

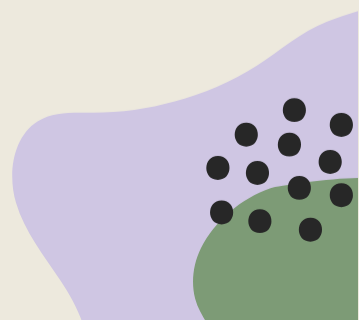
**Culturally appropriate,
human rights compliant**

Police custody monitoring expectations

Introduction



For members of the National Preventive Mechanism (NPM) – established, designated or nominated under the UN Optional Protocol to the Convention against Torture (OPCAT) – focusing on detained Aboriginal and/or Torres Strait Islander people while monitoring places of deprivation of liberty



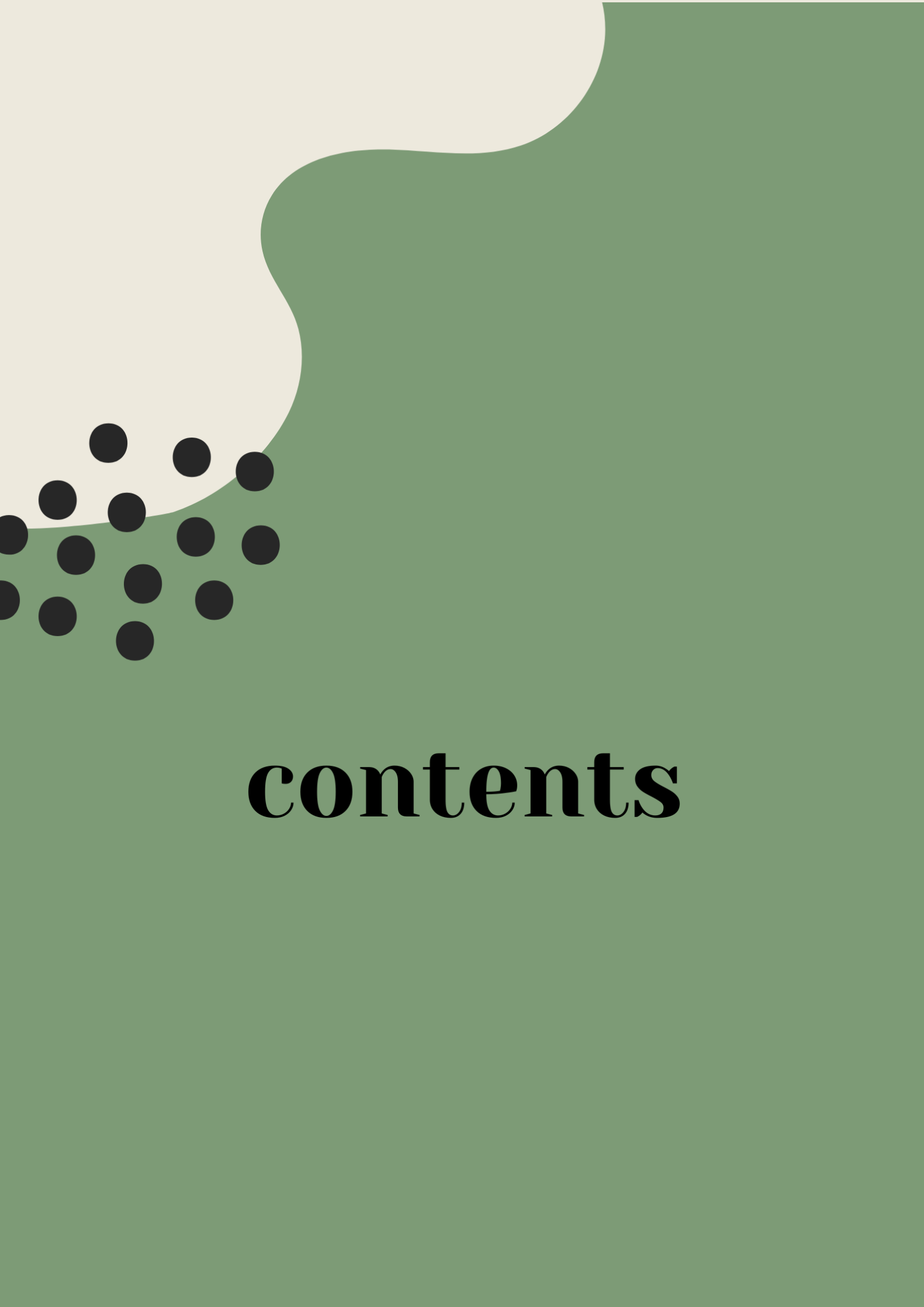
These Expectations were prepared on unceded Darug & Gadigal Country, and I pay my respects to Elders past and present across Australia, acknowledging Aboriginal and Torres Strait Islander People's enduring connection to land, sea and culture.

