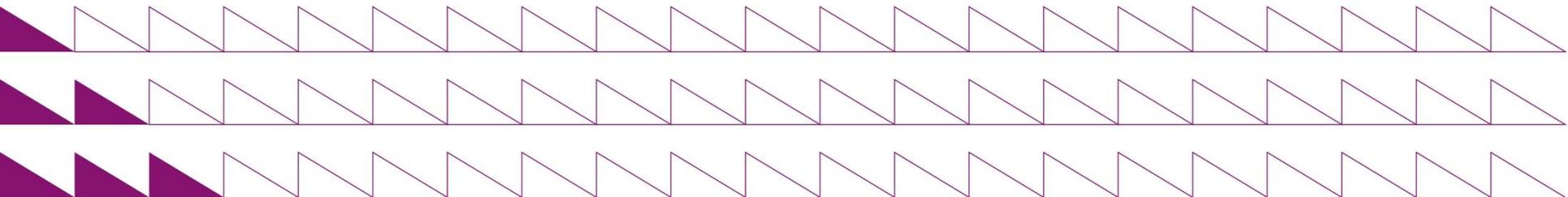


# Operation Gloucester

## Closing submissions

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## Improper statement-taking practices (Overview)

1. Omitting a witness' description of an offender.
2. Omitting information which is contradicted by other evidence or is otherwise perceived by police to be unreliable.
3. Speaking to witnesses to 'fix up inconsistencies' in the evidence, and not disclosing that intervention.
4. Taking a replacement statement instead of a supplementary one.
5. Signing a back-dated statement.
6. Signing an acknowledgement in the absence of the statement maker.
7. Making supposed 'contemporaneous' notes well after the fact.
8. Failing to disclose information which may assist the defence.

## Unifying theme

All of these improper statement-taking practices conceal the sequence and/or manner in which information was provided during the investigation.

They therefore prevent the prosecution and the defence from discharging their duty to test the accuracy of evidence.

They therefore interfere with the administration of justice.

## Improper practice 1:

### Omitting witness' description of offender from statement

- Usually recorded on a separate piece of paper or in a day book.
- Taught at the Police Academy in the 1980s and by some senior police 'on the job'.
- No legitimate purpose for this practice.
- Employed in Operation Pigout and Operation Hamada.
- There has been no direction to cease the practice.

## Improper practice 2:

Omitting information which is contradicted by other evidence or it otherwise perceived by police to be unreliable

- Leaves the question of whether evidence is reliable to the discretion of the individual police officer.
- Reliability is a question for the Court, not the police.

## Improper practice 3:

Speaking to witnesses to 'fix up inconsistencies' in the evidence, and not disclosing that intervention

## Improper practice 4:

### Taking a replacement statement instead of a supplementary one

- A supplementary statement is the only proper procedure for remedying deficiencies in previous statements.
- A supplementary statement:
  - explicitly refers to the fact that a previous statement has been made; and
  - makes clear which matters have been added, removed or altered.
- A replacement statement conceals those matters.

## Replacement statements – Debs & Roberts

- Replacement statements were made by eight first responders to the Silk/Miller murders:
  - => Five of those replacement statements were made by first responders who heard dying declarations from SC Miller.
- A replacement statement was probably also made by the crime scene videographer.
- One of the replacement statements – that of S/C Glenn Pullin – was backdated.
- It is not possible to determine whether other replacement statements were made, due to the destruction/return of first statements and correction memorandums.

## Replacement statements – Operation Lorimer

1. S/C Helen Poke (dying declaration witness)
2. S/C Graham Thwaites (dying declaration witness)
3. S/C Francis Adams (dying declaration witness)
4. S/C Lou Gerardi (dying declaration witness)
5. S/C Ian Gray (first responder)
6. Det S/C Peter Morris (first responder)
7. Det S/C Francis Olle (first responder)
8. S/C Paul Edwards? (crime scene videographer)
9. S/C Glenn Pullin (dying declaration witness – backdated)

## Improper practice 5:

### Signing a back-dated statement

- It is wrong for a person making a statement to sign a back-dated statement.
- It is wrong for a person taking an acknowledgement to sign a back-dated statement.
- A back-dated statement on its face tells a lie.

## Improper practice 6:

Signing an acknowledgement in the absence of the statement maker

## Improper practice 7:

Making supposed 'contemporaneous' notes well after the fact

- The evidence of two very experienced police prosecutors demonstrates that this was common practice until at least 2012.
- It is not known whether the practice persists.

## Improper practice 8:

### Failing to disclose information which may assist the defence

- A certain proportion of the Police Force may misunderstand the concept of 'relevance'.
- All relevant material must be disclosed to the prosecution and to the defence.
- Relevant material includes material which helps the prosecution case, and also material which harms the prosecution case.