

FACT SHEET - Complaints Against Police

If you have been the subject of police misconduct, making a complaint may be the most appropriate course of action in your circumstances.

If you have a serious complaint you should speak with a lawyer before considering these alternatives. Pursuing these alternatives may impact on any claim you chose to make in the future.

You can make a complaint to:

1. The Police Conduct Unit of Victoria Police (PCU).
2. The Station Commander at your local police station.
3. The Independent Broad-Based Anti-Corruption Commission (IBAC).

Lodging a complaint against the police could save you time and money. You can submit the complaints yourself online and they will then go through an investigation process.

Please note that complaints about the Australian Federal Police should be made to the Commonwealth Ombudsman.

If you believe that you have been discriminated against or that your human rights have been breached, you may also wish to complain to either the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) or the Australian Human Rights Commission (AHRC). You only have the option of complaining to these bodies in certain circumstances, however. You may complain to the VEOHRC if you are alleging Victoria Police discriminated against you in failing to act when you were the victim of a crime. You may complain to the AHRC if you are alleging that Victoria Police discriminated against you in the course of their dealings with you as a suspect.

In making any complaint, it is important to have documentation that supports your claim. Keep any records of conversations, letters or any other correspondence or material that might support your claim. It may be useful to you to access information through a *Freedom of Information* request. See our Freedom of Information Factsheet for a guide to making these requests.

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Complaint Options:

1. Police Conduct Unit of Victoria Police (PCU)

What is the Police Conduct Unit (PCU)?

The Police Conduct Unit is a division of the Victoria Police which investigates the conduct of Victoria Police officers.

How Do You Make a Complaint?

The PCU provides online complaint forms, but be aware that these do not automatically save upon submission, so you should make sure to save a copy of your complaint for your own records.

<https://www.police.vic.gov.au/complimentsandcomplaints/>

You can also email your complaint to the Unit at:

PSC-POLICECONDUCTUNITCOMPLAINTSANDCOMPLIMENTS@police.vic.gov.au

Advantages

If your complaint is substantiated, then the police members involved can be disciplined and even charged with criminal offences. Your complaint will be included on the police officer's professional profile which is taken into account if that officer is considered for a promotion.

Lodging a complaint is cost-efficient and less time consuming than litigation.

Disadvantages

An active member of Victoria Police will most likely investigate your complaint, and that often, the investigating officer may work at the same police station or district as the officer(s) you are complaining about.

In reaching a decision about your complaint, the PCU is not required to give a justification or reasons behind its decision. You will receive a letter notifying you of the outcome of your complaint, but with very little other information.

The PCU rarely finds complaints substantiated.

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2. Station Commander at your local police station

How Do You Make a Complaint?

You can go to your local police station and submit your complaint to the Station Commander. You can do this verbally or in writing, but we recommend putting it in writing and ensuring you have a copy of your complaint for your own records.

Your complaint will most likely be forwarded to the PCU, and will then undergo the same process as described above.

3. Independent Broad-based Anti-Corruption Commission (IBAC)

What is IBAC?

IBAC is an independent office of the Victorian government established to tackle corruption in the public service.

The Independent Broad-Based Anti-Corruption Commission ("IBAC") is an independent body which is separate from Victoria Police.

IBAC may refer the complaint to Victoria Police if the complaint does not meet its strict requirements.

How Do You Make a Complaint?

Ascertain whether IBAC is the appropriate agency to take your complaint.

If so, fill in the IBAC's online complaint form. You can access this form through the IBAC's website.

Be aware that these online complaint forms do not automatically save upon submission, so you should make sure to save a copy of your complaint for your own records.

<https://www.ibac.vic.gov.au/reporting-corruption/how-to-make-a-complaint>

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Advantages

The IBAC is independent from Victoria Police.

IBAC has extensive investigative powers where it elects to investigate a complaint.

Where IBAC's complaints are substantiated, it has the power to bring criminal proceedings, make recommendations aimed at preventing further corruption and publish reports on the issue.

Disadvantages

At this stage, IBAC only investigate a very small number of complaints made to it. If IBAC receives a complaint and decides against investigating it, it will either terminate the complaint, or refer it to Victoria Police's Police Conduct Unit for investigation.

If you make a complaint to IBAC and it is referred to Victoria Police, you will not be able to obtain the complaint investigation file under Freedom of Information (FOI) because the IBAC act contains an exemption from the FOI Act, and this has been interpreted by Victoria Police as extending to complaints that IBAC refers to Victoria Police to investigate.

As a consequence, unless there are compelling reasons to do otherwise, we recommend that you make a complaint to the Police Conduct Unit at Victoria Police.

Criminal Representation

If you have been charged with criminal matters, you may need assistance from a criminal lawyer.

Please contact Robinson Gill's criminal law team for a confidential discussion. You can reach us at (03) 9890 3321.

You may also be eligible for legal help from Victoria Legal Aid. Contact them on 1300 792 387.

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Other Organisations

There may be other legal services who could also assist you. You may be able to find them through an internet search or through contacting the Law Institute of Victoria.

In addition, you may be able to seek assistance from your local Community Legal Centre. To find out what Community Legal Centre is closest to you, visit the Federation of Community Legal Centres Victoria website and enter your postcode. The website address is: <http://www.communitylaw.org.au/>

Our Experienced Police Misconduct Team



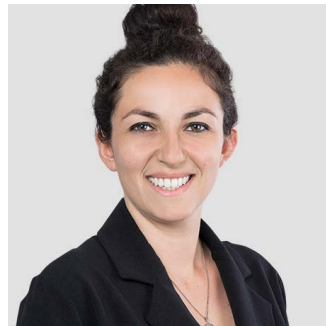
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