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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introduction

1. Background to the Expectations

(a) The OPCAT: Monitoring places of deprivation of liberty

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*.”¹ The international body referred to in the OPCAT is the UN Subcommittee on Prevention of Torture (SPT), and the domestic body is 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.*

(b) Monitoring places of deprivation of liberty where police/law enforcement is the detaining authority

1. What constitutes a ‘deprivation of liberty’ by police?

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. The definition of deprivation of liberty in the OPCAT is:

... any place under [the State’s] jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention)... deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.²

In its first ever General Comment, published in 2024, the SPT provided further guidance on what constitutes a ‘place of deprivation of liberty’. While the SPT’s General Comment was not intended to provide an exhaustive list, NPMs and detaining authorities can benefit from the illustrative examples relating to police custody that the SPT chose to include: “stops and searches by the police;”³ “placement in a police car to draw up an administrative offence report;”⁴ arrest,⁵ including on public roads;⁶ public demonstrations;⁷ “any gatherings where police practices such as kettling are or may be carried out;”⁸ “not being permitted to leave during a house search;”⁹ police stations¹⁰ and police lockups;¹¹ vehicles, ships and aeroplanes;¹² “being taken by paramedics and police officers to hospital;”¹³ and police training schools.¹⁴ All of these examples would fall within the Australian NPM’s mandate.¹⁵

The SPT’s General Comment supplements other existing guidance on what constitutes ‘deprivation of liberty’ - as opposed to a ‘restriction on freedom of movement’. The following examples have been identified by other bodies as constituting a

* See glossary.

* See glossary.

* As of October 2025, the Australian NPM is comprised of the following bodies: **Federal** Office of the Commonwealth Ombudsman as Commonwealth NPM (also the coordinating body); **Western Australia** WA Office of the Inspector of Custodial Services, WA Ombudsman; **Northern Territory** Office of the Ombudsman NT (as interim coordinating NPM), NT Office of the Children’s Commissioner (anticipated NPM), NT Community Visitor Program (anticipated NPM); **Australian Capital Territory** ACT Office of the Inspector of Custodial Services, ACT Human Rights Commission, ACT Ombudsman; **Tasmania** The Ombudsperson as Tasmanian NPM (concurrently the Tasmanian Ombudsman and Custodial Inspector); **South Australia** Official Visitors, Training Centre Visitor. See [Commonwealth Ombudsman website](#).

deprivation of liberty: stops and searches; “requir[ing] a witness to remain with an officer while personal details are ascertained;” suspects agreeing to “accompany police officers to a police establishment... where the suspect is... technically a volunteer... although... in reality [they] act under a mistaken belief as to [their] rights or under some feeling of compulsion;”¹⁶ identity checks; “police conduct during demonstrations (such as containment of protesters, sometimes known as ‘kettling’);” and personal searches and property searches.¹⁷

The above examples are not a definitive, exhaustive list, and determining the line between ‘restriction of freedom of movement’ and a ‘deprivation of liberty’ can be challenging:

