

1 this - when **Mr Cooper** indicated that he wanted to co-
2 operate with police, our first goal was shoring away the
3 charges or the investigation against him, so that's the
4 consequences of us going back and re-doing the interview,
5 the record of interview.

6 It would improper, I suggest, if you were to say to him off
7 tape, we've got you cold on this, this is what our
8 surveillance shows, this is what we say we've got in
9 terms of this evidence and that evidence, and without
10 maintaining a record of that, inducing the person who is
11 a suspect to believe that to be the case and then make an
12 admission - do you accept that?---Not necessarily, no, we
13 would never - No.1, we would never go into the details
14 about what evidence we've got against him. I mean, the
15 situation of Mr Cooper arrest was such that he would
16 realise that he had some major hurdles to jump in
17 relation to those charges.

18 Is your answer you never would have done that and you didn't do
19 it here?---Again I'm having difficulty with your word
20 "inducement" in relation to it all. Mr - I explained to
21 **Mr Cooper** | with another police officer, certain courses
22 of actions that were available to Mr Cooper |. We spoke to
23 him for some time and then it was up to him in relation
24 to which course of action he wanted to take.

25 You spoke to him about his involvement in drug trafficking and
26 your investigation?---Yes.

27 And there is no note of it?---Well, except for the fact that
28 there's my diary notes that we were speaking to him, yes,
29 but that's simply basically that we spoke to him.

30 The diary note says that you spoke to **Mr Cooper** at this
31 particular time. It says nothing about what you spoke

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2 In circumstances where each statement commenced with the words,
3 that he makes it on the basis of the information
4 contained within the statements - I will get it right.

5 "I make this statement in the belief that the information
6 I provide to the police cannot be used against me in any
7 future court proceeding"?---That is correct, yes.

8 So you say that got you around the requirements of the Crimes
9 Act, to get a court order to get him released into your
10 custody?---Regardless of whether that paragraph was there
11 or not, he wasn't being interviewed as an offender, he
12 was being interviewed as a witness, or he's being spoken
13 to as a witness.

14 In relation to his criminal activities that he was not going to
15 be prosecuted for?---Yes.

16 And in circumstances whereby doing this he was looking at
17 getting a substantial discount for those offences that he
18 was in custody for?---That is correct, yes.

19 Now, sorry, I distracted you from your process?---Yes. There's
20 nothing between the 25th and 2nd of May so that 2nd of
21 May was correct. When the first time I started to look
22 at the statement taking or the de-briefing taking
23 process, obtained some overall information to it, and the
24 next reference I have on that is the 10th of May.

25 So that's a process that they've started outside the prison
26 environment?---Well, again, I'll have to check on that
27 because he was outside for several weeks, and then he
28 went back into a prison environment.

29 Do you agree with these propositions: that it would be
30 improper to sanitise his statements? You take the
31 statements in terms of what he provides to you and you

1 said was I cannot recall an instance of that occurring.
2 Yes. Of course, if the process was tape-recorded so that it
3 was transparent, then whether or not this occurred and
4 what was said would be recorded; correct?---It would be
5 recorded, yes.

6 Yes, but the process you chose to employ, we don't know how
7 these statements were made other than by accepting what
8 you say on your word; correct?---That, and ask Mr Cooper
9 and you could ask the other member that was involved in
10 taking the statements as well. We're certainly not
11 trying to hide anything in relation to it.

12 But you've just given an instance where you can't say one way
13 or the other as to what may have been said between
14 yourself and Mr Cooper that is not in these
15 statements?---Well, Mr Cooper and I have had many, many,
16 many hours of conversation that hasn't been recorded in
17 one way or another. I mean, it would be ludicrous for me
18 to try and record every instance of when I speak to him.

19 Haven't you, as a police officer, got a duty, Mr Flynn, to
20 maintain a record of conversations with [REDACTED] that
21 touch upon subject matters such as this?---I have a
22 record of when I speak to Mr Cooper and I generally keep
23 a very short note in relation to what the contents of
24 that conversation is.

25 Do you agree - - -?---On this process of taking statements from
26 him, I mean there was no need for me to take any further
27 details. What was said is in the statement itself.

28 Well, the need I suggest is something that you are aware of,
29 and that is so that people down the track, such as Horthy
30 Mokbel and others who are accused of crimes, based upon
31 what Mr Cooper says, have a record of what else he