

Victoria Police Manual

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Sex Offender Prohibition Orders

Context

In accordance with the *Sex Offenders Registration Act 2004* (SORA), where a registrable sex offender exhibits behaviour that poses a risk to the sexual safety of one or more persons or the community generally, police can apply to the court for a Sex Offender Prohibition Order (SOPO) to be made against the offender to prevent re-offending.

A SOPO made by the court imposes conditions on an offender to prohibit those risk-associated behaviours identified by police. The different types of orders are:

- Interim Order – issued where the court deems it is necessary to reduce the imminent risk pending a final decision on the application
- Final Order – issued where the offender is shown to have engaged in behaviour that poses a risk of re-offending and the making of an order will reduce that risk
- Registration Order – where an offender is subject to a current Corresponding Prohibition Order (issued by another jurisdiction) and at the request of police the court registers that order in Victoria.

This policy outlines the legislative and policy criteria that must be met, and the process for applying for and administering a SOPO.

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Definitions

The following definitions apply to this VPM:

- **registrable offender** – as defined under section 6 of the *Sex Offenders Registration Act 2004*
- **Compliance Manager (CM)** – police officers appointed to manage registered sex offenders and undertake the responsibilities in section 2.6 of **VPM Registered Sex Offender management**
- **CM's Manager** – line managers who have overall management of CMs and undertake the responsibilities in section 2.5 of **VPM Registered Sex Offender management**

Also refer to the general [VPM Dictionary](#) for definitions and acronyms.

Responsibilities and procedures

1. Applications for a SOPO

1.1 General considerations

A SOPO application should only be considered where it can be shown that the registrable offender is engaging in behaviour that poses a risk to the sexual safety of:

- a person; or
- class of persons; or
- the community in general

and the implementation of an order is an effective way to reduce that risk.

When making an application it is not necessary to identify a specific person or class of persons who may be at risk.

When considering an application, police should also consider the following points:

- intelligence that may indicate an increase in risk due to factors including:
 - a change in the offender's behaviour (for example, excessive consumption of alcohol)
 - a pattern of behaviour (for example, frequenting the local swimming pool).
- the overall risk assessment compiled by the Offender Management Team, Sex Offenders Registry (SOR)
- Offender Management Plan (OMP) (what strategies are currently in place and have they been effective?).

In an application for a SOPO police must identify the specific behaviour/s they believe need to be prohibited in order to reduce the likelihood of re-offending. Some examples of behaviour that may be prohibited include, but are not limited to:

- alcohol consumption
- using, or unlawfully obtaining, a drug of dependence
- access to the internet or a device that is capable of accessing the internet
- being within a specified distance of any school
- frequenting a public place where offending is likely to occur.

See section 66Q of the *Sex Offenders Registration Act 2004* (SORA) for further information.

1.2 *Considerations for making an application for a child offender*

A police officer must consult with the SOR prior to commencing any application for an order against a child. This includes where a variation is sought to a corresponding order at the time of registration.

1.3 *Responsibility for making an application*

In most circumstances the offender's Compliance Manager (CM) will be the applicant for the SOPO/Registration Order due to their specialised training and management of the offender.

While it is possible for any other police officer to make an application they must receive endorsement from the CM before making the application.

Where an application is sought for an offender who does not have a CM the applicant must consult with the SOR.

1.4 *Monitoring conditions*

The applicant should consider applying for a monitoring condition where it may assist in ensuring compliance with any condition made in the application.

A monitoring condition provides police with a power of entry and search and seizure powers.

1.5 *Application process for an interim/final order*

The below table steps through the process and responsibilities for completing an application for an interim/final order:

Step	Action
1	Applicant (Compliance Managers/police officers) - In consultation with SOR, complete Application for a Prohibition Order [Form 1473] and the Affidavit in support of an application for a Prohibition Order [Form 1473A] - When completing the Affidavit the table must also be completed as it provides legislative information required by the court (as per s.66J SORA) - Should refer to the Prompt Guide for further details on information that must be provided (available via a link on the Affidavit input page) - Submit completed documents (Form and Affidavit) to the SOR for review (PBEA: ANCOR REGISTRAR-OIC)
2	SOR - Review the documents and provide recommendation/s - Return to the applicant for completion
3	Applicant - Assess feedback from the SOR and amend the relevant document/s accordingly - Forward the completed documents to the relevant OIC for endorsement

4	CM's Manager - Assess application, giving consideration to resourcing and operational requirements - Approve and return to applicant - For applications that are not approved make a comment on Interpose detailing reason/s for non-approval
5	Approved application - Applicant should: - have the matter listed on the relevant day at court (liaise with local prosecution for details) - serve a copy of the application on the offender as soon as practicable - provide a copy of the application to local prosecution - be available to attend the matter when heard at court.

