

## Custodial Operations Policy and Procedures

# 20.6 Inmate interviews with police and other government agencies

### Policy summary

Inmates may be required to be interviewed by the Police or other personnel from government agencies. The interview may occur within a correctional centre or at other locations, such as a Police station.

If the interview is to occur at a location other than a correctional centre the inmate must be accompanied by correctional officers.

Inmates have the right to request legal representation when being interviewed by the Police or other government agencies.

Governors must ensure the inmate signs the *Acknowledgement of opportunity to arrange legal representation* form to acknowledge that they have been given the opportunity to access legal representation.

### Management of Public Correctional Centres Service Specifications

Service specifications	Professionalism and accountability Safety and security
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## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW), and all CSNSW employees.

# Table of contents

<b>1</b>	<b>Inmate interviews with police and other government agencies</b>	<b>4</b>
1.1	Interviews at correctional centres	4
1.2	Interviews at other locations	4
1.3	Procedures for interviews at other locations	4
<b>2</b>	<b>Legal representation for inmates</b>	<b>5</b>
2.1	Policy	5
2.2	Procedures	6
<b>3</b>	<b>Quick links</b>	<b>6</b>
<b>4</b>	<b>Definitions</b>	<b>6</b>
<b>5</b>	<b>Document information</b>	<b>7</b>

# 1 Inmate interviews with police and other government agencies

## 1.1 Interviews at correctional centres

Under clause 78 *Crimes (Administration of Sentences) Regulation 2014* permits the Governor of a correctional centre to admit a member of a government agency (including the Police) engaged on official duties to visit a correctional centre or an inmate.

Under clause 79 *Crimes (Administration of Sentences) Regulation 2014* an inmate must not refuse to meet with a visitor who is a government official engaged on official duties.

Where an inmate is to be interviewed by a member of a government agency, a letter of introduction addressed to the Governor of the correctional centre outlining the nature of the visit is required.

In the case of the Police, the letter should be from the Local Area Commander or other commissioned officer. In the case of other government officials, the letter should be from their immediate supervisor or manager (**refer to COPP section 16.7 Interview room security**).

Police are permitted to bring into a correctional centre other devices when interviewing inmates: laptops, removable storage devices, tablets, Ipad's, Acer ThinkPad's and recording devices.

Police are only permitted to bring mobile telephones into a correctional centre when responding to a *serious incident or emergency* (**refer to COPP section 16.16 Mobile phones and other devices**).

## 1.2 Interviews at other locations

If the interview is to be conducted outside the correctional centre refer to **COPP section 19.1 General escort procedures**.

Correctional officers must accompany an inmate being interviewed by a government official at a location other than a correctional centre. In cases where the interview is with the Police and they offer to provide escorting officers, a correctional officer must still accompany the inmate.

## 1.3 Procedures for interviews at other locations

When a Governor is advised that the General Manager (GM) or Manager of Security (MOS) of the Court Escort Security Unit (CESU) has approved a request from a government agency to interview an inmate at a location other than at their correctional centre, the following procedures are to be followed:

	Procedures	Responsibility
1.	Undertake a risk assessment if the inmate to be interviewed has a C1, C2, C3, Cat1 or Cat 2 security classification.	Governor/MOS/OIC
2.	Inform the inmate of the request and advise of their right to legal representation (refer to section <b>2 Legal representation for inmates</b> of this policy).	Governor/MOS/OIC
3.	Ask the inmate to sign an <i>Acknowledgement of opportunity to arrange legal representation</i> form prior to interview by the police or any other government agency.	Governor/MOS/OIC
4.	Determine the security measures that will be employed during the escort and interview, if correctional centre staff are to conduct the escort. <b>Note:</b> If the Police are providing escort staff, a correctional officer must still be present on the escort to and from the interview as the inmate is always in the custody of the Governor of the correctional centre.	Governor/MOS/OIC
5.	Instruct the correctional officers escorting the inmate that they must satisfy themselves with the security of the location and that the inmate will be secure during the interview.	Governor/MOS/OIC

## 2 Legal representation for inmates

### 2.1 Policy

Inmates have the right to request legal representation when being interviewed by government agencies. Governors or MOS in charge of a correctional centre must allow an inmate to telephone their legal representative prior to such an interview. In most cases it will not be necessary for the inmate to receive legal advice in order to inform a member of a government agency whether they will answer questions.

If an inmate decides to answer questions only after seeking legal advice, it is appropriate for the interview to be adjourned until the inmate's legal representative can be present. An inmate may answer questions without seeking legal advice.

Special considerations for interviewing an inmate who has an intellectual disability or cognitive impairment are set out in **COPP section 6.9 Inmates with disabilities**.

If an inmate wishing to seek legal advice is unable to nominate a legal representative, they should be advised to seek the assistance of the Prisoners Legal Service, provided by the Legal Aid Commission of New South Wales.

Inmates can contact the Prisoners Legal Service on the Offender Telephone System (OTS), Common Auto Dial List as a free call.

## 2.2 Procedures

	Procedure	Responsibility
1.	Ensure that the inmate reads and signs the <i>Acknowledgement of opportunity to arrange legal representation</i> form, acknowledging that they have been given the opportunity to access legal representation. If inmate declines to sign the acknowledgement, make a full report as to the circumstances.	Authorised officer
2.	Store the original signed form in the inmate's Case Management File.	Authorised officer
3.	Forward a copy of the signed form and the government agency request to the respective Director, Custodial Operations, if interview is to be conducted outside the correctional centre.	Governor/ MOS/OIC/ Authorised officer

## 3 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

## 4 Definitions

Authorised officer	The officer authorised by the Governor to perform the functions prescribed as part of the Custodial Operations Policy and Procedures.
CESU	Court Escort and Security Unit
COPP	Custodial Operations Policy and Procedures
GM	General Manager
Government Agency	For the purposes of this section, a government agency refers to the Independent Commission Against Corruption (ICAC), the Office of the Ombudsman and other government law enforcement agencies such as the Police.
MOS	Manager of Security
OIC	Officer in charge
OTS	Offender Telephone System

## 5 Document information

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