The Strasbourg Court has attempted to tease out certain principles, even though there are inherent difficulties in establishing a dividing line between deprivation of liberty and mere interference with freedom of movement as ‘the difference between deprivation of and restriction upon liberty is... merely one of degree or intensity, and not one of nature or substance’. In each instance, the starting point is the applicant’s ‘concrete situation, and account must be taken of a whole range of criteria such as the type, duration, effects and manner of implementation of the measure in question’. In short, the extent of any compulsion or duress will be of considerable relevance, and thus an individual’s own assessment of whether he or she is deprived of liberty may not be decisive.¹⁸

2. *The need for police custody monitoring standards/expectations for the Australian NPM*

While there are a number of prison standards that have been developed by various Australian detention oversight bodies (including those designated as members of the Australian NPM), there is a gap across jurisdictions with regards to police custody standards/expectations (with the exception of recently drafted Tasmanian NPM police custody expectations). As the designated NPM bodies have focused primarily (albeit not exclusively) to date on visiting prisons, youth detention facilities and mental health facilities, rather than police custody, there is not the same level of institutional expertise with regards to police custody detention settings. Although there is an urgent need for this work (a seminal international study commissioned by the Association for the Prevention of Torture (APT) demonstrated that the highest risk of torture is in police custody, not prisons¹⁹), there are insufficient resources for the Australian NPM bodies to develop culturally appropriate and human rights compliant police custody standards for detained Aboriginal and/or Torres Strait Islander people, including in a coordinated way. With overrepresentation of Aboriginal and/or Torres Strait Islander people in police custody, it is crucial to ensure that standards are developed in consultation with Aboriginal Community Controlled Organisations (ACCOs), so that the torture prevention work of the Australian NPM bodies is effective.

One of the main challenges to date for the Australian NPM is that there has been limited funding provided by Commonwealth, State, and Territory governments. In 2018, Andreea Lachs undertook a 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*. With the support of Churchill Trust Impact Funding, implementation of a number of recommendations from that Churchill Fellowship report, through development of these Expectations, has been possible.

The aim of this project is not to obtain consensus across all the NPM bodies, and no member was required to endorse it. The aim of the project was 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.

2. The gross overincarceration of Aboriginal and/or Torres Strait Islander people

(a) The damning statistics

On 30 June 2025, 37% of incarcerated adults in Australia were Aboriginal and/or Torres Strait Islander,²⁰ and on 30 June 2024, 65% of incarcerated children were Aboriginal and/or Torres Strait Islander.²¹ In some jurisdictions, the ratios of Indigenous versus non-Indigenous people in prisons is even starker: on 30 June 2024, 88% of the Northern Territory adult prison population was Aboriginal and/or Torres Strait Islander²² and 96% of incarcerated children were Aboriginal and/or Torres Strait Islander.²³ On 30 June 2024, the imprisonment rate (per 100,000) in Western Australia was 4009 for Indigenous people, compared to 205 for non-Indigenous people.²⁴

(b) The urgent need to reduce contact of Aboriginal and/or Torres Strait Islander people with police

Australia has been repeatedly criticised by UN bodies for the overrepresentation of Aboriginal and/or Torres Strait Islander people in the criminal legal system and government failures to implement past inquiries' expert, evidence-based recommendations on how to address this overincarceration.²⁵ Domestically, the need to reduce Aboriginal and/or Torres Strait Islander people's contact with the criminal legal system (including police) has been widely recognised for decades, and is reflected in Federal, State and Territory government policies, including under the Closing the Gap targets.

While these Expectations provide some guidance on addressing overrepresentation, as a root cause of ill-treatment in police custody (e.g. decreasing the age of criminal responsibility; police bailing people with appropriate and realistic bail conditions), it is not an NPM's role to develop detailed policy on reducing overincarceration. And while establishing a robust, multi-body NPM across Australia will assist in mitigating risks of torture and ill-treatment in police custody, this cannot be a substitute for government action, including taking concrete steps to reduce Australia's reliance on policing and prisons as a substitute to addressing social, health and economic policy shortcomings.

