

Police powers: Your rights in Victoria

This booklet is a general guide to help you deal with police and Protective Services Officers



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Disclaimer: The material in this publication is a general guide only. It is not legal advice. If you need to, please get legal advice about your own particular situation.

Changes to the law: The law changes all the time. To check for changes you can visit our website or call us.

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Victoria Legal Aid

Victoria Legal Aid is a government-funded agency set up to ensure that people who cannot afford to pay for a private lawyer can get help with their legal problems. We provide free information for all Victorians, family dispute resolution for disadvantaged families, provide lawyers on duty in most courts and tribunals in Victoria, and fund legal representation for people who meet our eligibility criteria. We help Victorian people with legal problems about criminal matters, family breakdown, child protection, family violence, child support, immigration, social security, mental health, discrimination, guardianship and administration, tenancy and debt.

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FKCLC runs a specialist Police Accountability Project, providing strategic casework, public interest litigation, evidence-based research, community legal education, support and policy and law reform.

The Police Accountability Project is a state-wide, free legal service that aims to assist people who have experienced racial discrimination, abuse, harassment and violence by police or failures by police to respond effectively or appropriately to family violence. Our service assists clients with free legal advice, support and information to explore legal avenues to hold police behaviour to account, seek justice and create systemic change.

ABOUT THIS BOOKLET

What this booklet covers

This booklet is a general guide to help you when you deal with the police. It focuses on what police can and cannot do. The booklet covers things like arrest, being held in custody and searches. It also includes information about Protective Services Officers (PSOs).

When dealing with the police and PSOs, it is important to remember that you have rights.

Getting more help

This booklet gives general information, not legal advice. We have put the contact details of helpful organisations in the 'Where to get help' section on page 44.

Legal words

We use legal words in this booklet. To help you, we have explained some words in 'What do these words mean?' on the next page.



WHAT DO THESE WORDS MEAN?

In every section of this booklet, we highlight legal words in **bold** when they first appear. The definitions for these words are below. We have also included other legal words that you might hear used.

appeal – asking higher court, tribunal or government department for a decision to be reversed

apprehend – when the police hold you. You are not free to leave

arrest – when the police keep you in custody because they think you broke the law

bail – a promise to go to court to face charges on a certain date. Bail may have conditions, such as reporting to the police or living at a certain place

bail justice – a person who comes to the police station to decide if you get bail

breach – to break a law or court order

breach of peace – to cause a disturbance to the public

charge – the crime the police say you have committed

consent – free agreement to do something

court order – where the court says you must do something. For example, come to court again or write a letter of apology. It can also be a document that sets out your penalty if you are found guilty of breaking the law

criminal record – a record of the crimes a person has been found guilty of and the punishment they got

custody – under arrest. You are not free to leave

evidence – information (documents or witnesses) used by the court or tribunal to make a decision

independent person – an adult who must be with you during police questioning if you are under 18 and your parents or guardian cannot be there

Independent Third Person – a trained person who must be with you during police questioning if you have a cognitive impairment. They help you understand what is happening and what your rights are

indictable offence – a serious offence

magistrate – a person in the Magistrates' Court who decides whether someone is guilty or not, and what punishment they get

notice to appear – a document that tells you to go to court on a certain date

offence – an action the law says is wrong (illegal). See charge

penalty – punishment for breaking the law

reasonable belief – a belief that an ordinary and reasonable person would have in the same situation. Reasonable belief must be factually based. It is more than a feeling

reasonable force – acting in a way which is appropriate (not excessive)

seize – when the police take items as evidence

statement – a signed document of what you say happened. A statement can be used in court

summary offence – a less serious offence

summons – a document that says when and where to go to court

suspect – the person police think is guilty of a crime

warrant – a court document saying what the police can do, such as to arrest someone or search them or their property

witness – a person who gives evidence at court



NAME AND ADDRESS

Do I have to give my name and address?

You must give your name and address in all of the circumstances below. It is the law. It is a crime to refuse to give police your name and address in these circumstances. It is also a crime to give the police a false name and address.

In general

A police officer can only ask you to give your name and address if they have a **reasonable belief** you:

- committed an offence
- are about to commit an offence.

The police officer must tell you what crime they think you committed.

For example, a police officer can ask you for your age, name and address if they have a reasonable belief that you bought alcohol and you are under 18.

It is a crime to help someone commit an **offence**. What police define as helping can be quite broad. You can be **charged** even if you were not at a crime but help in another way. For example, swapping clothes with someone before or after they commit a crime. If police ask you questions about this offence and ask for your name and address, you must give your name and address.

Driving

The police officer may signal for you to stop driving. You must:

- stop
- show the police officer your licence or learners permit
- tell the police your name and address if they ask.

Helping police

The police officer may believe you saw a serious crime (an **indictable offence**).

The police officer may think you have information that could help them. You must give the police your name and address if they ask you.

The police officer must tell you what crime they think you can help them with.

Can I get the name of the police officer?

Yes. If you ask, the police officer must give you:

- their name
- their rank
- the police station where they work.

Ask for these details in writing if you feel safe to do so. This information may be useful if you want to complain about the police officer.

If a police officer has asked you for your name and address and then does not give you their name, rank and police station when you ask, they can be fined.

Make a complaint for this to happen. A lawyer can help you do this. **See** 'Making a complaint' on page 40.

Do I have to answer any other questions?

No. You do not have to answer any other questions after you have given your name and address.

Police can ask you questions as a **witness**. Police can also ask you questions as a **suspect**. The police must tell you if they think you are a suspect for a crime. They must tell you your rights before they ask you questions. **See** 'Interviews and statements' on page 18.

If the police officer tells you that you are breaking the law by not answering questions, ask to speak to a lawyer.

The police officer may use anything you say to them to **arrest** or charge you. There is no such thing as speaking 'off the record'. The police could use what you say as **evidence** in court to show that you broke the law.

Remember: the law requires you to give your name and address to the police if they ask.

What if someone was using my car?

If someone was using your vehicle and the police officer asks you for that person's name, you must give it. If you do not, the police could charge you with a crime. You could lose your licence for two years or more if you are found guilty.

Can a police officer ask for my phone number?

They can ask. You do not have to give it to them.

SEARCHES

Can a police officer search me?

In general, a police officer can search you if they have:

- a **warrant**
- **arrested** you.

Police officers must write down that they searched you. You can ask for a copy of this written record. You can ask for it at the time or later. You can get the written record for free if you ask for it within one year of the search.

When can a police officer search me without a warrant?

Searches by consent

If the police officer does not have a warrant or the power to search you, they might ask you if you will let them search you. This is called a 'search by **consent**'. You can say 'No'.

If you say 'Yes', the police officer should get your agreement in writing. You can complain if this does not happen. **See** 'Making a complaint' on page 40.

Talk to a lawyer if you only said 'Yes' to a search because you felt scared, or the police told you that you had to let them search you. **See** 'Where to get help' on page 44.

