

# Criminal Law: Dealing with Police

This factsheet explains some basic information about your rights and obligations when dealing with the police in the ACT:

- Contact with the police
- The right to remain silent
- Police interviews
- Can police ask you to leave a location?
- Being arrested
- Complaints about police

**This factsheet does not cover:**

- Bail
- Being charged and what happens afterwards
- Police searches
- Giving evidence in court

This factsheet gives general legal information. It is not legal advice. *Last reviewed on 23 April 2026.*

## Contact with the police

The police can approach and talk to you in public at any time.

You only need to tell the police:

- Your name;
- Your date of birth; and
- Your address.

You may be required to show the police your ID.

There are some exceptions where police may require you to provide more information. This is covered later in this factsheet.

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Police are only allowed to ask for this information if:

- They think you have broken, or are breaking, the law;
- They think you can help with the investigation of a crime; or
- They think you have committed a driving offence.

If the police ask for your personal details, they **must** tell you why they are asking for it. You **must** provide them with this information correctly. If you give a false name or address, it is a crime. You could be charged, and it may be added to your criminal record.

You can also ask for the name, rank, and place of duty of the police officer. The police, by law, have to tell you this information. It's a good idea to write this down so that you don't forget.

Generally, you do not need to tell the police any other information and can politely decline to answer further questions until you have spoken to a lawyer.

If you interact with the police, stay calm and respectful. Being aggressive, either physically or verbally, can lead to criminal charges.

It is a good idea to take notes of what has happened as soon as you can. If you feel unsafe, ask the police if you can contact a person that you trust.

If the police ask you for your consent to do something, you should carefully consider whether you consent and remember that **you do not need to consent to a police request.**

**You can call our Legal Aid Helpline on 1300 654 314 to make an appointment to talk to a lawyer. Our Criminal Law Duty Service is a free service that may be able to help.**

## When can police require you to give more information?

There are some specific situations where you may be required by police to provide more information to police. Some examples of when police may require you to provide further information are:

- If the police have a warrant;
- To tell police who was driving your car when an offence was allegedly committed;
- In some terrorism investigations; and
- If they reasonably believe a sexual offence has been committed against a child.

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The police **must** tell you that they are **requiring** you to provide this information and you are able to speak to a lawyer before answering these questions. In some extremely rare cases, you could be sentenced to a term of imprisonment if you do not provide this information, so it is important to speak to a lawyer before deciding whether to answer questions.

**If you need to speak to a lawyer when you are questioned by police, call our Legal Aid Helpline on 1300 654 314.**

## The Right to Remain Silent

If police ask, you only have to give your name, date of birth, address, and show ID. You do not have to tell them anything else. Police might ask you more questions or ask you to do an interview. You have the right to stay silent, which means you don't have to answer their questions or take part in an interview. You cannot be punished for choosing to stay silent.

As you have a right to silence, a court cannot hold your decision not to participate in an interview against you.

**Refusing to answer questions cannot be used as evidence that you are guilty.** However, if you do answer questions, police can use your answers as evidence that you are guilty.

Even if the police are not formally interviewing you, the police will often have their body worn cameras turned on and there are cameras in police stations. Things that you say to police, especially when you are being recorded, can be used as evidence against you even if it is not a formal interview. You should be aware of this and be careful what you say in front of police or at police stations.

There are select situations in which you may be required to speak to police. These include:

- If the police require you under section 60 of the *Road Transport (General) Act 1999* to tell them who was driving your car at a particular time and date; and
- Where the police have a warrant under section 3LA of the *Crimes Act 1914 (Cth)* for information regarding electronic devices (e.g. where they are seeking the passcode to your mobile phone).

If the police tell you that it is an offence not to answer a question they are asking you, **call Legal Aid.**

**If you need to speak to a lawyer when you are questioned by police, call our Legal Aid Helpline on 1300 654 314.**

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## Police interviews

You should not participate in a police interview until after you have spoken to a lawyer, even if you are innocent or not under arrest. The police can use information from the interview as evidence in court. You can always decide to organise and participate in an interview later, once you understand the charges and evidence against you and have spoken to a lawyer.

Police might say that an interview is the opportunity to tell “your side of the story.” They may say that they can’t process you unless they’ve done an interview. They might say that if you do an interview, they will not charge you. You should talk to a lawyer before deciding whether to participate in an interview. There will be opportunities for you to tell your side of the story after you have spoken to a lawyer. If police make you do an interview, you are entitled to say “No comment” to every question (other than your name, address, and date of birth).

**If you have been asked to engage in a police interview, you should talk to a lawyer first. You can talk to a lawyer for free if you call the Legal Aid Helpline on 1300 654 314.**

If you agree to participate in a police interview, you will be asked about your actions and the offence the police believe you have committed. You should be very careful about what you tell them, if you decide to speak to them at all. Often, police will ask to interview you before you fully understand what the charges are and what the evidence against you is. If you have been arrested, you may be feeling anxious, irritated or dysregulated. This means you may accidentally give the police information that helps them to prove that you are guilty of an offence, even if you think you are innocent or did not realise something is against the law.