3. Structure of the Expectations

The Expectations have been divided into four separate documents, reflecting the views of the majority of those who generously participated in the consultation process. The intention of this is to maximise the Expectations' practical utility for NPMs.

In this introductory document, a glossary and list of resources are included.

The accompanying documents are:

- ✱ Practical detention monitoring guidance
- ✱ Identifying the root causes of ill-treatment
- ✱ Aide Memoire

4. Methodology used in developing these Expectations

Development of these Expectations involved remunerated consultations with ACCOs (Aboriginal legal services) and Aboriginal and/or Torres Strait Islander people with lived experience of police custody, and consultations with members of the Australian NPM, other domestic detention oversight bodies, and civil society experts (domestically and internationally).

Extensive desktop research was also conducted. Unlike detention standards for prisons (some of which have a degree of relevance to police custody), comprehensive detention standards for police custody have not been developed at the UN level. A variety of sources were used in developing these Expectations, including those recommended by the individuals and organisations who were consulted. UN sources relied upon in developing the Expectations included both binding and non-binding documents of the General Assembly, relevant Committees, Special Rapporteurs and Offices, including treaties, declarations, principles, standards, rules, general comments, protocols, guidelines, manuals, handbooks, codes of conduct, reports, studies and fact sheets, which related to detention and to law enforcement. UN reports specifically relating to Australia have also been referenced (e.g. UN Committee against Torture Concluding Observations). Reports and other guidance of international NGOs and human rights experts, regional representative bodies and oversight/monitoring bodies were also relied upon. The Australian context was reflected in findings and recommendations of Australian royal commissions, inquiries, coronial inquests (specifically those relating to the deaths of Aboriginal and/or Torres Strait Islander people in police custody) and court cases, as well as guidance from Aboriginal and/or Torres Strait Islander people and organisations.

Of note, domestic legislation, policies, procedures and rules governing police detention practices were not generally used in the development of these Expectations. An NPM is not bound by any of these, and, in fact, may make recommendations to change legislation and policies to strengthen protections against torture and ill-treatment.

A complete list of the resources relied upon can be found at the end of this section, to assist NPMs to conduct further research on particular issues if necessary (for example, where certain issues arise during visits), and to support their findings and recommendations when engaging with detaining authorities.

5. How to use these Expectations

(a) The limitations of the Expectations

While the intention in developing these Expectations has been to draw on a broad range of existing expertise and knowledge, there are inherent limitations in their development, including the fact that they reflect views at a particular point in time (human rights is an ever-evolving area); only English-language sources were used; and crucially, much Aboriginal and/or Torres Strait Islander knowledge either has not been committed to print or, due to its very nature, cannot be shared more broadly, beyond the appropriate knowledge-holders.²⁶ It is essential that monitoring bodies have Aboriginal and/or Torres Strait Islander people on their visit teams.

The Expectations are worded in a manner that does not allow monitors to determine whether international human rights standards outline a requirement, preferred course of action or possible course of action. When monitors develop their recommendations, they should refer to the referenced original sources to ensure their recommendations do not depart from human rights standards or principles in a manner that will ‘water-down’ the norms to which States should adhere.

(b) UNDRIP as a guiding document for police custody monitoring

A number of recommendations from Andreea Lachs's Churchill Fellowship report* on which these Expectations are built, are relevant to any monitoring bodies who intend to adapt and use these Expectations in their own jurisdictions. Crucially, in drafting their Expectations, monitoring bodies should be guided by the UN *Declaration on the Rights of Indigenous Peoples* (UNDRIP) (rec 111).

