

The Law Enforcement Conduct Commission acknowledges and pays respect to the Traditional Owners and Custodians of the lands on which we work, and recognises their continuing connection to the lands and waters of NSW. We pay our respects to the people, the cultures, and the Elders past and present.



Our Review

We looked at complaints the Commission received between 1 January 2021 - 30 June 2022, where:

- a complainant **self-identified** as an Aboriginal and/or Torres Strait Islander person
- a complaint was made **on behalf of** an Aboriginal and/or Torres Strait Islander person
- a complaint was made about **an interaction** between the police and an Aboriginal and/or Torres Strait Islander person.

We reviewed the way the Commission and NSW Police Force handled these complaints from triage through to final outcome.

Why did we do the review?

Our review aimed to:

- better understand the types of complaints Aboriginal and/or Torres Strait Islander people made
- understand how the Commission and NSW Police Force handled these complaints
- increase transparency of the police complaints system to purposefully contribute to increased data sovereignty for Aboriginal and/or Torres Strait Islander communities.

What did we see?

Complaints made by Aboriginal and/or Torres Strait Islander people are only a small subset of the complaints the Commission received and assessed.

In the period we looked at, we received 279 complaints. We referred 245 of these complaints to the NSW Police Force for triage. The 245 complaints contained 707 separate allegations.

The most common complaint allegations in the 245 complaints were:

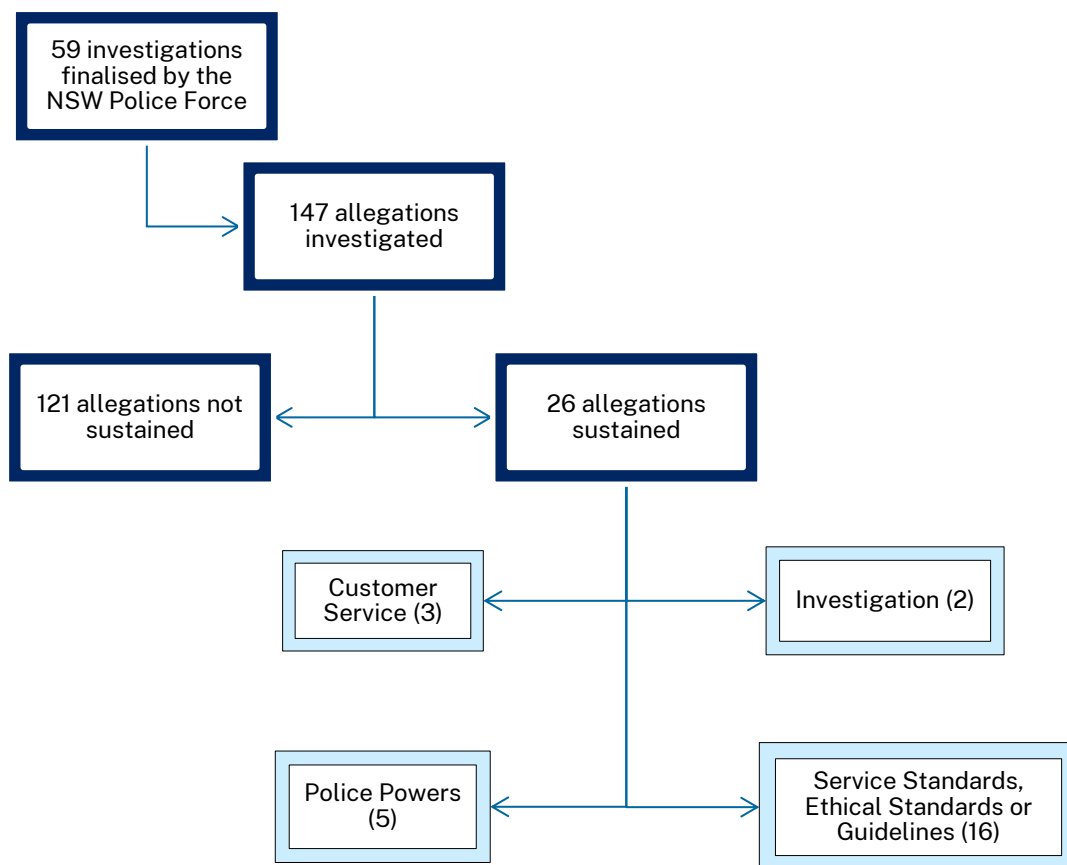
- police use of force (34%)
- improper use of police powers (26%)
- breach of service standards, ethical standards and/or guidelines (16%).

How did the NSW Police Force respond to with the allegations at the triage stage?

NSW Police Force triage decision	Number of allegations
Declined under s 132 of the <i>Police Act 1990</i> (NSW)	556
Enhanced Resolution Process	83
Refer matter to Complaints Management Team for consideration of the matter to be investigated	66
Finalised per s 131(1)(c) of the <i>Police Act 1990</i> (NSW)	2
Total	707

Of the 245 complaints the NSW Police Force triaged, an investigation occurred for 66 matters. As at November 2023, 59 of these police investigations had been finalised.

In total, 147 allegations across 59 complaints were either investigated or managed under the NSW Police Force ‘Enhanced Resolution Process.’ The graph below shows the type and number of allegations sustained by the NSW Police Force after investigation.



How did the Commission respond to the complaints at assessment triage stage?

Commission assessment decision	Number of complaints
Refer to the Commission's Critical Incident Investigation Monitoring Team to be considered as part of the investigation into the critical incident	1
Complaint referred to the NSW Police Force for information only	14
Disagree with the NSW Police Force not to investigate the matter	4
Refer to the Commission's Integrity Team for investigation	7
Recommendation action for the NSW Police Force to consider	1
Review and ratified NSW Police Force's triage of the complaint	234
Retain for information (internally only)	13
Refer to the Commission's Oversight Team to monitor NSW Police Force investigation (if investigated)	5
Total	279

The Commission reviewed the NSW Police Force's triage of the complaints and were satisfied with the police's decision in **234** complaints.

A small number (**13**) of complaints were retained for information only because the complainant did not consent to refer the complaint to the NSW Police Force for investigation and it did not meet our threshold for investigation.

The Commission investigated **7** complaints directly and monitored the NSW Police Force's investigation of **3** complaints.