

Subject:	RE: Police procedure, cyberstalking.
From:	MELBOURNE NORTH-CIU-OIC (MELBOURNENORTH-CIU-OIC@police.vic.gov.au)
To:	rett139@yahoo.com;
Date:	Saturday, January 21, 2017 11:07 AM

Good Morning Mr Madin

1. Victoria Police do not give out specific information regarding the investigation. Therefore I am unwilling to disclose the complainant details you request.
2. We had a general conversation around persons being interviewed and circumstances around that. This did not necessarily relate to you as we discussed. As discussed you are outside our jurisdiction and we were not in a position to consider this as an option.
3. As with all investigations we review the evidence and consider the appropriate course of action.
4. A record of the investigation remains with Victoria Police

Regards

Rhonda Brown | Detective Senior Sergeant 29128 | Melbourne North C.I.U. |
36 Wreckyn St North Melbourne 3051 | Ph: 03 8379 0870 | Fax: 03 8379 0887 | DX: 211387

rhonda.brown@police.vic.gov.au

From: Kent Madin [mailto:rett139@yahoo.com]
Sent: Saturday, 21 January 2017 10:08
To: MELBOURNE NORTH-CIU-OIC
Subject: Re: Police procedure, cyberstalking.

Dear DSS Brown,

Thanks for clarifying those items.

Can I ask a couple of short questions.

1. On what date was the initial complaint filed?
2. You said that (and I paraphrase) "if the evidence doesn't support interviewing the alleged criminal, then we don't interview them". So if NFS had NOT advised me of Contable Colban's request, I might never have known that an investigation had taken place? Is that correct?
3. Final question, really. So if I never knew there was an investigation, would there still be a record of it in your database? For instance, if at some point in the future I were accused of another crime in Melbourne, would a search of your database bring up this cyberstalking investigation?

Thanks very much.

Kent Madin

On Friday, January 20, 2017 2:17 PM, MELBOURNE NORTH-CIU-OIC <MELBOURNENORTH-CIU-OIC@police.vic.gov.au> wrote:

Good Morning Mr MADIN,

I have consulted with D/S/C Colban and clarified the following points:

1. There have been no requests by Victoria Police to Academia.edu for the host site to consider if your material is compliant with their policy and relevant legislation

2. The investigation file will not be sent to Interpol.
3. The investigation with Victoria Police is now completed.

I hope this satisfies your queries.

Regards

Rhonda Brown | Detective Senior Sergeant 29128 | Melbourne North C.I.U. |
36 Wreckyn St North Melbourne 3051 | Ph: 03 8379 0870 | Fax: 03 8379 0887 | DX: 211387
rhonda.brown@police.vic.gov.au

From: Kent Madin [<mailto:rett139@yahoo.com>]
Sent: Saturday, 21 January 2017 02:29
To: MELBOURNE NORTH-CIU-OIC
Subject: Re: Police procedure, cyberstalking.

Dear DSS Brown,

Thanks for your time yesterday on the phone. I look forward, as we discussed, to the results of your conversation with Constable Colban about her contacts with Nearly Free Speech, Academia.edu and any other contacts she may have made during her investigation which would have conveyed the information that the Constable was investigating me for cyberstalking.

As I understand it, you will be able to advise those contacts that the case is now closed and you are taking no further action. If you can include the detail that the investigation closed without needing to interview me, that would certainly help me to retrieve my property and reinstate my good name with those contacts.

Sincerely,

Kent Madin

Show original message

On Wednesday, January 18, 2017 4:40 AM, MELBOURNE NORTH-CIU-OIC <MELBOURNENORTH-CIU-OIC@police.vic.gov.au> wrote:

Good Morning Mr Madin,

I am happy to discuss the matters you raise. I am working 10.00pm to 6.00am until Saturday 21st January 2017 (inclus). I then move over to various day and afternoon shifts. If you let me know what suits your times I can work around you.

Regards

Rhonda Brown | Detective Senior Sergeant 29128 | Melbourne North C.I.U. |
36 Wreckyn St North Melbourne 3051 | Ph: 03 8379 0870 | Fax: 03 8379 0887 | DX: 211387
rhonda.brown@police.vic.gov.au

From: Kent Madin [<mailto:rett139@yahoo.com>]
Sent: Wednesday, 18 January 2017 13:28
To: MELBOURNE NORTH-CIU-OIC
Subject: Re: Police procedure, cyberstalking.