Genuine consultation and participation in development of local Expectations is required:

- ✱ As monitoring bodies develop the inspection framework, expectations and surveys that will be used in police custody, it is essential that they consult with the Aboriginal and Torres Strait Islander communities and ACCOs to ensure that their questions, lines of enquiry and Expectations facilitate the collection of data which will be effective in mitigating the risk of the torture and ill-treatment of detained Aboriginal and/or Torres Strait Islander people. Aboriginal worldviews and concepts of wellbeing, and culture as a strength should all be incorporated (rec 109).
- ✱ In drafting their Expectations, monitoring bodies should consider the cultural appropriateness of every aspect of detention (rec 112). Monitoring bodies should have an overarching framework to guide their inspections, to ensure that in exercising their mandate, they consistently employ a critical lens in assessing the cultural appropriateness of all aspects of conditions and treatment in detention (rec 113).
- ✱ Monitoring bodies should consult with the Aboriginal community, ACCOs and relevant experts (e.g. on social and emotional wellbeing) when drafting and testing the inspection framework and Expectations being used. Monitoring bodies should ensure to consult with all relevant groups, such as Aboriginal children and young people. They should prioritise consulting in their jurisdiction, but should also consult in other jurisdictions and with peak bodies where relevant. During consultations, a 'two-way learning' approach should be adopted (rec 114).

(c) The Expectations should be treated as a living document

As anyone who has worked in the detention monitoring space (or the criminal legal system generally) is well-aware, there will inevitably be unanticipated developments in policing practices, be they negative or positive. As such, monitors should understand that these Expectations' preventive potential can only be realised by treating this document as requiring regular reappraisal. Taking such an approach has been described as follows:

Standards should be living documents, allowing for updates reflecting changes in international human rights law and the prevention of ill-treatment... Developments in medical research should also be reflected in monitoring standards (e.g., while solitary confinement was once thought to be beneficial, enabling people to 'engage in inner reflection', its harms are now well-established), as should technological advancements (e.g., using technology like scanners rather than conducting strip searches). A 'living document' approach also allows for updates to reflect the views of people with lived experience of incarceration (including locally) and learnings from detention monitoring visits.²⁷

* See report [here](#).

(d) The vastly different contexts of police custody across Australia

Members of the Australian NPM will be working in vastly different contexts, both geographically and demographically. NPM members will be working in urban police lock-ups in Hobart, and police stations in remote Aboriginal communities in Western Australia and the Northern Territory that are only accessible by plane during some times of the year. Some police lockups will rarely be used, while others will see significant numbers of people coming through. The legally permissible length of time to detain someone in police lock-ups will also vary across jurisdictions. The NPM bodies themselves will have different degrees of access, available resources and experience monitoring police custody, working across different political landscapes and police cultures. Crucially, Aboriginal and Torres Strait Islander communities across the country have a diversity of cultures and different experiences of colonisation (albeit with some commonalities).

These Expectations were developed with the view to provide guidance to the NPM bodies as they move forward with their work monitoring police custody. They are 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.

All of this is to say that NPM bodies need to bring a critical eye to these Expectations and adopt the same approach they expect of law enforcement – always striving for continuous improvement.

These Expectations are not intended to provide guidance in circumstances where people are being held in police custody for prolonged periods of time because the places of deprivation of liberty (e.g. police watch houses) have been designated/gazetted as correctional or youth detention facilities. Police custody (including in terms of infrastructure, personnel and services) is neither intended to detain people for prolonged periods of time, nor able to do so in a human-rights compliant manner.

(e) Indicators

Indicators should not be understood to be an exhaustive list of evidence that can, or should, be taken into account in determining whether the monitoring body's Expectation has been met. The purpose of indicators – as their name suggests – is to provide monitors with guidance on the sorts of matters that they *could* take into account in their work, not the *only* ones.

Furthermore, even if all the indicators are present at a particular place of detention, it is not a foregone conclusion that the monitoring body's Expectation has been met. Monitors should not rely on indicators as a definitive 'checklist' (NPM work, after all, is not an audit), but use their expertise and experience to properly assess whether the *intention* of the Expectation has been met in the specific context. Monitors should be particularly mindful of pitfalls such as failing to identify significant gaps between laws/polices/procedures and actual practice.

