



VICTORIA POLICE

Deputy Commissioner's Office

Victoria Police Centre
637 Flinders Street
DOCKLANDS VICTORIA 3008

Telephone [61 3] 9247 6890
Facsimile [61 3] 9247 6869

PO Box 913
MELBOURNE VICTORIA 3001

Mr Iain West
Coroner's Court Victoria
Level 11, 222 Exhibition Street
Melbourne VIC 3000

Dear Mr West,

Subject: TANG, Gong Ling
Case Number: COR 2010 1790
Date of Recommendations: 9 December 2014

I write in response to recommendation 1 arising from your findings in the inquest into the death of Gong Ling Tang.

Recommendation: In the absence of any suspicion as to possible criminal conduct and where practicable investigators should:

audio and visually record a 'free narrative' account of what happened by police involved in any incident involving a death associated with police contact as soon as possible after the incident has occurred.

Response: There are unresolved issues with the Coroner's recommendations that need to be addressed.

- 1. Self-incrimination proviso:** the recommendation recognises the proviso of 'in absence of any suspicion as to possible criminal conduct' - this may be difficult to judge or determine at the relevant time and will remain highly subjective to involved members, investigators and the oversight.
- 2. Evidentiary status:** the evidentiary status of 'free narratives' will need to be clarified and the relationship with written statements or clarification statement.
- 3. The Police Association advice:** The Police Association's legal advisors typically advise members not to participate in video or audio 'free narrative' type statements when involved in critical incidents.

Yours sincerely,

Lucinda Nolan
Deputy Commissioner Regional Operations

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