

MEDIA RELEASE

25 May 2023

CCC reports on review of WA Police misconduct investigation

The Corruption and Crime Commission has today tabled in State Parliament a [Report on oversight of a police investigation into an arrest for disorderly conduct](#) following its monitoring and review of the way WA Police dealt with an allegation of misconduct by an officer.

The matter relates to the arrest of Mr X on 8 May 2020, who was charged with Disorderly Behaviour and, three days later, Assault Public Officer.

Ten days after his arrest, Mr X lodged a complaint with WA Police about his arrest, and WA Police notified the Commission the following day, on 19 May 2020.

The Commission assessed the information and initially identified concerns with the lawfulness of Mr X's arrest, referring the matter back to WA Police for action on 8 June 2020, with the requirement for their final investigation report to be provided to the Commission once complete.

On 9 June 2020, the charges against Mr X were discontinued by WA Police. Later the same month, the district investigation was finalised, endorsed by the Professional Standards Division and WA Police informed the Commission the investigation was complete.

The Commission and the Commission's oversight body, the Office of the Parliamentary Inspector (PI), identified concerns with WA Police's investigation into this matter. WA Police reopened their file. However, it took over two years to finalise the investigation into Mr X's complaint.

After multiple investigations and reviews, WA Police concluded Mr X's arrest was lawful; the charges were appropriate; and the force used was not excessive.

It is important to note, that a Commission review is not an investigation. It focuses on the quality of an investigation undertaken by an appropriate authority, and whether the conclusions reached were open on the evidence.

In considering the circumstances, Commission considers that the conclusions reached by WA Police were open on the evidence but does question the decision to pursue the charge of Assault Public Officer, given the minor nature of the contact made by Mr X.

However, the Commission's review of the WA Police investigation determined it was inadequate and noted three failings.

Firstly, the time taken to finalise this matter was unacceptable. Secondly, various actions taken by WA Police in that two-year period were not transparent, resulting in the Commission's review being unable to identify how WA Police reached its initial conclusions nor the rationale

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for the numerous reviews that followed. Thirdly, the quality of record-keeping was poor, which raised concerns of mismanagement in the WA Police investigation.

The Commission has recommended that WA Police review and amend its policies and procedures to clearly articulate acceptable timeframes for investigation and review, including internal reviews of such investigations.

Commissioner John McKechnie KC acknowledges that WA Police has suggested actions to address the wider issue of time management for investigations, has committed to reviewing their Integrity Framework Manual to improve any deficiencies, and to regularly engage with the Commission to refine and enhance its investigation and review processes.

The Commission will review WA Police's response to the recommendation in 12 months' time.

Read the report

[Report on oversight of a police investigation into an arrest for disorderly conduct](#)

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