



Civil Liberties Australia – WA  
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Hon Matthew Swinbourn MLC  
Chair, Standing Committee on Environment and Public Affairs  
Parliament House, 4 Harvest Terrace  
West Perth WA 6005

Friday 16<sup>th</sup> October 2020

Dear Mr Swinbourn,

### **Submission for Petition No.165 – Police Accountability**

- The failure of the Corruption and Crime Commission (CCC) to be able to use their extraordinary powers to investigate the problems of WA police investigating themselves is a major flaw in the CC&M Act 2003 which should be corrected. Also, the Act should mandate that the CCC (and WA Police also) use independent police investigators such as ‘respected’ journalists with proven integrity.
- CCC Investigations must be team-lead by an independent\* *senior supervisor* with proven integrity and recent leadership training. \* Independent from WA Police.
- Clear monthly reporting of what the CCC is working on, in sufficient detail for ‘Jo Citizen’ to understand the gist of what is being investigated in WA must be transparently available in the printed press, online and in other communications.
- The investigating team must be entitled to call on a range of available scientific, administrative, support personnel and financial resources to pursue external forensic evidence, such as WA Police and public phone data, vision from surveillance cameras and other investigative aids as appropriate. Legislative and procedural restrictions on the use of telecommunications data must be lifted in such investigations.
- Scientific forensic support must be obtained from a forensic laboratory/department belonging to another state or territory or other nation: no forensic facility attached to/with a police department, should be utilised. In particular, the WA forensics facility. (South Australia is an example of forensic independence from police).
- The investigative team must continue to investigate serious charges against retired or resigned WA Police, and full internal penalty mechanisms/penalties should continue to apply to them, despite resignation. <sup>i</sup>
- Legislative change is also needed for the investigating team to recommend state charges (with advice from the DPP) against retired or resigned police and public servants that would apply in their civilian capacity.
- The investigators must *actively avoid* and *reject* speculation by the mainstream media, or on social media. Investigators must not feed the media misinformation.
- A similar restriction must apply to WA Police, the police association (union) or any representative police group, to the media *and* to those who have made the allegations.
- The restriction should be lifted for all parties once the findings of the investigating team are handed down.

- Investigating teams, WA Police, police associations, Ministers and MPs as well as citizens shall be responsible for encouraging and protecting legitimate whistleblowers attempting to assist in the rectification of a miscarriage of justice.
- **All** WA Police must undertake a 'cultural change' training & education program, which is *ongoing* and *permeates* every aspect of *daily work life* and *interaction*, both formally and informally. Every officer, staff member and contractor/etc must embrace this new pattern of cultural change or leave WA Police. This includes *addressing* new 'Diversity of race and gender' quotas in management.
- WA Police shall apply additional refresher training to the above people every year. *Senior Officers*, etc must undergo the '*reminder of culture-change*' training or suffer suspension of their employment or contract activities.
- WA Police must undertake an extensive, multi-media public education *campaign* as to the cultural changes under way and the changed police investigating police regime, to ensure *public* understanding and confidence in the system.
- **Diversity** within WA Police is **critical** within the entire organisation. Supervision, Management and Leadership should *include* Aboriginal Peoples, females and high-profile community members to represent an increasingly diverse population of citizens in WA. Quotas must be set to achieve this immediately, with backup of intensive training and education.
- Police 'arrest' targets are dangerous because they risk facilitating police abuse of their powers. (ii) Instead, there must be targets for 'justice outcomes' for the number of young Aboriginal People Police divert from the criminal justice system, as required in the Youth Offenders Act.
- There must be 'justice outcomes' such as police targets to increase prosecutions for domestic violence. This would mean ensuring *well investigated* briefs of evidence. Violence against women is the one category of offence increasing.
- Practical changes in Police Accountability and Transparency must address evidence that social inequalities and rising poverty are major causes of crime. A more powerful and effective form of justice than simply increasing Police targets for arrests is urgent.
- If a fraction of the hundreds of millions of dollars spent in the past three budgets and this year on WA Police had been invested in making Police investigations open to organized, trained, public participation, the cost of victim abuse, internal police distress and ill-health, and needless hundreds of incarcerations would have saved the state a fortune.
- Indigenous petitioners demand that Police stop using racist insults, comments and epithets to provoke an excuse to arrest them. In addition, they have asked that Police dogs be muzzled.

Yours sincerely

Margaret Howkins  
Director CLA in WA

## ENDNOTES

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- <sup>i</sup> No previous employee to be exempt from historical corruption investigation. Police officers and public servants to not be permitted to resign to escape investigation and accountability. (The WA Shirley Finn murder investigation has waited until allegedly culpable police involved have died)
- <sup>ii</sup> An internal Victorian Police Inquiry in 2018 found that targets for random breath testing were a key reason why police fabricated evidence to meet these targets.