

Complaints about the police

Police can use a range of powers to help them do their job. However, sometimes the police may use their powers inappropriately or conduct themselves improperly. In this case you may have cause for complaint about their behaviour. This infosheet explains how to make a complaint if the police have abused their powers or behaved inappropriately.

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 more Legal Aid WA infosheets available about police powers which are listed at the end of this infosheet under the heading 'Where can I get more information?'

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

Write down everything that happened as soon as possible. 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, and
- any witnesses to what happened and their names and contact details.

When should I complain?

There is no time limit for complaining about police, but it is usually best if you make your complaint as soon as possible.

If your complaint is about 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, it is still important to write down everything that happened as soon as possible after the incident.

What should I do if I have been hurt?

You should do the following things 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.

Who can I complain to about the WA police?

WA Police

The Police Conduct Investigation Unit deals with complaints about the unprofessional conduct of police.

To make a complaint about a WA Police officer, you can:

- contact your nearest police station or district office in person, by telephone, or in writing.
- complete an online complaint form <https://www.police.wa.gov.au/Police-Direct/Commendations-and-complaints/Complaints-About-WA-Police-Personnel>
- write to the Police Conduct Investigation Unit Locked Bag 6 Cloisters Square, WA 6850
- call the Police Conduct Investigation Unit on 6372 6000
- email the Police Conduct Investigation Unit: Police.Complaints@police.wa.gov.au

Go to the WA Police website:

(<https://www.police.wa.gov.au/Police-Direct/Commendations-and-complaints/Complaints-About-WA-Police-Personnel/Complaints-information>) for a WA Police brochure on *Making a Complaint about the police*, and 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 about WA police misconduct with the CCC:

- online at the CCC website: https://www.ccc.wa.gov.au/report_misconduct

- by email: reportcorruption@ccc.wa.gov.au
- by mail to PO Box 330, NORTHBRIDGE POST SHOP WA 6865
- in person at William Square, Level 5, 45 Francis Street NORTHBRIDGE
- by telephone on 1800 803 186.

There are consequences if you make a complaint that you know is false. See below under the heading 'Am I protected from legal action if I make a complaint?'

Ombudsman WA – complaints about police administration

The Ombudsman WA only investigates complaints about police administration, for example, loss of your file. It *does not* investigate complaints about police misconduct.

Police administration is the decision making practices and actions of police in providing their services. You can complain to the Ombudsman WA about a failure of police administration:

- 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 (during the COVID-19 pandemic face to face appointments are not possible).

The Ombudsman WA generally asks you to try to resolve the complaint first with the police.

If you delay complaining for more than 12 months, the Ombudsman WA may refuse to investigate the complaint unless 'special circumstances' exist.

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, and
- 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

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 particular 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.

Who can I complain to about the 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://www.afp.gov.au/contact-us/feedback-and-complaints#how-to-complain>
- 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.

Complaint to the Cth Ombudsman

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

- in person (however during the COVID-19 pandemic online complaints are requested)
- by telephone on 1300 362 072 (this is not a toll free number)
- online at: <https://forms.business.gov.au/smartforms/ser/vlet/SmartForm.html?formCode=oco-complaint-form>

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.wa.gov.au/organisation/departments-of-justice/commissioner-victims-of-crime/criminal-injuries-compensation-victims-of-crime> or 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:

<https://www.communitylegalwa.org.au/>

Where can I get more information?

- WA Police website: <https://www.police.wa.gov.au/>
- Corruption and Crime Commission website: <https://www.ccc.wa.gov.au/> under the heading Reporting Misconduct
- Australian Federal Police website: <https://www.afp.gov.au/>
- The Commonwealth Ombudsman website for AFP complaints at: <https://www.ombudsman.gov.au/How-we-can-help/australian-federal-police>.
- For information about police powers, see the following Legal Aid WA infosheets, available from any Legal Aid WA office (locations on the next 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 'Find legal answers' on the Legal Aid WA website (<https://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



Infoline: 1300 650 579



Translating & Interpreting Service:
131 450



Website/InfoChat:
www.legalaid.wa.gov.au



National Relay Service: 133 677
(for hearing and speech impaired)

Perth Office

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

Midwest & Gascoyne Office

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

West Kimberley Office

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

Great Southern Office

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

Goldfields Office

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

East Kimberley Office

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

Southwest Office

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

Pilbara Office

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

Indian Ocean Office

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

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