

ANNEXURE A



ROYAL COMMISSION

INTO WHETHER THERE HAS BEEN CORRUPT OR CRIMINAL
CONDUCT BY ANY WESTERN AUSTRALIAN
POLICE OFFICER

MEMORANDUM

To: Stephen Hall, Marzio Da Re From: Brian Smith
Date: 12 August 2003
cc: Team 2 Ref: Community Response 3173
Re: QUARTERMAINE INVESTIGATION - SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Contained within the following report (pages 1 - 7.4) is a copy of a memo dated 7 April 2003 I prepared following a review of files requested from IIB, Ombudsman and DPP. This information has been appended to this document as a forward to provide a background and to assist the reader in following a convoluted and sometimes confusing series of events. Commencing on page 7.5 at paragraph 1 is a report summarizing my enquiries, and containing conclusions and recommendations.

On 30 October 2002, I attended at 2 Baal St. CULLACABARDEE with Scott Nicol and there interviewed Ian Quartermaine, 52 years in relation to a complaint lodged with the Complaints Assessment Unit. IQ had wanted to speak with me specifically. He had obtained my name through a fellow aboriginal named Keith Ellis who I'd had dealings with in connection with Brentwood Detective enquiries. Quartermaine presented as a quietly spoken and objective complainant.

Briefly, the circumstances of the complaint relate to the 4th December 1990 when Ian Quartermaine (IQ) was living in the Narrogin area. IQ was the subject of a long high speed chase involving police officers from several police stations in the area. He had his then nine year old son Phillip Quartermaine in the car at the time. It was alleged by police that during the chase, IQ had fired a double barrel shotgun at pursuing police (A) and that when eventually stopped, IQ, in an effort to escape, had driven at a police officer B who was standing on the road, with intent to do him grievous bodily injury. The police case was that Constable B had allegedly fired two shots from his service revolver at the front of the approaching vehicle (from 10 metres and closing) whilst his partner (C) had fired two shots towards the front right tyre of IQ's vehicle in an attempt to make the vehicle swerve from its collision course with Const. C. The police case relied heavily on the fact that police, having been shot at during the chase by IQ and seeing IQ attempting to run down Constable B they formed the opinion that they were dealing with a dangerous criminal intent on causing them grievous harm and being in fear for their lives this justified their shooting at IQ's vehicle. *Strangely, Constable B makes no comment about his point of aim - if you are about to be run down you aim at the driver*

NOT the car.) IQ was shot in the leg by a bullet entering the vehicles front right door and he swerved past Const. B crashing moments later. IQ was pulled through the drivers side window and apprehended. IQ was subsequently charged with five offences arising out of the alleged incident:

- 2 counts - attempt to willfully kill a Police Officer
- 2 counts - assault police with intent to avoid apprehension
- 1 count - attempt to unlawfully shoot a police officer.

IQ maintained that in attempting to drive away from the scene he drove past the police officer on the road B and as he passed the police officer fired shots into the side of the car wounding him. IQ denied ever having aimed his vehicle at the Officer.

IQ consistently denied ever having had a firearm in the vehicle and firing same at pursuing police. He maintained that he had a hammer in the vehicle which he waved out the window at pursuing police and with which, in his anger, he occasionally banged on the door of his car. Police produced a witness (TYSON) who, fortuitously, was not only at the precise spot on a bush road to see IQ fire the one shot at police but had spotlights on his truck so as to see IQ throw some object (presumably the weapon) from the vehicle into the scrub and further, in that momentary glimpse, had seen someone (passenger) crouching down in the vehicle. A two day search of the road in the area failed to locate any firearm. TYSON was able to give specific information as to the nature and type of weapon being allegedly used by IQ as it passed his position on the side of the road at about 140 kph. None of the police witnesses admit seeing a hammer in IQ's possession either at the time of his apprehension neither was there any reference made to it in the Preliminary Hearing. *[Police produced two new police witnesses at the subsequent trial who clearly saw IQ waving the hammer out of the window of his' car during the chase.]*

Patrick Francis TYSON, truck driver of Perth gave evidence at the Preliminary Hearing supporting the police version of the allegations. TYSON was described by

D of Norrigan as being a strong, independent witness who was familiar with firearms. According to IQ, he appeared before the court showing signs of having been assaulted allegedly by associates of IQ to deter him from giving evidence. In a report dated 7/12/90 from D to E he refers to the attendance of the witness TYSON at the police station on 6.12.90 (his statement is undated) D states in the report that TYSON saw the offending vehicle (IQ's car) "diverge to the right hand side of the road as it approached his position and complete a throwing motion that appeared to him to indicate something had been thrown from the car" *This important piece of information does not appear in the witness statement however. and strangely, none of TYSONS' testimony is used at the subsequent trial of IQ.*

TYSON was subsequently charged with Create False Belief, False Report and Perjury. On 31/3/92 TYSON appeared before the Perth District Court charged with Create False

Belief and Perjury and was convicted on all counts. I believe that these charges arose out of the evidence he gave in the Preliminary Hearing against Ian Quartermaine. The police and court files relating to these charges have been requested. *This of course raises serious questions as to the possible impropriety of police in locating a witness able to provide such timely and specific information regarding Quartermaine shooting at pursuing police.*

The police shooting of Ian Quartermaine was referred to **F** of WAPS Internal. Investigation Branch. Upon examination of his report dated 4/1/91 (a period of 1 month after the shooting) and other documents on file there were several matters which initially attracted my attention.

- There did not appear to be any reconstruction of the shooting scene conducted. There is certainly no evidence to that affect within the files examined.
- No comment was made within the IIB report to the fact that there were neither bullet holes on the front of Quartermaines vehicle nor were there any marks on the roadway. There appeared to be no attempts made to locate the spent projectiles from **B's** gun. **F** speculated that they missed the vehicle and hit the roadway.
- The angle of incidence of the two projectiles that hit the front right door of Quartmaines vehicle were, to my eye, close to being at right angles (on a horizontal plane) to the vehicle. One round lodged in the door skin near the hinge area and the other completely passed through the door and struck IQ on the leg. The trajectory of that round as depicted in the photo indicated that the projectile had been fired from a position closer to the vehicle and from a more elevated position. There was no attempt within the report to either note this fact or draw any conclusions from it.
- Had, as alleged in the report, the rounds been fired by **C** from the position he was supposed to have been standing in, to get the same angle of incidence, Quartermaine's vehicle would have been at the point of impact with **B**. The angle of incidence of a projectile fired by **C** (on a vertical plane) to the vehicle door should have been flatter (closer to horizontal) than indicated in the photo.
- There is no report on the IIB file as to any NCO having inspected the weapons of the two police involved in the shooting as to their status (number of shots fired) or reference or adherence to any protocol or policy on the immediate action following a police shooting.
- The two spent projectiles purportedly fired by **C** were recovered from the vehicle and subjected to ballistic/forensic comparison microscope examination against test firings from both officers' allocated

revolvers. The IIB report states conclusively that indeed, the recovered projectiles were from fired from police service revolver Serial No. 18D4116. My examination of documents contained within the files reveals that the firearm that fired the projectiles was in fact issued to B and not C as F's report would have you believe. F makes no mention in his report as to whom that weapon was issued on the day in question. The information is available within attachments to his report. The identity of the 'shooter' is absolutely critical to the IIB investigation into the incident. It is inconceivable that such an important element to the incident was not commented on in F's report. What must be asked is, whether this was merely an oversight or a deliberate act on his part to support the police version of the shooting.

