

can assist you with written submissions and provide an interpreter if required. You can also seek assistance from the Migrant Resource Centre or the Legal Services Commission.

Important telephone numbers:

000

The free national number to contact Police, Fire and Ambulance services in an emergency.

131444

A free call for Police Assistance anywhere in the State.

Disclaimer:

This brochure has been formally endorsed by the South Australian Police and every effort has been made by the MRCSA to ensure the accuracy of the information presented. Please note, however, that this brochure is intended as a guide only and not a substitute for legal advice. The MRCSA accepts no responsibility for any omissions or errors and encourages people to seek professional advice from the agencies listed in this brochure if they need to do so.

Acknowledgments:

The printing of these brochures has been assisted by the Law Foundation of South Australia.

Information for this brochure was sourced from the following agencies:

- + South Australian Police
- + Legal Services Commission of South Australia
- + Police Complaints Authority
- + SA Community Legal Centres

Services that can assist you:

In the first instance contact the:

Migrant Resource Centre of South Australia

59 King William Street
Adelaide SA 5000
Tel: 8217 9510
Fax: 8217 9556
Email: admin@mrcsa.com.au
Website: www.mrcsa.com.au

Other services that can provide you with information, referral and assistance:

Aboriginal and Multicultural Unit - South Australia Police

Tel: 8204 2976
Website: www.police.sa.gov.au/sapol/home.jsp

Legal Services Commission of South Australia

82-98 Wakefield Street
Adelaide SA 5000
Tel: 8463 3555
Fax: 8463 3599
Website: www.lsc.sa.gov.au

Legal Help Line

1300 366 424

Telephone Advice (Monday to Friday 9:00am-4:30pm)

Tel: 8463 3691

Child Support Advice

Tel: 8463 3576

Youth Legal Service

Tel: 8463 3533

Family Law Service

Tel: 0434 079 387 or 0434 079 388

The Legal Services Commission also has offices in Elizabeth, Noarlunga, Port Adelaide, Port Augusta, Holden Hill, Mount Barker and Whyalla.

Police Complaints Authority

5th Floor (East Wing) - 50 Grenfell Street
Adelaide SA 5000

Correspondence/submissions to:

GPO Box 464, Adelaide, South Australia, 5001
Tel: 8226 8677
Fax: 8226 8674
Email: pca@agd.sa.gov.au
Website: www.pca.sa.gov.au

South Australian Community Legal Centres

Community Legal Centres provide free legal advice, casework and in some cases legal representation and referral to members of the community. They can assist with matters pertaining to family law, child support, criminal law, debt and consumer rights, tenancy and housing, traffic offences and motor vehicle accidents, discrimination, domestic violence, employment issues and mediation for neighbourhood disputes.

There are a number of legal community centres throughout metropolitan and rural South Australia. For the one closest to you, go to:

Website: www.saccls.org.au ; or
Telephone the **Central Community Legal Service** on 8342 1800 or 1300 886 220 (for country callers)

