

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN FEDERAL POLICE

**Question No. 13**

**Senator Rhiannon asked the following question at the hearing on 18 October 2011:**

**Senator RHIANNON:** I may come back to that but I want to move on to some of the aspects of RAMSI. I understand that in August 2010 a Solomon Islands High Court judge, David Cameron, threw out evidence because AFP officers investigating a murder had, in his words, 'forgot basic procedures, including reading the suspect their rights'. Are the AFP officers who came before this judge in this case still with the AFP? If they are, are they still working in the Solomon Islands? Were the AFP officers advised on appropriate procedures that should have been used and should be followed in future?

**Mr Negus:** I do not have any notes on that particular topic but I do have the head of our International Deployment Group, Assistant Commissioner Frank Prendergast, here. He was running the organisation's component at that time. Mr Prendergast should be able to address some of those issues.

**Mr Prendergast:** In answer to your question about the current status of those people, I would need to take that on notice, but I can say that our officers who deploy overseas are very well prepared. They are experienced police; that is one of the criteria before they deploy. They need five years experience and they also go through extensive pre-deployment training.

**The answer to the honourable Senator's question is as follows:**

1. Yes, the officers are still employed with the AFP.

While Justice Cameron excluded the police interviews from evidence at the appeal he conceded that the defendants were properly cautioned before admissions were made. This did not overcome his perception that the accused held a limited understanding of the criminal justice system at the time the interviews were conducted.

It is important to note that the legal rights afforded to the accused by the Participating Police Force (PPF)/AFP during the investigation exceeded those required under Solomon Island law at the time, this included offering the suspects the right to access legal advice and audio taping the interview.

2. No, the officers are no longer working in the Solomon Islands.
3. Yes, the officers were advised on appropriate procedures through a taped record of interview pro-forma which contained English and Pidgin translation and complied with Solomon Islands Judges' rules.

In addition all PPF officers undertaking policing duties are guided by the Standard Operating Procedures (SOP) (Investigations) Number One, Interviewing Suspects, 2005; along with other legislation and procedures as relevant to their duties in the mission. The stated SOP provides guidance and a pro-forma relative to a standard statement for police to use to inform suspects of their rights.