

So You've been Arrested...

If you are a U.S. citizen and you have been arrested or detained in Australia, you should ask the local authorities to immediately notify the nearest U.S. Embassy or Consulate. You should be permitted to contact your family and/or legal representation within the first 4 hours of your arrest. Inform the local authorities of any medical conditions or concerns you may have as soon as possible.

The Role of the U.S. Consulate

The Consulate will make every effort to ensure that U.S. citizens are treated in accordance with Australian laws and regulations. To that end, in the event that a U.S. citizen is arrested, the Consulate may provide the following services:

- With your written consent, we may contact family and/or friends to deliver messages.
- We can provide a list of local lawyers.
- If you have been mistreated or abused, we can contact the appropriate authorities to investigate the allegations.
- During your imprisonment, a consular officer will conduct periodic visits.
- We can monitor your case and ensure that local officials are providing you appropriate medical care.
- We can request that local officials permit you visits, including with a member of the clergy of the religion of your choice, within prison regulations.
- We will provide you with information on the procedures for requesting transfer to a prison in the United States under a prisoner transfer treaty, if applicable.

- PLEASE NOTE THAT U.S. EMBASSIES AND CONSULATES DO NOT PROVIDE LEGAL SERVICES TO U.S. CITIZENS WHO HAVE BEEN ARRESTED/DETAINED OVERSEAS.

How to Obtain Legal Representation in Australia

Although our office cannot recommend a particular attorney, we are able to provide you with a list of local attorneys who have shown interest in representing U.S. citizens. The Consulate does not vouch for the integrity, competence, or ability of the attorneys on the list. When you hire a legal representative, it is recommended that you obtain a written contract specifying the exact amount that the attorney expects to receive for his/her services. Once you have legal representation, we ask that you provide us with the contact information so we can monitor your case.

If you cannot afford to retain your own legal representative, talk to your Welfare Officer about how to apply for representation through Legal Aid.

Life in an Australian Prison

Prisons in Australia have many of the same characteristics as prisons in the United States. Many prisons provide general services, including medical care, however, the older prisons in Australia may not offer the same services as the newer prisons. Before you are sentenced, Corrective Services may relocate you to other facilities throughout Victoria, South Australia, Tasmania or the Northern Territory while your case works its way through the courts. If you are

convicted, and a sentence has been handed down, Corrective Services in the state or territory you are convicted in will determine at which prison you will serve your sentence. While you are incarcerated you should be able to make phone calls and purchase personal items with your own money, and you may also receive visitors. Depending on your inmate classification, you may also be eligible to work at the facility where you can earn a modest income.

DISCLAIMER:

Officers of the U.S. Department of State and U.S. embassies and consulates overseas are prohibited by 22 CFR 91.81 from acting as agents, attorneys or in a fiduciary capacity on behalf of U.S. citizens abroad. U.S. Department of State personnel, including its attorneys, do not provide legal advice to private citizens.

Any information relating to conditions within a specific foreign country is provided as a courtesy, for general information only, and does not constitute legal advice. The Department of State makes no representation regarding the accuracy, completeness, or timeliness of this information. Questions about foreign laws and legal systems should be addressed to appropriate foreign attorneys.



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Guide for U.S. Citizens Arrested in Australia