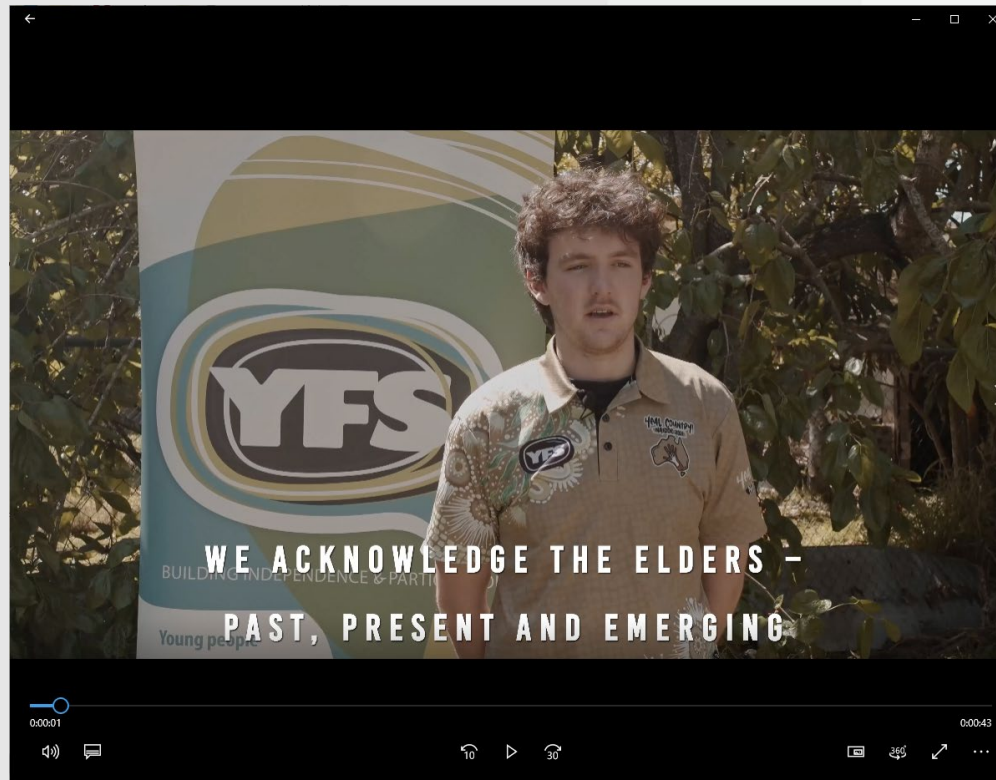




Your rights when dealing with police

Acknowledgment of Country



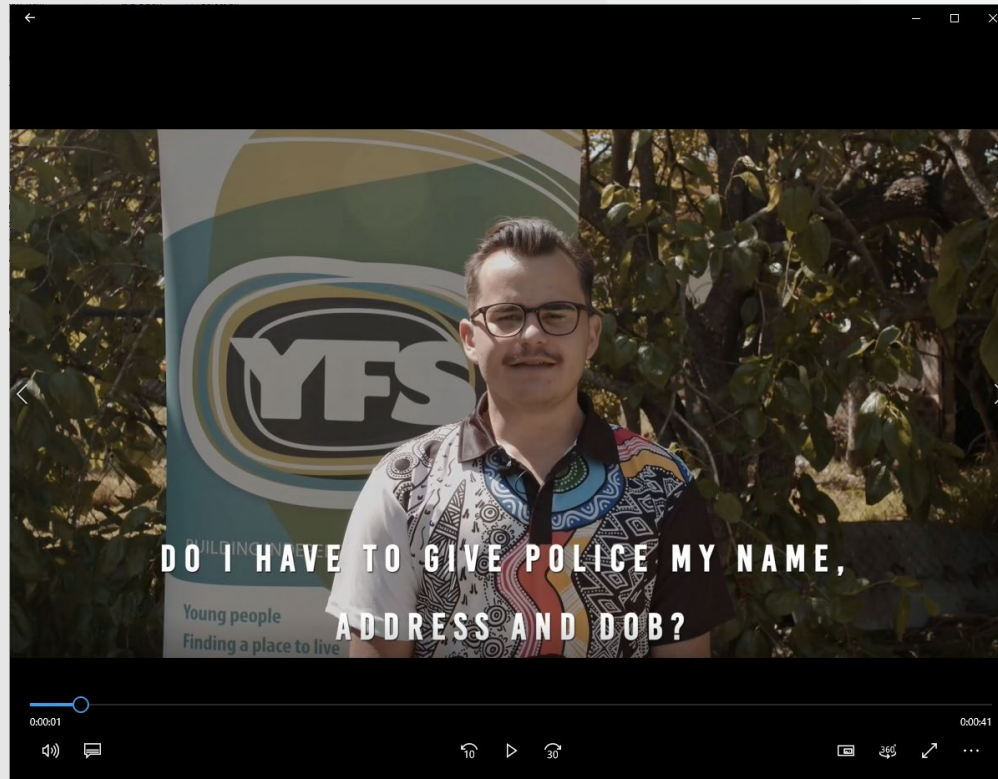
Questions we will answer

- What information do you have to give to police?
- What questions from police do I have to answer?
- When can police search me or my personal belongings?
- When can police search my phone or other electronic device?
- When can police enter or search my house?
- Police have told me to leave a particular area. Do I have to leave?
- Police want me to go to the station. Do I have to go?
- Can police take a photo of me?
- When can police pull me over or search my car?

Please note

This presentation is provided as information only. We recommend you obtain legal advice for your particular situation.

What information do you have to give to police?



What information do you have to give to police?

If asked by police, you must tell them:

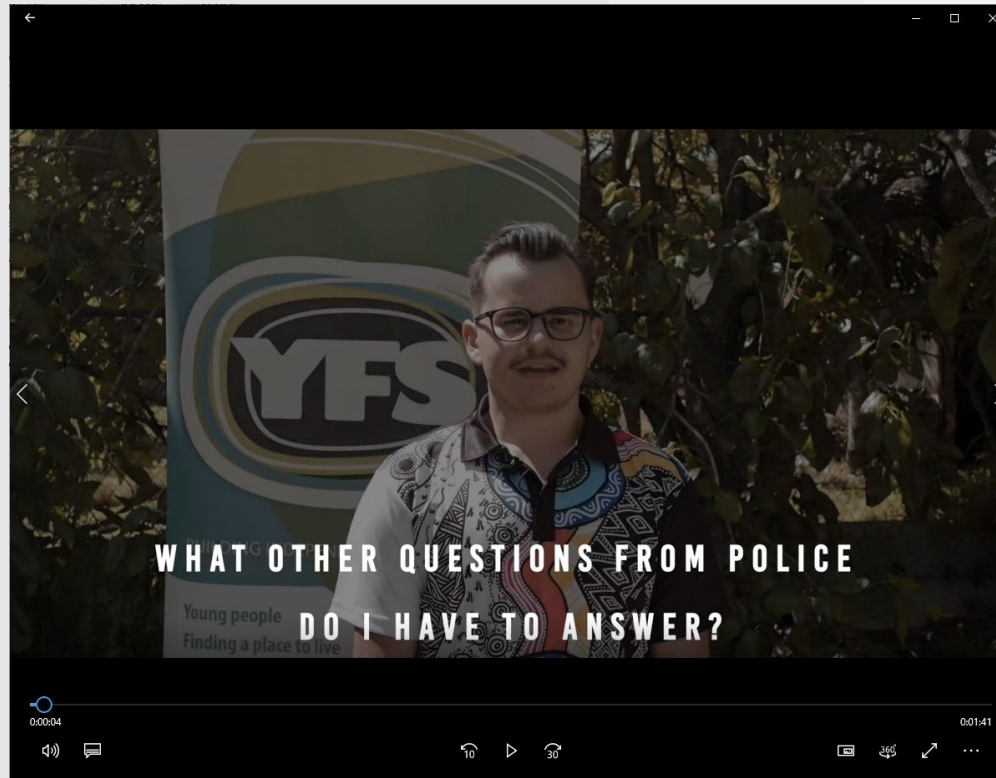
- your name
- your address
- your date of birth.

Even if you aren't doing anything wrong, you must give police these details.

You can get trouble for not giving police that information, and police must tell you that it is an offence not to tell them that information.

Do not give the police a fake name or address – this can get you in more trouble.

What questions from police do I have to answer?



What questions from police do I have to answer?

The right to remain silent: beside answering the questions about name, address and date of birth you do not need to tell the police anything else.

Nothing is off the record when you speak to police, and they could use what you say as evidence against you.

Police might want to interview you if they think you have committed a crime (or if you have witnessed one). Before agreeing to do an interview, you should get legal advice – a lawyer can help you figure out if doing an interview will help you or not.

