

Final review following an
arrest incident by
Western Australian Police
at Hamilton Hill

18 June 2020



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Introduction

- [1] On 1 November 2018, the Commission reported to Parliament on its review of the WA Police Force's response to an arrest incident (the incident) that occurred on 1 December 2016 (the initial report).¹
- [2] The initial report raised concerns about the quality of the WA Police Force's prosecutions.
- [3] This report considers the actions taken by the WA Police Force in response to the concerns raised in the initial report.

The Commission's initial report

- [4] The Commission did not re-investigate the incident but reviewed the investigation undertaken by the WA Police Force to ensure it was adequate and the conclusions reached were open to be made on the available evidence.
- [5] The Commission's initial report concluded that the WA Police Force's investigation into the officers' use of force in effecting the arrest had been conducted adequately.
- [6] The Commission's initial report also considered the WA Police Force's investigation into the officers' preparation and subsequent appearance at the prosecution in the Magistrates Court at Fremantle, of the charges laid against the person arrested on 1 December 2016. The presiding Magistrate found that the officers' evidence was an attempt to mislead the court.
- [7] While the Commission's initial report again concluded that the investigation had been conducted adequately, additional concerns were raised about the quality of the WA Police Force's prosecutions.

The WA Police Force's response

- [8] In response to the Commission's initial report, the WA Police Force acknowledged the concerns raised were not unique to this matter and committed to establishing a working party to identify any gaps and areas for improvement of police investigations involving prosecutions.

¹ Corruption and Crime Commission, *Review of an arrest incident by Western Australian Police at Hamilton Hill*, 1 November 2018.

- [9] The Commission stated that it would seek further information from the WA Police Force in one year's time as to the outcomes of the proposed working group.
- [10] On 1 October 2019, the Commission sought an update from the WA Police Force. On 5 December 2019, the WA Police Force provided a response outlining the initiatives implemented or proposed.
- [11] In April 2020, Commission officers met with members from the Professional Standards Portfolio and the Prosecuting Services Division. The information provided greater insight into the preliminary findings and proposed actions of the State-wide review of Prosecuting Services.

State-wide review of Prosecuting Services 2019

- [12] In the response dated 5 December 2019, the WA Police Force advised that a number of initiatives had been implemented or proposed to improve investigation and prosecution standards:
- In July 2018, an organisational restructure was implemented to improve the delivery of consistent and accountable services through more manageable geographical boundaries.
 - In December 2018, the Capability and Coordination Portfolio was established and the functions of Investigation Practices and Management Audit were amalgamated to create the Standards and Practices Division, responsible for guidance and instruction on investigative processes.
 - In December 2019, the Operations Support Portfolio commenced a State-wide review of the Prosecuting Services Division, to identify strategies to improve police prosecutorial services and outcomes.
- [13] In April 2020, members from the Professional Standards Portfolio and the Prosecuting Services Division advised that a key focus of the review was the identification of factors associated with a significant decrease in successful prosecutions between 2011 and 2019.
- [14] The Prosecuting Services Division advised that a number of preliminary findings had been identified. They included:
- a large portion of contested matters being discontinued;
 - differences in quality assurance processes between regional and metropolitan areas;

- wider misunderstanding or training deficiencies regarding brief preparation and the resulting variances in brief quality; and
- a significant decrease in the number of experienced prosecutors.

[15] The Prosecuting Services Division advised that the findings of the review are yet to be endorsed and released, but will include recommendations for improvement such as the creation of a centralised brief quality assurance process.

Conclusion

[16] Although the WA Police Force was reluctant to describe the issues on the quality of police prosecutions referenced in the Commission's report as 'systemic', the response from the WA Police Force has involved their investigation and prosecution services generally.

[17] The Commission acknowledges the proactive response taken by the WA Police Force to further identify, comprehend and respond to the concerns associated with investigation and prosecution standards.

[18] The findings of the State-wide review of the Prosecuting Services Division are yet to be endorsed and published. While the preliminary outcomes identified and the proposed actions are promising, the Commission remains cautious as to the effectiveness of such actions in addressing future risks.

[19] The proactive approach by the WA Police Force and initiatives already implemented demonstrates continued commitment to improving investigation and prosecution standards.

[20] The Commission considers the WA Police Force is taking appropriate steps and considers this review to be complete.