

Police Powers to Stop & Search

This Fact Sheet explains when Police can stop and search you, when you have to give your name or answer questions, what police can do during a search and rights for under 18s.

Talking to Police – What You Need to Know

Most of the time, you do not have to answer police questions.

You have the right to stay silent, and you can't get in trouble just for using that right.

When you have to give Police your name and address

You must give your name and address if:

- You are driving a car
- Police believe you have broken the law
- Police think you were near a serious crime
- Police think you are under 18 and drinking alcohol
- Police are trying to give you a fine default warrant
- There is an Apprehended Violence Order (AVO) involving you
- Police give you a "move-on direction" and they don't know who you are

When you have to answer Police questions

If you are driving, you must also answer questions if police think:

- The car you're in was used in a crime

- Your car was involved in a crime
- You were involved in a crash

What Can I Say to Police?

If you don't want to answer questions, you can say:

- "I don't want to answer any questions."
- "I would like to speak to a lawyer."
- "Am I required to give that information?"

Police Searches

Police can search you if:

- You agree to the search
- You are under arrest
- They have a search warrant
- They reasonably suspect you have:
 - Stolen property
 - Illegal drugs
 - Items linked to a serious crime
 - A knife or other weapon

Can I refuse a search?

If police are relying on your consent, you can say no. If they have a legal power (e.g. reasonable suspicion), they can search you even if you refuse.

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What Can Police Do During a General Search?

Police can:

- Pat down your clothing
- Ask you to remove outer clothing like jackets, hats, shoes or socks
- Check your bags or anything you're carrying
- Ask you to open your mouth or shake your hair, but they cannot touch you

What if nothing illegal is found?

If nothing illegal is found:

- You do not have to give your name or ID
- You should be allowed to leave

What if something illegal is found?

If something illegal is found, Police can:

- Ask for your name and address
- Arrest you
- Issue a Court Attendance Notice
- Issue a fine

Can Police search My Phone?

Police generally need your consent, a warrant or a legal power linked to an arrest to search your phone.

You can ask "Am I required to let you search my phone?"

If you are not required, you can say "I do not consent to you searching my phone."

What if I am under 18?

If you are under 18, a responsible adult (like a parent, guardian, youth worker, or lawyer) must be with you when you speak to the police.

If no adult is present, what you say may not be able to be used in court as evidence against you.

Young people under 18 may be eligible for a police caution or a youth justice conference instead of going to court if they:

- admit to an offence in the presence of a responsible adult, and
- agree to a caution or conference

While it might be tempting to admit to an offence to avoid court proceedings, don't admit to an offence without getting legal advice first.

Strip Searches: When Are They Permitted?

A strip search is a highly invasive procedure that should only occur in exceptional circumstances.

Police must believe a strip search is necessary and the situation is serious and urgent.

If you are under 18, a parent, guardian or another trusted adult should be present during the search.

This can only be skipped if the situation is urgent and waiting would be unsafe, or evidence may be destroyed.

See our [Strip Search Fact Sheet](#) for further information

This fact sheet is for general information only and is not legal advice.