

Common questions asked by family and friends

“How do I find someone who has been arrested, and will they go to court?”

It can be difficult to find someone who has been arrested unless you know which police station they are at.

You can try calling local police stations to find the person. Their phone numbers are [here](#).

Police can keep people in custody for up to **six hours** before deciding whether to grant them bail. If the police need more time to investigate, they can apply to a Duty Magistrate to keep the person at the police station for longer.

When you know which police station your family member is at, the police will usually tell you whether or not they have granted them bail.

If the police refuse your family member bail, they must take them to court as soon as possible. This depends on the time of day.

If the court is closed for the day, your family member will have to stay in the police cells until the next day. The Local Court is open for bail hearings seven days per week.

Once you know which court they are going to appear at, you can go to the court.

If your family member has their own lawyer, they might be there to help with a bail application.

Otherwise, everyone who has been refused police bail will have a Legal Aid duty lawyer to help them.

Look for a room labelled ‘**Legal Aid**’ and ask to speak to the duty lawyer dealing with ‘**fresh custodies**’.

The lawyer won’t be able to say much without the client’s permission but they can tell you which courtroom to sit in and can tell the person that you are at court.

Alternatively, you could find out which courtroom is hearing **'fresh custodies'** and wait in the public gallery in that courtroom until the person appears.

You will not be able to talk to them, touch them or give them anything.

If you don't understand what was said in court you can wait until the duty solicitor tells the Magistrate they have finished all the fresh custody cases and leaves the courtroom.

Politely ask them for an explanation of what has happened.

"Can I speak to my family member's lawyer?"

If you know who your family member's lawyer is, you can contact them directly.

However, lawyers always require permission from their clients before they can share any details of cases with a family member, even if you are the person's next of kin.

If you don't know if they have a lawyer, you can ask the local court's Legal Aid office if they will be representing your family member.

You can ask the lawyer to get your family member's permission for them to tell you what is happening.

You can usually sit in the courtroom where the bail hearing is being held and listen to what is happening. You will have to wait until your family member appears. They may appear in person or by audio-visual link.

"Can I speak to my family member while they are in custody?"

You cannot talk to your family member while they are being held in a local court cell.

If your family member is granted bail, you can wait for them to come out from the court cells. Ask a staff member where they will come from and wait close to it.

If they are refused bail, you will not be permitted into the court cells to see them. You can ask the lawyer who represented them to pass on a message.

If the person goes to prison, you cannot call them, they will have to call you once they have their phone account set up, which can take a week or so.

To check which correctional centre they are at, call **Sentence Administration** on **(02) 8346 1000** (Monday-Friday 8.30am-4.30pm).

“How can I arrange support for someone who is going to court?”

There are some support services available to people going to court, including victims, witnesses and defendants.

Services for defendants:

There are few support services for defendants. Some courts have support services such as chaplains or therapy dogs that you can access if you need to.

You can ask at the Court Registry office about what services are available at the court.

Defendants with a cognitive impairment can seek support through [IDRS JAS \[Justice Advocacy Service\]](#) Contact them on **1300 665 908** well before the day of your court appearance.

Services for victims and witnesses:

[Victims and Witnesses of Crime Court Support Service](#): supports victims and witnesses of crime who are required to testify at court as police witnesses

[Mission Australia Court Support Service](#): provides information, support, advocacy and referral to victims and witnesses of crime who are attending court

[WDVCAS](#): provides information, advocacy and referrals to assist women and their children who are or have been experiencing domestic and family violence with their legal, social and welfare needs

“How do I find out what happened at the court appearance?”

If you are **able to attend court in person**, you can sit in the public gallery and watch the case as it happens. If the person in custody has given permission for their lawyer to speak to you, they will be able to tell you what is happening. Courts and lawyers have to respect your family member’s privacy and confidentiality so will NOT be able to tell you the outcome of a court case. You may have to wait for your family member to contact you themselves.

If you are **unable to attend court in person**, you can call the NSW Courts Service Centre on 1300 679 272 during normal business hours. The NSW Courts Service Centre may be able to advise you on the court results so long as it is not a closed court proceeding, or subject to a non-publication and suppression order.

If the case is **ongoing**, you can use the NSW Online Registry to search for the persons next court date and time. You can search NSW Court and Tribunal Lists [here](#).

“What happens if my family member is sent to prison?”

If a person is sentenced to prison, they will usually be taken straight to prison from court.

You will not usually get a chance to speak to them before they are taken to the court cells to await transfer to prison. You are not usually able to speak to the person until they contact you themselves from the prison.

It is not possible to phone the prison to speak to them.

Most people will initially go to a correctional centre (prison) that takes people straight after court. These are sometimes called reception correctional centres. The ones that people often go to in Sydney are:

[Metropolitan Remand and Reception Centre \(MRRC\)](#) at Silverwater

[Parklea Correctional Centre](#)

If there is no space at a correctional centre, they will be held temporarily in the court cells close to the court. There are court cells at **Albury, Batemans Bay,**

Dubbo, Lismore, Moree, Newcastle, Port Macquarie, Queanbeyan, Surry Hills, Wagga Wagga and Wollongong.

For information on preparing for prison see CRC website [here](#).

CRC's Court Support Scheme is funded by the Community Legal Centres Program administered by Legal Aid NSW