

Review of WA Police investigation: Events prior to Floreat family violence incident

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Corruption and Crime Commission

Postal Address: PO Box 330 Northbridge Post Shop WA 6865	Email: info@ccc.wa.gov.au
Telephone: (08) 9215 4888	Twitter: @cccWestAus
	Office Hours: Monday to Friday 8.30 am to 5.00 pm

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Introduction and summary

- [1] On Friday 24 May 2024, Mark Bombara murdered two innocent women in their home at Floreat. He shot his victims using a gun licensed in his name.¹ Bombara killed himself as police arrived at the scene.
- [2] On 29 May 2024, WA Police notified a matter of suspected serious misconduct to the Commission (the Notification).² The Notification referred to police attendance at the scene, preliminary inquiries by the Homicide Squad and an investigation into police actions to be undertaken by the Internal Affairs Unit (IAU).
- [3] The Commission received a further disclosure that Bombara's estranged wife and daughter had sought police assistance on at least two occasions.
- [4] The Commission assesses every notification.³ The Commission obtained further information from WA Police to assist in the assessment. Possible breaches of policy were identified by the Commission and a reasonable suspicion of police misconduct was formed.⁴
- [5] The Commission closely considered conducting its own investigation. However, it concluded that the most effective course was for the Commission to:
 - (a) refer for action an allegation that members of WA Police Force had neglected their duty;⁵ and
 - (b) exercise its powers under the CCM Act to actively oversee the investigation to be conducted by IAU.⁶
- [6] The IAU investigation was allocated the codename 'Operation Wootz'. The terms of reference for the investigation were to 'professionally and impartially investigate all contact with Police (relating to the Bombara family) from the Easter Long Weekend until just prior to the tragic events of 24 May, 2024'.⁷
- [7] On 31 January 2025, the Commissioner of Police released a summary of outcomes from the IAU investigation (the Summary of Outcomes).⁸ On

¹ At the time, Bombara possessed 13 licensed firearms and one unlicensed gun.

² *Corruption Crime and Misconduct Act 2003* (CCM Act), s 28.

³ CCM Act s 32.

⁴ CCM Act, s 3 (police misconduct).

⁵ CCM Act, s 33(1)(c) and Police Regulation 603.

⁶ CCM Act, s 21AA, 40 and 41.

⁷ WA Police, "Police Response Review Internal Investigation Operation Wootz Floreat - Murder/Suicide".

⁸ WA Police, "Summary of Outcomes Police Response Review Floreat - Murder/Suicide".

3 February 2025, the Commission received the full report of the investigation (the IAU Report).⁹

- [8] As the Commissioner of Police noted in the Summary of Outcomes, the IAU Report was not made public as it contained sensitive and third-party information. For the same reason the Commission will not publicly disclose information beyond the Summary of Outcomes. In conducting its review however the Commission has based its conclusions on the full report.
- [9] The IAU Report made three 'key' findings and concluded that eight officers had failed to discharge their duties according to WA Police Code of Conduct. The officers have been disciplined by WA Police.
- [10] The IAU Report made 18 recommendations. These recommendations, directed to WA Police align to the four reform pillars within the *Government of Western Australia Family Violence Taskforce, Family and Domestic Violence System Reform Plan*. The recommendations were accepted by the Commissioner of Police. The four reform pillars are:
 - Workplace development;
 - Information sharing;
 - Risk assessment; and
 - Risk management.
- [11] The Summary of Outcomes indicated what progress had been made in implementing those recommendations.
- [12] The Commission reviewed the IAU investigation, the IAU Report and the outcomes of the investigation as accepted by WA Police. The Commission concludes that the actions taken by IAU in conducting the investigation and compiling the IAU Report were reasonable once an early concern held by the Commission was addressed. The Commission further considers that the findings made by IAU and the actions taken by WA Police in response to those findings are reasonably open.
- [13] The Commission concludes that the findings made by IAU and the actions taken by WA Police in response to those findings are reasonably open.