- The evidence of witnesses changed between their first and subsequent statements tendered.
- Police produced police witnesses G and H who did not give evidence at the preliminary hearing who then gave evidence supporting IQ's possession of a hammer.
- The alleged interview between D and Ian Quartermaine was not signed by the defendant or witnessed by the corroborating officer.
- In his report of 9/12/93 to I [] F states "that apart from Ian Quartermaine's statement, to my knowledge, no corroborative evidence from other witnesses to suggest Quartermaine had possession of a hammer or evidence to conclude that a hammer had been located in the vehicle" Clearly this is contradicted by A's statement of 6/12/90 (which differs from his statement of 5/12/90) where he refers to Quartermaine holding an object out of the car and the statements of 8/12/90 from H and G who both see a hammer. Did F miss this fact or did he deliberately decide to deny its existence as it weakened the police justification for the shooting of Quartermaine. F goes on to state that the evidence led at trial in September 91 was the first evidence about a 'hammer' and this was months after he prepared his report of 4.1.91.
- The statement of J of Police Station includes the following "Whilst sitting with the two (Phillip Quartermaine and K at the front counter of the Police Station I heard Phillip say to K that his dad had a gun on the back seat before the coppers arrested him." How unbelievably convenient.

It is always open of course for the police to suggest that the Officers had inadvertently swapped weapons during their shift. In my experience this would be highly unlikely. When issued with a firearm, you are accountable for it and every police officer is highly aware of the importance of maintaining its integrity and accounting for its use at any given time.

The fact that the rounds were fired from B's revolver is entirely consistent with Quartermaine's version of events "as I was going past, the policeman in front on the road fired a shot at me, I saw him hold the gun up and fire at least three shots." The other physical evidence presented (the position of the shooter and the angle of incidence of the projectile trajectory) further supports this contention.

It is reason enough, on this basis alone, to conclude that the shooting was probably unjustified and contrary to regulations and law. I can only conclude that this was a contrived 'cover up' for an act of frustration. A more reasonable scenario is that the police, having been involved in a long and no doubt hazardous adrenalin pumping pursuit and being about to again lose their quarry fired in frustration on Quartermaine as he again was about to make his escape. The independent witness, the alleged possession of a firearm and purported firing at pursuing police were an elaborate ruse probably concocted by D to justify the irresponsible shooting of Quartermaine by B for what were ostensibly, traffic offences. Fortunately the serious charges against Quartermaine were not proved and he was convicted in September 1991 of only assault police to avoid apprehension (2 counts). The veracity of that conviction is now questionable.

What raises the level of seriousness in this matter is the number of Police Officers who were prepared to perjure themselves for the common cause.

Quartermaine wrote a series of letters to the Ombudsman complaining about his treatment at the hands of police leading up to and including the shooting at him and his son by Police.

On 9.6.93 Mr R Eadie of the Parliamentary Commission for Administrative Investigators (Ombudsman) wrote to Mr. Bull, Commissioner of Police.

"Since preparation of the IIB reports, Ian Quartermaine has been found not guilty of the more serious charges against him in relation to the incident in question. A civilian witness cited as a witness in one of the IIB reports has also been tried and convicted of perjury and making a false report"

The letter then refers to a report prepared prior to the trial by F of IIB dated 4/1/91 for the file 91/023 relating to the discharge of firearms and the wounding of Ian Quartermaine by police. Eadie sought reconsideration of certain aspects of the report prepared by F to determine whether, in the light of the evidence and trial findings, he still considered it to be accurate and complete. Eadie then went on

to list a series of questions requiring answers to specific issues (Refer Review documents A)

Eadie sent a 'hurry-up' letter to the Commissioner on 21/10/93 seeking a response to his letter of 9.6.93

By report dated 9/12/93, to I of Kalgoorlie, F addressed some of the issue raised by Eadie in his request of 9.6.93.

In response to a question arising out of the trial evidence concerning IQ's possession of and the waving of a hammer out of the vehicle during the pursuit F made the following statement:-

"Apart from Ian Quartermaines statement, to my knowledge, no corroborative evidence from other witnesses to suggest IQ had possession of a hammer or evidence to conclude that a hammer had been located in the vehicle"

F went on to state that he did not locate the hammer during his inspection of the vehicle and the police officers interviewed did not record any details or make comment of IQ making threats with a hammer. *[this is discussed above and is contradicted by the evidence at trial by the two 'new' police witnesses L [G] and G [H] who both saw the hammer being waved out of the car window.]*

F fails to answer the specific question raised by Mr Eadie concerning the perjury of the civilian witness TYSON. He avoids it completely and refers Eadie to his report dated 5 Oct 93 which details each police officers version of events.

Mr Eadie posed the question (in relation to the shooting of IQ) that since B claimed that IQ had nearly run him down at an earlier roadblock (one of the charges of attempting to kill a police officer) then why had he positioned himself on a second occasion where he had no line of escape. Eadie saw this as a significant issue as both B and C had cited B's inability to escape from the line taken by IQ's car as the reason he was shot at. F wrote in reply to this issue "I can see no reason to reconsider the original findings regarding this matter". In response to a list of specific questions from Eadie, F writes:-

"The remaining queries raised by Eadie have been adequately answered in the report of E (IIB) of 9/9/93 and I agree with the comments."

I note the dismissive nature of this comment and see it as indicative of the refusal of the police culture then, to be accountable to an outside agency.

E's report to M dated 9/9/93 to which F referred, did not fully address the issues raised by Eadie. In relation to the question posed by Eadie about the hammer, E acknowledges that there was no

doubt a hammer was waved out of the car window by IQ and he asks F to comment on it before a reply is drafted to Mr Eadie. F does not address this issue in his report of 9/12/93 as directed.

