

From: Clair_Hodge/[REDACTED]/Staff/NSWPolice
To: [Michael_Willing/\[REDACTED\]/Staff/NSWPolice](#); [Michael_Willing/\[REDACTED\]/Staff/NSWPolice](#)
Cc: [John_Kerlatec/\[REDACTED\]/Staff/NSWPolice%NSWPolice](#); [Stuart_Robinson/\[REDACTED\]/Staff/NSWPolice%NSWPolice](#);
[LEX_NSWPolice/Staff/NSWPolice](#); [John_Kerlatec/\[REDACTED\]/Staff/NSWPolice%NSWPolice](#);
[Stuart_Robinson/\[REDACTED\]/Staff/NSWPolice%NSWPolice](#); [LEX_NSWPolice/Staff/NSWPolice](#)
Subject: Re: Fw: Death of Scott Johnson - lexid16866
Date: Tuesday, 2 June 2015 21:44:21

Hi Mick

I have been meaning to get onto this over the last few days.

In summary:

- the State Coroner, not NSWPF, will form the view on whether to refer the matter to the Supreme Court for consideration of contempt charges.
- If this happens, this is a criminal charge so I very much expect Pam would have to go to the Union to get separate representation as I cannot see, given the blatant breaches of the Media policy that have occurred, how we (OGC/NSWPF external lawyers) could stand up to represent her personal interests/behaviour.
- assuming NSWPF was permitted to be a separate party to any such proceeding, our position would be to argue that Pam has not committed a contempt for the reasons Sophie already outlined in the first group meeting we had and which she has subsequently confirmed to me. That is, we consider we would be on good grounds in advancing this argument.
- I also have the benefit of an email from Siobhan McMahon to Blake, Strath and Georgie dated 10 April 2015, which reads in part:

Det Insp Young has called this morning to request that I not attend the briefing with Mr Box. The reason Det Insp Young has given is that she wants to have a free and frank discussion with Mr Box about the investigation, and this would be hindered by the presence of an MLO. Det Insp Young added her decision is also designed to protect me (or any MLO) **from possible repercussions** over her comments. [my emphasis]

- I understand Strath contacted you when he received this email and it was subsequently agreed Pam could go ahead and brief Dan Box (and subsequently Emma Alberici) without an MLO being present
- It's clear Pam appreciated that what she was doing could result in repercussions. That was the time to get legal advice rather than requesting legal advice now, after the fact.
- As you know, we will be conducting workshops for SCC in early July on contempt etc and that will be the forum in which to educate our employees on these matters.
- There are two options - firstly, comply with Pam's request that we share with her the NSWPF's legal advice. Another option is that Pam obtains her own advice and is also informed by us that if the Coroner refers it and we are permitted to be a party to those proceedings, we will be submitting that no contempt has taken place.
- John, in Mark's absence this week, perhaps you and Mick could **call me tomorrow morning** before 9am or after 10am to discuss those two options? We should also discuss whether it is in our interests to flag to CSO now that we would like to resume the suspended Part 8A investigation and that we would appreciate an update on the Coroner's position in relation to the issue of contempt. If we are told that the Coroner will not refer the matter, we can then have a more frank discussion with Pam as part of the Part 8A process (bearing in mind these events happened in April and it is not in anyone's interests to let this issue drag any more than it already has).
-

Subject to our discussion tomorrow, I could send the email below (or similar) to Pam (subject to your comments).

Dear Pam

A belated thank you for your email, which Stuart has forwarded to me.

As you know, the State Coroner now has control over the investigation into the death of Scott Johnson under section 51 of the Coroners' Act. The State Coroner has decided that you are not to take a further investigative or decision-making role in relation to the investigation of the death of Scott Johnson. This means that you should not contact any witnesses, gather evidence, or take any other steps in relation to the investigation. I understand this has already been communicated to you by your Commander/Acting Commander.

In relation to preparation of the brief, the State Coroner accepts that you may need to be consulted in relation to the compilation of the exhibits to your statement, for the purpose of the service of the brief of evidence by the due date of 17 August 2015. However, you should refrain from taking any greater role. You do not need to, and it is important that you do not, prepare the brief yourself.

The State Coroner has made it clear that he appreciates that you have undertaken a substantial amount of work in what has been a very complex investigation. The State Coroner has confirmed that your statement will be tendered in the inquest, and that you are likely to be called upon to give evidence about the investigations outlined in your statement. OGC is happy to talk to you closer to the time of the hearing about how best to prepare to give evidence, including ensuring that you have appropriate legal support at that time.

The reason for the decision by the State Coroner that you are no longer to have any investigative or decision making role is that he is of the view that your appearance on Lateline has the potential to undermine public confidence in the impartiality of your investigation and your commitment to it. He considered that it would be very difficult to regain the confidence of key stakeholders if you remained involved in the investigation.

The State Coroner is also currently considering whether to refer your interview on Lateline to a Court to consider whether the interview was a contempt of court. Contempt is a common law crime and is committed when material is published which gives rise to a substantial risk of prejudice to proceedings which is not outweighed by the public interest in relevant material. Once OGC is informed of his Honour's decision, we will notify your Commander immediately.

