

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

OFFICER PEARCE on 14 February 2020, STATES:

My professional address is care of my solicitors Kenna Teasdale Lawyers level 2, 114 William Street Melbourne, Victoria.

I am a Detective Sergeant of Police attached to the Victoria Police [redacted] Intelligence and Covert Support Command. [redacted]

I make this statement in response to a letter dated 30 October 2019 from Holding Redlich and produce this statement pursuant to a Notice to Produce served upon me through my solicitors. I have been given the opportunity to look at some of my diaries I was also given the opportunity to view the Human Source Management log for [redacted] and the Victoria Police Manual - Policy Rules – Human Sources which is an 8 page document last updated on 16 January 2013 which was applicable at the time I had contact with [redacted] I have requested copies of those relevant entries, but they have not been provided to me prior to me signing this statement. This statement therefore reflects my best recollections with reference to that information made available to me for inspection.

**Personal Information**

**1. Service History**

Joined Victoria Police in January [redacted]

Graduated May [redacted]

Uniform general duties at,

[redacted] Police (1 year),

[redacted] Police Station (1 year),

[redacted] Police Station (4 years).

Temporary duties at [redacted] CIB and [redacted] District Support Group

[redacted] promoted to Detective Senior Constable at the [redacted]

[redacted] transferred to [redacted]

[redacted] transferred to the [redacted]

[redacted] seconded to the [redacted] and promoted to Sergeant

[redacted]

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2011- secondment to the Source Development Unit

2012- transferred to [REDACTED]

2016- transferred to [REDACTED]

2017- transferred to the [REDACTED]

2017- seconded to the [REDACTED]

2. Training

Detective Training School

Advanced Detective Training School

Drug Investigators Course

Clandestine Laboratory Investigators Course

[REDACTED] Human Source Management Course

[REDACTED] Course

3. It is certain that in my time at the [REDACTED] I was involved or associated with investigations that had dealings with Ms Gobbo and the same is possible when I was attached to the [REDACTED] and [REDACTED] although I have no specific recollections of any direct dealings with her.

4. I was attached to the [REDACTED] from [REDACTED] until [REDACTED]. My initial role was as a member of what was known as the [REDACTED], responsible for managing the request for and use of covert investigative techniques including, physical and electronic surveillance and telephone intercepts, to support [REDACTED] investigations and gather intelligence in general. After promotion to Sergeant in late [REDACTED] I returned to [REDACTED] in early [REDACTED] and managed the [REDACTED]

5. In [REDACTED] with arrival of [REDACTED] as Officer in Charge, the [REDACTED] ceased to operate, and I commenced conducting investigations. Each crew now attended to their own covert and reactive investigations.

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6. It has been said that Ms Gobbo was associated with murder investigations [REDACTED] but I was not involved and have no independent knowledge of her involvement [REDACTED] investigations with links to Ms Gobbo that I do recall are one that is known as the [REDACTED] and the other is Operation [REDACTED]

7. The [REDACTED] saw the arrest of [REDACTED] plus two others I think, one being [REDACTED]. My involvement was limited to assisting [REDACTED] by way of securing and operating a suitable observation point and making up the numbers for the execution of search warrants. I participated in searches of the homes of both [REDACTED] and [REDACTED]. I later gave evidence at the County Court trial of [REDACTED] about the location and seizing of exhibits.

8. After the arrest of [REDACTED] and his other co offender whose name I cannot now remember, I returned to the office. I was not involved any further with the accused or the investigation that day. Bethink it was late afternoon when from my desk I saw Ms Gobbo on the floor talking to [REDACTED] and members of their crew. I have no knowledge of the conversations that took place.

