, among other things, inappropriately used his status as a senior officer and inappropriately used his rank to influence church decisions. It also stated the complainant was aware that Superintendent Rosenblum had contacted the Sano Taskforce²⁰ for information on the same sexual offence investigation and that the Sano Taskforce investigator thought the contact inappropriate.²¹

Shortly after classifying the allegations as an 'incident' rather than a complaint, PSC contacted the Assistant Commissioner ISSC who agreed to address the matter directly with Superintendent Rosenblum. At that time, PSC and the Assistant Commissioner were aware of Superintendent Rosenblum's contact with the officers investigating the alleged sexual offences and that Superintendent Rosenblum was planning to attend a church hearing as a character witness for the alleged offender in the sexual offence investigation. However, they were not aware of Superintendent Rosenblum's unauthorised LEAP access, his meeting with the alleged offender, nor his involvement in drafting the letter requesting no further action be taken by Victoria Police that was provided to the alleged victim.

This matter was filed as an incident and not classified as a complaint until 14 November 2017, after IBAC had been informed by Victoria Police of the allegations outside of the formal notification processes. Incident files are not notified to IBAC and therefore IBAC was unlikely to have identified these allegations prior to this matter being classified as a complaint. This matter should have been classified as a complaint when it was received by PSC, particularly in light of Superintendent Rosenblum's rank and the seriousness of the allegations.

IBAC has previously raised concerns with Victoria Police about the inappropriate classification of matters including classifications that may limit IBAC's ability to provide effective, timely oversight. The classification determines how they are managed and, ultimately, the type of response to the allegations.²² While the assessment of complaints can be difficult and subjective, it is particularly important for allegations against senior leaders to be appropriately captured and notified to IBAC as required by the IBAC Act.

¹⁹ The Victoria Police Manual does not provide clear definitions for 'complaints' or 'incidents'. Generally, information is classified as an 'incident' when no further action is required by PSC.

²⁰ The Sano Taskforce was established to investigate historic and new allegations arising from the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations. The Taskforce also coordinates investigations emerging from the Australian Government Royal Commission into Institutional Responses to Child Sexual Abuse. The Taskforce is based within Victoria Police's Crime Command and comprises specialist sexual assault detectives.

²¹ While the complainant alleged this, the Sano Taskforce investigator did not express any concerns about this contact to IBAC.

²² IBAC, *Audit of complaints investigated by Professional Standards Command, Victoria Police* (Report, June 2018) 5, <www.ibac.vic.gov.au/docs/default-source/research-documents/report_audit-of-complaints-investigated-by-professional-standards-command-victoria-police_june-2018.pdf?sfvrsn=f9e27675_2>.

3 Conclusions and recommendations

3 Conclusions and recommendations

Operation Dawson found Superintendent Rosenblum, a senior and experienced Victoria Police officer, failed to adequately identify and manage clear conflicts of interest, and improperly accessed and disclosed police information. His access to information was partly facilitated by him using his rank and seniority to elicit information from fellow officers.

Superintendent Rosenblum's conduct demonstrated significant deficiencies in his understanding of his responsibilities as a police officer and public sector employee, including to be impartial and actively identify and appropriately manage conflicts of interest as they arise. Additionally, it demonstrated a lack of leadership as he failed to comply with Victoria Police's organisational values and its policy frameworks, including those related to information security. In view of his position as Agency Security Advisor and his responsibility for advising other officers on information security, this conduct was particularly egregious.

IBAC encourages Victoria Police to share the lessons from Operation Dawson within the organisation to encourage all officers to identify and appropriately manage conflicts between their official duties and personal interests. Since Operation Dawson, Victoria Police is reviewing its conflict of interest policy and developing a practice guide to help officers better identify and manage conflicts of interest in future. There is an opportunity for Victoria Police to use this matter as a case study to inform officers of the risks of not identifying and managing conflicts of interest appropriately.

Additionally, Operation Dawson serves as an important reminder to officers to maintain the confidentiality of police information, even when senior colleagues make enquiries and particularly when colleagues cannot demonstrate a legitimate business need for the information.

Leaders of Victoria Police have a responsibility to set the organisation's tone from the top, by providing strong, ethical leadership and fostering the right culture. These officers must conduct themselves in a way that models the values of the organisation and, through their own conduct and behaviour, sets the best possible example for all employees. Operation Dawson identified some senior leaders and officers who questioned, stood up to and reported Superintendent Rosenblum's improper conduct. IBAC understands the unique difficulties that arise in reporting against a fellow officer and commends these officers for contributing to a stronger and more ethical culture within Victoria Police.

