

Police powers worksheet

*Jaime, Bailey and Jordan are playing music from their phones connected to a bluetooth speaker in a local park around 8.30pm at night during the school summer holidays. Jaime, Bailey and Jordan all have backpacks with them which are lying in the middle of the path near the seats they are lounging on.*

[Jaime, Bailey and Jordan should be sitting to the left of the scene, chatting]

Mrs/Mr Blythe (rolling eyes as they walk past the group): Honestly YOUNG PEOPLE THESE DAYS. SO DISRESPECTFUL.

*Mr/Mrs Blythe then spotted two police officers talking and approaches them*

Mrs/Mr Blythe: Good evening officers, can you do something about the noise from those kids. I'm trying to walk my dog and its making poor Pookie nervous to hear such loud noises at night.

Senior Constable Higgins: Evening ma'am/sir. Thank you for bringing this to our attention. We will have a chat to the young people.

*Mrs/Mr Blythe then continues on his/her walk with Pookie. After this conversation, Jordan and Bailey started to get into an argument over what music they should be listening to.*

Jordan: Bailey, you are such a pop-tart honestly if I have to listen to anymore Taylor Swift or Ariana Grande I might explode.

Bailey: Well SORRY that I'm not a music snob just because I don't know my way around all the latest underground gigs and I don't devour *Home & Hosed* every week on Triple J!

Jaime: Guys! Stop arguing, there are coppers over there.

Bailey & Jordan: STAY OUT OF IT JAIME.

*Mrs/Mr Stringer walks past the group whilst they are arguing and almost trips over the backpacks in the pathway.*

Mrs/Mr Stringer: Honestly you kids don't you know you're not the only ones in the park? Don't leave your bags lying around!

*Mrs/Mr Stringer then spots the police officers*

Mrs/Mr Stringer: Hello Officers! Those kids over there have their bags lying all over the path and they're making a terrible ruckus. Its really disturbing my nighttime stroll!

Senior Constable Higgins: Evening ma'am/sir. Thank you for letting us know. We will take care of this.

*Mrs/Mr Stringer then departs to continue his/her nighttime stroll.*

Constable Jenkins: That is two complaints now. What should we do?

Senior Constable Higgins: Lets go have a chat to the kids and if they co-operate we won't need to issue a formal warning.

*Senior Constable Higgins and Constable Jenkins walk over to Jaime, Jordan and Bailey.*

Senior Constable Higgins: Evening everyone, playing our music a little loud tonight aren't we? We've had a few complaints.

Jaime: We literally couldn't care less.

Constable Jenkins: Alright that's it, you need to leave right now.

Jordan: Are you forcing us to leave? We don't even know who you are!

Senior Constable Higgins: Yep that's it! Out you go. Don't come back!

**Question: Have Constable Jenkins and Senior Constable Higgins properly exercised their powers in issuing a move-on order? Why/why not?**

*Lets try that again to see how it should have been done.*

Constable Jenkins: Good evening everyone. My name is Constable Jenkins and this is Senior Constable Higgins. We are stationed at the West Precinct. We have received some complaints about the noise levels from your music and the bags you've left lying around and so we are issuing you with an official order to move on as you are interfering with the other park patrons. You are ordered to leave until 9am tomorrow morning. Do you have any questions for us?

Jordan: yeah, what if we say no!

Senior Constable Higgins: If you refuse to go, we will need to ask you some further questions and we may need to issue you with a fine for refusing to follow our instructions. Can you tell us your names and addresses?

Bailey: Yeah its John Smith from 123 Fake Street.

**Question: What questions must Bailey answer when asked by the police? How should Bailey have answered Senior Constable Higgins question?**

*Lets try that again to see how it should have been done.*

Bailey: My name is Bailey Katz, this is my friend Jordan Jones and this is Jaime Phillips. We all live over on Brown Street. I'm at 42, Jords is at 21 and Jaime is at 7a.

*Jaime, Bailey and Jordan agree to let the police officers see their photo cards as proof of their identity and home addresses and agree to leave. As Jaime picks up his/her backpack, the zipper breaks and a spray can rolls out.*

Senior Constable Higgins: Jaime, are you aware that it is against the law for a person under the age of 18 to have a graffiti implement, such as a spray can in a public place? I am going to have to ask if I can search you.

Constable Jenkins: Bailey and Jordan I am also going to have to frisk search you.

