

Subject:	Re: 18/1 Complaint from Kent Madin. Attn: Nick Konstantinidis [SEC=PUBLIC-DOMAIN, DLM=Unmarked]
From:	Kent Madin (rett139@yahoo.com)
To:	PSC-POLICECONDUCTUNITCOMPLAINTSANDCOMPLIMENTS@police.vic.gov.au;
Date:	Wednesday, January 31, 2018 2:31 PM

Dear Sgt. Challis,

I have no complaint with Freedom of Information Office of Victoria Police. Mr. Davey, in that office, was good enough to explain, in detail, the rules he has to work under. He explained to me that someone in YOUR office characterized the investigation "unsolved" (rather than "no further police action" or "no offense detected") and so his hands were tied and he could not honor the request.

So, here is my complaint regarding "misconduct or duty failure":

Whoever characterized the investigation file as "unsolved" is either incompetent or intentionally seeking to block release of the file;

or,

Sergeant Brown, on January 17, 2017, lied about the status of the investigation when she wrote ""The investigation by D/S/C Colban is now completed and no further action will be pursued by Victoria Police."

I'd like an answer to THAT complaint, the one just above. Your office has not provided one.

Sincerely,

Kent Madin

On Tuesday, January 30, 2018 3:26 PM, PSC-POLICE CONDUCT UNIT [COMPLAINTS AND COMPLIMENTS] <PSC-POLICECONDUCTUNITCOMPLAINTSANDCOMPLIMENTS@police.vic.gov.au> wrote:

PUBLIC-DOMAIN Unmarked

Good Morning Mr Madin

I write to acknowledge receipt of you latest email to which I offer the following advice:

Various departments and members of Victoria Police have made exhaustive enquires on your behalf and , as noted by Sergeant Konstantinidis, the matter(s) referred to in your correspondence will not be looked at further by the Police Conduct Unit.

I note part of your grievance appears to be with the Freedom of Information Office of Victoria Police. I would suggest you contact that office directly.

Please note, the Police Conduct Unit deal with concerns regarding misconduct or duty failure allegations only.

Whilst Victoria Police is committed to providing excellent service to its customers; it is also obliged to make efficient and effective use of its resources. It is with this in mind that I advise you that I am quite happy to receive any correspondence from you in relation to any matter you wish to raise, however in the future only new matters will be acknowledged.

Regards

Marty Challis
A/Sgt 32265

From: Kent Madin [mailto:rett139@yahoo.com]
Sent: Thursday, 18 January 2018 13:13
To: PSC-POLICE CONDUCT UNIT [COMPLAINTS AND COMPLIMENTS]
Subject: Assess v101028 18/1 Fw: Complaint from Kent Madin. [SEC=PUBLIC-DOMAIN, DLM=Unmarked] Attn: Nick Konstantinidis

Dear Nick,

I'm going to ask again, for the record. Your response below refers to the first complaint I filed. I am asking for an official response to the SECOND complaint I filed which contains an entirely new question apart from the issue of police misconduct.

Who characterized the case as "unsolved" and how can I request a review of that decision and a new look at the FOI request?

Is the case or "matter" in question, in fact, unsolved? If so, what progress has been made since January of last year?

Thanks for your time,

Kent Madin

On Wednesday, December 6, 2017 5:33 PM, Kent Madin <rett139@yahoo.com> wrote:

Hi Nick,

Thanks for your quick response. Not trying to be cheeky, but is there a reason why the original complaint and the follow up request for response went unanswered for months, until now?

Just for the record, the second complaint I filed is regarding a separate issue that occurred well after the direct communications that you reference with Sgt. Brown. I understand that Sgt. Brown considers that original matter closed and that while I might disagree, I have no way to press her to answer questions I consider to have been glossed over.

My pursuit of an FOI request for the file is a separate and wholly appropriate path for public information and my second complaint references that request.

The new complaint deals with new information discovered through that FOI process literally months after my last communications with Sgt. Brown, namely the discrepancy in how the status of the investigation file was represented by whoever it is that ticked the box on the FOI request from Mr. Davey "unsolved". If Sgt. Brown was the one ticking the box then she was not honest with me in her characterization of the status of the

investigation when we spoke. If someone else ticked that box "unsolved" without Sgt. Brown's knowledge, then the Melbourne Police have a left hand/ right hand problem.

If the public has no recourse when the police mark a file "unsolved", thus blocking an FOI request, the potential for abuse is obvious.

