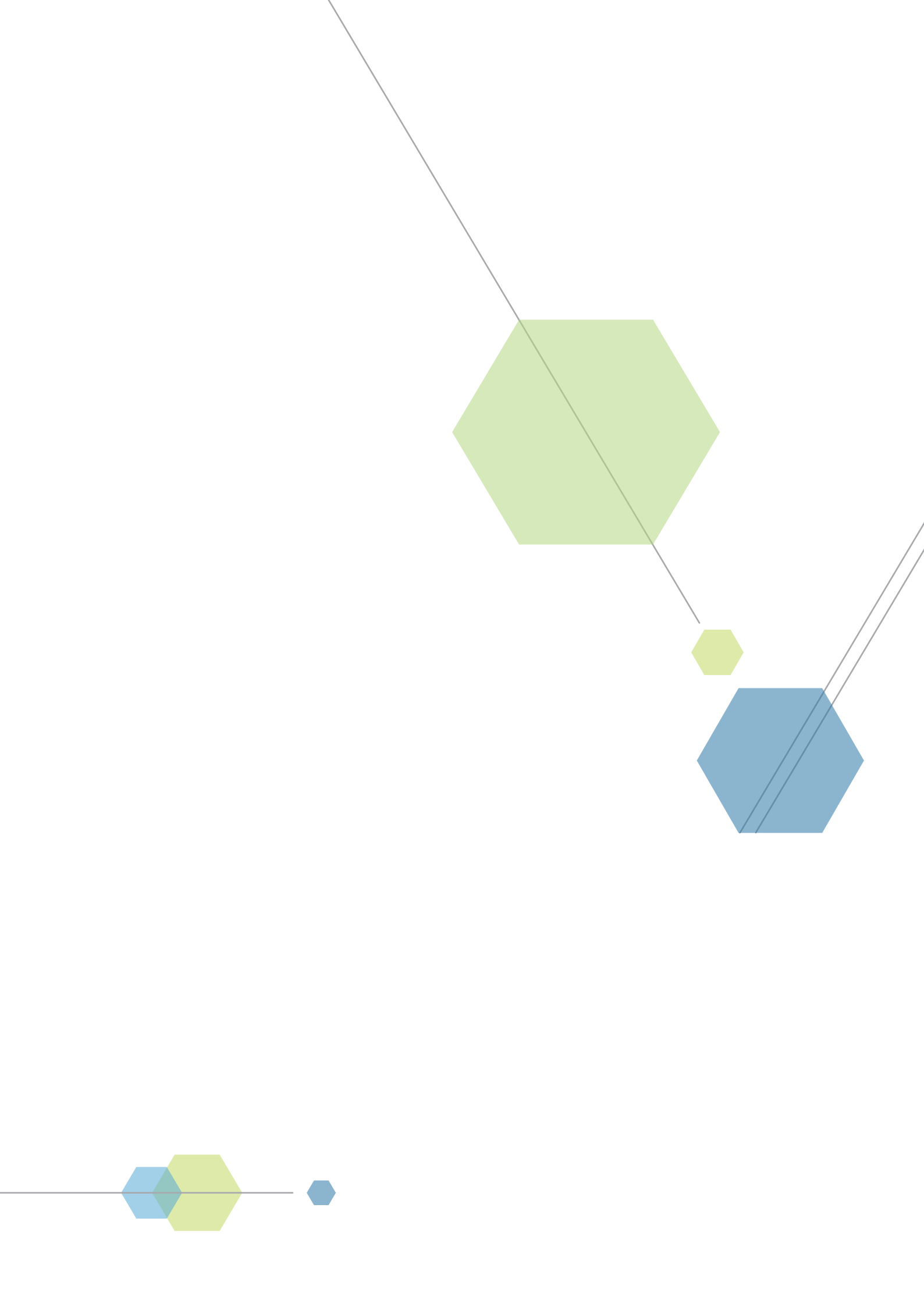


A decorative graphic at the top of the page features several hexagons in shades of teal and light green, connected by thin grey lines that create a sense of movement and connectivity.

# **EVALUATION OF THE PRACTICES, POLICIES AND PROCEDURES OF THE POLICE OMBUSMAN**

## **SECTION 40 OF THE *INDEPENDENT COMMISSIONER AGAINST CORRUPTION ACT 2012***

THE HON. BRUCE LANDER QC  
INDEPENDENT COMMISSIONER AGAINST CORRUPTION



## The Honourable the President of the Legislative Council

## The Honourable the Speaker of the House of Assembly

Section 40 of the *Independent Commissioner Against Corruption Act 2012* ('ICAC Act') enables me to evaluate the practices, policies and procedures of an inquiry agency or public authority. Where I conduct such an evaluation, I am required to prepare a report and provide a copy to the President of the Legislative Council and the Speaker of the House of Assembly.