If you do an interview and are under 18, you must have a support person present. This could be a parent, guardian or lawyer. You also have the right to an interpreter.

When can police search me or my personal belongings?



When can police search me or my personal belongings?

Police can search you if they have ***reasonable suspicion*** that you:

- are carrying drugs or drugs utensils (eg. a bong)
- are carrying a knife
- have committed an offence
- have graffitied something graffitied
- are carrying tools to break into houses
- have evidence that can be used against you in court

Reasonable suspicion could look like:

- bloodshot eyes or slurring your speech
- matching the description of someone who was seen committing a crime
- actively hiding something when you see police

However, ***reasonable suspicion*** is not:

- being a young person and being out late at night
- hanging around a particular group of people
- living in a certain area and police finding you in a different area

Types of searches and what to do

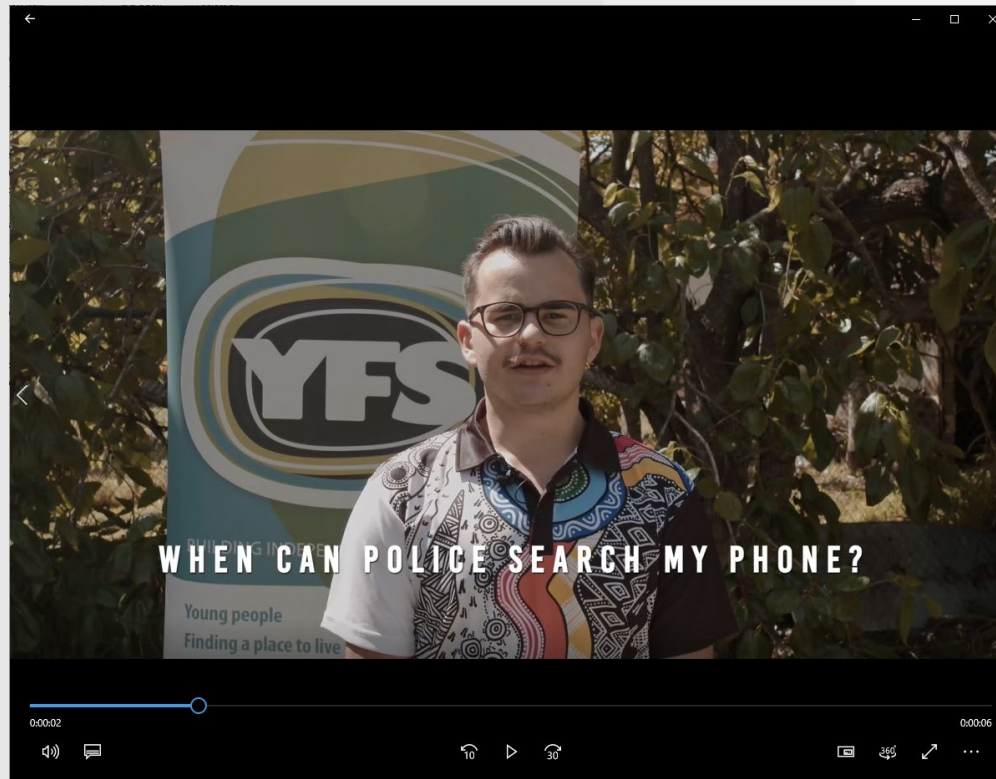
There are two types of searches police might perform if they have *reasonable suspicion*:

- 1) Frisk Search: where police pat you and your clothing down
- 2) Strip Search: where police get you to take off parts of your clothing to search you

What about my consent to a search?

- Police may ask you if you consent to the search, but you do not need to consent to the search. If you don't consent tell them, but do not fight back
- If you do not think police should search you, do not consent and tell police as clearly as possible – but do not be rude
- If the police take you to court but you consented to the search, lawyers then cannot argue that police shouldn't have searched you

When can police search my phone or other electronic device?



When can police search my phone or other electronic device?

If your phone or device is password protected you do not need to give the police your passcode or unlock it for them.

If police want to access your phone, they could take your phone and get a court order (a warrant) to search it.

When can police enter or search my house?



When can police enter or search my house?

