

# Review of a WA Police investigation into the misuse of powers by multiple officers

## Overview

WA Police are responsible for investigating and disciplining misconduct by police officers. The Commission oversees WA Police investigations to ensure they are conducted in an appropriate and objective manner.

The Commission conducted a review of the WA Police investigation into an incident involving the use of powers by multiple officers. The proper and impartial exercise of powers are essential to maintaining public confidence in the police.

The review was conducted in response to concerns regarding the adequacy of the investigation conducted by WA Police into the incident and alleged police misconduct involving the misapplication of legislative powers.

## Key Issues

- Officers requested the identifying particulars of, searched and issued a move on order to, Mr Iva Hayward-Jackson.
- Officers were operating under a belief that Section 69 of the *Criminal Investigation Act 2006* (CIA Act) empowered them to do so.
- Section 69 does not afford officers with these powers.
- Both the attending officers and WA Police in investigating the conduct, misunderstood the interpretation and application of section 69 of the CIA Act.

## Findings

- WA Police internal quality assurance processes did not identify any concerns with the investigation.
- Despite subsequent concerns raised by the Commission during its review, the WA Police investigation failed to consider the lawfulness of the officers' conduct.
- The WA Police investigation was inadequate, and the conclusions reached were not open to be made.
- In the Commission's view, the officers had engaged in police misconduct.

## Lessons Learned

- Police Officers are afforded with significant legislative powers that would otherwise be unlawful.
- Officers exercising legislative powers need to understand the limit of those powers.
- The Commission has recommended WA Police provide its officers with training on the powers that can be exercised under the CIA Act s 69.
- The Commission's report highlights the importance of WA Police conducting thorough and objective investigations into allegations of police misconduct.

A copy of the report 'Review of a WA Police Investigation into Allegations of Serious Misconduct by Officers During an Incident in the Perth Convention and Exhibition Centre Carpark' can be found:

[ccc.wa.gov.au/publications/reports](http://ccc.wa.gov.au/publications/reports)