9. Operation [REDACTED] was an intense month-long investigation seeking to [REDACTED] in which I was heavily involved under the supervision of [REDACTED]

10. I know it has been claimed that Ms Gobbo provided intelligence to Operation [REDACTED] but I'm not aware of it. The success of Operation [REDACTED] can be [REDACTED] to [REDACTED] referred to as [REDACTED]

11. There were many accused resulting from Operation [REDACTED] and I cannot recall if Ms Gobbo represented any of them.

#### **Use of Ms Gobbo as a human source**

12. I cannot recall specifically when I knew Ms Gobbo was providing information and assisting Victoria Police. I think I found out when it was publicly disclosed in the media. I have no recollection

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of anyone telling me. I do remember many colleagues and people asking, "who is lawyer X"? My recollection is that I did not have any suspicion of who lawyer X was. I have seen a note in my SDU electronic diary that I attended a meeting with John Champion, Dale Flynn and Craig Hayes on 11 April 2011 regarding Ms Gobbo. I do not remember what that meeting was about, and I cannot be certain that I knew Ms Gobbo was a source at that time.

13. I do not independently know of anyone being aware, prior to the end of 2012 that Ms Gobbo was assisting police.

14. I believe that as with any source, the authorisation and continued authorisation for registration and use of Ms Gobbo as a Human source would have been through the Local Source Register (LSR) and the Central Source Register (CSR) ultimately.

15. I have never had any personal contact with Ms Gobbo.

16. Prior to this Royal Commission I had no knowledge of any information received by Victoria Police being attributed to Ms Gobbo.

17. Also prior to this Royal Commission I had no knowledge of any assistance given to Victoria Police where I knew, believed or had reason to suspect that such assistance was provided by Ms Gobbo, other than as a potential witness from 2009.

#### **Concerns in relation to use of Ms Gobbo as a human source**

18. I have no awareness as to whether any concerns were raised at any time by members of Victoria Police (or other policing or law enforcement agencies) as to the use of a legal practitioner as a human source.

19. I have no awareness as to whether any concerns were raised at any time by members of Victoria Police (or other policing or law enforcement agencies) as to the use of Ms Gobbo as a human source.

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20. I have no knowledge or understanding of matters raised by defence during proceedings against Cvetanovski in 2011 relating to Gobbo and [REDACTED] and what occurred as a consequence of those matters being raised. It could be that my attendance at the meeting described in paragraph 12 above may have related to this but I cannot now recall what was discussed at that meeting.

21. I have no awareness as to any discussion within Victoria Police about the obligation of disclosure in relation to material concerning the use of Ms Gobbo as a human source.

#### Other relevant matters

22. I have a note in my diary that on [REDACTED] 2014 I received confidential information concerning a [REDACTED] to a [REDACTED]. My note records that I informed my immediate supervisor [REDACTED] and [REDACTED] informed [REDACTED] at [REDACTED] about [REDACTED].

23. Then on [REDACTED] 2014, I recorded in my diary that I received further confidential information from that same source that [REDACTED] was not willing to assist or meet with Police.

24. Subsequently I received a telephone call from that confidential source on [REDACTED] 2014 which I informed [REDACTED] and [REDACTED] of [REDACTED]. Bethin this call was to indicate that [REDACTED] was now prepared to meet with Police.

25. Then on [REDACTED] 2014 I met with the confidential source who told me that he had been told by [REDACTED] that [REDACTED] was [REDACTED]. I believe that [REDACTED] knew the source was going to the police with this information.

26. [REDACTED] agreed to meet me through an introduction from [REDACTED] at [REDACTED] in [REDACTED] Street. That meeting took place on [REDACTED] 2014. I have not seen any note of what was

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discussed at that meeting. I believe it is likely that we discussed [REDACTED] and whether he was prepared to make a statement.

27. I do recall that [REDACTED] declined to make a statement. This situation was not uncommon for [REDACTED] not to make a statement but did not excuse me from acting. I briefed [REDACTED] and [REDACTED] about my meeting with [REDACTED]

28. Without a statement and facing the need to commence an investigation I needed to document and disseminate information. I was obliged to comply with the newly created Victoria Police Intelligence Doctrine which required sources of information to be named in information reports unless the source was a registered human source. Registrations are commenced then shut down for this purpose.

