



SOUTH AUSTRALIA POLICE
KEEPING SA SAFE

Your Ref:
Our Ref: 20-1086
Enquiries:
Telephone: 7322 3347
Facsimile: 7322 4180

Mr Lee Odenwalder MP
Member of Parliament
2-3, 4 John Rice Avenue
ELIZABETH VALE SA 5112

Email: [REDACTED]@parliament.sa.gov.au

Dear Mr Odenwalder

Re: Freedom of Information Act application

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

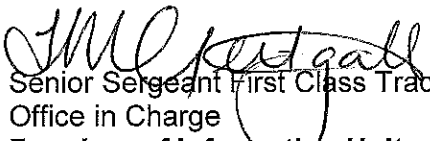
"The following documents in full: General Order, significant incident investigation and Commissioner's (sic) enquiries. Please withdraw searches relating to personal and business affairs."

Prior to submitting your application, [REDACTED] spoke with Sergeant Friend via telephone regarding the scope of your request. As a result of that conversation, Sergeant Friend understood the scope would *exclude* personal and business affairs, however your application stated, *"withdraw searches relating to personal and business affairs."* I have processed your application on the premise that you intended for personal and business affairs to be excluded from the scope.

It is determined to **release in full** *General Order – Significant Incident Investigations and Commissioner's Inquiries*, bearing date of issue as 24 October 2018 and consisting of nineteen (19) pages.

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 https://www.dpc.sa.gov.au/data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf. If you disagree with publication, please advise the undersigned in writing by 10 February 2020.

Yours sincerely,


Senior Sergeant First Class Tracy Gentgall
Office in Charge
Freedom of Information Unit
(Accredited Freedom of Information Officer)
2 January 2020



Government
of South Australia



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GENERAL ORDER

SIGNIFICANT INCIDENT INVESTIGATIONS AND COMMISSIONER'S INQUIRIES

General Order title	Significant incident investigations and Commissioner's inquiries
Date of issue	24 October 2018
Date of operation	12 October 2018
Review date	September 2020
Review responsibility	Ethical and Professional Standards Branch
Replaces	Previous General Order, Significant incident investigations and Commissioner's inquiries
PCO reference	2008/4608-02
Gazette reference	SAPG 239/18
Enquiries to	Ethical and Professional Standards Branch, Telephone 732 23308
Corporate Policy Sponsor	Assistant Commissioner Governance and Capability Service

General Orders provide an employee with instructions to ensure organisational standards are maintained consistent with SAPOL's vision. To this end, General Orders are issued to assist an employee to effectively and efficiently perform their duties. It is important that an employee constantly bears in mind that the extent of their compliance with General Orders may have legal consequences.

Most orders, as is indicated by the form in which they are expressed, are mandatory and must be followed. However, not all situations encountered by an employee can be managed without some form of guidance and so some of these orders are prepared as guidelines, which should be applied using reason. An appendix to a General Order will be regarded as part of the General Order to which it relates. At all times an employee is expected to act ethically and with integrity and to be in a position to explain their actions. Deviation from these orders without justification may attract disciplinary action.

To ensure best practice an employee should be conversant with the contents of General Orders.

The contents of General Orders must not be divulged to any person not officially connected with SAPOL. Requests for General Orders will be managed as follows:

- Civil subpoena and disclosure requests—contact the Information Release Unit.
- Criminal subpoena and disclosure requests—contact the Prosecution Support Unit.
- Freedom of information requests—contact the Freedom of Information Unit.

Any other requests (including requests by employees)—refer to instructions provided within General Order, **Corporate policy framework, 5. GENERAL ORDER REQUESTS/RELEASE.**

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1. GENERAL ORDER STATEMENT

A significant incident investigation (SII) or Commissioner's inquiry (CI) is a formal process to ensure critical or other incidents involving South Australia Police (SAPOL) employees are investigated thoroughly, independently and that the integrity of the investigation is maintained at all times. The process incorporates scrutiny of the corporate risks and liability associated with such incidents. The investigation is conducted to ensure that public confidence is maintained in SAPOL.

Scope

This General Order applies to SII's and CI's involving SAPOL employees.

2. SIGNIFICANT INCIDENT INVESTIGATIONS AND COMMISSIONER'S INQUIRIES

The process of conducting either a SII or CI is the same. The designation for the inquiry, either SII or CI, relates to the manner in which it is declared. The Officer in Charge (O/C), Ethical and Professional Standards Branch (EPSB) can declare a SII in accordance with this General Order. The Commissioner of Police can declare any matter be subject to a CI. The O/C, EPSB remains the overall responsible officer for all SII's and CI's.