3.1 Recommendations

Pursuant to section 159(1) of the IBAC Act, IBAC makes the following recommendations:

- 1) That the Victorian Government amend section 226 of the *Victoria Police Act 2013* (Vic) to provide a clear obligation for police personnel to only access, make use of or disclose police information they have a demonstrable, legitimate need for, which arises from and is directly related to the performance of their current duties or functions.

As the Minister responsible for the Victoria Police Act, it is requested that, within six months, the Minister for Police reports to IBAC on the implementation of Recommendation 1.

- 2) That Victoria Police regularly reinforce with all personnel the legislation, policies and requirements around the access to and use of Victoria Police information in accordance with the Victoria Protective Data Security Framework's guiding principle to promote a positive security culture. In particular, it should be made clear in training and awareness-raising activities that:
 - a. it is improper for these systems to be used in connection to matters personnel have a personal involvement or interest in
 - b. police personnel have an obligation not to disclose information to other personnel who request information, except where they have a demonstrable, legitimate business need which arises from and is directly related to the performance of their current duties
 - c. there are potential serious consequences of such improper conduct, as illustrated by Operation Dawson.It is requested Victoria Police reports to IBAC within six months on its implementation of Recommendation 2.

IBAC's police oversight role

IBAC's remit covers the whole Victorian public sector. Within this broad jurisdiction, an important and highly visible function of IBAC is its independent oversight of Victoria Police.

IBAC's independent oversight of Victoria Police focuses on ensuring police act fairly, impartially and in accordance with the law, including ensuring police officers have regard to the *Charter of Human Rights and Responsibilities Act 2006* (Vic). This independent oversight is critical because of the significant powers exercised by police officers, including the use of force and powers to detain, search and arrest.

To provide independent oversight of Victoria Police, IBAC:

- receives complaints and notifications about police personnel conduct (including complaints received by Victoria Police, which are mandatorily reported to IBAC)
- assesses these complaints and notifications to determine which are to be referred to Victoria Police for action, which are to be dismissed and which are to be investigated by IBAC
- reviews investigations of selected matters that IBAC has referred to Victoria Police to ensure those matters are handled appropriately and fairly
- conducts 'own motion' investigations (that is, where we investigate without receiving a complaint) and has a 'standing own motion' in relation to deaths or serious injuries after police contact
- conducts private or public hearings as part of IBAC investigations into serious or systemic police misconduct
- undertakes research and other strategic initiatives, such as auditing how Victoria Police handles complaints
- oversees Victoria Police's compliance with five Acts, including the *Drugs, Poisons and Controlled Substances Act 1981* (Vic), *Witness Protection Act 1991* (Vic), *Firearms Act 1996* (Vic), *Crimes Act 1958* (Vic) and the *Sex Offenders Registration Act 2004* (Vic) (in addition, IBAC will also assume a compliance and reporting function in relation to Victoria Police's registration and management of human sources, commencing in 2022)
- informs and educates the community and Victoria Police about police misconduct, encouraging the reporting of, and advising on ways that corruption and police misconduct can be prevented
- makes recommendations for Victoria Police to strengthen its policies and procedures to address systemic police misconduct and improve its conduct of internal investigations. We also monitor and publicly report on the implementation of these recommendations.

For more information on IBAC's investigations, prevention work and how to make a complaint about corruption or police misconduct, visit www.ibac.vic.gov.au

4 Appendices

Appendix A: Natural justice requirements and responses

Where an adverse comment or opinion has been made about any person (or public body) identified in this report, that person (or public body) has been given a reasonable opportunity to respond to those comments or opinions by being shown a draft version of the report. In accordance with sections 162(2) and (3) of the IBAC Act, responses that did not result in changes between the draft report and the final report are set out in this appendix.

Response from Paul Rosenblum

On 7 October 2021, former Superintendent Paul Rosenblum provided a response to the final draft of this report.

Superintendent Rosenblum contended that the report is 'misleading in many aspects', is selective in respect of some matters, and lacks specific context in relation to the chronology of events that arose through the investigation. IBAC notes, however, that a Special Report is a summary of IBAC's investigation, and is not intended to be a detailed chronology of events. The Special Report includes information regarding the timeframes for relevant events and the time taken for the investigation, and IBAC rejects the claim that it is misleading.

