



## **THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

*An Address by the Director of Public Prosecutions, Mr Christopher Pryde, to police investigators at the Raiwaqa Police Investigators Evidence Course, Suva, 10<sup>th</sup> June 2020*

---

### Preliminary

1. I first wish to acknowledge and offer my condolences to you for the loss of one of your fellow officers last night which I heard about this morning.
2. I am also pleased to acknowledge the social distancing being practiced for this workshop. We must all lead by example. We cannot expect the public to respect the COVID measures put in place by government if we ourselves do not respect them.

- 
3. My thanks to the Crime Officer for inviting us along here today. We are pleased to assist in training. Training helps us because we get a better feel through discussion for the practical difficulties that you may be experiencing when you are putting a case together and this helps us in turn to think about the way we present the case to court. I also hope that with this training you will feel free to ask questions on any issues with evidence gathering that you have, even if they appear to be quite basic. We don't have all the answers but we can try to answer them and work out the solutions together so please speak up especially if you think we may have overlooked something.

4. Evidence is everything to us. Even if we have evidence that a crime has been committed, it may not be relevant evidence. Even if we have relevant evidence, it may not be quality evidence and even if we have quality evidence, it may not be allowed by the court if it was not obtained properly. If it is not allowed into court, our case may fold, and the accused will be acquitted and everyone is disappointed (except presumably the accused and his lawyer).
5. We may well know through our intelligence gathering that someone has committed a crime but taking it to court requires good quality, relevant evidence that is obtained properly and in accordance with the law.
6. What does it mean to have properly obtained evidence in accordance with the law? It means evidence collected through the established protocols such as your own Force Standing Orders; and in accordance with the Judges Rules for questioning suspects in custody; and in accordance with our own Constitution and the subordinate laws that make up the criminal justice system, the Crimes Act, the Sentencing Act, and the Criminal Procedure Act.
7. The reason that we collect evidence is so that we can tell our story to the court, the story of the crime. We tell our story through the evidence and that story tells the court all it needs to know in order to convict our accused person; the who, the where, the when, the how, and possibly, the why.
8. For a trial to be conducted fairly, we must disclose all of our story to the defence, even the parts of our story that may not entirely assist us.
9. The rule is that all evidence gathered in the course of an investigation must be disclosed to the defence. That is why it is extremely important that when we take scene photographs or provide rape kits to doctors in sexual assault cases, all of this evidence is included in the police docket.
10. It means that when the ODPP registry receives a police docket, we can look at it and see the statement of the arresting officer, the interviewing

officer, the charging officer. We can see copies of the station diaries for each day the suspect was in police custody and for each location he was kept. We can see the cell book entries for each day. We can see the meal book entries. We can see the caution interview and even, if it's working, a copy of the video recording of the caution interview. We can see the scene photographs, the statements of the witnesses, and copies of any forensic reports or search or arrest warrants that may have been obtained.

11. All evidence obtained throughout the course of the investigation should be included in the police docket and this is then used by us to construct and tell the story of the crime to the court.
12. It also enables us to sort the relevance and the quality of the evidence you have worked so hard to obtain; it helps us to assess the strength of our case and to identify any weaknesses or possible defences that we may need to refute.
13. For example, a caution interview is often challenged by an accused person. They often allege unfair questioning at the pre-charge stage. In order for our evidence of the caution interview to be admitted into court, we need to assess the totality of the evidence surrounding how the arrest was effected, how the caution was given to the accused, whether his rights were respected and whether his confession was voluntarily.
14. If the statement is not voluntary or if the confession evidence was obtained unfairly the court will not allow it. We want to be able to make this assessment on the quality of the confession evidence before we go to court. To do this, we need all statements, copies of station diaries and so on at this first stage not later when the evidence may not be as readily available or may have deteriorated for some reason or where police witnesses may not be available.
15. Recently, we lost a case based on a confession because the interview was conducted two years ago and no statements of the arresting officer

or the interviewing officer or the charging officer were recorded at the time of the arrest. In fact, the judge was rather critical of our procedures and he concluded that the lack of fairness given to the accused at the interview stage and our inability to prove that proper lawful procedures were followed meant that he would have to refuse to allow the confession to be admitted in evidence. This is disappointing especially for the investigating officers who had worked so hard on the case. We must do better.

16. When you are investigating a crime, the relevance and the quality of the evidence you are collecting should always be at the forefront of your minds.
17. When a matter goes to court, we in the prosecution are an extension of you in the police and our case is only as good as the evidence that you have worked so hard to collect.
18. We are all in this together. Your work becomes our work. Your evidence is our evidence and together we can tell the story of the crime.
19. Thank you for listening to me and I wish you all the best for the day.

-----END-----