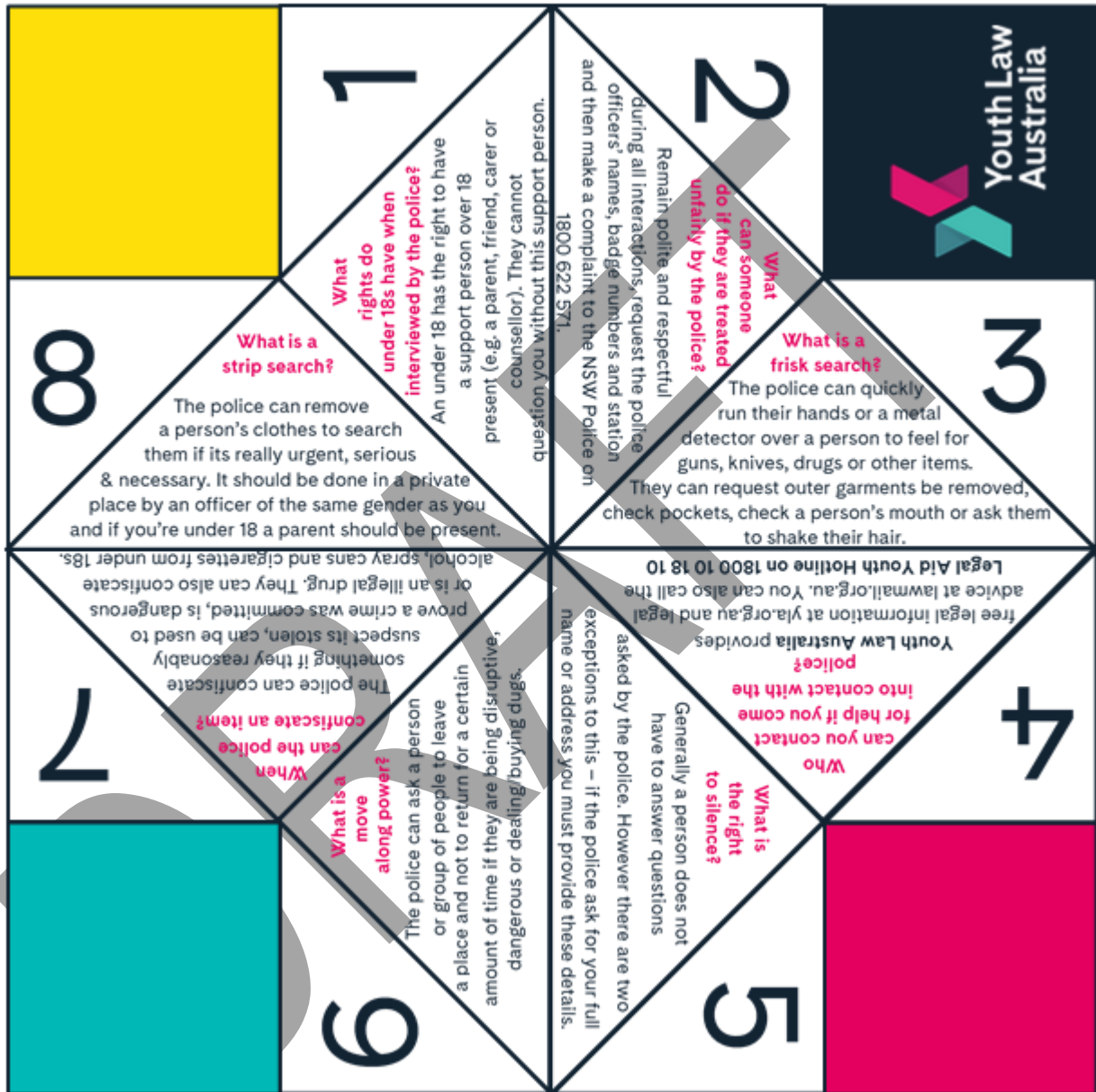
**Question: What is a frisk search? Do Senior Constable Higgins and Constable Jenkins have authority to perform a frisk search? Why/Why not?**

*Constable Jenkins and Senior Constable Higgins perform a frisk search. During the frisk search they ask Bailey to remove his/her jacket and search the pockets. They also ask Jordan to shake our his/her hair.*

Senior Constable Higgins: Now Jaime, as people under the age of 18 cannot be found with graffiti implements in public places, I will be confiscating this spray can. Whilst normally you could receive a fine for this offence, today we will be issuing you with an informal warning which means that you will not receive a fine. Just a reminder that you do have a formal move on order which means you cannot return to this park until 9am tomorrow. Good night everyone!

**Question: Did Senior Constable Higgins have the right to confiscate the spray can? Why/Why not?**

Cut out our police powers chatterbox to test your friends on their knowledge on police powers!



**1** What rights do under 18s have when interviewed by the police?  
An under 18 has the right to have a support person over 18 present (e.g. a parent, friend, carer or counsellor). They cannot question you without this support person.

**2** What can someone do if they are treated unfairly by the police?  
Remain polite and respectful during all interactions, request the police officers' names, badge numbers and station and then make a complaint to the NSW Police on 1800 622 571.

**3** What is a frisk search?  
The police can quickly run their hands or a metal detector over a person to feel for guns, knives, drugs or other items. They can request outer garments be removed, check pockets, check a person's mouth or ask them to shake their hair.

**4** Who can you contact for help if you come into contact with the police?  
Youth Law Australia provides free legal information at [ylo.org.au](http://ylo.org.au) and legal advice at [lawmali@ylo.org.au](mailto:lawmali@ylo.org.au). You can also call the Legal Aid Youth Hotline on 1800 10 18 10.