N of IIB is directed to conduct a review of the internal investigation into the arrest of Ian Quartermain. In his report of 1/11/93 to M of IIB he comments "the internal investigation was demonstrably thorough at the time of the complaint" He goes on to write "it is obvious since the trial, the Parliamentary Commissioner for Administrative Investigations had cause to probe further into the investigators F's write-off (of the shooting complaint) and subsequent result" N, too, directs that the matters of the hammer and the police shooting raised by the Ombudsmans Office, be answered fully by F. They were not fully addressed by F in his subsequent reply.

E and F apparently retired in 1993 or thereabouts.

I have sought the police brief and court transcripts in relation to the trial of TYSON and will review them before interviewing him if this action is deemed necessary.

Even without the benefit of the details of the TYSON prosecution, there are sufficient discrepancies in the IIB investigation to raise serious doubts as to its propriety and that of the charges against Quartermaine.

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

1. ALBANY ENQUIRY - J INTERVIEW- SUMMARY

- 1.1 Upon reviewing the Ombudsman's file of their investigations into the complaints of Quartermaine, there was a reference to J having stated that there was an agreement amongst Police at Narrogin, immediately prior to the chase, to get Quartermaine and that they had armed themselves for that purpose. My objective was to locate and interview J as to this topic and his overall knowledge and involvement in the incident.
- 1.2 On 7/7/03, J was located at _____ He presented as intelligent and well spoken. Although he'd been arrested recently for alcohol related offences he apparently bore no animosity towards WAPS. He left the police service of his own volition because he could see no future there.
- 1.3 J stated he was not present at the shooting of Quartermaine having arrived after the Ambulance in a vehicle with J. J claimed that there was no prior agreement amongst police he knew of, to get Quartermaine that evening. He agreed that Police were angry with

Quartermaine because he made fools of them a week before the incident when he evaded police for a considerable period during another high-speed chase.

- 1.4 He described the condition of Constable's C and B at the scene and later at the station as being almost in shock themselves and very concerned about the ramifications of the shooting. J thought Constable B was 'an arse-hole' and said that he wouldn't have trusted D any further than he could throw him. He believed that everything wasn't quite right about the shooting but could not be specific, just a gut feeling. Denied knowing of or ever having been involved in any 'scrum down' to shore up the evidence but reasoned that as he was not present at the shooting, there was no need to involve him. He thought that if there were a weak link, it would be Constable C.
- 1.5 He stated that the evidence he gave at the trial was the truth. Asked about the independent witness TYSON, J claimed never having heard of him before the incident and thought, when he came forward, he was a genuine witness. He was told that TYSON had been assaulted by Gregory QUARTERMAINE (now deceased) to deter him from giving evidence but found that hard to believe. He did not know that TYSON had allegedly been the victim of an industrial accident at work.
- 1.6 J claimed that he and D had joined the chase in a 'back-up' role. He thought that he had heard 'shots fired' over the police radio and wondered whether police were shooting at Quartermaine or vice versa. He didn't believe shooting at Police was in Quartermaine's nature.
- 1.7 J supplied a drawing of the position of the vehicles at the time he arrived at the shooting scene. Interestingly he has drawn the position of B / C's police vehicle some distance along the road toward WICKEPIN from the position of where Quartermaine's vehicle had hit the pole. The police evidence of the shooting was that Quartermaine drove towards and past B / C's vehicle before colliding with the pole "about 10 feet to the rear of my vehicle" (Para 42 B's statement). In the drawing made by J, Quartermaine's car stopped well short of the police vehicle and this gives further credence to the proposition that the description of the shooting incident was created to justify the result.
- 1.8 J believed that Quartermaine was in shock when interviewed by D. He suggested that we examine the Occurrence Book for the Police Station as he suspected that the corroborating officer to the D / Quartermaine record of interview on 5/12/90 (Constable O) was not really present. [Quartermaine has made no such allegation but if he was in shock, it could explain such an omission]. The Occurrence Book has been requested under Section 6 Notice.

- 1.9 J volunteered C as the person we should approach. C was stationed at . Enquiries were made to locate and speak with C but he was on Annual Leave.

2. METING WITH QUARTERMAINE - SUMMARY.

- 2.1 On 10/7/03 I attended on Ian Quartermaine at _____ to advise him of the Commissions continued interest in his matter but without making any promises as to the likely outcome. Quartermaine had been incommunicado due to his phone being disconnected. He supplied the following mobile number as a contact _____. During the course of the conversation with him, he was asked to draw a map of the position of his and the police vehicles at the shooting scene. He provided details to prepare a rough map of the scene. Quartermaine denied that his car had collided with a pole at the shooting scene i.e. there was no traffic accident.
- 2.2 QUARTERMAINE reiterated that as he went past B, B fired a shot at him. He maintains that when the car was stationary, B had walked towards him firing with one of the shot going through the drivers' window.
- 2.3 Quartermaine further advised me that he believed he had been shot at by C as he passed the stationary police vehicle containing C and B on the road near the Wickepin Golf Course about twenty minutes before he was shot and apprehended. If this is true and it happened before the alleged 'shots fired' call over police radio, what justification did police have at that time to shoot at Quartermaine? There was no mention in the police evidence of any such prior incident regarding shots being fired at Quartermaine. There is, however, independent evidence of this having occurred, An investigator from the Ombudsman's Office acting on the complaint of Quartermaine, attended and examined his vehicle. He took Polaroid photos of bullet holes in the vehicle. He found evidence of three bullet holes on the right side of the car, two in the door and one, which apparently entered near the right front wheel and perforated the inner mudguard. He found and photographed a further bullet hole on the rear trunk lid just above the number plate. This is of course consistent with Quartermaine's allegation that police fired at him twenty minutes prior to having been shot himself, *I note however, that the boot damage is already present in a photograph contained within the IIB file purporting to have been taken on 28 October, 1990.*
- 2.4 Quartermaine raised the question of whether or not the Commission was intending to look at his allegations in respect of the circumstances

surrounding the arrest and charging of his now deceased brother Gregory as detailed on the original complaint file. He was advised that the Commission would not likely undertake that enquiry as the most important witness was deceased. He appeared to accept the rationale.