WA Police investigation

- [14] WA Police assigned multiple areas of review and investigation following the murders committed by Bombara:

⁹ WA Police, "Police Response Review Internal Investigation Operation Wootz Floreat - Murder/Suicide".

- (a) Major Crime Squad - the murders/suicide and events on the 24 May 2024;
 - (b) Firearms Licensing Branch - firearm license/licensing processes in granting a firearms licence to Bombara and his possession of firearms;¹⁰
 - (c) Family Violence Division - review of family violence management and broader policy/procedure;
 - (d) IAU – review/investigation of all contact with Bombara and members of the Bombara family prior 24 May 2024 and preparation of a 'wider' file for the Coroner.
- [15] It is not part of the Commission's statutory functions to review the circumstances in which Bombara committed the murders and the police actions on that day. That is the jurisdiction of the Coroner. Consistent with coronial practice, WA Police will submit a file to the Coroner dealing with all investigations.
- [16] As explained later in this report, the Commission has received a further notification concerning the circumstances in which Bombara was granted a licence to hold firearms. However, this report concerns the Commission's review of the IAU investigation and IAU Report which considered actions by various police officers when engaging with Bombara and members of the Bombara family prior to 24 May 2024.

The Commission's referrals

- [17] The Commission's assessment was completed by 5 June 2024. It was necessarily based on the limited amount of information available shortly after the murders had been committed.
- [18] On 6 June 2024 the Commission advised the Commissioner of Police that it had decided to actively monitor the IAU investigation into the police response to interactions with Bombara and members of the Bombara family prior to 24 May 2024. Active monitoring includes regular meetings or contact with WA Police and real time access to relevant records.
- [19] The Commission formulated an allegation that members of WA Police had neglected their duty in breach of *Police Force Regulations*, r 605(1)(a): 'a member shall promptly and diligently carry out his or her duties'. This may constitute reviewable police action. The allegation encompassed three matters:

¹⁰ However, see later in this report about the approach now being taken by WA Police to issues surrounding the firearms licence granted to Bombara and his continued possession of firearms.

- (a) the failure to issue a Police Order protecting Bombara's wife and daughter having regard to WA Police policy FV-01.6, 'Family Violence Police Orders' and the provisions of the Restraining Orders Act 1997;
- (b) the failure to seize the firearms in Bombara's possession;
- (c) apparent failures to properly record information concerning contacts with members of the Bombara family in accordance with Police policy FV-01.02, 'Recording Family Violence Incidents'.

[20] This allegation was referred for action to WA Police on 7 June 2024. However, the allegation was not intended to limit the scope of the IAU investigation, given that it was formulated so soon after the murders and the Notification.

[21] If the Commission refers an allegation to an authority such as the WA Police, the authority must report to the Commission the action it has taken in relation to the allegation.¹¹ The IAU Report was provided to the Commission in satisfaction of that obligation.

The IAU investigation

[22] The scope of the IAU investigation was defined in an investigation plan prepared and approved by WA Police. The scope included determining exactly what information:

- was known to police, and when;
- whether police actions complied with legislation, policy and procedures; and
- whether the actions and decisions made by police were appropriate in the circumstances.¹²

[23] Areas of primary interest in the investigation included the decision not to issue a Police Order (at any stage in the process) and the non-seizure of firearms in Bombara's possession (on either medical or risk grounds). Those areas of inquiry accorded with the matters referred to WA Police by the Commission.

[24] IAU noted in its investigation plan that:

Whilst all officers are subject to procedural fairness and the presumption of innocence, any officers identified as being directly involved with the Bombara family (or related tasks) will be interviewed as subject officers. The allegation

¹¹ CCM Act s 40.

¹² IAU Investigation Plan for Operation Wootz.

would be that they breached the WA Police Force Code of Conduct: Our Values; Duty.