Attn: DS Brown:
Thanks for your response below.

I do have more questions. I note that your email was apparently sent in the early morning hours, your time. I would like to follow up with a conversation so can you please advise me of the range of hours you will be available to speak this week.
As I am sure you know, my times zone, Mountain Standard, is 18 hours behind yours.

In the meantime, I would like to comment on your email below.
I presume you have seen all the correspondence I sent to Constable Colban, in addition to what is copied in this string.
For context, I'll comment in color/italics in the text below.

On Tuesday, January 17, 2017 9:46 AM, MELBOURNE NORTH-CIU-OIC <MELBOURNENORTH-CIU-OIC@police.vic.gov.au> wrote:

Good morning Mr Madin,

I am a Detective Senior Sergeant attached to the Melbourne North Police Crime Investigation Unit in Victoria, Australia. I have overseen the investigation conducted by D/S/C Louise Colban concerning allegations made by Mr Earl De Blonville of cyberstalking by yourself via the Internet, specifically <http://earldeblonville.net>. The allegations relate to the use of Mr De Blonville's curriculum vitae without his permission.

Just to be clear, the CV in question was posted on a public site, Academia.edu, not Mr. de Blonville's private site. Academia.edu encourages users to both post their CV's and to download CV's and other postings freely made by people like Mr. de Blonville who use the website to promote themselves and their work. If Mr. de Blonville believes his private property has been used inappropriately that is a matter for civil, not criminal, law. I would like to understand how Constable Colban conflates that issue with cyberstalking.

As you are aware D/S/C Colban requested through the website host to remove the material if it was found to be in breach of their policy or legislation relevant to their jurisdiction. This is a matter for the host website to assess the request and make a decision regarding compliance of the material.

With all due respect, I have to take issue with your characterization of Constable Colban's "request". Nowhere does she mention "if it is found to be in breach of their policy". She states flatly, with the authority of the Melbourne Police behind her, that the material is defamatory and additionally presents two factually false statements to bolster her argument. The first false statement is that the CV was taken from a private website. The second is that Mr. de Blonville had previously made a "request" on his own part, to Nearly Free Speech.

I have checked my records related to correspondence with Nearly Free Speech and have nothing that indicates that Mr. de Blonville made such a "request". Given that the same process which alerted me to Constable Colban's "request" has been standard procedure at Nearly Free Speech for some time, I would have received a notice about Mr. de Blonville. What Mr. de Blonville did do in February of 2014 was make a request to Tucows, the parent company that owns the URL. You can read that exchange in full here: <http://earldeblonville.net/earl%20de%20blonville%20tucows%20exchange%20email.pdf> The .pdf is a compilation for convenience in reading. The original emails are all available. Any fair reading of the Constable's "request" can only conclude that she was using her authority to amplify Mr. de Blonville's alleged previous contact with Nearly Free Speech, otherwise, why mention it. The wording of her request and her failure to check her facts first may be the result of inexperience and not intentionally abusive but the issue can not be dismissed so readily.

There is no obligation by Victoria Police to inform any person they are under investigation in these circumstances. Again, with all due respect, this does not address my question, in fact, it is precisely because I know full well that police are not required to inform the target of an investigation that my question is pertinent. What I want to know is whether Constable Colban didn't realize I would be alerted. Because, if she didn't know I would learn of the request, then she was acting as if she had the authority to define defamation and intended to convey that impression.

The investigation by D/S/C Colban is now completed and no further action will be pursued by Victoria Police.

Well, I think this is good news, but please clarify. Does this mean that your office will not be forwarding the results of the investigation to prosecutors? Put another way, am I now cleared by your department of the allegation of cyberstalking? I hope that your answers are yes, and yes.

I am happy to discuss this further with you should you have any questions.