**5** What is the right to silence?  
Generally a person does not have to answer questions asked by the police. However there are two exceptions to this – if the police ask for your full name or address you must provide these details.

**6** What is a move along power?  
The police can ask a person or group of people to leave a place and not to return for a certain amount of time if they are being disruptive, dangerous or dealing/buying drugs.

**7** When can the police confiscate an item?  
The police can confiscate something if they reasonably suspect its stolen, can be used to prove a crime was committed, is dangerous or is an illegal drug. They can also confiscate alcohol, spray cans and cigarettes from under 18s.

**8** What is a strip search?  
The police can remove a person's clothes to search them if its really urgent, serious & necessary. It should be done in a private place by an officer of the same gender as you and if you're under 18 a parent should be present.

**9** What rights do under 18s have when interviewed by the police?  
An under 18 has the right to have a support person over 18 present (e.g. a parent, friend, carer or counsellor). They cannot question you without this support person.

**Youth Law Australia**

Summary of today's lesson:

- Police are required to identify themselves in specific ways when exercising their powers (e.g. move along, search or confiscation powers).
- All people have a general right to silence. This means they do not have to answer a police's questions apart from providing their name and address.
- Young people have additional protections due to their age e.g. having a support person present during police interviews.
- If a police officer does something outside of their powers, or treats someone unfairly, they have the right to make a complaint.

**Helpful contacts**

<p><b>Legal</b></p> <p>For free and confidential legal help, you can contact <b>Youth Law Australia</b>. You can access free legal information at <a href="http://yla.org.au">yla.org.au</a> through their factsheets or access personalised legal advice at <a href="http://lawmail.org.au">lawmail.org.au</a>.</p> <p>The LegalAid <b>Youth Hotline</b> provides advice and information to people under the age of 18 who have a criminal law problem or think they might be in trouble with the law. Its business hours are 9:00 am - 12:00 am weekdays, with a 24 - hour service from Friday 9:00 am to Sunday 12:00 am. You can call them on 1800 10 18 10.</p> <p>You may be able to get assistance from a <b>community legal centre</b> that helps adults. You can search for your local community legal centre from this website: <a href="http://www.naclc.org.au">www.naclc.org.au</a></p> <p>You can contact <b>LawAccess</b> for free information, advice and referrals on 1300 888 529, Monday to Friday from 9am to 5pm.</p>	<p><b>Counselling</b></p> <p>For counselling support you can call the <b>Kids Helpline</b> on 1800 55 1800 for free and private counselling (available 24 hours a day, but there can be a wait to get through). They are happy to talk to young people aged 5-25 about anything that's troubling them. You can also email them or chat online at <a href="http://kidshelpline.com.au">http://kidshelpline.com.au</a>.</p> <p><b>eHeadspace</b> provides counselling to young people aged 12-25 who are worried about their mental health or are feeling alone. You can call them on 1800 650 890 from 9am to 1am. You can also email them or chat online at: <a href="https://www.eheadspace.org.au">https://www.eheadspace.org.au</a>.</p> <p><b>Lifeline</b> offers 24-hour crisis support and suicide prevention counselling on 13 11 14. You can also speak to a counsellor online from 7pm to 4am at: <a href="https://www.lifeline.org.au/Get-Help/Online-Services/Online-Services">https://www.lifeline.org.au/Get-Help/Online-Services/Online-Services</a>.</p>
<p><b>Relationship support</b></p> <p>For family counselling support you can contact <b>Relationships Australia</b> for family counselling and mediation on 1300 364 277 or visit them at <a href="https://www.relationships.org.au">https://www.relationships.org.au</a>.</p> <p>Family Planning clinics provide sexual healthcare (safe sex) services and advice. You can call <b>Family Planning NSW</b> on 1300 658 886 or visit them online at <a href="http://www.fpnsw.org.au">www.fpnsw.org.au</a></p> <p>For relationship support you can contact <b>1800RESPECT</b> on 1800 737 732 or visit them at <a href="https://www.1800respect.org.au">https://www.1800respect.org.au</a>.</p> <p>If you would like to speak to someone about relationship issues or if you're not sure about what is or isn't ok, you can call <b>1800 MYLINE</b> (1800 695 463).</p>	<p><b>Other</b></p> <p>The Office of the <b>eSafety Commissioner</b> is committed to increasing online safety and supporting people to feel protected online. As part of this, they can hear reports on cyber-bullying and help to get the offensive material taken down. They also have helpful resources and guides on what you can do to remain safe online. You can check them online at <a href="https://www.esafety.gov.au/">https://www.esafety.gov.au/</a></p> <p>The <b>FairWork Ombudsman</b> can provide information and help on anything to do with employment e.g. working hours or pay rates. You can call them Monday-Friday from 8am to 5.30pm on 13 13 94.</p>