- 2.5 The police evidence has always been *that only four shots were fired*, two by C at the front right wheel of the vehicle as it went past and two by B as it came towards him. There was no bullet damage found on the front facing areas of the vehicle or on the road and F concluded that the rounds had missed the target. B's statement as to the firing of his two shots, para 41 "*at the time of discharging the rounds the offenders car was within 2 car lengths of me and heading straight towards me under heavy acceleration*" does not correlate with the findings of the Ballistics Officer,

3. RELEVANT WAPS GAZETTE REFERENCE.

- 3.1 Contained within WAPS Police Gazette issue November 21, 1990 is an item under the authority of Frank Zanetti, Deputy Commissioner (Operations) headed 'FIREARMS - USE BY POLICE' It should be noted that this was issued only two weeks before the shooting of QUARTERMAINE by Police. The item reminds readers that Routine Orders give a clear directive that shots are not to be fired for the purpose of stopping a motor vehicle. The item goes on to state "*All Officers should clearly understand that if a shooting of any person results through the use of a firearm by a police officer, that officer may be called upon to fully justify those actions in a court of law. The claim that a particular officer feared for his life or safety or that some other person may not be sufficient to justify the action without some strong supporting evidence*" and gives a directive for all commissioned and non commissioned officers to discuss the matter with personnel under their command.
- 3.2 It is my experience, that the publication of such notices in the Police Gazette is an indicator to the occurrence of a recent prior incident of the use of firearms by police to stop a vehicle.

4. REVIEW OF L's BALLISTIC REPORT- POLICE V QUARTERMAINE

- 4.1 I am concerned with the content of the report of then, L of the Ballistics Section. According to his report, L attended at Police Station on 5/12/90, the day after the shooting and in addition to being handed certain exhibits, conducted a forensic examination of the vehicle. If his report is to be believed, he failed to find and record evidence of the other two bullet holes in the vehicle (sighted by the Ombudsmans' Investigator) and it must be asked whether or not this omission was negligent or deliberate. Significantly, there is no chain of evidence contained in the report as to who gave him the exhibits, who

recovered the exhibit projectiles (spent) from the vehicle or from where in the vehicle they were retrieved. His report would suggest that the spent projectiles were handed to him along with the service revolvers of C and B together with unfired ammunition and fired casings. L conducted test firings of the two police revolvers and compared the test fired projectiles against the recovered exhibit rounds from the vehicle. By this means he determined that the two rounds that entered the right side door of the vehicle had been fired from revolver serial number 18D 4116. Examination of the Police Station Firearm Register would have revealed that on 4.12.90, that weapon had been issued to B.

4.2 I find as suspicious, L's failure to highlight in his report that the rounds recovered from the vehicle had been fired from B's gun. In his report L referred only to the revolver number from which the projectile was fired.

4.3 The Accident and Emergency Notes from the Narrogin Regional Hospital records the attendance of Quartermaine at 7.35pm on 4.12.90 as a consequence of a traffic accident and for treatment of a gunshot wound. The examination notes record a gunshot wound to the left leg, facial injuries and that he was tender in the lower abdominal region. In a complaint to the Ombudsman, Quartermaine alleged he had been beaten by police during his apprehension (denied by police) and again denied having a traffic accident. There is an inference here that the police falsely reported Quartermaine having been involved in a traffic accident to explain any consequential injuries arising from his alleged beating at their hands.

4.4 The Hospital notes (contained in the IIB investigation report 91/0023) record both an entry and exit wound to the victims leg so it is reasonable to assume, given its apparent trajectory, that the bullet that inflicted the injury would have remained in the vehicle after having passed through the outer metal skin of the vehicle, the interior door trim and the leg of Quartermaine. There is a photo on the IIB file indicating the path of the projectile using a metal rod, through the outer skin of the door, the interior trim and continuing on to a point approximating the left knee of a person seated in the drivers seat. Presumably then, this was the bullet that inflicted the injury. The trajectory of that projectile is close to a right angle to the side of the vehicle (see attached copy photo from IIB file) and accordingly would have to have been fired from a position immediately adjacent to the drivers' side door, a position that F's IIB report maintained, was occupied by C.

4.5 If one examines the angle of incidence of this projectile to the car door as indicated by the rod (see attached copy of photo from IIB file) and prolongates

that trajectory towards the firer (assuming that the vehicle and the shooter were on the same horizontal plane), it quickly becomes apparent that the 'shooter' was probably within 1- 1.5 metres of the vehicle when the shot was fired. This too, is consistent with QUARTERMAINE's version of events. The distance from the vehicle to where the shot was fired, could be calculated with some accuracy if required.

- 4.6 If this projectile was one of those presented to L as a recovered exhibit and subsequently determined by him to have been fired from B's revolver, then Quartermaines' version of the shooting is independently corroborated. Given Quartermaines' version of events and the fact that only B's rounds were recovered from within the vehicle, I have serious doubts whether C fired any rounds whatsoever at the shooting scene. It is a more probable hypothesis that police conspired to pervert the course of justice by later firing two rounds from C's revolver to support that part of the fabricated version of events and then produced the casings for forensic examination.

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F's 'SHOOTING' INVESTIGATION - REVIEW OF STATEMENT OF IAN QUARTERMAINE -FINDINGS

- 5.1 Contained within the IIB file (No.91/0023) is an original handwritten document of nine pages on blue lined foolscap paper. The author of the document is F and it is dated 5/12/90. Each page of the notes is signed with 'Ian Quartermaine' and dated 5/12/90. I note with some suspicion that the handwriting of the statement has an unbroken flow with virtually no alterations or corrections and further, that the colour of the paper and the print dye on pages eight and nine differ from the first seven.
- 5.2 The document purports to be the statement of QUARTERMAINE, which, I presume, was taken by F in connection with the IIB investigation into the police shooting. I note that it is dated 5/12/90, the day after the shooting and taken while QUARTERMAINE could still have been in shock. At this early stage, QUARTERMAINE states categorically that as he went past, the policeman in the middle of the road fired at least three shots at him, a story he maintained throughout his trial and to date.
- 5.3 The fourth and fifth paragraphs of the statement (Page 7) refer to QUARTERMAINE's possession of a hammer during the chase. He is alleged to have said *"I can also remember hitting the drivers side door with a hammer a lot of times and that could have sounded like a shot"* and then *"I kept hitting the hammer on the side of the door because I was angry at them for chasing me for no reason"*. I note that in the photographs contained within the IIB file, there is no indication of any damage to the driver's side door consistent with being struck by a hammer hard enough

to sound like a gunshot to pursuing police. I question why QUARTERMAINE would volunteer that the noise of his hammer hitting the door of the car might have sounded like gunshots unless the words were 'put into his mouth' by F for the purpose of laying the grounds for police to form a reasonable belief that QUARTERMAINE was armed. There was no hammer reportedly found in the vehicle or recorded as Prisoners Property

- 5.4 Compare too, the tenor and syntax of the language attributed to Quartermaine in his interview with F to that which he allegedly used during the interview later the same day with D.

Example of comments attributed to Quartermaine in the interview of 5/12/90

"I can also remember hitting the drivers side door with a hammer a lot of times and that could have sounded like a shot" and then "I kept hitting the hammer on the side of the door because I was angry at them for chasing me for no reason".

