



SOUTH AUSTRALIA POLICE
KEEPING SA SAFE

Your Ref:
Our Ref: 18-1936
Enquiries:
Telephone: 7322 3347
Facsimile: 7322 4180

Ms Alison Sandy
C/- Seven Network
560 Sir Samuel Griffith Drive
MOUNT COOT-THA QLD 4066

Dear Ms Sandy

Re: Application for access to South Australia Police records

In reference to your application made pursuant to the Freedom of Information (FOI) Act 1991, access was sought to:

"Documents since 1 January 2017, specifically executive/ministerial briefing notes and attachments, reports, audits, executive meeting minutes, internal correspondence including emails (please limit searches for the internal correspondence to the Office of the Commissioner) relating to:

- 1. Fake/falsified random breath tests;*
- 2. Quotas or numbers of positive drug tests required in a year.*

Please exclude duplicates, documents that have already been publicly released, media reports/articles/releases and correspondence with media. Please note I confirm I am happy to accept edited copies of documents/footage/photos with exempt material redacted/pixilated/cropped."

Before dealing with your request, it is important to clarify that searches for all documents falling within the scope of your request were limited to the Office of the Commissioner of Police.

In relation to this part of your request:

"Documents since 1 January 2017, specifically executive/ministerial briefing notes and attachments, reports, audits, executive meeting minutes, internal correspondence including emails (please limit searches for the internal correspondence to the Office of the Commissioner) relating to:
1. Fake/falsified random breath tests;...."

South Australia Police (SAPOL) has located documents that fall within the scope of this part of your request. The documents are numbered and described in the following schedule. The schedule contains the details of the determination in compliance with section 23. In particular, note the grounds on which access has been refused, including the reasons which are contained in the schedule.



SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No.	Document Description	Status	Act	Reason
1.	Commissioners Briefing Paper, unsigned and dated 1 June 2018 consisting of 4 (four) pages.	Part Release	Clause 6(1)	<p>Clause 6(1) The definition of personal affairs found at Part 4 of the FOI Act, which is not an exhaustive list, was considered and the view formed was that the following exempted text is the personal affairs of third party, not being Ms Alison Sandy. The personal affairs include:</p> <ul style="list-style-type: none"> • <i>Mobile Telephone Number for personal use;</i> <p>I have formed the view that, in all of the circumstances, disclosure of the mobile telephone number would be unreasonable.</p>
2.	Minutes forming enclosure to Hon Minister for Police Emergency Services and Correctional Services dated 4 June 2018 consisting of 1 (one) page	Full Release		

CLAUSE FOR REFUSAL

Clause 6(1) of Schedule 1 of the FOI Act which states:

"A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)."

In relation to this part of your request:

"Documents since 1 January 2017, specifically executive/ministerial briefing notes and attachments, reports, audits, executive meeting minutes, internal correspondence including emails (please limit searches for the internal correspondence to the Office of the Commissioner) relating to:

...

2. Quotas or numbers of positive drug tests required in a year."

SAPOL has located documents that fall within the scope of this part of your request. The documents are numbered and described in the following schedule. The schedule contains the details of the determination in compliance with section 23. In particular, note the grounds on which access has been refused, including the reasons which are contained in the schedule.

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No.	Document Description	Status	Act	Reason
3.	Commissioners Briefing Paper, unsigned and dated 16 June 2017 consisting of 4 (four) pages.	Part Release	Clause 6(1)	<p>Clause 6(1) The definition of personal affairs found at Part 4 of the FOI Act, which is not an exhaustive list, was considered and the view formed was that the following exempted text is the personal affairs of third party, not being Ms Alison Sandy. The personal affairs include:</p> <ul style="list-style-type: none"> • <i>Mobile Telephone Number for personal use;</i> <p>I have formed the view that, in all of the circumstances, disclosure of the mobile telephone number would be unreasonable.</p> <p>A portion of text has been redacted and marked as "Out of Scope" as it does not fall within the scope of this part of your request.</p>

CLAUSE FOR REFUSAL

Clause 6(1) of Schedule 1 of the FOI Act which states:

"A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)."

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, will be published on the SAPOL website Disclosure Log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>.