Searches in a 'public place'

The police officer does not need a warrant to search you in a public place if they **reasonably believe** you have:

- illegal drugs
- things that can explode or catch fire
- a gun, knives, imitation guns, knuckle-dusters or nunchakus
- something that could be used to make graffiti. For example, spray paint or even a texta.

A public place includes:

- a shop
- in or around a train station, or on public transport (buses, trams or trains)
- a school
- a church
- a hospital or welfare centre, like the Salvation Army
- an open space, like Federation Square.

Police can say they have reasonable grounds to search you if you are in an area where there is lots of violence crime or graffiti.

The police officer can search your car and anything you are carrying. The police can search your car even if you are not in it.

Note: to search you for a graffiti offence, the police officer must reasonably believe you are 14 or older. You must also be on or near public transport property or trespassing on someone else's property.

Searches in public 'designated areas'

The police can search you for weapons in public areas which are 'designated areas.'

A senior police officer can make a public area into a designated area if it:

- is a regular trouble spot such as King Street in the city
- has had two or more events of violence or disorder in the last 12 months
- has had events or demonstrations that have been violent.

The police should tell people that a public area has become a designated area. They should publish this in a local newspaper. They do not have to do this if they have made a public area into a designated area at short notice.

Police have a lot of search powers in 'designated areas.' For example, police:

- do not need a warrant
- do not need to have any reasonable grounds to believe you are carrying a weapon
- can search you, your bags or your car for weapons
- can do searches in these areas for up to 12 hours.

Before searching anyone, the police officer must give the person a written search notice. This will say that:

- the area has become a designated area
- you or your vehicle are in that designated area
- the police have the power to search you
- it is a crime to stop the police searching you.

If a police officer asks to search you because you are in a designated area, you must let them. It is an offence to say no, or refuse in another way.

Protective Services Officers may be able to search you too. **See** 'Protective Services Officers' on page 38.

You can contact Victoria Legal Aid or a community legal centre if you need help afterwards. **See** 'Where to get help' on page 44.

Searches on private property

A police officer usually needs a warrant to enter and search private property. For example, your home.

The police officer may enter your property without a warrant when:

- you agree to let the police officer in
- the police officer has a **reasonable belief** that someone committed or will commit a serious crime. The police officer can go into the property to arrest that person
- the police officer needs to stop a **breach of peace**. For example, a fight
- someone inside the property has **breached** an intervention order or a family violence safety notice
- someone has not followed a direction from the police for a family violence matter
- the police officer has a reasonable belief that someone has assaulted or threatened to assault a family member
- the police officer is chasing someone who has escaped from prison or **custody**
- a person accused of family violence lives there or has lived or committed family violence there and is suspected of having a gun, bullets or a weapon.

You can ask the police why they are there. If they say they have a warrant, you can ask to see it.

You can ask the police why they want to enter. If they do not have a warrant you can let them in or say 'No'.

I am under 18. Can the police search me?

It depends on why police are searching you:

- **For graffiti offences** – the police officer can only give you a pat-down search. Police cannot search someone under 14.
- **For alcohol** – a police officer cannot search you for alcohol unless you agree to the search. If they see you with alcohol, they can take it from you.
- **For chroming** – a police officer can search you if they believe you are chroming (sniffing things like spray paint or glue). It is not a crime to chrome but the police officer can stop you. They may take you somewhere safe if they think you will hurt yourself.

What sort of searches can a police officer do?

Pat-down search

This is when the police officer uses their hands to feel over the outside of your clothes.

The police officer can:

- do this you in public or on private property
- ask you to empty your pockets or remove your jacket or jumper
- ask you to show them something they believe is a weapon. The police can **charge** you and fine you if you refuse
- use a metal detector to look for something they reasonably suspect is a weapon.

The police officer who does the search must:

- be the same sex as you (unless it is not reasonably possible to get an officer of the same sex)
- write a record of the search
- give you a receipt if they seize any of your things. For example, drugs. **See** 'Can the police seize my things?' on page 31 for more information.

Strip search

This is when a police officer removes all of your clothing and searches you. The police officer will usually do a strip search when they are looking for something they could not find in a pat-down search.

The police officer can only do a strip search in a private place. This is usually at a police station.

The police officer must follow the same rules as for a pat-down search. The police officer must also make sure you have:

- a parent or guardian or **independent person** with you during the search if you are under 18
- an **Independent Third Person** with you if you are cognitively impaired.

The police officer will not have to get one of these people to be with you if it is not 'practicable' or there are urgent or serious circumstances. The law does not say what 'practicable' means. It could mean the police officer believes it would take too long for that person to get there.

In this case, the police officer can get someone else to watch the search, including another police officer.

Internal body search

This means searching inside your body.

If you agree to it, only a doctor can do the search. The doctor must be the same sex as you.

You do not have to agree to an internal body search. The police must get a **court order** to do the search if you say 'No'.

In all cases: talk to a lawyer as soon as you can if you are not happy with how the search was done. See 'Where to get help' on page 44.

What should I do if a police officer searches me?

Before the search begins

Ask the police officer why they want to search you. They must give you a reason. Do this even if the police officer has a warrant or the right to search you.

While the search happens

Stay calm. Searches can be fast and confusing. If the police officer has the right to search you, you must let them do their job. The police can charge you with 'hindering police' if you do not let a police officer search you when they have the right to.

What if the police officer hurts me?

The police officer can only use reasonable force when they search you. For example, the police officer should not be rough with you if you are co-operating with the search. You can make a complaint if you feel that the police officer was too rough.

See 'Making a complaint' on page 40.

Can the police officer seize my things?

A police officer can seize items they find on you if these things are:

- illegal to have
- **evidence** of a crime.

The police officer must give you a written list of what they took. You and the police officer must sign this list.

How do I get my things back?

The easiest way to get your things back is to talk with the police in charge of the investigation.

The police must give back your things unless your things:

- could be evidence of a crime
- were gained from a crime. For example, money made from selling illegal drugs
- are illegal to have, such as weapons.

If the police do not give your things, get legal help. **See** 'Where to get help' on page 44. You may also want to complain. **See** 'Making a complaint' on page 40.



POLICE BODY CAMERAS

Why do police have cameras on their uniform?

Cameras should be worn by police and PSO who are in uniform. Police use the cameras to help them get **evidence**. They can use that evidence in court. The cameras also record how the police act in public.

If you think a police officer treated you badly in public talk to a lawyer about seeing the recording. **See** 'Where to get help' on page 44.

When are the cameras recording?

Body cameras should be in 'stand-by' mode when the police are doing public policing. This only records 30 seconds of visual footage. At the end of 30 seconds, the footage is replaced by the next 30 seconds.

The cameras will record continual visuals and sound when turned on. Police should turn the cameras on when they are in public and:

- talking to someone as part of their police work
- giving a fine
- getting evidence
- stopping cars
- **arresting** someone or keeping them in **custody**. If they do this, they cannot stop filming until the person is released, transferred to another officer, or put into a police car or cell.

In some places police can also record a family violence victim **statement** and use it in court if the victim agrees.

Will police tell me they are recording?