On 31 October 2014 I announced before the Crime and Public Integrity Policy Committee that I would be conducting a review of the legislative schemes governing:

- » The oversight and management of complaints regarding the conduct of members of South Australia Police, in the *Police Act 1998*, the *Police (Complaints and Disciplinary Proceedings) Act 1985* ('P(CDP) Act') and the *Independent Commissioner Against Corruption Act 2012* ('ICAC Act'); and
- » The making of complaints and reports to the Police Ombudsman, the Ombudsman and the Office for Public Integrity with a particular focus on whether or not the complaint/report processes to those offices can be consolidated in one office.

That announcement followed a request from the Attorney-General in accordance with section 7(3) of the ICAC Act.

I also announced that I would conduct an evaluation of the practices, policies and procedures of the Police Ombudsman.

I decided to conduct the evaluation for two reasons.

First, I had noted the time taken to deal with complaints about police and the impact that internal processes might have had on those delays. I was also concerned about the impact of those delays and the operations of the office of the Police Ombudsman after having read a report prepared by Mr Paul Case regarding that office's operations. Mr Case's report had been commissioned by the Attorney-General's Department and was provided in August 2014. I was also concerned by comments made by the former Police Ombudsman in her most recent Annual Report. In particular, I was concerned by the following passage:

*The significant increase in workload as foreshadowed in last year's report has led to an untenable and unsustainable situation. It is clear that unless considerable and urgent measures are taken, the viability of the office will become increasingly precarious.*

*The increase in workload has primarily come about through greater complaint numbers, the establishment of the Office for Public Integrity (OPI) and the office of the Independent (ICAC) Commissioner Against Corruption and the recently required oversight function of the [office of the Police Ombudsman] in relation to SAPOL's Internal Mandatory Reports.*

*The consequences associated with an ever increasing workload, lack of resources and no promise of sufficient and future budgetary assistance are many. At the forefront of those consequences are the emotional well-being of staff, the integrity and reputation of the office, [and] the unacceptable delay in bringing complaint matters to resolution.*

Secondly, it seemed logical to consider the practices, policies and procedures of the Police Ombudsman at the same time that I was considering the legislative scheme underpinning its operations. I was of the view that information obtained in the reviews would assist in the evaluation of the practices, policies and procedures of the Police Ombudsman and vice versa.

I was conscious of the former Police Ombudsman's claims about the resource demands imposed upon her staff. For that reason, my initial focus was predominately geared toward reviewing the underlying legislative schemes, rather than engaging initially in a fulsome and detailed review of the manner in which the office of the Police Ombudsman carried out its functions, which would necessarily require extensive assistance from staff of that office, resulting in greater strain on resources.

In March 2015, Mr Michael Grant commenced as the Acting Police Ombudsman following the resignation of the former Police Ombudsman. I have carefully observed the manner in which the office of the Police Ombudsman has discharged its functions since that time.

I have met with the Acting Police Ombudsman on a number of occasions. Mr Grant has advised me of a number of changes that he has instituted, including:

1. curtailing the extent of negotiation with SAPOL regarding the making of recommendations by the Police Ombudsman under the P(CDP) Act;
2. the institution of a weekly meeting between the Acting Police Ombudsman and legal staff to discuss and debate the most appropriate course of action to be taken in relation to a number of matters, thereby improving consistency and timeliness;
3. changing the process of according natural justice to a police officer who may be the subject of adverse findings, to ensure that process occurs before draft findings are made;
4. the implementation of an automated answering service to improve efficiency and reduce the time spent by staff answering routine questions on the telephone; and
5. reducing the complexity and length of assessments and recommendations to focus on the primary issues succinctly and more efficiently.

The Acting Police Ombudsman has advised me that the office is now making inroads into the backlog of matters requiring resolution.

I have completed my reviews of the legislative schemes outlined above. I have provided a report to the Attorney-General within which I have made a number of recommendations in relation to those schemes.

In light of the recommendations in that review and in light of the procedural changes that have occurred in the Police Ombudsman's office since March 2015, I felt that there was little utility in continuing my review of the practices, policies and procedures of the Police Ombudsman.

Many of the systems for the resolution of complaints and reports about police remain complex and unwieldy. However, that is a result of a complex and unwieldy legislative scheme. Those difficulties cannot be addressed here. They must be addressed by legislative amendment.

I have proposed a number of amendments in my legislative review report that I hope will alleviate many of the issues currently being faced under the existing system.

For the foregoing reasons, I decided to discontinue my evaluation of the practices, policies and procedures of the Police Ombudsman.

I do not propose to comment further on the practices, policies or procedures of the Police Ombudsman unless my proposals for legislative amendment are not accepted.



The Hon. Bruce Lander QC

**INDEPENDENT COMMISSIONER AGAINST CORRUPTION**

30 June 2015

