
What's the law? – Police

Presenter's notes

How to use these notes

Topic: Interactions with police, rights and obligations when speaking to a police officer.

Resources: *What's the law?* free online resource 'Police', which contains a photo story, activity sheets and answer sheets.

These notes provide guidelines for a speaker's script and information on how to use these resources when presenting to a community group. The notes include a story summary, questions and answers, key messages, areas for further discussion and referral information.

Preparing to present

It may be useful to read the activity and answer sheets to prepare for your presentation – they may give you ideas for additional questions and activities for your group. It is also a good idea to look at the websites and referral information provided under 'Possible discussion points and referral information' below.

If you need assistance with presentation skills, engagement ideas or coordination support for the group you are preparing for you can contact cle@legalaid.wa.gov.au or (08) 9261 6500.

Introduce yourself and *What's the law?*

Before you begin the presentation, introduce yourself, your role and your organisation.

For example, if you work at Legal Aid WA:

- Legal Aid WA helps the community in many different ways if people have problems with the law. We provide legal education to newly-arrived communities about their rights and responsibilities.

Refer to the *What's the law?* free online resource and its purpose by mentioning these key points:

- We see many different newly-arrived communities get into trouble with the law and often the same legal problems arise. These problems can be avoided if you know some simple information about the law and where to go to for help before your problem becomes serious.
- The photo stories in *What's the law?* have been made to help you learn about the law on thirteen different topics.

Begin with some introductory statements and general questions about the topic:

- Today we are going to show you a photo story about police in Western Australia (please note: the footage is of a Victorian police officer) and your rights and responsibilities when you have contact with police.

- You may come into contact with police in Western Australia at a police station, at the train station, at your home, when you are driving or on the street. Police are in the community to stop crimes and help keep people safe.
- Police have certain powers to stop you in the street. If a police officer believes you have done something illegal or you are about to, they may ask you questions.
- Most police in uniform wear a light blue shirt and navy trousers in WA. All police carry a police badge which shows their identification.
- Is there a difference between the way the police officers work here and the way the police worked in the country of your childhood?

Summarise the photo story

- This story is about Abdi and Gahmal who are in a shopping centre and are approached by a police officer (please note the police officer is in Victorian police uniform).
- The police officer thinks Abdi looks like someone who committed a crime in the area and asks him for his name and address.
- Abdi provides a false name first then finally provides his real name.
- He is then charged by the police and goes to Legal Aid WA for help and advice.

Ask questions

To strengthen engagement with the photo story and develop the group's legal literacy, ask key questions before showing the story. This will encourage the group to watch actively and think about key messages.

While you are watching the story, think about the next three questions:

What should Abdi do when he is talking to the police?

What information must Abdi provide to the police and what must the police provide to Abdi?

Does Abdi have to answer any other questions the police ask?

Show the photo story



Answer the questions

Ask the same key questions after you show the story and allow for discussion to tease out the right answers.

What should Abdi do when he is talking to the police?

- He should remain calm and try not to show his anger or frustration. Anger can make the situation worse and the police may respond by charging him with an offence.
- Police also have an obligation to remain calm and act fairly in these situations.

What information must Abdi provide to the police and what must the police provide to Abdi?

- A police officer can ask you to give your name, address and date of birth if they reasonably suspect you have committed, are committing or are about to commit an offence or may be able to assist in the investigation of an offence or suspected offence.
- The police officer must tell you what crime they think you have committed.
- You must not provide the police with false information. You must provide correct information about your name, address and date of birth.
- If you ask a police officer for their details they must provide you with their name and the police station where they work.

Does Abdi have to answer any other questions the police ask?

- Abdi has to provide his name, address and date of birth if asked.
- If police tell him that he must answer a question then he should do so – he may be charged with an offence if he does not.
- Generally, the police have the right to ask you questions at any time, whether or not you have been arrested, although you cannot be questioned about any offence while you are being searched.
- Although police are allowed to ask you questions, this does not mean you always have to answer them. In Western Australia you have a general right to silence, which means in many cases you do not have to answer questions from police.
- Police must caution you before questioning you as a suspect so that you are aware of your right to silence and so that you know what could happen if you do speak to them. The caution should sound something like this: "You are not obliged to say anything unless you wish to do so, but whatever you do say will be recorded and may later be given in evidence".
- If you do not want to answer any questions, you should tell the police this. They may still require you to be present for an interview and ask you questions anyway. You can repeat that you do not want to answer any questions or say "no comment".
- If you feel that the police have been unfair to you, you can speak to Legal Aid WA to help you make a complaint.

Emphasise key messages

- Always provide the police with your name, address and date of birth when asked.
- If police tell you that you must answer a question then you should do so – you may be charged with an offence if you do not.
- You have the right to remain silent after doing this as well as the right to get the police officer's details.
- Call Legal Aid WA or your community legal centre if you have legal problems or have to go to court.

Further questions and discussion

- Does anyone have any questions?

You are not expected to be a lawyer to use this resource. Many teachers and community workers use this resource successfully. If a participant raises personal legal issues, you can provide referral information. If you are not a lawyer, legal assessment or advice should be referred to the **Legal Aid WA Infoline** on **1300 650 579** or the closest community legal centre (<http://www.communitylaw.net/>) or Legal Aid WA office.

Possible discussion points and referral information

Making a complaint against a police officer

- Online form for making complaints against Western Australia Police: <https://www.police.wa.gov.au/Police-Direct/Commendations-and-complaints/Complaints-About-WA-Police-Personnel> .
- Legal Aid WA information about making complaints against police.

Police authority information

- Legal Aid WA website <https://www.legalaid.wa.gov.au> under Find Legal Answers>Under arrest and police powers
 - Answering questions from the police
 - Police powers to search
 - Police powers to arrest and detain
 - Powers of Transit Officers
 - DNA samples and identifying information.
- Legal Aid WA information sheets. These are available from any Legal Aid WA office, by contacting the **Legal Aid WA Infoline** on **1300 650 579** or from the Legal Aid WA website at: <https://www.legalaid.wa.gov.au> under Resources> Information sheets.
 - Police powers of arrest and detention
 - Police powers to search
 - DNA testing by police
 - Complaints about the police.

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