

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.



Tasking & Coordination
Crime Department
14/412 St Kilda Road
Melbourne 3004

COPY

Per Ross Gooch
8-11-11

Assistant Commissioner Graham Ashton
Crime Department

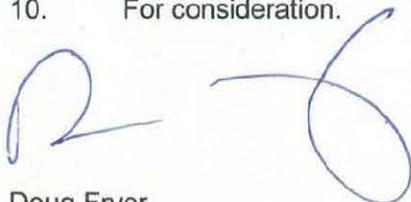
Request for witness Nicola Gobbo (Gobbo) to be withdrawn as a prosecution witness regarding the accused Paul Dale

1. Paul Dale has been charged with approximately 23 charges regarding offences connected to his appearance at the Australian Crime Commission (ACC). Gobbo is a witness in these matters. These matters are being prosecuted by the Commonwealth DPP, and are currently being heard at Melbourne.
2. Gobbo has a significant history with Victoria Police, dating back at least to 2005. Historically she provided invaluable information regarding criminal activity. This information resulted in a large number of significant arrests and convictions. There has been considerable speculation in both the organised crime and legal circles on whether Gobbo had been providing information to police. To be clear the information always involved serious and organised crime.
3. As the Senior Investigating Officer (S.I.O.) for the Driver Taskforce it is incumbent on me to ensure all aspects of witness security is assessed and addressed. The [REDACTED] for Gobbo has been [REDACTED] but unfortunately *cannot* be [REDACTED]. This was conducted by the [REDACTED]. She has refused to participate in the witness protection program and continues to live at a premises that with well known to organised crime figures. The impasse regarding [REDACTED] is due to demands made by Gobbo which Victoria Police can't accept due to legislative restraints and an unacceptable risk (physical) to Victoria Police.
4. I am of the view that Gobbo has liability for her own safety, but, as an organisation if we continue to utilise her as a witness, knowing the risk has not been mitigated then I don't believe we have fulfilled our duty of care to the witness.

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5. Whilst the Commonwealth DPP have been fully committed to the prosecution of Paul Dale, neither they nor Victoria Police are able to fully protect Gobbo from being exposed as a police source whilst under cross examination (irrespective of any P.I.I. claims). It is this exposure that will place Gobbo at an undeniable risk of death or serious injury. This includes exposure in front of the legal fraternity, some of whom have dubious connections to underworld figures and also have an inordinate interest in Gobbo's history with Victoria Police.
6. The witness security matters have now been ongoing for several years and to be blunt there has been no significant advancement. Victoria Police cannot acquiesce due to legislative and safety issues and Gobbo refuses to change her stance that the witness protection act and policy can and should be manipulated to suit her circumstances: it can't and won't be.
7. The likelihood of death or significant injury to Gobbo is a reality. In my view Victoria Police have a duty of care to Gobbo to ensure she is not exposed and that this duty of care must outweigh the necessity to call her as a witness. Any subsequent liability regarding the risk created is carried by Victoria Police, not the Commonwealth DPP.
8. As her testimony is due in the next two days the threat of exposure is ever-present. To mitigate the risk to Gobbo I ask that you formally request the Director of the Commonwealth Public Prosecutions to withdraw Gobbo as a witness. I make this request knowing that at some stage, either at committal or trial that Gobbo will be questioned by the defence regarding her historic involvement with police. Whilst Gobbo continues to hold the status of "witness" she is at continual risk and as an organisation we have the inability to adequately protect her. It is my understanding there are still 6 or 7 charges that can proceed without her evidence. If supported I request that the decision be made immediately and appropriate parties notified as soon as possible.
9. If such a request is endorsed by you and agreed to by the Director I intend writing to Gobbo to advise her of our decision.

10. For consideration.



Doug Fryer

Detective Superintendent

8 November 2011