Example of comments attributed to Quartermaine in the interview of 5/12/90

"A fucking hammer, a fucking hammer man, no guns" and "I was just waving the hammer around giving you cunts the shits.

*Also compare with the tenor of the alleged conversation attributed to Quartermaine in D's statement and contained in Para 7 of this report

6. INTERVIEW OF TYSON - SUMMARY

- 6.1 The objective of this interview was to determine whether or not TYSON had been coerced into giving the statement and in so doing had conspired with police to convict Quartermaine of serious charges
- 6.2 On 14 July 2003, together with Scott Nicol, I taped an interview with Patrick TYSON, now unemployed, but previously the owner/driver of a truck engaged in a freight carrying business sub contracted to Nightroad Express. TYSON was the 'independent witness' who volunteered that while driving his truck he had seen Quartermaine on the Narrogin/Wickepin road apparently firing a shot at pursuing police. TYSON subsequently gave evidence at the Preliminary Hearing against Quartermaine in the Narrogin Court..

- 6.3 On 17 May 1991, TYSON was arrested and charged with perjury in relation to that evidence by P and Q at the Racing Squad Office, Perth Central.
- 6.4 In his interview with us, TYSON freely admitted that he was nowhere near the pursuit incident on the evening of 4/12/90 and that he had heard some details of the chase over the ABC radio news. He had rung a police officer mate of his (R) and on the spur of the moment had 'bullshitted' to him that he had seen the chase. Before he knew it he was speaking with D and on the evening of the 5th December 1990 was interviewed over the front counter of the Police Station by D who made handwritten notes. He believes he may have been asked to initial the notes. [D records in a report dated 7/12/90 to IAB that Tyson gave the statement on the 6th December 1990 - Tyson is sure it was the evening of the 5th]
- 6.5 Tyson stated that one or two days later he attended at Police Station and signed his typed statement. It was all done in a bit of a hurry as he was pressed for time. Either that night or very close to it, he took D in his Volvo truck to a location on the Narrogin/Wickepin road that he selected as being a suitable position to continue the charade. Tyson stated that he had only minimal knowledge of the alleged incident as supplied by the radio news broadcast and could not provide detail when questioned by D. He claimed that D told him that there were two police cars following Quartermaine, that Quartermaines' car was yellow and that the police cars were following about 1 km behind, so he embraced those details in his story. Similarly, that D had suggested that Quartermaine had thrown his gun from the car so he had included that in his story. D had also said that Quartermaines' child was in the car during the chase so he included that in his story also. In his record of interview for the perjury charges however, Tyson allegedly stated that he saw Quartermaines' vehicle on a trailer being towed in Narrogin the next day. Tyson claimed that that record of interview did not entirely reflect the conversation he had with the interviewing Detectives (see Para 5.10).
- 6.6 In a report dated 7/12/90 by D to IIB about the incident (prepared after he had obtained a statement from TYSON), he alleged that Tyson had stated seeing Quartermaine's vehicle *"diverge to the right hand side of the road and the driver complete a motion that appeared to indicate something was thrown from the car"* TYSON denied this topic was canvassed with D. The incident did not appear in the typed and signed statement of TYSON although it would appear to be very significant given that the alleged firearm with which Quartermaine was said to have shot at police, was thrown away during the chase and never located. Tyson's typed/signed statement details that he saw Quartermaine with a

short barreled firearm in his hand aimed back at pursuing police as he went past and heard a shot immediately after. D suggests in his report of 7/12/90 that something, presumably the mythical gun, was thrown away before it was allegedly fired at pursuing police as recorded in the later prepared typed statement.

- 6.7 Prior to giving evidence in the Preliminary Hearing, TYSON claimed to have stopped for what he thought was a broken down car on a bush road at night and having been dragged from his truck and assaulted by five men. He received quite a severe beating requiring Hospital treatment and pain-killers. Notwithstanding his injuries, he gave evidence at the Preliminary Hearing. He acknowledges that he was suffering from a chronic post traumatic stress disorder at the time as a consequence of witnessing the burning death of family in a car fire he had attended as a voluntary firefighter. He claimed that the lie was now out of control and he didn't want to go on with it and give further evidence against Quartermaine. On 11 April 1991, TYSON's defacto found a death threat in the letter-box and as a consequence of this and the assault TYSON was offered and provided with police Tactical Response Group protection at considerable cost to WAPS. [TYSON was subsequently ordered to make restitution of \$15,000 costs incurred by WAPS as part of his penalty].
- 6.8 In his interview with me, TYSON claimed that he truly had been assaulted, that he was not the author of his own death threat (notwithstanding his signed admissions to the contrary upon his arrest for perjury on 17.5.91.) and that he had signed his record of interview by P and Q so he could get the interview over, make bail and do his trucking run that night.
- 6.9 On 17/5/91, about 2 months before the trial of Quartermaine, TYSON was approached by P and Q and taken to Perth Central ostensibly, he says, to discuss some new developments in the Quartermaine matter. He suspected something was amiss when he wasn't issued with a Visitors Pass at the desk. He claims to have been held in an interview room and interviewed at length in a very intimidatory fashion by the two Detectives. They knew that he had a trucking business and was due to make a run that night. They suggested he had created the story of witnessing Quartermaine shooting at police and as a consequence he would be charged with perjury. They intimated they would keep him here until after the Bail Justice had left so he wouldn't get bail until he admitted it and that his business would suffer accordingly.
- 6.10 TYSON admitted the lie eventually and Police took handwritten notes during an interview. He claims that the police did not type a question, ask it then type down his answer. Police left him in the interview room and returned after half an hour or so with a completed typed record of interview which he signed and which was later tendered at his trial. He

alleges he was not read his rights but the caution is recorded on the typed record of interview signed by him. On the completion of the interview one of the Detectives left the room and made a phone and he heard him ask for

D. During the first part of the interview (while handwritten notes were being made by Police) Tyson claims to have maintained that he had indeed been assaulted by five men, that he was not the author of the death threat found by his defacto and that he had never even seen it, but the police didn't believe him. TYSON claims to have signed his record of interview without reading it and not knowing it had him admitting that he had lied about being assaulted (when he hadn't) and that he was the author of the death threat (when he wasn't). TYSON said that as he had admitted the Quartermaine incident was a lie, he trusted that the police had accurately recorded the other things and realised now, that he should have read the record of interview.