People are detained in police custody for different periods of time across the country for myriad reasons, including large distances to the nearest remand centre/court, or remand centres being at capacity. The time period in which a person is detained will determine the weight that different Expectations/Indicators should be given. For example, having access to a second medical opinion or having time outside in fresh air will take on different levels of importance where a person is detained for three hours, versus a person who has been languishing in police custody for three days. While the caveat above

(regarding police custody not being used as correctional/youth detention facilities) stands, the reality is that there may be circumstances where people are detained for longer periods of time, and monitors should be cognisant of this. Particularly, the Mandela Rules will become increasingly relevant as the period of time in police places of deprivation of liberty increases.

Finally, care should be taken by monitoring bodies, in using the indicators, to direct their findings and recommendations to the appropriate audience (e.g. police station site management, the Minister, Parliament, oversight bodies etc).

(f) The broad NPM/OPCAT preventive package and broader policy considerations

These Expectations reflect the broad approach of NPM work:

preventive work ‘requires a holistic, sensitive and deep understanding of the context in which an NPM is located. From such a perspective, NPMs have the possibility to gather the relevant data to understand the structural causes of torture and ill-treatment, going beyond the consideration of its symptoms. The NPM must therefore look at all levels where the causes might be found, including the broader legal, policy and institutional frameworks.’²⁸

As such, to assist NPMs to identify roots causes of (and make recommendations mitigating the risk of) torture and ill-treatment, considerations such as the minimum age of criminal responsibility, and the impact of ‘law and order’ rhetoric on police culture are addressed in the Expectations (see *Identifying the root causes of ill-treatment*).

(g) Understanding police custody within the broader detention environment

One of the strengths of the OPCAT is that it empowers NPMs to consider detention systems, rather than being required to focus on one discrete type of detention. This enables NPMs to centre an individual’s experience of detention as they progress through the criminal legal system, rather than centring a particular institution or facility. It also enables NPMs to identify risks relating to the physical and legal transfer of a person between locations, and between detaining authorities.

For example, an NPM can interrogate the continuity of culturally appropriate healthcare provided to individuals from the moment of arrest (during which, for example, they sustained an injury), their transport to the police watch house (would it have been more appropriate to transfer them to a hospital), their treatment at the police watch house (were their injuries attended to, and were they provided their prescribed medication), their subsequent transfer to court cells (was their medication left behind at the police station, or was there confusion about whether the police or court staff were supposed to provide the person’s medication), the prison (was the prison advised of the fact that the person had sustained a head injury and needed to be provided ongoing care), the hospital (were hospital staff provided accurate information regarding how the injury was sustained during arrest and the subsequent care provided), and their release (was the person provided a script and medication for their release, was an appointment with a doctor organised).

While it is not uncommon for detaining authorities to work in silos, NPMs should take care that they do not follow suit. NPMs are uniquely placed to look at systems as a whole, and should exercise their mandate with this in mind.

(h) Potential utility of the Expectations for NPMs monitoring police custody in other countries

Always cautioning against a ‘cut and paste’ approach to monitoring, it is nonetheless hoped that these Expectations will assist overseas NPMs which work in contexts where Indigenous people (and people belonging to other minority/racialised groups) are being held in police custody. Moreover, these Expectations may be used by NPMs conducting monitoring of police custody generally, as much of the content is applicable to *all* people deprived of their liberty by police, not only to Indigenous people.

(i) Potential utility of the Expectations for other oversight bodies and civil society

NPM members are just one mechanism among a host of bodies and individuals striving for the prevention of, accountability for, and redress for torture and ill-treatment of detained Aboriginal and/or Torres Strait Islander people. It is anticipated that these Expectations will assist other actors who are similarly working towards an end to torture and ill-treatment of detained people.

6. Acknowledgement of supports for and contributors to the project

The **Churchill Trust’s Fellow Impact Funding** supported the development of these Expectations, enabling payment to participating Aboriginal legal services and Aboriginal and/or Torres Strait Islander people with lived experience of police custody.