As I indicated above, I would like to discuss additional aspects of this affair. A major theme of the book I am working on addresses abuse of the term "cyberstalker" as way of intentionally vilifying and delegitimizing someone who is asking tough but legal questions of public figures. I believe this will be a growing problem given the lurid associations with the term. Mr. de Blonville has been actively involved in doing just that since July of 2013 when he published kentmadincyberstalker.com. I have a number of cases that parallel mine and which have occurred in the last couple of years in the US and UK and am happy to share them. Here in Bozeman, it is my contention that the local police took up the investigation, even though those making the allegations never appeared in person and were living outside the US, based on unsubstantiated and subsequently debunked claims that I was a physical threat.

In my case the FBI got involved because, it appears, two others of the subject group of explorers made their allegations at a US embassy abroad using the exact same "evidence" but insinuating that the FBI needed to reexamine the investigation by corrupt Bozeman Police protecting me. Apparently I am some sort of Montana Mafia Don. I am guessing that your federal police authorities don't readily re-open a closed Victoria Police investigation without some similar compelling reason. If there were new evidence, it would be sufficient and appropriate to submit it to the lower jurisdiction.

So, that's why I have questions about the actual process that transpired and which led Constable Colban to, in my opinion, exceed her authority. I also want to know what other "requests" Constable Colban made on Mr. de Blonville's behalf including, but not limited to, Academia.edu. My account there has been flagged and closed based on very vague allegations of transgressing the terms of service. The timing is very coincidental.

Mr. de Blonville is, by all accounts, a charming, dashing, erudite, charismatic, well-spoken and appealing person. Given those attributes and given that the record is quite clear that previous efforts to have me arrested were dismissed, one has to wonder just what was said or who knew who to compel Constable Colban to open an investigation in the first place. That's an issue I'd like to better understand.

I am also interested in discussing the issue I raised previously to Constable Colban regarding False Accusation (Summary Offences Act 1966 – SECT 53 Making false reports to police) and whatever statutes you have in Victoria that apply to Cyber harassment (as distinguished from Cyber stalking) and Criminal Conspiracy. Mr. de Blonville has actively cooperated and coordinated with the other subjects of the book to bring all these charges over the course of three years and has taken very concrete steps to further that harassment using the internet during that time.

I look forward to speaking with you shortly. Sincerely, Kent Madin

Regards

Rhonda Brown | Detective Senior Sergeant 29128 | Melbourne North C.I.U. |
36 Wreckyn St North Melbourne 3051 | Ph: 03 8379 0870 | Fax: 03 8379 0887 | DX: 211387 |
rhonda.brown@police.vic.gov.au

From: Kent Madin [<mailto:rett139@yahoo.com>]

Sent: Saturday, 7 January 2017 03:18

To: MEDIA UNIT

Subject: Re: Police procedure, cyberstalking.

Dear Leonie,

Happy to do it. I am an independent journalist working on a book about use of the internet to perpetrate fraud by a distinct group, modern day explorers.

I provided you a hypothetical scenario in order to avoid escalating or exacerbating (for the Constable involved) a complaint I have already filed with the Police Conduct Unit. I simply want answers to the two questions I posed:

1. Can a Constable, on their own authority demand the removal of private property?
2. What is the standard protocol for informing someone they are under investigation?

That said, here is the email that I sent to the Police Conduct Unit:

Kent Madin <rett139@yahoo.com>

To psc-policeconductunitcomplaintsandcompliments@police.vic.gov.au ethicalstandards@police.vic.gov.au 12/27/16 at 7:12 PM

Dear Vic Police:

It has now been 27 days since I submitted the complaint in email form, below. Will someone please get back to me and at least let me know when I can expect a response?

Kent Madin

On Thursday, December 1, 2016 3:40 PM, Kent Madin <rett139@yahoo.com> wrote:

Dear Vic Police. I am emailing this complaint after thrice submitting through your online form and never receiving an email confirmation of receipt. I am emailing on the advise of one of your staff who I spoke with on the phone.

Please write back and confirm receipt.

Kent Madin

Here is the text I attempted to send through your online complaint form:

On November 28 I received the following email from the company that hosts several of my websites:

NearlyFreeSpeech.NET Member Support <support@NearlyFreeSpeech.NET>
To rett139@yahoo.com Nov 28 at 12:55 AM

Hello,

The below message was received at our support or abuse email address. It appears to pertain to you. As a courtesy, we are forwarding you a copy.

