

Protective Services Officers (PSOs)

<http://youthlaw.asn.au/learn-about-the-law/protective-services-officers-psos/>

This page contains information about PSO powers and your rights.

Download PDF

Disclaimer: The material in this fact sheet is intended as a general guide only. You should not act on the basis of this information in this fact sheet without first getting legal advice about your own particular situation.

Remember that you have rights when dealing with Protective Services Officers. However, always try to stay calm and cooperate.

What are Protective Services Officers?

Protective Services Officers (PSOs) are a group of trained officers the Victorian Government has recruited to provide greater safety at train stations after dark. PSOs will be on duty from 6pm until the last train, 7 days a week, at metropolitan and major regional stations.

PSOs have similar powers to police but they are only allowed to use them when they are on duty in or around 'designated places'. Like police, PSOs can use reasonable force to do any aspect of their job. This means as much force as is actually necessary to get you to comply with the law.

What are designated places?

- Train stations or areas next to the station, including car parks;
- any roadway or other thoroughfare giving access to the train station; or
- any area near the train station that is used by buses and taxis.

Do I have to give a PSO my name and address?

A PSO can ask for your name and address if:

- They suspect you have committed or are about to commit an offence (this includes drinking alcohol at or near a train station if you are under 18).
- They suspect you have committed or are about to commit a public transport infringement (e.g. not having a valid ticket).
- You are driving a car or motorbike in the vicinity.
- They arrest you. (see Can I be arrested by a PSO? below)

Your rights

The PSO must tell you why they are asking for your name and address. But if you are driving a car in a railway carpark, a PSO can ask for your name, address and licence without giving you a reason why.

You have the right to ask a PSO his or her name, rank and place of duty or ask to see identification if they are not in uniform. They must write this information down if you request it.

Remember: you can be charged or fined if you do not give a PSO your name or address, or if the information you give is false.

Can I be arrested by a PSO?

A PSO has the power to arrest you if there is a warrant for your arrest or if:

- They suspect you have committed or are about to commit an offence.
- You refuse to tell them your name and address.
- You are drunk and/or disorderly at or near a train station.
- If they suspect that you have breached bail conditions.

If a PSO arrests you, they must hand you over to police as soon as possible. If you are arrested and are under the age of 18, it is a good idea to tell the PSO your age as you may be entitled to special legal protections.

Your rights

The PSO arresting you must tell you why you are being arrested. If you ask for the PSO's name, rank and place of duty, they should give you this information and write it down if you request it.

Remember: you must provide your **name and address** but you **do not have to answer any other questions** PSOs ask you. Any information you give may be used against you when the police try to charge you, or used in court.

When can a PSO apprehend and detain me?

Being apprehended means that a PSO is detaining you and you are not free to go. PSOs may apprehend and detain you in the following situations:

- If you are found to be carrying a restricted item (e.g. a weapon);
- If you appear to be under the age of 18, and there are reasonable grounds to suspect that you have inhaled volatile substances (e.g. glue, paint, petrol) and may cause harm to yourself or others; or
- If you appear to be suffering from a mental illness and there are reasonable grounds to suspect that you have attempted or will attempt to harm yourself or others.

Remember: PSOs can use necessary force to apprehend and detain you but they must hand you over to the police, a healthcare professional or an appropriate guardian as soon as they can.

Can a PSO search me and seize what they find?

A PSO can search you, your bags, your vehicle or anything you are carrying for:

- Alcohol (if you are under 18).
- Graffiti implements (e.g. a spray can or texta).
- Volatile substances (e.g. glue, paint, petrol).
- Weapons, including imitation guns, flick knives and anything that can be used as a weapon, such as broken bottles.
- Illegal drugs.
- Explosives.

If a PSO finds any of these items in your possession they may seize the items and apprehend you. A PSO does not need a warrant and, in some cases, does not need reasonable grounds for suspicion to be able to search you.

Your rights

- If you are under the age of 14 a PSO is not allowed to search you.
- If you are between the ages of 14 and 17 an officer of the same sex can search your bags, ask you to remove outer layers (such as jackets), and pat you down. A PSO cannot do a strip search.
- Before searching you, the PSO must tell you:
 - why they are searching you.
 - their name, rank and place of duty.
 - show you their identification if they are not in uniform.
 - provide you with a copy of the written record of the search if you ask them to.

Remember: you can be charged or fined if you refuse to be searched. If you resist the search, a PSO can use reasonable force to search you.

Can a PSO give me a move on notice?

A PSO can give you verbal directions to move on if they have reasonable grounds to suspect that you are damaging property, endangering the safety of yourself and others, or

breaching the peace (e.g. fighting).

A PSO can also remove you and your property from a train station and surrounds if they suspect you have committed an offence involving danger or annoyance to the public or authorities

Your rights

A direction to move on can only last for 24 hours and you have the right to ask why you are being moved on.

Remember: you can be charged or fined if you refuse to move on or if you return while you are banned from a certain area.

Where can I go for more help?

Youthlaw

Legal advice and information for people under 25 years old.

19 King St, Melbourne

Phone: 03 9113 9500

www.youthlaw.asn.au

Victoria Legal Aid Legal Information Service

Helpline Phone: 1300 792 387

www.legalaid.vic.gov.au

Victorian Aboriginal Legal Service

Legal advice and assistance for Aboriginal Victorians

273 High Street, 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

This page was last updated June 2023

Youthlaw

© Youthlaw Young People's Legal Rights Centre Inc.

147-155 Pelham Street, Carlton

T: 03 9113 9500 F: 03 9620 3622