

OMBUDSMAN AUDIT REPORT

COMPLIANCE WITH THE CRIMINAL LAW (FORENSIC PROCEDURES) ACT 2007

The Ombudsman's annual audit which monitors compliance with the *Criminal Law (Forensic Procedures) Act 2007* was tabled in Parliament today. The audit examined records relating to 487 forensic procedures carried out on suspects, offenders, volunteers, and victims of criminal offences between February 2017 and May 2018. These procedures ranged from simple mouth swabs to intimate examinations and procedures.

The report indicates that more than 90% of the forensic procedures audited complied with the provisions of the Act.

However, there was a relatively high level of non-compliance where senior police officers were required to authorise procedures carried out on suspects. 43 of these procedures were examined and Ombudsman SA detected 30 instances of apparent non-compliance. Concern was expressed that many of these failures meant the process lacked fairness, that some of the procedures involved child suspects and that the non-compliance would likely adversely affect the admissibility of evidence.

Other instances of non-compliance raised concern because of the vulnerability of those involved; examples included occasions where intrusive procedures were conducted by persons of a different gender to the victim or suspect, instances where interpreters should have been used but were not, and 2 situations where it was questionable whether sexual assault victims were mentally capable of giving informed consent to the procedure.

Nevertheless it was noted that each of the eleven audio-visual records of intrusive forensic procedures viewed demonstrated that the procedures were carried out in a respectful and humane manner.

Ombudsman SA acknowledged the assistance of SA Police who extended their full cooperation during the audit. A number of recommendations have been made to SAPOL.

The audit report is available on the Ombudsman SA website.

8 November 2018