

Police powers argumentative essay

[Law](#), [Crime](#)



Legal Studies | Outline some of the power police have to conduct an investigation. How does the current system balance the need for justice with the rights of citizens? The law defines what a crime is and whether a particular act constitutes an offence. The responsibility for enforcing criminal laws and ensuring they are adhered to lies with the police. The police are a part of an executive arm of government and so are separate from the legislature who makes the laws and the courts that make enforceable legal decisions and judgements.

The responsibility that police have is the prevention and detection of crime and the maintenance of public order, but most importantly it is the police that are responsible for ensuring the criminal laws are observed. The role the police have in the criminal investigation process is to investigate crimes, make arrests if necessary, interrogate suspects and gather evidence against the accused. Once all evidence is collected police will then present the evidence for judgement to the court on behalf of the state, either directly or through a prosecutor.

An example a newspaper article titled “ tougher terror laws” gives us an example of police having power to enter a home without a warrant and re-entered after twelve hours during an emergency under new anti-terror laws. Labour and the coalition voted together in the senate last night to pass the legislation, this then create a joint parliamentary committee to monitor the AFP (Australian Federal Police) and the Australian Crime Commission. After a seven day detention limit for someone arrested on suspicion of terrorism the legislation was disregarded.

This is an example police not using a warrant to enter a home. The article was specifically about terrorism and creating new legislation for anti-terror laws; in this case the legislation did not pass and was disregarded. Since this case there has been much legislation that has passed for instance The Anti-Discrimination Act 2004 which includes amending the Crimes Act 1914 to strengthen the powers of Australia's law enforcement authorities setting minimum non-parole periods for terrorism offences and tightening bail conditions for those charged with terrorism offences as well as other initiatives.

To the Anti-Discrimination Act 2004 there has also been The Anti-Discrimination Act (No. 2) 2004, The Anti-Discrimination Act (No. 3) 2004 as well as Anti-Terrorism Act (No. 2) 2005 which this basically which amends the Criminal Code to allow for the listing of organisations that advocate the doing of a terrorist act as terrorist organisations, establishes procedures for preventative detention and control orders, updates the offence of sedition and other measures.

Another example I have is also from a newspaper titled "DNA on demand" which basically talks about New South Wales police having the power to demand DNA samples from any offender regardless of the severity of the crime. The power was approved by cabinet as part of a legislative package focused largely on anti-terrorism measures. Police have been given the tools to fight terrorist and other criminals. Under this new legislation police will be able to demand a hair sample or mouth swab after any arrest no matter how minor. All police have to do is believe that the sample will link the offender to the crime.

There are also other measures which include police being able to use spikes as a weapon against terrorism or major crime suspects. But the civil libertarians accused the government of creating a peace state monitoring every aspect of the lives of its citizens. Both "tougher terror laws" and the article above both obviously is about creating anti-terrorism laws and how there should be tougher laws to make Australia terrorism free and keep the citizens safe because everyone has the rights to feel safe in the environment that they are living in.