

fact sheet 1

ME AND THE POLICE

What should I do if the police have arrested me?

Some good advice...

- ☞ Don't resist arrest.
- ☞ Ask what the charge is.
- ☞ Don't use offensive language.
- ☞ Only give your name, age and address.
- ☞ Ask them to call your parents or an adult you trust.

If you're arrested the police MUST:

- ☞ tell you that you're under arrest and why you're under arrest
- ☞ call the Aboriginal Legal Service to tell them that you're under arrest and held in a lock up
- ☞ allow you to contact a relative, friend or lawyer and ask them to be with you.

Remember...

You don't have to go to the police station with the police unless you've been arrested.

DO NOT sign anything until you've spoken with a lawyer.

If you need legal advice, you could call:

**Aboriginal Legal Service
(02) 9318 2122**

**Legal Aid Youth Hotline for under 18s
1800 101 810**

**Law Access
1300 888 529**

**Wirringa Baiya Aboriginal
Women's Legal Centre
1800 686 587**



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ME AND THE POLICE (GUNJIES)

What if the police want my ID?

You don't have to give it to them unless you:

- 🚫 are driving a car or involved in an accident
- 🚫 an AVO has been made against you
- 🚫 are under 18 and drinking alcohol in a public space
- 🚫 are on public transport
- 🚫 are suspected of being involved in or having witnessed a serious crime
- 🚫 have unpaid fines and the police or a sheriff serves a court order on you about those fines
- 🚫 you are in an area where there is large scale public disorder.

Telling the police a false name is not a good idea as it can work against you later, and in some cases it is an offence.

What if the police want to question me?

Get legal advice BEFORE you answer any questions.

You don't have to answer any of the police questions (except to give your ID in the situations described).

But it's a good idea to give your name, address and age.

If you're under 14 a parent or guardian should be with you while you are questioned or they can give permission for someone else to be there with you.

If you're between 14 and 17 years an independent adult, chosen by you, must be with you while you are questioned. The independent adult should be someone you trust and know well. They could be a youth worker, family member, lawyer or a friend and must be over 18. They cannot be police.

What if the police want to search me?

The police can stop and search you if they arrest you, have a search warrant (which they must show you) OR they believe you have:

- 🚫 stolen or illegally obtained items
- 🚫 things they believe could be used illegally, e.g. tools for breaking and entering
- 🚫 weapons or dangerous articles like knives, tasers and pointers
- 🚫 drugs.

In these situations police are allowed by law to:

- 🚫 ask you to open your mouth or shake your hair
- 🚫 pat you down
- 🚫 look in your bags and pockets
- 🚫 search your car
- 🚫 look in your school bag or locker.

If you refuse to be searched you can be arrested. So go along with it, but tell them that you don't agree. The police can use force to search you.

If they do search you, the police must:

- 🚫 tell you why you're being searched
- 🚫 warn you that if you refuse to be searched you are committing an offence
- 🚫 show their ID if they're not in uniform
- 🚫 give you their name and badge number when you ask.

If these things don't happen the search is illegal and you can make a complaint.

In serious and urgent cases police can strip search you (if you're over 10 years old). Get legal advice about how this must be done.