

What happens if I am arrested?

What is arrest?

Arrest is a process used by the police to bring someone into police custody, so that the process of charging them with an offence can take place.

Where can I be arrested?

An arrest can take place anywhere.

Can I be arrested at school?

An arrest can take place anywhere (work, school, home, street) and at any time of the night or day. The Police may enter any place they suspect the person is and search for the person. They may also stop and enter any vehicle they suspect a person is in (s. 132(2) CIA).

Do I have to have committed a crime to get arrested?

Not necessarily. Police must have a reasonable suspicion that you have committed a crime, are committing or about to commit a crime.

How do the Police make an arrest?

The Police must inform you that you are under arrest and why. They do not have to physically grab you for you to be under arrest. It is sufficient for the Police to just tell you that you are under arrest.

The Police will say words like this:

“Dan, you are under arrest for burglary, you are not obliged to say anything unless you wish to do so, but anything you say or do may be used in evidence against you”

Sometimes, you will not be informed you are under arrest, however in these situations, it should be reasonably apparent that you are under arrest. For example, you are grabbed and handcuffed by a Police Officer straight after throwing an empty bottle of Jim Beam through a shop window.

Be co-operative

If you are arrested, go quietly and co-operatively. If you do not like the way you are being treated, you can make an official complaint later.

It is not in your own best interest to clock-up numerous unnecessary charges all because you cannot control your temper.



Search & Seizure (cont.)

What are the Rights of a Person Under Arrest?

You are entitled:

- To any necessary medical treatment
- To a reasonable degree of privacy from the mass media
- To a reasonable opportunity to contact relative or friend
- To an interpreter or other qualified person

In addition to the above an arrested **SUSPECT** is entitled to:

- Be informed of the offence for which he/she has been arrested or any other offence he/she is suspected of having committed
- To be cautioned before being interviewed as a suspect
- To a reasonable opportunity to contact a lawyer

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Important: This general information is not the same as legal advice. You should speak with a lawyer about your situation.



YOUTH LEGAL SERVICE inc
western australia

For assistance contact:

Kids Helpline

1800 551 800

Crisis Care

9223 1111 or 1800 199 008

For help with this and other issues contact:

Youth Legal Service Inc (WA)

(08) 9202 1688 (Perth Metro)

1800 199 006 (Country WA)

www.youthlegalserviceinc.com.au