












FREE AND CONFIDENTIAL LEGAL ADVICE FACE TO FACE OR OVER THE PHONE

POLICE POWERS AND YOUNG PERSONS FACTSHEET





Questioning & Identification

-  If Police ask you to accompany them to the Police station for the purposes of questioning only, you do not have to go. You have the right to contact a lawyer or other person to be present at a Police questioning
-  You have to provide Police with your name, address, proof of age card and/or drivers licence if they ask for it. It is an offence not to provide these details when asked by Police and penalties do apply for not providing these details when asked

Searches

-  Police can search you if they have reasonable suspicion that you have committed an offence
-  When you are searched, Police can: pat you down, ask you to remove items of clothing, search your clothing and/or personal items and ask you to shake your hair and/or open your mouth
-  Police can only perform a 'strip search' at the Police station or in a place that is as private as possible. The 'strip search' must, as far as practicably possible, be performed by a Police officer of the same sex as you. A 'strip search' cannot involve Police touching you or a search of your body cavities
-  Police cannot strip search a person under 10 years of age
-  The Police officer searching you and/or your property must tell you their name, place of duty and the reason for the search
-  If you do not comply with the search, you may be committing an offence
-  Police can only enter and search your home without your consent when they have a search warrant

Move Along Directions

-  If you are in a public place, Police can direct you to move along on reasonable grounds
-  If you are intoxicated and in a public place, Police can, on reasonable grounds, direct you to leave the area for up to 6 hours
-  When Police give you a move along directions, they must tell you their name, place of duty and the reason for the direction
-  It is an offence not to comply with the move along direction and penalties do apply

North and North West Community Legal Service

Phone: (02) 6772 8100 or 1800 687 687

Email: nnwcls@gmail.com Website: www.nnwcls.org.au

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Detention of Intoxicated Persons

-  Police can detain you if you are intoxicated in a public place and misbehaving
-  If Police detain you, they can release you into the care of a responsible person otherwise they can keep you in an authorised place of detention, such as the police cells
-  If Police detain you, you have the right to contact a responsible person, to be kept separate from persons who are being detained for the commission of offences and to be provided with food, water and a bed
-  Police must release you when you are no longer intoxicated

Arrest

-  Police can arrest you if they have reasonable grounds to suspect that you have committed an offence
-  An arresting Police officer has to tell you their name and place of duty, inform you that you are under arrest and tell you why you are under arrest
-  A Police officer can use as much force as is necessary to arrest you although they cannot use excessive force. A Police officer may handcuff you if they think that you may attempt to escape
-  Do not resist arrest otherwise you may face additional criminal charges. If you are wrongfully arrested, you can make a complaint later on

At the Police Station

-  You have a right to silence and do not have to answer any questions asked by Police
-  Before questioning, Police should inform you that anything you say to them can be used against you in Court
-  You have a right to get legal advice
-  Police can take photos of you and can take your fingerprints if you are over 14 years of age
-  After arrest, Police may release you on bail. If Police refuse to release you on bail, they must take you to a Court as soon as possible if you want to make an application for bail
-  Bail is your temporary release until you have to appear in Court

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