29. I approached the [REDACTED] to take up the investigation which they did. I do not recall the name of their investigation. It was agreed that I would continue to speak to [REDACTED] and [REDACTED] would conduct the investigation.

30. Over a period of approximately 3 months, I continued to meet or speak with [REDACTED]. The log records that I had five face to face meetings with [REDACTED] which took place on [REDACTED] 2014, [REDACTED] 2014, [REDACTED] 2014 (I have a note in my diary for a meeting on [REDACTED] 2014 but do not appear to have one for [REDACTED] 2014), [REDACTED] 2014 and [REDACTED] 2014. I had telephone contact with him on [REDACTED] 2014, [REDACTED] 2014, [REDACTED] 2014 and [REDACTED] 2014. In viewing the log, it appears that he was registered as a human source on [REDACTED] 2014 by a Victoria Police member registered number [REDACTED] which would have occurred under my direction. The reason given in the log was to obtain information about [REDACTED] and make a first assessment as to [REDACTED] viability or likelihood of registration as a human source.

31. I did not receive any information from [REDACTED] that could lead to any person being charged [REDACTED] but he did provide some information that was of value as intelligence. He seemed to be more concerned about [REDACTED]. I have noted an entry in the log on [REDACTED] 2014 that stated [REDACTED] was not co-operating, was speaking to

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[REDACTED] and that his registration should not proceed due to his unsuitability because his motivation was unclear. On [REDACTED] 2014 he was deactivated, and I ceased dealing with [REDACTED]. However, I believe [REDACTED] continued contact with him.

32. On a date in [REDACTED], I believe, [REDACTED]

[REDACTED] was angered and alarmed [REDACTED]

33. I took [REDACTED] to [REDACTED] and expressed my concern that such confidential information had been released. He was unaware that [REDACTED] had been registered as was the Intelligence and Covert Support Command.

34. Consequently, Superintendent Scott Mahony commissioned a review of the [REDACTED] file. This review was undertaken by my colleague, Sergeant [REDACTED]. I believe that the aim was to determine if it complied with the policy at the time.

35. On 20th April 2018 Mahony called me to a meeting. I attend with [REDACTED]. Mahony explained the reason I was to be removed from the [REDACTED] was due to the registration of [REDACTED] in 2014. Mahony stated I was not told the real reason in the first instance (which had something to do with a unrelated phone call to an [REDACTED] in relation to a personal matter) because he had [REDACTED] and did not want to alert me.

36. Mahony pressed me repeatedly to explain why there were out of sequence and late Information Contact reports (ICR's). There were no specifics provided to me and I was at a loss to explain from my memory alone. I was not referred to the registration file. Mahony had other criticisms but did not say that I was wrong to have commenced the registration of [REDACTED]. I had not seen the registration file after it was closed until I recently inspected it on 15 January 2020. In looking at the file recently I noted there was some criticism of me not having commenced a risk assessment on [REDACTED]

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37. I concentrated heavily trying to remember why a risk assessment was not completed and why there could be ICR irregularities. I was able to identify one possible cause. In [REDACTED] was terminally ill, and I spent time away from work caring for her. She passed away on [REDACTED] 2014 in [REDACTED]. Whilst in [REDACTED] at this time I recall receiving a telephone call from [REDACTED]. I have checked the file and it appears likely that call was received on [REDACTED] 2018 referred to in paragraph 30 above. My memory is that I updated [REDACTED]. I thought this could possibly in part, if not fully, explain the irregularities. I forwarded an email with these details with the dates I was away to Mahony via [REDACTED] and [REDACTED] in the hope it would assist. I did not and have not received any acknowledgement from Mahony.

38. I do not have a specific recollection of training or retraining in relation to disclosure, right to silence, right to a legal practitioner, legal professional privilege, public interest immunity or professional and ethical decision making. I do have knowledge of these concepts and expect that all would have been covered in courses from recruit training up to and including Advanced DTS.

39. [REDACTED] I know of no other matters relevant to the Commission's terms of reference.

.....  
[REDACTED]  
Officer Pearce

Date: 14 February 2020