

Police & Authority

Speaking to Police

When dealing with the police or security guards, it is important to stay calm and polite. Don't resist, be abusive or violent, it will only make your situation worse. However you should be firm about your rights. If you are unhappy with the way in which you are being treated by the police you can make a complaint.

If you are approached by police, you do not have to answer any questions or sign any documents. However you must give them your correct name and address if they ask you. There is no such thing as "off the record" and anything you say to police may be used against you later on. It is usually best to tell the police that you wish to remain silent. If you have been arrested or charged you should get legal advice before speaking the police.

There are some circumstances in which you must answer police questioning including:

- Ⓒ When a motor vehicle accident or traffic offence has occurred,
- Ⓒ If you are in a pub or on licensed premises, the police can ask you your name, address and date of birth and ask you to show evidence of your age.
- Ⓒ A customs officer can ask you questions about the import or export of drugs.

What if I am arrested?

If you are arrested, the police must tell you why. If they don't you should ask. Remember, you don't have to tell the police anything except your name and address. Even if you think the police have no right to arrest you, it is best to go with them quietly. Swearing and carrying on will only make your situation worse. Once you get to the police station you should ask for a lawyer. It is best not to say anything until you have spoken to a lawyer.

When can I be arrested?

The police can arrest you at any time if they believe you:

- Ⓒ Have broken the law; or
- Ⓒ Are about to break the law; or
- Ⓒ Are in the process of breaking the law.

The police can also pick you up if you are drunk in a public place. This is not an offence so you won't be charged and you won't have to go to court. However if the police pick you up for being drunk you can be held in a cell until they believe you are sober enough to leave.

What if I'm under eighteen?

If you are under eighteen the police can't normally interview you without an adult present. If the offence is punishable by less than 12 months or for certain traffic matters then police may interview you on your own. You get to choose which adult you want to sit with you, not the police. This adult can be a friend, relative, youth worker, welfare officer or lawyer. If the police can't find the person you have asked for, they can contact someone from a List of Appropriate Persons.

How long will they keep me at the station?

How long you stay at the police station will depend on the situation. Usually the police will only keep you in custody for a reasonable amount of time. That is, long enough to fingerprint, interview and photograph you. If the police need to investigate the crime more, they can hold you longer. If it will take a day or more to investigate, you will either be released on bail or kept in custody.

Fingerprinting & photographs

The police can only take your fingerprints and photograph if:

- Ⓒ You are suspected by a police officer, on reasonable grounds, of having committed a crime
- Ⓒ You are in lawful custody in respect of an offence
- Ⓒ You are charged with an offence
- Ⓒ You have been summoned to appear in proceedings for an offence
- Ⓒ An authorised officer has consented to proceedings in respect of an offence being brought against you by summons
- Ⓒ You or your parent/guardian both consent in writing to the procedure
- Ⓒ Present with you is a support person (adult) of your choice (e.g. your parent, guardian friend or lawyer).

If police believe you are over 14 they can conduct these procedures without magistrate approval. If you are under 14 years of age the police first need to get permission from a Magistrate.

The requirement of a support person being present applies equally to those over 14 and those under 14.

Being searched by the police

You cannot be searched by a police officer unless you have a support person present. You may be searched without a support person if the officer believes that it is a matter of urgency or that the arrival of the support person may cause a loss or destruction of evidence. You should only be searched by an officer of the same sex.

There are three types of personal searches:

⦿ **Pat down search**

This is when police use their hands to feel over the outside of your clothes. They may also ask you to empty your pockets. These searches are usually undertaken both in public and in private.

⦿ **Strip searches**

This is when the police remove and search all your clothing. These searches must be done in private and your support person should generally be with you during this procedure.

⦿ **Internal Body Searches**

Only doctors are qualified to undertake these types of searches. The doctor must be the same sex as you.

Forensic procedures

A forensic procedure is a physical examination. Sometimes this includes taking intimate body samples such as blood, pubic hair, genital swabs or mouth and dental impressions. Only a qualified doctor or dentist may carry out these procedures. You do not have to answer any questions that the doctor or dentist may ask you. If you refuse to undertake this procedure the police are entitled to ask a Magistrate for permission to undertake the procedure.

Non Intimate procedures

Police officers may take non intimate body samples from you such as hair and external body swabs. A senior police officer and/ or a Magistrate must give approval for these sorts of samples to be taken. If you are under 14 years only a Magistrate can give approval.

What if I don't want to stay at the police station?