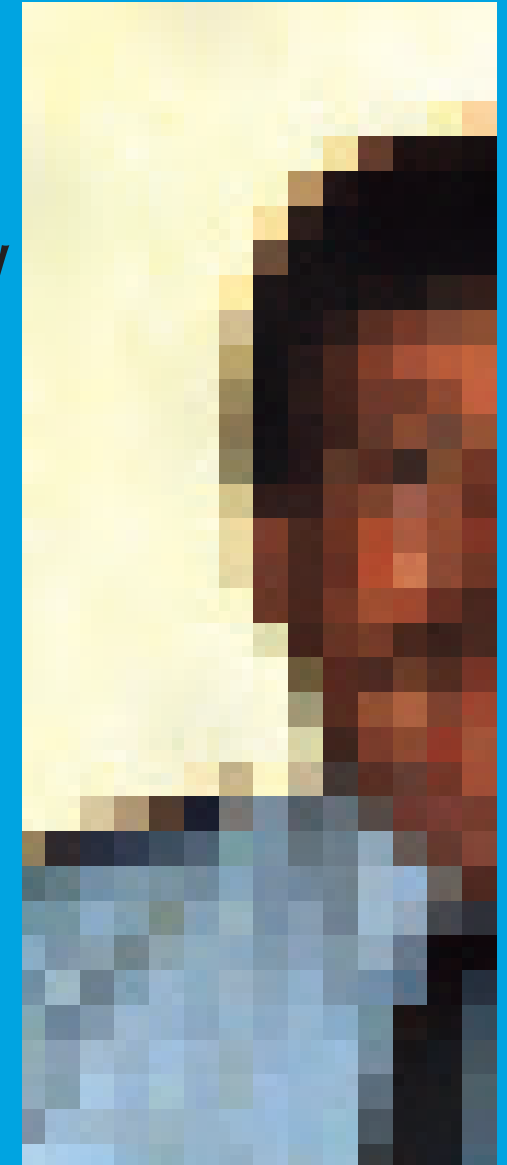
MIGRANT RESOURCE CENTRE OF SOUTH AUSTRALIA

AUSTRALIAN LAW AND THE FAMILY

SERIES 3: THE ROLE OF THE POLICE IN SOUTH AUSTRALIA



Assisted by the Law Foundation of South Australia



This brochure is available in other languages from the Migrant Resource Centre of South Australia
59 King William Street, Adelaide SA 5000
Tel: 8217 9510
Fax: 8217 9556
Email: admin@mrcsa.com.au
Website: www.mrcsa.com.au

The role of the police

The role of the police in Australia may be different to that of other countries. The police have a responsibility to serve the community as well as uphold its laws. They must, at all times, behave in a professional and proper manner. Likewise, members of the public are expected to be courteous and helpful when dealing with the police.

The police are responsible for reassuring and protecting the community from crime and disorder. This includes upholding the law, keeping the peace, preventing crime, assisting the public in emergency situations, coordinating and managing responses to emergencies, regulating road use and preventing vehicle accidents.

Police usually wear a uniform but may also be in plain clothes. If someone in plain clothes approaches you claiming to be a police officer, ask to see their identification. Identification consists of a police badge and an identity card showing a photograph. Look carefully to make sure that the photograph matches the police officer who is talking to you.

Under Australian law, all people are considered to have the same rights and are presumed innocent of a crime until proven guilty. The police have the authority however, to arrest and charge a person if they have reasonable cause to suspect that a person is committing, has committed or will commit an offence.

Services to the community provided by the police

As well as upholding the law, the police in South Australia provide important services to the community. These include:

- ◆ Giving talks to children and young people about matters relating to their safety and protection - eg drugs and alcohol.
- ◆ Educating the community about how they can prevent crime in their homes and communities.

- ◆ Assisting and supporting Neighbourhood Watch programs. These programs are organised by the community and involve people living in the same area coming together to plan how their neighbourhoods can be made safe against crime.

- ◆ Organising information displays at community events and other public forums.

- ◆ Providing advice to business people about how to prevent theft and other offences in their shops and places of trade.

- ◆ Organising recreational activities and programs for young people, particularly those who have special needs and require support – eg dances, camps.

What to do if you are questioned by the police

If you are questioned by the police, it is important to remain calm. Be polite and cooperative. The police may ask for your name and address. This information will not be kept or recorded if the police decide that you have nothing to do with the matter they are investigating – ie either as a suspect or witness.

Police have the power in all sorts of different circumstances to require you to state your name and address. If you are asked by a police officer to provide your name and address, you should ask the police officer whether or not the circumstances are such that you must comply.

Do not provide false information or offer a police officer money or valuables. This is against the law in Australia.

If you are in a car accident or commit a driving offence (eg speeding, driving after having had too much alcohol) and you are questioned by the police, you must provide your name and address. If the car does not belong to you, you must provide the police with the name and address of the owner. The police will also want to see your driver's licence, so you ought to carry it whilst driving. If you are a "P" or "L" plate driver, you must carry your licence with you at all times while you are driving.

The right of the police to conduct a search

As part of their investigations, the police may wish to search your home, car or you.

Police are allowed to search your home, car or you under a range of different laws or 'common law' authorities, for example the Firearms Act (guns), Controlled Substances Act (drugs) or Summary Offences Act. Police either require a search warrant or have to have legitimate authority to do so. If a detective in plain clothes or a police officer in uniform wants to search your home or property or you but they do not show you a search warrant, you can:

- ◆ ask them to show you the warrant
- ◆ ask the police officer to tell you what lawful authority police are acting upon to conduct the search

If the police are entitled to search your house, car or you, it is an offence to try and stop them.

Asking for an interpreter

If English is not your first language, you have the right to ask for an interpreter when dealing with the police. This includes situations where you are in attendance at a police station, being interviewed by police, being detained by police or arrested.

