

**Culturally appropriate,
human rights compliant**

Police custody monitoring expectations

**Executive
Summary**

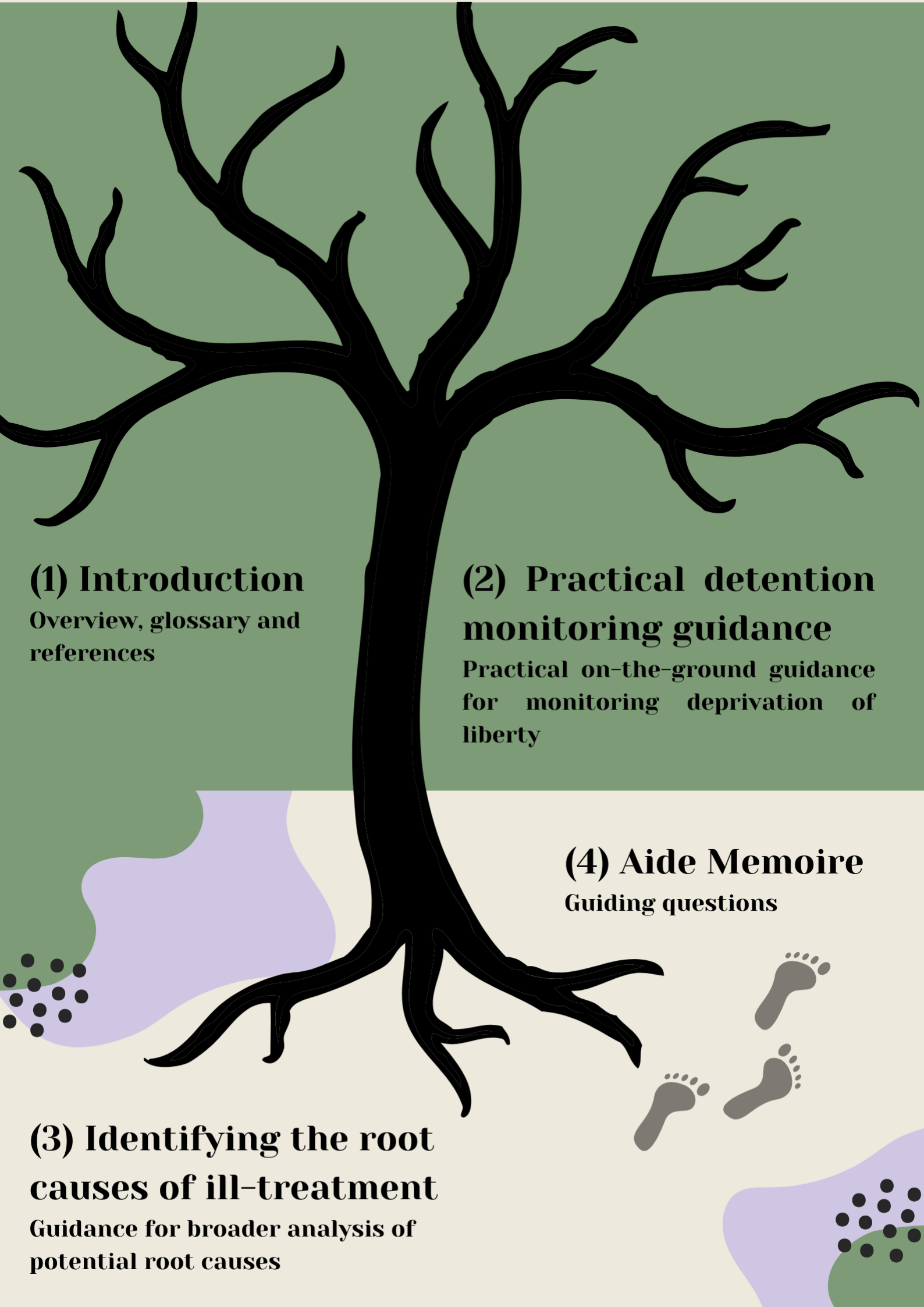
These Expectations were prepared on unceded Darug & Gadigal Country, and I pay my respects to Elders past and present across Australia, acknowledging Aboriginal and Torres Strait Islander People's enduring connection to land, sea and culture.

I also acknowledge Aboriginal and Torres Strait Islander communities' resistance and resilience in the face of the harms perpetrated by historic and contemporary colonial legal systems and institutions, inclusive of law enforcement agencies.



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(1) Introduction

Overview, glossary and references

(2) Practical detention monitoring guidance

Practical on-the-ground guidance for monitoring deprivation of liberty

(4) Aide Memoire

Guiding questions

(3) Identifying the root causes of ill-treatment

Guidance for broader analysis of potential root causes

1. Summary

Australia has ratified the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)*, a UN human rights treaty whose objective is “to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.” The domestic body referred to is known as the National Preventive Mechanism (**NPM**). In Australia, the NPM is a multi-body entity whose members have been nominated/designated by Federal, State and Territory governments. The Australian NPM members’ monitoring mandate encompasses places of deprivation of liberty within the criminal legal system, including those where the detaining authority is police/law enforcement. With the gross overrepresentation of Aboriginal and/or Torres Strait Islander people in the criminal legal system, these *Culturally appropriate, human rights compliant police custody expectations* are intended to assist members of the Australian NPM exercising their mandate in relation to police custody.

This project has been supported by **Churchill Trust Impact Funding**, enabling implementation of a number of recommendations from Andreea Lachsz’s 2018 Churchill Fellowship on *Culturally appropriate oversight of conditions of detention and treatment of detained Aboriginal and/or Torres Strait Islander people in the Northern Territory’s criminal justice system – in compliance with the OPCAT*. The aim of this project is not to obtain consensus across the NPM members, and no member was required to endorse it. The aim of the project is to create a living document that can be adapted and updated by individual NPM bodies as suits them best. It is intended to be a practical monitoring tool that is a ‘launching pad’ for the Australian NPM’s police custody monitoring work.

This document is intended to be a tool to be developed and refined over time, and made relevant and effective through consultation with local Aboriginal and Torres Strait Islander communities. In using these Expectations, NPM bodies should take a tailored, place-based approach that centres impacted communities and those with lived experience of detention in police custody.

2. Structure

The *Culturally appropriate, human rights compliant police custody expectations* are divided into four sections:

- ✱ Introduction (which includes an overview, glossary and references)
- ✱ Practical detention monitoring guidance (practical, on-the-ground guidance for monitoring deprivation of liberty)
- ✱ Identifying the root causes of ill-treatment (guidance for broader analysis of potential root causes of ill-treatment)
- ✱ Aide Memoire (guiding questions to support detention monitoring teams)

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