



MEDIA STATEMENT

Warneke case exposes systemic failures in WA Police

5 November 2015

The Corruption and Crime Commission *Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke* has exposed systemic failures in WA Police.

The Report, delivered to State Parliament today, sets out its review of the police investigation – focussing in particular on a series of flawed police interviews in 2012.

Mr Warneke died from injuries resulting from an attack by Mr Gene Gibson, a man from the Western Desert community of Kiwirrkurra. Mr Gibson was arrested and charged on 16 August 2012 with the murder of Mr Warneke. After the Supreme Court held that all interviews with Mr Gibson were inadmissible, his lawyers negotiated with the DPP who accepted a plea of guilty to manslaughter. He was sentenced to seven and a half years imprisonment in October 2014.

The Report calls for WA Police to ensure:

- all officers know and apply their obligations under the *Criminal Investigation Act 2006* and the Police Manual contained in the Corporate Knowledge Database;
- people who are not proficient in English have the assistance of an interpreter;
- officers interacting with Aboriginal citizens are properly trained in culture and language; and
- decisions not to charge a person are properly authorised and accountable.

The Commission is aware that disciplinary proceedings have been instituted with respect to a number of officers and that consideration is also being given to criminal charges in relation to one officer.

The Commission has chosen to take a cautious approach in forming opinions of misconduct because, in many cases, the errors of individuals reflect a deeper malaise and systemic weakness which permeates criminal investigations in this State.

It has decided not to publish its opinions of misconduct in the Report due to the risk of prejudice to current proceedings. It has provided its opinions and related material to Commissioner Karl O'Callaghan in a separate report.

The Commission acknowledges the Police Commissioner's prompt acceptance of most of the recommendations in the Report and his immediate steps towards implementation.

A copy of the Report can be obtained from the Commission at 186 St Georges Terrace, Perth, and is also available on the Commission Website at:

<http://www.ccc.wa.gov.au>

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