Superintendent Rosenblum also claimed that many of the matters alleged in the report are in dispute and he stated that these allegations have not been tested by the required standard for criminal offences. As outlined at page 3 of the Special Report, IBAC may make findings of fact to the civil 'balance of probabilities' standard of proof, and these findings of fact have been included in the Special Report.

Superintendent Rosenblum also asked that it be noted that this was a 'protracted' and resource-intensive investigation and that the result was a plea to a relatively minor offence that was offered by him 'some 18 months prior to the matter being finalised at court'. He also stated that the report does not contain any of the comments made by the sentencing magistrate, some of which Superintendent Rosenblum says supported his concerns.

IBAC notes that the prosecution and subsequent sentencing of Superintendent Rosenblum occurred after the substantive portion of the investigation had concluded, and that such timeframes are not unusual for a thorough investigation and subsequent prosecution.

In relation to factual findings contained within the report, Superintendent Rosenblum stated that:

- at no stage was it alleged by the prosecution that he interfered with a police investigation, nor was he charged with any offence pertaining to this. IBAC notes, however, that the Special Report does not allege that Superintendent Rosenblum 'interfered' with the investigation; instead, IBAC found on balance that he 'involved himself in investigations'
- the report alleges that he disclosed Victoria Police information, but that at no stage was it alleged by the prosecution that he disclosed information, nor was he charged with any offence pertaining to this. IBAC notes that it made findings of fact that Superintendent Rosenblum had disclosed Victoria Police information without authorisation, as it was entitled to do.
- included in the report are some comments made by Superintendent Rosenblum in response to questions asked during an interview with IBAC. He asserts that these comments are taken out of context and fail to convey the point being made at the time.

Appendix B: Previous IBAC special reports

Publication date	Report title
November 2013	Special report concerning certain operations in 2013
February 2014	Special report concerning allegations about the conduct of Sir Ken Jones QPM in relation to his dealings with certain confidential Victoria Police information
April 2014	Special report following IBAC's first year of being fully operational
October 2014	Operation Fitzroy: An investigation into the conduct of former employees of the Department of Transport/Public Transport Victoria, Barry John Wells and Hoe Ghee (Albert) Ooi, and others
August 2015	Special report concerning police oversight
April 2016	Operation Ord: An investigation into the conduct of officers at the Department of Education and Early Childhood Development
May 2016	Operation Darby: An investigation of Mr Nassir Bare's complaint against Victoria Police
October 2016	Operation Exmouth: An investigation into the conduct of former Victorian public servant, Carmine Petrone
November 2016	Operation Ross: An investigation into police conduct in the Ballarat Police Service Area
December 2016	Special report concerning illicit drug use by Victoria Police officers: Operations Apsley, Hotham and Yarrowitch
January 2017	Operation Dunham: An investigation into the conduct of officers of the Department of Education and Training, including Darrell Fraser, in connection with the Ultraneet project and related matters
March 2017	Operation Liverpool: An investigation into the conduct of two officers of Bendigo Health, Adam Hardinge and John Mulder
April 2017	Operation Nepean: An investigation into the conduct of former employee of Dame Phyllis Frost Centre, Jeff Finlow
September 2017	Operation Tone: Special report concerning drug use and associated corrupt conduct involving Ambulance Victoria paramedics
December 2017	Operation Lansdowne: Special report concerning allegations of serious corrupt conduct at South West Institute of TAFE, Bendigo Kangan Institute and V/Line
December 2017	Special report on IBAC's first five years
September 2019	Special report on corruption risks associated with procurement in local government: Operations Dorset, Royston and others
May 2020	Operation Betka: An investigation into alleged corrupt conduct by a former contractor of the Department of Education and Training

Publication date	Report title
July 2020	Operation Gloucester: An investigation into improper evidentiary and disclosure practices in relation to the Victoria Police investigation of the murders of Sergeant Gary Silk and Senior Constable Rodney Miller
April 2021	Operation Meroo: An investigation into alleged corrupt conduct by a former CEO of a Victorian regional health service
June 2021	Special report on corrections: IBAC Operations Rous, Caparra, Nisidia and Molara
October 2021	Operation Turon: An investigation into alleged misconduct by a former Victoria Police Assistant Commissioner