A SII may be declared in the following circumstances:

- deaths in police custody pursuant to section 3 of the *Coroners Act 2003*
- life threatening injury caused to a person in police custody
- a Category A firearms incident in which a SAPOL employee kills or injures a person or a person kills or injures a SAPOL employee
- a Category A electronic control device incident in which a SAPOL employee kills or seriously injures a person
- death or serious injury as a result of high risk driving
- as directed to the O/C, EPSB by the Commissioner of Police or Deputy Commissioner.

A CI may be declared in the following circumstances:

- any incident determined by the Commissioner of Police or Deputy Commissioner with consideration to:
 - loss of public confidence and/or reputation
 - service delivery failure
 - liability to corporate prosecution
 - civil liability risks
 - work health and safety.

The O/C, EPSB will advise the Commissioner of Police or Deputy Commissioner of any incidents, as soon as practical to do so, which may require a SII or a CI.

Commissioner's inquiries

The Commissioner of Police or Deputy Commissioner will:

- declare all CIs
- determine, allocate and direct additional resources as required
- assess and authorise recommendations from the outcomes of the inquiry.

Commissioner's inquiries and significant incident investigations

A SII or CI will have a specific Terms of Reference (ToR) which will:

- be developed by the O/C, Investigational Assurance Section (IAS) and authorised by the O/C, EPSB
- be approved by the Assistant Commissioner (A/C), Governance and Capability Service (GCS) (SII only)
- be approved by the Commissioner of Police or Deputy Commissioner
- indicate the extent of the investigational requirements
- guide the SII or CI and may require the investigation of issues such as to identify the cause and/or circumstances surrounding the particular incident, including compliance with legislative requirements, General Orders and relevant policies
- direct that the investigation is not intended to duplicate any other inquiry or investigation file such as a Coroner's brief, disciplinary file or criminal prosecution file but may serve, supplement or act as an adjunct to any other such inquiry or investigation
- when it is deemed necessary, require a conduct review of the actions of police relative to the incident be undertaken which may require the submission of a **PD185 Mandatory report alleged breach of the code of conduct against SAPOL employee(s) (PD185)** and conduct investigation in compliance with General Order, **Complaints and disciplinary framework**.

Responsibility for investigations/reviews conducted into significant incident investigations or Commissioner's inquiries

Officer in Charge, EPSB responsibilities

The O/C, EPSB, reporting to the A/C, GCS, has overall responsibility and accountability for ensuring the rigour, independence, objectivity, transparency and integrity of the processes and investigations conducted into a SII or CI.

The O/C, EPSB will:

- ensure that any reported incidents that are subject to assessment as a SII or CI are managed as a SII or CI until determined otherwise
- provide advice to the Commissioner of Police and/or Deputy Commissioner on whether a significant incident requires an escalation and declaration as a CI
- be responsible for the allocation of the SII or CI to an appropriate Officer of Police as the appointed **senior investigating officer**

- ensure a reporting structure regarding the rigour, independence, objectivity, transparency and integrity is maintained throughout the investigation
- coordinate and ensure the investigations/reviews are functioning and interconnecting as appropriate
- ensure that regular progress meetings occur as deemed necessary for all SII and CI to ensure that investigational time frames are met and investigations adequately capture the requirements of the ToR
- provide advice to the Commissioner of Police, Deputy Commissioner or A/C, GCS on the adequacy of or need for, additional SAPOL resources
- provide regular status reports to the Commissioner of Police and/or Deputy Commissioner, through the A/C, GCS, on the progress of the investigation as deemed relevant
- provide advice regarding any communication to employees on the progression of investigations undertaken
- advise the Coroner of SII and CI that relate to the death of a person
- identify an appropriate member with the necessary skills and aptitude to undertake a corporate review where the O/C, IAS is unavailable
- ensure appropriate guidance and advice is provided to the corporate review officer and incident **senior investigating officer**
- determine and resolve issues where clarification is sought on the interpretation of this General Order.

Investigation of the incident

Other than in exceptional circumstances, where there is a death in police custody, the O/C, Major Crime Investigation Branch (MCIB) is responsible and accountable for the scope, integrity, rigour and thoroughness of any subsequent SII or CI.

