

ITPs will inform police if they observe that the person does not fully understand their rights or circumstances at any stage of the process.

An ITP provides support and helps assist in the communication between a person with a cognitive disability or mental illness and the police. An ITP cannot instruct the person on how to deal with the issue they are facing and cannot provide legal advice.

However, an ITP will give the person support and help them contact a legal service if the person would like to seek legal advice.

How to access an ITP

Victoria Police members are responsible for contacting an ITP through a call centre that will locate an ITP and organise for them to attend an interview.

An ITP can also be requested, at any time, by the person with a cognitive disability or mental illness, or someone close to them.

If you have any queries or need advice regarding the ITP Program during business hours, call 1300 309 337 and ask for the ITP Program Coordinator.

You can also call 1300 309 337 (local call cost) to enquire about any other matters relating to OPA



"ITPs play an invaluable role supporting people with a disability when they are at their most vulnerable, while helping enable more effective communication with Victoria Police members."

Colleen Pearce, Public Advocate



Independent Third Person Program

...helping people with a cognitive disability or mental illness in interviews with Victoria Police.

interviews rights support justice
communication ITP
acquired brain injury
victim
Independent Third Person
cognitive disability witness
alleged offender interviews
ITP mental illness
statements intellectual disability
equality

What is an Independent Third Person (ITP)?

An ITP is a volunteer trained by, and registered with, the Office of the Public Advocate (OPA).

An ITP assists people with a cognitive disability* or mental illness during interviews or when making formal statements to Victoria Police.

The person with a cognitive disability or mental illness may be an alleged offender, victim or witness.

The role of the ITP is to:

- facilitate communication
- assist the person to understand their rights
- support the person through the process.

ITPs are independent of police and the investigation.

Why is an ITP required?

In accordance with the Victoria Police Manual, an ITP is required to help ensure a person with a cognitive disability or mental illness is not disadvantaged when communicating with police.

A person with a cognitive disability or mental illness may have difficulty:

- comprehending complex issues
- processing information quickly
- understanding legal rights
- maintaining concentration for extended periods of time
- responding to suggestive questioning
- communicating with people in positions of authority.

The Victoria Police Manual states that an ITP must be present when interviewing an alleged offender, victim or witness with a cognitive disability or mental illness.

When is an ITP required?

ITPs are required to attend interviews for both adults and young people with a disability. An ITP may also be present during preliminary discussions or when a statement is being taken.

How will a police member recognise cognitive disability or mental illness?

Police rely on their experience and knowledge, observations of the person, and general questioning to determine whether a person may have a cognitive disability or mental illness. A police member may ask questions about where a person lives, works, or attends school, and contact with services.

A person with a cognitive disability or mental illness can request that a police member arrange for an ITP to be present at any interviews. A relative, friend or other person known to the individual may also advise police if the assistance of an ITP is required.

Who are the ITPs?

ITPs are volunteers from a range of backgrounds. All ITPs have experience with people with cognitive disabilities or mental illnesses, have an understanding of police procedures, and are aware of the difficulties that may arise in a police interview for the person.

ITPs are available throughout Victoria. They are required to attend regular update training conducted by OPA.

What will an ITP do?

An ITP will talk to the person privately before the interview to explain their role and establish a rapport with the person. During this time, they will also assist the person to understand their legal rights.

When the person is an alleged offender in a criminal matter, these rights include:

- the right to silence, ensuring that the person understands that they can choose whether or not to answer questions
- the right to legal advice
- the right to contact a friend or relative.

For a victim or witness who is making a statement to police, this includes:

- demonstrating the difference between truth and lies
- the right to decide not to proceed with a complaint at any time.

The ITP will assist the person throughout the process, and will actively participate to facilitate communication. This may involve:

- providing assistance to contact a lawyer, relative or friend if requested
- helping the person understand their rights and any legal advice given
- ensuring the person understands the questions asked by police
- asking the police to rephrase a question if they believe the person may have difficulty understanding what is being asked
- requesting a break during an interview if the person is becoming distressed, or unable to concentrate.

*Cognitive disability can include intellectual disability, acquired brain injury, and dementia.