Thank you to all the individuals and organisations who generously shared their knowledge and their time, including those listed below. **Particularly thank you the Aboriginal Legal Services, Aboriginal Community Controlled Organisations, and Aboriginal people, especially those with lived experience of police custody.** Not all individuals and organisations/bodies have been publicly acknowledged for their contribution to the development of these Expectations, but their expertise has been invaluable.

**** Inclusion of individuals and organisations below does not indicate their endorsement of these Expectations, nor endorsement of any specific policy positions contained within. Any errors in the document are attributed to the author only. ****

ACT Inspector of Custodial Services; Marie Brasholt (Medical director at DIGNITY- Danish Institute Against Torture); Louise Edwards; Harm Reduction International; Dr Tamar Hopkins; Killara Ebsworth; Samantha Lee (Supervising Solicitor Police Powers and Administrative Law, Redfern Legal Centre); Melbourne Activist Legal Support; Mounty Aboriginal & Youth Community Services; National Justice Project; Alex Newman; Nid Satjipanon and Ben Buckland (Association for the Prevention of Torture); Dr Rebecca Shaw (Researcher, Omega Research Foundation); Dr Elīna Šteinerte; Yirmba First Nations Unit, Queensland Human Rights Commission; Queensland Ombudsman and Inspector of Detention Services; Julie Williams; Youth Advocacy Centre.



**glossary and
terms**

1. Glossary and key terms/concepts

Term	Meaning
Aboriginal Justice Agreement	An agreement between local Aboriginal and Torres Strait Islander communities and governments, first developed in response to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC).
Aboriginal legal service	Aboriginal Community Controlled Organisation that delivers legal services to Aboriginal and/or Torres Strait Islander people.
Aboriginal (Community) Night Patrol	Patrols which “provide non-coercive community intervention, or order maintenance, services designed to prevent or stop harm, and maintain community peace, security and safety. Patrols carry out a form of community based policing, but they should not be confused with the police or private security. The service they provide generally includes a mobile-patrol of some form (on foot or by vehicle), and attempts to assist a target group of people in need, or at risk, by offering options other than those principally available to the police. A patrol would generally emerge to serve and protect the interests of a particular community, initiated by members of that community.” ²⁹
Acoustic weapons and devices	“Loudspeakers or megaphones used to convey voice instructions over a large area, or used to disperse a crowd by emitting a loud, high frequency deterrent tone. They are also known as ‘sound cannons’, ‘hail and warn devices’, and ‘loud hailers’. They can be free-standing, vehicle-mounted, embedded in a crowd control shield, or body-worn over the shoulder or strapped to the chest. Models vary in the frequency and strength of the audible output.” ³⁰
Algorithmic profiling	“Algorithmic profiling includes any step-by-step computerised techniques that analyse data to identify trends, patterns or correlations. Through profiling, the individual is selected ‘based on connections with others identified by the algorithm, rather than actual behaviour’ and ‘individuals’ choices are structured according to information about the group,’ rather than according to their own personal choices.” ³¹ “Algorithmic profiling uses different techniques to profile people based on correlations and patterns in data. Algorithmic profiling allows law enforcement... to target individuals or specific groups that constitute a certain risk on the basis of data analysis. Algorithmic profiling raises important fundamental rights issues, such as potential discrimination and violations of the rights to respect for private life and data protection.” ³²
Ammunition containing multiple non-metallic kinetic impact projectiles	“Multiple kinetic impact projectiles contained in ammunition [that] can be made from rubber, plastic, or wood, and can vary in terms of their size, number, and shape. The number included in each can range from a small number of large balls or blocks to hundreds of small pellets. This ammunition can be fired from a wide range of launchers or can be hand-thrown.” ³³