The police can release you 'on bail' after you have been charged. To get bail is to promise that you will go home and not get into any more trouble and that you will go to court on the day that they tell you to. If you want bail and the police decide to give it to you, you will have to sign the bail papers and agree to any conditions that the police attach to your bail. If you are under eighteen and you get bail, the police have to take you home to your parents. You will have to go to court on the day stated on your bail form. If your bail conditions are really restrictive or you think they are too harsh you should go and talk to a lawyer as soon as possible.

What if they won't give me bail?

If the police refuse to grant you bail you will be taken to court to make an application for bail. A lawyer will be there to help you. If it is after hours, the police will arrange a call to a Magistrate and you can ask for bail. If the Magistrate refuses you bail, you will be remanded in detention. This means that you will get sent to a detention centre until your court date. You can ask for bail again, usually if your circumstances have changed.

Complaining about police mistreatment

If you are mistreated by the police you have the right to complain to the Police Complaints Division within NT Police or the Ombudsman. Get legal advice about this as soon as possible, as short time limits may apply.

Appointed Public Housing Safety Officers

Appointed Public Housing Safety Officers (PHSO) are police officers or special officers appointed by Territory Housing to patrol and address complaints of anti-social behaviour in public housing such as excessive noise, annoyance, vandalism, harassment of neighbours, violence and other inappropriate behaviour. An appointed PHSO cannot exercise any of their powers unless they have an NT Government identity card that says they are a PHSO and they are on public housing premises.

Public Housing Safety Officers may:

- ⦿ Enter gardens of common areas to carry out their duties
- ⦿ Request people on public housing to provide their name, address and if relevant, their age

- ⦿ Direct individuals to stop anti-social behaviour or conduct
- ⦿ Direct non-residents to leave Territory Housing premises
- ⦿ Ban people from public housing for up to 12 months
- ⦿ Tip out alcohol
- ⦿ Seize dangerous items (receipts must be provided)

Appointed Public Housing Safety Officers may not:

- ⦿ Arrest or detain a person (but they may call police)
- ⦿ Enter inside a premises without the consent of the tenant and must leave if the tenant requests they go away
- ⦿ Attend if the incident involves an act of criminality – this is for the police to deal with

Decisions of PHSO's are appealable but there is a 28 day time limit in place. Contact Territory Housing Complaints and Appeals Unit on 1300 301 167.

Transit Security Officers

What are transit security officers and what are their powers?

Transit Security Officers patrol buses and bus interchanges looking for any suspicious articles, activities or persons. Transit Security Officers are employed to identify and deal with unlawful activity in and around Transport facilities such as smoking, using drugs or alcohol and inappropriate behaviour. Transit Security Officers have the power to remove people from a bus or bus station and to arrest people for certain offences, such as criminal damage and assault. Transit security Officers can only exercise their powers on a bus or in the area of a bus station.

Transit Security Officers may;

- ⦿ Ask for your name, address and date of birth if they believe that you may have committed an offence
- ⦿ Direct a person to comply with rules of behaviour
- ⦿ Use reasonable force if you do not get off a bus or keep away from the bus station when they ask you to
- ⦿ Arrest and detain if they believe on reasonable grounds that you have committed an "offence warranting arrest"
- ⦿ Search and seize dangerous articles

Useful Contacts

Legal Advice

There are many free legal services for people to access throughout the Northern Territory.

NT Legal Aid Commission

Provides legal services relating to criminal, family and civil matters in the Northern Territory as well as a Legal Helpline which people can call for information and referral about any legal matter. Also provides a range of written information publications and community legal education programs about the law.

FREE CALL Legal Aid Helpline: 1800 019 343

Website: www.ntlac.nt.gov.au

Email: info@ntlac.nt.gov.au

Facebook: www.facebook.com/NTLAC

YouTube: www.youtube.com/NtLegalAid

Darwin Office

6th Floor
9-11 Cavenagh Street
Darwin NT 0800

FREE CALL: 1800 019 343

Katherine Office

20 Second Street
Katherine NT 0850
FREE CALL: 1800 019 343

Palmerston Office

Shop 6
25 Chung Wah Terrace
Palmerston NT 0830

FREE CALL: 1800 019 343

Tennant Creek Office

Shop 3/163 Paterson Street
Tennant Creek NT 0860
FREE CALL: 1800 019 343

Alice Springs Office

77 Hartley Street
Alice Springs NT 0870
FREE CALL: 1800 019 343