Please contact us through our member support facilities if you need any assistance, but keep in mind we did not originate this message and cannot answer questions about its content.

Thanks,
NearlyFreeSpeech.NET Member Support

===== BEGIN FORWARDED MESSAGE =====

To whom it may concern

My name is Louise COLBAN and I am a Senior Constable of Police from Melbourne North Criminal Investigation Unit which is part of Victoria Police in Australia. I have carriage of a cyberstalking investigation where Earl DE BLONVILLE is listed as the victim. I am requesting the removal of a website which you are currently hosting, <http://earldeblonville.net>. The website is one facet of the investigation. The website itself is defamatory (libel) in nature and utilises material from DE BLONVILLE's own website without his permission, specifically his curriculum vitae.

Earl DE BLONVILLE has previously contacted you himself however you were unable to assist. He has also sent a 'cease to desist' request to Kent MADIN to have the site removed however this was not complied with.

I request that this website be removed.

Regards

Louise COLBAN | Senior Constable 37341 - North Melbourne CIU|

email:
louise.colban@police.vic.gov.au<<mailto:louise.colban@police.vic.gov.au>> |
web address:
[www.police.vic.gov.au](http://www.police.vic.gov.au/content.asp?Document_ID=2)<http://www.police.vic.gov.au/content.asp?Document_ID=2>
phone: (03) 8379 0886| fax: (03) 8379 0887 | dx: 211387
address: 36 Wreckyn Street, North Melbourne 3051

Within hours of receiving the above notice, I called the Melbourne North station and spoke briefly with Constable Colban who advised me that it was standard procedure for an officer to demand that a private company remove a private citizen's property (I paraphrase). This seems to me like an egregious overreach of police authority and untoward intimidation of protected speech. I also spoke somewhat later with a Sergeant at Melbourne North (forgot to get his name) who allowed as how it was not standard procedure. I am also advised by Victoria Legal Aid that they have never heard of that kind of use of police authority. I would point out that the website in question earldeblonville.net is an annotated examination of Earl de Blonville's professional claims. There are no repulsive or obscene images, no profanity, no coded messages to terrorists and nothing that poses an imminent danger to public safety.

I am not trying to get Constable Colban in trouble but I would like official clarification of whether such tactics (including characterizing my site as defamatory.. something normally left to the judicial arm) is proper police procedure. This entire matter is connected to my continuing efforts to research and write about fraud on the internet. The person who made the allegation of cyberstalking that Constable Colban is investigating is one of the subjects of the story. In the US, we call that "having an axe to grind", something I must presume Constable Colban takes into account.

I have also reviewed what I can find of Australian law regarding making false allegations to the police which result in a police investigation (and attendant use of resources). The person making the allegations, Earl de Blonville, was an unofficial but active partner with four other subjects of the story in bringing similar allegations to police in Bozeman, Montana and the Montana office of the FBI last year. Mr. de Blonville is well aware that those investigations ran their course and were dismissed with no charges filed. Hence, Mr. de Blonville is making allegations that he knows full well have been reviewed and rejected (albeit in a foreign jurisdiction). As a result of those investigations, Mr. de Blonville also knows I have never threatened anyone, that I have communicated and operated under my own name and been transparent about my purpose.

That discomfort might result for Mr. de Blonville from questions about his public business claims' veracity is part and parcel of operating in the electronic "public square".

Hence, I suggest that Constable Colban consider whether Mr. de Blonville is using a police investigation to intimidate and discredit legal inquiry and speech, knowing there is no evidence of criminal behavior. If that is the case, Mr. de Blonville would seem to be guilty of False Accusation (Summary Offences Act 1966 - SECT 53

Making false reports to police).

Kent Madin
Bozeman, Montana
Skype KentinBZN
+1-406-595-2310

Leonie:
I spoke last night, my time, with a woman at the Police Conduct Unit who advised me that I hadn't received a response because the complaint had been forwarded to the detective sergeant in charge at Melbourne North. The woman apologized that I hadn't been notified. The detective sergeant had replied that Constable Colban was out of the office until the 15th. I found this a bit odd because I have an auto-response email back from Constable Colban which states she returns to work on the 6th of January. I know that Constable Colban was in the Melbourne North office on the morning of November 29 because I spoke with her briefly (see above).

