



Police Powers: Move Children To A Safe Place

The Police are given special powers to prevent crime and protect the community. It is important to understand what these powers are and how to behave when the Police use these powers to avoid being charged with serious offences.

In Western Australia, the *Children & Community Services Act 2004* allows Police and Authorised Officers to remove children to a safe place in certain circumstances.

Special Police Powers To Remove Children And Young People (Under 18) To A Safe Place

Sometimes children and young people are out on the streets at night when it is not considered safe. Sometimes children and young people are found living on the streets as they have nowhere else to live or have left home and are staying with people without their parents' permission in situations that may put them at risk. Sometimes children and young people are simply with a group of friends "wagging" school or not attending school during school hours. In these situations, the Police and Authorised Officers have powers to apprehend children.

If you are under the age of 18 and found at any place other than your home and:

1. There is no parent or adult supervising you;
2. There is a risk to your safety; or
3. You are an absentee student from school.

Then the Police or an Authorised Officer can:

1. Move you to a safe place such as return you to your home.
2. They can use reasonable force to do this.
3. Your responsible person (parent, guardian or relative) will be contacted to let them know where you are.
4. Once your responsible person has been contacted, arrangements must be put in place to return you to their care.
5. If your responsible person cannot be contacted, arrangements for your alternative care must be made until you can be returned to the care of your responsible person. You cannot be put in a Police lock-up or a Department of Child Protection Secure Care Facility.
6. When you cannot be returned to the care of your responsible person, the Police must inform the CEO of Child Protection & Family Support about you circumstances.

If you are being moved to a safe place and the Police or Authorised Officer believe you are likely to:

1. Be a risk to the health and safety to yourself or other people; or
2. Cause serious damage to property.

You may be restrained using reasonable force and may be searched and anything of substance found can be taken off you.



The search must be done by Police or an Authorised Officer of the same sex as you in the presence of at least one other adult, but they cannot do a strip search or body cavity search of you.

Anything found which may be dangerous can be taken (e.g. knife, drugs, cigarette lighter, solvents) or any other thing that is disposable and less than \$30 (e.g. can of drink, hamburger). In some situations, the item taken from you will be returned at a later time.

Other Police Powers

The power to request your personal details

See our fact sheet "[Police powers: Request your personal details](#)" for information.

The power to search you and your bags

See our fact sheet "[Police powers: Search](#)" for information.

The power to move you on

See our fact sheet "[Police powers: Move on Orders](#)" for information.

The power of arrest

See our fact sheet "[Police powers: Arrest](#)" for information.

The power to detain people who are intoxicated in public

See our fact sheet "[Police powers: Detain intoxicated people](#)" for information.

More Information

For legal advice about your own situation, contact Youth Legal Service 1800 199 006 or 9202 1688

See our fact sheet "[Rights & responsibilities when encountering Police](#)".

Please note: Laws are subject to change. Last updated July 2020.

Important: The information provided in this infosheet is for information only.

It should not be relied on as legal advice.

Please seek legal advice about your particular circumstances.