

The Shopfront

YOUTH LEGAL CENTRE

Police powers and your rights

1 Introduction

This fact sheet summarises the police powers that are most likely to affect young people (young adults as well as under-18s) in New South Wales.

It does not cover the powers of the Australian Federal Police, powers of police in other states, or special powers relating to terrorism, etc.

Most police powers in NSW are set out in the *Law Enforcement (Powers and Responsibilities) Act 2002* (“LEPRA”). Some other Acts and Regulations which set out police powers are also mentioned in this fact sheet.

2 Powers to demand name and address or identification

Usually, you *do not* have to tell the police your name and address or show them ID.

You have to tell the police your **name and address** in some situations, including:

- if police suspect on reasonable grounds that you may be able to **assist them to investigate an indictable offence** because you were at or near the scene of the offence (*LEPRA*, s.11(1)); or
- if police intend to give you a **direction to leave a place** (*LEPRA*, s.11(2)); or
- if police suspect on reasonable grounds that **an apprehended violence order has been made against you** (*LEPRA*, s.13A); or
- if you are **under 18** and police **suspect you of carrying or consuming alcohol in public** (*Summary Offences Act 1988*, s.11); or
- if you are **suspected of committing certain types of offences on public transport** (*Passenger Transport Act 2014*, s.162 or *Passenger Transport Act 1990*, s.55); or
- if police or a ranger suspect you have committed an **offence against the law of a specific area**, such as Sydney harbour foreshore areas (*Place Management NSW Regulation 2022*, cl. 37), Centennial Park (*Centennial Park and Moore Park Trust Regulation 2014*, cl. 43) or Sydney Olympic Park (*Sydney Olympic Park Authority Regulation 2018*, cl.24); or
- if police are trying to serve a **fine default warrant** (*Fines Act 1996*, s.104); or
- if police **have been authorised to use their emergency public disorder powers**, and you are on a **target road** or in a **target area**, and police suspect on reasonable grounds that you have been involved or are likely to be involved in large-scale public disorder (*LEPRA*, s.87L); (see Part 13 of this fact sheet – *Emergency public disorder powers*); or
- in situations relating to **vehicles and traffic** (see Part 7 of this fact sheet - *Powers relating to vehicles and traffic*).

Even if you have to provide your name and address, **you usually don't have to show ID.**

If you have been **driving** a motor vehicle, you usually have to show the police your **licence** if asked.

Sometimes it's a good idea to show ID, even if you don't have to. For example, if the police think you have committed an offence and want to give you a fine or a court attendance notice, it's usually a good idea to show them some ID. If they are not sure who you are, they might arrest you so they can fingerprint you to confirm your identity.

However, be careful of telling police your details or providing ID unless you really have to or you think you might be arrested if you don't. This is because the police often use people's details to run checks on their systems and find "intel" (information about your involvement in alleged offending, which may or may not be correct) and use this as grounds for a **search or other powers.**

If you are unsure why the police are asking for your name or address or ID, you should ask them if you feel confident to do so.

3 Questioning

3.1 The right to silence

The police may ask you questions at any time, but:

- in most situations, **you do not have to answer any police questions;**
- the police have **no power to stop, arrest or detain you just to ask questions;**
- sometimes you have to, or it's a good idea to, give your name and address (see Part 2 of this fact sheet - *Powers to demand name and address or identification*);
- if you have been involved in a traffic offence or accident, you may have to give them further details (see Part 7 of this fact sheet - *Powers relating to vehicles and traffic*).

If you are suspected of a crime, it is usually not in your interest to answer police questions. Before deciding whether or not to answer police questions, it is always a good idea to get legal advice.

3.2 Special rules for adults who fail to answer questions

Even though you have a right to silence, if you are 18 or over, **refusing to answer police questions about your involvement in an alleged offence can be used to draw an 'unfavourable inference' against you** (*Evidence Act 1995 s.89A*). The court can't assume you are guilty just because you failed to answer questions – but if you decide to give evidence in court, and this is the first time you have told your side of the story, the court may assume that you are making it up.

If the police want to use this against you, there are a few conditions:

- You must be 18 or over when the police want to interview you;
- The police must give you a "special caution", telling you that you don't have to answer questions but that your failure to answer could be used against you in court;
- Your lawyer must be present when the police give the "special caution"; and
- You must be capable of understanding the "special caution".

3.3 Special rules for under-18s

If you are **under 18** there must be a **responsible adult** (e.g. parent, guardian, youth worker, solicitor) present when you talk to the police. Otherwise whatever you say to police

will probably be **inadmissible** in court, which means it can't be used as evidence against you (*Children (Criminal Proceedings) Act 1987*, s.13).

Young people under 18 may be eligible for a **police caution or youth justice conference** under the *Young Offenders Act* if they admit to the offence in the presence of a responsible adult and consent to a caution or conference. It may be tempting to admit to an offence in the hope of avoiding court proceedings, but young people should be careful of making admissions without receiving legal advice first.

3.4 Getting legal advice

If possible, don't answer questions or sign statements until you get legal advice.

Under-18s can get advice from the **Legal Aid Youth Hotline** on **1800 10 18 10**.

First Nations people of any age can get advice from the **Aboriginal Legal Service**.

3.5 Further information

See our separate fact sheets on ***Police Questioning and the Right to Silence***, ***Acting as a Support Person at the Police Station***, and ***The Young Offenders Act***.

4 Stopping and searching

4.1 When can the police stop and search you?

The police can stop and search you (including your vehicle or possessions) if:

- they have a **search warrant**, which they must show you if you ask; or
- **you consent** (*LEPRA*, s.34A); or
- **you have just been arrested or are in police custody** (*LEPRA*, ss.27, 28A); or
- they **suspect on reasonable grounds** that you are carrying **stolen goods, prohibited drugs** or something **about to be used in a serious crime (e.g. a weapon)** (*LEPRA*, ss.21, 36); or
- you are in a **public place or school** and they **suspect on reasonable grounds** that you have (on you, or in your bag or school locker) a **knife or a “dangerous implement”**. In this situation police may require you to undergo a personal search, or a search of your bag or locker (*LEPRA*, s.23); or
- your car belongs to a **“class of vehicle”** that police suspect on reasonable grounds **is, was or may have been used in connection with an indictable offence**, or circumstances exist that might give rise to a **serious risk to public safety** and stopping and searching the car would lessen the risk (*LEPRA*, s.36(2)); or
- they suspect on reasonable grounds that you have something intended to be used to **“lock on”** to something (e.g. bulldozers, fences, mining equipment) and that is likely to be used in a manner that will give rise to a **serious risk to any person's safety** (*LEPRA*, ss.45A, 45B); or
- police **have been authorised to use their emergency public disorder powers**, and you/your vehicle are on a **target road** or in a **target area**. The police don't need any warrant or reasonable suspicion. They are not allowed to strip search you (*LEPRA*, s.87J-K); (see Part 13 of this fact sheet – *Emergency public disorder powers*); or
- **you are subject to a Firearms Prohibition Order (FPO)**. In this case police may search **you** (or your premises, vehicle, vessel or aircraft) **“as reasonably required”** for the purpose of determining whether you have **committed an**

offence related to your FPO. The police **don't need any warrant or reasonable suspicion.** (*Firearms Act*, ss.74, 75A) (see also our fact sheet on *Firearms, weapons and implements*); or

