

Dealing with Police

YOU CAN TALK TO A
LAWYER FOR FREE AT
TASMANIA LEGAL AID

To get free legal information call **1300 366 611** or use the Legal Talk chat from the bottom right-hand corner of our website. Legal Talk and our phone lines are available Monday to Friday, 9am to 5pm.

A lawyer can:

- listen to your story and help identify the next steps you can take.

? Do I need to give Police my name and address?

Generally, a Police officer can only ask you to give your name and address if they believe you have committed an offence or are about to commit an offence.

Other times the police can ask for your name and address are:

- if you are driving a vehicle and you are asked to stop and show your licence
- if you are on a bus
- if you are in a licensed premise you will also need to tell Police your age
- if you are in possession of drugs you will also need to tell the Police where you got the drugs.

If you are unsure as to why the police want your name and address you should ask them politely. The Police must have a reason for why they want your details. If the Police have a reason to ask for your details, it is an offence to refuse to give your name and address or to give any false details.



? Do I need to go to the Police station if asked?

You do not need to go to the Police station if the Police ask you to, unless they have arrested you or in the following circumstances:

- when you're driving and they want to do a breathalyser or drug test
- they're investigating a report of family violence
- they believe you're mentally impaired and need to be taken into custody.

Always ask why they want you to go with them. If you ask the police, they must also give you their name, police station and rank. You can ask for this in writing.

? If I am arrested, what should I do?

Police can only hold you for questioning if they have arrested you. If you are unsure you should ask the Police if you are under arrest.

If Police arrest you do these 5 things:

- Be polite
- Do not resist
- Give your name and address
- Ask for a lawyer
- Don't answer any further questions until you talk with a lawyer (unless you are in a licenced venue then you will need to give your age, or if you are in possession of drugs then you will need to tell the Police where you got the drugs).

? Are the Police allowed to search me?

A Police officer can search you in a public place if they reasonably suspect you:

- have drugs
- have explosives
- have guns or weapons like knives, or imitation weapons
- have graffiti tools - spray paint or even a marker.

To search you for a graffiti-related offence, the Police officer must reasonably believe you are 14 years or older. You must also be on or near public transport property or trespassing on someone else's property.

The police officer can search anything you are carrying and the car you are in. They can search your car even if you are not in it.

? What if the Police took my mobile phone when they charged me?

Police have the right to seize your mobile phone for the purpose of carrying out their investigation and it will only be returned to you when they no longer require it for the investigation. Speak to a lawyer if you are concerned about how to get your mobile phone back.

? What if I'm not 17 years of age?

If you are under 17 years of age the Police are not allowed to formally question you unless you have a parent or guardian with you, unless you don't want them there. If a parent or guardian is not available, the Police must arrange for an independent person to be with you during questioning. You must be given the chance to talk privately to your parent, guardian or the independent person before the questioning.

? How can I make a complaint about the Police?

Any complaint about Police can be made by completing a [Statement of Complaint](#). It is best to make a complain within 6 months of the incident happening. It is an against the law to make a false statement to Police.

Complaints against Police can also be directed to the [Ombudsman](#) and the [Integrity Commission](#). They also have the ability to review the investigations conducted by Tasmania Police to ensure complaints are managed appropriately.

Helpful links

- Statement of Complaint:
<https://www.police.tas.gov.au/about-us/compliments-and-complaints>
- Ombudsman:
<https://www.ombudsman.tas.gov.au/complaints>
- Integrity Commission:
<https://www.integrity.tas.gov.au/reporting/making-a-complaint>