

D/2015/246892

**ISSUE:**

Approval sought by Detective Sergeant Penelope Brown (registered number [REDACTED]) and Detective Senior Constable Paul Rullo (registered number [REDACTED]) to travel to the United Kingdom to perform investigation duties into the death of Mr Scott Johnson – Strike Force Macnamir.

**BACKGROUND:**

Mr Scott Johnson, 27 old, was an American citizen who was in Australia on a student visa undertaking a Doctorate of Philosophy in mathematics. On Saturday 10 December 1988, his deceased body was located by fishermen at the base of North Head, Manly. His folded clothes and personal property was located on the cliff face directly above where his body was located.

A coronial inquest in 1989 concluded that the deceased had suicided. In coming to his finding the Deputy State Coroner relied in part upon a prior suicide attempt (by jumping) as provided in evidence by his defacto partner, Mr Michael Noone.

In 2012 another Deputy State Coroner considered material provided by Scott's family and concluded that a more appropriate finding was an open finding, citing that misadventure, homicide, or suicide may each be possible.

In 2013 and 2014 a reinvestigation into the death by the Homicide Squad, Unsolved Homicide Team, included interviews, covert operations, victimology, the review of many gay-hate, or suspected gay-hate, crimes and extensive passive data searches.

**COMMENT:**

No direct evidence of homicide has been identified and reinvestigations by Strike Force Macnamir tend to support the current open finding that Scott's death may have resulted from suicide, misadventure or homicide.

Regarding a finding of suicide, the family of Scott have consistently objected to a finding of suicide. They have repeated their objections in the media, formal correspondence, and most recently this April at the coroner's court where they were represented by John Agius, Senior Counsel.

As an alternative to a suicide finding, the Johnson family have proposed a number of theories in the media, in formal correspondence and verbally. These include that Mr Michael Noone murdered Scott, that Scott was the victim of a cliff-side gay beat hate crime, and that Scott's murder was facilitated by the neglect or direct participation of police. They have implied that the 1989 finding of suicide was enabled by tacit cooperation between the coroner and the police.

**CURRENT POSITION:**

A comprehensive statement by Detective Chief Inspector Pamela Young of the Unsolved Homicide Team was provided to the State Coroner in July 2014 which identifies indirect corroboration of expressed suicide ideation by Scott. Strike Force Macnamir has identified that the corroboration of suicide is by two mutual friends of Mr Noone and Scott who reside

in the United Kingdom. They have provided evidence of corroboration in the form of email and verbal accounts and this is incorporated into the current coronial brief of evidence. The exploration and cross examination exploring a possible suicide by Scott will be central to the Inquest.

In April 2015, State Coroner Barnes directed that a third inquest will be held. It is proposed to travel to the United Kingdom in order to;

1. Obtain a formal statement from Mr Nicholas Williams of London, who has knowledge of the earlier attempted suicide.
2. Obtain a formal statement from Dr Roger Bancroft of Kent, who has knowledge of the earlier attempted suicide.
3. Review student and confidential medical records from Cambridge and Oxford Universities.
4. Meet with the next of kin, Mr Michael Noone, and provide the current position of the investigation and coronial process.

Tentative arrangements have been made with, and consent obtained from, individuals relative to objectives 1 to 4 to be completed in the last week of June 2015. The brief service date has been ordered for 17 August 2015 and this material will be included in that service.

Travel by these two NSWPF officers is entirely appropriate due to their two year knowledge of the case, the need for corroboration of this central issue, and their familiarity with the witnesses and next of kin,

**RECOMMENDATION:**

That authority is granted for Detective Sergeant Penelope Brown and Detective Senior Constable Paul Rullo to travel to England in the United Kingdom to carry out these duties.



Penelope Brown

Detective Sergeant

Homicide Squad – Unsolved Homicide Team

State Crime Command

26 May 2015

1. Investigations Coordinator, DI Dickinson

*Supported. Travel and enquiries are required to prepare this matter for inquest and identify possible further lines of enquiry*

J Dickinson  
Detective Inspector

*28/5/15*

2. Commander, Homicide Squad.

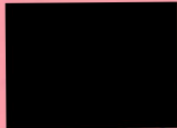
Fully supported in order to await the presiding Coroner with all information + evidence available to enable an informed outcome of any judicial proceedings.



DTA/Sust.  
D. W/SMW  
28/05/2015

3. Director, Serious Crime Directorate.

SUPPORTED. Favored For Consideration.



DAK/Sust  
M. CHARLTON  
28/5/2015

4. Commander, State Crime Command.

5. Manager, Major Incident Legal Advice Section.

6. Commander, Police Prosecutions Command.

4. Commander Homicide Squad.

File referred back re- outcome of dialogue with State Coroner. Discussion with State Coroner by myself on 9/6/15. State Coroner requests that the file not proceed at this time and that consideration could be given at some point in the future if necessary

Michael Willing  
Detective Superintendent  
Commander

5. Det Sgt P. Brown

Homicide Squad 10/6/15  
NSW Police Force

7. Deputy Commissioner, Specialist Operations.

8. Commissioner of Police.

9. Minister for Police and Emergency Services.

## OPERATIONAL OVERSEAS TRAVEL APPLICATION FORM

All overseas travel must be approved by the Commissioner/Minister. The completed application form must be submitted so as to reach the Commissioner's Office at least six weeks prior to the travel being undertaken.

