

Street Law



SECTION 5



YouthLaw

Free legal help throughout Aotearoa

**YOUR RIGHTS
& POLICE
SEARCHES**

STREET LAW

Facilitator Notes



ACTIVITY 7

ACTIVITY NAME: Looking to Search

TIME: 15 minutes

MAIN TOPIC: Asserting your rights with Police and searching

AIM: Participants have greater awareness of safe interactions between young people and Police. When you're out on the street, it is important to know that there are times when you can exercise a right to be free from search.

LEARNING OUTCOME: Participants identify the difference between when Police have a right to search you and when they need to have your consent.

RESOURCES + PREP:

1. Youth Law 101 – Clip 5
2. Photocopy one Looking to Search Scenario Card for each group

FACILITATION TIPS:

- Sometimes it can be scary talking to Police, especially if you don't know what your rights are when it comes to searching.
- A stay safe strategy could be:
 - If I'm not under arrest, I'd like to go now
 - I've given you my details, now I'd like to leave
 - My Mum told me not to talk to the Police without her
 - I need to go now, my Nan is expecting me
- If you want to have a good outcome when dealing with Police, make sure your language is **respectful**.
- You shouldn't expect that Police will ask these types of questions, but if you ever find yourself in an uncomfortable position we encourage you to remember what your rights are and to feel empowered to use them.

INSTRUCTIONS:

1. Play clip 6 on the Youth Law 101 DVD
2. Divide into 5 smaller groups and give each group a different Looking to Search scenario card. At least one person in the group will play a police officer, and at least one person is to be the 'young person'. Other group members can choose to play supporting characters.
3. The group should read through their card and understand the situation that the young person is in. In these scenarios keep in mind the young person has been approached by the Police without having done anything illegal.
4. The group should identify a 'Stay Safe strategy' for the young person in the roleplay. You can

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help by providing some examples from the list in Facilitator Tips above.

5. After the group have had time to rehearse, the groups can take turns performing their role-play for the whole class if they wish to.

DISCUSSION POINTS:

- If you are under arrest or the police reasonably suspect you have committed a crime involving drugs or weapons, or alcohol in a liquor ban area the Police may search you.
- It's best to comply.
- Stay calm, remember your rights.
- Remember the way in which you are searched has to be reasonable. (Discuss what this might mean with the groups: for example, the police should not use un-reasonable force)
- If you are arrested, request to speak with a lawyer and if you're under 17, an INP (independent nominated person) as well.

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ACTIVITY 7

SCENARIO 1

POLICE OFFICER

“Do you mind if we take a look inside your bag?”

YOUNG PERSON

“What are my rights in this situation? Am I under arrest?”

If I’m not under arrest, I do not consent to being searched.”

STAY SAFE STRATEGY:

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SCENARIO 2

POLICE OFFICER

“Can you show me what’s in your pockets?”

YOUNG PERSON

“What are my rights in this situation? Am I under arrest?”

If I’m not under arrest, I do not consent to being searched.”

STAY SAFE STRATEGY:

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SCENARIO 3

POLICE OFFICER

“Why don’t you go ahead and show me what’s on your phone?”

YOUNG PERSON

“What are my rights in this situation? Am I under arrest?”

If I’m not under arrest, I do not consent to being searched.”

STAY SAFE STRATEGY:

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SCENARIO 4

POLICE OFFICER

“Let’s just make sure by having a look inside your back pack...”

YOUNG PERSON

“What are my rights in this situation? Am I under arrest?”

If I’m not under arrest, I do not consent to being searched.”

STAY SAFE STRATEGY:

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SCENARIO 5

POLICE OFFICER

“You’re not under arrest, I just want to check you don’t have anything on you that you shouldn’t have.”

YOUNG PERSON

“What are my rights in this situation? Am I under arrest?”

If I’m not under arrest, I do not consent to being searched.”

STAY SAFE STRATEGY:

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ACTIVITY 8

ACTIVITY NAME: Is it Legit?

TIME: 10 minutes

MAIN TOPIC: Rights with Police - searching

AIM: To promote safe and legal interactions with Police.

LEARNING OUTCOME: Participants identify the difference between legit (legitimate) and not legit (non-legitimate) reasons for being searched.

RESOURCES + PREP:

1. Photocopy and cut up one set of 'That's Legit' v 'That's Not Legit' activity cards for each group

FACILITATION TIPS:

- You might run into young people sharing personal stories with this activity. Instead of trying to answer questions, encourage them to call 0800 UTH LAW or their local Community Law Centre with any questions about their own experiences.
- Encourage participants to try and reflect on learnings from the Youth Rights (UNCROC), Discrimination and Rights with Police sections when they are considering what's legit and not legit when it comes to searching.

