

Complaints about the police



Police may use a range of powers to help them do their job. On some occasions they may not use their powers appropriately or conduct themselves properly. In this case you may have cause for complaint about their conduct or behaviour.

This information sheet gives a general outline of how to make a complaint about the police if they have abused their powers or behaved inappropriately while doing their job.

What powers do police have?

Police have powers that enable them to keep the peace, prevent crime and protect property from criminal damage. These powers are greater than the powers of an ordinary citizen and include the power to arrest and detain people, obtain information, carry out searches, seize things and obtain identifying information such as DNA.

There are Legal Aid WA information sheets about police powers. These are referred to under the heading **Where can I get more information?**

What should I do first if I want to make a complaint?

As soon as possible after the incident that you wish to complain about, you should write down everything that happened. You should try to include the following details:

- The names of the police officers involved and their badge numbers
- What happened to you, including what was said
- The date and time when it happened
- Where it happened
- Any witnesses to what happened including their names and contact details.

If you have been hurt:

- See a doctor straight away. You may need to get a medical report.
- Get someone to take a photograph of your injuries.
- Write down as much as you can about who hurt you including their name, badge number, rank and the police station where they work.

- Write down the name of the last person to see you before you were hurt and the first person to see you afterwards. Ask them to write their own notes as soon as possible.

When should I complain?

There is no time limit for complaining about police, but it will usually assist your case if you make your complaint as soon as possible after the incident.

If your complaint arises out of an arrest or prosecution for an offence, talk to a lawyer before making a complaint. You may wish to lodge the complaint after the court has dealt with your case.

If you receive legal advice to delay making your complaint, you should still write down everything that happened as soon as possible after the incident.

What should be in the complaint?

Where possible, your complaint should be in writing and provide details of what happened including:

- the date, time and location of the incident
- the officer's name and badge number if known
- **copies** of any medical reports and/or photographs
- names and contact details of any witnesses
- vehicle registration or designation numbers
- **copies** of any letters sent or received
- details of any relevant conversations.

If your complaint is in writing, you should sign and date the complaint and keep a copy of it and all attached documents for your own records.

If your complaint is over the phone or in person, you should make notes of the discussion and record the name of the person you speak to, what they agree to do about your complaint and ask for a receipt number or complaint number.

Who can I complain to about the conduct of WA police?

WA Police

The Police Conduct Investigation Unit addresses complaints about the unprofessional conduct of police personnel.

To make a complaint about WA Police, you are encouraged to complete the online complaint form or contact your nearest police station or district office in person, by telephone, or in writing. You can:

- write to **Police Conduct Investigation Unit** Locked Bag 6 East Perth WA 6892
- call **Police Conduct Investigation Unit** on **(08) 9223 1000**
- email from the link on the **WA Police website**: Police.Complaints@police.wa.gov.au
- make a complaint online at: <https://www.police.wa.gov.au/Police-Direct/Commendations-and-complaints/Complaints-About-WA-Police-Personnel/Online-Complaints-Form>
- telephone or go in person to any police station or district office.

Go to the WA Police website for a WA Police brochure on **Making a Complaint about the police**, for more information on how your complaint will be dealt with by the WA police.

The Corruption and Crime Commission (CCC) will deal with all allegations of misconduct relating to WA Police.

A copy of any complaint to the Commissioner of Police is sent to the CCC, so you may receive a response from the CCC as well as the police.

Corruption and Crime Commission of WA (CCC)

You can also lodge a complaint with the CCC:

- online at the CCC website, under Reporting Misconduct>Notify the CCC: www.ccc.wa.gov.au
- by email: info@ccc.wa.gov.au
- by mail to **PO Box 330, NORTHBRIDGE POST SHOP WA 6865** using the Report Form available on the CCC website under Reporting Misconduct see: www.ccc.wa.gov.au
- in person at **William Square, Level 5, 45 Francis Street NORTHBRIDGE**
- by telephone on **(08) 9215 4888** or toll free on **1800 809 000**
- by fax on **(08) 9215 4884**.

See below under the heading **Am I protected from legal action if I make a complaint?** for the consequences of making a false complaint or creating a false belief.

WA State Ombudsman

The WA State Ombudsman does not investigate complaints about police misconduct, but it does investigate complaints **about police administration**, for example, loss of a file. See below under the heading **What if my complaint is about WA police administration?**

What if my complaint is about WA police administration?

For complaints about **police administration** (not police conduct) that is, the decision making practices and actions of police in providing their services, for example, loss of a file, you can complain to the **WA State Ombudsman**:

- by email to: mail@ombudsman.wa.gov.au
- by mail to **PO Box Z5386 St Georges Terrace Perth WA 6831**
- by fax on **(08) 9220 7500**
- by telephone on **(08) 9220 7555** or toll-free from landlines on **1800 117 000**
- in person at **Level 2, Albert Facey House, 469 Wellington Street Perth WA 6000**

If you delay complaining for more than 12 months, the WA Ombudsman may refuse to investigate the complaint unless you have a reasonable explanation for the delay. The WA Ombudsman generally asks you to try to resolve the complaint first with the agency involved.

What if my property has been damaged while in the care of WA police?

If your property has been damaged while in the care of police during an investigation you can contact the Officer in Charge (OIC) of the particular area within WA police involved with your property, for example, a police station or specialist unit. It will help if you have evidence of the condition of the property prior to it going into the care of the police.

What if I have a complaint about the conduct of federal police?

