

IMPORTANT INFORMATION ABOUT YOUR POLICE COMPLAINT

WHAT SHOULD I KNOW?



CONFIDENTIALITY

UNAUTHORISED DISCLOSURE OF INFORMATION

If you receive information connected with a matter that forms or is the subject of a complaint, report, assessment or investigation about a South Australia Police (SA Police) officer, **you must not disclose that information** unless:

- ▶ you are authorised to do so in writing by the Commissioner of Police, the Independent Commissioner Against Corruption (the ICAC) or the Office for Public Integrity (OPI)
- ▶ the disclosure of that information is for the purpose of:
 - dealing with a matter under the *Police Complaints and Discipline Act 2016* (PCD Act) by the Commissioner of Police, or under the PCD Act or the *Independent Commissioner Against Corruption Act 2012* (ICAC Act) by the ICAC or the OPI
 - a criminal proceeding, a proceeding for the imposition of a penalty or disciplinary action
 - obtaining legal advice, legal representation or an indemnity for legal costs
 - obtaining medical or psychological assistance

The maximum penalty for the unauthorised disclosure of information under the PCD Act is **\$2,500 or imprisonment for six months.**

UNAUTHORISED PUBLISHING OF INFORMATION

You must not, except as authorised by the Commissioner of Police, the ICAC, the OPI or a court hearing proceedings for an offence against the PCD Act, **publish or cause to be published:**

- (a) *information tending to suggest that a particular person is, has been, may be, or may have been, the subject of a complaint, report, assessment or investigation under this Act; or*
- (b) *information that might enable a person who has made a complaint or report to be identified or located; or*
- (c) *the fact that a person has made or may be about to make a complaint or report; or*
- (d) *information that might enable a person who has given or may be about to give information or other evidence under this Act to be identified or located; or*
- (e) *the fact that a person has given or may be about to give information or other evidence under this Act; or*
- (f) *any other information or evidence publication of which is prohibited by the Commissioner, the ICAC or the OPI.*

Publish means publish by:

- (a) *newspaper, radio or television; or*
- (b) *internet or other electronic means of creating and sharing content with the public or participating in social networking with the public; or*
- (c) *any similar means of communication to the public.*

The maximum penalty for the unauthorised publishing of information under the PCD Act is **\$150,000 — in the case of a body corporate** or **\$30,000 — in the case of a natural person.**

FREQUENTLY ASKED QUESTIONS

DO I HAVE TO PROVIDE MY NAME WHEN I MAKE A COMPLAINT?

Not unless you are a public officer, including a police public officer. If you do not provide your name it is possible that you could still be identified by the information in your complaint. If you do provide your name the OPI or IIS have the option of seeking further information from you, in addition to letting you know the outcome of your complaint.

CAN YOU HELP ME DISPUTE MY FINE OR EXPIATION NOTICE?

The OPI is unable to assist you with disputing a fine. Contact the Expiation Notice Branch of SA Police or seek independent legal advice on how to dispute a fine.

HOW DO I GET AN UPDATE ON MY COMPLAINT OR PROVIDE ADDITIONAL INFORMATION?

Once a complaint has been referred to IIS, the OPI will be unable to update you about its progress or help you provide additional information. You should contact IIS.

WHAT IS AN INVESTIGATION?

An investigation is a fact finding exercise aimed at determining the truth. An investigation into alleged misconduct by an officer aims to determine whether allegations against an officer are substantiated, unsubstantiated or refuted. The OPI oversees the investigation process and may issue directions regarding the investigation. The OPI does not investigate matters itself.

DO I NEED TO KEEP MY COMPLAINT OR REPORT CONFIDENTIAL?

Yes. There are confidentiality provisions that require you not to publish that you have made a complaint to the OPI. Please see the information about confidentiality overleaf.

CAN THE OPI HELP ME SEEK COMPENSATION?

The OPI is unable to assist you in seeking compensation. You should seek independent legal advice or contact SA Police directly.

WHAT IF I DO NOT AGREE WITH THE OUTCOME OF MY COMPLAINT?

If you would like to discuss the outcome of your complaint or provide additional information please contact IIS at SAPOLIS@police.sa.gov.au.

I HAVE MADE A COMPLAINT TO SA POLICE, SHOULD I ALSO MAKE A COMPLAINT TO THE OPI?

If you have made a complaint to SA Police the OPI may already have oversight of that complaint. Making the complaint again will not result in a different outcome.





WHAT IS MANAGEMENT RESOLUTION?

Some allegations of misconduct do not require an investigation and may be dealt with by the Management Resolution process. A resolution officer from a local SA Police station may contact you for the purpose of conciliation.

WHY IS NO ACTION BEING TAKEN ON MY COMPLAINT?

The Police Commissioner or his delegate may determine to take no further action in respect of your complaint if the matter is considered trivial, frivolous or vexatious, or it has been dealt with previously.

MORE INFORMATION

	COMPLAINTS LINE (08) 8207 1777 OR 1300 782 489 <i>Cost of a local call for country callers</i>		WWW.ICAC.SA.GOV.AU
		 	LEVEL 1, 55 CURRIE ST. GPO BOX 11066 ADELAIDE SA 5000

The information contained in this document is for general information only and does not constitute legal advice.