**Note 1:** Items marked with an asterisk do not have to be completed by officers proposing to undertake travel on their own time and at their own expense.

**Note 2:** Please consult the [NSW Police Force Overseas Travel Guidelines \(March 2011\)](#) prior to completing this application form.

PERSONAL DETAILS	Applicant 1	Applicant 2
Name	Penelope BROWN (passport surname LAWLER)	Paul RULLO
Position/Rank	Detective Sergeant	Detective Senior Constable
Unit/Branch	Homicide Squad – Unsolved Homicide	Homicide Squad– Unsolved Homicide
Address	Level 8B, PHQ, 1 Charles Street, Parramatta 2150	Level 8B, PHQ, 1 Charles Street, Parramatta 2150
Contacts: Phone nos, Mobile/Fax, e-mail.		
Signature		
<b>TRIP DETAILS</b> (see also attached itinerary)		
Departure and return dates	Tue 23 June 2015 Tue 30 June 2015	Tue 23 June 2015 Tue 30 June 2015
Countries to be visited	England, United Kingdom	England, United Kingdom
<b>FUNDING AND COSTS</b>		
Airfares (including class of travel)* /internal travel	Economy \$3863 / \$157	Economy \$3863 / \$157
Accommodation*	\$1620	\$1620
Meals and incidentals*	\$1260	\$1260
TOTAL*	\$6900	\$6900
Source of funds* – cost centre number	3241	3241
<b>APPROVAL</b> (to be completed by Chain of Command)		
Supported by (ACoP or equivalent)		
Supported by the Deputy Commissioner		

<b>Commissioner</b>		
<b>Minister</b>		
<b>Travel Register noted</b>		
<b>Duty Status (Office use only)</b>		

## OPERATIONAL OVERSEAS TRAVEL APPLICATION FORM

### 1 Objectives, itinerary and background

The objective of the proposed travel is to obtain two witness statements, obtain confidential records, brief next of kin, in the matter of the third Coronial Inquest into the death of Scott Johnson in 1988.

### 2 Applicant(s)

(a) Detective Sergeant Penelope Brown (Office in Charge)

(b) Detective Senior Constable Rullo (Senior Investigator)

Both applicants are attached to the State Crime Command, Homicide Squad, Unsolved Homicide Squad.

### 3 Financial issues

The Homicide Squad, Unsolved Homicide Team, will incur the cost of travel and award payments.

### 4 Compliance with international protocols

Via NSWPF Major Incident Legal Section

### 5 Health, safety and insurance

Nil vaccination or disease protection is required. The destination has been assessed for security issues via the Department of Foreign Affairs and Trade website. At present there are no security issues of concern for travelling NSW Police.

### 6 Leave

Not applicable.

### 7 Attachments

Proposed itinerary **ANNEXURE A**

Travel costs **ANNEXURE B**

Copies of Australian Passports for applicants **ANNEXURE C**

## ANNEXURE A

### Proposed Itinerary for Brown & Rullo

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**Day 1 Tuesday 23 June 2015:** Depart Sydney

**Day 2 Wednesday 24 June 2015:** Arrive London and attend to accommodation arrangements

**Day 3 Thursday 25 June 2015:** Depart London and drive to Kent (1.5 hrs) and obtain a statement from witness, Dr Roger Bancroft. Return to London accommodation.

**Day 4 Friday 26 June 2015:** Depart London and drive to Cambridge (1.5hrs) to review and copy student and confidential medical records of Scott Johnson. Return to London accommodation.

**Day 5 Saturday 27 June 2015:** Obtain a statement from Mr Nicholas Williams in London.

**Day 6 Sunday 28 June 2015:** Depart London for Oxford to review and copy student and confidential medical records of Scott Johnson. Return to London accommodation.

**Day 7 Monday 29 June 2015:** Meeting with next of kin, Mr Michael Noone, in London.

**Day 8 Tuesday 30 June 2015:** Depart London 8.00pm (arrive Sydney 1 July 2015)

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**ANNEXURE B: COSTINGS**

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<b>Airfare total return fares for 2 officers:</b>	<b>\$7726</b>
Economy QF1, 23 June 2015, Sydney 4.00pm to London 6.55am 24 June 2015	
Economy QF2B, 30 June 2015, London 9.25pm to Sydney 5.10am 1 July 2015	
Total per person: \$3863	
Cancellation: Nil penalty	
Changes: Nil penalty	
<b>Internal Travel UK total for 2 officers:</b>	<b>\$314</b>
Train from London to Cambridge \$60 return each	
Train from London to Oxford \$65 return each	
Train from London to Kent \$32 return each	
<b>Accommodation total for 2 officers:</b>	<b>\$3240</b>
Duke Hotel, London \$270 each per night for 6 nights	
<b>Meals and Incidentals total for 2 officers</b>	<b>\$2520</b>
6 x \$210 each per day	
<b>TOTAL ESTIMATED COST</b>	<b>\$13800</b>