



THE POLICE AND YOU

Interactions with Police

Can police tell me to leave an area?

Sometimes the police can ask you to leave an area or place and not come back. This is called being told to 'move on'. They can tell you to move on if they believe on reasonable grounds that you:

- have committed or are about to commit a crime
- are getting in the way of people or cars
- are putting other people in danger
- are likely to be a nuisance to others

When do I have to give the police my personal details?

You have to give your full name, address and date of birth if:

- the police think you have broken, or are breaking, the law
- the police think you can help them investigate a crime
- you are carrying a firearm
- you are or have recently been driving a motor vehicle
- you are at a place that serves alcohol

It is against the law to give the police fake personal details.

Besides giving the police your name, date of birth and address in the situations above, you do not have to say anything else.



You don't have to give them your number or tell them what you're doing. However, if you are the driver of a motor vehicle you must tell the police your name and address and the name and address of whoever owns the vehicle. There are also questions you have to answer about firearms.

If the police want to ask you questions or search you, you can ask for their name, rank and place of duty. The police have to tell you this information. You can politely ask the officer questions like, "can you tell me why you need my name and address?"

Police searches

When can I be searched?

Police can search you if they have a general search warrant. If they don't have a warrant, they can still search you if:

- they ask you and you agree
- they have reasonable cause to suspect that you have a weapon or dangerous item, or some kind of evidence for a crime, on you
- they think you have something that has been stolen or is otherwise illegal

If you have been arrested, the police or a doctor can also strip search you. A doctor or nurse may search your rectum, vagina or mouth. If you resist, they may use reasonable force. You have the right to have a lawyer or adult family member or friend present during these searches, unless it is not practical to do so.



If the police want to search you, your car, or home, ask why they want to do the search and to see a search warrant. Politely tell the police that you object to the search, but do not prevent them performing the search as this may lead to charges against you.

Declared Public Precincts

Police have increased powers in areas called Declared Public Precincts during certain times. Police can do general drug detection and metal detector searches on anyone in the area, order people to leave in some situations and remove under 18s from the area if the officer believes the young person is at risk. Increased penalties for offences of disorderly conduct, carrying weapons and hindering police apply. These laws apply to the blocks surrounding Hindley Street in the CBD from 6pm-6am on Friday and Saturday.

Can the police take my stuff?

If you're under 18, the police can take any alcohol that they think you have been drinking in public. They can also take any cigarettes they find on you. There may be other situations where police can take things from you. If police take items during a search that may be evidence of a crime, they should provide you with a list of the items they have taken.

Arrest

Police can arrest you if they have reasonable cause to suspect that:

- you are committing a crime
- you have already committed a crime
- you are about to commit a crime
- you are about to cause harm to someone else or their property

If police want to arrest you, ask what you are being arrested for. Do not struggle or argue. Everything you say can be used against you. In most cases you will be allowed to make a phone call. It is very important to get legal advice. If you are arrested the police can search you and take your photograph, fingerprints, and sometimes other samples like a DNA swab.

Police Interviews

If you have been arrested, you generally have the right to have a support person with you in the interview and an interpreter, if needed. Police should film the interview. You do not have to sign a record of interview. You should get legal advice before signing anything.

You do not need to answer any questions except your personal details and some questions about driving and firearms. Get legal advice. Call 1300 366 424.

Contact us!

Would you like more information, resources, or a free visit to your school, organisation or group?
Email: cle@lsc.sa.gov.au

To apply for legal aid online, visit: www.lsc.sa.gov.au

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