What to do if you are arrested

If you are arrested you will be detained by the police. This means that you may be taken to a police station or another location for questioning and that you are not allowed to leave. You do not have to go anywhere with the police unless they make it clear to you that you have been arrested. If you are not sure, ask the police if you are under arrest.

It is against the law to resist arrest, to assault police, to escape from the police, or to prevent the police from doing their job, even if you believe that you are innocent of any crime. Police are not allowed to use violence or threaten to use violence against you, but they are allowed to use whatever force is reasonably necessary in situations where you try to struggle when arrested, use

violence yourself, or refuse to be searched.

If you are arrested, the police must advise you of your rights.

You are entitled to:

- ◆ one telephone call to a nominated relative or friend to inform them where you are; and
- ◆ if you are being held on suspicion of having committed an offence, your rights are:

(1) to have a lawyer, relative or friend present during any questioning or investigation by police while you are in custody - if you are under 18 years of age, the relative or friend must be an adult;

(2) if English is not your first language, you have the right to ask for an interpreter to assist you during questioning by police; and

(3) while in custody, you are entitled not to answer any questions unless required to do so by law - choosing to remain silent cannot be held against you.

It would be wise to seek legal advice before answering any questions. If you are arrested and questioned, anything you say will be recorded either in writing, on video or audio tape. Anything you say may be used later as evidence. You should not sign any statements until you have spoken to a lawyer.

If you are arrested, the police can hold you for up to four hours without charging you for the purpose of completing their investigations. Police may apply to a Magistrate for an extension of up to another four hours, prior to laying a charge.

What may happen if you are charged with an offence

If the police charge you with an offence, you will be taken into custody and the following things can happen:

- ◆ You can be photographed, have your DNA and fingerprints taken, asked to supply a sample of your handwriting or have your voice recorded.

- ◆ The police may wish to take a sample of your blood, hair, fingernails or saliva or have you examined by a doctor or dentist. You do not have to agree and should ask to speak to a lawyer first. If you agree after speaking with a lawyer, you also have the right to be examined by a doctor of your choice.

- ◆ You may be asked to take part in an identification line up. This means standing in a line with other people so that a victim or witness to a crime can identify if you are the person who committed the crime. Again, you should ask to speak to a lawyer before agreeing to do this.

What is bail?

If you are charged with an offence, the police must advise you that you have the right to apply for bail. Bail is a written agreement that you sign, agreeing to attend at court at a later date if you are released. There is no cost involved in applying for bail.

Your application for bail may be refused by the police if you have been charged with a serious offence (eg murder or rape) or if you do not have a stable home address. You may also be refused bail if the police suspect that you will not appear in court or that you will commit further offences if released. If you are refused bail, you can ask for the decision to be reviewed by a magistrate who can rule against or support the decision to deny you bail.

Obtaining legal advice

The police cannot give you legal advice. You can obtain free advice from the Legal Services Commission by telephone and in person. The Legal Services Commission will arrange and pay for an interpreter if you need one. If you need a lawyer to represent you in court, you can apply for Legal Aid at the Legal Services Commission. An interpreter will also be provided for you in court if English is not your first language.

What you should do if appearing in court

There are a number of important steps that you should follow if appearing in court:

- ◆ Get legal advice before going to court, especially if you choose to speak for yourself. If you cannot afford a lawyer to represent you, you can apply for Legal Aid from the Legal Services Commission.

- ◆ Check the date and time that your case will be presented in court and make sure you appear on this day. If you do not attend, your case may be decided without you. You may be arrested if you do not attend.

- ◆ When you first arrive at the court, check the Cause List usually displayed in the court entrance to see in which courtroom your case will be heard. If for some reason you cannot find the list or your name, you can approach the court staff or the information counter for assistance.

- ◆ If you require an interpreter, make certain your lawyer or the court has booked one for you. Interpreters must always be booked in advance. If you do not have an interpreter but need one on the day, go to the court office for help. It is important that you fully understand everything that is being said in court so that you can respond in an informed way.

The role of the Police Complaints Authority

If you wish to complain about the way you have been treated by a police officer, you are entitled to make a complaint to a police officer at any police station or to the Police Complaints Authority. You can also make a complaint on behalf of someone else if they are afraid or reluctant to do it themselves or if you witness the police treating someone inappropriately – eg during an arrest.

The Police Complaints Authority investigates complaints against police. It operates independently from the police and none of its staff are police officers. Complaints should be in writing wherever possible. The staff of the Police Complaints Authority