Where the death or serious injury of a person results from a vehicle collision involving an on duty member the O/C, Traffic Support Branch (TSB) is responsible and accountable for the scope, integrity, rigour and thoroughness of the SII or CI.

In some instances it may be appropriate that the responsibility and accountability for a SII or CI is undertaken by another District/Local Service Area (LSA)/branch Criminal Investigation Branch (CIB) manager. In this instance the O/C, EPSB will liaise directly with the District/LSA/branch CIB manager to ensure an Officer of Police is appointed as the **senior investigating officer** from within the District/LSA/branch CIB.

The District/LSA/branch CIB manager is responsible and accountable for the scope, rigour, thoroughness, independence, objectivity and integrity of any allocated SII or CI.

SII and CI files will be prepared in accordance with the *Significant incident investigation and Commissioner's inquiry file preparation instructions* which is available through the intranet at <police connect home page/services/ governance and capability service/ethical professional standards branch/resources>.

The O/C, IAS is responsible for the oversight of the completion of SII or CI to ensure that investigations fulfil the requirements of the ToR and are complete, thorough, objective and conducted independently to ensure investigational integrity. The O/C, IAS will review all SII and CI reports which is followed by a review by the Office of

General Counsel (OGC). The O/C, IAS is also responsible for conducting a corporate review independent of the investigation.

In the case of a death, a full copy of the SII or CI report must be provided to the O/C, EPSB for review prior to providing the report to the Coroner. In the interim the Coroner will be advised through the Coroner's Office Inquest Support Officer of the status of SII and CI until files are complete and have been delivered to Coronial Investigation Section (CIS).

The O/C, EPSB will review all SII and CI reports and advise the relevant manager when the report can be released to the Coroner. The O/C, IAS will advise the incident **senior investigating officer** when the Coroner's brief can be provided to the Coroner through the CIS. One full copy of the final version of the full investigation file including the report, all statements and miscellaneous documents (photographs and CDs/DVDs et cetera) will be provided to the O/C, IAS by the **senior investigating officer**.

Where the incident does not relate to a death one full original file including the final report, statements and miscellaneous documents will be forwarded direct to the O/C, IAS for review by O/C, EPSB.

The O/C, IIS is responsible for ensuring that thorough reviews of SIIs and CIs are undertaken by an IIS senior investigator to ascertain if any breaches of discipline have occurred.

The O/C, Professional Conduct Section (PCS) is responsible for managing the adjudication of investigation and disciplinary files, ensuring the adjudication is completed in accordance with designated time frames.

Officer in Charge, District/LSA/branch CIB manager responsibilities

The O/C, District/LSA/branch CIB manager responsible for managing the investigation will:

- in consultation with the O/C, EPSB, appoint an Officer of Police as the **senior investigating officer** from within the District/LSA/branch CIB
 - where an Officer of Police is unavailable liaison with the O/C, EPSB will occur to identify a suitable member of Officer rank to undertake the role
- ensure the **senior investigating officer** is informed immediately as to their appointment, the nature of the significant incident and the ToR when approved
- ensure that the **senior investigating officer** makes all attempts to attend the scene if practicable to do so
- establish a reporting structure to ensure the **senior investigating officer** conducts and maintains an investigation with rigour, independence, objectivity, transparency and integrity and advise the O/C, EPSB of any perceived conflict of interest matters
- take responsibility and accountability for the overall rigour, independence, objectivity, transparency and integrity of the investigation
- provide directions and guidance about the nature, scope, legality and manner of the investigation
- provide advice to the O/C, EPSB on the adequacy of SAPOL resources throughout the investigation

- provide monthly progress reports to the O/C, IAS on the progression and competence of the investigation, including verifying:
 - that the actions from the investigation are being completed in a timely manner
 - compliance with the set timeline for the investigation
 - the findings, conclusions and recommendations from the investigation to ensure they are consistent, accurate and are able to withstand close scrutiny.

