



Your Rights on Arrest

Remember that you have rights when dealing with police. However, always try to stay calm and be polite.

If you are **not** under arrest, you do not have to go with the police to the station, even if they ask you to.

When am I under arrest?

The police may arrest you if:

- They reasonably believe that you have broken the law
- They have a warrant (court document) for your arrest
- They believe you are mentally ill, and might hurt yourself or someone else

A police officer must tell you that you are under arrest and **why**. If the police say you are under arrest, it is best to be polite and do what the police ask you to do.

Remember you can be charged if you are under arrest and you don't obey the police or you try to resist them. The police can use reasonable force to arrest you if you refuse to go with them.

Police can't use more than the amount of force actually needed to arrest you.

Do I have to talk to police?

When under arrest, you have to tell police your name and address. It is an offence to give a false name or address. It is also a good idea to tell police your age if you are under 18 because you may be entitled to certain protections such as having an adult present if you are questioned.

Other than this, **you do not have to answer any questions the police ask you**. Any information you give may be used against you when the police try to charge you, or used in court.

» Your Rights

- You can say 'no comment' in response to police questions.
- Before any questioning begins you have the right to:
 - Call a friend or relative in private
 - Speak to a lawyer in private
- If you are **under the age of 18**, a parent, guardian or 'independent person' must be with you before you can be questioned.
- You have the right to a free interpreter if you cannot understand English.
- You can refuse to be photographed or participate in an ID line-up.
- You can refuse a forensic medical test (eg. saliva swab or blood test) and let a court decide if it's necessary.

Can I be fingerprinted?

Over 15 years old

The police can take your fingerprints if they suspect you have committed an offence. If you refuse, the police may use reasonable force to take them.

10 to 14 years old

The police are only allowed to take your fingerprints if **both** you and your parent/guardian agree, or the police get a court order allowing them to do this.



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Can I be photographed?

The police **do not** have a right to photograph you if they suspect you of committing an offence. This includes taking photographs of injuries and any other part of your body (such as tattoos), for evidence. You can refuse to have your photograph taken or, if you are under 18, a parent, guardian or independent person can refuse on your behalf.

Remember if the police take your photograph or your fingerprints they will have this information on file permanently.

What should I do if I think police have mistreated me?

Even under arrest, you have the right to be treated fairly, with dignity and respect. It is a violation of your rights if police use more force than is necessary.

If you believe you have been mistreated by police, you should always:

- **Write down** everything that happened as soon as possible. This includes getting the names of police, the time and the date.
- If you have been hurt, **see a doctor** as soon as possible
- Take **photographs** of your injuries
- Write down the **names of people** who were there when it happened, or who you told soon after it happened
- Contact a **lawyer** for more help.

You can make a complaint about police conduct to:

- Office of Police Integrity (ph: 1800 818 387)
www.opi.vic.gov.au; or
- Ethical Standards Department of Victoria Police (ph: 1300 363 101)

Where can I go for more help?

Youthlaw

Legal advice and information for people under 25 years old.

19 King St, Melbourne

Ph: 03 9611 2412

www.youthlaw.asn.au

Victoria Legal Aid

Legal Information Service Helpline

Ph: 03 9269 0120

www.legalaid.vic.gov.au

Victorian Aboriginal Legal Service

Legal advice and assistance for Aboriginal Victorians

273 High St, Preston

Ph: 1800 064 865

www.vals.org.au

Federation of Community Legal Centres (CLC's)

CLCs provide free legal information and assistance. Find out the Centre closest to you.

Ph: 03 9652 1500

www.communitylaw.org.au