



Villamanta Disability  
Rights Legal Service Inc.

# Villamanta Disability Rights Legal Service Inc. Information Sheet

Updated September 2008

## Police Questioning and Arrest

### Why would the police want to talk to me?

The police will sometimes want to talk to you because they think that you have done something wrong. They might also want to talk to you about somebody else who they think has done something wrong. Even if you have not done anything wrong, the police might still want to talk to you.

This information sheet is about the times when the police want to talk to you because they think you have done something wrong.

### Do I have to talk to the police?

If the police ask you for your name and address, you must tell them. This is the only thing which you **must** tell the police.

If the police ask you any other questions, you can say 'no comment'. This means that you do not want to answer the question. For more information about this see "What happens if the police ask me questions?" on the next page.

### What happens when the police ask me for my name and address?

**You must give your name and address to the police if they ask you.** If you want to, you can ask the police why they need your name and address, and they should usually give you a reason.

Sometimes the police can ask you for your name and address without giving a reason why they need this information. These times are when you are:

- Driving a car, motorbike or boat
  - On the train, tram or bus or if you are at the train station, tram stop or bus stop
- Anywhere where you can buy alcohol

If you do not tell the police your **correct** name and address when they ask, then you are breaking the law and you might get into trouble.

You can ask the police officer to write down their name, identification number, police station and rank and give this to you. It is a good idea to ask for this, because the officer's information could be very useful to you if you need to know later on which police officer you were talking to.

### What happens if I get arrested?

Sometimes the police might want to *arrest* you. This means that the police think you have done something wrong and they want

#### IMPORTANT NOTE!

Remember - this Information Sheet has been produced only for use in Victoria, Australia. Some of the laws mentioned in this Information Sheet will be different in other places.

to take you to the police station. If the police arrest you, you have to go with them, even if you don't want to.

If the police arrest you this does not automatically mean that you have done something wrong. Sometimes the police make a mistake and arrest people who have not done anything wrong.

However, even if you think that you have done nothing wrong, you must still go with the police when they arrest you. If the police or a court finds out later that you did nothing wrong, then you will be free to go.

If you are arrested, it is very important that you do not try to run away or fight with the police. It is against the law to do these things, and you will only make things worse for yourself later on. Even if you think that you have done nothing wrong, don't try to run away or fight with the police – you will have a chance to tell your story to the police later on if you need to, after you have spoken to your lawyer.

### **What happens if the police ask me questions?**

**You must give your correct name and address to the police**, but if they ask you anything else, you can say 'no comment'. Saying 'no comment' means that you don't want to answer the question. Even if you get arrested by the police, you can still say 'no comment' to any questions they ask you.

It is a good idea to answer 'no comment' to any of the police's questions until you have talked to a lawyer. If you are arrested, you have the right to call a lawyer to help you. A lawyer knows about the law and what types of questions the police might ask you, and can help you to answer the police's questions. This means that if you get a lawyer to help you, it is less likely you will say something which you didn't mean to say.

It is very important to remember that anything you say to the police might be used by them later on. This is why it is a good idea **not to answer any questions before you have talked to a lawyer**, because it is easy to get confused and you might say something you didn't mean to say. If you say something you didn't mean to say, it may be very hard to explain later on.

If you have an intellectual disability, you are also allowed to have an *independent third person* with you when the police ask questions. If you have an intellectual disability, you should tell the police this as soon as you can so that they can help you get an independent third person. Your independent third person should be able to help you contact a lawyer, and you can also contact a lawyer through Victoria Legal Aid on (03) 9269 0234 (or you can free call on 1800 677 402).

### **What is an independent third person?**

An *independent third person* is not a lawyer, but will help explain some of the things the police are telling you. If you tell the police that you have an intellectual disability then they **must** organise an independent third person to be with you before they ask you questions.

You can choose anyone to be your independent third person, but it is a good idea to choose someone who is not involved with what the police want to ask you questions about. It is a good idea to get a trained independent third person by calling the office of the public advocate.

The Office of the Public Advocate (call 1300 309 337) will help find an independent third person for you. If you tell the police you have an intellectual disability and that you need an independent third person, they **must** help you to contact one. The Office of the Public Advocate can provide you with an independent third person who is especially trained in dealing with the police and people with an intellectual disability.

Although a friend or family member who you trust can also be your independent third person, remember that an independent third person from the Office of the Public Advocate has special training to help you deal with the police. It is a good idea to call the Office of the Public Advocate so that someone with this training can help you.

### **Some useful phone numbers**

**Victoria Legal Aid: (03) 9269 0234 or  
Free call 1800 677 402**

**Office of the Public Advocate: 1300 309 337  
To call for an independent third person**

**Villamanta Disability Rights Legal Service Inc.  
Free call 1800 014 111**



### Helpful Hint:

This Information Sheet should be read together with the Villamanta Disability Rights Legal Service Inc. Information Sheets on Guardianship, Appointing an Enduring Guardian and Capacity and Consent.

### Looking for More Information?

If you want more information about having an administrator, you can phone:  
*The Guardianship List of the Victorian  
Civil and Administrative  
Tribunal.*