

EasyEnglish

Police Powers

Find out your rights in NSW

Book 2 | Searches



Legal Aid
NEW SOUTH WALES

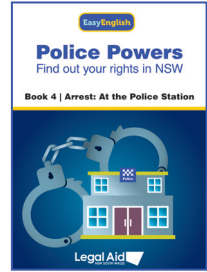
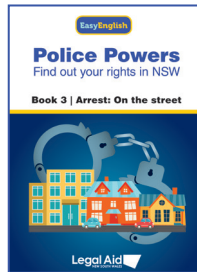
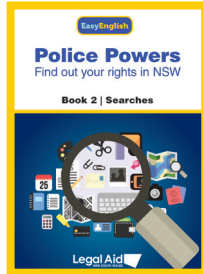
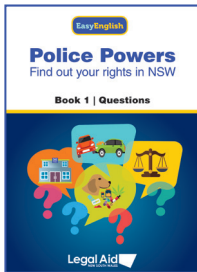
There are 4 books in the **Easy English Police Powers** series available from Legal Aid NSW. This is **Book 2 – Searches**.

Book 1 Police Powers: **Questions**

Book 2 Police Powers: Searches

Book 3 Police Powers: **Arrest: On the street**

Book 4 Police Powers: **Arrest: At the police station**



This is a general guide to the law, not legal advice. You should talk to a lawyer about your problem.

This information was correct at that time of printing, but the law can change.

If you need more help contact LawAccess on **1300 888 529** for legal information and advice.

Order publications online at www.legalaid.nsw.gov.au/publications or email publications@legalaid.nsw.gov.au.



If you are hearing/speech impaired, you can communicate with us by calling the National Relay Service (NRS) on **133 677**.



If you need help to talk to us in your language, call the Translating and Interpreting Service (TIS) on **131 450** (9am-5pm).

Easy English translation by **Access Easy English** based on the Legal Aid NSW publication **Police Powers: Your rights and responsibilities**.

Design by **Rene Graphics**

© Legal Aid NSW 2016

Contents

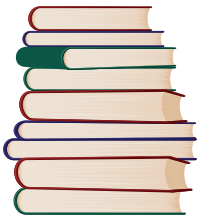
The NSW Police	4
A police search	6
Body searches	8
Strip searches.....	12
Search warrants	15
Can police take my stuff?.....	17
Complaints	21
More information and legal help.....	23



The NSW Police



The NSW Police know the law.
These are like rules.
It is their job to make sure we
all follow the law.



There are lots of rules to know.



This book helps you know

- what the police can do
- what you can do.

These are called rights and
responsibilities.



Remember!

Police work can be

- dangerous
- hard to do.



Police do have a lot of power.

They want to keep you safe.



When the police ask a question

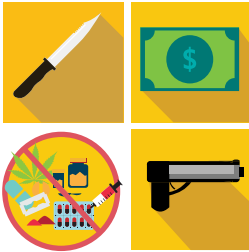
- be polite
- follow any instructions they give.



If you do not agree with what the police did or said you can make a complaint.

Go to page 21 to see how to make a complaint.

A police search



The police can search you and your things if they think you have

- stolen goods
- illegal drugs
- something that can be used in a crime.

Like,

- the tools to break into a house
- knives or other weapons



or

You are with someone who the police want to talk to about a crime.



The police may do a search of

- you



- your car



- your truck



- your house



- other things you own.



They can search other people at your house.

Body searches



Can the police check my body?



Yes.



This is called a body search.



There are lots of rules about a body search

Here are some important ones.



The police can do a search

- when they arrest you

and



- at the police station.



The police must tell you

- their name
- where they work, like, what police station.



- why they need to check your body



Police can

- pat you down. This means the police pat their hands on your body. They look for

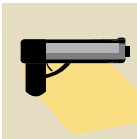


- drugs

or



- things that can hurt people, like knives



Police can ask you to

- take off outer clothes, like a coat
- take off your shoes



and

- shake your hair
- open your mouth.

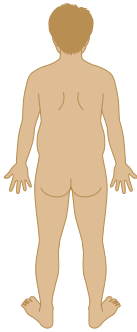


They will look in your pockets.



Sometimes they use a metal detector.

