



Dealing with police search warrants - the do's and don'ts

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Under Queensland law, the police can execute a search warrant upon private premises in circumstances where they have reasonable grounds to suspect that they will locate evidence of a criminal offence.

Being the subject of a police search warrant is daunting. The following advice is designed to make things easier and protect your legal position.

If the police knock on your door with a search warrant

1. You are entitled to see a copy of the warrant at the outset, as well as a document called a *Notice to Occupier*. Although these documents are hard to digest in the heat of the moment, you should at least check that the warrant describes the correct address and is being executed at a time when it is valid.
2. Immediately contact an experienced criminal lawyer.
3. Other than being polite, you should not engage in any conversation with the police about their investigation. Answers to seemingly innocuous questions can sometimes have devastating consequences. Simply maintain your silence and wait for your lawyer to take control of the situation.
4. Remember police can be recording you secretly. There is no obligation on them to tell you they are recording you. There is no such thing as an off the record conversation.
5. Don't assist in the search and don't volunteer anything. Just be quiet until you can obtain legal advice. The police may say that if you don't assist then the search will take much longer. So be it – just maintain your silence and wait for your lawyer to handle things.

6. You cannot hinder the search in any way. It is a serious offence to attempt to destroy or conceal anything covered by a search warrant.
7. In some instances, the police are allowed to not only seize your electronic devices but also to insist on you providing any passcodes to those devices. Your lawyer can advise you further about that.
8. If you have documents that are prepared by, or for your lawyer and the police seize them, you should indicate that those documents may be “legally privileged”. Having made such a claim, the police should not read them but should place them in a sealed envelope for that issue to be sorted out later.
9. If you are concerned about police actions during the search, you should state those objections clearly but do not otherwise try to stop them. In some instances, the police are lawfully entitled to search and seize things beyond the scope of their warrant.

Gilshenan &Luton are criminal lawyers with expertise in the area of handling and responding to police search warrants. We are available 24-hour on 07 3361 0222.

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