The first part of the book details how several (5 in total, Earl de Blonville is one) modern day "explorers" use the cheap and wide reach of websites to promulgate narratives about themselves in support of their business endeavors. Essentially, lies and embellishment, like the Hare, get off the mark fast and attract attention, while truth plods along like the Tortoise.

The second part of the book details how these five subjects cooperated and conspired to de-legitimize and smear me as a "cyberstalker" in order to protect their various fraudulent claims.

Using "cyberstalker" as an epithet can be remarkably effective in the short term. Here are three recent examples:

<http://www.ledger-enquirer.com/news/local/crime/article29437783.html>

<http://www.telegraph.co.uk/news/uknews/law-and-order/11095640/Nadine-Dorries-I-have-endured-a-vile-cyber-stalker-for-seven-years.html>

<http://www.courthousenews.com/2016/01/11/fla-court-tosses-execs-cyberstalking-claim.htm>

And an example of the power of "cyberstalker" as click-bait. Clearly there is no abuse involved when an admission officer uses public information on social media to better understand applicants. Cyberstalking must have some credible element of actual threat or danger:

<http://time.com/money/4252541/colleges-facebook-social-media-students-admissions/>

This attached article from Politiken, a major Danish newspaper, deals with my ongoing research and while it does not mention Mr. de Blonville, it should illustrate the time and effort I have put into the book research. I am happy to put you in touch with the two Danish journalists who wrote the piece and they can confirm that they and their editors vetted me (including speaking with the Bozeman, Montana Chief of Police) and my sources before publishing.

I hope this is enough information to get an answer to my question about whether or not Constables have the authority to demand the removal of private property. I want to emphasize that I am not after Constable Colban's head. If she acted properly, I just want that officially stated. If she acted improperly, there are plenty of reasonable explanations for the error, inexperience being one. But the entire incident begs the question of whether Constable Colban realized that her request would trigger the advisory note to me and thereby alert me to the fact I was being investigated.

Sincerely,

Kent Madin
Bozeman, Montana
Skype KentinBZN
+1-406-595-2310

On Friday, January 6, 2017 8:02 AM, MEDIA UNIT <POLICEMEDIAUNIT-Mgr@police.vic.gov.au> wrote:

Hi Kent,

Thanks for your email.

Please provide details as to where you work and where this would be published before we can make enquiries.

Also we cannot comment on scenarios where we don't know the ins and outs of an incident in order for us to make an informed comment.

Thanks,

Leonie

Leonie Johnson | Supervisor - Media Unit | Victoria Police

email: leonie.johnson@police.vic.gov.au | web address: www.vicpolice.vic.gov.au
phone: (03) 9247 5205/06 address: Concourse Level, 637 Flinders Street, Docklands, Vic 3008 | DX210094

From: Kent Madin [<mailto:rett139@yahoo.com>]
Sent: Saturday, 7 January 2017 01:51
To: Kent Madin; MEDIA UNIT
Subject: Re: Police procedure, cyberstalking.

Dear Police Media office,

Can you give me an acknowledgement of receipt of this email and some idea of when I might have a response?

Thanks very much.

Kent Madin

On Monday, January 2, 2017 4:04 PM, Kent Madin <rett139@yahoo.com> wrote:
Hello,

Pursuant to a conversation with the young woman who answered my call today, I am submitting these questions. I am working on an article where cyberstalking plays a role.

Here's a hypothetical scenario as basis for my questions.

Allegations of cyberstalking are made to Victoria Police by "A" against "B". One element of the activity construed as cyberstalking is a website which is owned by "B" and which "A" alleges is evidence of cyberstalking. The investigating officer contacts the company that hosts the website, identifies as a police officer and asks that it be "taken down". In that communication the officer asserts, explicitly, that the site is defamatory and presents that as rationale for requesting the site's removal.

Question #1: Do the police in Victoria have the authority (before completion of an investigation and without a court order) to make such a demand on a private enterprise given that compliance will result in private property being effectively confiscated.

Question #2: What is the standard protocol or procedure for deciding how and when to advise someone that an investigation alleging their criminal behavior is underway?

Thanks for your time,

Kent Madin
Bozeman, Montana
+1-406-595-2310
Skype KentinBZN

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