
WA Police Commissioner Karl O'Callaghan on the findings into Ms Dhu's death

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HAYDEN COOPER, PRESENTER: The West Australian Police Commissioner, Karl O'Callaghan, joined me earlier from Perth.

Commissioner, what did you think when you first saw that footage?

KARL O'CALLAUGHAN, WA POLICE COMMISSIONER: Oh, well, I was disturbed and concerned by the footage and, to be quite frank, embarrassed as well, like I think many members of the West Australia Police would have been when they saw that, back in 2014.

HAYDEN COOPER: Has anyone been held accountable for what happened?

KARL O'CALLAUGHAN: Well, absolutely. There's been an internal investigation which has been oversighted by the Corruption and Crime Commission. And there's 11 officers in total who were interviewed and all of them received some form of sanction under the police regulations in Western Australia.

So they have been held accountable - and this was now going back to 2014. The internal investigation was done almost immediately: within a day of the event.

HAYDEN COOPER: The family of Ms Dhu, though, clearly believe that no-one has been held accountable. Why is that? And, for example, why was no-one sacked over such a horrific event?

KARL O'CALLAUGHAN: Well, look: firstly, it's hard to understand how the family feel. It must be an awful situation to be in. And I know they would feel like they want justice in this.

But we did do an internal investigation, which didn't identify any criminality. That was independently oversighted by the Corruption and Crime Commission, which didn't identify criminality. And indeed, the coroner in her findings today didn't identify criminality.

So at the time, we went to the remedies that were available to us under police regulations and all of those officers received some form of sanction.

HAYDEN COOPER: What you said there explains, I guess, why no charges have been laid. But it doesn't explain why no-one was sacked. I mean, if, as the coroner says, these police officers acted unprofessionally and inhumanely, why were they not sacked for what happened?

KARL O'CALLAUGHAN: Well, they are in breach of procedures and policies under police regulations. And there are specific things under police regulations which I have to follow. I also work under the Industrial Relations Act and I take advice,

obviously, from - legal advice on these matters: and the legal advice I received was how we applied the sanctions to those police officers at the time, back in 2014.

HAYDEN COOPER: Is it common for a WA Police officer to dismiss someone when they complain that they are in pain, as happened in this case?

KARL O'CALLAHGHAN: Well, no, I think it's a highly unusual case. We have thousands and thousands of custodial events every year and all of them go off without a glitch.

In this case the officers did take the - Ms Dhu to hospital. They did seek medical attention. But the way in which it was done was wrong and it was clearly without compassion and without dignity for Ms Dhu.

HAYDEN COOPER: Can I get you to clarify again: you say they were sanctioned. What were the sanctions?

KARL O'CALLAHGHAN: Well, there are a number of sanctions available under the police regulations. We never discuss those publicly.

But those sanctions affect the career path and trajectory of those police officers, obviously. So they have an impact on the officers' position in the West Australia Police.

HAYDEN COOPER: And what about the police officer who told the nurse that Ms Dhu was faking her illness?

KARL O'CALLAHGHAN: Well, again: look, policies apply to this. But I have to say that, at the end of the day, it is a medical professional's responsibility to make their own, independent assessment and not rely on advice from police officers or laypersons.

HAYDEN COOPER: All right. Now, the coroner has recommended that people are no longer imprisoned for the non-payment of fines. Is that something that your police force will implement?

KARL O'CALLAHGHAN: I'm absolutely committed to it and I've been saying it for some time: nobody in Western Australia should be in a police lock-up for non-payment of fines.

We now believe that the way to handle this is, if there must be some incarceration, it needs to be done by the Department of Corrective Service or Prisons. And indeed, we will be instructing police officers in this state that, if they have not got a plan to get that person to a prison within eight hours of arrest, they're not to execute the warrant.

Now, that could be a problem in Western Australia, because it contravenes some of the orders of the court that are in place currently.

HAYDEN COOPER: And is that procedure already happening? You've issued that directive to your force?

KARL O'CALLAHGHAN: We're about to issue the directive. It probably won't be fully rounded out until next week, because it's quite complicated.

We have to take into consideration how this affects the most remote locations in Western Australia. I must say that these warrants mostly affect Aboriginal people in regional Western Australia, so it will become quite complicated when we get down to the transfer of those prisoners to a Corrective Service facility.

HAYDEN COOPER: With the changes you are implementing, can you say with any certainty that something like this will not happen again?

KARL O'CALLAHGHAN: Well, what I can say with certainty is that the risk of anything like this happening again will be reduced, because we get about 1,000 of these types of warrants a year. They mostly apply to Aboriginal people.

And if we can eliminate Aboriginal people coming into West Australia lock-ups or watch houses by doing it differently, it will have an enormous impact, I think.

HAYDEN COOPER: Commissioner, the family of Ms Dhu clearly believe that this is an issue of racism. And the underlying question: is would a white woman have been treated in this same way?

KARL O'CALLAHGHAN: Well, look, in fact, the coroner didn't find that and said exactly the opposite. And she had the opportunity to question the officers in a lot of detail when she was doing the inquest.

So none of those fi- none of those claims, I should say, stack up.

HAYDEN COOPER: OK. Commissioner, thank you.

KARL O'CALLAHGHAN: Thank you, Hayden.