- 6.11 On 21/7/03, I spoke by phone with S of at _____ S had been TYSON's boss at _____ at the relevant time. S clearly remembered TYSON and that he had got himself tied up in some incident down South but could not remember any work related accident to Tyson within the freight yard where TYSON had sustained facial injuries as a consequence. S volunteered that TYSON was prone to stretch the truth when it suited him.
- 6.12 TYSON then informed me that he had been subpoenaed by the DPP and flown to Albany to appear as a witness in the trial of Quartermaine on 22.7.91 and that this had 'freaked him out' given that he had been arrested and charged with perjury in relation to the evidence he had given in the preliminary hearing. This did indeed appear on the surface to be unusual. Inspection of the court transcripts contained in extracts of the DPP file for the Quartermaine trial revealed however, that TYSON's attendance was requested by T, counsel for the defence, as he too suspected that TYSON had conspired with police to get Quartermaine. The Crown had no intention of calling TYSON and T upon hearing of the circumstances of TYSONS' charges, accepted that TYSON was not so involved on the basis of his admissions of 17/5/91 and consequently, he was never called to give evidence.
- 6.13 My interview with TYSON only served to complicate and confuse THE issues but I am reasonably satisfied that he came forward voluntarily and was not a witness 'created' by police to bolster the evidence against Quartermaine. There are indications however that he was coached by D in the detail of his statement. If what TYSON says about the witness interview conducted of him by D is true, (supplying him with the necessary detail to match the

police version of events) then there might be some ethical and training issues for WAPS to address.

7. D INTERVIEW OF QUARTERMAINE - REVIEW FINDINGS

- 7.1 Contained within documents I marked as Review 'E' is a statement prepared by D purporting to be a record of his interview with Ian QUARTERMAINE conducted on 5/12/90 at the D's Police Station. I note that it is in fact D's statement and QUARTERMAINE was not asked to sign it. There was nothing found within D's statement or the IIB file to indicate that QUARTERMAINE was offered legal representation for what was clearly an interview for very serious criminal charges. The nature of the caution administered was not specified within the statement. There was no reference within D's statement as to whether or not QUARTERMAINE was offered a record of interview or that he subsequently declined such an offer.
- 7.2 The WAPS COPS Manual currently has a reference (OP 30.11), recommending compliance to Section 49 Aboriginal Affairs Planning Authority Act 1972 and the 'Anunga Rules and Guidelines' for police to use during the interrogation of aborigines. There is nothing to show in the files examined that Quartermaine, an aboriginal, was afforded any special considerations during his interviews however.
- 7.3 There was no start time or finish time recorded within D's statement concerning his alleged conversation with the defendant. QUARTERMAINE, of course, made suitable admissions to the pertinent elements of the charges he faced (drive at police with intent to kill and avoid apprehension) and managed to convey to the reader that he would seek future retribution for his shooting at police hands.

For example:-

- IQ A. "I should have run the cunts over then when I had the chance."
D Q. "So you're saying you drove at them?"
IQ A. "You fucken oath, you dogs were only gunna lock me up. I was just protecting my boy"
D Q. "What did you drive at the coppers for?" (sic)
IQ A. "Cause they were parked all across the fucken road, the dogs, I was gunna make them get out of the fucken way".
D Q. "Your not wrong. How close did you get to the coppers?"
IQ A. "What do you reckon, one cunt ran for his fucken life into the scrub."
D Q. "Are you saying you tried to kill the two coppers?"
IQ A. "Well if they didn't get our of the way, fuck them, you're all dogs."
D Q. "So you would have run them over just because they were trying to road block you?"

IQ. A. "Yea. What did I do wrong. You dogs every time I come to this fucken town." (sic)

On Page 14 .5 of D's statement is one the most self serving passages of conversation I have ever seen in a record of interview:-

D Q. "Well, say what you like Ian, I believe you drove your car at the coppers and I reckon you fired a shot at them to prevent your arrest, as it stands you're going to be charged with attempting to unlawfully kill the two officers and discharging a firearm with intent to prevent your lawful arrest, do you want to make a statement about the matter and give me your side of the story, you don't have to sign it"

IQ A. "Na, fuck me, what has he been writing all this stuff for?"

D Q. "It's just notes, do you want me to read them back to you?"

IQ A. "Attempted murder, I didn't kill them. Na, just lock me back up, you cunts will pay for this, look at my fucking leg, I'll remember you."

7.4 D has allegedly had a fifteen-page interview with QUARTERMAINE and then has the temerity to offer him a chance to give his side of the story? One has to ask whose side of the story was Quartermaine giving in his previous answers to D's questions?

7.5 QUARTERMAINE then supposedly replies in the negative to whether or not he wants to give a statement thereby negating the need for D to do anything further.

7.6 The comment attributed to QUARTERMAINE by D "what has he been writing all this stuff for" by which he purports to acknowledge the presence of Constable O at the interview, was without peer, in terms of establishing there was an independent witness present, judiciously taking notes of the conversation. And how convenient is it that QUARTERMAINE does not want the notes read to him?

7.7 Constable O, the corroborating officer to D alleged conversation with QUARTERMAINE has supplied a statement to the effect that he made notes of that conversation and that he'd read D's 15 page statement and corroborated that evidence. Why would D need someone to corroborate his statement? If anything, D should have read O's notes and endorsed them as being an accurate record on which he'd based his statement?

This raises the following questions:-

(1) Why wasn't there a proper record of interview offered to QUARTERMAINE?

[Answer: Quartermain wouldn't have answered questions or he would have given unsuitable answers?]

- (2) What evidentiary weight does such a statement have?
- (3) Were the notes of Constable O (taken at the time) ever tendered or reviewed against the alleged 'statement'?

8. REVIEW OF POLICE STATION OCCURRENCE BOOK

- 8.1 On Page D340443 of 4/12/90 is a notation to the effect that Constable B was interviewed by U at 1930 hrs. I presume that if this were in relation to the shooting then there would be notes available. No such interview was located in the IIB file of the investigation into this matter.
- 8.2 On Page D340444 at 2133 hrs is a notation recording F of IIB arriving at . On page D340445 at 2200 hrs 4/12/90 is a notation that F interviewed all officers involved in the incident. I am unable to locate any such interview notes in the IIB file.
- 8.3 In an out of sequence entry on page D 340446 is a notation at 2300 hrs 4/12/90 of D having advised QUARTERMAINE that the following charges would be preferred (1) Excess 0.08, (2) Reckless driving and (3) fail to stop when called upon. One would have thought that the most serious charges that the evidence appeared to support would have been laid at this point. Why is there no reference here to firing at police to avoid apprehension and attempting to kill police? Again, it is open to conjecture that no such evidence existed and that these charges were developed later as part of the subterfuge to justify the police shooting. It is not until 1515 hrs the next day (5/12/90) on page D 340451 and after the alleged interview of QUARTERMAINE by D / O was there a notation that further charges of (1) unlawfully discharge firearm and (2) two counts of attempted unlawful killing were to be added.
- 8.4 Constable O started his shift at 0330 hrs on 5/12/90 and accordingly I question why he was selected to corroborate the 'interview' of Ian QUARTERMAINE? O's shift was due to terminate at 1200 hrs 5/12/90 yet he apparently remained *on duty incurring overtime* without any Occurrence Book entry detailing a reason until 1400 hrs at which time the alleged interview of QUARTERMAINE commenced. O booked off at 1600 hrs, three quarters of an hour after the apparent completion of the QUARTERMAINE interview, incurring 4.5 hrs overtime in total. O was not involved in the chase or apprehension of QUARTERMAINE, so why was he selected as the corroborating officer? [Likely he was hand picked by D : as someone who would hold the line under examination]

