

South East Community Legal Service Inc.

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How to behave when approached by police

Always be polite and co-operative when approached by police. They are just doing their job. If you are not happy with how the police are behaving towards you, do your best to stay polite at the time. There are ways to make complaints about police later.

Police Questioning

The police may question anyone. Even if you are not a suspect or arrested police may ask you questions – ***BUT- you have a right to silence and do not have to answer police questions or agree to an interview.***

IMPORTANT: There are some exceptions to the right to silence.

What police questions have to be answered?

If police ask you for your name, address or date of birth, you must give them this information.

If the police think that you may have provided a false name, address or date of birth, they may ask you to produce some identification, such as a driver's licence, to verify who you are.

If you are on a licensed premise (pubs, clubs, restaurants, cafes, shops etc) the police *or an employee* may ask you for proof of age.

Important: Don't give a false name, address or date of birth. Giving false details is a criminal offence and if you are found guilty you could be fined or imprisoned.

Motor Vehicles and Police Questioning

You must answer questions from police about who is the driver or owner of a motor vehicle. If you are the driver of a car you have to produce your driver's licence if asked by the police. There are penalties if you do not answer questions truthfully or provide your driver's licence when asked.

What you can ask police

You can ask a police officer to identify who they are, if they have asked you for your personal details.

Have you been arrested?

Police may ask you to accompany them to the police station. If you are not arrested you can say no. If you are not sure if you have been arrested, ask them.

Remember, even if you have been arrested, you do not have to answer police questions or agree to an interview. Tell them your name and address and then say something like: "I do not wish to say anything further."

So you don't have to answer police questions, but should you?

No. It is better not to answer police questions or agree to an interview. When they are questioning you, they are looking for evidence that will help them to prove that you are guilty of committing the crime. Your admissions may be the only evidence they have.

Seek legal advice

If there is something that you want to tell the police, talk to a lawyer first, and they can help you give the information later.

The police may try and get information from you, even if you have said you don't want to answer questions. They may say 'it will be easier if a statement is made.' or 'bail will be granted more quickly if a statement is made.'" Stay firm! Do not answer questions if you do not wish to.

Written or verbal statements you make can be used in evidence against you. Any conversation with police can be used in evidence so ignore suggestions that a conversation is 'off the record.'

Are you under 18?

If you are under 18 and arrested the police must ensure that you have a parent or guardian present when they interview you. If a parent is not available the police should get you to nominate an adult, who you have a close association with, to be present.

Remember, even if your parents are at the police station with you, you still do not have to agree to an interview with police. It is always wise to seek legal advice first.

Please note this information sheet is a guide only. If you have any queries or concerns you should seek legal advice. If necessary you can ask the Magistrate to adjourn your matter so you can seek legal advice.

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