

# THE POLICE AND YOU

## Interactions with Police

If you come into contact with the police, it is a good idea to make sure you stay calm. If you feel like you are being treated unfairly, you can make a formal complaint later. Write down what happened so that you can make a complaint later. Call our free Legal Help Line on 1300 366 424 to get legal advice. For information on how to make a complaint, see our factsheet 'Complaints About The Police'.

CHECK YOUR RIGHTS!!

**The laws below apply in most situations. For laws that apply in Declared Public Precincts, please see over the page.**

### Can the 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 a crime or are about to
- Are getting in the way of people or cars
- Are putting other people in danger, or
- Are likely to be a nuisance to others.

### Do I have to give them my 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 or a suspected crime
- You are carrying a firearm
- The police have stopped you for a breath test when you're driving, or
- You are at a place that serves alcohol.

It's against the law to give the police fake personal details. You can face serious fines or could be refused bail.

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 mobile number or tell them what you've been 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 (as well as answering questions that would help to identify the driver or owner of a motor vehicle). There are also some questions you have to answer about firearms.

If you think the police do not have a good reason to ask for your details, or to search you, it is a good idea to ask for their name, rank, and place of duty. The police, by law, have to tell you this information. You can also politely ask the police officer questions such as "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 the police don't have a warrant (special permission from a court), they can still search you if:

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

It is common for police to frisk search you (e.g. by patting you down) in the situations above. If you have been arrested, the police or a doctor



*Disclaimer: The material in this factsheet is a general guide only. It is not legal advice. The legal information was correct at the time of publishing, however may change without notice.*



**Legal Services  
Commission**  
OF SOUTH AUSTRALIA

We help people understand the law and how it can affect them.

For free legal help,  
call the Legal Help Line:

**1300 366 424**

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can also strip search you and do a cavity search. There are laws about when and who can perform these searches. If you think the police have behaved inappropriately, you can make a complaint later. If you resist, they may use reasonable force. Remember, if the police want to search you, your car, or home ask "why do you want to do the search?" and ask to see a search warrant.

## Are the police allowed to take my stuff?

If you're under 18, they can take and keep any alcohol that they think you have been drinking in public (if you are not with a parent or caregiver) and also any cigarettes they find on you. There may be other situations where police can take things from you.

## 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, or
- 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 with police, and remember that everything you say can be used against you. If you are arrested, the police officer must explain what offence they suspect you have committed. In most cases you will be allowed to make a phone call. *It is very important to get legal advice.* If you're arrested the police can search you, take your photograph and your fingerprints. In some cases they can take other body samples such as a DNA swab.

## Police interviews

If you've been arrested, you generally have the right to have a support person with you in the interview, and an interpreter, if needed. Police

are allowed to film the interview. You do not need to sign a record of interview, even if they ask you. If you do sign it, make sure you read all of it and only do so if you agree with everything that is written. *You don't need to answer any questions except your personal details and some questions about driving and firearms.* Get legal advice, call 1300 366 424.

## \* New Laws: Declared Public Precincts \*

The law gives police increased powers within areas called Declared Public Precincts (DPP) 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 a person under 18 from the area if the police officer is of the opinion that the young person is at risk. Increased penalties for offensive or disorderly conduct, carrying weapons or dangerous articles, and hindering police apply. There is a DPP in the blocks surrounding Hindley Street in Adelaide from 6pm-6am every Friday and Saturday. Check your legal rights, call 1300 366 424.

## Contact us!

Got a legal problem?  
Call our free Legal Help Line:  
**1300 366 424**

Would you like more information,  
resources, or a free visit?  
Email: [cle@lsc.sa.gov.au](mailto:cle@lsc.sa.gov.au)

To apply for legal aid online,  
visit: [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)



## Acknowledgments:

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