



Caution and Summary of Part 9

Caution and Summary of Part 9 of the Law Enforcement (Powers & Responsibilities) Act 2002

My name is I am your custody manager while you are at

.....
(insert name of police station or other place of detention)

If you have any concerns about your treatment here you should inform me.

1. This form tells you about your rights when you are in police custody here.
2. If you cannot speak English, I will get an interpreter to help you and the investigating police will wait until the interpreter gets here.

CAUTION

3. While in police custody, you do not have to say or do anything, but anything you say or do may be used in evidence. Do you understand that?
4. There are some exceptions to this right not to say or do anything. If one of these exceptions applies to you, police will tell you that you are required to answer questions or do something, and will explain the particular law that requires you to answer questions or do something.

TIME IN CUSTODY

5. The investigating police can keep you in their custody for up to 4 hours while they conduct their investigations. However, there are times which do not count towards the 4 hour investigation period. The times which do not count are listed on the back of this form. If the police want to keep you longer than 4 hours they must apply to a magistrate or other authorised officer. If this happens you or your lawyer can talk to the magistrate or authorised officer about whether the extension of time should be granted. If an extension is granted you will be given a copy of the document that authorises that.

CONTACTING A LAWYER, FRIEND, RELATIVE, GUARDIAN, INDEPENDENT PERSON OR CONSULAR OFFICIAL

6. I will help you speak to a lawyer of your choice if you want legal advice, or if you want to ask the lawyer to come here. I will let you do this without being overheard, if I can. If your lawyer comes here, I will allow you to speak to the lawyer in private. Your lawyer may be present during any investigative procedure you participate in, such as an interview or identification parade, and give you advice.
7. I will also help you speak to a friend, relative, guardian or independent person so you can tell them where you are. I will let you do this without being overheard, if I can. You may also ask them to come here. If the person comes here, I will let you speak to that person in private if it is safe and will not interfere with the investigation.

8. If you are not an Australian citizen I will help you speak to a consular official. You may ask the consular official to come here. I will let you do this without being overheard, if I can. If the consular official comes here, I will allow you to speak to the official in private.
9. The investigating police cannot ask you to do or say anything while you contact your lawyer, friend, relative, guardian, independent person or consular official, and wait for them to come here. However, as explained earlier, there are exceptions to this right not to say or do anything.
10. The investigating police do not have to wait for more than 2 hours for the person you have contacted to come here.
11. However, if I think that someone's safety is at risk, I do not have to delay the investigation to allow you to contact a friend, relative, guardian or independent person, wait for that person to arrive here, or let you speak to the person once they have arrived.
12. There are also some circumstances in which I do not have to let you contact a friend, relative, guardian or independent person at all.
13. If you are under 18, an Aboriginal person or Torres Strait Islander, someone with a disability (whether physical, intellectual or some other disability), or someone from a non-English speaking background, you have other rights and there are other things I will do to help you while you are here.

If you are such a person you should inform me and I will tell you more about those rights and what I will do to help you.

OTHER RIGHTS

14. I will immediately arrange for you to get medical attention if I think it is necessary, or if you request medical treatment for reasons that appear reasonable. You have the right to reasonable refreshments and reasonable access to a toilet. You have the right to facilities to wash, shower, bathe or shave if I am satisfied that this will not interfere with the investigation.
15. I will tell you if a person claiming to be your friend, relative or guardian asks for information about where you are. I will tell that person where you are unless you do not agree, or I do not believe the person asking for information is who they claim to be, or I believe it would be unsafe or harmful to the investigation to provide that information.

16. I will also tell you if a person claiming to be your lawyer, a consular official from your country, or a professional person concerned with your welfare, asks for information about where you are. I will tell that person where you are unless you do not agree, or I do not believe the person asking for the information is who they claim to be.

RECORD

17. I will keep a record of your time in custody. I will let you look at the record if I reasonably can. I will give you a copy of the record when you are released or taken to court.

ACKNOWLEDGEMENT

Custody Manager - Atam/pm on the
 I informed the detained person of the information contained on the front of this form entitled "Caution and Summary of Part 9 of the *Law Enforcement (Powers & Responsibilities) Act 2002*", by reading it to him/her and by giving him/her a copy of this form.

Signature of Custody Manager: Time and date:

Name: Rank:

Detained person - The information in this form has been read to me. I have also been given a copy of the form entitled "Caution and Summary of Part 9 of *Law Enforcement (Powers & Responsibilities) Act 2002*". I understand the information that I have been given.

*Signature of detained person:
 *(Note: You do not have to sign this form)

Name of detained person:

The detained person has refused to sign the above acknowledgement. He/she said,

"
"

Signature of Custody Manager: Time and date:

Name: Rank:

The following times do not count towards the 4 hour investigation time:

- time taken to bring you from where you were arrested to here,
- waiting for investigators, (for example: specialist police such as detectives),
- waiting for facilities (for example: an interview room),
- communicating with, waiting for, and speaking to a friend, relative, guardian, independent person, lawyer or consular official,
- arranging for and receiving medical treatment,
- arranging and waiting for an interpreter,
- arranging and conducting an identification parade,
- resting, receiving refreshments or using toilet and other bathroom facilities,
- recovering from the effects of alcohol or drugs,
- applying for a detention warrant (to keep you in custody for more than 4 hours), search warrant or crime scene warrant relating to the investigation,
- any time taken to carry out charging procedures, and
- carrying out a forensic procedure or applying for an order to carry out such a procedure.