



### Fact Sheet 19: Stopped by Police

#### What can police ask you?

The police can ask you for your **name and address** if they believe you have committed a crime. You must give them this information. It is an offence to provide a false name or address. You can be fined for not complying with the police officer.

The police generally have the **power to arrest** you if they have reasonable grounds for believing that you have committed or are committing a crime.

#### 1. What information can the police ask me?

- The police can ask you for your **name and address** if they have reason to believe you have committed an offence or can give information about a crime that's been committed. You **must** give them this information if you are reasonably able to do so.
- If the police ask you for your name and address, they must tell you why they are asking for your information.
- You **do not** have to answer any other questions. It is often best to **say nothing** if you are unsure whether you should answer any questions.
- Remember – when you are talking to police **nothing is “off the record”** and everything you say may be used as evidence in court.

#### 2. What information should I ask the police?

If the police ask for your name and address, you should ask for their details, such as:

- their **name**;
- and
- their **police station**.

You can ask the police officer to write these details down for you. If they refuse to provide this information the police officer can be fined.

#### 3. What can the police ask me to do?

##### 3.1. Move on

The police have the power to direct anyone to leave a public place if they have reasonable grounds to believe that you have recently engaged in or are about to engage in violent conduct in that place. For more information see our “Sleeping or Loitering in a Public Place” fact sheet.

##### 3.2. Search and seize

A police officer has the power to stop, search and detain anyone reasonably suspected of having drugs, something stolen or something relevant to a serious offence on them. A police officer does not need a warrant to conduct this search. However, they must have a factual basis for their suspicion that you have the relevant thing.

If a police officer believes on reasonable grounds that you are in a public place or school with a knife on you, they may conduct an ordinary search of you, conduct a frisk search of you, and may take any knife they find off you.

##### 3.3. Arrest

A police officer generally has the power to arrest you if they believe on reasonable grounds that you have, or are committing, an offence and the arrest is necessary to either ensure that you will appear at court in relation to the offence, to protect the safety of society, to prevent the repetition of the offence or to prevent the destruction of evidence.

If a police officer asks you to go to the police station you should ask if you are under arrest.

- If you **are not under arrest** or are not being taken into protective custody **you do not have to go**.
- If you **are being arrested** it is important to **ask why**. The police officer **must tell you** the **offence** you're being arrested for.

#### 4. Can the police “strip search” me?

The police can only strip search you if you have been arrested, charged and taken to the police station.

The police generally have the power to arrest you if they have reasonable grounds to believe that you have committed, or are committing a crime.

The police can search you, your bag and your other belongings if you are under arrest and they reasonably believe that you are carrying something related to an offence, or something dangerous.

A strip search can only be conducted where the police reasonably suspect that:

- you have an item that is evidence in relation to a crime;
- you have an item that can be seized by police; or
- a visual inspection of your body will show that you were involved in an offence.

The strip search must be:

- approved by a police officer with a rank of superintendent or higher;
- be done in a private area by someone who is the same sex as you; or
- if no police officer of the same sex is available, the police may ask any other person of the same sex to conduct the search.

If you are under 18, a person whom you trust (like a parent, guardian or another person over 18) must be present.

#### 5. Can the police search my private property?

The police usually need a warrant to enter and search private property such as your home but can undertake a search without a warrant if the police officer has a warrant to arrest someone on the property.

#### 6. Can the police take things from me during a search?

The police can seize any item they find in their search that has something to do with a serious crime or which has been stolen or is dangerous.

If the police take something of yours during a search, they must make a note of what they have taken, and return your items to you after you have been released from custody, providing they don't relate to an offence.