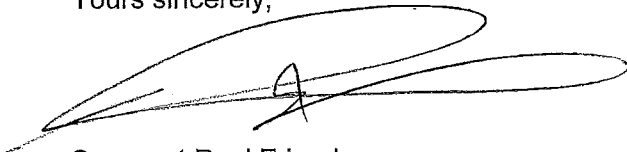
If you disagree with publication, please advise the undersigned in writing by 31 August 2018.

Your rights to review

If you are dissatisfied with the determination for access to SAPOL records, you are entitled to exercise your right of internal review in accordance with section 29(1) of the FOI Act by completing a PD362 Application for Internal Review form which can be downloaded from <https://www.police.sa.gov.au/services-and-events/freedom-of-information> or available upon request at your nearest police station.

Alternatively an application may be made in writing to the SAPOL Freedom of Information Unit. This application must be lodged within 30 days from the date of this determination with a fee of \$34.25. Such a fee may be waived in the event of an exemption being claimed.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Paul Friend', written over a horizontal line.

Sergeant Paul Friend
Freedom of Information Unit
(Accredited Freedom of Information Officer)

7th August 2018

COMMISSIONER'S BRIEFING PAPER

SUBJECT: SAPOL Alcotest Data

BACKGROUND

Victoria Police have announced that 250,000 roadside alcohol tests have been faked by officers over the last 5 years. Media have sought comment from SAPOL.

RELEVANT POINTS:

- News reports advise that VICPOL officers have faked tests by placing a finger over the air intake of the instrument or by blowing into the instrument to record tests. It is reported that this has created a 1.5% error in their data.
- The instrument used by SAPOL is an Alcolizer Series 5 instrument. This instrument is different to the instrument that is used by Victoria Police.
- A test cannot be generated with the Alcolizer instrument by placing a finger over the air intake hole. Police officers can obviously blow into the instrument themselves.
- There are a total of 983 Alcolizers within SAPOL. These instruments are required to be calibrated every 6 months. The instruments will not operate and lock if the calibration has not been undertaken. The instruments record data at the time of the test. SAPOL do not download the data when the instrument is re-calibrated.
- The data recorded in the Alcolizer contains information including when the machine:
 - Is turned on and off;
 - Has a malfunction;
 - Was last calibrated;
 - Has had the menu accessed;
 - Times out; and
 - Conducts a standard breath test.

Sub-data under the standard breath test menu includes:

- When it is turned on and off;
- The time and date of the test;
- The ID Number of officer conducting test (if entered – not mandatory); and
- The alcohol reading

SAPOL does not use data from the instruments to form official counts.

- SAPOL's official count for alcotest numbers is generated by police officers self-reporting at the end of a shift into the Traffic Online database.
- Traffic Support Branch does not undertake auditing to verify test numbers produced by the instruments or traffic online on a regular basis.
- Audit and Risk Management advise they can, either when a complaint is received or when undertaking a targeted audit, conduct audits of Traffic Online data against the data in an alcotest instrument. Such an audit has occurred once in the last 3 years for one nominated police station. This occurred in July 2017 and it was found that the alcotest data did not support the entries that had been made into Traffic Online. This situation was dealt with through the SAPOL disciplinary system.
- Software is available to download data from the Alcolizer Series 5. Other jurisdictions have software which enables this instrument to self-report the data into a database automatically. However, the instrument has a critical memory size that records data in a rolling methodology.
- The number of alcotests that SAPOL undertakes at particular locations can vary greatly depending on the volume of traffic and compliance factors.
- The total numbers of tests conducted over the past three years have remained around the 550,000 per year with no significant deviations identified. Those numbers are:

2014/2015	2015/2016	2016/2017
566,127	544,161	554,495

- In summary, SAPOL rely on the integrity of officers to self-report data into the Traffic online system to determine an official count of breath tests.
- It is suggested that a way forward will be to:
 - Review the current process and identify and provide solutions to any anomalies;
 - Develop a process for higher accountabilities on the supervisors at bulk testing stations;
 - Consider implementation of a software solution, taking into account cost and value for money.

