



WESTERN AUSTRALIA POLICE

**ASSISTANT COMMISSIONER
CORRUPTION PREVENTION & INVESTIGATION**

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Mr Bill Rowlings
CEO
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Dear Mr Rowlings

I acknowledge receipt of your correspondence dated 15 October 2008, relating to the Coronial Inquests of Carl Woods and Karl Jason Nightingale.

Inquest Into the Death of Carl Woods

The inquest into the death of Mr Carl Woods was held from 10 to 19 October 2007.

The Coroner found the death arose by way of accident, with the cause of death given as, cardiac arrhythmia due to ischaemic heart disease (severe coronary atherosclerosis), associated with acute methylamphetamine toxicity, following recent violent exertion and manual restraint.

Action Taken in Respect of Recommendation 1:

Western Australia Police advise that where practicable police officers attending disturbances are provided with timely and relevant information by VKI on events, as they unfold. The Deputy Coroner's comment in respect to this recommendation has been brought to the attention of the Officer in Charge of the Police Communication Branch for his information and attention.

Action taken in respect of Recommendation 2:

The WA Police "Use of Force Manual" is used in the training of Police Recruits and Police Officers' annual critical skills requalification and has been amended to more accurately define "Positional Asphyxia." The amendments will raise the awareness of the potential for sudden death or need for urgent medical attention when dealing with disturbances involving possibly drug affected or mentally disturbed persons, as described in this recommendation.

Inquest Into the Death of Karl Jason Nightingale

The inquest into the death of Karl Nightingale, on 15 April 2006, was held from 10 to 18 March 2008.

The Coroner found the death arose by way of Hypoxic Brain Injury following cardio-respiratory impairment associated with Amphetamine use and restraint.

A total of 6 recommendations were made relating to police by the Deputy State Coroner who also made a formal referral to the Commissioner of Police, pursuant to Section 50 of the *Coroners Act 1996*, in respect to then Acting Inspector Russell August.

Senior Sergeant August's conduct prior to, and during his evidence at the Nightingale Inquest, which were of concern to the Deputy State Coroner, were investigated by WA Police, with all matters investigated being sustained. Consideration was given as to whether to proceed with managerial action under the provisions of the Managerial Intervention Model (MIM) or disciplinary charges utilising the provisions of Section 23 Police Act.

The MIM is an approach adopted by WAPol to deliver managerial outcomes to any behaviour, conduct and/or work performance issue/s identified as a result of an investigation into a complaint.

For this reason it was considered appropriate to deal with August under the provisions of the MIM and not pursue disciplinary charges via Section 23 of the Police Act.

Since the inquest, First Class Constables David Blockley 12151, and Emanuel Bakovic 10606, have been promoted to Senior Constable.

Senior Constable Michael Couch 9329 resigned from WA Police prior to the inquest in October 2007; however I am not in a position to provide you with any contact details for this former officer.

There has been no investigation of Superintendent Zagami, as I am advised that Senior Sergeant August admitted during his evidence that he had changed his own statement, removing a paragraph.

The allegations made by Senior Sergeant August that he was threatened by officers from the Internal Affairs Unit were recorded during a subsequent managerial interview, and were later addressed to Senior Sergeant August's satisfaction through mediation.

The matters raised by the Deputy State Coroner are complex, and as such WA Police have not yet formally endorsed any changes in respect to recommendations 1-5, however, they have been under active consideration.

I understand your interest in these matters and thank you for your letter. We are very concerned as an organisation to improve our policies and procedures if they are found to be contributing factors to deaths in custody or in police presence.

Yours sincerely


BARBARA ETTER APM
ASSISTANT COMMISSIONER
CORRUPTION PREVENTION and INVESTIGATION

19 November 2008