Police can enter and search your house without your consent if they have a warrant. If police search your house with a warrant, you should check:

- what the warrant has the correct address (i.e. your house or the house being searched)
- what the police powers are under the warrant (for example, they might have the power to dig up your garden)
- what police are searching for in your house (for example, drugs or other evidence)

Police can also search your house without your consent and without a warrant:

- if they have received a noise complaint
- to stop someone from being hurt or prevent domestic violence
- to stop someone from damaging property

Police have told me to leave a particular area. Do I have to leave?



Police have told me to leave a particular area. Do I have to leave?

Police may give you *move on* orders that direct you to leave a certain place or area. Police typically give these orders if someone's behaviour or presence is:

- causing anxiety to someone entering or leaving a place
- disrupting a business by obstructing or impeding others from entering or leaving the business (e.g. standing in the doorway)
- disorderly, indecent, offensive or threatening to someone entering or leaving a place
- disrupting the peaceful and orderly running of any event, entertainment or gathering at a place

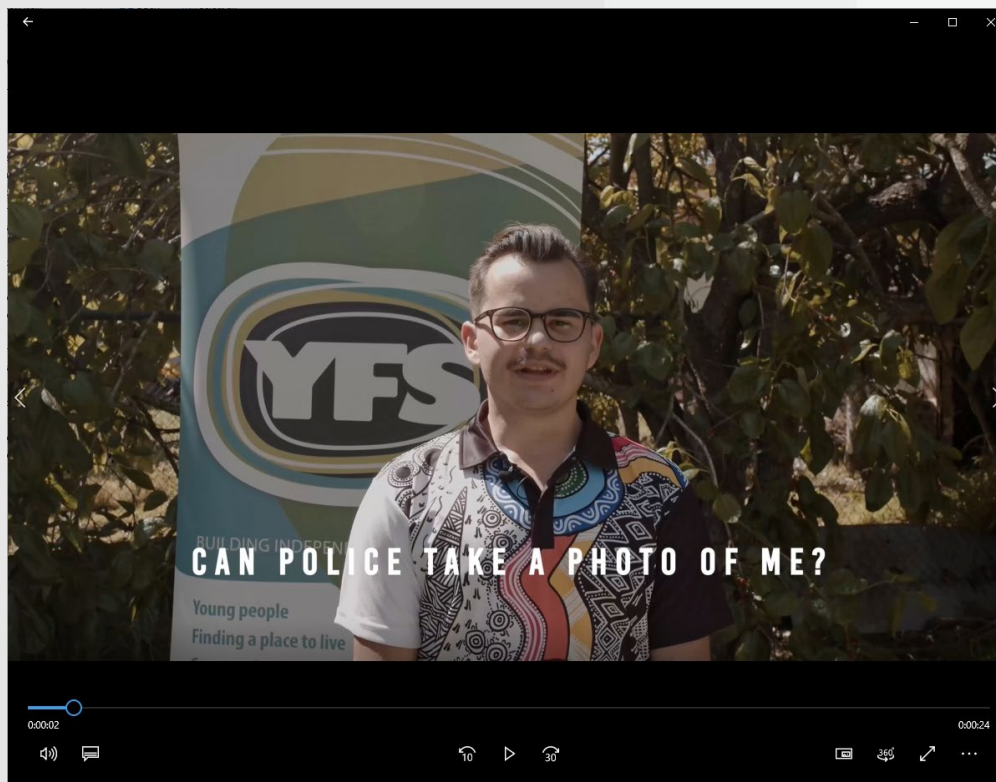
Example:

- If a group of people have been fighting in a nightclub car park, a police officer may tell those involved in the fight to leave the area in opposite directions to separate them.

Police want me to go to the station. Do I have to go?



Can police take a photo of me?



Can police take a photo of me?

If the police arrest you, they can take a photo called a ‘mug shot’. They may also take photos of any tattoos and scars – *all of these photos will then be uploaded to a database.*

Sometimes police might approach you on the street to do a ‘street check’. This might involve taking a photo of you – if you have not been arrested, police cannot take a photo of you.

Talk to a lawyer if the police have taken your photo and you did not consent to that photo.

When can police pull me over?



When can police search my car?



When can police pull me over or search my car?

Police can pull you over:

- to arrest someone in your car
- if they think the car is being used unlawfully
- if they think the car is being used by a criminal organisation or gang
- to search your car

The rules for searching your car are similar to searching you or your bag.

Police can search your car (and its passengers) if they think you have:

- a weapon, knife, or dangerous item
- drugs or something you might use to take drugs
- stolen property
- something used to break into houses or cars
- something that could be used as evidence