Senior investigating officer (Officer of Police) responsibilities

The appointed **senior investigating officer** of a SII or CI will:

- declare any perceived conflict of interest matters either organisational and/or individual
- attend the scene immediately where practicable
- liaise with the forward commander of the incident to make sure all action has been taken to maintain the integrity and independence of the investigation and scene
- ensure the integrity of the incident and any subsequent investigation by segregating employees and witnesses involved, to avoid any suggestion of collusion
- ensure the appropriate A/C and O/C of the respective District/LSA/branch is advised
- having regard to the needs of the investigation, consider the work health and safety of employees involved in the incident, maintaining communication with relevant managers as necessary
- take control of and direct the investigation into the incident
- ensure the preservation and collection of evidence
- ensure all employees present at the incident remain on duty to assist investigators
- liaise with the O/C, IIS and/or the IIS Officer(s) of Police who attend the scene with respect to any disciplinary issues and act on advice from and provide information to the O/C, IIS as required
- ensure statements/interviews are undertaken by investigators or generated by employees directly involved in the incident, before the end of the shift unless medical or other reasons prohibit
- ensure all witnesses are identified and personal particulars obtained
- ensure all other police witnesses provide a copy of any notes before the end of the shift and any statements from witnesses must be obtained at the time or at the earliest opportunity
- appoint a member to submit the preliminary Coroner's brief (not required for a death in police custody) and ensure that original signed and witnessed statements are forwarded directly to the O/C, IAS for review by the O/C, EPSB prior to forwarding to the O/C, CIS and is accompanied by an Offender record management system (ORMS) generated **PD63 Coroners brief cover**
- ensure that a preliminary Coroner's brief (one copy), **PD44 Report of death (PD44)** with attached statements on a **PD166 Statement of witness**, or where

appropriate, **PD166B Verification and declaration by Coroner/investigator written statement of witness** will be provided to the O/C, CIS prior to the completion of shift through the ORMS

- statements forming the Coroners brief (word documents only) must be electronically uploaded to ORMS record during the creation of the **PD44**
- undertake an investigation ensuring it has rigour, independence, objectivity, transparency and integrity
- in consultation with the O/C, EPSB, consider a 'task force' approach to the investigation involving the use of additional resources in order to progress the investigation in a timely manner
- in the case of a death, liaise with the O/C, CIS to convene an initial briefing with Counsel assisting the Coroner to discuss the ToR and investigational requirements
- brief the Coroner or Deputy Coroner upon request
- ensure the investigation is coordinated and conducted within the nominated time frame and complies with:
 - General Order, **Case management system**
 - General Order, **Complaints and disciplinary framework**
 - General Order, **Deaths and deaths in custody**
 - General Order, **Operational safety—operational equipment** relative to electronic control devices
 - General Order, **Operational safety—operational equipment** relative to firearms incident (excluding electronic control devices)
 - General Order, **Self-harm in police custody**
 - General Order, **Vehicle collisions**
- conduct any secondary interviews where necessary
- maintain liaison with the investigator appointed to undertake any disciplinary investigation and ensure the O/C, IIS is advised of any disciplinary matters identified
- supervise and manage specialist investigators involved in the investigation of the incident
- provide monthly status reports to the Counsel assisting the Coroner on the progress of the investigation through the CIS (refer to General Order, **Deaths and deaths in custody**)
- maintain liaison with the O/C, IIS, O/C, IAS and the O/C of the relevant District/LSA/branch throughout the investigation as required
- ensure all lines of inquiry are pursued and that the investigation is thorough and complete
- facilitate and provide information and advice to the O/C, IAS regarding matters identified during the investigation that may impact on SAPOL's policy, practice, procedure, training and equipment and propose any relevant legislative change

- ensure that the collection and/or creation of documents are recorded and the following is considered:
 - it is recommended that a **PD10 Master disclosure record and schedule** is utilised for this purpose or a system that provides the same level of scrutiny
 - the system must identify all the documents subject to disclosure and those that may be subject to a claim of 'privilege'
 - where a claim of privilege is contemplated, masking of documents or portions of documents must not occur unless advice is sought from the OGC in the first instance.
- prepare and submit to the O/C, IAS in a timely manner, an investigation file containing relevant statements, miscellaneous documents and a final report
- identify and document in the final report any meritorious conduct that should be assessed for nomination of a SAPOL or external award.

Forward commander responsibilities

The forward commander must not be a member who had been involved in the care or custody of the deceased. To ensure the rigour, independence, objectivity, transparency and integrity of the investigation is maintained, the forward commander will:

- take control of the incident
- establish a crime scene and protect the crime scene from unnecessary or unauthorised disturbance or entry
- ensure the incident scene is safe and the safety of other persons who may be in the vicinity is considered
- secure any articles/material or other evidence used to cause death or injury
- ensure the integrity of the incident and any subsequent investigation by segregating the employee(s) involved to avoid any suggestion of collusion
- ensure all employees involved commence to independently prepare notes of the incident whilst the facts are still fresh in their memory
- appoint an independent person to assist/comfort the employee(s) involved during the post incident process
- ensure the welfare needs of the employee(s) involved are attended to
- identify any potential witnesses to allow for the taking of statements by investigators
- identify and take steps to secure any other evidence, including patrol logs, running sheets et cetera
- ensure the pathologist is called to attend the scene
- ensure the submission of the **PD148 Record of self-harm or death in police custody** and **PD44** when appropriate.

