

Being found drunk in a public place

This page contains information about the law relating to being drunk in a public place.

Is it a crime to be drunk in a public place?

You can be fined or charged for a number of different offences if police find you drunk in a public place, such as:

- Being drunk in public
- Being drunk and disorderly in public
- Behaving in a riotous or disorderly manner while drunk in public

What can police do if they find me drunk in public?

If a police officer finds you drunk in a public place, they have the power to:

- Fine you
- Charge you in court
- Arrest

Do police have to breathalyse me to prove that I'm drunk?

No. If police and/or other witnesses say you were behaving in a drunken manner, such as slurring your words, unsteady on your feet or smelling of alcohol, that may be enough evidence to prove you were drunk.

Can police lock me up for being drunk in public?

Police should release you from custody when you have sobered up and it is safe to let you go, unless they want to interview or charge you in relation to other offences.

How long can police lock me up for?

Police should release you from custody when you have sobered up and it is safe to let you go, unless they want to interview or charge you in relation to other offences.

What about Protective Service Officers?

Protective Services Officers (PSOs) have the power to fine you if they find you drunk while you are on or near railway premises. This includes roads, car parks, bus stops or taxi ranks connected with or leading into a train station. PSOs can also arrest you for being drunk in public on or near railway premises but they must hand you over to police as soon as possible if they think you should be locked up.

What if police or PSO treat me unfairly or police lock me up somewhere unsafe?

If police or PSOs treat you unfairly, or police lock you up in a place where you are unsafe, you should seek legal advice as soon as you are released. If police keep you in custody because they want to interview you or remand you into custody for other criminal offences, you have a right to contact a lawyer.

Getting Legal Help

Youthlaw

If you are under 25, you can get free and confidential legal advice.

Phone: (03) 9611 2412 (9am-5pm, Mon-Fri)

Website: www.youthlaw.asn.au

Victoria Legal Aid – Legal Help

For legal information, referrals or appointments.

Phone: (03) 9269 0120 or 1800 677 402 (country)

Website: www.legalaid.vic.gov.au