Strip searches

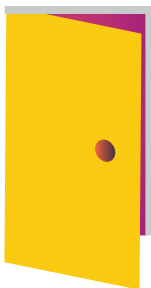


This means you take your clothes off. There must be a special reason to do this kind of search.



This search should be

- by police the same sex as you. So, a police woman does this search with a woman



and

- in a private space.



There must be a special reason.
Like, the police

- think you have something under your clothes
- cannot get to it with your clothes on.



The police cannot look inside your body.



There are more rules when you

- are 10 – 17 years

or

- you have trouble understanding information. This is called an intellectual disability.

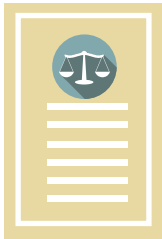
Like, you can have someone to help you.

- Tell the police you want someone to help you



The Intellectual Disability Rights Service can help you at the police station. You must have an intellectual disability.
Phone: **1300 665 908** (9am-10pm).

Search warrants



A search warrant is a court paper which says the police can look at your things.



Police may get a search warrant to

- look in your home

or



- other places you own, like a factory or storage unit.



The police can also search other people at your place.

The rules about what the police can search will be in the warrant.



Police must knock.

They must say

- NSW Police
- why they want to come in

But

When you do not come to the door ...

The police can go in a window or door.

This is called **reasonable force**.

You must let the police look everywhere if they have a warrant.

It is the law.

Can police take my stuff when they are searching?



Yes.



If they have a search warrant,



police can take things they find.



In the street



In the street police can take

- big knives
- guns
- weapons



or

- illegal drugs, like ice.



The police can also take things they think you

- stole, like a handbag

or

- used in a crime, like a mask or knife.



When you are under 18 police can take

- alcohol and cigarettes



If you are drinking alcohol in public police can

- tell your parents
- give you a fine



- spray paint

If you are found with spray paint or other things you can use to graffiti with.



- you will be charged
- or
- you may be arrested.



At your house

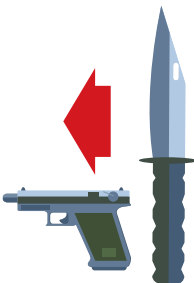
Police can take things from your house in some situations. Like,



if someone in your house is hurting you,



police will come to your house



and ask

- is there a gun?
- are there any big knives?

The police can take the guns or knives away.

Complaints



You can make a complaint.

Sometimes police can do the wrong thing.

Some things you can complain about are

- the police stop you in the street.

They search your bag.

The police do not tell you why they do this, or they do not have a good reason.

- you are arrested.

The police did not need to arrest you

- the police push you over. You are hurt.

The police can not do this.



How to make your complaint

1. Go to your local police station

Ask for the duty officer

or

Local Area Commander.

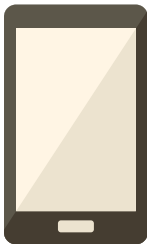
This is the boss at that station.



2. Write to the Commissioner of

Police at **[www.police.nsw.gov.](http://www.police.nsw.gov.au)**

[au/services/complain_about_a_police_officer](http://www.police.nsw.gov.au/services/complain_about_a_police_officer)



3. Phone the NSW Ombudsman

1800 451 524 or go to the

website **[www.ombo.nsw.gov.au/](http://www.ombo.nsw.gov.au/complaints/making-a-complaint)**
[complaints/making-a-complaint](http://www.ombo.nsw.gov.au/complaints/making-a-complaint)

More information and legal help



LawAccess NSW: 1300 888 529

Free telephone helpline for legal information and in some cases, advice.



Legal Aid NSW Youth Hotline

(if you are under 18):

1800 10 18 10



Intellectual Disability Rights Service:

02 9318 0144 or 1800 666 611



Aboriginal Legal Service (ALS):

1800 765 767. If you are Aboriginal or Torres Strait Islander you can get free legal help from the ALS.



The Law Society of NSW can refer

you to a private lawyer in your

area: **02 9926 0300**



Women's Domestic Violence

Court Advocacy Service: The

WDVCAS assists women and children experiencing domestic violence get help at court:

1300 938 227



www.legalaid.nsw.gov.au

OCTOBER 2016

MNLA60520