Employee responsibilities

An employee(s) involved in a SII or CI will:

- if that person is a member—ensure their statutory obligations with regard to their role as a police officer is met
- if that person is an employee—ensure their statutory obligations with regard to their role as a *Public Sector Act 2009* or *Protective Security Act 2007* employee is met
- secure the incident scene and treat it as a crime scene
- prevent unauthorised entry to the incident scene
- commence preliminary enquiries by obtaining names and addresses of any potential witnesses
- independently prepare detailed notes of the incident whilst the facts are still fresh in their memory and prior to the completion to the shift in which the incident occurred
- ensure the security of other evidence including patrol logs, running sheets and any other document or object deemed necessary
- facilitate the provision of a statement or undertake an interview when requested by the senior investigator or specialist investigator prior to the end of the shift except where there is compelling safety, medical or welfare issues
- not collude with other persons involved in the incident regarding the cause or circumstances surrounding the incident
- comply with any lawful direction(s) given by an Officer of Police, **senior investigating officer** or member of IIS with respect to maintaining rigour, independence, objectivity, transparency and integrity of any SII or CI.

Communications Centre responsibilities

The State Shift Manager (SSM), Communications Centre at the time of a significant incident will:

- ensure the O/C, IIS is advised of the incident, either by confirming that the notification has been made or facilitating the making of the notification by recording this on the Communications aided dispatch system (CADS)
- advise the State Coroner (Coroner) of all significant incidents where a death or life threatening injury occurs through the Coroner's Court manager
- advise the O/C, Major Crash Investigation Section of all significant incidents where a death or serious injury occurs as a result of high risk driving.

Notification of the Coroner

The Coroner must immediately be advised of a death in custody (police or non-police) that falls within the definition of section 3 of the *Coroners Act 2003*. The SSM will advise the Coroner of all such deaths through the Coroner's Court manager.

In addition to the SSM notification to the Coroner, there are some events or circumstances that the Coroner should be personally advised of prior to any broadcast by the commercial media or prior to a SAPOL media release.

In these circumstances the O/C, MCIB and/or the O/C, TSB will, where practicable, for the purpose of avoiding speculation and misinformation, advise the Coroner to ensure that they are sufficiently conversant with the facts known to SAPOL to enable them to fulfil the statutory obligations of the *Coroners Act 2003*.

Where death has not yet occurred but is considered to be imminent and would therefore become a notifiable incident the Coroner is, where practicable, to be advised. Where the investigation responsibility does not fall to the O/C, MCIB and/or the O/C, TSB, the relevant manager will seek advice from the O/C, MCIB in respect to the manner and method of advising the Coroner.

Remote and regional areas

An Officer of Police or member relieving in the position will attend the scene of a significant incident that has occurred in a remote or regional area. The attending Officer will contact O/C, EPSB to develop a strategy to ensure the principles of this General Order are followed.

Officer in Charge, Internal Investigation Section responsibilities

The O/C, IIS will:

- ensure the attendance of an appropriate IIS Officer(s) of Police at the scene of any incident which has been declared or has the likelihood of being declared, a SII or CI
 - refer also to **2. SIGNIFICANT INCIDENT INVESTIGATIONS AND COMMISSIONER'S INQUIRIES, Investigation of the incident, Remote and regional areas** previous in this General Order
- be responsible and accountable to the O/C, EPSB to ensure the rigour, independence, objectivity, transparency and integrity of any investigation undertaken by IIS investigators to ascertain if any breaches of discipline have occurred
- maintain a proactive oversight role with the O/C of the District/LSA/branch CIB manager where the incident has occurred by liaising with the **senior investigating officer** and O/C, IAS with respect to any disciplinary issues which may become apparent throughout the course of the investigation
- provide ongoing direction to the **senior investigating officer** regarding any disciplinary issues identified during the course of the investigation.