- It is also suggested that the Minister for Police be advised that:
 - *SAPOL has a manual recording system for all drink and drug driving tests conducted. The total numbers of tests conducted over the past three years have remained around the 550,000 per year with no significant deviations identified. SAPOL is satisfied with its current method of undertaking and recording tests. Notwithstanding this we will conduct a review our own processes to ascertain if they can be improved.*

RECOMMENDATION:

It is recommended that the Commissioner of Police:

1. Notes the content of the Commissioner's Briefing Paper.

Noted

2. Directs the Acting Assistant Commissioner, State Operations Service to:
 - Review the current process and identify and provide solutions to any anomalies;
 - Develop a process for higher accountabilities on the supervisors at bulk testing stations; and
 - Consider implementation of a software solution, taking into account cost and value for money.

Endorsed/Not endorsed

3. Provide the following statement to the Minister for Police:

SAPOL has a manual recording system for all drink and drug driving tests conducted. The total numbers of tests conducted over the past three years have remained around the 550,000 per year with no significant deviations identified. SAPOL is satisfied with its current method of undertaking and recording tests. Notwithstanding this we will conduct a review our own processes to ascertain if they can be improved.

Endorsed/Not endorsed

Contact: Bob Gray
Officer in Charge, Traffic Support Branch
Telephone: 82076595 or
Date 1 June 2018

Noted:

.....
Dean Miller APM
Acting Assistant Commissioner
State Operations Service
June 2018

Endorsed:

.....
Commissioner of Police
June 2018

MINUTES *forming* ENCLOSURE to

MLO0655/18

**TO: HON MINISTER FOR POLICE, EMERGENCY SERVICES AND
CORRECTIONAL SERVICES**

RE: SAPOL ALCOTEST DATA

I refer to recent media articles concerning a Victoria Police announcement that 250,000 roadside alcohol tests have been faked.

SAPOL provide the following advice in relation to our processes.

The instrument used by SAPOL is an Alcolizer Series 5. This instrument is different to the instrument that is used by Victoria Police. A test cannot be generated with the Alcolizer instrument by placing a finger over the air intake hole.

The Alcolizer Series 5 can be loaded with software that can be used to audit the number of tests. SAPOL doesn't have the software at this time.

SAPOL has a manual recording system for all drink and drug driving tests conducted. The total numbers of tests conducted over the past three years have remained around the 550,000 per year with no significant deviations identified.

SAPOL's official count for alcotest numbers is generated by police officers self-reporting at the end of a shift into the Traffic Online database.

As a result of media reporting, SAPOL will conduct a review of our processes to ascertain if they can be improved.



(Grant Stevens)
COMMISSIONER OF POLICE

7 June 2018

Contact: SAPOL MLO
Phone: 23823

COMMISSIONER BRIEFING PAPER

SUBJECT: Out of Scope AND DRUG DETECTION BENCHMARKS 2017-2018

BACKGROUND:

Out of Scope and drug detection benchmarks for drivers of motor vehicles were established in 2010 following a review into the screening benchmark.

Out of Scope

Later in 2010 a detection benchmark was also established for drugs at 4% of the screening benchmark. In 2016 the detection benchmark for drugs was increased to 6% of the screening benchmark.

Prior to these periods a detection benchmark was never established however the rate of detection was measured.

RELEVANT POINTS:

- Out of Scope

The detection benchmark for drugs was established on the basis to ensure that all areas were contributing in the field of driver drug testing. However the detection benchmark for drugs was lower than the actual detections being experienced at the time due to financial implications. Drug driving is an expensive resource and the benchmark was aimed to ensure that areas were contributing without the need to chase a benchmark and therefore incur a cost.