1.6 Application process to register a Corresponding Order

When a corresponding registrable offender moves to Victoria, SOR is responsible for:

- obtaining the criminal history of the offender
- confirming if the offender is subject to a corresponding prohibition order and the details of the order
- notifying the offender's CM when an offender is subject to an order.

The below table steps through the process and responsibilities for completing an application to register a corresponding order:

Step	Action
1	Applicant (Compliance Managers/police officers) - Obtain a copy of the corresponding order from the SOR to be included as part of the application - Complete Application for registration of a Corresponding Prohibition Order [Form 1474] and Affidavit in support of an application for registration/variation of a Corresponding Prohibition Order [Form 1474A] which must include: - confirmation that at the time of the application the order is in force in the state/territory where it was made - if seeking to vary the order, include details of the variations sought and the grounds for those variations. - Submit the completed Form and Affidavit to the SOR for review (PBEA: ANCOR REGISTRAR-OIC)
2	SOR - Review the documents and provide recommendation/s - Return to the applicant for completion
3	Applicant - Assess feedback from the SOR and amend the documents accordingly - Forward the documents to the relevant OIC for approval
4	CM's Manager - Assess application, giving consideration to resourcing and operational requirements - Approve and return to applicant - For applications that are not approved make a comment on Interpose detailing reason/s for non-approval

5	Approved application - Applicant should: - have the matter listed on the relevant day at court (liaise with local prosecution for details) - serve a copy of the application on the offender as soon as practicable - provide a copy of the application to local prosecution - be available to attend the matter when heard at court. - Prosecutions should refer to Prosecution 'Google' drive for further guidance
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2. Amendments to a SOPO

An Order (interim or final prohibition order) or Registration Order can be varied/extended/revoked in accordance with the below table:

Type	Action
Variation <i>To amend an existing order/registration by adding or removing conditions</i>	Order Complete: - Court Form: Application to Vary/Revoke Prohibition Order Affidavit in Support of an Application to Extend the Duration of a Final Prohibition Order or Vary or Revoke a Prohibition Order [Form 1475A], select vary option and detail the grounds for seeking the variation Registration Order In most circumstances variation of a corresponding order should be sought at the time of registration (see table at section 1.6), however; if sought after the order has been registered the application must be made by completing: - Court Form: Application to Vary Interstate Registration Order Affidavit in support of an application for registration/variation of a Corresponding Prohibition Order [Form 1474A] detailing: - the current registration order - offender information - variation/s sought and the grounds for seeking them
Extension <i>To increase the duration of that order – only applicable for a Final Order</i>	Final Order Complete: Application to extend final Prohibition Order [Form 1475] Affidavit in Support of an Application to Extend the Duration of a Final Prohibition Order or Vary or Revoke a Prohibition Order [Form 1475A], which must detail the grounds for seeking the extension

Revocation <i>To revoke an order prior to the current expiry date - a Registration Order may only be revoked where the corresponding jurisdiction has amended the expiry date</i>	Order Complete: • Court Form: Application to Vary/Revoke Prohibition Order • Affidavit in Support of an Application to Extend the Duration of a Final Prohibition Order or Vary or Revoke a Prohibition Order [Form 1475A] detailing the grounds for seeking the revocation Registration Order In the event where the corresponding jurisdiction changes the expiry date of the order, Victoria Police must notify the court to have the Order revoked in accordance with the revised expiry date
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3. Service and management of a SOPO

3.1 *Serving of explanation notice and Order/Registration Order*

- When the court makes/registers an Order an explanation notice will be generated, detailing the Order, offender's responsibilities and other prescribed information.
- Where the offender is at court, a police officer must serve the Order and explanation notice on them.
- Where the offender is not present at court, the police officer who made the application must ensure service occurs as soon as practicable.
- After the Order has been served the police officer must complete an Affidavit/ Declaration of Service [Form 1499] and provide:
 - the original to the court
 - a scanned copy to SOR (see section 5 for SOR contact details).

