

MEDIA RELEASE

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CCC finalises review of police response to incident

The Corruption and Crime Commission has today tabled its report *Review of police response to an incident in High Street Mall Fremantle on 3 September 2017*. It examines whether excessive force was used by three police officers and a police auxiliary officer in the arrest of a man outside a Fremantle hotel in September 2017.

Options open to the Commission, when a notification of possible misconduct is received, include the active monitoring of police investigations into incidents involving its officers and undertaking its own inquiry. On this occasion, it has done both.

The incident occurred when the man (given the name 'Mr Wells' in the Commission's report) lit a cigarette as he was being questioned, and one of the officers sought to take it from him. A struggle ensued. During the incident, Mr Wells was wrestled to the ground and officers used 'empty hand' tactics to subdue him including multiple strikes to the head. Later, while handcuffed and compliant, his finger was deliberately bent back to the point of dislocation.

The incident was captured on CCTV operating in the High Street Mall in Fremantle.

Mr Wells was initially charged with three counts of assaulting a public officer, obstructing public officers and failing to comply with the request to give personal details. The charges were discontinued by the Fremantle Prosecuting Branch of the WA Police Force after issues over the conduct of the police officers involved were identified.

The Police Internal Affairs Unit (IAU) initially decided not to pursue criminal proceedings against any of its officers after Mr Wells indicated he was not prepared to lodge a complaint.

In the Commission's opinion the attitude of the possible victim is always a material consideration; however, the public interest in having matters properly determined by a court should also be given weight.

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The Commission does not express any opinion on whether the force used to overcome Mr Wells constitutes an offence and nor does it express an opinion as to whether Constable Donohoe's action in respect to Mr Wells' finger may constitute an offence.

Each of the officers was given the opportunity to respond to the Commission's draft report and their comments, or excerpts from their formal responses, are included in the report.

The most senior police officer involved, Sgt Trenberth resigned before IAU completed its investigation. First Class Constable Julian Donohoe has been referred to the Independent Review Panel for consideration of Loss of Confidence proceedings.

The Commission is statutorily empowered to form opinions of misconduct and does so in respect of two officers.

IAU is continuing to examine the supervision issues evident from this incident, including those relating to the use of force reporting, the review process and the preparation and management of the prosecution brief.

Links

- Report – [Review of police response to an incident in High Street Mall Fremantle on 3 September 2017](#)
- CCTV footage - [Incident in High Street Mall, Fremantle on 3 September 2017](#)

**Please note the names used in the report have been anonymised except for Sgt Trenberth and First Class Constable Julian Donohoe.*

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