

# Complaints and reports about South Australia Police

When you make a complaint or report about South Australia Police to the Office for Public Integrity (OPI), it will be registered by the OPI and then referred to the **Internal Investigation Section (IIS)** of SA Police.

## Why are complaints referred to IIS?

Complaints and reports about police are dealt with under the *Police Complaints and Discipline Act 2016* (PCD Act). This gives the IIS the primary responsibility for managing complaints and reports about police and requires that the OPI refer those complaints and reports to the IIS for assessment.

In limited circumstances, the OPI may be satisfied that it is necessary to instead refer a complaint or report to the Independent Commission Against Corruption instead of the IIS.

## What happens next?

The IIS considers your complaint or report to determine the most appropriate action. More details about potential outcomes are included on page 3 of this fact sheet.

The IIS will usually assess your complaint using the information you have already given us. If you have any further information that will be relevant to that assessment, please provide it to the OPI or the IIS as soon as possible.

**Note:** Any hardcopy documentation provided to the OPI regarding a complaint will be returned to the sender where possible. Otherwise, it will be stored electronically and the original destroyed upon closure of the matter.

## How is the OPI involved?


The OPI reviews all assessments made by the IIS. If we disagree with the IIS assessment we can reassess the complaint.

The OPI can also give directions to the IIS, including directions about investigation methods, the matters to be investigated, or the types of evidence to be obtained for a specific investigation.

The OPI also actively monitors investigations as they progress.



## More information:

 1300 782 489

 [www.publicintegrity.sa.gov.au](http://www.publicintegrity.sa.gov.au)

 [admin@opi.sa.gov.au](mailto:admin@opi.sa.gov.au)

## What if I have questions about my complaint?

The OPI is not able to update or advise you on matters that are with the IIS. For questions about a complaint being managed by the IIS, you need to contact them directly via email:

[SAPOLIIS@police.sa.gov.au](mailto:SAPOLIIS@police.sa.gov.au)

## When will I hear from the OPI again?

It is unlikely that the OPI will contact you in relation to your complaint. If you have any further information that will be relevant to that assessment, please provide it to the OPI or the IIS as soon as possible. It is the responsibility of the IIS to tell you of its assessment and provide reasons.

If an investigation occurs, the IIS (or those investigating on behalf of the IIS) will inform you of the outcome of that investigation.

If the matter is to be resolved by way of management resolution, then you will be contacted by a resolution officer who is usually a police officer responsible for the management of the officer complained about.

## What protections are available to you?

Section 41 of the PCD Act provides that a person must not prevent, hinder or obstruct another person from making a complaint or report under the PCD Act. A breach of this section is a criminal offence and can attract a fine or a prison sentence.

**Note:** If you are a public officer, you may also have protections under the *Public Interest Disclosure Act 2018*.

## What if I do not want SA Police to find out I made a complaint?

Most complaints and reports about SA Police will be referred to the IIS. If you are uncomfortable with your details being provided to the IIS, please advise the OPI when you make your complaint so that we can consider whether it is necessary to disclose your identity when referring your complaint to the IIS.

There are some circumstances where your identity may be disclosed without your consent, including:

- where there is a threat to your safety or wellbeing.
- where your evidence may be essential in the investigation of a serious instance of corruption, misconduct or maladministration.

## Am I allowed to talk about my complaint?


It is against the law to disclose or publish certain information about a complaint or report made to the OPI or the IIS. Breaching this obligation is a criminal offence under the *Police Complaints and Discipline Act 2016* which can attract a fine, or in some cases, a prison sentence.

You must not publish, including on social media, that you have made or intend to make a complaint or report to the OPI or the IIS.

If you need further information you can visit the OPI's website. If you want to seek permission to disclose information, contact the OPI or seek independent legal advice.



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## What will happen if IIS decide to investigate my complaint?

If the IIS decide to investigate the matter, they may contact you for further information as part of this investigation.

At the conclusion of the investigation, the IIS may decide that the allegations in the complaint cannot be substantiated. In those circumstances, the IIS will not take any further action.

If the IIS considers there is sufficient evidence to prove the allegations, they may decide to deal with the complaint by a management resolution process which is an informal process for the resolution of complaints. A resolution officer will inform the police officer about the complaint and allow them to respond. The resolution officer will also contact with the complainant to explain the process and give the opportunity to provide further information. The resolution officer will also consider whether there is any benefit to conciliating the complaint.

In the most serious cases, the IIS may present a notice of allegation to the Police Disciplinary Tribunal. If the allegations are proved, the Commissioner of Police will impose a sanction on the designated officer. Depending on the seriousness of the conduct, there are a number of different possible sanctions.

**Note:** A resolution officer is a police officer.

## What will happen if IIS decide not to investigate my complaint?

The IIS can decide not to take action for a number of reasons, including if the IIS consider an investigation unnecessary or unjustifiable, if the complaint is not made in good faith or it has been dealt with previously. The IIS will write to you to tell you the outcome.


If the IIS considers that a police officer has breached the Code of Conduct or not followed the rules that police must follow, they might decide to deal with your complaint by a management resolution process. This is intended to be an informal process for the resolution of complaints. A resolution officer will inform the police officer about the complaint and allow the police officer to respond. The resolution officer will also contact the complainant to explain the process and give the opportunity to provide further information. The resolution officer will also consider whether there is any benefit to conciliating the complaint.

## What effect will my complaint have on my legal proceedings?

The outcome of a police complaint may or may not have an effect on any expiation notice or legal proceedings you are dealing with as an alleged offender or victim of crime.

The OPI cannot provide you with any advice about this. You may wish to seek your own independent legal advice about other options that are available to you. Section 45(3) of the PCD Act allows a person to disclose information about a police complaint for the purpose of obtaining legal advice or legal representation.

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# What support is available?

The following services can provide access to support and independent legal advice.

## 1800Respect

Free counselling, information and referrals for those experiencing family violence.

1800 737 732 1800

[respect.org.au](http://respect.org.au)

## Aboriginal Legal Rights Movement

Legal advice and assistance for Aboriginal people in South Australia.

1800 643 222

[alm.org.au](http://alm.org.au)

## Beyond Blue

Support for people experiencing anxiety or depression.

1300 224 636

[beyondblue.org.au](http://beyondblue.org.au)

## Employee Assistance Program (EAP)

SA Public Sector employees may have access to work-based wellbeing programs. Contact your employer.

## Homelessness Gateway

24/7 support and access to emergency accommodation for those at risk of homelessness.

1800 003 308

## JusticeNet SA

Coordinates free legal assistance for low-income earners.

[justicenet.org.au](http://justicenet.org.au)

## Legal Services Commission

Free legal assistance, advice, information and referrals.

1300 366 424

[lsc.sa.gov.au](http://lsc.sa.gov.au)

## Lifeline Crisis Support

Crisis support and suicide prevention.

13 11 14

[lifeline.org.au](http://lifeline.org.au)

## Mental Health Triage Service

24/7 service for support, triage and referrals for mental health emergencies.

13 14 65

## Suicide Call Back Service

24/7 phone and online counselling for people affected by suicide.

1300 659 467 [suicidecallbackservice.org.au](http://suicidecallbackservice.org.au)

## Victims of Crime South Australia

Assistance and support for victims of crime.

8204 9635

[victimsofcrime.sa.gov.au](http://victimsofcrime.sa.gov.au)

## Women's Legal Services SA

Free legal services for women in South Australia.

1800 816 349

[wlssa.org.au](http://wlssa.org.au)



OFFICE FOR  
PUBLIC INTEGRITY  
SOUTH AUSTRALIA

## More information:



1300 782 489



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