



OFFICIAL: Sensitive

Your Ref: <Your Ref>
Our Ref: 22-1823
Enquiry: <Enquiries>
Telephone: 7322 3347
Facsimile: 7322 4180

[Redacted]

[Redacted]

[Redacted]

Re: Freedom of Information Act application

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

- 1) SAPOL prosecutors code of conduct.
- 2) All SAPOL prosecutors procedures in the gathering of evidence to make sure evidence has not been altered/tampered with or none existent before putting any evidence in a court of record.
- 3) SAPOL code of conduct in regards to fabricating evidence and putting that evidence before a court of record, on the record.
- 3) SAPOL code of conduct in regards to altering /tampering with police body camera footage and or anyone else's video footage like a phone, GOPRO or any other recoding devise police seized/stole.
- 4) SAPOL code of conduct in regards to concealing evidence, for example an accused interview/charged recording.
- 5) SAPOL code of conduct in regards to concealing evidence, for an example police body camera footage, police station security camera footage or any other footage in there (sic) possession from a recording device.
- 6) SAPOL code of conduct in regards to perjury on the stand or on an affidavit.
- 7) SAPOL code of conduct in regards to destroying body camera footage by not following procedure and saving the footage to the system.

In relation to these parts of your request:

- "1) SAPOL prosecutors code of conduct.....
- 3) SAPOL code of conduct in regards to fabricating evidence and putting that evidence before a court of record, on the record.
- 3) SAPOL code of conduct in regards to altering /tampering with police body camera footage and or anyone else's video footage like a phone, GOPRO or any other recoding devise police seized/stole.
- 4)



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SAPOL code of conduct in regards to concealing evidence, for example an accused interview/charged recording. 5) SAPOL code of conduct in regards to concealing evidence, for an example police body camera footage, police station security camera footage or any other footage in there (sic) possession from a recording device. 6) SAPOL code of conduct in regards to perjury on the stand or on an affidavit. 7) SAPOL code of conduct in regards to destroying body camera footage by not following procedure and saving the footage to the system.”

It is determined to **refuse access** to this part of your request pursuant to s20(1)(b) of the Freedom of Information Act 1991 which relevantly states:-

“An agency may refuse access to a document if it is a document that is available for inspection at that or some other agency (whether as part of a public register or otherwise) in accordance with Part 2, or in accordance with a legislative instrument other than this Act, whether or not inspection of the document is subject to a fee or charge;”

Documents that fall within the scope of your request are published and can be found at: <https://www.legislation.sa.gov.au/search?query=Police+code+of+conduct>

The Code of Conduct is described in both the Police Act 1998 and Police Regulations 2014

In relation to this part of your request:

“...2) All SAPOL prosecutors procedures in the gathering of evidence to make sure evidence has not been altered/tampered with or none existent before putting any evidence in a court of record...”

South Australia Police (SAPOL) has located a document that falls within the scope of your request. The document is numbered and described in the following schedule. The schedule contains the details of the determination in compliance with section 23.

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE				
No.	Document Description	Status	Act	Reason
1	General Order– Prosecution - date of issue 24 March 2021	Full Release		The redacted text has been removed “out of scope” as it does not fall within the scope of your request

Your rights to review

If you are dissatisfied with this determination, 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.

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This application must be lodged within 30 (calendar) days after you receive this letter with a fee of \$38.25, if applicable.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul Friend', with a stylized flourish at the end.

Sergeant Paul Friend
Acting Officer in Charge
Freedom of Information Unit
(Accredited Freedom of Information Officer)

19 April 2022

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