

MEDIA RELEASE

28 February 2019

CCC reports on failings in police handling of a person in custody

The Corruption and Crime Commission today tabled its report '*Report on an incident in the Fremantle Offender Management Area 1 January 2017*' in State Parliament, which examines the arrest and subsequent detention of a woman in Fremantle.

Ms Duncan* was involved in a physical interaction with police after her daughter was stopped for a random breath test. During the course of this struggle, Ms Duncan's hip was dislocated, causing her immediate and continuing pain.

Ms Duncan was taken to Fremantle Police Station where she was detained for more than five hours. Incredibly, the only reason she was detained for this lengthy period of time was because she was unable to stand at the counter to have her fingerprints taken.

The report reveals that there were many failings, by many officers, to afford Ms Duncan timely and necessary medical attention. The Commission found that, collectively, the actions on the night justify an opinion that the treatment of Ms Duncan was oppressive, unjust and contrary to law.

This incident was extraordinary. It occurred just two weeks after the Coroner delivered her findings following the inquest into the death of Ms Dhu in custody, which received extensive publicity and should have meant there was a heightened awareness among custody officers about their duty of care when dealing with suspected medical issues.

What happened to Ms Duncan was a cascading failure of duty from the roadside beside the car, until the ambulance took her to hospital.

The Commission makes the point that current WA Police Force policies and procedures in relation to dealing with injured detained persons are comprehensive and sufficient, and that problems arise when those policies and procedures are not adhered to.

Contact the Corruption and Crime Commission

 Level 5, 45 Francis Street
Northbridge WA 6003

 General Enquiries (08) 9215 4888
Report Corruption 1800 809 000

 www.ccc.wa.gov.au

 info@ccc.wa.gov.au

 @CCCWestAus

The physical construction of the Offender Management Area (OMA) in Fremantle does not comply with the Police Building Codes and is unsuitable for disabled persons, among others. In this incident police officers had to carry/drag Ms Duncan up nine steps and it is clear that her pain was exacerbated by the stairs and the lack of other suitable facilities. The Commission has recommended that Government gives urgent consideration to upgrading the Fremantle OMA to a compliant standard.

The WA Police Force Internal Affairs Unit has also conducted a comprehensive investigation and made recommendations for disciplinary proceedings in respect of a number of officers.

Related resources

- [Report on an incident in the Fremantle Offender Management Area 1 January 2017](#)
- [CCTV footage - Incident Fremantle Offender Management Area 1 January 2017](#)

ENDS

** Please note all names used in the report have been anonymised*

Media contacts

Marie Mills: (08) 9421 3600 or 0418 918 202

Louisa Mitchell (08) 9421 3600 or 0434 308 208