- [From 9 December 2024] if you are in a “**designated area**”, the police may use new “**wanding**” **powers to search for knives or other weapons**. A senior police officer (rank of Assistant Commissioner or above) may declare an area a “designated area” for no more than 12 hours. You can see if your location is declared a designated area by checking the NSW Police Force website. The police can, **without a warrant and without any reasonable suspicion**, scan you with a **hand-held scanner**. Refusal to comply with the scan, without reasonable excuse, is an offence. (*LEPRA ss 45F-45M, introduced by Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Act 2024*).

4.2 Reasonable suspicion

In most cases, police can't search you unless they suspect on reasonable grounds that you have something illegal on you. “Reasonable suspicion” is very difficult to define, and it is often left to a court to decide. **A reasonable suspicion is less than a belief but more than just a possibility.**

It will usually be based on a number of factors. For example, the mere fact that you are in an area well-known for drug dealing is not enough to raise a reasonable suspicion - but if you're in an area known for drug supply and the police see someone handing you a small package, they may have reasonable grounds to suspect that you are carrying drugs.

Simply objecting to being searched or demanding to know why you are being searched does not give police reasonable grounds for suspicion – insisting on your rights does not mean that you have something to hide.

Some searches *don't* require reasonable suspicion, for example, if the police have a search warrant or a firearms prohibition order, if you are in a “designated area” for the purpose of the new “wanding” powers, or if you consent to being searched.

4.3 Search by consent

Police may search you without any reasonable suspicion if you consent (agree) to being searched.

Be careful! Police often ask “would you mind emptying your pockets, mate?” or “have you got anything on you that you shouldn't have?”. If you agree to show police what's in your pocket or bag, it might be hard for you to argue that the search was unlawful. The police will probably say you consented to the search, and therefore they did not need any reasonable suspicion.

If the police want your consent to carry out a search, they must first ask for your consent. Before searching you they must also provide evidence that they are a police officer (unless they are in uniform) and tell you their name and place of duty (*LEPRA*, s.34A).

However, they don't have to tell you that the search is voluntary. If you are not sure whether the police are **asking** for your consent or **telling** you they are going to search you, ask politely whether the search is voluntary.

4.4 Drug detection dogs

Police have the power to use **sniffer dogs to find prohibited drugs or plants** but only in **authorised places** such as in or outside a pub or club, sporting event, concert, dance party or other entertainment, on certain public transport vehicles, platforms or stops, or in certain public places if they have a warrant (*LEPRA*, ss.147-149).

Police must **keep the dog under control** and take all reasonable precautions to ensure the dog does not touch you. They have **no power to detain you while the dog sniffs you** (LEPRA, s.150).

If a dog sits down next to you, indicating that it has detected the scent of a drug on you, this may give the police reasonable grounds to suspect that you are in possession of a prohibited drug, which gives them the power to search you.

However, sniffer dogs can be quite unreliable and there is a high rate of “false positives” – about two-thirds of people who are “indicated” by sniffer dogs turn out not to have drugs on them. The NSW Ombudsman has recommended that police should not search someone based only on a drug dog indication, unless there are other factors (e.g. you appear to be stoned, you have a recent record for drug offences, or you have admitted to using drugs).

4.5 Types of searches

The police must search you in the least invasive way possible. The type of search will depend on the situation:

- **In most situations**, police may quickly run their hands over your outer clothing, require you to remove outer clothing (e.g. jacket, shoes, hat, gloves), examine anything in your possession, and/or run a metal detector over you (LEPRA, s.30).

If the police do things like running their fingers around your waistband, or ask you to hold your waistband out so they can look down your pants, that may be a strip search and there are special rules that apply.

“Examining anything in your possession” might include looking through your mobile phone. However, in most situations the police cannot make you unlock your phone or give them your passcode (for more information see Part 12 of this fact sheet).

- [From 9 December 2024] If you are in a **designated area** (see Part 4.1 of this fact sheet), the police can use a **hand-held scanner** (metal detector) over your outer clothing. This does not involve physical contact between you and the officer. If metal is detected, the officer can require you to produce the item which may be setting off the metal detector and can scan you again (LEPRA s. 45M).
- If police suspect on reasonable grounds that you have something illegal (e.g. drugs) in your **mouth or hair**, they may require you to open your mouth or to move or shake your hair (LEPRA, s.21A).
- The police **are not allowed to search your body cavities**.
- **Strip searches** must not be performed except when the police officer suspects on reasonable grounds that it is necessary for the purpose of the search *and, unless you are at a police station*, that it is necessary due to the *seriousness and urgency of the circumstances* (LEPRA, s.31).

A strip search cannot be performed on a child under 10. For a person between 10 and 18, a parent or guardian, or a non-police person acceptable to the young person being searched, should be present (LEPRA, ss.33, 34).

When conducting a strip search, police **must not touch you** and must ensure that your privacy is respected.

Sometimes the police may ask you to squat, or part your buttocks (bum cheeks), during a strip search. It is not clear whether they can lawfully require you to do this.

4.6 Rules for conducting searches

When searching you, the police must **ask for your co-operation**, and they must search **as quickly as possible** in the **least invasive way possible**, ensuring **reasonable privacy**.

They must not search you and question you at the same time.

Where reasonably practicable in the circumstances, the search must be carried out by a **person of the same sex** (*LEPRA*, s.32).

See also Part 15 of this fact sheet – *What the police must tell you*.

