



WA Police Force Allegations

Financial Year 2020/21

27 October 2021

1. The number of police misconduct allegations.

In the 2020/21 financial year, the Commission identified 3,860 allegations of police misconduct.

It should be noted that the categorisation of data differs between the Commission and WA Police Force. Therefore it is not expected the Commission's data will be consistent nor directly comparable with WA Police Force data sets.

2. A breakdown of the source of allegations.

The Commission receives allegations of serious misconduct. As defined by the *Corruption, Crime and Misconduct Act 2003* (CCM Act) s 24, allegations are received by way of:

- i. Reports made by members of the public (s 25);
- ii. Matters notified by notifying authorities (s 28);
- iii. Received matters, such as allegations referred by the Public Sector Commission (s 45M(d)); and
- iv. Allegations initiated by the Commission own proposition (s 26).

Reports or matters received by the Commission may contain more than one allegation.

Table A provides a breakdown of the source of all allegations for the 2020/21 financial year.

Table A

Source of Allegations	
Reported Under	Number of Allegations
s 25	1444
s 26	1
s 28	2412
s 45M(d)	3
Total	3,860

3. A breakdown of categories (types) of allegations.

When an allegation is received, the Commission will determine how each allegation is categorised. The Commission categorises allegations to enable the collection and analysis of data and serious misconduct trends.

Table B provides an overview of the number of allegations per category for the 2020/21 financial year.

Table B

Category of Allegations	
Allegation Category	Number of Allegations
Neglect of Duty	751
Unprofessional Conduct	742
Breach of Procedure or Policy	615
Assault	486
Benefit / Detriment	225
Criminal Conduct	172
Unlawful Arrest / Search	153
Unlawful Disclosure	144
Out of Jurisdiction	126
Fraud / Falsification	123
Computer - Unlawful Use	107
Corrupt Conduct	92
Drugs (Illicit)	43
Improper Association - Undeclared	40
Other	37
Computer - Inappropriate Use	2
Secondary Employment - Unauthorised	2
Total	3,860

4. The number of allegations where the Commission has decided to:
- a. Take no action.
 - b. Investigate or take action on without the involvement of another agency.
 - c. Investigate or take action on in cooperation with the WA Police Force.
 - d. Refer the allegation to the WA Police Force for action. Of these, how many allegations were referred on a monitor for review and monitor for outcome basis.

Table C provides a breakdown of the Commission's assessment decision for all serious misconduct allegations in the 2020/21 financial year.

Table C

Commission's Assessment Decision	
Assessment Decision	Number of Allegations
s 33(1)(c) - Refer to Appropriate Authority (Monitor for Outcome)	829
s 33(1)(c) - Refer to Appropriate Authority (Monitor for Review)	67
s 33(1)(d) - Take no action	2335
s 33(1)(d) - Take no action (Record Appropriate Authority Outcome)	547
s 33(1)(d) - Take no action (Disclose to other Agency)	14
CCC to conduct investigation under ss 33(1)(a); 33(1)(b) or 32(2)	7
Out of Jurisdiction ¹	55
Pending Operations Committee Decision	6
Total	3,860

It is important to note that the Commissioner of Police is obligated to notify the Commission of all allegations of police misconduct, including additional conduct described as reviewable police action. Police misconduct is defined as serious misconduct under the CCM Act.

For the majority of allegations, Commission action may not be warranted because the allegation falls outside of jurisdiction, a reasonable suspicion of serious misconduct was unable to be formed, or the matter is being or has already been dealt with appropriately by the WA Police Force.

For the 2020/21 FY, the Commission decided to take action into 903 allegations of police misconduct. A preliminary investigation was conducted into seven allegations and the remaining 896 allegations were referred back to the WA Police Force for action, subject to Commission monitoring. The Commission will conduct a full review² of the WA Police Force action taken into 67 of the 896 allegations referred.

¹In the 2020/21 financial year, a new category of 'out of jurisdiction' was created. Prior to this, out of jurisdiction allegations may have been recorded under the category 'take no action'.

² CCM Act s 41

5. The number of allegations ultimately sustained with a finding of serious misconduct.

For every allegation of serious misconduct referred to the WA Police Force for action, the CCM Act requires the WA Police Force provide the Commission with a detailed report of the action taken and outcome.³

Table D provides an overview of the outcomes reached by the WA Police Force for allegations of serious misconduct referred by the Commission in the 2020/21 financial year, of which the Commission has received and considered the WA Police Force closure report of action taken.

Of the 896 allegations referred to the WA Police Force in the 2020/21 financial year, 466 reports are not yet received or are pending analysis by the Commission as to the adequacy of action taken.

Not all allegations notified in a financial year will be concluded in that same year.

Only the Commission can form an opinion of serious misconduct. In the 2020/21 financial year, an opinion of serious misconduct was made for two allegations in Operation Pictor⁴. The report of that investigation was tabled in Parliament on 27 May 2021.

Table D

WA Police Allegation Outcomes	
WA Police Outcome	Number of Allegations
Sustained	223
Not Sustained	146
Unfounded	52
Exonerated	30
Administratively Closed	45
Pending outcome report	400
Total	896

³ CCM Act s 40

⁴ Allegations were assessed in the 2019/2020 financial year.