

Guide to Writing a Complaint About Police



Making a Complaint about NSW Police

This guide helps you prepare a formal complaint about how you were treated by one or more members of the NSW Police Force.

What to do before making a complaint

Get legal advice first

Always speak to a lawyer before making a complaint, especially if you currently have criminal charges before the court. Making a complaint could affect your case.

Apply for police records

It can help to get copies of any police records about the incident. NSW law allows you to request these records under the *Government Information (Public Access) Act 2009* (NSW) (the GIPA Act).

You can find information about how to apply here: <https://rlc.org.au/resources>

What can I complain about?

You can complain about any police conduct, from poor service to serious misconduct or illegal behaviour. Here are some examples (these are not the only things you can complain about):

Disclose of Identity

- Police demanded your name and address without a lawful reason
- Police did not explain why they were asking for your details
- Police did not warn you that it is an offence to refuse to give your details

Inadequate investigation

- Police failed to investigate your domestic violence report
- Police wrongly identified you as the offender when you were actually the victim
- Police either refused to investigate or conducted an inadequate investigation for improper reasons, including bias, discrimination, or indifference

Search and seizure

- Police searched you unlawfully
- Police strip-searched you in a public place without privacy

Arrest

- Police did not tell you why you were being arrested
- Police arrested you without a lawful reason.

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Safeguards

- Police did not give you their name or place of duty.
- Police did not tell you why they were searching you.

Use of Force

- Police used force when you were not resisting (e.g. pushing you or sweeping your legs).

Questioning

- Police questioned you without a support person present when you were under 18.
- Police continued to question you even though you told them you were exercising your right to silence.

Who do I complain to?

You can complain to either:

- the NSW Police Force; or
- the Law Enforcement Conduct Commission (LECC), which is an independent body that can investigate complaints made about the NSW Police Force.

Your complaint must be in writing, you can either write a letter, or you can fill out an online complaint form. The complaint can be made anonymously.

Law Enforcement Conduct Commission (LECC)

- **Post:** Assessment Officer
Law Enforcement Conduct Commission
GPO Box 3880
Sydney NSW 2001
- **Email:**
contactus@lecc.nsw.gov.au
- **Online form:**
<https://www.lecc.nsw.gov.au/complaints/make-a-complaint>

NSW Police

- **Post:** Customer Assistance Unit
NSW Police Force
PO Box 3427
Tuggerah NSW 2259
- **Email:**
customerassistance@police.nsw.gov.au
- **Online form:**
<https://www.police.nsw.gov.au>

What should I include in my complaint?

Section 1 – Factual Background

Briefly describe the incident you wish to complain about. We recommend including the following information:

- date, time and place of the incident
- details of what happened, and how it made you feel
- the officer's name and area command, if known
- names of any other people involved or present

- a list of any evidence you have in support of your complaint (e.g. photographs of injuries or witness statements)

Below is an example.

On 8 May 2023, at approximately 8:30am, I was stopped by three uniformed police officers just outside the ticket barriers at Redfern Train Station. One of the police officers introduced herself as Constable X from South Sydney Police Area Command. I was not told the names of the other officers. They were both males. A drug detection dog was present and made gestures towards my handbag, which contained a packet of Codral tablets.

Constable X asked me in full view and hearing of other commuters whether I used illegal drugs. I replied I did not. The male officer handling the dog stated I was acting as though I was guilty or hiding something, and told me that I had to give them my handbag. I denied I was hiding anything, and asked why they wanted my handbag. The other male police officer grabbed me by the wrist while Constable X took my handbag from me.

Constable X searched the contents of my handbag at the ticket barriers by pouring the contents of my bag onto the floor. She took all my cards out of my wallet and found my driver's licence. She then read out my name, date of birth and

address loudly, while the other male officer looked up something on his mobile phone. The area was crowded, and many other people would have been able to hear.

About 3 minutes later, the male officer showed Constable X something on his phone and she told me I could go. The contents of my handbag were still splayed across the ground when the police officers walked away.

Section 2 – Complaint

Describe in detail what aspects of the police conduct you are complaining about. If you wish to complain about multiple aspects of the conduct of the police officer(s) involved, you can set out each ground of your complaint under a separate heading. Under each heading, explain why you think the actions of the police were wrong or unlawful. You should also include the effect that the actions of police had on you, whether physical, psychological or emotional.

Below is an example based on the factual scenario above.

Questioned in an improper way

Constable X questioned me in a public place during a busy time of day for commuters at Redfern station. Throughout the questioning at the ticket gates I was concerned that a colleague might recognise me as my name, date of birth and address was being read out loudly. Constable X showed no regard for

my privacy. The whole experience was completely humiliating for me.

Unlawful/improper search

The search performed by the officers was unlawful. The officers did not have a legal basis to conduct the search. An indication by a drug detection dog is not sufficient grounds for reasonable suspicion to conduct a search. Police also did not have legal grounds to detain and search my bag. Constable X showed no respect for my property by dumping the contents of my bag on the floor. I felt humiliated and degraded as I was left to pick up my belongings from the floor.

Excessive force

The male police officer who helped Constable X take my bag from me at the ticket barriers used excessive force in grabbing my wrist to stop me from holding onto my bag. I was cooperative with the police officers at every stage of the incident. I was not trying to escape or prevent the police from carrying out their duties. It was not reasonably necessary for the police officer to have used that amount of force to ensure my cooperation.

The way I was physically handled left me with a bruise on my left wrist, and fearful about the way I might be treated if I come into contact with police in the future.

Section 3 – Concluding the complaint

Include a final remark about how you would like the complaint to be dealt with, or what outcome you are seeking.

Below is an example based on the factual scenario above.

Next Steps

I make this complaint on the basis that the police officers engaged in misconduct or maladministration within the meaning of sections 9 and 11 of the Law Enforcement Conduct Commission Act 2016 (NSW). I request that this complaint be formally investigated, that the officers receive appropriate disciplinary action and training, and that I receive an apology.

This factsheet is not a substitute for legal advice.