- [25] Accordingly, IAU formulated a different allegation for the purpose of its investigation to that identified and referred by the Commission. However, an established breach of the WA Police Code of Conduct would constitute reviewable police action and possible police misconduct.
- [26] IAU examined each point of contact between WA Police and the Bombara family and identified 15 officers. The officers were treated as 'subject' officers and their accounts primarily obtained by 'managerial' interview. Further evidence was collected about each of the points of contact. The evidence included relevant CCTV, police holdings and audits of police systems.
- [27] Statements were obtained from Bombara's wife and daughter and other relevant witnesses. IAU conducted second interviews with three subject officers after those statements were obtained.

An early concern with the IAU investigation

- [28] The Commission was concerned about the direction of the IAU investigation shortly after it commenced. The Commission advised the Commissioner of Police of its concern by letter dated 26 July 2024.
- [29] The Commission noted that the IAU investigation plan referred to 'significant reputational damage to WA Police through the (possible) actions of officers in this matter, should adverse findings be made'. That statement apparently reflected the extensive publicity and public concern surrounding the circumstances in which Bombara had committed the murders. The Commission advised the Commissioner of Police of a concern that the IAU investigation may be improperly influenced by a desire to mitigate the risk of reputational damage to WA Police.
- [30] The Commission illustrated that concern by reference to IAU's investigation into an interaction between the police, Bombara and members of the Bombara family on 1 April 2024. The Commission considered that the approach then being taken to investigating the incident possibly indicated a lack of objectivity and that risks associated with the police response to the incident had not been fully analysed and understood.
- [31] WA Police acknowledged the Commission's concerns and police actions in and arising out of the incident were further investigated by IAU. That resulted in a change in IAU's assessment of the significance of the incident and the relevant police actions.

The outcome of the IAU investigation

- [32] The brief description in this report of the findings made by IAU is taken from the Summary of Outcomes. However, the Commission's assessment of the investigation and its outcomes is based on active real time monitoring of the investigation and its consideration of the full IAU Report. As would be expected, the IAU Report is a much more detailed account of the IAU investigation and the evidence and reasoning on which IAU based its findings and recommendations.
- [33] IAU considered police conduct in relation to six interactions with Bombara and/or members of the Bombara family. It concluded that WA Police were warned on multiple occasions about the risk posed by Bombara and that the warnings were 'legitimate'. A number of matters relevant to assessing the nature and significance of the risk had been communicated by members of the Bombara family to various police officers on different occasions. Additional risk factors were apparent from police interaction with Bombara and members of the Bombara family when they attended the Bombara family home on 1 April 2024.
- [34] IAU made three 'key' findings:
- (a) Officers did not correctly assess the risk posed by Bombara and consequently, powers available to the police under the *Restraining Orders Act* and the *Firearms Act 1973* were not appropriately exercised. On a 'correct' assessment of the risk, a Police Order ought to have been issued and Bombara's firearms seized.
 - (b) Insufficient action was taken to consider whether Bombara was a fit and proper person to hold a firearms licence or to continue to possess firearms despite members of the Bombara family informing police about Bombara's deteriorating medical condition and mental state.
 - (c) Insufficient action was taken to identify and investigate possible firearms offences by Bombara, including a report that he possessed an unsecured firearm.
- [35] As noted, IAU made 18 recommendations which have been accepted by WA Police. Eight officers were found to have breached the WA Police Code of Conduct and those officers have been internally disciplined. Two officers were exonerated and the allegation of breach of the Code was not sustained against five officers.