INSTRUCTIONS:

1. Show Clip 4 on the DVD again if needed
2. Separate the group into small groups.
3. Explain the purpose of the activity – to understand the possible reasons why a police officer may want to search you. Also, to know when you can exercise your right to refuse.
4. Hand out 'That's Legit/That's Not Legit' activity cards. These include two heading cards ('That's Legit' and 'That's not Legit') and a set of 11 statements.
5. Ask students to sort the statement cards into either 'That's Legit' or 'That's Not Legit'. Allow about 5 mins for participants to discuss their thoughts and findings.
6. In order to share the learnings of each group, ask each group in turns to offer one example of 'That's legit' and 'Not Legit' until all answers have been read out.

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Facilitator Notes

(ANSWERS)



ACTIVITY 8

THAT'S LEGIT	EXPLANATION
A police officer catches you smoking a joint at the park	You're in public, and you're caught doing drugs. Yep, the Police have legal grounds to search you without a warrant under the Misuse of Drugs Act. If you refuse, you may be arrested.
A police officer sees you hide a large knife in your pocket	A police officer has caught you with a weapon in public. They may think that you're a threat to yourself or others, and ask to search you without a warrant. If you refuse, you may be arrested.
You consent (agree) to be searched	Regardless if you have done something wrong or not, if Police ask to search you and you say yes, then you have agreed and a search may take place. Police may or may not have a reason, but you still have the option of refusing a search.
You say nothing	It might be scary talking to Police. If Police ask to search you and you say nothing in response, the Police can go ahead and search you. If you don't want to be searched, you must clearly state: "I do not want to be searched."
You have bloodshot eyes, smell of weed and you're slurring your words	All of these reasons together might concern Police that you are under the influence of, or have possession of, illegal drugs. This might be a safety issue for yourself or others and there may be a crime, so Police may want to search you. They do not need a warrant and if you refuse, you may be arrested. Also, if you're under 17 and Police think that you're at risk, they might arrest you.
One or more people saw you selling drugs (witnesses)	Police may have reason to search you if witnesses have reported that you are possessing or selling drugs. They do not need a warrant and if you refuse, you may be arrested.
One or more people saw you with a weapon in public (witnesses)	Police may have reason to search you if witnesses have reported that you have a weapon in public. They do not need a warrant and if you refuse, you may be arrested.
THAT'S NOT LEGIT	EXPLANATION
You are nervous, sweating and confused	There are many reasons why you could be nervous or sweating or confused. Just these alone probably aren't enough for a Police officer to search you, so you can exercise your right to refuse to be searched.
The way you look (your clothes, ethnicity, culture etc)	Remember discrimination? The way you look, your culture or ethnicity are not good reasons for Police to search you without legal reasons. You can exercise your right to refuse to be searched.
Your family members are known to sell drugs	Remember discrimination? Judging you by who is in your family is not a good reason for Police to search you without a legal reason. You can exercise your right to refuse to be searched.
You are with a group of friends	Just because you're a group of young people hanging out doesn't mean you're up to no good or committing crimes. You can exercise your right to refuse to be searched.

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Facilitator Notes

(ANSWERS)



ACTIVITY 8

DISCUSSION POINTS:

- Participants may want to share their thoughts, so allow a couple of minutes for this.
- Remember to emphasise that whenever someone is talking to Police, remaining calm and respectful is the best strategy to use – even if you are exercising your rights to refuse to be searched.

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Legit vs Not Legit

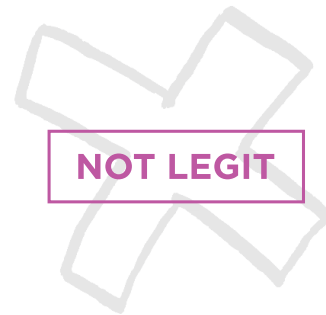


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ACTIVITY 8



LEGIT



NOT LEGIT

You have blood-shot eyes, smell of weed and you're slurring your words

You say nothing

You consent (agree) to be searched

You are with a group of friends

Your family members are known to sell drugs

The way you look (your clothes, ethnicity, culture etc)

You are nervous, sweating and confused

A police officer catches you smoking a joint

One or more people saw you with a weapon in public (witnesses)

One or more people saw you selling drugs (witnesses)

A police officer sees you hide a large knife in your pocket