It is very important in light of all of the matters above that you (and all NSW Police Force personnel) strictly abide by the decisions of the Coroner in relation to the conduct of the investigation. It is important to ensure that Detective Sergeant Brown conducts those investigations independently of you going forward, and that you limit your involvement to being consulted in relation to exhibits to your statement.

It is also important that the NSW Police Force media policy be complied with in relation to all public statements so that legal advice can be obtained where appropriate.

Please note that a decision has been made by NSW Police Force that no public statements will be made at this stage in relation to the Scott Johnson investigation in view of the fact that the coronial proceedings are now on foot.

If you require any clarification of any of these matters, then please contact me.

Clair Hodge | General Counsel | Office of the General Counsel | NSW Police Force |
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▼ Michael Willing---02/06/2015 09:34:33---Morning Clair, I am back in the Homicide hot chair and it is like I never left!

From: Michael Willing [redacted]/Staff/NSWPolice
To: Clair Hodge [redacted]/Staff/NSWPolice
Cc: Stuart Robinson [redacted]/Staff/NSWPolice, John Kerlatec [redacted]/Staff/NSWPolice
Date: 02/06/2015 09:34
Subject: Fw: Death of Scott Johnson

Morning Clair,

I am back in the Homicide hot chair and it is like I never left!

Re the below emails, I have had a short discussion with Pam this morning. In essence, with the discussions that have taken place to this point and particularly in light of the advice received from Ashurst concerning possible contempt of court issues, Pam is understandably concerned and distressed.

What she needs is someone to sit down with her and explain to her from a legal perspective the advice that has been provided to the NSWPF to this point i.e., - where she may have committed an act or acts of contempt. While I have tried to relay the advice from Sophie Dawson as best as I can explain it, it needs to come from a lawyer who can answer Pam's questions.

To this point there are no other processes underway to my knowledge and should anything be initiated I do not believe the provision of advice to Pam would have an impact anyway.

Accordingly, is it possible for her request to be facilitated?

Regards

Mick W

----- Forwarded by Michael Willing [redacted]/Staff/NSWPolice on 02/06/2015 09:17 -----

From: Pamela S Young [redacted]/Staff/NSWPolice
To: Michael Willing [redacted]/Staff/NSWPolice@NSWPolice
Date: 02/06/2015 08:54
Subject: Fw: Death of Scott Johnson

Mick - FYI

----- Forwarded by Pamela S Young [redacted]/Staff/NSWPolice on 02/06/2015 08:53 -----

From: Stuart Robinson [redacted]/Staff/NSWPolice
To: Pamela S Young [redacted]/Staff/NSWPolice@NSWPolice
Date: 29/05/2015 17:04
Subject: Re: Fw: Death of Scott Johnson

Hi Pam,

Sorry for the delay in my reply. I have been very busy.

Clair has asked me to let you know that Mick Willing is interstate this week and she is waiting for his return to progress your request.

Regards

Stuart

Stuart Robinson | Senior Solicitor | Office of the General Counsel | NSW Police Force

Level 8, 140 William Street, Woolloomooloo, NSW 2011
PO Box 1678 Potts Point NSW 1335

▼ Pamela S Young---28/05/2015 14:29:46---Hi Stuart - did you get this? Pam. ----- Forwarded by Pamela S Young [REDACTED] /Staff/NSWPolice on 28/05

From: Pamela S Young [REDACTED] /Staff/NSWPolice
To: Stuart Robinson [REDACTED] /Staff/NSWPolice@NSWPolice
Date: 28/05/2015 14:29
Subject: Fw: Death of Scott Johnson

Hi Stuart - did you get this? Pam.



Pamela YOUNG

Detective Chief Inspector | Investigations Co-ordinator | Homicide Squad

----- Forwarded by Pamela S Young [REDACTED] /Staff/NSWPolice on 28/05/2015 14:26 -----

From: Pamela S Young [REDACTED] /Staff/NSWPolice
To: [REDACTED], Sarah Pritchard [REDACTED]
Cc: Michael Willing [REDACTED] /Staff/NSWPolice@NSWPolice
Date: 26/05/2015 11:46
Subject: Death of Scott Johnson

Hello Stuart and Sarah,

re death of Scott Johnson.

As a result of a job I asked to do recently for SF Macnamir, as of yesterday I understand that I am to receive a written direction that I am not to be involved in any matter whatsoever relative to Scott's death.

Yesterday and also at the time of my appearance on Lateline, the Coroner and police management have made reference to my interview as potentially being in contempt of court. This is a serious allegation that has weighed heavily on me since it was first mentioned. I accept that what I did was unusual, but I have no reliable information that what I did was wrong or unlawful. Every word that I said during the Lateline interview was a direct reference to information and opinion that is recorded in my coronial statements and that was effectively made public by the Coroner at the directions hearing.

No one has explained to me any particulars of the alleged contempt of court and with the affect it is having on my work, I am seeking a legal opinion so that I can comprehend what has happened, why, and how I am to prepare for and give evidence at the Inquest.

I am available all next week.

Kind regards,

Pamela.



Pamela YOUNG

Detective Chief Inspector | Investigations Co-ordinator | Homicide Squad