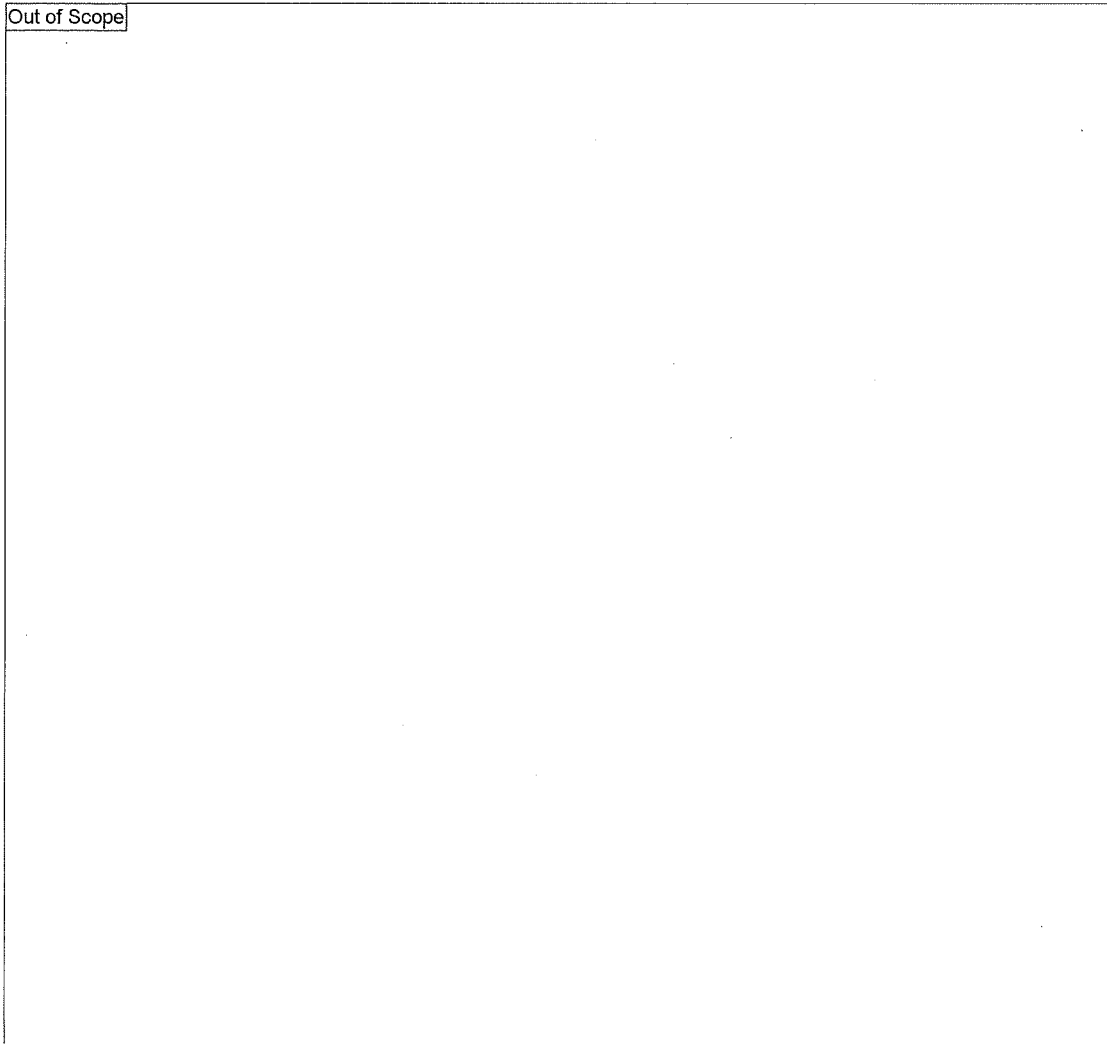
Out of Scope

Out of Scope

- It is proposed that the detection benchmark for both Out of Scope and drugs should be removed. The overall count of detections and the rate of detection will still be measured as it was prior to the implementation of a detection rate target.
- The change which implemented a detection rate target with a decrease in a screening target saw a significant change in enforcement practices from a static environment to a mobile environment. This was a desired

outcome of the implemented change. In the metropolitan area, analysis showed a 40% increase in the amount of mobile testing being undertaken in 2011/2012 when compared to the old model in 2009/2010. Likewise the amount of static testing decreased by 15% over the same period.

Out of Scope



- Research from around Australia has also shown that SAPOL is the only enforcement agency to have a detection benchmark for Out of Scopend drugs.

RECOMMENDATION:

- It is recommended that need for police officers to attain a detection benchmark is removed for Out of Scopend drugs detections in 2017-2018.

- It is further recommended that the number of detections that are achieved by police officers are continued to be measured as they were prior to the benchmark change in 2010.

Contact: Superintendent Anthony Fioravanti
Telephone: 8207 6595 or
Reference: PCO 2017/1411
Date: 16 June 2017

Approved

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Bronwyn Killmier
Assistant Commissioner
/ /2017

