

KNOW YOUR RIGHTS

POLICE AND THE CRIMINAL JUSTICE SYSTEM

If you're under 10, you can't be charged with a criminal offence. If you're 10 or older then you could get charged by the Police if they think you have broken the law.

Here's are some rules about dealing with Police

WHAT YOU SHOULD DO:

- Give the Police your real name and address if they ask for it
- Comply with Police direction
- Record the police with your phone if you can. You're allowed to film police in public
- If the Police want to strip search you then you can tell them that you're under 18 and you need a parent or guardian present. They also have to use an officer that's the same sex as you.
- If they want to search you, you should comply but tell them "I do not consent to this search, but I will comply".
- Talk to a lawyer! Tell them everything that the police did and said to you. If the police have done something very wrong then you might be able to sue them

WHAT POLICE SHOULD DO:

- Give you their name and their place of duty
- Tell you the reason they're arresting you
- They can't use more force than *reasonable* in arresting you (this can be hard to figure out)
- If you're First Nations, they have to call **ALS** if you're arrested
- They can't strip search you **JUST** because a sniffer dog sat next to you!
- Ask how old you are to see if they need to ensure a parent is available

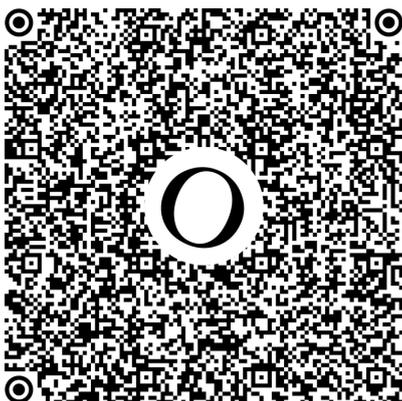
ADD THESE NUMBERS TO YOUR PHONE:

O'Brien Solicitors - 02 9261 4281

NSW Legal Aid Youth Hotline - 1800 10 18 10

Shopfront Youth Legal Centre - 02 9322 4808

Aboriginal Legal Service - 1800 765 767



Add our details to your phone

O'BRIEN CRIMINAL
& CIVIL SOLICITORS

MP POLICE MW

ACCOUNTABILITY

SUING THE POLICE FOR MISCONDUCT

If you've been unlawfully arrested or police have used too much force on you, you might be able to sue the police and receive compensation (money).

There are four main types of suits against the police:

FALSE IMPRISONMENT

If you've been unlawfully arrested, the time the police have detained you is called "false imprisonment". You can sue the police for "False imprisonment".

An example would be if the police arrested someone when they weren't allowed to, and that person was put into a paddy wagon and taken to the station.

MALICIOUS PROSECUTION

This one is a little less common and is a hard thing to sue for, but it can be done.

This is where the Police charged and prosecuted you for a crime, when they reasonably shouldn't have done and they were motivated by malice.

UNLAWFUL ARREST

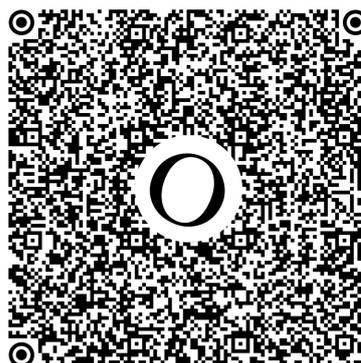
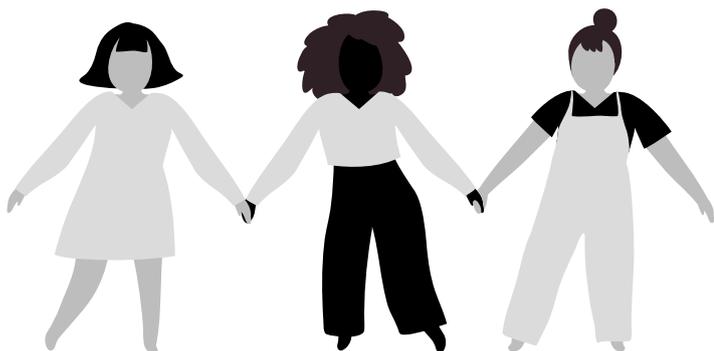
If it can be proven that the police arrested you unlawfully, then the things that they did during the arrest can be considered unlawful too.

ASSAULT AND BATTERY

There are two common examples of where we sue the Police for assault and battery.

The first is where someone has been arrested legally, but the force that the Police use is far above the reasonable force required in those circumstances.

The second is where the arrest was unlawful, and then any time the Police touch that person is considered assault and battery.



If you want to see if you might have a claim against NSW Police, you can call us and you can have a free conference with a lawyer.