If you are under 18, the police cannot interview you by yourself. There needs to be an independent adult of your choice present. If that person isn’t available within 2 hours, the police must find someone who is independent, like a youth worker, to be present.

You cannot be interviewed if you are drunk, under the influence of drugs, or unwell.

It is important to remember that you have a right to silence, and you are entitled to refuse to answer police questions. This cannot be used against you in court.

**If you need to speak to a lawyer before you are interviewed, call our Legal Aid Helpline on 1300 654 314.**

## Can the police ask you to leave a place?

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Police can ask you to leave an area and not return for 6 hours. This is generally talked about as a 'move on direction' or 'move on order'. Police can only do this if they think you have done something violent or are likely to be violent. This does not apply if you are picketing at a place of employment or protesting.

For example, you can be told to move on from a public place by the police if they have a reason to think:

- You are being violent or intimidating;
- You are causing damage to property; or
- Your actions may cause other people to fear for their safety.

Even if you disagree with the move on direction, it is usually best to comply. It is an offence not to follow a direction to move on given by police. Even if the move on direction was not valid, you may be arrested for not following the direction and fighting the resulting charge in court can be time consuming and stressful.

## Being Arrested

Usually, the police need a warrant to arrest you. However, the police don't need a warrant if they reasonably suspect:

- You have breached your bail;
- You have committed or are committing a crime and there is a reason to arrest you (rather than just requiring you to attend court on a specific date);
- You have committed or are committing a family violence offence; or
- You have escaped from lawful custody.

In these specific situations, police can enter a private residence without permission to search for you and arrest you.

If you are under 14 years old, the police can only arrest you without a warrant if they think that this is necessary to stop you from committing a crime or to protect people or property.

The police have to always tell you why you have been arrested. If they don't, you should ask.

It's important not to fight, run away or argue if you are arrested or you could be charged with more criminal offences. You should politely ask why you are under arrest, and ask for the officer's name, rank, badge number and police station. As soon as you can, write down these details and what happened so you can get legal advice or make a complaint if you think you have been treated unfairly.

If you are arrested and detained for an offence, you may be kept at the police station for an investigation period of up to 4 hours, or up to 2 hours if you are under 18 or an Aboriginal or Torres Strait Islander. **If you are**

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**Aboriginal and Torres Strait Islander, you should tell the police.** The police officer can also make an application to extend that investigation period up to a further 8 hours.

If you are arrested, you must be taken to court to see a Judge or Magistrate as soon as possible after the investigation period ends. This must happen within 48 hours after that period finishes.

**If you need legal advice while under arrest, call our Legal Aid Helpline on 1300 654 314.**

## Police Use of Force

If you are arrested, police can use reasonable force to restrain you. This means they can only use the amount of force needed to make you follow their directions. It is safest to do what they tell you. If you resist, you could be charged with more offences.

If the arrest was not lawful, such as using too much force, you have options such as suing the police for wrongful arrest, false imprisonment, and battery. In most cases, you will need to commence court proceedings against the police within 6 months of the unlawful police conduct. It is important that you get legal advice as soon as possible.

**If you believe the police have used excessive force against you, contact our Legal Aid Helpline at 1300 654 314.**

## Complaints about Police

You are entitled to make complaints about the police if you believe they have treated you poorly. As soon as possible after the incident occurs, you should write down exactly what happened. You can also complain on behalf of someone else who has been treated poorly.

If you want to make a complaint yourself, you can do this:

- At your local police station; or
- To the AFP Professional Standards (PRS); or
- Online to the Ombudsman; or
- The Human Rights Commission.

If police have broken the law, it may be possible to sue them. You should speak with a lawyer as soon as you realise that the police may have broken the law. Generally, you need to sue the police within 6 months of unlawful conduct and you or your lawyer will need time to prepare your case. Even if the police break the law, you may not be able to sue them, so you should talk to a lawyer first.

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For assistance with police complaints or if you are considering suing the police, contact our Legal Aid Helpline at 1300 654 314.

## Helpful contacts:

### Legal Aid ACT

- Phone: 1300 654 314 (Monday to Thursdays, 8.30am to 7pm, Fridays 8.30am to 5pm)
- Website: [www.legalaidact.org.au](http://www.legalaidact.org.au)
- **Criminal Law Duty Office** located across from Court Room 1, Level 1 of the ACT Magistrates Court

### Aboriginal Legal Service

- Phone: (02) 6120 8800 for criminal cases or 1800 765 767 for all services
- Email: [canberra@alsnswact.org.au](mailto:canberra@alsnswact.org.au)

### Youth Law Centre

- Phone: (02) 6173 5410 (Monday to Friday, 8.30am to 5pm)
- Website: [www.legalaidact.org.au](http://www.legalaidact.org.au)
- Email: [ylc@legalaidact.org.au](mailto:ylc@legalaidact.org.au)

## Other useful factsheets by Legal Aid ACT

- *Criminal law: Police Searches*
- *Criminal law: Being Charged*
- *Criminal law: First Time in Court?*
- *Criminal law: Bail*

These factsheets are on our website: [www.legalaidact.org.au/what-we-do/information-education](http://www.legalaidact.org.au/what-we-do/information-education)