3.2 *Management of Order/Registration Order*

Upon receipt of an Order/Registration Order, SOR is responsible for:

- recording it on LEAP (including a warning flag), Interpose and NCOS
- storing a copy on the offender's digital file.

The CM is responsible for:

- updating the OMP
- notifying other relevant agencies (Corrections Victoria, Department of Health and Human Services)
- proactively managing the Order/Registration Order, including ensuring the offender's ongoing compliance.

4. Monitoring a SOPO

4.1 *Identifying a SOPO*

All orders are located on LEAP. A person of interest notation of 'SEXREG-PROHIBITION ORDER' is used on the offender's Master Name Index (MNI) Summary page. Full details of the order are located in the 'remarks' section.

4.2 Entry, search and seizure

- Where a monitoring condition has been made, police have specific powers under the SORA to conduct searches without a warrant. These powers also allow police to seize and examine items if required.
- A **Receipt of Seized Things** [Form 1477] must be issued for all items seized.
- When searching persons or property, police officers must comply with policy outlined in **VPM Searches of a person** and **VPM Searches of property** as well as specific conditions detailed below.

The table below outlines the specific conditions for these searches and seizures. For full details refer to the relevant section of the SORA.

Legislation reference	Powers and conditions
Power of entry (s.66V) Search & examine (s.66W) Seize (s.66Y)	If a SOPO includes a monitoring condition, a police officer may at any time, enter premises where the offender usually resides if the officer reasonably suspects the offender is present. After an officer has entered a premises the officer may only search and examine if they suspect on reasonable grounds the search is necessary: • to monitor the offender's compliance with a condition to which the monitoring condition relates; or • because the officer suspects the offender of behaviour/conduct associated with an increased risk of contravening a condition to which the monitoring condition relates. A police officer may search and examine: • any part of the premises occupied by the offender; and • any thing (including a vehicle) belonging to, or in the possession or control of the offender; and • the offender. In carrying out a search, police may seize or take a sample of any thing belonging to or found in the possession/control of the offender: • which the police officer suspects on reasonable grounds will either: - compromise the offender's compliance with a condition of the order to which the monitoring condition applies; or - relate to behaviour/conduct associated with an increased risk of the offender contravening a condition to which the monitoring condition relates or • if the police officer suspects on reasonable grounds that both: - the thing may be used as evidence of the offender's contravention of a condition to which the monitoring condition applies; and - it is necessary to seize or take a sample of that thing in order to prevent concealment, loss or destruction.

When conducting a planned search, the Compliance Manager/police officer must ensure the reason for the search complies with the legislative requirements and must follow the below process:

Step	Action
1	Compliance Manager/any police officer of Victoria Police - In consultation with SOR, complete Application to conduct a Prohibition Order monitoring search [Form 1491], detailing the reason/s for the search - Forward completed Form 1491 together with Forms 707A & B to an Inspector or above for officers approval to conduct a search
2	Officers Approval (Inspector or above) - Review request, giving consideration to resources, scheduled operations (e.g. targeted operations) - Provide final approval, including a reason if request is not approved

When conducting a search or examination under the SORA:

- the most senior police officer present during the search must provide authorisation for a police officer to use such force as is reasonably necessary to conduct a search or examination
- a police officer may detain the offender for as long as is reasonably necessary to conduct a search or examine any thing
- the search may continue only for as long as is necessary to achieve the purpose of the search
- the search of a person means either or both a:
 - garment search – a search of any article of clothing worn by a person or in the person's possession, where the article of clothing is touched or removed from the person's body
 - pat-down search – a search of a person where the person's clothed body is touched.

4.3 *Unplanned searches*

Due to circumstances which warrant immediate action, there may be an occasion where a decision to conduct an unplanned search is made. In those circumstances, the Compliance Manager/police officer must receive verbal approval from the applicable Duty 150 (Inspector or above) to conduct an unplanned search.

The approving officer (Inspector or above) must ensure the reason for the search complies with legislation.

The CM/police officer should complete Form 1491 and Forms 707A & B no later than the end of the shift.

4.4 *Recording searches*

Records relating to the result of a search are required for intelligence and reporting purposes. A copy of all forms, including completed Forms 707A & B, must be forwarded to SOR for filing.