- 8.5 There is no Occurrence Book entry between 4/12/90 - 8/12/90 recording the attendance of TYSON at the station or of his statement having been taken by
- 8.6 On page D 340449 dated 5/12/90 is a notation at 0900 hrs to the effect the QUARTERMAINE has been locked in the cells ex Narrogin Hospital charged with Exceed 0.08% and reckless driving. Again no reference to the serious charges one might have expected to be recorded.
- 8.7 On page D 340450 at 0930hrs 5/12/90 is a notation that **B** on duty to complete report re QUARTERMAINE shooting and to be interviewed by **F** of IIB. No record of that interview was located in the IIB investigation file.
- 8.8 On page D 340451 is an out of sequence notation at 1200 hrs that **C** was on duty to complete a report re QUARTERMAINE shooting and to be interviewed by **F** of IIB. No record of that interview was located in the IIB investigation file.
- 8.9 There was no reference in the Occurrence Book recording the interview of QUARTERMAINE by

9. REVIEW OF **D's** - SUMMARY OF FACTS - POLICE V QUARTERMAINE

- 9.1 A document entitled 'Summary of Facts' dated 4 April 1991, (contained in Review 'E') is a chronology of the supporting evidence prepared for the Prosecution by **D** in relation to the charges against Quartermaine viz 1 count Discharge Firearm with Intent to Prevent Arrest and two counts of Attempted Unlawful Killing.
- 9.2 The glaring omission in the summary of facts prepared is, that there is no reference whatsoever to the evidence of **A** the person allegedly shot at by Quartermaine during the chase. Now **A's** evidence was, that while traveling three car lengths behind Quartermaine's vehicle "I then saw the driver of the vehicle put his right hand out of the vehicles driver window and point a rifle towards my vehicle and discharge a shot" (Ref P.3.4 his statement) and "I immediately backed off to 80 - 90 metres behind the offending vehicle and advised all vehicles that a shot had been fired by the driver of the offending vehicle" and further "I did not hear the noise of the firearm but I noticed a flash come from the end of the rifle." (Ref. his statement P3.5). All relevant police witnesses apparently testified having heard the 'shot fired' radio transmission and included it in their statements.

- 9.3 However, on Page 5 of D's 'Statement of Facts' under the heading 'LIST OF WITNESSES' he records the name of A his contact details and then, a short summary of the nature of the evidence the witness will give - "*Driver of police vehicle fired upon by accused.*"
- 9.4 A's testimony was a vital piece of evidence in support of the criminal charge of 'Discharge Firearm with intent to Prevent Arrest, yet it was omitted from D's Summary of Facts. The question to be asked, is, given the preceding paragraph, was this omission deliberate or an oversight? In view of what D subsequently wrote (see paragraph 9.6) the omission appears deliberate.
- 9.5 F of IIB subsequently relied heavily on this testimony (Quartermaine being armed) in his rationale for defending the police use of firearms in the shooting of Quartermaine and for the prevention of injury to attending police while affecting the apprehension of the offender.
- 9.6 On Page 2.2 of D's 'Summary of Facts', the rifle that A saw being fired towards him from three car lengths away has become a hammer, "*the accused was observed on several occasions to hold an object, similar to a hammer out of the driver's side window of his vehicle, toward pursuing police*" and at 2.5 "*He was again observed to hold an object out of the driver's side window at the Police vehicle following.*" In D's Summary of Facts,(Ref P3.5) the only person now to have seen a firearm being used by Quartermaine during the chase was the later discredited witness TYSON.
- 9.7 One could be forgiven for postulating that the evidence of A was completely fabricated, post shooting, to justify the use of police firearms during the apprehension of Quartermaine. A apparently had no difficulty in giving that testimony in the Preliminary Hearing and at the later trial.
- 9.8 It seems that evidence against QUARTERMAINE was added to or taken away by the Officer in Charge of this case, as he saw fit.

10. CONCLUSIONS

- 10.1 Quartermaine was found not guilty of the attempted wiful murder charge of firing at pursuing police. No firearm was ever found. Once TYSON was discredited for the trial, no other evidence was given or apparently available to show that Quartermaine ever had possession of a firearm during the chase. In fact, police subsequently led testimony at the trial that Quartermaine was seen waving a hammer out of the vehicle. The police justification for the shooting of Quartermaine was founded on him having a firearm and with the only reasonable conclusion being that there never

was a firearm, the shooting cannot be justified on the basis of trying to stop the vehicle for traffic offences or to avoid lawful apprehension unless police could show they were in fear of their life. There is no record in the IIB report of the hammer being found in Quartermaine's vehicle or ever being photographed. There is however a reference in the evidence in chief of G that a hammer was found in the vehicle. A hammer was produced to G and subsequently marked as an exhibit in the trial.

10.2 On the basis of the ballistic evidence alone (see paragraph 4), the police version of the Quartermaine shooting is fatally flawed. My review to date has shown that there are grounds to find, that having recklessly shot at Quartermaine and his son for what were ostensibly traffic offences, police chose to create a version of events to justify the shooting on the premise B feared for his life. The ballistic evidence shows that QUARTERMAINE's vehicle went past B and he was able to fire shots into it from near to right angles to the vehicle and therefore was not in immediate danger of being run down. In protecting B/C from possible criminal and/or disciplinary charges, the police were then locked into giving false testimony against Quartermaine at both the preliminary hearing and later trial.

10.3 Equally serious however, is the superficial investigation conducted by F which frankly, smacks of a cover-up. The following shortcomings are worthy of note:-

10.3.1 There is no record on the IIB file that the police officers who witnessed the shooting incident were ever formally interviewed by F under regulatory direction or criminal caution. Examination of the IIB file reveals that the witnesses prepared reports of their involvement in the incident and forwarded them to F at IIB. Review of the Police Station Occurrence Book however, suggests that such interviews in fact took place. These interviews did not form part of the IIB Investigation file.

