



## SUPPORT &amp; LEGAL SERVICES

**Support Services****13YARN:** Call 13 92 76 or visit [www.13yarn.org.au/](http://www.13yarn.org.au/)**Brother to Brother:** Call 1800 435 799 or visit [www.dardimunwurro.com.au/brother-to-brother/](http://www.dardimunwurro.com.au/brother-to-brother/)**Lifeline:** Call 13 11 14 or visit [www.lifeline.org.au/](http://www.lifeline.org.au/)**Kids Helpline:** Call 1800 55 1800 or visit <https://kidshelpline.com.au/>**Legal Services**

CopWatch does not provide individual support/advice. We recommend seeking legal help from your local Aboriginal Legal Service, Legal Aid or Community Legal Centre.

**Legal Aid**

1300 366 611 (free call)

[www.legalaid.tas.gov.au](http://www.legalaid.tas.gov.au)**Aboriginal Legal Service**

1800 595 162 (free call)

<https://tals.net.au>**Community Legal Centres**[www.clctas.org.au](http://www.clctas.org.au)

**For a full list of support and legal services and other useful resources and links visit [www.copwatch.org.au/legal-help](http://www.copwatch.org.au/legal-help)**

**Disclaimer:** This information is provided for information purposes only. The National Justice Project stands by its research. However, laws do change over time. We will do our best to keep track of any changes. Therefore, while this information has been formulated with all due care, the National Justice Project does not accept any liability to any person for the information (or the use of such information) which is provided.



## YOUR RIGHTS &amp; RESPONSIBILITIES – FILMING POLICE

**Tips and recommendations for filming police safely and legally**

- You have a legal right to film police, if it is in a **public place** and you're **not interfering with police duties** – BUT even in public some things are always against the law to film (eg stalking, upskirting)
- There are more rules when filming in **private**. As a general rule, you can only film in a private situation if **everyone who is there agrees** to it. In Tas, if you don't have permission from everyone, then you can only film IF you're **part of the conversation/situation**, you need the video to **protect your rights** and you're **not going to share** the video with others
- Keep a safe distance when filming and follow reasonable police instructions, like 'move back' – you can keep filming
- Don't unlock your phone for the police – they need a warrant
- Turn off fingerprint/facial recognition and lock it with a passcode that's hard to guess
- Police need a lawful reason to take your phone
- Police are NEVER allowed to delete anything from your phone

**Tips for making a video**

- Hold your phone sideways (landscape) and close to your chest pointing towards the incident
- Focus the camera on what police are doing and saying
- Move slowly, don't zoom in/out too much and keep filming for as long as possible
- State the date, time and location directly to the camera (if possible)
- Record identifying details, like number plates, police badges, street signs (if possible and from a safe distance)
- Don't share your video online or with others if it could be evidence

**This Fact Sheet is a summary only and is specific to the laws in Tasmania.**

The rules for filming and dealing with police differ between states/territories. For more info visit [www.copwatch.org.au](http://www.copwatch.org.au) or scan the QR code:





## YOUR RIGHTS & RESPONSIBILITIES – DEALING WITH POLICE

### Tips and recommendations for keeping safe when dealing with police

- Try to stay calm, be polite and cooperative
- Don't resist, swear, lie or give false information – you can be charged or fined
- If you don't know the rank of the police officer, call them 'Officer'
- Other than answering any mandatory (required) questions, it's often safer to not say anything else, not answer any other questions and not sign anything until you speak to a lawyer
- If you don't want to answer police questions you can say 'no comment'
- There is no such thing as an 'off the record' conversation with police
- Before talking with police, if you're:
  - under 18 you have a legal right to wait for a trusted adult or lawyer
  - over 18 you have a legal right to wait for a lawyer

### Stopped and questioned by police

As a general rule, in Tasmania you DON'T have to tell police your age or DOB when asked, BUT:

- Police can ask for your name and address if they *reasonably* suspect (meaning a justified genuine belief) that:
  - you've committed, are committing or about to commit an offence or
  - you have information that may be able to assist in the investigation of an offence or a suspected offence – in Tas, there's a general requirement to assist police if they think you can help them
- You must also give police your info and show ID if:
  - you're driving a vehicle
  - you're in a place that sells alcohol or
  - police have issued an order against you (eg 'move on')
- If police have a right to ask for your ID and you refuse without good reason you can be fined



If you're stopped and questioned by police, **you have a legal right to:**

- Ask police for their name and the station they are from
- If police are not in uniform, they must show you their police badge/ID card
- Ask why they want your details – they must answer
- Have a trusted adult with you if you're under 18

### Stopped and searched by police

- As a general rule, if you're not under arrest and they don't have a warrant, police can still search you IF:
  - they think you have committed a crime, have weapons, drugs or stolen items, or have evidence of a crime, or
  - if you give consent – NEVER consent to a police search, but always cooperate to avoid extra force, fines and charges
- In Tasmania, police can also search you without a warrant IF they think you're carrying something used to graffiti, a laser pointer or something poisonous or if you're trying to sell something stolen or illegal
- Strip searches must be done by a police officer of the same gender as you
- If police think you've taken drugs, they need permission from the court to search you, and you can ask for it to be done by a doctor or nurse (same gender)

### Arrested by police

- Don't struggle or resist arrest – this can lead to extra force, charges or fines
- If you're under 18, ask to have a responsible/trusted adult with you and don't say anything until they arrive
- If you're over 18, ask for a lawyer and don't say anything until they arrive
- If police use excessive force:
  - report it to the Police Officer in charge
  - ask to see a doctor and lawyer
  - take photos of your injuries, if possible (as evidence/proof)

If you think your rights have been violated, you've been discriminated against or mistreated by police, **you have a right to make a formal complaint.**

Each state/territory has their own processes for making complaints. For more info visit [www.copwatch.org.au/complaint](http://www.copwatch.org.au/complaint)