

### **Understanding your rights:**

Even the most innocuous encounter with the police can be nerve wracking and stressful. Fortunately, you have rights the police may not legally violate. This brief guide is designed to inform you what those rights are and how to communicate with law enforcement in various settings and situations.

**If I'm walking down the street and the police stop me may I ask if I'm free to go?** Yes, you can certainly ask. There is no power to detain a person not under arrest.

**Do I have the right to refuse consent to searches of your personal property?** You may refuse however a police officer can search you regardless of your attitude to the search if they have a warrant. A police officer may also conduct a search in relation to drugs of dependence if there are reasonable grounds for suspecting that you are carrying these substances. Police also have the power to search without a warrant where they suspect upon reasonable grounds that you are in possession or control of a volatile substance. Volatile substances may include may include plastic solvent, aerosol propellant or petroleum.

**What if I'm in my home, can the police conduct a search of the premises if a warrant has been issued?** If the police have a warrant to enter your home then they will have the capacity to conduct a search, subject to the conditions of the warrant.

**Can the police conduct a search of the premises without a warrant?** There may be authority for police to enter and conduct a search in the absence of a warrant however they will be required to identify the basis for their entry (breach of the peace, reasonable suspicion of the commission of an indictable offence).

**If a police officer does not have a warrant, or the authority to enter and search the premises, do I have to let them into the house if they ask?** A police officer may ask if they can search the private property by consent. You do not have to agree, you can say no.

**What if the police start to go through your belongings, do they have the right to conduct a search if I have refused consent?** A police officer may conduct a search in the absence of your consent in certain circumstances. If you continue to reasonably delay or hinder, police officer charges may arise.

**If a police officer asks for my full name and address do I have to give those details?** A police officer has the power to require that you provide your name and address if they reasonably believe that you have committed an offence or if they reasonably believe that you can assist them in an investigation of an indictable offence.

**If I am being interviewed by a police officer do I have the right to remain silent?** Yes, absolutely. You do have the right to remain silent; you are not obliged to give an explanation or to say anything in answer to an allegation of criminal conduct. You should never be compelled to speak if you do not wish to and there can be no negative inference drawn should you be charged.

**Do I have the right to speak to a lawyer?** Yes, you do. It is highly recommended that you seek legal advice before an interview with police. There can be no adverse inference drawn against you for seeking legal advice. You have the right to communicate with a friend, relative and legal practitioner.

**Will the police inform me of my rights at this time?** Yes, police are required to inform you that, 'you do not have to say or do anything, but anything you say or do may be given in evidence.'