You can make a complaint about the conduct of federal police officers to the Australian Federal Police (AFP), or where there is a reason you cannot approach the AFP about your complaint, the **Commonwealth Ombudsman** (“the Cth Ombudsman”). The Cth Ombudsman prefers it if you can try to resolve the complaint by first contacting the AFP.

You can make a complaint to the AFP:

- online at: https://forms.afp.gov.au/online_forms/complaints_form
- by writing to **Professional Standards Operations Monitoring Centre AFP, GPO Box 401, Canberra ACT 2601**
- by telephoning **Professional Standards on (02) 5127 2020**, or
- in person at any AFP police station or office.

If you remain dissatisfied after making a complaint to the AFP you can make a complaint to the Cth Ombudsman:

- online at: www.ombudsman.gov.au
- by email to: ombudsman@ombudsman.gov.au
- by mail to Commonwealth Ombudsman, **GPO Box 442 Canberra ACT 2601**
- in person at **Level 2 Albert Facey House, 469 Wellington St, Perth**
- by telephone on **1300 362 072** (this is not a toll free number).

If you are not satisfied with the way the AFP has handled the complaint process you may contact the Cth Ombudsman.

Am I protected from legal action if I make a complaint?

If your complaint is made in good faith you are protected from legal action.

It is an offence punishable by imprisonment and/or a fine to make a report of police misconduct (or suspected misconduct) to the Corruption and Crime Commission if you:

- now the report is false or misleading, or
- are making the report maliciously or recklessly.

In some such situations you may also be committing an offence under the *Criminal Code* (WA).

It is an offence under the *Australian Federal Police Act 1979* (Cth) to knowingly make a false complaint.

Can I take legal action against the police?

If you believe you have suffered a genuine wrong by the police and you have evidence of your suffering and loss, then you may be able to get compensation or damages. If you have been the victim of an offence by the police, for example an assault, you may be able to claim criminal injuries compensation. Visit the Victims of crime section of the **Department of Justice WA** website at: <https://www.victimsofcrime.wa.gov.au/> for more information about criminal injuries compensation.

If you are considering taking legal action against the police to claim damages or compensation, you should **get legal advice as soon as possible after the incident**.

Where can I get help to make a complaint?

- Contact **Legal Aid WA's Infoline** on **1300 650 579** for information and referral.
- Contact your local community legal centre. Contact details may be found on the **Community Legal WA website** at www.communitylaw.net.

Where can I get more information?

- **WA Police website:** www.police.wa.gov.au
- **Corruption and Crime Commission website:** www.ccc.wa.gov.au under the heading Reporting Misconduct
- **Australian Federal Police website:** www.afp.gov.au
- **Commonwealth Ombudsman website:** www.ombudsman.gov.au
- For information about police powers, see the following Legal Aid WA **information sheets**, available from any Legal Aid WA office (locations on back page) or by contacting the **Legal Aid WA Infoline** on **1300 650 579**:
 - **Police powers to arrest and detain**
 - **Answering questions from the police**
 - **Police powers to search**
 - **DNA testing by police**
- Also see these related pages under Information about the law on the **Legal Aid WA website** (www.legalaid.wa.gov.au):
 - **Police powers to arrest and detain**
 - **Police powers to search**
 - **Answering questions from the police**
 - **DNA samples and identifying information**
 - **Complaints about the police**
- Contact the **Legal Aid WA Infoline** on **1300 650 579** for general information and referral.

Legal Aid WA Offices

TELEPHONE INFOLINE: 1300 650 579 (General Enquiries)
Infoline open Monday to Friday 9.00 am to 4.00 pm
(Australian Western Standard Time) except public holidays

Translating and Interpreting Service 131 450
National Relay Service (for hearing and speech impaired) 133 677

www.legalaid.wa.gov.au

Perth Office

32 St Georges Terrace, Perth, WA 6000
1300 650 579
(08) 9261 6222

Southwest Regional Office

7th Floor, Bunbury Tower, 61 Victoria Street, Bunbury, WA 6230
(08) 9721 2277

Great Southern Regional Office

Unit 3, 43-47 Duke Street, Albany, WA 6330
(08) 9892 9700

Goldfields Regional Office

Suite 3, 120 Egan Street, Kalgoorlie, WA 6430
(08) 9025 1300

Midwest & Gascoyne Regional Office

Unit 8, The Boardwalk, 273 Foreshore Drive, Geraldton, WA 6530
(08) 9921 0200

Pilbara Regional Office

28 Throssell Road, South Hedland, WA 6722
(08) 9172 3733

West Kimberley Regional Office

Upper Level, Woody's Arcade, 15-17 Dampier Terrace, Broome, WA 6725
(08) 9195 5888

East Kimberley Regional Office

98 Konkerberry Drive, Kununurra, WA 6743
(08) 9166 5800

Indian Ocean Office

Administration Building, 20 Jalan Pantai
Christmas Island, Indian Ocean, WA 6798
(08) 9164 7529

This information contains a summary of the law and is correct at the date of publication. It is not legal advice. You should always seek legal advice about your individual situation. Any services referred to which are not operated by Legal Aid Western Australia are not endorsed or approved by Legal Aid Western Australia.

©Legal Aid Western Australia

This information sheet may be copied, reproduced or adapted to meet local needs by community based organisations without permission from Legal Aid Western Australia provided the copies are distributed free or at cost (not for profit) and the source is fully acknowledged. For any reproduction with commercial ends, or by Government departments, permission must first be obtained from Legal Aid Western Australia