Police do not have to tell people they are being recorded, but the cameras must be in an obvious place. Cameras cannot be hidden, but they can be covered for a short time.

Can police record everything?

No. Police cannot record:

- doing something that is not part of their police work
- doing a strip search or an internal body search
- in a change-room or toilet (unless there is a good reason)
- in a police station where there is CCTV (unless there is a policing need)
- taking a report or written statement from a victim or **witness** (unless they think the victim or witness is lying)
- a community engagement activity (unless there is a policing need).

Police should not use cameras instead of a formal interview at the police station if they think you have committed an **indictable offence**.

Police must turn the camera off:

- after the police activity or incident ends
- there is other CCTV
- a supervisor or a member of police's critical incident response team tells them to stop.

If an officer stops recording early, they must write down why.

Do I have to answer questions while being recorded?

You must give your name and address but do not have to answer any other questions.

Can I ask police to stop recording?

Yes but they do not have to.

What can the information be used for?

Police can use the recording to:

- to get evidence
- see if an **offence** happened
- decide whether to **charge** a person
- look into a complaint about a police officer
- keep records and make reports.

Police can edit copies of the recording. The original recording cannot be edited.

If you think police have edited out important parts of your recording, talk to a lawyer about seeing the original footage.

Who can see the recordings?

Only authorised police officers should see the recordings. This includes police officers looking into complaints about how other police officers act.

Police can face up to two years' jail if they share your information or show the recording to someone they should not.

ARREST AND BEING HELD IN CUSTODY

What does arrest mean?

When you are under **arrest**, the police officer holds you in **custody** because they believe you have broken the law. You are not free to leave.

The police officer must tell you:

- that you are under arrest
- why you are under arrest.

When can police arrest me?

A police officer can arrest you when they:

- **reasonably believe** you broke a law
- have a **warrant** for your arrest
- reasonably believe you are a risk to a family member.

You should always ask the police officer, 'Am I under arrest?' and 'Why am I under arrest?'

Do I have to go with the police officer?

You must go with the police officer if:

- you are under arrest
- you are **apprehended**. This means you are not under arrest, but you are not free to leave
- they ask you to do a breath or drug test. **See** 'A police officer wants to give me a breath test or drug test. Should I go to the station?' on page 15.

You can complain if the police officer tries to arrest you without a reason. **See** 'Making a complaint' on page 40.

I am under arrest. What will happen if I do not go with the police officer?

The police can **charge** you with resisting arrest if you try to stop them arresting you.

The police officer can use **reasonable force** to arrest you if you try to stop them. The police officer can only do this if they had the right to arrest you in the first place.

You can complain if the police officer uses unreasonable force. **See** 'Making a complaint' on page 40.

Can a police officer arrest me if they are off duty?

Yes.

A police officer wants to give me a breath test or drug test. Should I go to the station?

Yes. You are not under arrest but a police officer can charge you with refusing to do the test if you do not go. You could lose your licence for two years or more.

What does 'being held in custody' mean?

After arrest, the police will take you into custody. This means the police officer will take you to a police station, custody centre or the police cells at court. You may have to travel in a police vehicle to get there. The police officer may handcuff you. You are not free to leave.

What happens when I am in custody?

The police officer may:

- ask you for your name and address
- ask you to give a **statement**. You can say 'No'
- interview you. You do not have to answer any questions
- fingerprint you
- search you
- ask to take your photograph. You can say 'No'
- charge you
- give you **bail**.

Can I tell someone I am in custody?

Yes. You have the right to make two phone calls:

- one to a lawyer
- one to a friend or relative.

The police officer must give you a private space to use the phone. A private space is where the police officer cannot hear you.

You do not need to have a lawyer before you go to the police station. The police can get you a list of lawyers' names and phone numbers. Some law firms have special phone numbers you can call for advice from a police station outside normal working hours.

The police officer might not let you call anyone if you are in custody for drink- or drug-driving.

The police officer might not let you call anyone if they reasonably believe your phone call may:

- help another person involved in the crime get away
- lose, change or destroy **evidence**
- put other people in danger.

How long can the police keep me in custody?

The police can only keep you in custody for a 'reasonable time' before they charge you. The law does not say what a reasonable time is. This depends on the seriousness of the offence and how long it takes the police to interview you.

If you think the police have kept you in custody for too long:

- ask when they are going to charge you or release you
- ask to phone a lawyer
- make a complaint later. **See** 'Making a complaint' on page 40.

What happens to my things when I go into custody?

If the police are holding you in a police cell they will take your things. They must list all your things on a property sheet. They will then ask you to sign the sheet to show that you agree with them about what they took.

The police must give back your things when you leave custody. They do not have to do this if they are keeping your things as evidence or it was illegal for you to have these things. For example, drugs or weapons. In this case the police will destroy them. **See** 'Can the police seize my things?' on page 31 for more information.

The police have a warrant out for me. What will happen?

The police will use a warrant to arrest you. They can:

- keep you in custody until you go to court
- give you bail from the police station.

You can also ask for bail if police keep you in custody. **See** 'Bail' on page 27 for more information.

Getting help when in custody

Interpreters

You can ask the police officer for an interpreter if you do not understand English very well. The interpreter must be qualified. A relative cannot be an interpreter. You do not have to pay for this. The police will pay.

Aboriginal and Torres Strait Islander Australians

The police must tell the Victorian Aboriginal Legal Service (VALS) that they are holding you in custody. Someone from VALS will speak to you and offer support and advice. You can choose what parts of the advice you want to follow.

The police must also contact an Aboriginal Community Justice Panel if there is one nearby. The Aboriginal Community Justice Panel makes sure Aboriginal and Torres Strait Islander people are looked after properly when dealing with the police, courts or prisons. Someone from the panel can give you support and advice. The police may release you into the panel member's care if what happened is not too serious.

Health needs and drug addiction

You can see a doctor if you need to. Ask the police officer to get you one. The police officer can also call a nurse who can help you with medicine or treatment.

The police should help you get your medicine if you have a prescription. This includes prescriptions for methadone and buprenorphine (bupe).

Ask for your medication or medical help before an interview starts. You might need this to get through the interview.



INTERVIEWS AND STATEMENTS

Interviews

What is the police 'caution'?

The police officer must caution you and tell you your rights before they start the interview.

To caution you police will say:

'I must inform you that you do not have to say or do anything but anything you say or do may be given in evidence.'

Do you understand that?'

This means that you do not have to answer any questions. If you do answer questions, police can use what you say as evidence.

The police officer will then tell you your rights. They will say:

'I must also inform you of the following rights:

- You may communicate with or attempt to communicate with a friend or a relative to inform that person of your whereabouts
- You may communicate with or attempt to communicate with a legal practitioner.'

This means you can make two phone calls. One to a friend or family member and one to a lawyer.

These rights are for your protection. It is a good idea to use them. For example, tell the police officer if you want to call a friend, relative or lawyer. Do this as soon as the police officer cautions you. Do not start talking to the police until you have made the call.

Ask the police officer to explain the caution and your rights in more detail if you do not understand what they are saying.