5 Entering and searching private property

Police can enter your house and other private premises in a range of situations. Sometimes, but not always, they are also allowed search the place once they are lawfully inside. Some examples are:

- With the **consent** of someone living at, or in control of, the premises. This doesn't automatically allow them to search the place – they will need consent for that too.
- Up to a certain point, with **implied licence**. The law assumes that you give permission for someone to enter your property, at least as far as your front door, for lawful purposes such as paying a visit or doorknocking for donations. If you don't want someone coming into your yard or anywhere on your property, you can **revoke the implied licence** with words or actions, such as putting a sign on the front gate or telling a person who is trying to enter that they are not welcome.
- With a **search warrant**. Police may enter and search for the types of things listed on the warrant. In most cases they must show you a copy of the warrant if you ask for it, and must also give you an "occupier's notice" (*LEPRA*, Part 5).
- **To prevent or investigate domestic violence** if the police believe on reasonable grounds that a domestic violence offence has just been (or is being, or is about to be) committed. They need to be invited in by someone who lives there, which may include the apparent victim of the offence. They can search for firearms or for other dangerous articles or implements, but they may need a warrant for this in some circumstances (*LEPRA*, ss. 81-87). If they don't have consent to enter, or if they are asked to leave, they may apply for a warrant or they may be able to rely on the "breach of peace" power.
- **To prevent an imminent "breach of the peace"** (this usually involves a threat of violence or property damage) or to **prevent serious injury** (*LEPRA*, s.9). This does not give them a general power to search the premises, but they may be able to search for weapons (for example) if they believe on reasonable grounds that this is necessary to prevent serious injury or breach of the peace.
- **To arrest someone. They must have reasonable grounds to arrest the person, and must believe on reasonable grounds that the person is on the premises** (*LEPRA*, s.10). In this case they can only search an arrested person and their belongings, not the whole building.
- If there is a **Firearms Prohibition Order (FPO)** against someone who occupies, controls, or manages the premises. Police can enter and search the premises, and any person on the premises who is subject to a FPO, "as reasonably required" for the purpose of determining whether they have committed an offence related to their FPO. **The police don't need any warrant or reasonable suspicion** (*Firearms Act*, ss.74, 74A). This doesn't authorise them to search people on the premises who don't have an FPO against them.

6 Move-on powers

6.1 General move-on directions

Police may give a “**reasonable direction**” to a person in a **public place** if they have reasonable grounds to believe that the person's **presence or conduct**:

- is **obstructing** another person, persons, or traffic; or
- constitutes **harassment** or **intimidation** of another person or persons; or
- is causing or **likely to cause fear** to another person or persons, so long as the relevant conduct would be such as to cause fear to a person of “reasonable firmness”; or
- is for the purpose of **supplying or obtaining any prohibited drug** (*LEPRA*, s.197).

6.2 Move-on directions for being intoxicated and disorderly

Police may also give you a direction if:

- you are **intoxicated**, and
- you are “**disorderly**”, or police believe on reasonable grounds that you are likely to cause **injury** to anyone else or **damage to property** or a **risk to public safety** (*LEPRA*, s.198).

If you are intoxicated, you could also be detained at a police station or sobering-up centre (See Part 14.5 of this fact sheet - *Intoxicated Persons*).

6.3 Demonstrations and protests

Until the end of October 2016, a move-on direction could not be given to anyone taking part in an industrial dispute, a genuine demonstration or protest, a procession or an organised assembly (*LEPRA*, s.200).

From 1 November 2016:

- police still can't give directions to people involved in industrial disputes (*LEPRA*, s.200(1)).
- they **can** give directions in relation to demonstrations, protests, etc in some situations (*LEPRA*, s.200(2)), e.g.:
 - if the police officer believes it is necessary to deal with a serious risk to anyone's safety (*LEPRA*, s.200(3)), or
 - if the protest has not been formally authorised by the Commissioner of Police and the direction is to stop people obstructing traffic (*LEPRA*, s.200(4)).

For more information see our fact sheet on **Protesting**.

6.4 What sort of direction can the police give you?

If police are using their **general direction-giving power**, the law does not say exactly what kind of direction the police can and can't give. The direction must simply be **reasonable in the circumstances** to reduce or eliminate the obstruction, harassment, intimidation or fear, or to stop the drug sale/purchase (*LEPRA*, s.197(2)).

Examples of reasonable directions include telling people to stop fighting or to move away from a doorway they are blocking. It is probably not reasonable to tell a person to leave the area and not to come back for 24 hours, 7 days, forever, etc.

If the police are giving you a direction because you are **intoxicated and disorderly**, the direction must be **reasonable in the circumstances** for the purpose of preventing injury or damage, reducing or eliminating the risk you may cause, or preventing you from continuing with disorderly behaviour in a public place. The police can direct you to leave a public place and not return for up to 6 hours (*LEPRA*, s.198(2) and (3)).

6.5 Disobeying a direction

It is an offence to disobey a reasonable direction, but only after the police have identified themselves, told you the reason for the direction, and warned you that failure to comply is an offence (*LEPRA*, ss.199, 201, 203, 204B).

If you don't obey the direction, but you have stopped the problem behaviour, you are not guilty of an offence (*LEPRA*, s.199).

The **maximum penalty** for disobeying a direction is \$220. Police usually give people a \$220 infringement notice (on-the-spot fine).

If you think you are not guilty (e.g. because the direction was not reasonable), or the fine is unreasonable, you can choose to defend the matter in court. It is always a good idea to get legal advice about this.

6.6 Being intoxicated and disorderly in a public place after being given a direction

If you've been given a move-on direction because you are intoxicated and disorderly, then it is an offence for you to be **found in any public place while still intoxicated and disorderly, for up to 6 hours** after you were directed to move on. This applies even if the public place is not near the place where you were given the direction.

The police can issue an on-the-spot fine of \$1,100, but a court can fine you up to \$1,650 (*Summary Offences Act 1988* s.9).

When giving you a move-on direction, **the police must warn you** that you will be committing an offence if you are found intoxicated and disorderly in a public place within 6 hours. This warning must be provided even if you are complying with the direction (*LEPRA*, s. 198(6)).

You are *not* guilty of an offence if the police did not give you a warning, or if you have a reasonable excuse (e.g. you are still on your way home, or you are homeless and have nowhere to go).

6.7 Emergency powers to break up groups

Police also have the power to direct groups to break up, if police are authorised to use emergency public disorder powers (see Part 13 of this fact sheet – *Emergency public disorder powers*).

7 Powers relating to vehicles and traffic

7.1 Power to stop vehicles

Police can stop a motor vehicle:

- for a **random breath test**. Police do not have to suspect that you have been drinking, and you don't have to be driving badly. They only need to show you were driving a car (or were sitting in the driver's seat and about to start the car) and you're not at your own home (*Road Transport Act 2013*, Schedule 3, s.3).
- for a **random "oral fluid" drug test**. The rules are similar to random breath tests (*Road Transport Act 2013*, Schedule 3, s.6).

