

# Factsheet No. 19

## Reporting Crime to NSW Police & Police Discretion to Investigate



### How do I report a crime?

If the offence just happened, or you are experiencing an emergency, contact 000 and police will come to you.

Otherwise, you can report a crime:

- by contacting the police assistance line on 131 444
- online using the NSWPF community portal <https://portal.police.nsw.gov.au>; or
- by attending your local police station.

### What happens when I report a crime to police?

When you report a crime to police at the scene of the crime, police may attend the scene. Police on the scene will usually speak to you to get your personal details and find out what happened. If the alleged offender is at the scene, they will ask them their version of events. If they think a crime has taken place and there are any witnesses at the scene, they will usually also speak to them, obtain their details and ask them what they witnessed.

For crimes not reported at the scene, a similar process takes place. Police will usually obtain the details of what happened from you and if they think a crime may have been committed, they will seek to interview the alleged offender and any witnesses, to obtain their version of events.

In both situations, police may also collect any other available evidence, such as CCTV footage, photos of the scene and any relevant items such as things the offender may have touched or used.

Police will also collect any relevant evidence from you, such as your clothes and other items, and may ask you to participate in a procedure to obtain forensic evidence and/or record your injuries.

### Do I need to make a statement?

Police may ask you to provide a statement at the time you report the crime, or at a later date. A statement is a written document describing what happened to you. Police draft it after interviewing you to find out what happened. You will be asked to read through your statement to make sure the information is correct, and then to sign it.

It is an offence to make a false or misleading statement to police.

If you make a statement to police, you are allowed to (and should) request a copy. If things are missing from your statement, you should tell the police.

You are not required to make a statement or answer police questions, but if you don't, it may impact whether police can investigate the matter or lay charges.

### Will they give me a record of my complaint?

When you report a crime to police face-to-face, police should provide you with a 'Victims Card'. This card contains an 'event number', which is like a reference number for your report. It is important that you keep this card and the 'event number'.

You can access a copy of the event record by making an application under the *Government Information (Public Access) Act 2009* (NSW).

## **What happens if I report domestic or family violence?**

If you report domestic or family violence, police must attend the scene and take certain steps.

Police will:

- obtain as much information as possible, such as the details of the people involved, the nature of violence and any injuries sustained;
- assess the risks and threats;
- if required, request medical assistance; and
- inform the person reporting the incident of the importance of preserving any physical evidence.

Police must record all incidents of domestic and family violence in their database, the Computerised Operational Policing System (COPS).

## **What happens after the investigation is finished?**

Once the investigation is finished, police will decide whether to charge the alleged perpetrator or not.

Police should tell you if they have laid charges, and whether you will need to attend court in the future to give evidence.

Police should also tell you if they change the charges, or drop the charges. For serious matters such as sexual violence or a crime that results in actual bodily harm and/or mental illness to you, police are required to consult with you before changing or dropping charges.

## **Do police have to investigate my report?**

No, not always. Police have discretion as to what matters they investigate. This means they have the freedom to decide what should be done in any particular situation.

They may receive your report but decline to interview the alleged offender or witnesses. Alternatively they may conduct those interviews, but then decide not to proceed further with the investigation.

## **What can I do if police decide not to investigate?**

It is not possible to force police to investigate your report.

If police fail to investigate a crime for an improper reason, then you would have grounds for a formal complaint. If police fail to investigate a domestic violence incident or other serious crime, you may also have grounds for a formal complaint.

## **Formal complaint**

If you are not happy with the decision of police not to investigate, you can make a formal complaint to the police, or to the Law Enforcement Conduct Commission (LECC). Police may decide to conduct further investigation or they may stand by their original decision.

Although the LECC cannot compel the police to change their decision, they can recommend that the police conduct an investigation. See RLC Factsheet No. 2: Police Complaints (<https://bit.ly/rlcfs2pol>) for more information about making police complaints.

## **Support available to victims**

**If you are the victim of a crime you can seek support from Victim Services NSW. You may be eligible for counselling, compensation or other support.**

**Call the Victims Access Line on 1800 633 063 to find out what services may be available to you.**

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## **Produced by Redfern Legal Centre**

This factsheet is not a substitute for legal advice. If you have a problem please seek legal advice from your local community legal centre.