Are the caution and interview recorded?

Police will record the caution and interview if it is a serious crime. They can record on camera, or your voice only. Tell the police if you do not want to be on video. They can turn the camera away to record your voice only.

If the police are questioning you in the police station and they want to use this information as evidence against you in court, they must audio record any questions they ask you as well as your answers.

Note: if police interview you on the street for a **summary offence**, they may not record you.

Summary offences include things such as most driving **offences**, begging, offensive behaviour, being drunk in a public place and some assaults. Police will caution you and then write down any answers you give. These answers can be used as evidence against you in court.

Should I answer the questions in the interview?

If you are in custody, always get legal advice and explain your side of the story to a lawyer before giving an interview.

You do not have to answer any questions except for name and address. You can say 'No comment' or say nothing after the caution. If you answer some questions, you can always go back to answering, 'No comment' or saying nothing at any time. However, it is better either to answer all questions or say 'No comment' to all of them.

Do not lie in an interview. The police can use any lies you tell to try to prove that you are lying about other things.

Do I get a copy of the interview?

Yes. The police officer must give you a copy of the interview. This copy is important for your lawyer. Keep it safe.

Do the police know what penalties I will get if I go to court?

It is the **magistrate** or judge who decides what your **penalty** is.

It is best to talk to a lawyer about penalties.

What happens after the police have interviewed me?

The police may:

- let you leave custody without **charging** you
- let you leave custody and charge you later. The police will **charge** you when they give you a **summons**
- let you leave custody and give you a **notice to appear**. You will have to go to court within 14 days
- charge you but let you leave on **bail**
- charge you and keep you in custody until the court is open or a **bail justice** can come to the police station. A magistrate or bail justice decides if you will be released on bail. **See** 'Being released from custody' on page 27.

The police said they would charge me but I have not received anything in the mail. What do I do now?

Call your lawyer for an update before you call the police.

The police want to interview me. Can they arrest me if I refuse to go in for an interview?

Police cannot **arrest** you just to do an interview. However, they can arrest you if they think you have committed a serious crime. If you agree to go to the police station to be interviewed, police may arrest you when you arrive.

You should speak to a lawyer before doing an interview with police.

Statements

What is a statement?

A **statement** is signed document of what you say happened. Police may ask you to make a statement as a **witness** or a **suspect**.

Do I have to make a statement if I am a suspect of a crime?

No. The only questions you must answer are your name and address. If you do make a statement, the police may charge you because of what you say. Police will charge someone when they believe there is evidence to show that person broke the law. Sometimes the only evidence against a person is what they said in their statement.

Get legal advice if you want to make a statement.

Do I have to make a statement if I witness a crime?

No. The police cannot force anyone to make a statement.

Do I have to sign the statement?

Yes. If you make one, read the statement carefully before you sign it. It is a crime to sign a false statement. Do not sign the statement unless you agree with everything in it. You can change the statement before you sign it.

Can I make a statement that I do not want the police to investigate?

Yes. You can make a statement of 'no complaint' if you do not want the police to charge someone because of what you say.

However, the police can use your statement to go after the person who broke the law. Police may do this if they think it is the public interest. Police will do this based on:

- how serious the crime is
- if the crime is one of a series (for example, committed by a 'serial' offender)
- if the case is easy to solve
- how busy the police are.

Can I take back my statement?

No. All statements you make will stay on the police record.

You can make a second statement of 'no complaint' if you do not want police to charge the person. However police can still charge the person if they think it is in the public interest.

Getting help when being interviewed or making a statement

I need an interpreter

You can get an interpreter. An interpreter may come to the police station. Interpreters can also talk with you and the police officer by phone. The interpreter must be qualified. A friend or relative cannot be your interpreter. You do not have to pay for this. The police will pay.

If you do not have an interpreter, the police cannot use the information you give them in the interview as evidence.

However, police do not have to get an interpreter for drink- or drug- driving offences.

I am under 18

You must have a parent, guardian or an **independent person** with you. Police cannot question you without one of these people there.

I have a cognitive impairment

You must have an **Independent Third Person** with you. **See** 'Cognitive impairment' on page 29.

I have a mental illness

If police think you cannot do an interview because of a mental illness, they may get for a medical officer to assess you. **See** 'Mental illness' on page 30.

PHOTOS, ID PARADES, FINGERPRINTS AND BODY SAMPLES

Photos

Will the police officer take my photo?

The police may want to take a photo of your face. Police can use this photo to tell who you are:

- in a police cell
- if you are let out on bail, and you must report back to a police station as part of your **bail**.

Do I have to have my photo taken?

No. You can say 'No' if police want to take a photo of face or any other part of you. For example, you can refuse to let the police officer take photos of any injuries or tattoos. The photo might end up being used as **evidence** and can stay on the police database.

The police officer cannot use any force to take your photo.

You can complain if the police officer takes your photo without your permission.

See 'Making a complaint' on page 40.

In some cases, the police may get a **court order** so they can take a photo of you.

ID parades

What is an ID parade?

This is when the police ask a **witness** to look at a line-up of people to see if they can pick out the person who committed the crime.

Do I have to be in an ID parade?

No. The witness could make a mistake and pick you when you did not commit the crime. Speak to a lawyer before deciding to be in an ID parade.

Fingerprints

What is fingerprinting?

This is when someone takes prints of your fingers, palms, toes or soles of feet.

The police may take fingerprints by:

- covering the surface of the fingertips with ink and pressing them onto paper
- using a finger-scan device.

Do I have to give my fingerprints?

The rules depend on your age:

- **Under 10** – police cannot take your fingerprints.
- **10 to 14** – your parent or guardian must be with you when police ask to take your fingerprints and when police take your fingerprints. Normally you and your parent or guardian must agree before the police officer can take your fingerprints. The police officer can ask the Children’s Court for permission if you say no.
- **15 to 17** – your parent, guardian or an **independent person** must be with you when police ask to take your fingerprints and when police take your fingerprints. Police can use **reasonable force** if you say no.
- **18 and over** – the police officer can take your fingerprints. Police can use reasonable force if you say no. Police do not need anyone else there when they ask for or take your fingerprints.

The police must record themselves taking your fingerprints on video if you are 17 or younger.

The police officer can only take your fingerprints for **indictable offences** and more serious **summary offences**. For example, assault.

The police officer cannot take your fingerprints for less serious crimes. For example, littering.

The federal police have slightly different laws about taking fingerprints.

If you have a cognitive impairment an **Independent Third Person** can be with you when police ask for or take your fingerprints. For more information **see** ‘Cognitive impairment’ on page 29.

Who takes the fingerprints?

The police officer. They do this after you have been **arrested**.

Get legal advice if you are not happy with the way the police officer has treated you.

See ‘Where to get help’ on page 44.

How long can the police keep my fingerprints for?

If you are not charged, or found not guilty

The police must destroy your fingerprints after six months if they have not charged you with a crime. The police must also destroy your fingerprints if a court has found you not guilty of the offence. You can ask the police if they have destroyed your fingerprints.