- to deal with you for a **traffic offence**;
- for a **search**, if they suspect on reasonable grounds that your vehicle contains stolen goods, prohibited drugs or something about to be used in a serious crime (*LEPRA*, s.36).
- if they suspect on reasonable grounds that they have a right to **search or arrest someone in the vehicle** (*LEPRA*, s.36A).
- if your vehicle belongs to a “**class of vehicle**” that police suspect on reasonable grounds **is, was or may have been used in connection with an indictable offence** or circumstances exist that might give rise to a **serious risk to public safety** and stopping and searching the vehicle would lessen the risk (*LEPRA*, s.36(2)). Police can set up road blocks to help them do this (*LEPRA*, s.37).
- if police **have been authorised to use their emergency public disorder powers**, and you/your vehicle are on a **target road** or in a **target area** (*LEPRA*, s.87J-K); (see Part 13 of this fact sheet – *Emergency public disorder powers*).

Some of the above powers apply to non-motorised vehicles such as pushbikes – but the RBT and drug testing powers apply to *motor vehicles* only.

Police have no power to stop you for a licence check or just to have chat.

7.2 Power to search your vehicle

See Part 4 of this fact sheet – *Stopping and searching*.

7.3 Power to demand identity and other information

- You have to give the police your name and address, and show your licence, on request if you are **driving a motor vehicle or accompanying a learner driver** (*Road Transport Act 2013* ss.175,176). It is an offence to refuse to disclose your identity or show your licence, or to give false or misleading details.
- If a driver is alleged to have committed a **traffic offence**, the **owner or person responsible** for the vehicle must provide the name and address of the driver. This is often called the “**form of demand**”. It is an offence not to provide these details (unless you really don’t know) (*Road Transport Act 2013* s.177).
- **Drivers and passengers must provide their own (and each other’s) name and address** if police suspect on reasonable grounds that a **vehicle is being (or was, or may have been) used in connection with an indictable offence**. It is an offence to refuse to provide information, or to provide false or misleading information, but you don’t have to show your licence or any other form of ID. A driver may also be required to disclose the identity of a person who was driving the vehicle a short time before (*LEPRA*, ss.14-18).
- If you are **involved in a collision**, you must give your name and contact details to the other driver. You must also tell police your name and address, the name and address of the vehicle’s owner, the vehicle’s registration number, any other information necessary to identify the vehicle, and a brief explanation of what happened (*Road Rules 2014*, r.287).

7.4 Power to give directions

- Police may **give directions** to drivers when exercising powers (*LEPRA*, ss.38, 39).
- A police officer may give **reasonable directions for the safe and efficient regulation of traffic** to any person driving a motor vehicle or riding a motorcycle on or near a road (*Road Transport Act 2013*, s.148A). They may also close roads (s.148B).

Refusing or failing to obey these directions is an offence.

7.5 Power to impound or confiscate vehicles

- If you have committed a drink driving offence, police can **take away your key or immobilise or detain your car** (*Road Transport Act 2013 s.113*).
- Police can **seize any unregistered registrable vehicle** being used on a road (*Road Transport Act 2013 s.79*).
- Police can **remove your vehicle** if your **vehicle, that has been involved in an accident** or has broken down, or **anything that has fallen from your vehicle**, causes a **danger or obstruction to traffic on a road** (*Road Transport Act 2013 s.142*).
- Police can also **seize your vehicle that has been abandoned on a road** where there is a **“tow away area”** or **“vehicles impounded”** sign (*Road Transport (General) Regulation 2013 ss.39-42*).
- If you have been caught **drag racing, doing wheelies, burnouts, donuts**, etc, police can impound your vehicle for up to **3 months for a first offence**, or **forever for a second or subsequent offence! You can apply to the Local Court to get it back.** (*Road Transport Act 2013 ss.115, 116, 239, 241, 243, 245, 246, 248*).
- If police **have been authorised to use their emergency public disorder powers**, and your vehicle is on a **target road** or in a **target area**, police may **confiscate it for up to 7 days** (or longer if extended by a court order) if this will help prevent or control a public disorder (*LEPRA, s.87M*); (see Part 13 of this fact sheet – *Emergency public disorder powers*).

7.6 Power to search for stolen vehicles or parts

A police officer authorised by the Commissioner of Police may enter panel beating shops to **trace stolen motor vehicles or trailers or their parts**. It is an offence to wilfully delay or obstruct a police officer in the exercise of this power (*Road Transport Act 2013, s.148D*).

8 Arrest

8.1 When can the police arrest you?

The police may arrest you if:

- they **know or suspect on reasonable grounds** that you have **committed an offence** (*LEPRA, s.99*), or
- they believe on reasonable grounds that **you have breached, or are about to breach, a bail condition** (*Bail Act 2013, s.77*); or
- they believe it is necessary to stop a **“breach of the peace”**, or
- there is a **warrant** out for your arrest (e.g. for failing to appear at court, breaching your parole).

8.2 Arrest for an offence

The police may arrest you if they reasonably suspect that you have committed an offence, *and* they intend to take action against you (e.g. issue a court attendance notice, a penalty notice, or a caution or conference under the *Young Offenders Act*). They can't arrest you just to investigate or ask questions.

Arrest should be a last resort. In many cases the police can take action against you for an offence without having to arrest you first.

However, a police officer may arrest you for an offence if he or she is “satisfied that arrest is **reasonably necessary**” for one or more of the following reasons:

- to stop you committing or repeating the offence or committing another offence;
- to stop you fleeing from the police or the location of the offence;
- to enable enquiries to be made to establish your identity if it cannot be readily established or if the police suspect on reasonable grounds that the identity information you provided is false;
- to ensure that you appear before a court;
- to obtain property in your possession that is connected with the offence;
- to preserve evidence or prevent the fabrication of evidence;
- to prevent the harassment of, or interference with, any witness;
- to protect the safety or welfare of any person; or
- because of the nature and seriousness of the offence.

(LEPRA s.99(1)(b)).

8.3 Arrest for breach of bail

If police believe on reasonable grounds that you have breached (or are about to breach) any condition of your bail, they may **arrest you and bring you back to court** (*Bail Act 2013*, s.77). It will then be up to the court to decide whether to revoke your bail and keep you in custody or let you out on bail again.

However, the police have a few other options for dealing with breaches of bail, including taking no action, giving you a warning, or giving you a notice to attend court.

When deciding what action to take, the police must consider things like the seriousness of the breach, whether you have a reasonable excuse for the breach, and your personal circumstances (e.g. your age, health, any work or child care responsibilities).

8.4 Arrest for breach of peace

A “**breach of the peace**” includes a wide range of situations that usually involve a threat of violence. It has to be more than just noise, argument or offensive language.