Your statement that Sgt. Brown "has conversed with you and provided you with an explanation and the matter is resolved although not to your satisfaction" is irrelevant to my current complaint. Please don't conflate the two complaints.

Your statement "I am unable to establish any misconduct by members of Victoria Police personnel" again reflects a response to the first complaint, not the current complaint. I did not ask you to judge whether or not misconduct occurred. The point of the FOI request was to let the record show whether or not misconduct occurred. The point of my complaint was to get to the question of the discrepancy in how the investigation's status has been represented. That difference, according to Mr. Davey, makes all the difference in whether the request is granted.

Even if you chose not to respond in substance to this email, please do let the last action you take in relation to my complaint be an acknowledgement of receiving this email.

Sincerely,

Kent Madin

On Wednesday, December 6, 2017 2:50 PM, PSC-POLICE CONDUCT UNIT [COMPLAINTS AND COMPLIMENTS] <PSC-POLICECONDUCTUNITCOMPLAINTSANDCOMPLIMENTS@police.vic.gov.au> wrote:

PUBLIC-DOMAIN Unmarked

Hello Kent,

I have received and read your email.

Our reference is ROCSID 22/2017.

I have reviewed all the emails and information attached to that file and after carefully considering the issues raised in your correspondence, I am unable to establish any misconduct by members of Victoria Police personnel. Senior Sergeant BROWN has conversed with you and provided you with an explanation and the matter is resolved although not to your satisfaction.

As a result, I will not be taking any further action in relation to your complaint.

Kind Regards,

Nick Konstantinidis
Sergeant 28522
Police Conduct Unit
Ph: 92473540
Nicholas.konstantinidis@police.vic.gov.au

From: Kent Madin [mailto:rett139@yahoo.com]
Sent: Thursday, 7 December 2017 06:41
To: PSC-POLICE CONDUCT UNIT [COMPLAINTS AND COMPLIMENTS]
Cc: Tom Cowie
Subject: Assess v101028 7/12 Fw: Complaint from Kent Madin.

Dear Police Conduct Unit:

Five months have now elapsed since I sent my second complaint (all attached below). Please advise when I will hear something from you.

Kent Madin
rett139@yahoo.com
Skype KentinBZN
+1-406-595-2310

On Thursday, September 7, 2017 4:17 PM, Kent Madin <rett139@yahoo.com> wrote:

Dear Police conduct unit.

I have pasted in the receipt you sent me on August 2, 2017 in regard to my follow up complaint (also below).

Since it's now gone a month and five days, I wonder if someone can give me an idea of when I might get a response. I am contacting you to complain specifically about police misconduct so contacting me in vague "due course" hardly seems like a proper answer.

Sincerely,

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

[PSC-POLICE CONDUCT UNIT \[COMPLAINTS AND COMPLIMENTS\] <PSC-POLICECONDUCTUNITCOMPLAINTSANDCOMPLIMENTS@police.vic.gov.au>](mailto:PSC-POLICE CONDUCT UNIT [COMPLAINTS AND COMPLIMENTS] <PSC-POLICECONDUCTUNITCOMPLAINTSANDCOMPLIMENTS@police.vic.gov.au>)

To

[Kent Madin](#)

Aug 2 at 7:57 PM

Thankyou for your correspondence that has been received by the Police Conduct Unit, Professional Standards Command.

Compliment

If you are providing a compliment about a member of Victoria Police personnel, your recognition of their good work is greatly appreciated. We will ensure your comments are passed on to the member and their manager.

Disputing a Penalty Notice

If you want to dispute a penalty notice, please refer to the three options on the reverse of your notice or contact Civic Compliance on Metropolitan: (03) 9200 8111 or Regional: 1300 369 819, Monday – Friday 8am to 9pm (except public holidays) or visit www.fines.vic.gov.au

Complaint

If you are making a complaint, the Police Conduct Unit will assess your correspondence to determine the most appropriate action to be taken. The process applied usually depends on the nature of the allegations and the issues involved, and will be resolved or addressed in the following manner:

- By explanation of the law, or police policy and procedures by the Police Conduct Unit
- By resolution through our 'Local Management Resolution' process, in relation to complaints of communication and customer service issues
- By formal investigation, in relation to complaints of a serious nature such as excessive or unreasonable use of force, dishonesty, threats or harassment or unlawful arrest

You will be contacted in due course, either by telephone or in writing, to explain the process and actions to be taken to address your complaint.

If at any stage you wish to withdraw your complaint please notify the Police Conduct Unit with your intention as soon as possible.