The Commission's review of an investigation

- [36] Monitoring and oversight by the Commission is not an investigation. The purpose of the Commission's oversight functions of monitor and review is to consider the appropriateness of the action taken by an agency. The Commission is not empowered to assume the role of the decision maker and it cannot substitute its own outcomes over those determined by the agency.
- [37] The Commission's oversight function relies on the subject agency sharing information and is focused only on reviewing an agency's investigative action, the evidence relied upon in the investigation and the findings that have been made. In reviewing an internal police investigation, the Commission has access to relevant WA Police databases and information systems under a protocol with the Commissioner of Police. That allows the Commission to track the progress of the investigation in real time.
- [38] The Commission can make assessments and form opinions as to whether serious misconduct has or may have occurred including police misconduct.¹³ It can also make recommendations, but it cannot publish or report a finding or opinion that a particular person is guilty of or has committed or is about to commit a criminal offence or disciplinary offence. For these reasons, Commission oversight primarily considers whether the agency action taken in respect of a referred allegation was reasonable. The Commission generally does not comment on any sanction or lack of sanction imposed, that being principally a matter of disciplinary action by the principal officer of the notifying authority.

The Commission's concerns about the IAU investigation

- [39] The Commission had concerns about the conduct of the IAU investigation in addition to the early concern noted above. Although it developed an investigation plan, over time IAU adopted the term 'review' rather than 'investigation' to describe its work. The difference between a review and an investigation was not immediately apparent to the Commission.
- [40] The Commission noted some differences in the procedures adopted by IAU from those that might be expected in an investigation. Those concerns included the early decision to treat involved officers as subject officers and the effect that might have had on the investigation and the requirement for fairness to the officers concerned.

¹³ CCM Act s 22.

Bombara's firearms licence: A Commission investigation

- [41] The Commission also received a report concerning the circumstances in which Bombara was granted a firearms licence and allowed to continue to possess firearms.¹⁴
- [42] Following assessment, the Commission referred an allegation that WA Police officers had neglected their duty by failing to appropriately review Bombara's suitability to hold a firearms licence. The Commission advised it would monitor the resulting investigation and review the outcome.
- [43] The Commissioner of Police subsequently advised the Commission that WA Police do not intend to conduct a separate investigation into issues surrounding Bombara's firearms licence. Rather, WA Police intend to compile a report dealing with all issues arising out of the murders committed by Bombara which involve WA Police, including questions relating to the licencing of his firearms. Presumably that is a reference to a 'wider' file to be submitted to the Coroner.
- [44] The Commissioner of Police considers that a single report will ensure that WA Police take an integrated and comprehensive approach to all relevant issues. The Commission considers that a single report does not sufficiently meet its requirements for monitoring and reviewing a WA Police investigation into a specific allegation of possible police misconduct.
- [45] The Commission has therefore commenced its own full investigation into the allegation of police misconduct in respect of Bombara's firearms licence: Operation Akranes. While the Commission notes the future will be governed by the *Firearms Act* 2024, there may be lessons from an independent examination of past practices.

Conclusion

- [46] The Commission conclusions about the IAU investigation and its outcomes are based on its real time monitoring of the investigation and its review of the IAU Report. In reaching its conclusions, the Commission recognised that there are a range of factors that will impact on the outcome of any investigation. Reasonable minds may differ about a particular conclusion. However, an investigation outcome is reasonably open to be made if it has a rational basis, takes into account relevant considerations and is not activated by bias or malice.
- [47] The Commission is satisfied that the IAU investigation was conducted impartially following its letter to the Commission of Police of 26 July 2024.

¹⁴ CCM Act s 25.

- [48] The Commission is satisfied there was a rational basis for the key findings made by IAU and the finding that some police officers had breached the Code of Conduct. Accordingly, the Commission concludes that the findings made by IAU were reasonably open.
- [49] The Commission also considers that the action taken by WA Police in disciplining officers who had breached the Code was reasonably open.
- [50] The Commission concludes that the actions taken and decisions made by IAU in conducting the IAU investigation were reasonable, subject to the qualification that IAU did not consider any issue relating to the firearms licence held by Bombara. Adopting some procedures which the Commission considered desirable might have enhanced the investigation processes and better ensured fairness to the subject officers. However, the Commission's concerns, when considered against the investigation as whole, were not so significant as to undermine the efficacy of the investigation and the reasonableness of its outcomes. In the Commission's view, its concerns can be satisfactorily addressed by consultation with the Commissioner of Police.