The police have a range of powers to deal with a breach of the peace. They may only use these powers if the breach of the peace is actually happening, or they believe it is imminent (about to happen any moment). Arresting or detaining someone is a last resort.

8.5 Citizen’s arrest

Anyone has the right to make a “citizen’s arrest” if they are satisfied that an offence has been committed, or to stop a breach of the peace.

People like security guards, store detectives and transit officers don’t have special arrest powers. They use the citizen’s arrest power.

Unlike a police officer, a citizen has no power to arrest a person on mere suspicion of an offence (*LEPRA* s.100). Usually this means they can’t arrest you unless they have actually witnessed the offence.

8.6 Use of force

Police and citizens may use **reasonable force** to arrest you (*LEPRA*, s.231).

Unreasonable force is assault and you have a right to defend yourself, but it’s best to stay as calm as possible. The more you struggle, the more force they may use and you could

be charged with **resisting** or **assaulting** police in the execution of duty. If you swear or use threatening language, you might be charged with **offensive language** or even **intimidating police** in the execution of duty.

9 After arrest

9.1 Your rights at the police station

If you have been arrested for an offence or for breach of bail, you will usually be taken to a police station.

The following rights apply to people who have been arrested **for an offence**, although people who have been arrested **for breach of bail** will usually be allowed to make phone calls, get legal advice, etc.

For more detail about these rights and how support people can help, see our separate fact sheet on **Acting as a Support Person at the Police Station**.

9.2 Phone calls and legal advice

If you are under arrest for an offence, **police must allow you to speak with a relative or a friend, and a lawyer, and to ask them to come to be with you** (*LEPRA*, s.123).

Under-18s will usually get advice from the **Legal Aid Youth Hotline** on **1800 10 18 10**. The police must also help organise a **support person** for if you don't already have one.

For First Nations people under arrest, the police must call the **Aboriginal Legal Service Custody Notification Service**, unless the person has chosen a different lawyer to advise them.

People with cognitive impairments can get a support person, and sometimes legal advice as well, from the **Justice Advocacy Service** on 1300 665 908.

9.3 Other rights

People under arrest have other rights such as reasonable refreshments (food and drink), toilet facilities, medical attention, and access to interpreters and consular officials if needed (*LEPRA*, ss.124, 128, 129, 130).

9.4 Special rights for vulnerable persons

“**Vulnerable persons**” are defined as **children (under 18)**, Aboriginal or Torres Strait Islanders, persons from non-English speaking backgrounds, or those with impaired physical or intellectual functioning (*Law Enforcement (Powers and Responsibilities) Regulation 2016*, cl. 28).

The **custody manager at the police station must help a vulnerable person exercise their rights** (*Law Enforcement (Powers and Responsibilities) Regulation 2016*, cl.29).

Vulnerable persons have the **right to have a support person present at police station**, and a **child** cannot waive their right to a support person (*Law Enforcement (Powers and Responsibilities) Regulation 2016*, cl.30, 31, 33).

If a **child** is in police custody, police must notify the child's parent or guardian (*Law Enforcement (Powers and Responsibilities) Regulation 2016*, cl. 36).

If the person in police custody is **Aboriginal or Torres Strait Islander**, police must contact the closest Aboriginal legal aid organisation (*Law Enforcement (Powers and Responsibilities) Regulation 2016*, cl. 37).

9.5 Interviews

See Part 3 of this fact sheet - *Questioning*.

In most situations, you do not have to answer police questions. If possible, you should get **legal advice** before deciding whether to answer questions.

Sometimes the police will ask you to go into an interview room so that they can record you (on audio and video) saying you do not wish to be interviewed. It is usually better to offer to sign the police officer's notebook instead. **The police can't make you go into an interview room**, or go on tape, or sign anything.

9.6 How long can the police detain you?

Police can **detain you for a reasonable time** after arrest for investigation and questioning. **You still don't have to answer questions.**

This reasonable time can be **up to 6 hours**. If the police need more time, the police can apply for a warrant to extend the time for another 6 hours, to a total of 12 hours (*LEPRA*, ss.114-121).

This time can be extended by "time out" periods, e.g. waiting for people to arrive, for phone calls, sobering up if necessary, or speaking with your lawyer. Most people are actually held by police for much longer than 6 hours.

At the end of this period, police must let you go (with or without charging you) or take you to court to apply for bail.

10 Fingerprints and photos

10.1 Generally – can the police take your photo?

In general, **anyone (including a police officer) is allowed to take your photo** without your consent, especially if you are in a public place. They are also allowed to **film** you, as long as they are not audio-recording your private conversations without your consent.

However, **in most situations you do not have to co-operate** with a police officer who wishes to photograph or film you – for example, you can hide your face or walk away.

There are some situations when you do have to co-operate with the police taking your photo. These are outlined below.

10.2 Taking of fingerprints and photos when arrested

Fingerprints, palm prints and photographs of people under arrest may be taken for identification only (*LEPRA*, s.133). This includes ensuring that the police have a correct, up-to-date criminal record to hand up in court. In practice, this is a routine police procedure carried out when a person is arrested.

10.3 Children under 14

If you are **under 14**, the police must have an order from the Children's Court to take fingerprints and photographs (*LEPRA*, s. 136).

10.4 Destruction of fingerprints and photos

You may be able to have fingerprints and photographs destroyed if you are released without being charged or if you are found not guilty (*LEPRA*, ss. 137, 137A).

If you are dealt with by the Children's Court and found not guilty, or if your charge is dismissed with or without a caution under *Children (Criminal Proceedings) Act* s.33(1)(a)(i), the court must order any fingerprints, palm prints and photos to be destroyed (*Children (Criminal Proceedings) Act* 1987, s.38).

11 Forensic procedures

11.1 Power to carry out forensic procedures

The *Crimes (Forensic Procedures) Act 2000* allows police to carry out **forensic procedures** (e.g. taking a DNA sample, a blood test, or a photograph). These are usually used to help police solve crimes, most commonly by matching a suspect's DNA against DNA found at a crime scene or on a victim.

A forensic procedure may be carried out on a **suspect**, a **convicted indictable offender** or **untested former offender** (someone who has served a prison term for a serious offence but who wasn't tested while they were in prison) a **volunteer** (e.g. someone who is not a suspect but wants to take a DNA test to establish their innocence), or a **victim**.

The most common type of forensic procedure involves taking a DNA sample. This is usually done by **buccal swab** (taking some saliva from inside the mouth) or **hair sample**.

11.2 Suspects

Police may carry out a forensic procedure on a suspect aged **over 18** with the person's **informed consent**.

