
Subject:	FW: Second FOI request from Kent Madin (USA) [DLM=For-Official-Use-Only]
From:	FREEDOM OF INFORMATION-MGR (foi@police.vic.gov.au)
To:	rett139@yahoo.com;
Date:	Monday, June 4, 2018 5:25 PM

For Official Use Only

Dear Mr Madin

I refer to your email enquiry below.

I advise that the Victoria Police Manual (VPM) may contain the information that you wish to obtain concerning categories of an investigative file. The VPM is available for inspection at the Supreme Court Library and the State Law Library, Melbourne.

The VPM is also available for purchase from the Corporate Strategy and Performance Department within the Victoria Police Centre. The contact telephone number is 9247 3742.

I further clarify that the role of the Freedom of Information Officer for Victoria Police is to receive and process requests made under the Act on behalf of the Chief Commissioner and to provide responses to those requests in terms of the provision of documents. This does not extend to the provision of information or the answering of questions.

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As explained earlier, if you are not satisfied with the decision made on your request, I refer to sections 49A(1) and 49B of the Act, under which you have the right to apply to the Information Commissioner for a review of the decision within 28 days of the decision letter. The details of the Information Commissioner are provided in the decision letter.

Thank you.

Yours sincerely

Freedom of Information Division
Public Support Services Department
Victoria Police

Email: foi@police.vic.gov.au

Web: www.police.vic.gov.au
Phone: (03) 9247 6801 | Fax: (03) 9247 5736 | Dlx: 210096
Mail: PO Box 913, MELBOURNE VIC 3001

From: Kent Madin [<mailto:rett139@yahoo.com>]
Sent: Monday, 28 May 2018 01:47
To: FREEDOM OF INFORMATION-MGR
Subject: Re: Second FOI request from Kent Madin (USA) [DLM=For-Official-Use-Only]

Dear FOI Manager,

Just for the record, let me note that your office has PREVIOUSLY delivered documents to me by email and just for the record, let me note that delivery by email is cheaper from your office's point of view, more reliable and would reflect the kind of customer service one might hope for from a government office. I note your specific refusal to provide the released documents to me in email form, as I requested. We call it "slow walking" here.

Your office failed to properly read my second FOI request, ignoring the request for the investigation file as it now stands AND documentation generated by that request. I asked you to clarify whether the quote in your current letter about the file being "unsolved" was current status or a reiteration of the file's status from my first request. Your procedures are unclear and I asked for clarification of those elements. My questions were not about the "nature of the denied documents" but about inconsistencies in your own procedures.

In a previous phone conversation with Mr. Davey, he explained that there are several categorizations available when characterizing an investigative file. My question was appropriate to your department "Who can explain to me the criteria (and the process) by which a given category is selected?" If your office has no idea, then please direct me to the part of the Police department that can. That request doesn't seem outside the scope of your responsibility.

Finally, your office did, in fact, provide information on the "nature of the denied documents" with the reference to violence concerns. This is the first hint from anyone at Victoria Police that there were concerns about violence. I wanted to be absolutely clear where I stand on that.

Sincerely,

Kent Madin

On Thursday, May 24, 2018 11:01 PM, FREEDOM OF INFORMATION-MGR <foi@police.vic.gov.au> wrote:

For Official Use Only

Dear Mr Madin

This office looks forward to receiving your payment in the sum of \$22.10 at which time the documents will be forwarded to you via regular post.

By way of clarification, the role of the Freedom of Information Officer for Victoria Police is to receive and process requests made under the Act on behalf of the Chief Commissioner and to provide responses to those requests in terms of the provision of documents. This does not extend to explaining the nature of the denied information.

If you are not satisfied with the decision made on your request, I refer to sections 49A(1) and 49B of the Act, under which you have the right to apply to the Information Commissioner for a review of the decision within 28 days of the decision letter. The details of the Information Commissioner are provided in the decision letter.

If you wish to make a complaint about police misconduct, you may write to:

Police Conduct Unit
GPO Box 913
Melbourne Vic 3001

Thank you.

Kind Regards

Freedom of Information Division
Public Support Services Department
Victoria Police

Email: foi@police.vic.gov.au

Web: www.police.vic.gov.au

Phone: (03) 9247 6801 | Fax: (03) 9247 5736 | Dlx: 210096

Mail: PO Box 913, MELBOURNE VIC 3001

Sent: Thursday, 24 May 2018 03:32
To: FREEDOM OF INFORMATION-MGR
Subject: Re: Second FOI request from Kent Madin (USA) [DLM=For-Official-Use-Only]

Dear Mr. Davey,

I have just today received your notice of decision by snail mail. I had assumed that your decision, like your previous decision on June 27 of last year, would be delivered by email so as not to lose over two weeks in transit. May I suggest that since your snail mail could be lost in transit with no tracking capability and since email is cheaper, faster and date stamped, that any future correspondence be by that method.

I will make immediate arrangements to have \$22.10 sent to your office for the documents you have agreed to release. Please send them to me by email.

Under **Result of Search** you state that you "have been advised by the police informant that the investigation has been completed with all avenues and the result is that the matter has been listed as unsolved." Please clarify if this is a new response from the police informant made in response to my second FOI request and not just a reiteration of the file's status from a year ago.

Can you advise me to whom in the Victoria Police I can direct my request for clarification about this "unsolved" categorization? Where can I learn what guidelines determine that classification as opposed to others that, according to you, are available and which would square with Detective Sergeant Brown's affirmative, repeated declaration that no further action would be taken on the investigation? I would like to learn what safeguards exist to prevent classifying a file "unsolved" being used as a way of hiding misconduct.

