



Complaints to the Crime and Corruption Commission



www.atsils.org.au



Have concerns about the conduct of a police officer?

This fact sheet explains:

- When may you complain about a police officer?
- Should you complain to the Queensland Police Service (QPS) or to the CCC?
- What should you include in your complaint?
- How do you make a complaint?
- A warning about false complaints
- How to obtain legal advice?

ATSILS is a non-profit, Aboriginal and Torres Strait Islander community based organisation with 28 locations across Queensland. We provide innovative and culturally competent legal services covering criminal, civil and family law areas.



FREE CALL 1800 012 255



1. When may you complain about a police officer?

Whenever you have a concern about the conduct of a police officer. However, bear in mind that the police have to enforce the law. Ask yourself first whether it is the police officer's behaviour that has upset you or a particular law that the officer has had to enforce?

2. Should you complain to the Queensland Police Service (QPS) or to the CCC?

It depends upon the nature of the complaint.

If a police officer has been slow in responding to your call or has been rude to you, or has failed to identify him/herself, then you should complain directly to the QPS and not to the CCC. This is because such matters are categorised as 'customer service issues' or 'breaches of discipline' and are handled exclusively by the QPS.

However, if the matter is more serious, then you may complain to either the QPS or the CCC. The CCC has extensive powers to investigate the most serious cases.

If you complain to the QPS, will the CCC know about it?

The CCC is notified of all of the more serious matters reported to the QPS and can monitor the way the QPS deals with them. The CCC is not informed about customer service and breach of discipline matters reported to the QPS.

3. When is a matter 'more serious'?

More-serious matters fall into two categories: police misconduct and corrupt conduct.

It is not always easy to determine whether a particular matter is police misconduct or corrupt conduct, but you don't need to be concerned about this — as the CCC will decide which category it falls into and how the matter should be dealt with.

Police misconduct

Police misconduct is conduct (other than 'corrupt conduct') that is disgraceful, improper or unbecoming an officer, that shows unfitness to be an officer, or that does not meet the standard of conduct reasonably expected by the community of an officer. The QPS has primary responsibility for dealing with police misconduct. However, in some circumstances the CCC may also become involved.

Corrupt conduct

Under the Crime and Corruption Act 2001, corrupt conduct is conduct by anyone that adversely affects a public agency or public official so that the performance of their functions or the exercise of their powers: is dishonest or lacks impartiality, or

- is not honest or impartial, or
- knowingly or recklessly breaches public trust, or
- involves the misuse of agency-related information or material

The conduct must be a criminal offence or serious enough to justify dismissal. Trying to influence a public official to act improperly is also classed as corrupt conduct.

The CCC has the primary responsibility for dealing with corrupt conduct matters. However, the *Crime and Corruption Act 2001*— requires such matters to be referred to the QPS to deal with whenever possible.

Depending upon the nature of the matter, the CCC may play an active role in overseeing how the QPS deals with the matter. Some more-serious matters will be investigated by the CCC itself.





4. What should you include in your complaint?

Provide as much detail as possible about the matter. This will help the CCC to decide how it should best be dealt with. Say:

- what happened
- when it happened
- where it happened
- who said and/or did what to whom
- whether anyone saw what happened, other than yourself and the police (give us these people's contact details, if you have them)
- whether you have proof of any damage, injury or any other useful evidence (such as photographs or medical reports)
- whether you have reported the matter to any other agency.

You should also provide your contact details so that you can be informed about the progress of the complaint – and contacted if further information is required.

Also, the CCC generally likes you to tell them what outcome you are seeking from your complaint — are you seeking an apology, for example; or action that may prevent the problem happening again; or are you expecting disciplinary action against the officer concerned?

Do you have to give your name?

You don't have to give your name — but be aware that anonymous complaints without detailed information are more difficult to investigate. If you do not want to provide the CCC with your name, then you may wish to consider an alias – as well as providing them with a contact point.

What happens next?

Minor matters can usually be handled informally through such processes as managerial resolution and mediation. A police officer may discuss these options with you.

