There are 4 books in the Easy English Police Powers series available form Legal Aid NSW. This is Book 4 – Arrest: At the police station.

Book 1 Police Powers: Questions
Book 2 Police Powers: Searches
Book 3 Police Powers: Arrest: On the street
Book 4 Police Powers: Arrest: At the police station

This is a general guide to the law, not legal advice. You should talk to a lawyer about your problem.

This information was correct at that time of printing, but the law can change.

If you need more help contact LawAccess on 1300 888 529 for legal information and advice.

Order publications online at www.legalaid.nsw.gov.au/publications or email publications@legalaid.nsw.gov.au.

If you are hearing/speech impaired, you can communicate with us by calling the National Relay Service (NRS) on 133 677.

If you need help to talk to us in your language, call the Translating and Interpreting Service (TIS) on 131 450 (9am-5pm).

Easy English translation by Access Easy English based on the Legal Aid NSW publication Police Powers: Your rights and responsibilities.

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The NSW Police know the law.
These are like rules.
It is their job to make sure we all follow the law.

There are lots of rules to know.

This book helps you know
- what the police can do
- what you can do.
These are called rights and responsibilities.
Remember!
Police work can be
- dangerous
- hard to do.

Police do have a lot of power.
They want to keep you safe.

When the police ask a question
- be polite
- follow any instructions they give.

If you do not agree with what the police did or said you can make a complaint.
Go to page 21 to see how to make a complaint.
What happens when I am arrested?

When you are arrested, the police will take you to a police station.

At the police station you have rights.

The police must give you information about your rights.

This must be in a way you understand. Like

- the language you speak at home
- you can listen to it
- Braille
- large print
- Easy English.
The police want to ask you questions. They want your information.

You have the right to be silent. You have the right to contact a lawyer and a friend or family member.

1. Talk to a lawyer first

Then

2. Do an interview if you decide you want to, after talking to a lawyer.
How do I find a lawyer?

You must find your own lawyer.

You can have

- a lawyer
- or
- other person with you.

The police will only wait for 2 hours for you to find a lawyer.

Call your own lawyer or LawAccess NSW (Open Monday to Friday 9am-5pm) 1300 888 529.
If you are under 18, call The Legal Aid NSW Youth Hotline on 1800 10 18 10.

If you have an intellectual disability, tell the police you want a person to help you.

Call the Intellectual Disability Rights Service on 1300 665 908. Open every day 9am-10pm.

If you are Aboriginal and are taken to the police station you have a right to speak immediately to a lawyer from the Aboriginal Legal Service.

This is called the Custody Notification Service (CNS). All police stations have this phone number which is open 24 hours.
**What happens in a police interview?**

This is when the police ask you questions.
It is in a special room.
It is called an interview room.

Police will record the interview
- on tape. It means they can listen to it,

and

- on video. It means they can see it again.

You get a copy.
At the start police must say something like:

*Anything you say may be given as evidence against you.*

This means the police record everything you say. You can be asked about it again when you go to court. Things you say now may be used later if police charge you with an offence.

You do not have to do an interview.

You do not have to answer questions.

This is called the **right to silence**.

**But**

Sometimes it is good to tell the police your name and what you know. You should always talk to a lawyer before you do this.
Remember
Talk to a lawyer first.

Then
Talk to police.
Can the police take my photo or fingerprints or DNA?

Can the police take my photo?
Yes.

Can the police take my fingerprints?
Yes.
The police can take
- fingerprints
  and
- palm prints
Can the police take my DNA?

Yes, in some circumstances or with your permission.

Every person has DNA.

Your DNA is different to everyone else.

Police might want your DNA to show you were, or were not, the offender in a crime. You should talk to your lawyer about this.

Police will

- use a cotton bud

and

- wipe the inside of your mouth to take a DNA sample.

There are special rules the police must follow if they want a DNA sample and you:

- are under 18
- have an intellectual disability
- are Aboriginal or Torres Strait Islander.
Do I have to do an identification line up?

No.

But

The police can show people photos instead, to help work out if you are the person who committed a crime.
Can police take my stuff?

Yes

The police can take your clothes, if they think you had these clothes on when you broke the law.

They must give you something else to wear.

The police must give you a receipt for your things.

Sometimes police take away your
- shoelaces
- belt

if they think you may hurt yourself.

It is to keep you safe.
What happens when I am charged with an offence?

The police think you did the wrong thing.

The police say

*You are charged.*

The police did some investigating. This might be they:

- have done an interview with you
- asked you to do an interview and you said “no”
- looked at the things at your place
- did a body search.
Now

The police need to choose

- do they let you go on bail

or

- keep you locked up.
What is bail?

Bail means you

■ go free

but

■ you must go to court later.

You must agree to

■ go to court
■ do what the police ask you to do.

Like, you must go to court on Monday at 10 am.
Sometimes bail means you:
- must go to a police station each day or week
- must not go near some people
- must not talk to some people
- must stay home at night. This is called a curfew.

You must pay some money to the Court.
A friend or other person can pay the money.
Complaints

You can make a complaint.

Sometimes police can do the wrong thing.

Some things you can complain about are

- the police stop you in the street. They search your bag. The police do not tell you why they do this, or they do not have a good reason.
- you are arrested. The police did not need to arrest you
- the police push you over. You are hurt.

The police can not do this.
How to make your complaint

1. Go to your local police station
   Ask for the duty officer
   or
   Local Area Commander.
   This is the boss at that station.

2. Write to the Commissioner of Police at www.police.nsw.gov.au/services/complain_about_a_police_officer

3. Phone the NSW Ombudsman 1800 451 524 or go to the website www.ombo.nsw.gov.au/complaints/making-a-complaint
More information and legal help

LawAccess NSW: 1300 888 529
Free telephone helpline for legal information and in some cases, advice.

Legal Aid NSW Youth Hotline
(if you are under 18):
1800 10 18 10

Intellectual Disability Rights Service:
02 9318 0144 or 1800 666 611

Aboriginal Legal Service (ALS):
1800 765 767. If you are Aboriginal or Torres Strait Islander you can get free legal help from the ALS.

The Law Society of NSW can refer you to a private lawyer in your area: 02 9926 0300

Women’s Domestic Violence Court Advocacy Service: The WDVCAS assists women and children experiencing domestic violence get help at court:
1300 938 227