If the person doesn't consent, the police will need an **order from either a court or a senior police officer** (depending on whether the suspect is under arrest, the type of offence alleged, and the invasiveness of the forensic procedure).

If the person is **incapable of giving informed consent** (e.g. because of an intellectual disability) or is **under 18**, the police must get a **court order**.

(*Crimes (Forensic Procedures) Act 2000* Parts 3 to 6)

11.3 Convicted offenders, untested former offenders and untested registrable persons

The police may take a DNA sample from a person who has been **convicted of a serious offence** (defined as an offence with a maximum penalty of 5 years' imprisonment or more) and is currently **serving a sentence of imprisonment** (which does not include a juvenile control order) for that offence.

Taking a forensic procedure in this situation requires the informed consent of the offender, or otherwise an order from a senior police officer or a court (*Crimes (Forensic Procedures) Act 2000* Part 7).

DNA samples may also be taken from "**untested former offenders**", i.e., people who have been in prison for a serious offence but who were not tested while they were in prison and whose DNA profile is not on the database. However, a person in this situation can't be asked to undergo a forensic procedure unless they have been charged with a fresh offence. Again, a forensic procedure can't be taken without the person's informed consent, an order of a senior police officer or a court order (*Crimes (Forensic Procedures) Act 2000* Part 7A).

There are also similar powers to carry out forensic procedures on "**untested registrable persons**", that is, people who are on the child protection register and have not yet been tested (*Crimes (Forensic Procedures) Act 2000* Part 7B).

11.4 Volunteers

Police can conduct forensic procedures on **volunteers**, e.g. people who agree to provide their DNA to eliminate them from suspicion. If the volunteer is a **child**, the police also need a parent or guardian's consent or a court order (*Crimes (Forensic Procedures) Act 2000* Part 8).

Children under 10 cannot be volunteers, but there are special provisions for carrying out forensic procedures on children under 10 in limited circumstances (*Crimes (Forensic Procedures) Act 2000 Part 8A*).

11.5 Victims

Police can also take DNA samples from **victims** with their consent. If the victim is a **child** under 10, police will instead need a parent or guardian's consent. If the victim is a child aged between 10 and 14, they will need both the child and a parent's consent.

Victims are not covered by the *Crimes (Forensic Procedures) Act* but are covered by a "Victims Protocol".

11.6 What happens to DNA samples?

DNA samples taken from suspects, convicted indictable offenders and untested former offenders will be used to create **DNA profiles** which will be stored on a **database** and may be matched up with DNA found at scenes of unsolved crimes (a "cold hit").

If the person is found not guilty or their conviction is quashed, their DNA sample should be destroyed and their profile removed from the database.

DNA profiles from volunteers and victims do not go on this database.

12 Photographing and filming police

12.1 Can you photograph or film police?

As set out in Part 10.1 of this fact sheet, people are generally allowed to photograph and film other people, at least in public places.

Just as police are allowed to photograph or film you, **you are also allowed to photograph or film the police in most situations**, as long as you are not unreasonably interfering with what they are doing. If you are filming the police performing a search or an arrest, for example, the police might ask you to step back a bit so as not to get in their way, but in general they cannot stop you from filming them.

Recording sound is usually OK as long as you are not recording a private conversation without consent.

12.2 Can police confiscate your phone, camera or other device?

The police can't confiscate your phone (or camera or other device) just because they are unhappy about you filming them.

If they believe it is necessary to take your phone to stop a "**breach of the peace**" (e.g., if they think you are about to call your friends and get them to come over and start a violent incident), that might be a reason for confiscating it.

If you are moving in so close that you are **hindering or obstructing** them, and you keep ignoring their requests to move back, you could be arrested for hindering or obstructing police and your phone or camera could be confiscated.

Police officers sometimes seize phones and similar devices from bystanders who are filming incidents and who are not suspected of doing anything wrong. **Whether they have the power to seize phones or cameras from bystanders in this situation is uncertain.**

Police officers have power to seize items that may provide **evidence of an offence**. If you are filming something that might amount to an assault on police, the police may say that your phone contains evidence and that they have the power to seize it. However, if they want the evidence that is on your phone, they have other ways of getting it from you (e.g., they could ask you to give them a copy of the footage, or they could issue a subpoena for

you to produce it at court). Confiscating your phone or camera is an extreme measure, and it is not clear whether the law allows police to do this unless you are the alleged offender.

12.3 Can police access data from your phone?

Although the police have broad powers to search and seize items, this does not always mean they can access data in your phone or other electronic devices.

In most situations the police cannot make you unlock your phone or give them your passcode. If they ask for your passcode or to unlock your phone, you have the right to refuse - unless they have a warrant or some other legal power to make you grant access.

However, police officers may still seek your **consent** to look in your phone. Sometimes they might ask you to unlock your phone or provide the passcode “to prove you legitimately own it” and threaten to confiscate your phone and charge you with “goods in custody” if you don’t cooperate. [If you provide access in circumstances like this, it doesn’t mean you have consented to police looking through data in your phone.]

If the police have **reasonable grounds to seize or search your phone in connection with an offence**, they can access and download data. If you don’t provide access, they may use Cellebrite or similar technology to hack into it.

13 Emergency public disorder powers

13.1 Introduction

After the “Cronulla riots” in December 2005, the NSW Parliament enacted emergency legislation giving police special powers to deal with “large-scale public disorder”.

These powers are in Part 6A of the *LEPRA*. The powers came into force on 15 December 2005 and were supposed to lapse on 15 December 2007, but have been extended indefinitely.

13.2 Authorisation

To use the emergency powers, the Commissioner of Police (or a Deputy or Assistant Commissioner) must issue an **authorisation** for a certain **target area**. The authorisation can only last for 48 hours unless it is extended by the Supreme Court (*LEPRA*, ss.87D-H).

A **target area** could consist of a few blocks, a whole suburb or maybe an even larger area. A **target road** means a road leading to a target area.

Police may use the special powers **without authorisation** if they suspect on reasonable grounds that the occupants of a vehicle are (or are about to be) involved in a large-scale public disorder, and they are satisfied that the situation is urgent enough to require the special powers to be used without authorisation (*LEPRA*, ss.87N).

