From: customerassistance@police.nsw.gov.au
Subject: YOUR CAU REF: CAS-2356895-X3W5 Fwd: FORMAL COMPLAINT: INVESTIGATIVE MISCONDUCT AND MALICIOUS PROSECUTION SUBJECT: ANTHONY SMITH ([redacted]) MATTER: EVENT E 89340266 / CHARGE H 91613788
Date: 3 November 2025 at 10:05
To: [redacted]

Thank you for contacting the NSW Police Force Customer Assistance Unit.

YOUR CAU REF: CAS-2356895-X3W5

Your email has been forwarded to the Central Metropolitan Region Professional Standards Manager who will assess the contents of your email and forward it to the relevant police unit who will handle your matter.

After some initial assessment, someone from that unit will contact you within a reasonable time, ordinarily within 21 days.

If you have an urgent inquiry or you are not contacted within this time, you can contact the Central Metropolitan Region Professional Standards Manager on 02 9265 4920.

Kind regards,

NSW Police Force

Customer Assistance Unit

New South Wales Police Force
E: customerassistance@police.nsw.gov.au P: 1800622571

On 02/11/2025 11:08 PM, 228 wrote:

External Email
CAUTION: This email originated from outside of NSW Police Force. Be cautious with attachments, links, and requests unless you were expecting the email, recognise the sender, and trust the content is safe.

Dear Commissioner,

I, Anthony Smith ([redacted]), am writing to lodge a formal complaint against officers from the Sydney City Police Area Command, specifically the Officer in Charge (OIC) of this matter, Constable Marcel Hammer.

This complaint concerns the flawed, contradictory, and malicious investigation of Event E 89340266, which led to me being falsely charged and jailed for "Contravene prohibition/restriction in AVO (Domestic)" (Charge H 91613788) on June 20, 2022.

The evidence in the police's own file proves that the OIC laid this charge based on evidence he *knew* to be irrelevant and contradictory to the facts *as they were reported to him*. This was not an error; it was a deliberate decision to pursue a charge using evidence the OIC knew was invalid for that purpose.

1. The OIC's Knowledge vs. The Official Charge

The core of this complaint is a direct and irreconcilable contradiction between what the OIC *knew* and what the police *did*.

What the OIC Knew (The Fact): In his own official witness statement (dated 01/07/2022), Constable Hammer documents the events of the initial report on June 19, 2022. In **Point 8**, he states:

> "I asked RUSHTON if he had his phone on him and if he would be able to show me the call logs. **RUSHTON stated that the calls had come by means of the app SIGNAL.**"

Constable Hammer knew from the complainant, *from the very beginning*, that the alleged contact was an encrypted Voice-over-IP (VoIP) call via the **Signal** app. As a police officer, he would know this means the contact would *not* appear on a standard carrier call log.

What the Police Did (The Falsified Case): Despite knowing the contact was via **Signal**, Constable Hammer's *next investigative step* (as per Point 13 of his statement and the COPS narrative) was to submit an **iASK request (Ref: 11551001)** to **Optus** for subscriber details.

This iASK request formed the *entire basis* for the charge. The official FACTS SHEET (authored 20/06/2022) falsely presents the event as a standard "phone call" and concludes:

> "The iask revealed the accused's details as the subscriber details for the phone number +61 468 828 365... **This shows the phone number used to call the victim is in the name of the accused. By calling the victim the accused is in direct breach...**"

This is a profound and deliberate mischaracterization. Constable Hammer knew the iASK data (Optus subscriber info) was evidentially useless for proving who made an encrypted **Signal** call, yet he used it as the sole "proof" to lay the charge and have me incarcerated.

This is confirmed in his own text message to me on August 7, 2022, where he stated: **"The call was made through signal which would not show up on Optus call logs."** He was aware of this fact all along.

2. Deliberate Omission of Contradictory Evidence

The investigation also deliberately omitted key facts that undermined the complainant's allegation.

- **No Witness Statement:** The *only* alleged witness to the call was the complainant's friend. As noted in Constable Hammer's COPS narrative (E 89340266, 20/06/2022 01:10) and his witness statement (Point 9), this person **"was not willing to provide their details to Police"** and **"did not want to get involved."** This crucial fact—that the only witness refused to corroborate the story—was omitted from the FACTS SHEET used to charge me.
- **Disregarded Exculpatory Evidence:** The investigation actively disregarded my pre-existing reports to the SCC Cybercrime Squad (documented in Event E 92324688) that I was a victim of identity fraud and that "fraudulent phone numbers" were being created on my account by the *same person* who was now the complainant.

3. Summary of Complaint

This complaint is based on the following facts derived from the police's own records:

1. **A charge was laid** using Optus subscriber data as the *only* proof of a "phone call."
2. **The OIC admitted in his own witness statement** that he was told by the complainant on day one that the contact was via **Signal**, a method that renders the Optus data irrelevant as evidence of a call.
3. **The OIC knowingly and deliberately** proceeded with an investigation (iASK) he knew was futile and used its irrelevant findings to maliciously charge me.
4. **The OIC failed to secure a statement** from the *only* witness and omitted this exculpatory fact from the charging documents.

This conduct resulted in my false arrest and imprisonment.

4. Outcome

The inherent and fundamental flaws in this case were affirmed in court. On August 15, 2022, at the Downing Centre Local Court, Charge H 91613788 was **"DISMISSED - NOT GUILTY AFTER HEARING."**

Resolution Sought

I request a full and independent investigation by the Professional Standards Command into the conduct of Constable Marcel Hammer and any other officers at Sydney City PAC involved in this investigation.

The evidence shows they proceeded with a charge they knew was baseless, resulting in my malicious prosecution and incarceration. This has caused me significant distress, financial loss, and harm.

I request a formal written response acknowledging the receipt of this complaint and confirmation that an investigation will be commenced.

Sincerely,

Anthony Smith

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DISMISSED NOT GUILTY AFTER HEARING on...

Hammer statement of bail breach.pdf

bail breach etc 2024-0549728 NOD as release...
35 KB

20062022 17-44 Created By - SENCON MADELEIN...

DETENTION APPLICATION
(INFORMANT COPY)

SMITH
H 85611724

Bail :

Listed before CENTRAL LOCAL Court on Tuesday 21st June, 2022 at 9:30 am

DEFENDANT DETAILS

SMITH, Anthony
27/10/1969
801/281 ELIZABETH ST
SYDNEY, NSW, 2000

CNI Number : 405839541
Licence details :
Sex : Male
ATSI Status : Neither

PROSECUTOR (NSW POLICE) DETAILS

OIC (Prosecutor) : CON MARCEL HAMMER, Sydney City Pac