If you are found guilty

If you are over 18 and found guilty of an offence, your fingerprints will be kept forever.

If you are under 18 and are found guilty of an offence that is not very serious, the police will keep your fingerprints until you are 26. The police will destroy your fingerprints if you are not found guilty of anything else by the age of 26.

Body samples

What is a body sample?

This is when body cells are taken from your body.

Intimate body samples are taken from private or sensitive parts of your body. They can include:

- blood, saliva or pubic hair
- anal, genital or breast swabs
- mouth or dental impressions.

Non-intimate body samples can include:

- samples of hair
- fingernail or toenail scrapings
- some external body swabs.

Body samples can be used to get a DNA sample. This can be used as evidence at court. Your DNA sample will be stored on a DNA database if you are found guilty. The database is used to try to find out who committed unsolved crimes.

When can the police ask for a body sample?

The police can ask for body samples if they reasonably believe that the body samples will show that you:

- committed a serious crime
- did not commit a serious crime.

Do I have to give a body sample?

Speak to a lawyer before agreeing to give a body sample.

If you say no to a body sample the police may still be able to get one. There are different rules depending on your age, what you have been charged with and what type of sample the police want to take.

- **Under 10** – the police cannot force you to give a body sample.
- **10 to 14** – the police must get a court order for any type of body sample. A parent, guardian or independent person must be with you if the police take a body sample.

- **15 to 17** – if the police think you have committed a very serious offence (like carjacking, home invasion or manslaughter) they can take blood, hair or saliva samples or a mouth scraping. If the police want a pubic hair sample, breast or genital swab, they need a court order. Police also need a court order for any type of body sample if you are charged with a less serious offence. A parent, guardian or independent person must be with you if police take a body sample.
- **18 and over** – you can always say no. However, the police may take blood, saliva or hair samples or a mouth scraping if they reasonably suspect you have committed a very serious offence, such as robbery, burglary, serious drug or sexual offences. If the police want a pubic hair sample, breast or genital swab, they need a court order. If you are charged with a less serious offence, the police also need a court order.

If you have a cognitive impairment the police officer must get an Independent Third Person to be with you when asking for or taking a body sample. See ‘Cognitive impairment’ on page 29.

Sometimes a senior police officer (the senior sargent) can take a non-intimate body samples. For example nail scrapings. The senior sargent can do this even if you do not agree. They do not have to ask the court.

Talk to a lawyer if you are unhappy with police taking your body sample. See ‘Where to get help’ on page 44.

What if I was in a vehicle accident?

You may have to give a blood sample. The police may also direct you to give a mouth swab. These are tests to see if you have illegal drugs in in your system.

Who takes the body sample?

Non-intimate body samples

The police officer can take non-intimate body samples from you.

Intimate body samples

A qualified doctor, nurse or dentist must take intimate body samples. A police officer cannot take intimate body samples.

Where possible, the doctor or nurse must be the same sex as you if they are taking an intimate sample or examining an intimate part of your body.

A dentist taking a dental impression does not have to be the same sex as you.

The police officer must tell you that you do not have to answer any questions asked by the doctor, nurse or dentist. They must tell you this before the body sample is taken.

How long can the police keep my body sample for?

If you are found not guilty or not charged

The police must destroy body samples after 12 months if they have not charged you with a crime in that time. The police must also destroy body samples if a court finds you not guilty of the crime police took the body samples as evidence for.

If you are found guilty

If you are found guilty and you are an adult, your body sample will be kept forever.

If you are under 18, police can ask to keep your body sample. The police will destroy your body sample when you are 26 if the original offence was not very serious and you are not found guilty of anything else by the age of 26.



BEING RELEASED FROM CUSTODY

Release

When police let you go from **custody** they will ask you 'Are you satisfied with your treatment by police here today?' and 'Has all your property been returned to you?'

If you answer yes to the questions, you agree that the police:

- gave you all of your things back (except anything that they will use as **evidence** or anything illegal)
- treated you reasonably.

You do not have to agree if you do not want to.

Bail

What is bail?

Bail means the police release you from custody if you promise to go to court later to face the charges against you. To make this promise, you sign an '**undertaking** of bail' form.

To get bail, you may have to agree to conditions such as:

- reporting to a police station
- living at a certain place
- having someone act as a surety for you. This is someone who promises money or property to the court to make sure you go. If you do not go to court, that person could lose their money or property.

You must follow your bail conditions. It is a crime to **breach** your bail conditions without a reasonable excuse. You could pay a large fine or go to jail for three months if you do not follow your bail conditions.

How do I get bail?

Police can give you bail at the police station. You can also ask for bail. Police can do one of two things:

- take you to court within a reasonable time. The **magistrate** will decide if you get bail
- get a **bail justice** to come to the station if the court is closed. For example, if it is on a weekend. If the bail justice does not give you bail, you stay in custody until the police can take you to court.

Can I get help applying for bail?

Yes. You can get help at court. Ask to see a lawyer. A lawyer can give you advice about your chances of getting bail. They may apply for bail for you or tell you if it is better for you to apply for bail yourself.

A lawyer can also help you apply for bail if the magistrate does not give you bail the first time. You will stay in custody until the next time you go to court. For contact details of lawyers **see** 'Where to get help' on page 44.

If you have a cognitive impairment, an **Independent Third Person** must be with you if a bail justice comes to the police station to do the bail hearing. Police must get the Independent Third Person for you. For more information about Independent Third Persons, **see** 'Cognitive impairment' on page 29.

What if I commit a crime on bail?

You will be charged with both the new crime and a new charge of 'offending on bail'. You may not be given bail for the new **offence**.

Being charged

Note: children under the age of 10 cannot be charged with a crime.

Being charged means you will have to go to court. The police may charge you after they **arrest** you. Police might send you documents saying you are charged later.

The police charge you by giving you a **summons** and charge sheet or a **notice to appear**. These will tell you:

- what crime the police believe you committed
- when you have to go to court.

There will be different steps to take depending on what the police give you. Get legal advice as soon as you get a summons or a notice to appear.

Going to court can be stressful. Read a copy of our free booklet *Your day in court* or visit our website www.legalaid.vic.gov.au. **See** the back of this booklet for information about ordering publications.

COGNITIVE IMPAIRMENT

What is cognitive impairment?

Cognitive impairment includes:

- intellectual disability
- acquired brain injury
- dementia
- autism spectrum disorder.

Who is an Independent Third Person?

This is someone who is specially trained to help you deal with and talk to the police if you have a cognitive impairment.

An **Independent Third Person** can help you understand your rights and explain information to you. However, they do not make decisions for you and cannot give legal advice.

When will the police get an Independent Third Person to be with me?

The police must get an Independent Third Person to be with you if they know you have a cognitive impairment and the police want to interview you. The Independent Third Person must be with you if you are a **suspect**, victim or **witness**.

If you have a cognitive impairment you can also have an Independent Third Person when the police:

- ask you for your fingerprints or take them
- do a **bail** hearing at a police station with a **bail justice**.

The police can get an Independent Third Person from the Office of the Public Advocate.