13.3 Special powers

- Police may cordon off a target area or any part of it, or put up a road block on a target road (including any road in a target area). Police must not refuse permission for a person to leave the area unless it is reasonably necessary to do so to avoid a risk to public safety or to the person’s own safety (*LEPRA*, s.87I).
- Police may stop and search any vehicle (and anything in or on the vehicle) in a target area or on a target road, and detain the vehicle for as long as is reasonably necessary to conduct the search (*LEPRA*, s.87J). **No warrant or reasonable suspicion is required.**

- Police may stop and search any person (and anything in the person's possession or control) in a target area or on a target road, and detain the person for as long as is reasonably necessary to conduct the search (*LEPRA*, s.87K). **No warrant or reasonable suspicion is required. Police are not allowed to do a strip search, and all the other rules relating to searches apply.**
- Police may request a person in a target area, or in or on a vehicle on a target road, to disclose their identity and to produce proof of identity (but only if the person's identity is unknown to the police officer, and if the police officer reasonably suspects that the person has been involved or is likely to be involved in a public disorder). It is an offence not to disclose your identity, or to provide false details (*LEPRA*, s.87L), but only if the police have first identified themselves, told you the reason for the request, and warned you that failure to comply may be an offence (*LEPRA*, Part 15).
- Police may confiscate a vehicle, mobile phone or any other item if this will assist in preventing or controlling a public disorder. Police may keep these items for up to 7 days, but this can be extended by the Local Court for up to 14 days at a time. (*LEPRA*, s.87M).
- Police also have the power to direct a group in a target area to break up. Police must give information and warnings similar to those required for ordinary move-on directions. Failure to follow one of these directions, without a reasonable excuse, is an offence. The maximum penalty is 50 penalty units (\$5,500) (*LEPRA*, s.87MA).

13.4 Liquor restrictions

Police also have the power to close licensed premises, to stop the sale of alcohol, or to impose alcohol-free zones for up to 48 hours (*LEPRA*, ss.87B-C).

14 Other powers

14.1 Powers relating to Apprehended Violence Orders

Police have special powers if they need to serve an apprehended violence order (AVO) on you, or make and serve an AVO application (*Crimes (Domestic and Personal Violence) Act 2007*, ss. 89, 89A, 90).

The police may **direct** you to stay where you are or to go to some other place (including a police station).

If you don't obey their directions, they may **detain** you for as long as it takes to make the AVO application and/or serve the papers on you.

If the police detain you, they also have the power to **search** you (mainly to ensure you don't have anything on you that could be used to harm yourself or anyone else).

See also our fact sheet on ***Apprehended Violence Orders***.

14.2 Children and Young Persons (Care and Protection) Act

Section 43 of the *Children and Young Persons (Care and Protection) Act 1998* enables an authorised FACS officer or a police officer to:

- enter in, search and remove a child (under 16) or young person (16 or 17) from any premises when satisfied on reasonable grounds that the child or young person is at **immediate risk of serious harm** and that the making of an apprehended violence order would amount to insufficient protection.
- remove a child (under 16) from any public place where it is suspected on reasonable grounds that the child is **in need of care and protection** and that they

are **not subject to the supervision or control of a responsible adult** and that they are **living in or habitually frequenting a public place**; or

- remove a child (under 16) or young person (16 or 17) from any premises if it is suspected on reasonable grounds that the **child is in need of care and protection** and is or has recently been on any **premises where prostitution or pornography takes place** or if the child or young person **has been participating in an act of child prostitution or pornography**.

Police officers may also enter any adjacent place (i.e. next door) if they suspect on reasonable grounds that the person is there.

14.3 Children (Protection and Parental Responsibility) Act

The *Children (Protection and Parental Responsibility) Act* 1997 allows police to ‘**safely escort**’ a young person from a public place, if police reasonably believe the young person is:

- under 16 years of age; and
- not supervised by a responsible adult; and
- in danger of being abused or injured, or about to break the law.

Police can then take the young person home, or to the home of a relative or an “approved person”.

This law, however, only applies in certain areas declared “operational” by the Attorney-General (after an application from the local council). The Act was only ever operational in a few parts of NSW, and currently it seems that there are no longer *any* operational areas.

14.4 Mental Health Act

Under section 22 of the *Mental Health Act* 2007, a police officer may **apprehend someone and take them to a mental health facility**, if the officer believes on reasonable grounds:

- that the person is committing or has recently committed an offence and that it would be beneficial to the welfare of the person that they be dealt with according to the *Mental Health Act* rather than in accordance with law; or
- that the person has recently attempted suicide, or that it is probable that they will attempt to kill or seriously harm themselves.

14.5 Intoxicated persons

Police have the power to pick up people who are **intoxicated** (on alcohol or any other drug) and who are **behaving in a disorderly manner** or who **need physical protection** because of their intoxication.

Police may take an intoxicated person home or place them in the care of a **responsible person** (e.g. friend, relative, welfare worker, refuge). If necessary, police may **detain the intoxicated person in a police station** while finding a responsible person. If no responsible person can be found, police may detain the intoxicated person until they cease to be intoxicated (*LEPRA*, s.206(4)).

Reasonable restraint may be used to ensure that the intoxicated person does not injure anyone (including himself or herself) or damage property (*LEPRA*, s.206(5)).

Intoxicated persons **are not charged** with an offence, nor are they fingerprinted. They should be **kept separate from people detained for criminal offences**, and children must be kept separate from adults (*LEPRA*, s.207).

15 What the police must tell you

Part 15 of *LEPRA* (ss. 201-204B) sets out some information that the police must give you when they are using certain powers.

15.1 What powers it applies to

Part 15 applies to most powers under *LEPRA* including stop, search, arrest, entering private premises, issuing directions, and requiring a person to disclose their identity.

It also applies to powers under some other Acts and laws (for example, an arrest to stop a breach of the peace, or a requirement to provide your name and address under the *Passenger Transport Act*).

It does *not* apply to powers under some other Acts including the *Bail Act*, the *Road Transport Act*, the *Mental Health Act*, and the *Children and Young Persons (Care and Protection) Act*.

15.2 What the police must tell you

When exercising any of the powers covered by Part 15, a police officer must:

1. provide **evidence that they are a police officer** (unless they are in uniform);
2. provide their **name and place of duty**; and
3. tell you the **reason for the exercise of the power** (e.g. “I’m going to search you because I suspect that you have drugs on you”).

Also, in some situations:

4. if the power involves a **requirement or direction** which you have to comply with, and you do not comply (e.g. refusing to give your name and address in situations when you have to provide this information, or failing to move on when directed), **the police must warn you** that you are required by law to comply.

In some cases (e.g. giving you a move-on direction, or requiring you to provide your name and address) they must give you the information **before** they exercise the power.

In other situations, the police must provide this information **as soon as it is reasonably practicable to do so**. If it is not practical to give you the information while they are exercising the power (e.g. you are running away or shouting over the top of the police while they are trying to arrest you), they must do it as soon as possible afterwards.

