

MEDIA RELEASE

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Report on the Dangers of Wrongful Identification

The Corruption and Crime Commission has tabled a report in State Parliament following its review of WA Police action into the wrongful arrest of the same man on two separate occasions.

The report outlines concerns with WA Police investigations into allegations of serious misconduct by the officers involved in the wrongful arrests and highlights wider deficiencies in the WA Police management of these incidents.

On the first occasion, Marc* Smith was arrested after being mistakenly identified as Mark Smith*, who had an outstanding warrant. Marc wrongfully spent the night in police custody, despite numerous attempts to correct officers. He was only properly identified by the magistrate when he faced court the next morning.

The Commission's review found the WA Police investigation into this incident was inadequate. The officers failed to make adequate and reasonable enquiries after the arrest to confirm the identity of Marc Smith. They had no legal basis to detain him overnight. Concerningly, the initial WA Police investigation did not appear to recognise the seriousness of the issue. The arresting officers were issued with Managerial Notices for failing to adequately investigate and establish Marc Smith's identity.

In response to the Commission's concerns, WA Police reconsidered the initial investigation. While doing this, they identified a second incident involving the wrongful arrest of Marc. The second arrest occurred several months after the first, when Marc attended a police station seeking help. Marc was arrested again for the same warrant. The photograph of Marc taken at the first wrongful arrest was now incorrectly attached to the profile of Mark Smith. Thankfully on this occasion, Marc was able to inform officers of his previous experience, and the officers quickly released him after verifying his details.

The Commission's review into the action taken by WA Police in relation to the second matter found the WA Police investigation into this incident was also inadequate.

The review identified wider deficiencies in the WA Police action taken. No proactive steps were taken to ensure the photograph taken of Marc Smith during the first wrongful arrest was removed from police systems. This could have had dire consequences for Marc, had the officers on duty at his second arrest not listened to him.

The report serves as a reminder for officers to follow due process when identifying people and for WA Police to ensure they appropriately investigate allegations of serious misconduct in the first instance.

Full details are available in the [report](#).

***Please note: Marc Smith and Mark Smith are pseudonyms.**

ENDS

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