The Compliance Manager/police officer is responsible for:

- ensuring copies of all Forms relating to a search request (approved or not approved) are provided to the SOR

- completing the results of search section of Form 1491
- recording all actioned searches on Interpose via an IR linked to the offender's investigation shell. The IR title must include the words: Sex Offender Prohibition Order, offender name, search

The IR must be forwarded to the ANCOR-REGISTRAR OIC PBEA and must include:

- an uploaded copy of the approved request
- summary of why the search was conducted
- details of the search:
 - what location and/or who was searched
 - including if force was used (ensure Use of Force App report is completed when required)
 - items seized
 - any other relevant information.
- the outcome of the search:
 - details of any breaches of the offender's order
 - any other identified offences
 - details of any charges laid – if for criminal offences (not including a charge for a breach), include details of the management of this investigation.

4.5 *Property handling and recording requirements*

Police officers should comply with existing property management policy when managing property seized under the SORA (see **VPM Property and exhibit management**).

Where authorisation under the SORA no longer exists to retain property that has been seized the CM/police officer must:

- complete Retrieval Notice [Form 1476]
- make reasonable efforts to serve the notice on the owner of the property.

If property is not retrieved it should be managed as unclaimed in accordance with **VPM Seized property and special property types**.

5. Drug and alcohol testing process

5.1 *Power and conditions*

The table below outlines the power and conditions for drug and alcohol testing:

Legislation reference	Powers and conditions
s. 66S(1)(a) & (b)	If the court includes in a prohibition order a condition referred to in section 66Q(2)(g) or (h), the court may also include a condition that the registrable offender submit to breath testing, urinalysis or other approved test procedures: (a) in the case of a condition referred to in section 66Q(2)(g), for the detection of alcohol; or (b) in the case of a condition referred to in section 66Q(2)(h), for the detection of drugs of dependence.

s. 66T(1)	(1) If a prohibition order includes an alcohol testing condition, a police officer may direct the registrable offender, in accordance with this section, to submit to: • preliminary breath testing for alcohol testing • oral fluid collection for drug testing. (2) The police officer must not give a direction under subsection (1) unless the police officer has reasonable grounds to suspect that the registrable offender has contravened a condition of the prohibition order by consuming alcohol or using or unlawfully obtaining drugs of dependence.
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5.2 Alcohol testing requirements

The process and responsibilities for alcohol testing are outlined below:

Step	Action
1	Inform the offender that the police officer has reasonable grounds to suspect that the offender has contravened a condition of his or her prohibition order by consuming alcohol and specify those grounds
2	Inform the offender that if he or she refuses to submit to breath testing as directed, they may contravene their prohibition order
3	• Complete the Direction for RSO to submit to testing for alcohol or drugs [Form 1502]. • Conduct the test using an approved device: - device known as the Lion Alcolmeter SD-400 Touch; - device known as the Lion Alcolmeter 600; - a 'breath analysing instrument' within the meaning of section 3 of <i>the Road Safety Act 1986</i>.
4	If requested, provide to the offender, either orally or in writing, the name, rank and place of duty of the officer conducting the test Police officers may not refuse or fail to provide these details, and must not state a name, rank or place of duty that is false in a material particular.
5	If the registered offender does not comply: See section 6 If the test returns a positive result: See section 6 If the test returns a negative result: As soon as practicable prepare a detailed Information Report for the SOR via ANCOR-REGISTRAR OIC PBEA.

5.3 Drug testing requirements

- For police officers to be authorised to conduct a drug test under s.66T of the SORA they must complete the *Sex Offender Prohibition Order Drug Test* training provided by SOR prior to taking an oral fluid collection.
- Police officers who are not trained in the use of the Pathtech Oral Fluid Collection Kit or do not have access to a kit must submit an IR to SOR detailing any reasonable grounds to suspect a breach of the drug prohibition condition and email link to ANCOR-REGISTRAR OIC PBEA.