For more information and contact details for Independent Third Persons, **see** 'Where to get help' on page 44.

What happens if the police do not get an Independent Third Person?

The police officer cannot use the information you gave them as evidence in court. However, the judge or **magistrate** may let the police officer use the information if they did not know you had a cognitive impairment.

Do I get an Independent Third Person if I have a mental illness?

No. If you have a mental illness, police may get a medical officer to see if you are able to be interviewed.

MENTAL ILLNESS

What is a mental illness?

A mental illness includes but is not limited to:

- depression
- schizophrenia
- bi-polar disorder.

Mental health laws

When can a police officer 'apprehend' me?

Apprehend means the police stop you. You are not free to leave.

Under mental health laws, a police officer can apprehend you if they believe two things:

- you have a mental illness
- you need to be stopped from seriously harming yourself or others.

The police officer does not have to ask a doctor or psychologist if you have a mental illness. They can apprehend you based on their own judgement about how you look and what you are doing. The police officer can enter a property to apprehend you. They can also apprehend you in the street.

Police can use **reasonable force** to physically restrain you and take you to a mental health service.

A police officer can also apprehend you if you left the mental health service without permission. Police can take you back there. They can use reasonable force to do this.

Can the police officer touch me?

Yes. The police officer can physically restrain you. For example, hold you down. They can do this if:

- they tried all other reasonable and less restrictive ways to stop you and they could not
- it will stop you seriously harming yourself or another person.

What happens after they apprehend me?

The police must take you to a registered medical or mental health practitioner as soon as they can. The practitioner will examine you for a mental illness.

The practitioner will decide if you should be on an assessment order. This may mean you are admitted into a hospital without your **consent** to get treatment for a mental illness.

What if I am made a compulsory patient?

You must stay in a hospital to get treatment. If you are in the community, you can be forced to have treatment. For example, go to the clinic to be given medication. You can **appeal** to the Mental Health Tribunal. Contact Victoria Legal Aid for help. **See** 'Where to get help' on page 44.

You can also contact the Independent Mental Health Advocacy (IMHA) to support you to give your views on your treatment. **See** 'Where to help' on page 44.

Can the police search me before I go to hospital?

Yes. The police may search you if they think you have something that:

- is a danger to the health and safety of you or another person
- could help you escape.

Before the search the police must:

- tell you they are searching you
- tell you why the search is it is reasonable
- tell you if they are going to take off your clothes it search and the reason why
- ask for your co-operation with the search.

Police must search you in a way that:

- gives you reasonable privacy
- is as quick as it can be.

If you are 16 years or younger, a parent or another adult must be there when the search happens.

A pat-down search must be conducted by a person of the same sex. **See** 'Pat-down search' on page 9.

Can the police seize my things?

Yes. If the police **seize** anything they must write a report that includes:

- your name
- the date
- what has been taken and kept.

Police may give your things to the mental health service for them to keep safe.

MOVE ON POWERS

When can police ask me to move on?

The police can tell you to move on from a public place if they **reasonably believe** that you are:

- **breaching the peace** (or likely to do so)
- putting another person in danger (or likely to do so)
- likely to injure someone or damage property
- likely to be a risk to public safety.

Police may tell you to stay away from the public place for up to 24 hours. If you do not move on or stay away, police can give you an on-the-spot fine or **arrest** you.

Note, Protective Services Officers (PSOs) can also move people on from certain designated public places. This includes in and around railway stations. They can issue on-the-spot fines if you do not leave and stay away. **See** 'Protective Services Officers' on page 38 for more information.

Police and PSOs cannot give you an on-the-spot fines for not moving on if you are under 18.

Can a police officer ask me to move on because I am protesting?

Generally, no. The police cannot ask you to move on if you are:

- picketing a job site
- protesting about a particular issue
- standing in a group with a sign or behaving in a way to advertise your view about an issue

But a police officer can tell you to move on if you are protesting and you:

- put the safety of another person in danger (or are likely to do so)
- are doing something that is likely to injure someone or damage property.

Police can arrest or fine you if harass, intimidate or try and stop someone within 150 meters of an abortion clinic.

TRAFFIC OFFENCES

The police have certain powers with traffic **offences**.

When can police pull me over?

The police can stop your vehicle anytime:

- to ask for your name, address and driver's licence or learners permit
- to give you a random breath test or saliva test
- to assess if you took drugs. Police can do this if they think you are doing something to suggest you have taken drugs
- if they believe you broke the law. For example, if you were speeding.

The police officer must stop the vehicle safely.

The police cannot use racial profiling when they work. This means they cannot use race, colour, ethnicity, ancestry or religion as the main reason to stop someone. If you think this has happened to you, **see** 'Making a complaint' on page 40.

Do I have to do a breath or drugs test?

Yes. Otherwise the police officer can charge you for refusing to take the test.

Can the police search my car?

A police officer can only search your car if they have **reasonable belief** that you have illegal drugs, weapons or stolen goods. For any other reason, police will need a **warrant**.

Can I ask the police anything?

You can always ask the police officer why they pulled you over. If you are not happy with what they say, you can complain. **See** 'Making a complaint' on page 40.

Can police give me a fine when I am driving?

Yes. Police can fine you for:

- careless driving. For example, running into the back of someone else
- drink-driving
- speeding
- driving through a red light
- not wearing a seat belt
- driving without a licence
- driving an unregistered vehicle
- using a mobile phone illegally while driving or stopped in traffic.

Instead of fining you, the police can also choose to charge you and then give you a **summons** or **notice to appear** to go to court.

For more information **see** 'Fines' on page 36.

What is a warning?

A warning means the police do not fine or charge you and you do not have to go to court. A police officer can give you warning for minor traffic offences. A warning will not go on your **criminal record**.

If you keep committing the same traffic offence, the police can fine you or take you to court.

You can ask for a warning for some traffic offences. For example, if you were speeding you can ask the police for a warning if:

- you have a full current driver licence or are on your Ps. You cannot apply if you are on a learner permit
- you have not got a speeding fine, other traffic fine or official warning in the last two years
- you were doing less than 10 km/h over the speed limit and you agree that you were speeding.

The police officer decides if you get a warning. The court does not have the power to decide this.

Can a police officer suspend my licence?

Yes. Police can suspend your licence if you:

- are driving over 25 km/hr over the speed limit
- are drink- or drug- driving
- refuse to take a for drugs or alcohol test.

Police can also give you a fine and then suspend your licence later. They do this by sending you an immediate suspension notice. This means that you cannot drive from the day you get the notice until you go to court.

If your licence is suspended you cannot drive for a period of time. There are serious penalties if you do drive in this time. This could mean a large fine or even going to jail.

The courts and VicRoads can also suspend your licence.

Can a police officer impound or immobilise a car?

Yes. A police officer can impound (lock up in a secure place) or immobilise (wheel clamp or steering wheel lock) your car for 'hoon driving' offences. Some hoon driving offences are:

- speeding over the limit by 45 km/h or more
- driving at 145 km/h or more
- being involved in a speed trial or road race
- driving without a licence or disqualified
- driving when your blood alcohol concentration is 0.10 or more
- driving without of alcohol interlock when your licence says you need one
- driving without proper control of a vehicle
- ignoring a police direction to stop.