Conduct review

A conduct review of any actions taken by employees resulting from a SII or CI will be undertaken by an investigator from the IIS or a member with the necessary knowledge and skills, under the direction of the O/C, IIS unless the O/C, EPSB determines that no conduct review is required. Refer to General Order, **Complaints and disciplinary framework** relative to obeying directions of Internal Investigation Section and Anti-Corruption Branch police officers.

Officer in Charge, Internal Investigation Section responsibilities for the conduct review

The O/C, IIS is required to:

- advise the O/C, EPSB of the commencement of a conduct review, albeit this may not occur until after a Coroner's brief has been prepared
- advise the O/C, EPSB of any perceived conflict of interest matters either organisational and/or individual
- take responsibility and accept accountability for the rigour, independence, objectivity, transparency and integrity of any conduct review or subsequent conduct investigation
- assign resources within IIS for the review or subsequent investigation of any disciplinary matters identified
- develop an investigation strategy for any disciplinary matters identified as warranting a full disciplinary investigation and investigate as per usual practice for any similar type investigation
- provide advice to the O/C, EPSB on the adequacy of SAPOL resources for the conduct review or subsequent investigation
- create a Shield non-crime occurrence to manage and issue tasks in relation to the SII or CI:
 - ensure the occurrence has appropriate ACL (access control list) and all Shield occurrences involved in the investigation are linked
- ensure active oversight and provide directions regarding the nature, scope and manner of the conduct review or investigation to the investigators involved
- provide regular reports on the status and progression of the conduct review or subsequent investigation to the O/C, EPSB
- provide information and advice to the O/C, IAS regarding matters identified during the conduct review or subsequent investigation that may impact on SAPOL policy, practice, procedure, training, equipment and identify any meritorious conduct that should be assessed for nomination of a SAPOL or external award
- ensure the findings, conclusions and recommendations from the conduct review or subsequent investigation are consistent, accurate and can withstand close scrutiny
- ensure any conduct review is completed within a time frame as directed by the O/C, EPSB and any subsequent disciplinary investigation is completed **within 12 weeks** from the commencement of that disciplinary investigation
- liaise with the O/C, PCS upon completion of the conduct review to ensure any subsequent adjudication is completed within six weeks of the receipt of the file:
 - the time frame does not include any periods during the adjudication process when the file is with the OGC, Director of Public Prosecutions or the Commissioner for the Independent Commission Against Corruption.

The corporate review

The purpose of a corporate review is to examine the adequacy and robustness of SAPOL policy, procedure, practice, training, equipment and the limitations of any legislation with regard to the actions of employees that is subject to a SII or CI. Additionally, the review will focus on ways to prevent or reduce the likelihood or reoccurrence of a similar event and/or confirm the soundness of current policy.

A corporate review will be conducted independently to the incident and conduct review by the O/C, IAS reporting directly to the O/C, EPSB. The corporate review will include examining the Coroner's brief or any additional incident investigation (a report to the Coroner must not be delayed for this purpose).

The A/C, GCS will approve the scope and nature of the corporate review on advice and recommendation from the O/C, EPSB.

The O/C, EPSB is responsible for the:

- rigour, independence, objectivity, transparency and integrity of the corporate review conducted in relation to a SII or CI
- development of the scope and nature of the corporate review
- provision of updates and briefings for the Commissioner of Police and/or Deputy Commissioner and/or the A/C, GCS as deemed appropriate on the status of and recommendations from a corporate review.

The corporate review officer will be the O/C, IAS or any other employee nominated by the O/C, EPSB. This person will be responsible for:

- contacting the **senior investigating officer** and the O/C, EPSB to ascertain the necessity of implementing immediate change(s) that may impact on safety and/or liability matters for the organisation ensuring the corporate review is conducted in a timely manner and complies with the scope as recommended by the O/C, EPSB, including any disciplinary issues or meritorious conduct which may have been identified
- maintaining liaison with the O/C, EPSB, incident **senior investigating officer** or O/C, IIS regarding any disciplinary investigation
- providing regular reports on the status and progression of the review to the O/C, EPSB
- preparing a detailed report covering the scope and nature of the corporate review
- maintaining ongoing liaison with the management of an Inquest Management Team (IMT) appointed as a result of the SII or CI
- complying with instructions contained in General Order, **Deaths and deaths in custody**.

Coronial Inquest

Any member receiving a request from the Coroner for attendance and/or production of documentation will comply with General Order, **Deaths and deaths in custody**.