- The approved kits for conducting oral fluid collections are the Pathtech Oral Fluid Collection Kit (220-PAT102C-Pack or 220-PAT-101C-Kit) and are available at certain police stations that are actively monitoring a registrable offender subject to a drug condition. Otherwise a kit can be obtained by contacting SOR.
- The process and responsibilities for drug testing are outlined below:

Step	Action
1	Inform the offender that the police officer has reasonable grounds to suspect that the offender has contravened a condition of his or her prohibition order by using, or unlawfully obtaining, a drug of dependence and specify those grounds
2	Inform the offender that if he or she refuses to submit to the oral fluid collection as directed, they may contravene their prohibition order
3	• Complete the Direction for RSO to submit to testing for alcohol or drugs [Form 1502]. • Conduct the test using the approved Pathtech Oral Fluid Collection Kit. • If required refer to the <i>Sex Offender Prohibition Order: Drug Testing Instructions</i> for guidance on completing the test (located on the SOR intranet page under SOPO tab). • Attach a scan of the Form 1502 to an IR and send it to SOR via ANCOR-REGISTRAR OIC PBEA. • Record the sample on PALM and convey the sample to the Victoria Institute of Forensic Medicine for analysis.
4	If requested, provide to the offender, either orally or in writing, the name, rank and place of duty of the officer conducting the test. Police officers may not refuse or fail to provide these details, and must not state a name, rank or place of duty that is false in a material particular.
5	If the registered offender does not comply: See section 6 If the test returns a positive result: See section 6 If the test returns a negative result: As soon as practicable prepare a detailed Information Report for the SOR via ANCOR-REGISTRAR OIC PBEA.

6. Breach of SOPO

Where a police officer or protective services officer has contact with a registrable sex offender in the course of their duties, they should conduct LEAP checks to confirm if the offender is also subject to a SOPO.

The LEAP warning flag will identify the behaviour/s that are prohibited under the order, and whether the offender is subject to further conditions (monitoring, alcohol/drug testing).

Where a registrable offender, subject to a SOPO, is non-compliant with a prohibition condition or does not comply with a monitoring condition (including alcohol or drug testing) the criminal offence of Breach of SOPO is applicable.

A breach of a SOPO is an indictable offence, therefore there is a power of arrest (in

accordance with **VPM Arrests and warrants to arrest**).

If making an arrest, the police officer is responsible for processing the offender via appropriate action i.e. summons, charge and bail, charge and remand.

In all instances a detailed Information Report must be completed for SOR and sent to ANCOR-REGISTRAR OIC PBEA.

Where the arresting police officer is not the CM, they must notify the CM as soon as is practicable. In this instance, consideration should be given to the investigation being managed by the CM.

SOR contact information

Contact SOR if further advice is required regarding necessary action for a breach. Refer to the [SOR Contact intranet page](#) for business and after hours contact information.

7. Forms guide

Form Number	Purpose
1473	Application for a Prohibition Order
1473A	Affidavit in support of an application for a Prohibition Order
1474	Application for registration of a Corresponding Prohibition Order
1474A	Affidavit in support of an application for registration/variation of a Corresponding Prohibition Order
1475	Application to extend final Prohibition Order
1475A	Affidavit in support of an application to extend final Prohibition Order
1476	Schedule 4 (seized property) Retrieval Notice
1477	Receipt for Seized Things
1491	Application to conduct a Prohibition Order monitoring search
1499	Affidavit/Declaration of Service of an Interim/Final Prohibition Order Pursuant to the Sex Offenders Registration Act 2004
1502	Direction for RSO to submit to testing for alcohol or drugs
Court Form	Application to Vary/Revoke Prohibition Order (see Magistrates' Court of Victoria Sex Offences website)
Court Form	Application to Vary Interstate Registration Order (see Magistrates' Court of Victoria Sex Offences website)

Related documents

- VPM Registered sex offender management
- VPM Property and exhibit management
- VPM Searches of a person
- VPM Searches of property
- *Sex Offenders Registration Act 2004*
- *Sex Offenders Registration Regulations 2004*
- Instrument of Delegation: OM 1 – Duties, functions and powers under the *Sex Offenders Registration Act 2004*

Further advice and information

For further advice and assistance regarding this policy contact SOR or the Proactive Targeting Team.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
01/10/18	First published	FF-130103 & FF-107569
31/12/18	Inclusion of new Form 1499 – Affidavit of service; and instruction that the Affidavit needs to be completed upon serving the offender with an Order	FF-130103
08/04/19	Update to correctly reference VPM Searches of a person	FF-105377
01/05/20	Incorporation of drug testing requirements	FF-130103
29/05/2025	Consequential amendment to replace reference to Use of Force Form 237, 237A-D with Use of Force App for 20/05/25 Use of Force App rollout Update, amendment to update related document references	FF-266536
09/10/2025	Minor update to drug testing kit details	N/A