15.3 Failure to provide the required information

If the police do not give you the above information when exercising their powers, **this may make their conduct unlawful**. It could mean that you are not guilty of offences such as failing to comply with a direction or resisting police in the execution of their duty.

The only exception is a police officer’s **failure to tell you their name and place of duty**: this does not usually make their conduct unlawful, unless you have asked for this information and they fail to provide it.

16 Other police practices (STMP, bail checks, etc)

The police may use a range of methods to monitor people and to get information, e.g. approaching you in the street for a “chat”, asking for your ID when they don’t suspect you of having done anything wrong, or visiting your home.

Most of these practices are not based on any source of legal power. Instead, they are relying on people’s consent. In most cases the police don’t have to explain that

cooperation is voluntary, so young people often “consent” to police requests because they think they have no choice.

16.1 Suspect Target Management Plan (STMP)

The Suspect Target Management Plan (STMP) is a NSW Police Force program aimed at reducing crime by targeting people for extra supervision if they are deemed to be at high risk of offending. This may involve engaging the person in conversation whenever police see them, using stop and search powers, and regularly visiting the person’s house.

The STMP has no legislative basis and does not give police any additional powers.

The Law Enforcement Conduct Commission, in its “Operation Tepito” report, strongly criticised the NSW Police Force for their use of the STMP on children:

<https://www.lecc.nsw.gov.au/publications/publications/operation-tepito-final-report.pdf>

In late 2023, the NSW Police have discontinued the use of the STMP in relation to children and young people under 18 and said they would soon stop using it for adults as well. However, the police are developing a replacement program and they may still be using the STMP for adults who are domestic violence offenders.

16.2 Bail compliance checks

Police often conduct home visits to check whether people are complying with **bail conditions** such as curfews or residential conditions.

If the court has imposed an **enforcement condition** on your bail (e.g. requiring you to “present yourself at the front door if requested by police”), then you may be breaching bail if they don’t answer the door to the police.

However, it is quite rare for the court to impose enforcement conditions. In most cases, the police are relying on **implied licence** to get them as far as the front door, and on your **consent** to answer the door and show them you are at home (see Part 5 of this fact sheet - *Entering and searching private property*).

Unless there is an enforcement condition, you don’t have to answer the door or cooperate with bail checks. If you are not sure, or if you want the visits to stop, it’s a good idea to get legal advice.

For more information, see the Law Enforcement Conduct Commission’s Issues paper about bail compliance checks:

<https://www.lecc.nsw.gov.au/make-a-submission#3ad55adb-2a0b-4321-ac66-3d0ac92fa2de>

16.3 Domestic violence compliance checks

The NSW Police also conduct **domestic violence compliance checks** on people who have apprehended violence orders (AVOs) out against them.

These are aimed at checking whether people are complying with their AVOs. For example, if the AVO prohibits the person from being with the protected person, the police will want to check that the protected person is not in the house.

Like bail checks, the police are relying on implied licence and on people’s cooperation. Unlike with bail, the court doesn’t have the power to place an enforcement condition on an AVO. ***You don’t have to answer the door or let the police in unless they have a lawful power of entry*** (see Part 5 of this fact sheet - *Entering and searching private property*).

17 Mistreatment by police

17.1 What the police can and can't do

Remember that the police have the right to **search you** or move you on (with reasonable grounds), to **touch** you when arresting you, and to use **reasonable force**.

They **do not** have the right to use **excessive force**, to **intimidate** you, to **assault** you, or to **vilify** you because of your race, gender, sexuality, etc.

If a police officer mistreats you, try to get his or her **name** and/or **badge number**. Remember that, when police officers are exercising most types of powers, they have to give you their names.

17.2 Effect of police misconduct on your criminal charges

If you have been charged with any criminal offences as a result of your interaction with the police, misconduct might make it difficult for them to prove the charges against you.

For example, an illegal search might lead the court to exclude any evidence found in that search. Or if you are charged with an offence like "resisting police in the execution of their duty", unlawful conduct means that the police are acting outside the execution of their duty and you will not be guilty of the offence.

17.3 Compensation

If you have been unlawfully arrested, detained or assaulted by police, you may be able to sue for **financial compensation**. You should speak to a lawyer about this.

17.4 Complaints

If you feel you have a justified complaint against the police, you can contact the **Commander** of your local police station or the **Commissioner of Police**. You can also contact the **Police Customer Assistance Unit** on **1800 622 571** to make enquiries, concerns, compliments and complaints.

For more serious types of misconduct (assault, corruption, etc) you may wish to complain to the **Law Enforcement Conduct Commission (LECC)**. The LECC is an independent statutory body responsible for investigating complaints against the police. It took over responsibility for police complaints from the Ombudsman on 2017.

The LECC has its own investigators to deal with complaints about serious misconduct. Less serious complaints will be referred back to the police for investigation, but these will be monitored by LECC staff to make sure the police are investigating them properly.

The LECC website has information about what you can complain about, how to make a complaint, and other agencies that you may be able to complain to in different situations. See www.lecc.nsw.gov.au.

It usually takes a long time to process a complaint and it often gets nowhere, but sometimes it does result in action being taken. Sometimes it's helpful to have it on record that you've complained, in case similar things happen again to you or other people.

18 Further information

Legal Aid NSW has information online about police powers and rights at:

<https://www.legalaid.nsw.gov.au/my-problem-is-about/a-criminal-charge/police-and-my-rights>

Get Street Smart: Under 18? Know your Legal Rights: explains young people's rights on the street and with the police:

<https://www.legalaid.nsw.gov.au/ways-to-get-help/publications-and-resources/get-street-smart-under-18s-know-your-legal-rights>

Legal Aid also has a pamphlet and four easy-read booklets on police powers, available in PDF or hard copy. Go to <https://www.legalaid.nsw.gov.au/ways-to-get-help/publications-and-resources>, select category "Courts, police and crime" and keyword "Police".

Redfern Legal Centre has fact sheets on police powers and accountability at:

https://rlc.org.au/resources?f%5B0%5D=resource_type%3A149&f%5B1%5D=resources_topics%3A96.

The Shopfront Youth Legal Centre has more fact sheets about police and other topics at:

<https://www.theshopfront.org/legal-information-for-youth-workers>

The Shopfront Youth Legal Centre Updated October 2024

The Shopfront Youth Legal Centre

356 Victoria Street

Darlinghurst NSW 2010

Tel: 02 9322 4808

shopfront@theshopfront.org

www.theshopfront.org

The Shopfront Youth Legal Centre is a service provided by Herbert Smith Freehills, in association with Mission Australia and The Salvation Army.

This document was last updated in October 2024 and to the best of our knowledge is an accurate summary of the law in New South Wales at that time.

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