

Visits

Police will make every effort to advise relatives, friends or NSWACT Aboriginal Legal Service of any Aboriginal or Torres Strait Islander person in custody, and encourage them to visit.

Where practical police will arrange visits by relatives, friends or ACLO or Aboriginal Custody and Victim Support people. More information is available in the Police Handbook - Custody

Children in Custody (under 18 years)

Before a child is arrested procedures under the Youth Offenders Act should be considered by dealing with a child by way of a warning, caution or youth justice conferencing. Also, the child's age would be taken into consideration as well as their background.

Under 14 years of age a parent or guardian will be used as the support person. The parent or guardian may give written permission to another person to fill that role.

14 years and over, the young person can choose a support person that the police assess as suitable. The child should not be placed in a cell, except in rare circumstances where it is necessary for the wellbeing of the child. A child should not be placed in a charge room dock unless unavoidable.

Custody Notification Service (CNS)

CNS is a 24-hour legal advice and RU OK phone line of Aboriginal people taken into police custody.

The police will telephone the Aboriginal Legal Service if you are an Aboriginal person under arrest in a police station. You will be able to speak with a lawyer from the ALS about your situation. The police have the phone number and will place the call. The lawyer can talk to police on behalf of the detained person and can also contact family and friends.

NSWACT Aboriginal Legal Service

Crime 1800 765 767

Care 1800 733 233



NSW Police Force

Safe Custody

**Working Together to Build
a Safer Community**

This pamphlet explains some of the procedures that police undertake when you or your family member is in custody at a police station.



The Police Handbook – Custody is a big step towards improving the accountability of NSW Police Force (NSWPF) to the community it serves.

It provides members of the community as well as members of NSWPF with clear guidelines as to the powers of police when investigating offences. Most importantly, the Police Handbook – Custody provides members of the community with advice on their rights in dealing with police.

The following are some of the procedures that police undertake when you are in custody.

For more information on the following you can request to see the Police Handbook – Custody OR go to <https://www.police.nsw.gov.au/>

Your rights if in custody

It is your right to get:

- Legal advice – Aboriginal Legal Service or Legal Aid.
- Meals and refreshments.
- Medical attention.
- A shared cell - unless there is no other option you are not to be placed in a holding cell by yourself.

and

- You may be able to talk to or consult with a guardian, relative, friend or an independent person.

Some rights may be delayed such as phone calls when a custody manager thinks:

- An accomplice of the person will avoid arrest.
- Evidence will be concealed, made-up, destroyed, lost or witnesses intimidated.
- Recovery of person or property will be delayed.
- Bodily injury will be caused to another person.

Support

A support person has to be 18 years or over. The police will contact the following:

- A parent, guardian or someone who is responsible for the care of the person in custody.
- A relative, friend, or anyone else (who is not a police officer) who is an acceptable to the person in custody.

Other information on support people:

- Aboriginal Custody and Victim Support, if there is another Aboriginal Custody and Victim person in your area that you can talk to.
- The Aboriginal Legal Service by phone.
- Aboriginal Community Liaison Officer (ACLO) – not all police stations have an ACLO – the ACLO can only provide support to the person arrested, but cannot provide legal advice, or sit on interviews.

Time

The investigation period begins when the person is arrested and ends at a time that is reasonable including:

- Whether the presence of the person is necessary for the investigation.
- The person's age, physical capacity and condition and mental capacity and condition.
- The number, seriousness and complexity of the offences under investigation.
- More information is available in the Police Handbook – Custody.

Person Search

A police officer may search a person who is in lawful custody (whether at a police station or any other place) and seize and detain anything found on that search.

Phone Calls

There is reasonable access to a telephone so that you can telephone a relative, solicitor, someone to arrange bail and if necessary a doctor of your choice. The number will be dialled and you can speak to the nominated person. Under certain circumstances you may not be allowed a phone call.

