



Acting Deputy Commissioner Crime

**File Note; decision that comments by Nicola Gobbo do not provide me a reason to believe that Assistant Commissioner Pope is guilty of serious misconduct.**

### Background to the Allegation

In this matter I have received the transcript of a conversation between Nicola Gobbo, and Det S/Sgt Buick, occurring 21 October, 2011. Detective Sergeant Lebusque was also present.

The conversation was part of the normal interaction between Buick and Gobbo, and was recorded in accord with [REDACTED]. Gobbo is an inactive registered Human Source; at the time of the conversation a committal proceeding against Paul Dale was imminent. Gobbo was a potential witness in those proceedings. Gobbo has previously been [REDACTED]

In the conversation Gobbo alleges that she "had a sexual relationship" "on and off for a few months" with now Assistant Commissioner Jeff Pope.

The conversation implies that the relationship occurred before Assistant Commissioner Pope's moving from Victoria Police to the Australian Crime Commission. Gobbo also comments that it would be inappropriate for Pope to be overseeing or to have overseen Gobbo's "handling" by way of his membership on the Driver (Petra) Steering Committee, or to have done so if he had not declared the association.

I subsequently received advice from Assistant Commissioner Graham Ashton, that Gobbo indicated an intention to write a letter of complaint to the Acting Chief Commissioner in regard to this. This comment was made in an unrecorded phone conversation with Buick on 25 October, 2011.

Assistant Commissioner Pope is aware of the general nature of the allegation, but not of the details. He has provided a sworn affidavit, dated 2 November, 2011. Apart from denying any personal relationship with Gobbo, Pope's affidavit indicates that he had contact in a professional capacity with Gobbo during "1999 or 2000". He notes that, on joining the Petra Steering Committee, and subsequently during civil action by Gobbo against Victoria Police, he has declared this relationship to several senior Victoria Police members.

### Statutory Obligation

Section 86L 2A of the *Police Regulation Act 1958*, imposes an obligation to report a matter in certain circumstances;

(2A) *A member of the force must make a complaint to a member of the force of a more senior rank to that member, or to the Director, about the conduct of another member of the force if he or she has reason to believe that the other member is guilty of serious misconduct.*

Serious misconduct is defined in Section 86A of the Act:

***serious misconduct***, in relation to a member of the force, means—

- (a) *conduct which constitutes an offence punishable by imprisonment; or*
- (b) *conduct which is likely to bring the force into disrepute or diminish public confidence in it; or*
- (c) *disgraceful or improper conduct (whether in the member's official capacity or otherwise).*

#### **Advice Taken**

I discussed this matter with the Director of the Office of Police Integrity, and as a result have obtained legal advice around my obligations, and in particular the formation of a "reason to believe" that a member is guilty of serious misconduct. In seeking the advice, I provided a redacted transcript of the conversation.

Mr Shaun LeGrand, Assistant Victorian Government has advised that to form such a belief, I would need to be aware of "*the existence of facts which are sufficient to induce that belief in a reasonable person*".

The advice, goes on to note "*There being no complaint or suggestion by the source that member C (Pope) has behaved inappropriately, the fact that one may believe member C had a personal relationship- involving sexual relations with the source is not enough to support a belief that member C is guilty of serious misconduct.*"

#### **Considerations**

In arriving at my decision I have considered two matters:

- the nature and circumstances under which the allegations were made;
- whether the allegations could constitute serious misconduct.

*The nature and circumstances of the allegations:*

The core allegation is that Assistant Commissioner Pope had a sexual relationship with Gobbo, no more than that. Although Gobbo then questions whether or not Pope should have sat on a Steering Committee overseeing her handling, she makes no allegations as to any other conduct that was inappropriate. She makes no suggestions as to any other behaviour at the time of the relationship, or subsequently.

By Pope's affidavit, it appears that if any relationship had existed, it would have been at least ten years ago.

The conversation itself is very brief, but in that Gobbo seems to suggest a lack of familiarity with Pope ... "*Jeff Pope, that sounds familiar, Jeff Pope, where do I know that name from...*". I question whether an intelligent person of Gobbo's background, would forget the name of a person that they had had a sexual relationship with over several months, even occurring ten years prior.

I am of the view that the material before me is not sufficient for a reasonable person to believe that such a relationship actually existed.

#### **Constitution of Serious Misconduct**

Regardless of whether or not I have formed a reasonable belief that a relationship occurred, I am also required to arrive at a belief that any conduct that occurred would constitute serious misconduct.

Again, the conduct alleged is one of a sexual relationship with a Gobbo. Pope's own advice is that Gobbo was a potential or actual witness or human source at the time that the relationship is alleged to have occurred, but he passed handling of Gobbo over to the Drug Squad presumably in the same time.

There is no evidence or allegation of any other inappropriate conduct; the sexual relationship is the crux of the allegation in this regard. There is no suggestion of favouritism, of any inappropriate exchange of information, or of Pope making or influencing any decisions relating to Gobbo at that time. In Assistant Commissioner Pope's present role, I note that he does not have line control over witness protection, and that at any rate Gobbo is not in witness protection. His role on the Driver Steering Committee is as a member, not as a chair. Again there is no suggestion that Pope has done anything inappropriate in this role.

Again I conclude that the material before me does not cause me to believe that any serious misconduct occurred. The morality of such a relationship, had it occurred, is not something that I can appropriately consider, and is irrelevant.

#### **Comment**

Ms Gobbo has apparently expressed an intention to write to the Chief Commissioner to complain. She is a well educated woman, an experienced lawyer, and well familiar with police practices. I have little doubt she is well capable of making a complaint should she so choose.

Assistant Commissioner Pope's involvement in the Driver Steering Committee has been dealt with as a separate matter, and under separate correspondence.

In arriving at my conclusion I am aware of previous civil litigation in which Ms Gobbo has named Victoria Police as the respondent.

#### **Conclusion**

I have not found a reason to report this matter or to take any further action.

I have not found a reason to believe that a sexual relationship occurred.

Regardless of the alleged relationship, I have nothing before me that suggests serious misconduct by Assistant Commissioner Pope, either around the year 2000, or in recent time.

  
**Tim Cartwright**  
**Atg Deputy Commissioner (Crime and Operations Support)**  
**27 November 2011**