



Making a Police Report

All acts of harassment can be very distressing, but not all are considered crimes under law. If you are not sure if the type of harassment you are experiencing is against the law, it is best to contact the police and seek their advice.

Factors that need to be present for police to become involved in relation to an allegation of harassment include:

- o Alleged identifiable criminal behaviour (ie. stalking, which is a crime under the Crimes Act, etc); and
- o The presence of fear in the person being harassed.

Contacting the Police

For emergencies, contact 000. Where the situation is not an emergency, to make a report contact the Police Assistance Line on 131 444. Alternatively, you may visit or contact your local police station. To find your nearest station, call the Police Switchboard on (02) 9281 0000.

Speak to a GLLO (Gay and Lesbian Liaison Officer)

If you are not comfortable making a report to a general police officer, you may ask to speak to a Gay and Lesbian Liaison Officer (GLLO). GLLOs are police officers that are specially trained in gay and lesbian issues.

If a GLLO is not available in your area you may request to speak with one at a nearby station. If a GLLO is unavailable, it is best to make a statement to the police officer available at the time. If you choose not to make a report because a GLLO is not available then make sure to follow-up later and make a report when a GLLO is available.



Making a Statement

If you are experiencing harassment which is likely to be considered a criminal offence, you should make a **“statement”** to the police. A statement is a detailed account of the incident and is necessary to initiate a police investigation.

When making a statement it is important to include as much detail about the incident(s) including:

- o what happened
- o the time and date the incident(s) occurred
- o any other information that could assist the police in their investigation.

Having accurate information about an incident and/or ongoing incidents will make the process of making a statement easier. For more information about how to record this information and more details on what should be included see the *“Keeping an Harassment Diary”* fact sheet in this folder.

While evidence of harassment may *help* police in taking a report, you do not need evidence of harassment in order to make a report. If you don't have evidence it is unlikely that any action can be taken in relation to an incident. Sometimes it is important to make a report even where there is no evidence in order to keep a record of past events and as an indicator of future events.

When taking a report, the attending police officer may take several actions, including:

- o interview you;
- o take a statement from you ;
- o enquire as to any corroborating evidence (ie. verbal or material);
- o issue you with an Event Number – this is mandated for in the Charter of Victim's Rights.

If after making a report you wish to have no further action taken, you can make an *Information Report* and be issued with an *Information Report Number*.

It is important to record the police officer's name taking your statement and to get an **event number** for your report. You can use this for any follow-up enquiries.

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STOPPING HOMOPHOBIC HARASSMENT



Making a Report of Ongoing Harassment

If you are making a report about a recent incident in a series of ongoing harassment, it is important that you present the attending police officer with **previous event numbers** or request the officer to locate previous reports of harassment on the COPS system. It is important to do this in order to link previous incidents and help the police with their investigation. If you have not reported previous incidents, it would help police taking the report if you can provide a clear order of events before making the report.

? Investigating a Report of Harassment

Where a report of harassment has been made, NSW Police are required to investigate the matter if there is enough information. The nature of harassment may mean that often there is not enough information for an investigation.

Police officers are guided by the following broad investigation priorities:

- o the nature and circumstances of the offence;
- o the solvability of the incident (ie. the offence is potentially solvable based on an assessment of all available evidence);
- o victim's needs (ie. the impact on primary and secondary victims, taking into consideration their needs and expectation);
- o community needs (ie. the impact on the community if further investigation is not undertaken); and
- o Local criteria, including the availability of resources, may also be taken into account in deciding whether to undertake an investigation.

Where all avenues of investigation of a report of harassment have been exhausted, NSW Police **must** advise you of any outcomes or alternatively that no further action can be taken. This usually means the end of the enquiry unless new evidence is presented.

The length of an investigation depends on a number of factors and generally there is no standard timeframe by which investigations should be concluded. Regardless, an officer should contact a person that has made a report of harassment in a timely manner to advise as to the status of the investigation.

Prosecuting a Perpetrator of Harassment

Any positive outcome of an investigation of harassment will only occur if there is sufficient evidence, at law, to prosecute an offender. In this respect:

- o the investigating officer will determine if there is enough evidence to lay charges;
- o the Police Prosecutor will determine if there is enough evidence to prosecute the case; and
- o the courts will determine whether sufficient evidence has been presented to satisfy proof that alleged perpetrator has committed the crime.

It is the decision of the courts as to whether an alleged perpetrator is guilty of criminal harassment.

If you are unsatisfied with Police service

If you do not receive satisfactory service from a NSW Police officer you should request to speak to the Duty Officer, who is the officer in charge of a station at any given time. Where your complaint is not resolved, you can write to the Commander in charge of your local area. The Duty Officer or Police Switchboard can provide you with the relevant details.

Where your complaint cannot be resolved at the local level, it is suggested that you write to either the Commissioner of Police or the Minister for Police. You may also report an unsatisfactory interaction with NSW Police to the Lesbian and Gay Anti-Violence Project (AVP), which may advocate on your behalf to resolve the situation.

To lodge a formal complaint against NSW Police you can contact the Office of the NSW Ombudsman on (02) 9286 1000 or 1800 451 524 (www.nswombudsman.nsw.gov.au).

Other Contacts

If you are distressed and feel uncomfortable making a statement to a police officer, it is important that you talk to someone. See the fact sheet on *"Finding Help and Support"*. The AVP, the Gay and Lesbian Counselling Service, Victim Support Line or a trusted friend can be good sources to talk to until a GLLO is available to take your statement. To help track the frequency and nature of homophobic harassment in the community it is suggested that you also report all incidents to the AVP.