



AFPA BULLETIN:

Professional Standards Investigations

11 March 2010

PROFESSION

EMPLOYMENT

WELFARE

LIFE

Assistance with PRS matters

The AFPA legal team are qualified legal practitioners with longstanding experience in the area of Professional Standards. If you are called to appear before PRS in either of the following circumstances, the AFPA wants to remind you of the following important points:

Appearing in a Directed Interview

- You must participate
- You can take a member of AFPA Legal or one of our Delegates into the interview
- You must answer all questions in an upfront and truthful manner. It is a criminal offence to provide false or misleading information whilst under direction, and may lead to termination and/or criminal prosecution
- The information you disclose cannot be used against you in a criminal investigation
- You must not discuss the PRS investigation with anyone outside PRS or the AFPA
- You must not bully, threaten or harass any person involved in the investigation

If you are criminally cautioned

- You are not obliged to participate
- You need not answer any questions and should assert your right to silence until you have sought further legal advice. A negative inference cannot be drawn against you if you choose not to speak
- If you decide to answer questions, the information you disclose *can* be used against you in criminal proceedings in relation to the alleged conduct.

The AFPA recommends that you contact our legal team *as soon as* you have been contacted by PRS, or if you have been suspended from work, so that we can provide you with the maximum advice at the earliest possible stage. The PRS process is often lengthy and involved, and we strongly recommend that you contact our specialist team with a view to obtaining the full range of entitlements on offer from the AFPA.

Further information on PRS investigations is available at the back of the 2010 AUSPOL diary. If you have any comments on this bulletin or any other queries please contact AFPA legal on (02) 6285 1677 or via email on afpa.legal@afpa.org.au

If you have any comments on this bulletin or any other queries please contact your local representatives or the AFPA National Office on afpa.office@afpa.org.au.

Authorised by

Jon Hunt-Sharman, President, Australian Federal Police Association