



Making a complaint against a police officer

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. Also remember due to organisational factors beyond their control sometimes Officers cannot immediately attend to your complaint.

Should you complain to the QPS or the CMC?

It depends on 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 CMC. 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 CMC. The CMC has extensive powers to investigate the most serious cases.

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

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

When is a matter 'more serious'?

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

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

Police misconduct

Police misconduct is conduct (other than 'official misconduct') 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 CMC may also become involved.

Official misconduct

Official misconduct is conduct relating to the performance of an officer's duties that:

- is dishonest or lacks impartiality, or
- involves a breach of the trust placed in an official by virtue of their position, or
- is a misuse of officially obtained information.

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 official misconduct.



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The CMC has primary responsibility for dealing with official misconduct matters. However the *Crime and Misconduct Act 2001* requires the CMC to refer such matters to the QPS to deal with whenever possible.

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

What should you include in your complaint?

Give us as much detail as possible about the matter. This will help us decide how it should best be dealt with. You need to tell us:

- what happened;
- when it happened;
- where it happened;
- who said 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
- whether you have reported the matter to any other agency.

You should also give your own contact details so that we can get back to you about how we dealt with your complaint, or ask you any necessary follow-up questions.

Finally, we would like you to tell us what outcome you are seeking from your complaint. For example;

- are you seeking an apology, 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 give us your name, then give us an alias and a contact point.

What happens next?

Minor matters can usually be handled informally through such processes as *managerial resolution* and *mediation*. A police officer will 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.



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More-serious matters may require an investigation and for you to be interviewed by senior officers of the QPS or CMC 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 official misconduct matters, once the CMC 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 CMC (depending on which agency dealt with the matter) will advise you in writing of how the matter was handled (if you have given us your contact details).

How do you make a complaint?

The preferred method for lodging a complaint is for you to **personally** attend at a Police Station to make your complaint. Experienced officers will assist you to provide all the necessary details so your complaint can be dealt with.

You will find **addresses** and **telephone** numbers for police stations listed under 'Police Service' in the white pages of the telephone book. You can also find the nearest Police Station on line on the internet at the Queensland Police Services website located at www.police.qld.gov.au

You can also make your complaint **in writing** to the "State Coordinator" ESC Qld Police Headquarters 200 Roma Street Brisbane 4000. Please ensure you include all details as indicated above.

You can also make your complaint **by email** to the "State Coordinator ESC" escstatecoordinator@police.qld.gov.au. Please ensure you include all details as indicated above.

You can also make a complaint to the **CMC**. You may make it by telephone, fax, email, letter, in person (by appointment) or by using a complaints form on their website. Contact details for the CMC are, telephone (07) 3360 6060, post GPO Box 3123, Brisbane, Qld 4001 Street address: 140 Creek St, Brisbane or by internet <http://www.cmc.qld.gov.au/asp/index.asp> .



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Do you need help in making your complaint?

The best way to obtain assistance is to attend any Police Station and seek help from the officers there in resolving your issue. Visit the Queensland Police Services website and use the on line [Station Locator](#) link to find your nearest Police station.

Persons requiring additional assistance

The QPS is sensitive to the needs of culturally specific groups within the Queensland Community. To assist officers who are taking your complaint the QPS has a number of specially trained persons to assist you, your support person and the officer taking your complaint.

If you are a member of the Queensland Community or a visitor to Queensland requiring assistance, the QPS will be sensitive to your cultural and/or special needs. Police officers will also work in partnership with you and other specialist QPS areas such as the *Cultural Advisory Unit*, *Cross Cultural Liaison Officers*, *Police Liaison Officers*, *Multilingual Staff* and source external assistance such as translating and interpreter Services where required. This will ensure that the assistance and advice provided to you is fair and does not place you at a disadvantage.

To assist persons who are visually impaired please visit or contact your local [police station](#) in the first instance. The officers there will make arrangements to assist you to make your complaint. You may also use the TTY (also known as a teletypewriter or a text phone) facility to contact Police Headquarter on 3364 4655 for them to assist you.

To assist the [Lesbian, Gay, Bisexual, Transgender and Intersex Communities](#) the QPS has a number of specially trained liaison officers who are available to assist the Police Officers taking your complaint. Alternatively you may directly contact one of the liaison officers to assist you in making your complaint.

A warning about false complaints

Anyone who makes a complaint, knowing it to be untrue, may be prosecuted under the *Crime and Misconduct Act 2001*. Such complaints are treated seriously because they waste public resources and unfairly damage reputations.