

Police Powers & Your Legal Rights

Disclaimer - Please note "laws" are administered differently between states & federal lands. This document is purposed to Vic law. More legal info see legalaid.vic.gov.au. #AlwaysWasAlwaysWillBe

Arrest & Personal Details

Police have the right to ask for your name and address only if they reasonably believe that you have committed, or are about to commit any offence, or you may be able to assist in the investigation of an indictable (serious) offence. You are legally under no obligation to talk to or answer anything to the police unless this is the case.

Police must formally tell you they are arresting you. You should always ask the police officer, "Am I under arrest?" and "What for?" Remember what they say. In most cases, it is necessary for police to inform you of the reason for the arrest.

Refusal to provide your name and address could result in an additional charge if police arrest you. If you resist arrest and/or assault police in doing so, you may receive more serious additional charges. Police are not required to give you a warning prior to arresting you, but often they will.

Besides giving your name & address, you have the right to refuse to answer any other questions. It is important to exercise your right to say assertively NO Comment. You have the right to remain silent. Anything you do say to the police can be used as evidence against you in court, or in the police decision whether or not to charge you.

You have the right to know why you are being arrested and the arresting officer's name, rank & station. They must give it to you if they have asked for your name & address. Police should have name badges on as per uniform requirements not necessarily legal requirements. You or others are legally allowed to film Police.

Once under arrest, you are in the custody of Police. Police do have a duty of care for your wellbeing and if you feel your wellbeing is at risk please state loudly "you are breaching your duty of care".

Searching & Property

Police may search you if you're under arrest or if they reasonably believe that you have committed, or are about to commit any Offence. Police must respect your dignity when searching by limiting any public search to a pat down, if possible by a police officer of the same gender. Police may perform a strip-search in a private place such as a police station & can ask to perform an internal body search (you may refuse this).

They may remove/seize your property if you're under arrest including your phone. Anything you have on your person's when arrested may be kept as evidence until court proceedings have finished. Police will provide you with a property list of things they have taken. If you are reliant on medication, you may tell police you need to keep that on your persons.

Taken To Police Station

You can be held in custody for as reasonable amount of time as Police deem that they need to charge you. Generally, it won't be more than 4 hours, though it may be longer if serious offences are suspected to have been committed.

Police may ask for medical/mental health history & ATSI identify. There is no legal obligation to answer these questions. If you think the police knowing about these things is helpful to being processed, you may answer them. If you do state your ATSI identity, the Vic Aboriginal Legal Service must be notified by Police & you may utilize their advice/support. If you need a doctor/Healthcare, tell the police and they may give you access.

You have the right to make two phone calls in a private space: one to a lawyer & one to a friend or relative. You should be wary not to incriminate yourself or anyone else while on the phone. If you require an interpreter while in Police custody, they must provide one. However, police may refuse your phone calls if they believe your call may: assist others getting away with an offence, lose/destroy evidence, put people in danger ect.

Police may: interview you (you may say 'no comment' & if you're under 18 or have a mental impairment you must have a guardian with you, you may refuse being filmed during the interview, you should receive a copy of the interview), fingerprint you (compulsory unless under 14 years old), obtain body samples (you may refuse), photograph you (you may refuse), charge you & give you bail (you may negotiate with bail conditions)

Police may also arrest you but release you without charge or bail conditions. You may still receive a summons to court at later date. You may also receive a summons to court without being arrested e.g via police surveillance, face recognition technology.

If you are summoned to court & need support or have questions - talk to the Blockade IMARC legal support team/lawyer & they will assist you through the process.

If you believe you have been treated unfairly while interacting with police

You may make complaints to the Victoria Police Conduct Unit, Independent Broad-based Anti-corruption Commission, and/or the officer in charge of the police station.

BRING TO PROTEST	DONT BRING TO PROTEST
I.D. (Police may detain you if don't believe you are who you say you are!) Legal support numbers (write on your body) Personal medication, Food, water Coin for phone call for copshop pickup Bringing a Phone? Put on a lock/pin!	Lists of names of people Anything related to the protest plan Illicit substances Weapons Anything you really really need...e.g you don't want it to possibly be seized as evidence by cops