10.3.2 There was a paucity of information contained within the Police Station Occurrence Book for the period in question, detailing the movements and activities of D. I am unaware of the WAPS systems in place at that time to ensure the accountability of Detectives and there may be other CIB records independent to the Occurrence Book accounting for his activity. If not however, there should be.

- 10.3.3 There was no plan of the scene on file, and no reconstruction of the scene was apparently made for testing the veracity of the police explanation of the shooting.
- 10.3.4 Although both B and C submitted reports (contained within the IIB file) detailing the chase and the shooting incident, their interview by F was not included.
- 10.3.5 F did not even see fit to determine the identity of the Officer who inflicted the injury on Quartermaine, *the most critical issue in any police shooting investigation.*
- 10.3.6 Managerial oversight and review of the IIB enquiry was deficient with the investigation taking over three years and with several queries raised for IIB and F attention by the Ombudsman, never answered.
- 10.3.7 Quartermaine, the victim of the police shooting, was interviewed twice on 5/12/90, the day after the shooting, once by F ostensibly as part of the IIB police shooting investigation and secondly, by D. Interestingly, the interview conducted by F was reproduced by him as a statement from D QUARTERMAINE and similarly, the interview by D was produced as his statement, not QUARTERMAINE's. QUARTERMAINE could still have been in shock at the time of both interviews.
- 10.3.8 There was significant disparity in the structure and tenor of the language allegedly used by QUARTERMAINE when interviewed by F and D on 5/12/90. D's interview had all the hallmarks of a 'police verbal'
- 10.3.9 F was asked in a letter from I to address the issue of the hammer, apparently in response to questions raised by the Ombudsman, Mr. Eadie. In a report replying to I dated 9/12/93 and referring to his (F's) report of 4/1/91, F states "that apart from Ian Quartermaine's statement, to my knowledge, no corroborative evidence from other witnesses to suggest that Ian Quartermaine had possession of a hammer or evidence to conclude that a hammer had been located in the vehicle." Clearly,

statement of 6/12/90 referring to an object and the statements of H (8/12/90) and G (undated) of seeing Quartermaine holding a hammer, contradict this. Did F miss this fact or did he deliberately choose to deny the hammers' existence as it weakened his argument justifying the police use of firearms? F went on to state that evidence led at trial in September 1991 was the first occasion he'd heard evidence of a hammer and that was months after he'd prepared his report of 4.1.91. This explanation does not augur well given the dates of statements A and L made mentioning a hammer or other object and the statement of

- 10.3.10 As a matter of practice, police radio communications are recorded and stored. Consequently, there should have existed a recording of such transmissions made during the course of the pursuit of Quartermaine. If there was such a recording, then any spontaneous comment as to shots having been fired would lend credence to the police version of events. There is, however, neither comment or reference made in any of the investigation files nor is there any reference to F or any other Police Officer referring to or reviewing it and I find that unusual. I noted references in the Occurrence Book to Police contacting Perth Communications and advising of the high speed chase and shots fired.
- 10.4 Assuming there was collusion between the police personnel involved in this incident, it would have needed considerable expertise to ensure that individuals' evidence meshed and that there were no glaring gaps. The person or persons who directed the exercise had to have been someone with considerable experience. Instinct suggests the prime -mover was D. All those who took part, joined the conspiracy to pervert justice.
- 10.5 As a side issue, there was apparently a practice at the time of producing undated statements and records of interview that had no start/finish times and were not signed by defendants or witnessed by corroborating officers. With hardly any exceptions, the statements prepared by Police Officers in this matter gave no indication as to when they were prepared. Such an omission is critical when trying to determine the veracity of the evidence and whether it has been tampered with or not. WAPS may of course have addressed this deficiency by now.
- 10.6 The 'record of interview' of QUARTERMAINE purporting to be D's 'statement' is a sham and seemingly a medium to get

'admissions' into evidence. Of some concern is the questioning technique adopted by D which, if representative of that adopted by other Detectives in this State, highlights a serious deficiency in training.

- 10.7 A review of the IIB investigation into this matter strongly suggests that it was structured to protect the police involved and to minimise the risk of damage to the prosecution case rather than to determine whether the shooting was justified and lawful. The failure of the enquiry conducted by F to conform to even the most rudimentary of 'police shooting' investigation protocols, assuming WAPS had one in 1990, was an indictment on him and the Internal Investigation Branch at that time.

11. RECOMMENDATIONS.

As all Police Officers involved in the chase and subsequent shooting of QUARTERMAINE are still serving members, (with the exception of J the following matters should be considered for further action:-

- Consideration be given to further determining that the shooting of Quartermaine was unlawful and to demonstrate that it could not have happened as portrayed by police.
- All police involved should be comprehensively questioned as to their memory of the incident compared against their statement.
- Notes taken by U relevant to his interview of B on 4/12/90 be critically reviewed against the report and statement submitted by
- All Officers present at the scene of the shooting of Quartermaine should be asked to reconstruct the event showing their position and the position of all other officers and vehicles.
- That the notes of all police interviews conducted by F as part of his investigation into the Police Shooting be critically reviewed.
- If there is any consensus to the physical location of vehicles and police at the shooting scene, then the scene should be reconstructed and the police version of events compared against the evidence of Quartermaine and the ballistic findings.
- If it can be demonstrated that police fabricated the story, consideration be given to invoking criminal sanctions for the conspiracy and the perjury offences that followed in the preliminary hearing and trial.

- If the evidence indicates that the shooting of Quartermaine by ^B was unjustified, then consideration be given to charging him with the appropriate criminal offence/s.
- WAPS IIB 'Police Shooting' investigation protocols currently in place should be critically examined to ensure that they meet current 'best practice' policing standards.
- Review WAPS policy and SOPs with respect to the recorded accountability of CIB personnel attached to country stations.
- Determine the WAPS current directives for recording the interview of defendants and the current level of adherence to such Standard Operating Procedures (SOP's).
- Review the appropriateness of training provided by WAPS at recruit training, Detective Training Courses and In-Service Training regarding statement taking, questioning techniques, records of interview, Cautions (including aboriginal defendants) and adherence to the Judges Rules governing the admissibility of evidence.
- That ^T be contacted as to his files on this matter (Quartermaine stated he too took photographs and made extensive enquiries) and review them against this report.
- Consideration be given to reviewing IIB's investigation of other 'police shootings' as to their conformity with SOP's, the veracity of enquiries conducted and whether the conclusions reached accord with fact. (Refer to Para.3 this report)
- That Quartermaine and his counsel be apprised of findings as appropriate.

Brian Smith
Investigator.