Other Option

You may prefer to complain directly to the Independent Broad-based Anti-corruption Commission website at www.ibac.vic.gov.au should you not be satisfied with the actions of Victoria Police.

*****WARNING*****

Making a false complaint or creating a false belief may be an offence under the Crimes Act 1958 or the Independent Broad-based Anti-corruption Act 2011.

Superintendent de Ridder
Conduct and Professional Standards
Professional Standards Command

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On Wednesday, August 2, 2017 7:55 PM, Kent Madin <rett139@yahoo.com> wrote:

Dear Police Conduct Unit:

I just filed an online follow up complaint to the complaint filed below back on December 1 of 2016.

"Complained previously about Police Misconduct via this medium back in December 2016. Police (Sgt. Rhonda Brown) responded with opaque and unsatisfactory explanation about criminal investigation in which I was the target. Sgt. Brown definitely said the case was closed, over, done.. no action would be taken. Filed FOI request for case file to see if Vic Pol was covering up misconduct of junior officer who demanded confiscation of private property without authority as part of investigation. FOI request denied because Vic Pol characterized case as "unsolved" in direct contradiction to what Sgt. Brown clearly stated. Seeking clarification of why the case in question was characterized as "unsolved" since that tied the hands of Mr. Davey as far as releasing material under the FOI."

I am making this second follow up complaint on the specific advice of the people over at IBAC who I spoke with today for about half and hour.

Here's the Cliff Notes version of this matter:

1. November 17, 2016 Constable Louise Colban takes a complaint from Earl de Blonville at the Melbourne North CIU alleging that I am a cyberstalker.
2. November 28, 2016 Constable Colban formally requests that my hosting company remove a website of mine that Constable Colban characterizes as "defamatory" and using information without permission.
3. November 28, 2016 My hosting company sends me a copy of Constable Colban's request complete with official addresses and phone numbers of Victoria Police. In this fashion I learn that I am being investigated for a felony in your country.

4. November 28, 2016: I called Constable Colban at her station, identified myself as the target of her investigation and offered to answer any questions she might have. She had none and she had no answer to my question about whether or not her request to have my private property was within the bounds of her authority.
5. December 1, 2016: I filed the complaint you find below.
6. Approximately January 17, 2017: I hear from Sergeant Rhonda Brown, Constable Colban's supervisor. We exchanged email about my concerns. We agree to a phone call which takes place a couple of days later and lasts about 45 minutes. While I am pleased to hear from Sergeant Brown that a: I am not in their jurisdiction so they wouldn't pursue me anyhow and b: they have closed the case "we're done" and there will be no further action taken. I note that no one ever even interviewed me, the alleged criminal. Sgt. Brown allows that sometimes they do that when the "facts" indicate. I am assured by Sgt. Brown that the case is closed and over, the investigative file will not be forwarded to either the prosecution division or Interpol. I agree to disagree with Sgt. Brown's explanation of Colban's effort to have my private property confiscated.
7. February 1, 2017: I file an FOI request with the Victoria Police for a copy of the investigation file. I make it abundantly clear that I am not trying to damage Sgt. Brown or Constable Colban, but am determined to get an answer to the question of whether the request to confiscate my property was proper police conduct. I point out to the FOI Manager, Robin Davey, that evidence of police misconduct is one of the areas that cannot be exempted from an FOI request.
- 8: Around March: My request is turned down.
- 9: Around April: I request a review. The original denial is reviewed and then denied again. Both denials make the point that the police contact has characterized the case as "unsolved" when "no further police action", "not authorized" and "no offense detected" were all options for characterizing the case and would have been consistent with Sgt. Brown's characterization. The "unsolved" characterization is what causes Davey, who says his hands are tied (or words to that effect) to deny any part of the file because it might jeopardize further investigation.

Part of that investigative file is obviously communications between Constable Colban, Sgt. Brown and possibly other police officers talking about the surprise of having a criminal suspect call up from half way around the world and suggest that Colban's actions were misconduct and not properly authorized police behavior. The surprise would be confounded by the realization that Colban did not apparently realize that her request to remove my property would automatically alert me to her investigation. On the job mistakes are part of real world training. Appearing to cover that mistake up and then try to sweep the whole matter under the rug is not proper police procedure.

So, at this point I have two main questions:

1. Did Constable Colban exceed her authority and did Sgt. Brown cover that up?
2. Who characterized the case as "unsolved" and how can I request a review of that decision and a new look at the FOI request?

Sincerely,

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

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>

|

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

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