



MEDIA STATEMENT

Report criticises police treatment of two detainees

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An 18-year-old man with his hands cuffed behind his back was dragged through Broome police station in a potentially dangerous neck hold while other police did nothing to intervene, a Corruption and Crime Commission report reveals.

CCTV footage released by the Commission today shows the young man, known as D1, with his head seemingly pulled back by the force of the neck hold. At one point both his feet are off the ground and he is seen to slump although there is insufficient evidence to conclude he lost consciousness. He is then taken to a padded cell and stripped naked by five police.

Three weeks later the same officer who used the neck hold is seen on CCTV punching and kneeling a 31-year-old Aboriginal man known as D4, after the detainee had hit him in the nose. The officer is later seen throwing the detainee to the floor of the charge room, face down, while his hands are cuffed behind him. He is then left face down and unresponsive.

The Commission report tabled in Parliament today says the actions of the former First Class Constable who was the primary participant in both incidents in March and April this year may constitute criminal assault. The man, whose name is suppressed, resigned in May.

The Commission has formed Opinions of Misconduct against him in relation to both incidents. An evidence brief is currently being prepared.

Another nine officers are severely criticised in the report for failing to intervene and failing to report the incidents. One has two Misconduct Opinions (conduct that could be grounds for termination), another two are considered to have engaged in Reviewable Police Action under the CCC Act. One of these only avoids a Misconduct Opinion "by the finest of margins".

The report reveals a widespread failure in supervision and failure to render assistance, including medical care. When D4 was released from prison 10 days after the incident, he went to hospital and was found to have a fractured finger and a haemorrhage to his eye.

The Commission says the actions or lack of action of all of the officers was a breach of the trust placed in them as police and a failure in duty of care that could have had lethal consequences.

In one of many examples, it says that shortly after D4 was thrown to the ground and was lying motionless face down, another officer entered the room but rather than checking if he was alright he simply removed D4's shorts to search them.

"The WA Police Manual expressly warns against leaving a detainee lying face down with hands restrained behind their backs due to the risk of positional asphyxia," the report says.

A key focus of the Commission investigation, which included public hearings in June, was to examine the action or inaction of other officers present, their duty of care, reports and record keeping.

The Commission was also concerned with the adequacy of supervision, the use of padded cells, stripping of detainees, restraints, use of force, and care, and WAPOL policies in relation to those matters.

The report includes a series of recommendations for changes to WAPOL policies, procedures and officer training.

These include highlighting techniques and training to help officers to de-escalate violent incidents in lock-ups, reviewing options for ensuring vulnerable detainees receive appropriate medical assessments, and additional training for officers with supervisory responsibilities in lock-ups.

The report says that failure of supervision may be a systemic issue for WAPOL.

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