Where a request refers to a matter that is the subject of a SII or CI, the member is to advise the O/C, IAS who will consult with the **senior investigating officer** of the incident and:

- manage all requests from the Coroner

- in order to identify deaths subject to a Coronial Inquest (that may have corporate significance) maintain continual liaison with the Officers in Charge:
 - CIS
 - EPSB
 - MCIB, TSB or other District/LSA/branch that conducted the investigation
- provide advice to the O/C, EPSB on matters subjected to a Coronial Inquest that may have corporate significance
- develop strategies to support SAPOL's corporate vision and values for matters subject to a Coronial Inquest
- manage the IMT appointed by the Commissioner of Police and/or Deputy Commissioner.

In some circumstances an IMT may be appointed by the Commissioner of Police and/or Deputy Commissioner (refer to General Order, **Deaths and deaths in custody**) upon advice from the O/C, EPSB. When appointed the IMT will manage requests made for the Coronial Inquest.

The IMT will:

- prepare and provide SAPOL documentation and information (relevant to the inquest) to the OGC and Crown Solicitor
- maintain and update the register of documents
- coordinate the proofing of employees when required by the Crown Solicitor
- monitor the inquest, advise and instruct the OGC where necessary
- brief the Commissioner of Police and/or Deputy Commissioner on the inquest's proceedings and any issues relevant to SAPOL
- manage coronial requests, including claims of privilege and general disclosure
- liaise with Crown Solicitor's Office staff
- assist in ensuring the wellbeing of employees during the course of the inquest by briefing and referring employees to the Employee Assistance Section (EAS)
- prepare affidavits as required
- identify organisational risks
- liaise with the Police Association of South Australia as necessary.

Where issues which may arise at a Coronial Inquest are identified the O/C, EPSB has the overall responsibility, in partnership with the O/C, OGC, to brief and seek direction from the Commissioner of Police and/or Deputy Commissioner concerning the issues and the proposed SAPOL response.

On receipt of the findings from the Coronial Inquest the A/C, GCS will be responsible for the preparation and timely submission to the O/C, Commissioner's Support Branch of the draft report to the Minister for Police pursuant to section 25 of the *Coroners Act 2003*.

Office of the General Counsel

Generally the role of the OGC is to provide legal advice on criminal procedural and civil matters pertaining to the SII or CI. OGC is also required to brief and provide instruction to the Crown Solicitor for the representation of employees.

The OGC is responsible for:

- coordinating the legal representation of SAPOL or any employee at a Coronial Inquest relating to a SII or CI
- advising District/LSA/branch managers or the IMT on the relevance or public interest immunity position to be adopted by SAPOL during an inquest, or whilst the Coroner is determining the necessity or justification of an inquest, considering SAPOL's position with regard to documents, recordings or other items identified as potentially involving legal issues regarding disclosure, public interest immunity or privilege
- providing advice on any particular knowledge or skills required of a designated SAPOL manager who will be continuously available during the preparation and conduct of a Coronial Inquest and approved by the Commissioner of Police and/or Deputy Commissioner and/or relevant assistant commissioner/director
- providing advice to the Commissioner of Police and/or Deputy Commissioner on the progress of the Coronial Inquest
- taking instructions from the designated SAPOL manager for the purpose of briefing/instructing the Crown Solicitor
- supporting and briefing the Crown Solicitor
- arranging the attendance of the Crown Solicitor's staff/counsel at the Coroner's Court for delivery of the finding and obtaining a copy of it as soon as possible after delivery
- reviewing transcripts to identify issues for SAPOL
- assessing and responding to issues for SAPOL
- in liaison with the O/C, EPSB, briefing the Commissioner of Police and/or Deputy Commissioner on the status of legal issues relevant to the preparation, conduct and response to the inquest.

Refer to General Order, **Deaths and deaths in custody**.

3. MANAGEMENT OF EMPLOYEES INVOLVED IN SIGNIFICANT INCIDENTS

Programs for the management of employees directly involved in significant incidents are focused on the welfare of the employee and are designed to facilitate the employee's timely return to their pre-incident duties and responsibilities.

It is intended that the scope of this General Order will be limited to the principle participant(s) as deemed appropriate by the O/C, EPSB on an individual basis. In all other cases the general principles of General Order 8540, **Work health, safety, welfare and injury management, Psychological health management** will apply.

