

SUPPORT PEOPLE IN POLICE INTERVIEWS

The local police station has just called and they say that they need me to go to the station as a support person. What does this mean?

The laws which regulate how police can deal with young people are different to the laws for adults. Young people under the age of 18 are considered 'vulnerable persons' and have the right to have a support person present at the police station during any investigative procedure like a search or police interview. The police have called you because the young person either knows you, or the police know about your service and think you would be an appropriate support person.

Do the police need me to be there?

The police may need you at the station for a number of reasons. Firstly, for a statement of a young person under 18 to be admissible in court, there has to be an appropriate adult present when the statement was made (for someone under 16, this is usually the parents, over 16s can choose who their support person will be). Secondly, to be diverted away from the court system and to be eligible for a caution or Youth Justice Conference under the *Young Offenders Act*, the young person has to admit to the offence in the presence of an appropriate adult. Accessing these options may be very important and beneficial for the young person.

So what is my role?

The key role of a support person is to *ensure that the young person understands their rights, and to help them assert those rights*. Everything that you do at the police station should be based on this principle.

What are some of the most important rights of a young person at the police station?

The young person has the right to:

- know what they have been arrested for (or whether they have been arrested)
- talk to their support person in private
- obtain legal advice
- not answer any questions or sign any statements
- end a police interview at any time

What is the first thing I should do when I get to the police station?

The first thing you should do is ask to see the young person in private. If you do not know the young person, you should introduce yourself and explain what your role is. This would be an ideal time to make sure that the young person understands their right not to answer any questions or say anything if they don't want to. It would also be worth checking whether the young person has had legal advice. If they haven't, you should get them to call the Legal Aid hotline.

*** The Legal Aid hotline number is 1800 10 18 10 ***

It operates from 9am to 12am weekdays and 24 hours on weekends and is available to young people under 18 years of age.

Should I talk to the solicitor as well?

You may think it is appropriate to talk to the solicitor after the young person has spoken to them. You may want to do this to make sure that the young person has understood what advice they have been given and also to clarify your role in supporting them. You may need to call the hotline as the young person is likely to have already spoken to them by the time you get there.

How can I support the young person in a police interview?

If a young person decides to take part in an interview, you should take brief notes of what is said (both inside and outside the interview room). Your role in the interview should be active and you should feel free to intervene where you think it is appropriate. For example, you may ask the police to rephrase a question if you feel that the young person has not understood it. If you feel like a young person is being pressured to answer a question they do not want to answer, you can politely ask the officer to move on with the interview as the young person has made it clear they don't want to answer questions about that particular event or occurrence. If you sense that the young person doesn't want to answer any more questions at all, you may ask them if they want to continue with the interview. If they do not, you should politely ask the police to end the interview.

Be mindful however, that you are not allowed to answer questions for the young person, or to interfere unreasonably with the interview

What if the police want me or the young person to sign something?

After a police interview, the police may present the young person with a 'record of interview' which outlines what the police say happened in the interview. The young person does not have to sign this if they don't want to. If they are going to sign it, make sure that they have read it carefully (or read it to them if literacy is an issue) and check that it is completely accurate. This is where your own notes will be handy. You should tell the young person not to sign it unless they are completely happy that it is accurate. Likewise, you are not obliged to sign it but may do so if asked, and if you are satisfied that the record is accurate. You should make sure that the police give the young person a copy of the record, and if you want a copy for yourself you can request one.

What next?

If the young person is going to be dealt with under the *Young Offenders Act*, they will be released and told to come back on a certain date for a caution, or they may be told that they will have to attend a Youth Justice Conference and that they will be contacted by a conference administrator (from Juvenile Justice).

If the young person has to go to court, the police may give them a court attendance notice (CAN), tell them that they will be sent a summons (which usually arrives a few weeks later), or charge the young person. If they are charged, they will probably be released on bail from the police station. If they aren't they will be taken to a Children's Court the same day or next day where they can apply for bail.

What if I feel that the young person has been harassed or mistreated?

Make a note of the officer's name and identification. You should be prepared to assist the young person to make a complaint or to get legal advice to do so.

This document last updated October 2007. This document is a summary to the best of our knowledge of the law in New South Wales at the time and is not a substitute for professional advice.