

# Police Complaint Letter Guide



*The information contained in this guidance note is general in nature. It is for information only and is not intended to replace legal advice. If you have a problem please seek legal advice from your local community legal centre*

## What is this guide for?

This guide aims to help you draft a formal complaint about how you have been treated by a member or members of the NSW Police Force.

## What to do before lodging a complaint

It is important that you get legal advice before making a complaint, especially if you have any current criminal charges.

It can also be a good idea to get a copy of any records that police hold about the incident. You can apply for police records under the *Government Information (Public Access) Act 2009* (NSW) ('**GIPA Act**').

Information about making a GIPA Act application can be accessed [here](#).

You should also read our fact sheets on police powers and the formal complaints process before drafting your complaint. You can access those fact sheets [here](#).

## What can I complain about?

You can complain about any aspect of a police officer's conduct. Complaints to NSW Police range from complaints about poor customer service to complaints raising very serious breaches of law or NSW Police guidelines.

Below are some examples of things you can complain about:

### Disclosure of Identity

- Police did not have the power to demand my name and address
- Police didn't tell me why there were asking for my name and address, and they didn't warn me that it was an offence not to give them this information.

### Search and Seizure

- Police did not have a reasonable suspicion to search me.
- Police should not have subjected me to a strip search / Police did not follow procedure when conducting a strip search (e.g. by conducting it in public/in view of a member of the opposite sex.)

### Arrest

- Police did not consider whether the offence could have been dealt with in another way, such as by giving me a court attendance notice.
- Police didn't explain why I was under arrest or caution me.

### Safeguards

- Police didn't give me their names and place of duty.
- Police didn't tell me why they were searching me.

### Use of Force

- Police should not have used capsicum spray on me.

### Questioning

- Police questioned me in an improper way.

## How do I make a complaint?

All formal complaints must be in writing.

If you need assistance writing a complaint letter, the following resources are available on the RLC website to be used in conjunction with this Guidance Note:

- An online complaint letter generator
- A PDF letter template you can print and complete by hand

### To use the online complaint letter generator:

1. Visit this link: <https://rlc.org.au/police-complaint-letter-generator>
2. Complete the form with your contact details and the details of your complaint (see section below titled **What do I write in my complaint?**).

Please note: you cannot 'save' an incomplete complaint to come back to later, so make sure you allow enough time.

3. Click on the 'Print Complaint' button to print your complaint.
4. Sign your complaint and send it to the NSWPF Customer Assistance Unit.



### To use the printable complaint letter template:

1. Download the [Printable Police Complaint Letter Template PDF](#)
2. Print the letter template and complete the blank sections by hand (see section below titled **What do I write in my complaint?**).
3. Sign your complaint and send it to the to NSWPF Customer Assistance Unit.

## What do I write in my complaint?

### Section 1: Factual Background

In this section, you should briefly describe the incident that you wish to complain about. We recommend that you include the following information:

- date, time and place of the incident
- details of what happened, (including the officer's name and area command, if known) and how it made you feel
- names of any other people involved or present
- a list of any evidence you have in support of your complaint
- what outcome you are seeking

Below is an example of how to describe the factual background of your complaint:

*On 8 May 2017, at approximately 8:30am, I was stopped by three uniformed police officers just outside the ticket barriers at Central train station. One of the police officers introduced herself as Constable X. I was not told the names of the other officers. 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 that I did not.*

*The officer handling the dog stated that I was acting as though I was guilty or hiding something, and told me that I had to give them my handbag. I denied that I was hiding anything, and asked why they wanted my handbag. The third police officer grabbed me by the wrist in order to take my handbag from me. The police officers searched the contents of my handbag at the ticket barriers. I was then told that I would need to accompany them to the police station for a more thorough search. Upon arrival at the police station, my handbag was searched again. I was then strip searched.*

## Section 2: Complaint

In this section, you should 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 way the police officers conducted themselves means they were not exercising their powers lawfully. You should also include the effect that the actions of police had on you, whether physical or otherwise.

Some examples are provided below (based on issues from the section above titled **What can I complain about?**).

### Issue: **Questioned in an improper way**

*The police officers questioned me in a public place during a busy time of day for commuters at Central station. Throughout the questioning at the ticket gates I was concerned that a colleague might recognise me while I was being questioned and led away by the Police. The whole experience was completely humiliating for me.*

### Issue: **Unlawful/improper search**

*The searches performed by the officers involved were excessive. The drug detection dog displayed interest in my handbag, not my person. My handbag was searched twice. It contained, amongst other things, shoes and a packet of Codral.*

*The police officers present then ignored the indications of the drug detection dog and chose to subject me to a wholly unnecessary strip search without reasonable grounds to do so. The search was therefore without lawful authority or necessity.*

*In addition, I was told it was a 'body search' and was given no explanation of what this would involve. I was overcome with distress and fear when I saw a female officer putting on disposable rubber gloves in an open area of the police station.*



Issue: **Excessive force**

*The police officer who took 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.*