Your car will only be impounded or immobilised for a certain amount of time.

Police may apply to the court to permanently take away your vehicle if you are found guilty of these offences repeatedly.



FINES

What is a fine?

A fine is money the police, court or other authority makes you pay as a punishment for breaking a law or committing a crime.

A fine is also called an 'infringement notice.'

When can the police fine me?

A police can give you a fine for some crimes, such as the ones below.

Disorderly conduct

Police can give on-the-spot fines to anyone they think is behaving in a disorderly manner in a public place. The law does not say what 'disorderly conduct' is exactly. If you **appeal** in court, a **magistrate** will decide what disorderly conduct is.

Police cannot fine anyone for disorderly conduct if they are demonstrating, protesting or picketing about a political issue or expressing their point of view.

Public drunkenness

Police can fine you for being drunk in public. They may also take you into **custody** for your own safety.

Not moving on

Police and Protective Services Officers can tell you to move on and stay away from a public place in certain situations. **See** 'Move on powers' on page 32.

Weapons fines

If you carry a knife, gun or other weapon, you could be fined thousands of dollars and go to jail for up to two years.

Traffic fines

See 'Traffic offences' on page 33.

What do I need to do with the fine?

If you agree that you broke the law, you can pay the fine. You can ask to pay it over time. This is called paying by instalments. There will be instructions on the fine about how to pay it. Fines Victoria sends out fines and collects payments.

If you believe you did not break the law, you can challenge the fine. You will have 21 days to either:

- ask for a review
- appeal the fine to the Magistrates' Court.

Special or exceptional circumstances

You could also agree you broke the law but there were ‘special’ or ‘exceptional’ circumstances that led to you breaking the law.

It can be hard to argue you did not break the law or to show you have special or exceptional circumstances. Speak with a lawyer. **See** ‘Where to get help’ on page 44.

There is a special scheme for victim/survivors of family violence who get fines. Speak to a lawyer for more information.

There is a special scheme for vulnerable people and people suffering acute financial hardship which offers alternatives to paying a fine. Speak to a lawyer for more information.

Read our free booklet *Fines the Law and your options* for more information. See the back of this booklet for help ordering publications. You can also find more information about fines on:

- www.legalaid.vic.gov.au
- www.online.fines.vic.gov.au
- www.finefixer.org.au



PROTECTIVE SERVICES OFFICERS

What is a Protective Services Officer?

Protective Services Officers (PSOs) work in and around train stations. They aim to make you and other community members feel safe while on public transport. They also work at places like courts and Parliament House. PSOs have similar powers to police officers when they are working within a 'designated place.'

What is a designated place?

- train stations
- car parks next to train stations
- roads tunnels, footpaths or bike paths that go to a train station
- bus stops, tram stops or taxi ranks next to train stations.

What powers do PSOs have in designated places?

Asking for name and address

PSOs can ask for your name and address. You must give them your name and address if:

- they think you committed a crime or you are about to commit a crime
- they **reasonably believe** you are under 18 and have drunk, are drinking or are about to drink alcohol
- you have seen a crime.

PSOs can also give you a **caution** if you do not give them your name and address. They can also take the alcohol off you.

Arrest

PSOs can **arrest** you if they reasonably believe you:

- committed an **indictable offence**
- are drunk or drunk and disorderly
- committed a public transport **offence** or graffiti offence
- are under 18 years old, and drank or are about to drink alcohol and you do not give your name and address.

Other powers

PSOs can also:

- take alcohol from you if you are under 18
- fine you if you are over 18 and you gave alcohol to someone under 18
- fine you for some other crimes
- take you to a safe place if you are under 18 and they believe you have been chroming (inhaling fumes from a spray can) and might harm yourself
- tell you to move on if you are disturbing, annoying or making other people unsafe or may damage property. This includes getting in the way of police officers, PSOs or authorised officers (ticket inspectors)
- **apprehend** a person who appears to be mentally ill and could seriously hurt themselves or someone else
- search you for drugs or weapons if they reasonably believe you have these
- search you and your car for spray cans, textas and other graffiti implements if they reasonably believe that you are over 14 and you are carrying these implements.

Before conducting a search, the PSO must give you their name, rank and place of duty. After the search, the PSO must give you a record if you ask for it.

A PSO can use **reasonable force**.

Do PSOs always have powers?

No. PSOs do not have any powers outside of their working hours.

PSOs only have powers in and around designated places. What is 'around' a designated place can be broad. For example, if you break the law in a train station a PSO can follow you out of the train station to arrest you.

What if a PSO has treated me unfairly?

You can make a complaint the same way you would about a police officer. See 'Making a complaint' on page 40.

MAKING A COMPLAINT

Do I have a right to complain about the police?

Yes. There are limits on a police officer's authority and how they should behave when doing their job. You have a right to be treated fairly.

Anyone can complain about the police. It does not matter how old you are.

When should I make the complaint?

As soon as you can. Talk to a lawyer, especially if the police have **charged** you. You can get free legal advice from Victoria Legal Aid or a community legal centre. **See** 'Where to get help' on page 44.

What do I put in my complaint?

Write down everything you remember such as:

- what happened
- the date and time
- the names of the police, their rank and the station where they work. You can ask for these details when the incident happens if you feel safe to do so.

If you have been physically hurt you should:

- See a doctor straight away.
- Get someone to take a photo of your injuries. Photos taken on your phone might not be good enough. Ask your doctor about specialist doctors who can take proper photos.
- Write down as much as you can about who hurt you. Include their name, rank and the police station where they work.
- Write down what happened and who said what.
- Write down the names and contact details of any **witnesses**.
- Write down the name of the last person to see you before you were hurt and the first person to see you after you were hurt. Ask them to write down what happened as soon as they can.
- Contact a lawyer who can help you complain. **See** 'Where to get help' on page 44.

Where do I make my complaint?

Police Conduct Unit

All complaints about Victorian Police can be made to the Police Conduct Unit. This is part of Victoria Police. You can fill out a complaint form on the Victoria Police website. You can also contact them to discuss your complaint.

Police Conduct Unit

GPO Box 913 Melbourne VIC 3001

Tel: 1300 363 101

Go to the police website www.police.vic.gov.au and follow the 'Compliments and complaints' link.

You can also complain to the officer-in-charge at the station if you feel comfortable and safe doing so.

Independent broad-based anti-corruption commission

You can complain to the Independent broad-based anti-corruption commission (IBAC). IBAC is not part of Victoria Police.

IBAC investigates serious corruption and police misconduct. They do not investigate everything. IBAC refers most complaints to the Police Conduct Unit. They can also refer complaints to other places.

You can complain using the online complaint form on the IBAC website. You can also call IBAC and ask them to send you a complaint form.

You can make a complaint without giving your name.

