



Disclaimer: the material in this fact sheet is intended as a general guide only. You should not act on the basis of the information in this fact sheet without first getting legal advice about your own particular reason. The information is based on the laws in Victoria as of August 2020.

GIVING THE POLICE YOUR NAME AND ADDRESS

INCLUDED IN THIS FACT SHEET ARE:

When do police have the power to ask me for my name and address?

What if I refuse to give my name and/or address or I give police false details?

What are my rights if police ask me for my name and address?

What about Protective Services Officers (PSOs)?

What are my rights if a PSO asks me for my name and address?

What if I refuse to give a PSO my name and address or I give a PSO false details?

What if police or a PSO asks me for my name and address for no lawful reason?

Getting legal help

WHEN DO POLICE HAVE THE POWER TO ASK ME FOR MY NAME AND ADDRESS?

Police can ask you for your name and address if they have reasonable grounds to believe:

- you have committed a crime;
- you are about to commit a crime;

- you may know something about a serious (indictable) crime which either has been committed or the police suspects has been committed. They have you tell you what they think you can help them investigate; or
- you are driving a vehicle or a boat and they lawfully pull you over.

WHAT IF I REFUSE TO GIVE MY NAME AND/OR ADDRESS OR I GIVE POLICE FALSE DETAILS?

If police have lawful grounds to ask you for your name and address, it is a criminal offence to:

- refuse or fail to state your name and address;
- state a false name; or
- state a false, incorrect or incomplete address.

WHAT ARE MY RIGHTS IF POLICE ASK ME FOR MY NAME AND ADDRESS?

If police ask you for your name and address they must:

- tell you why they are asking you for your name and address so that you understand the nature of the offence or suspected offence;
- tell you their name, rank and station if you ask them; and
- put their details in writing for you if you ask them.

It is an offence for a police officer who asks you for your name and address to refuse to give you their details either verbally or in writing if you ask them to do so.

WHAT ABOUT PROTECTIVE SERVICES OFFICERS (PSOS)?

PSOs are not police. Their job is to make you and the community feel safe. They work at "designated places" which are usually train stations, Courts and Parliament House.

As at August 2020, PSOs powers have been extended under state-of-emergency laws because of the COVID-19 pandemic. PSOs are patrolling the Melbourne and Geelong Central Business District, shopping centres and high streets.

PSOs have similar powers as police to ask you for your name and address if you are in a "designated place". For example, if you are on or near public transport property, which includes roads, car parks, bus stops or taxi ranks connected with or leading into a train station.

A PSO can ask you for your name and address if they have reason to believe you have committed a crime or you are about to commit a crime, including fare evasion or underage drinking, as long as you are in a "designated place", for instance on or near public transport property.

What are my rights if a PSO asks me for my name and address?

If a PSO asks you for your name and address they must:

- tell you why they are asking you for your name and address so that you understand the nature of the offence or suspected offence
- tell you their name, rank and ordinary place of duty
- put their details in writing for you if you ask them
- tell you that it is an offence to refuse or fail to give your correct name and address to a PSO
- show you identification to prove they are a PSO if they are not in uniform

What if I refuse to give a PSO my name and address or I give a PSO false details?

If a PSO lawfully asks you for your name and address it is an offence to:

- refuse or fail to give your name and address
- give a false name
- give a false, incorrect or incomplete address.

What if police or a PSO asks me for my name and address for no lawful reason?

If a police officer or a PSO asks you for your name and address and you believe they had no lawful reason, you should seek legal advice about making a complaint. Even if you believe police ask you for your name and address unlawfully, it is best to give your name and address at the time and make a complaint about it later. Try to take note of as much information as possible, such as the time, date, location and the contact details of any witnesses. As outlined above, you have a right to ask for the police officer or PSO's name, rank and station/place of duty in writing, so make sure you do this if you would like to make a complaint later.

Remember: you must provide your name and address but you do not have to answer any other questions police and PSOs ask you.

Any information you give may be used against you when the police try to charge you, or used in court.

GETTING LEGAL HELP

Youthlaw

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

Phone: (03) 9113 9500 (9am-5pm, Monday-Friday)

Website: www.youthlaw.asn.au

Victoria Legal Aid – Legal Help

For legal information, referrals or appointments.

Phone: 1300 792 387

Website: www.legalaid.vic.gov.au

Street Smart Vic

Website: <https://streetsmartvic.com.au/learn-about/psos/>

Visit our website: www.youthlaw.asn.au

Chat to us: 03 9113 9500

Email your questions: legal@youthlaw.asn.au

YOUTHLAW

Young Peoples Legal Rights Centre
Inc No A0041616E
ABN 12 794 935 230