

Police Commissioner Karl O'Callaghan APM
Western Australia Police Headquarters
2 Adelaide Terrace, East Perth
Western Australia 6004

Monday 13 October 2008

Dear Commissioner

The death of Karl Jason Nightingale was declared on 17 April 2006, after he suffered hypoxic brain injury following a physical arrest on 15 April of that year. A coroner's report in July 2008 highlighted some anomalies and inconsistencies with police training, and practices and procedures, as well as ambulance liaison and communication difficulties, which could have contributed to the man's death.

The coroner made a number of recommendations. There have been other recommendations in similar cases recently, such as those from the inquest of Carl John Woods, who died in the same district only four days before Karl Nightingale. One officer was common to both deaths.

Would you please advise what changes in police training, practices, guidelines or reporting you have brought in as a result of these two deaths? Which changes have been made following coronial recommendations, and which as a result of your own internal inquiries and management improvement processes? If you have made no changes as a result of these deaths, would you also please advise that fact?

In relation to the Nightingale case in particular, could you please advise whether:

- any of the police officers mentioned during the inquest have subsequently been promoted (or demoted), and to/from what rank;
- which of the officers involved are no longer members of the WA Police Service; and
- could you please provide contact details for those people no longer members, so we can write to them to invite them to undertake follow-up interviews as to their experiences and reactions in relation to this case?

There were some concerning revelations during the inquest in relation to police internal administrative procedures. The coroner's findings also recommended further investigation of Acting Inspector Russell August: has this taken place and if so have there been any action, positive or negative, taken against him? Superintendent Fred Zagami admitted altering Insp. August's statement: has there been any investigation of Supt Zagami since he gave evidence at the inquest of Karl Jason Nightingale, and what has been the outcome? Insp. August gave evidence not only that his statement was altered but also of threats towards him by Internal Affairs officers, have these allegations been investigated, and with what result?

The reason for this letter is that we are concerned, as a result of the Corruption and Crime Commission's Mallard findings, to ensure that other important lessons from coronial and other investigations, and the resulting recommendations or proposed actions, are being implemented.

Thanking you in anticipation,

Bill Rowlings
CEO, CLA