Under the section **Exemptions** you make reference to "family violence risk assessments". Let me state categorically that any fear of violence from me is based solely in baseless paranoia or hysteria. In your first paragraph you reference the "personal opinions" of a police member and in the second, you reference the "professional opinions" of police. Given that this is apparently a discussion about fear of violence, what, in fact is protected, personal opinions or professional opinions? Or is it just a catchall that police opinions are protected?

I would like to state again, for the record, that my intention in requesting this FOI was to determine whether the file contains evidence showing police misconduct; first by Constable Colban abusing her authority by demanding the destruction of my private property and second by Colban, Brown and possibly others trying to cover up that misconduct and a botched investigation process. It is my understanding that evidence of police misconduct can not be exempted/withheld from release through the FOI process.

The documentation that you have Denied in Full is exactly the documentation that would show how and perhaps why the Police are talking out of both sides of their mouth in regard to the investigation. If it is possible to square "no further action will be taken by Victoria Police" with "unsolved" then please direct me to someone who can explain that contradiction.

I note this recent article: <https://www.theage.com.au/national/victoria/new-anti-corruption-boss-warns-ibac-too-shackled-to-investigate-police-properly-20180519-p4zgb1.html> and the comment in the third paragraph: "loyalty to one's colleagues (and) protecting the reputation of the human organisation gets precedence in some cases over doing the right thing."

Sincerely,

Kent Madin

On Monday, May 7, 2018 5:34 PM, Kent Madin <rett139@yahoo.com> wrote:

With all due respect,

It is now May 7. Since May 1, six days, your decision has languished on the Manager's desk. It must be a very large desk. Or he caught his signing hand in a wood chipper. I'm trying to walk a fine line here between being a successful "squeaky wheel" and being nominated for annoying client of the year.

I asked for a single investigative file which the Supervising Sergeant repeatedly described as "closed", "finished", "not further action by Victoria Police". The file can't be very big since the investigation lasted a few weeks and two weeks of that was over the Christmas/New Year's holiday. And the police never even bothered to interview me. So it's a single, smallish file PLUS copies of the documentation that passed between your office and the Melbourne North Station on my first request which characterized the case as "unsolved". It's not like I asked for every document which references "kangaroo". Hoping for a timely response in due course.

Sincerely,

Kent Madin

On Tuesday, May 1, 2018 11:48 PM, FREEDOM OF INFORMATION-MGR <foi@police.vic.gov.au> wrote:

For Official Use Only

Dear Mr Madin,

Thank you for your email.

We advise that our decision letter is currently with our Manager for signature, and will be sent to you as soon as possible.

Regards,

Freedom of Information Division |
Corporate and Regulatory Services | Victoria Police |

phone: (03) 9247 6801 fax: (03) 9247 5736 |
address: Victoria Police Centre Level 7, | 637 Flinders Street, Docklands Vic 3008 |
web address: www.police.vic.gov.au | DX : 21 0096

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

Sent: Tuesday, 1 May 2018 01:32

To: FREEDOM OF INFORMATION-MGR

Subject: Fw: Second FOI request from Kent Madin (USA) [DLM=For-Official-Use-Only]

Please advise status of this request. It was scheduled for completion on April 28 I believe.

Sincerely,

Kent Madin

On Tuesday, March 27, 2018 5:06 PM, FREEDOM OF INFORMATION-MGR <foi@police.vic.gov.au> wrote:

For Official Use Only

Dear Mr Madin

Please refer to the letter attached with this email.

Thank you.

Yours sincerely

Uma | Assistant FOI Officer
Freedom of Information Division
Public Support Services Department
Victoria Police

Email: foi@police.vic.gov.au

Web: www.police.vic.gov.au
Phone: (03) 9247 6801 | Fax: (03) 9247 5736 | Dlx: 210096
Mail: PO Box 913, MELBOURNE VIC 3001

From: Kent Madin [<mailto:rett139@yahoo.com>]
Sent: Wednesday, 28 March 2018 03:30
To: FREEDOM OF INFORMATION-MGR
Subject: Re: Second FOI request from Kent Madin (USA)

Dear Gavin and Mr. Davey,

You should have this money order shortly.

Kent Madin

On Tuesday, March 13, 2018 3:38 PM, Kent Madin <rett139@yahoo.com> wrote:

Dear Gavin and Mr. Davey,

At the recommendation of the FOI Commissioner's office I am submitting a second FOI request, substantially the same as the one attached from February, **2017** regarding the investigation opened November 17, **2016** by Constable Colban of Melbourne North CIU with the following additional information requested:

Documentation (notes, correspondence, recordings) sent and received, after submission of my first FOI request, to/from whatever arm of Victoria Police classifies documents regarding their suitability for release.

Given that my original request was turned down because the investigative file had been marked "unsolved", I would hope that in the ensuing year the investigation is now "solved" and request any additional documentation added to the investigative file during the last year.

I am still trying to determine how an investigation can, on the one hand, be characterized by someone unknown at Victoria Police as "unsolved" and on the other hand characterized in January of 2017 by the Supervising Sergeant as follows: "The investigation by D/S/C Colban is now completed and no further action will be pursued by Victoria Police."

I have made arrangements for the fee to be sent and it will be marked "Kent Madin Second Request".

Kent Madin

On Sunday, February 5, 2017 10:41 PM, Kent Madin <rett139@yahoo.com> wrote:

Dear Gavin,

Attached please find the FOI request form and supporting documents. I am still searching for a speedier way than snail mail to provide the \$27.90 fee.

Sincerely,

Kent Madin
14543 Kelly Canyon Road
Bozeman, MT 59715
+1-406-595-2310
Skype KentinBZN

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