



*This resource is general advice only. Each situation is unique. You should always seek legal advice.*

Information Paper

# Can Police Access My Phone?



This resource is designed for autistic people and their support persons to provide information about when the police can access your phone and what rights you have in these situations.

## When can police access your phone?

There are four main situations when the police might try to access your phone:

### 1. With your permission (voluntary consent):

- The police can access your phone if you give them permission.
- You have the right to refuse access to your phone.
- You can say: *"No, thank you, officer. I do not want to give you access to my phone."*

### 2. With a search warrant:

A search warrant is a legal document that allows police to search specific things. For it to apply to your phone, it must specifically mention access to digital devices. If the police have a warrant:

- Ask for the warrant to read it carefully.
- Look for mentions of 'digital devices' or 'mobile phones'.
- If unsure, you can say: *"I'd like to speak with a lawyer about this warrant."*
- You should comply with the warrant. You can seek legal advice afterwards.

### 3. Without a warrant in certain situations:

- In emergencies, police might access your phone without a warrant to prevent harm or stop evidence from being destroyed.
- It may also happen if they believe your phone is related to a crime (e.g. stolen property).
- If this happens, remember what the police say and do so that you can tell your lawyer later.

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#### 4. If you are arrested by police:

- If you are lawfully arrested in Queensland (those 10 years of age and older), police may search you and your belongings (including your phone).
- This is to ensure police officer safety and prevent evidence destruction.

#### Your rights:

- **Right to refuse:** You can say no if police ask to access your phone without a warrant.
- **Right to remain silent:** You don't have to answer questions about your phone or its contents.
- **Right to legal advice:** You can ask to speak with a lawyer. However, if the police have a valid warrant, you should comply first and then seek legal advice.

#### Practical tips:

- **Use a passcode:** Protect your phone with a passcode you can remember easily.
- **Stay calm:** If the police ask about your phone, stay calm and polite.
- **Ask for support:** You can ask to call a support person or lawyer, but be aware in some situations (like with a valid warrant), the police may proceed with their search.
- **Remember key phrases:** Practice saying the following phrases.
  - "I do not consent to a search of my phone."
  - "I do not consent to give access to my phone."
  - "I would like to speak with a lawyer."
  - "I am exercising my right to remain silent."

#### Preparing for police interactions with a support person:

- **Play it out:** Role-play different scenarios so you know what to say and do.
- **Make a plan:** Create a step-by-step guide with your support person for if police approach you.
- **Know your rights:** Talk about your rights and practice saying them out loud.
- **Have backup:** Keep a lawyer's number handy so you can get advice fast if you need it.



**QLD Law Society**  
**The Law & You**  
Solicitor Directory

If you have questions, you can contact a lawyer through the **Queensland Law Society's The Law & You solicitor directory** (scan QR code above) or by calling **Legal Aid Queensland** on **1300 65 11 88**.



Scan QR code to access more resources from the My Rights, My Voice Toolkit, designed to help navigate QPS interactions.

#### Autism Queensland is here to help— get in touch to learn more:

- ✉ **Email:** [css@autismqld.com.au](mailto:css@autismqld.com.au)
- ☎ **Phone:** (07) 3273 0000
- 🌐 **Website:** [autismqld.com.au](http://autismqld.com.au)

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