

Police Powers to Enter Your Home

This Fact Sheet explains Police powers to enter your home.

When can police enter your home?

Police can only come into your home if:

- You give permission for them to enter
- They have a warrant
- They have a specific legal power (for an emergency, arrest or domestic violence situation).

Emergency means something serious like someone might get badly hurt or killed or violence is happening inside.

For an arrest, police must reasonably suspect someone inside has committed a crime and they need to go in to arrest them.

For domestic violence, police have wide powers to enter to keep people safe.

You can ask questions if you're unsure why police are at your door.

If you don't want police to enter, you can say: "I do not consent to you entering my home. Please don't enter."

This makes it clear you are not giving permission. But police can still enter if they have a warrant or specific legal power.

If they come in without permission or a specific legal power, it may be unlawful, and you may be able to challenge the legality of the entry or any evidence obtained as a result.

What is a warrant?

A warrant is a document signed by a judge that lets police to enter your home without your permission.

A Judge will only give a warrant if there are good reasons to think evidence of a crime is inside.

Police must give you a copy of the Occupiers Notice (part of the warrant process) when they enter your property.

The warrant allows police to search your property and confiscate items that relate to the alleged crime outlined in the warrant.

Police must video the search of your house and make a list of all items taken.

What to Do If the Police Come to Your Home?

If Police want to enter your home, you should:

- Ask "Do you have a warrant?"
- Ask to see it
- Clearly say if you do not consent
- Stay calm and don't resist if they enter anyway, otherwise they may use force or arrest you
- Ask for the police officers' name and station