The O/C, EPSB is responsible for determining the programs of assessment and support and for ensuring that all relevant parties fulfil their obligations in regard to assessments and programs for the support of employees following their direct involvement in significant incidents.

In making decisions regarding the management of an employee following their direct involvement in a significant incident, the O/C, EPSB will act on the recommendations of the EAS, the employee's O/C/manager/supervisor, any applicable skills assessor and the O/C, IIS.

An employee(s) who is directly involved in a significant incident will be assessed by relevant parties which may include:

- Psychology Section
- their Officer in Charge/manager/supervisor
- IIS
- any other relevant party.

Recommendations by these parties will then be made to the O/C, EPSB.

Following any recommendations made the O/C, EPSB may determine that the employee will return directly to pre-incident duties or remain non-operational and will undergo a further program of assessment.

All employees directly involved in police shooting incidents where death or injury to a member of the public or an employee has occurred will be required to remain non-operational until authorised to return to pre-incident duties by the Commissioner of Police and/or Deputy Commissioner.

An employee(s) directly involved in high risk driving incidents where death or injury occurred to a member of the public or an employee may, upon the recommendation of the O/C, EPSB, be required to remain non-operational until authorised by the Commissioner of Police and/or Deputy Commissioner to return to pre-incident duties.

An employee(s) who, under the direction of the O/C, EPSB, is required to undergo programs of assessment will be required to undertake one or more of the following:

- medical assessment by the Police Medical Officer
- psychological assessment by Psychology Section
- skills assessment by the relevant training provider
- any other relevant assessment.

Following the completion of the required assessment(s) recommendations will be made to the O/C, EPSB as to the employee's return to pre-incident duties.

When the O/C, EPSB is not satisfied with the assessment findings the employee will remain non-operational and undertake further assessment.

Where the O/C, EPSB is satisfied with the recommendation to return the employee to pre-incident duties, a recommendation will be made by the O/C, EPSB to the Commissioner of Police and/or Deputy Commissioner for approval.

In making this decision to authorise an employee's return to pre-incident duties, the Commissioner of Police and/or Deputy Commissioner will consider recommendations made by the relevant parties.

4. REFERENCES

Coroners Act 2003

General Order, **Case management system**

General Order, **Complaints and disciplinary framework**

General Order, **Deaths and deaths in custody**

General Order, **Disclosure compliance and subpoena management**

General Order, **Media affairs**

General Order, **Operational safety—operational equipment**

General Order, **Self-harm in police custody**

General Order, **Vehicle collisions**

General Order 8540, **Work health, safety, welfare and injury management, Psychological health management**

Protective Security Act 2007

Public Sector Act 2009

Significant incident investigation and Commissioner's inquiry file preparation instructions available through the intranet at <police connect home page/services/governance and capability service/ethical professional standards branch/resources>

5. FURTHER ENQUIRIES

Ethical and Professional Standards Branch

6. DOCUMENT HISTORY SINCE 21/05/08

Gazette reference (SAPG)	Date	Action (amendment/deletion/new/review/temporary variation)
167/08	21/05/08	New General Order—replaces General Order, Commissioner's Inquiry .
410/10	01/12/10	Amendment— 12. REFERENCES , deleted General Order, Subpoenas and insert General Order, Disclosure compliance and subpoena management .
200/11	13/07/11	Review 2011.
106/13	15/05/13	Amendment—references to the Police Complaints Authority deleted and replaced with Police Ombudsman. Services, Branches, Section names changed due to 2013 organisational restructure.
177/13	21/08/13	Review 2013—references to General Order, Deaths and General Order, Deaths/attempt self-harm in custody amended to General Order, Deaths and deaths in custody .
139/16	06/07/16	Review 2016—includes the movement of SIs and CIs to the Coroner through Coronial Investigation Section, and notification by the State Shift Manager to Major Crash Investigation Section in certain incidents.
239/18	24/10/18	Review 2018—includes change of Corporate Policy Sponsor from A/C HRS to A/C GCS; removal of references to the Police Ombudsman due to its closure; and changes made to reflect the district policing model implementation and Shield updates.

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General Order, **Significant incident investigations and Commissioner's inquiries**

APPROVED BY COMMISSIONER/DEPUTY

.....
Print Full Name

.....
ID Number

.....
Signature

12/10/18
Date

Documentation certification and verification

General Order draft—prepared by: Investigational Assurance Section

General Order—verified by Officer in Charge, Ethical and Professional Standards Branch