Managerial resolution allows the supervisor or manager of the officer you have complained about to discuss the complaint with you and the officer in question. The supervisor or manager will devise a strategy to address any inappropriate behaviour.

Mediation allows you and the officer you have complained about to come together with trained independent mediators. In this way, you can discuss your views on the matter in a neutral and confidential setting.

More-serious matters may require an investigation and for you to be interviewed by senior officers of the QPS or CCC investigators. If you have suffered an injury, the injury may be photographed and copies of medical certificates obtained. Other people who can provide relevant information will also be interviewed and any other available evidence will be obtained.

What might be the outcome of your complaint?

With customer service, breach of discipline and police misconduct matters, the QPS decides whether any disciplinary action should be taken. With corrupt conduct matters, once the CCC or the QPS considers there is sufficient evidence to warrant consideration of action against an officer, the officer may be:

- charged with a criminal offence, or
- brought before a Misconduct Tribunal on a disciplinary charge, or
- subject to other disciplinary action, depending on the conduct in question.

All of the above measures may result in anything from a reprimand or caution to dismissal.

Will you be told the outcome?

The QPS or the CCC (depending on which agency dealt with the matter) will advise you in writing of how the matter was handled (if you have given them your contact details).





5. How do you make a complaint?

If making a complaint to the QPS, you will find addresses and telephone numbers for police stations listed under 'Police Service' in the white pages of the telephone book. Alternatively you can use the online Police Station Locator on the QPS website at: https://www.police.qld.gov.au/station-locator/station_locator.asp. If you go to a police station, a police officer will help you record your complaint. If you post your complaint it should be addressed to the Officer in Charge at the relevant police station. You can also attend one of our offices – and our staff can assist you in lodging a complaint.

Complaints to CCC via statutory declaration are no longer a requirement - 10 May 2016

Following assent of the Crime and Corruption Amendment Act 2016 on 5 May 2016, the Crime and Corruption Commission (CCC) advises the Queensland public that complaints about possible public sector corruption are no longer required to be made by way of a statutory declaration.

Complaints about public sector corruption can be made to the CCC via www.ccc.qld.gov.au (<http://www.ccc.qld.gov.au/>) or by phoning the CCC on 1800 061 061.

Contact details for the CCC are as follows:

Tel.: (07) 3360 6060 (toll free 1800 061 611 outside Brisbane)
Fax: (07) 3360 6333 Email: mailbox@CCC.qld.gov.au
Postal address: GPO Box 3123, Q 4001 Street address: 515 St Paul's Terrace, Fortitude Valley
Their telephone lines (as is the case with ours), are staffed 24 hours a day.

Do you need help in making your complaint?

An interpreter can be provided on request if you require one. Alternatively, call the Translating and Interpreting Service on 131 450 for language assistance.

If you are Indigenous you might prefer to deal with one of the CCC's Indigenous Liaison Officers or an Indigenous Complaints Officer. Just ask when you call or write.

A warning about false complaints

Anyone who makes a complaint to the CCC knowing it to be untrue may be prosecuted under the Crime and Corruption Act 2001. Such complaints are treated seriously because they waste public resources and unfairly damage reputations. We hope that this information has been of assistance to you.

6. Obtaining Legal Advice?

ATSILS provides innovative, professional and culturally competent legal service for Aboriginal and Torres Strait Islander people across Queensland.



FREE CALL 1800 012 255

We can be contacted toll free on **1800 012 255**, 24 hours a day, 7 days a week. We have 28 offices located across Queensland so you will be put in touch with the closest regional office that is able assist you with your legal needs. In some instances, ATSILS might have a conflict of interest and will not be able to provide you with legal advice. If this is the case, you may wish to try Legal Aid Queensland on their Indigenous Information line on **1300 65 01 43**.

This document is current as at August 2016. It is intended as a guide only and to provide general information. This document should not be relied upon as legal advice. Whilst all reasonable care has been taken in the preparation of this information, no liability is assumed for any errors or omissions.