Independent broad-based anti-corruption commission

GPO Box 24234 Melbourne VIC 3001

Tel: 1300 735 135

Go to the IBAC website www.ibac.vic.gov.au and follow the 'How to make a complaint' link under the 'Reporting corruption' header.

Commonwealth Ombudsman

You can make a complaint about the Australian Federal Police through the Commonwealth Ombudsman. They have a complaint form on their website.

Commonwealth Ombudsman

GPO Box 442 Canberra ACT 2601

Tel: 1300 362 072

Go to the Commonwealth Ombudsman website www.ombudsman.gov.au and follow the 'Making a complaint' link.

Can I take the police to court?

Yes. You may be able to sue Victoria Police for compensation and damages if you believe a police officer has caused you serious suffering and loss. You will need **evidence**. These cases are usually very serious. Get legal advice as soon as you can after the incident. In general, you must take action within three years of the incident.

Help making a complaint

Stress and emotional health

A bad experience with a police officer can be stressful. It may affect your health and relationships. You can get free support and help to deal with this. **See** 'Other services' on page 45.

Aboriginal and Torres Strait Islander Australians

The Victorian Aboriginal Legal Service (VALS) can help if you want to complain about the police. Contact VALS to get information, support and free legal advice about your options. **See** 'More legal help' on page 45.

Lesbian, gay, bisexual, transgender and/or intersex (LGBTI)

Contact a Victoria Police LGBTI Liaison Officer (GLLO) if you are worried about dealing with police officers or are not happy with how the police handled your complaint. **See** 'Other services' on page 45.

For assistance in making a complaint

The Flemington & Kensington Community Legal Centre may be able to assist you in making a complaint through their police accountability project. Contact them on (03) 9376 4355, or visit their website www.policeaccountability.org.au for more information.

Racial discrimination

If you believe that a police officer treated you badly because of your race or religious background, you can complain to the Victorian Equal Opportunity and Human Rights Commission or the Australian Human Rights Commission. **See** 'Other services' on page 45.

Human rights

You have rights, freedoms and responsibilities under the *Victorian Charter of Human Rights and Responsibilities Act 2006*. Victoria Police must consider these rights and freedoms when they do their jobs.

For more information about the charter, visit the Human Rights Commission website (www.humanrightscommission.vic.gov.au) or call 1300 292 153 (free call).

If you believe police did not respect your rights, contact Victoria Legal Aid or a lawyer. See 'Where to get help' on page 44.

Note: international human rights law requires that an independent body investigates complaints of torture and ill-treatment by police.



WHERE TO GET HELP

Victoria Legal Aid

Legal Help

For free information about the law and how we can help you, visit our website www.legalaid.vic.gov.au or call 1300 792 387 Monday to Friday, 8 am to 6pm, excluding public holidays.

Do you need help calling us?



Translating and Interpreting Service

Tel: 131 450



National Relay Service (free)

TTY users: call 133 677

Speak and Listen users: call 1300 555 727

Internet relay users: Go to www.internet-relay.nrscall.gov.au/ and enter 1300 792 387

Local offices

We have offices all over Victoria. Our offices are open Monday to Friday, 8.45 am to 5.15 pm.

See the back cover for office locations.

All offices are accessible to people with a disability.

Flemington & Kensington Community Legal Centre (FKCLC)

The FKCLC runs a state-wide, specialist police accountability legal practice offering casework, advice, support and advocacy.

Tel: (03) 9376 4355

Email: fklegal@fkclc.org.au

Website: www.policeaccountability.org.au

More legal help

Federation of Community Legal Centres

Call to find your nearest community legal centre.

Tel: (03) 9652 1500

Website: www.fclc.org.au

Law Institute of Victoria

Referral to a private lawyer

Tel: (03) 9607 9550

Website: www.liv.asn.au

Victorian Aboriginal Legal Service

Tel: 1800 064 865

Website: www.vals.org.au

Other services

Australian Human Rights Commission

Tel: 1300 656 419

Website: www.humanrights.gov.au

Independent Mental Health Advocacy (IMHA)

IMHA is a non-legal advocacy service that supports people on compulsory treatment orders to have a say about their assessment, treatment and recovery.

Tel: 1300 947 820

Website: www.imha.vic.gov.au

Kids Help Line

Free, confidential and anonymous 24-hour telephone and online counselling service for young people.

Tel: 1800 551 800 (free call)

Website: www.kidshelpline.com.au

Lifeline

Free, confidential and anonymous 24-hour telephone counselling service for adults.

Tel: 13 11 14 (local call cost)

Website: www.lifeline.org.au

Mental Health Tribunal

Tel: 1800 242 703

Website: www.mht.vic.gov.au

Office of the Public Advocate – Independent Third Person

Tel: 24-hour service 1300 309 337 (all callers) or 1300 305 612 (TTY)

Victoria Police, Custodial Risk Management Unit

Tel: (03) 9247 6988

Victoria Police GLLO Program

Lesbian, gay, bisexual, trans and/or intersex (LGBTI) Liaison Officers.

Tel: (03) 9247 6944

Email: melbourne.gllo@police.vic.gov.au

Victorian Equal Opportunity and Human Rights Commission

Tel: 1300 292 153 TTY: 1300 289 621 Email: enquiries@veohrc.vic.gov.au

Website: www.humanrightscommission.vic.gov.au

Youth Referral and Independent Person Program

Tel: (03) 9340 3777

Website: www.cmy.net.au/yripp

Useful Victoria Legal Aid resources

To order publications

We have free booklets about the law in English and other languages. Visit www.legalaid.vic.gov.au to order or download booklets. Call (03) 9269 0234 and ask for Publications to find out more.

Our public law library

Open Monday to Friday, 9 am to 5 pm
570 Bourke Street
Melbourne VIC 3000



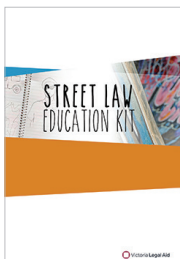
Fines

This booklet is for anyone who has been fined in Victoria. It gives you options for dealing with your fines.



Your day in court

This booklet is for anyone who has to go to the Magistrates' Court because they have been charged with a criminal offence.



Street Law (education kit)

A free legal education kit to help young people understand their rights when dealing with police and protective services officers (PSOs) in Victoria.

Watch me on 

Watch our community legal education videos.

Police powers: Your rights in Victoria

Victoria Legal Aid

For free information about the law and how we can help you, please visit our website www.legalaid.vic.gov.au or call Legal Help on 1300 792 387.

For business queries, call (03) 9269 0234

Offices

Melbourne

Suburban offices

Broadmeadows

Dandenong

Frankston

Ringwood

Sunshine

Regional offices

Bairnsdale

Ballarat

Bendigo

Geelong

Horsham

Mildura

Morwell

Shepparton

Warrnambool

Flemington & Kensington Community Legal Centre

Tel: (03) 9376 4355



Publication orders

To download or order our publications in English or other languages go to www.legalaid.vic.gov.au

If you need help ordering online please call (03) 9269 0234 and ask for Publications or email cle@vla.vic.gov.au