

Police and your rights

Young people and the law



Police in South Australia have many powers and duties, but **you have rights**. If you think you may be arrested or in trouble with police, get legal advice as soon as possible. **Call 1300 366 424.**

Talking to police

If police question you, be polite and stay calm. **You have the right to remain silent.** Anything you say to police may be recorded and used against you. Think before you speak.

Some police questions **must** be answered.

You must give your **personal details** (full name, date of birth and home address) if:

- the police think you have committed, or are committing, a crime
- the police think you can help them investigate a crime
- you have a gun
- you are or have recently been driving a vehicle
- you are at a place that serves alcohol (like a pub).

You may have to show your photo ID, driver's licence or learner's permit.

It is a crime to refuse to answer these police questions or to give false or wrong information. If you are not sure, ask police if you must answer their question. You can also ask for their name, rank and place of duty. They must tell you this.

Moving on

Sometimes police will ask you to leave an area and not return. This is called being told to **move on**.

Police can tell you to move on if they think you:

- have committed, or are committing, 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.

It may be a crime to refuse to leave when told, or to return to the area.

Police searches

Police can search you if they have a **general search warrant**. If they do not have a warrant, they can still search you if:

- they ask to search you and you agree
- they think you have a weapon, dangerous item, or evidence of a crime
- they think you have something illegal or stolen.

If police want to search you, your car, or your home, ask them why and to see a search warrant. Politely tell the police that you do not consent to the search, but do not try to stop them as this may be a crime.

Taking items

If you are under 18, the police can take any **alcohol** that they think you have been drinking in public. They can also take any **cigarettes** or **vapes** 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 give you a list of the items they have taken.

Sometimes police can take your mobile phone or other device. If your device is pin or password-protected, **you do not have to tell police the code** unless they have a warrant that requires this information.

Declared public precincts and events

Police have extra powers in areas called declared public precincts and in some public places during certain times or for certain events. This might be in the city at night, at shopping centres or on public transport, or at Schoolies.

In declared areas, police can **search** you for **drugs** or **weapons** and order you to leave the area if you are at risk or pose a risk to others. Penalties apply if you refuse police orders or act in a disorderly way.

Arrest

Being **under arrest** means you are not free to leave. Police can arrest you if they have reason to suspect that:

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

If police want to arrest you, ask why you are being arrested. 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 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 inside your cheek. They may also strip search you. Make it clear if you do not consent, but do not resist.

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.

Remember you have the right to remain silent. You do not have to sign a record of interview.

Get legal advice before you sign anything. Call the Legal Helpline or tell police you want to speak with a lawyer.



Complaints about the police

Police must follow the law. You can complain if you think a police officer:

- treated you or someone else unfairly
- intimidated or scared you
- acted in an aggressive, violent, racist or sexist way
- hurt you or damaged your property
- committed a crime.

You should complain as soon as possible. You should not struggle or argue with police. Try to remain calm.

Make a mental note of details like the officer's name, where you are and any witnesses present so that you can make a complaint later. Write the details down as soon as you can.

If you are hurt, see a doctor or go to hospital as soon as you can. Take photos of any injuries.

You can complain to any police officer (other than the one you are complaining about) or you can complain to the **Office for Public Integrity**. Call **1300 782 489** or visit www.publicintegrity.sa.gov.au.

Legal help for all South Australians

1300 366 424 Legal Helpline



Prefer to text?

Use our Legal Chat at lsc.sa.gov.au