

CORRUPTION AND CRIME COMMISSION — REPORT ON TASER USE

199. Hon GIZ WATSON to the parliamentary secretary representing the Attorney General:

I refer to the report published by the Corruption and Crime Commission on 16 April 2012 entitled, “Report on the Investigation of Alleged Public Sector Misconduct in Relation to the Use of Taser Weapons by Officers of Western Australia Police and the Department of Corrective Services”.

- (1) Regarding the recommendations that the Director of Public Prosecutions give consideration to the prosecution of Senior Constables Tomlin and Strahan, will the parliamentary secretary ensure Parliament is kept informed about —
 - (a) if no charges are laid, the reasons for this; and
 - (b) if charges are laid, what they are and the outcome?
- (2) If no to (1), why not?
- (3) Regarding the statement at paragraph 45 on page xxvi of the report that the Corruption and Crime Commission will monitor the action taken by Western Australia Police and the Department of Corrective Services to address the issues and implement the recommendations —
 - (a) will the parliamentary secretary please provide full details of the nature of the monitoring that will occur—for example, will it include a period of auditing future incidents in which Tasers are used by officers of Western Australia Police and the Department of Corrective Services;
 - (b) will Parliament be kept informed of the progress observed by the CCC during the monitoring; and, if so, how; and
 - (c) if no to (3)(b), why not?

Hon MICHAEL MISCHIN replied:

I thank the honourable member for some notice of the question.

- (1) Investigative agencies, in deciding whether criminal charges should be laid, apply a prosecution policy requiring, before charging, that there is a prima facie case and a reasonable prospect for conviction, and that public interest factors support the prosecution. That policy will be applied to the consideration of whether charges should be laid against any officer. The charging of any officer will be made public and the outcome will be determined by the courts, which conduct proceedings, ordinarily, in public.
- (2) Not applicable.
- (3)
 - (a) The commission will seek responses from Western Australia Police and the Department of Corrective Services regarding the implementation or otherwise of the recommendations.
 - (b) Yes, pursuant to section 91(2)(c) of the Corruption and Crime Commission Act 2003, the commission will prepare an annual report to inform the Parliament.
 - (c) Not applicable.