



NEW SOUTH WALES

*Inspector  
of the  
Police Integrity Commission*

23 November 2012

Our Ref: GI0 2012 37

The Hon Michael Gallacher MLC  
Leader of the Government in the Legislative Council  
Minister for Police and Emergency Services  
Minister for the Hunter  
Level 33, Governor Macquarie Tower  
1 Farrer Place  
**SYDNEY NSW 2000**

Dear Minister,

**Re: Strike Force Emblems**

I refer to your letter of 11 May 2012 and to the letter from the Hon the Premier of 25 May 2012.

I have the honour to enclose my Report and Review sought by you pursuant to s.217 of the *Police Act 1990*.

The report of Strike Force Emblems I have found to be such an abstruse and unsatisfactory internal police document that it is not in the public interest for it, its findings (such as they are) and its recommendations (such as they are) to be made public.

With the utmost respect to those involved in the preparation of the Strike Force Emblems Report it is severely wanting in sound reasoning and logical exposition of investigations said to have been undertaken. Its findings and recommendations on my reading of accompanying internal police communications do not enjoy support or confidence among police commentators of high rank.

There is a grave risk to the reputation of not only the NSW Police as an institution but also of many named persons by false perceptions flowing from publication as well as inevitable speculations which would be fruitless as they would be dangerous.

Encl

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Inspector of the Police Integrity Commission  
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My Report and Review amplifies these matters. However I can state in this letter to you that the public interest would be ill served by the release of the Strike Force Emblems Report and my critique of it.

I acknowledge that the subject NSWCC LD Warrant 266 of 2000 by naming so many people and by correlation of those names with references to them or the absence of references to them in the supporting affidavit could understandably give rise to concern. I did not consider, and do not consider, it part of my function under S.217 of the *Police Act NSW 1990* in accordance with your letter to pursue any question of suspected or perceived criminal misconduct or the motivation if any therefor in the application for the warrant in the form it was made. I make no finding in that regard.

The reference of all the matters that have evolved since 11 May 2012 by direction of myself under the *Police Integrity Commission Act 1996* and pursuant to the schedule to the *Ombudsman Act 1974* to the Office of the Ombudsman is sensible, prudent and the most effective mechanism for the protection of the interests and privacy of those involved in an affair that originated in the last decade of the last century.

This is not a question of the avoidance of public scrutiny but rather of the operation of a transcending public interest in the fair and considered protection of the good name of the NSW Police, of those who serve in it and of other members of the community.

The reality has to be acknowledged that it is unfortunate that so much time has elapsed and that these issues are still the subject of concern to members of the police and others and are subject to what I consider to have been often the unfair agitation of issues in the media in circumstances where the source of the material for that agitation can only be found in the criminal misconduct of someone at some time.

Finality and closure will be the best outcome in the interests of the public and of the Police Force of this State which the Police has the privilege to serve.

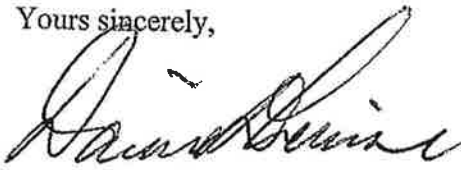
To revert to the four matters raised in your letter to me of 11 May 2012 I state: first, that it cannot be assured that the recommendations have been properly dealt with. This flows from the view I have formed as to the quality of the recommendations and the views expressed by others in internal commentaries. Secondly, it would not be in the public interest, as I have said, that the report be released involving the recommendations and the subsequent commentary material provided to me by the Police Department and the want of confidence in the recommendations which that material, as it appears to me, discloses. Thirdly, the public release would clearly prejudice the fair and proper investigations now to be conducted by the Ombudsman in whose hands all aspects of the matter presently rest. Fourthly, the release of the report and my commentary upon it could unreasonably reflect upon individuals without affording them natural justice as that term is generally understood. That opportunity, even though some of the material points to people having been given a chance to give their account by, for example, recorded interview or statement, will now best be provided for by the Ombudsman's inquiry.

For the reasons stated I advise against the publication of the Strike Force Emblems Report and my Report and Review of it, other than to yourself, the Hon the Premier, Commissioner A. Scipione and Mr Bruce Barbour, Ombudsman.

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I have no objection to the release to the public of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Levine', written in a cursive style.

The Hon David Levine AO RFD QC  
Inspector: PIC

Cc The Hon the Premier, Barry O'Farrell  
NSW Police Commissioner, Andrew Scipione  
NSW Ombudsman, Bruce Barbour

Encl

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