<p>Ammunition containing single projectiles</p>	<p>“Designed to incapacitate the targeted individual via blunt trauma without penetrating the skin or causing permanent injury. This type of ammunition can be fired from a wide range of launchers... The projectiles contained in the ammunition can be rubber, plastic, foam, wood, or fabric (bean bags – fabric bags filled with small non-metallic balls or pellets), and can vary greatly in terms of their size, shape, accuracy, and impact force.”³⁴</p>
<p>Anti-racism</p>	<p>“Anti-racism is about more than being ‘not racist’. Anti-racism involves active decisions that seek to combat injustice and promote racial equity. Being anti-racist involves actively attempting to combat racist policies, practices, cultures, and ideas. It can be helpful to think of anti-racism as a skill set that we can develop and use to promote a better, more equitable society.”³⁵</p>
<p>Anti-racism data</p>	<p>“Ideal practices around the collection, use, and management of data on racism that embeds Indigenous self-determination and sovereignty and human rights principles. This approach explicitly centres anti-racism – the elimination of racism – as the purpose and end goal for data collection about racism... This includes specific recognition of colonial legacies of harm in relation to data collection about First Nations peoples and others who experience racism.”³⁶</p>
<p>Anunga rules/ guidelines</p>	<p>A set of guidelines for police interviews of Aboriginal and/or Torres Strait Islander people, from a 1976 Australian court case.</p>
<p>Apprehension</p>	<p>Take into custody.</p>
<p>Arbitrary deprivation of liberty</p>	<p>The UN Working Group on Arbitrary Detention (WGAD) has identified five categories of arbitrary detention:</p> <ul style="list-style-type: none"> → “When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty;” → “When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed under articles 7, 13, 14, 18, 19, 20 or 21 of the <i>Universal Declaration of Human Rights</i> [UDHR] and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 or 27 of the <i>International Covenant on Civil and Political Rights</i> [ICCPR];” → “When the total or partial non-observance of the international norms relating to the right to a fair trial, as established in the [UDHR] and in the relevant international instruments accepted by the State concerned, is of such gravity as to give the deprivation of liberty an arbitrary character;” → “When asylum seekers, migrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy;” → “When the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation or disability or other status, and is aimed at or can result in ignoring the equality of human rights.”³⁷



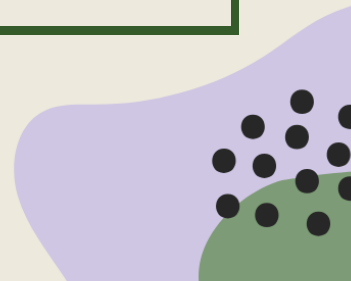
Arrest	The act of apprehending a person for the alleged commission of an offence or by the action of an authority. ³⁸
Assembly	“An intentional, temporary gathering in a private or public space for a particular purpose. Assemblies may take the form of demonstrations, meetings, pickets during strikes, processions, rallies or sit-ins organized for the purpose of celebrating or voicing grievances or aspirations. The term also encompasses other public gatherings, such as concerts or sporting events. An assembly may be peaceful or may involve acts of violence or rioting.” ³⁹
Assembly (peaceful)	“A ‘peaceful’ assembly stands in contradistinction to one characterized by widespread and serious violence. The terms ‘peaceful’ and ‘non-violent’ are thus used interchangeably in this context. The right of peaceful assembly may, by definition, not be exercised using violence. ‘Violence’... typically entails the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property. Mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities do not amount to ‘violence’.” ⁴⁰ “Assemblies should be presumed lawful, subject to the permissible limitations set out in article 21 of the ICCPR. The peacefulness of an assembly should be presumed, and a broad interpretation of the term ‘peaceful’ should be afforded.” ⁴¹ Protests “should be presumed to be peaceful, unless there is compelling evidence to the contrary, and should continue to be regarded as peaceful, unless participants engage in widespread and serious violence.” ⁴²
Automatic/multi-barrel launchers firing kinetic impact projectiles	“Launchers capable of firing a variety of kinetic impact projectiles (and also other less-lethal ammunition such as tear gas projectiles) with multiple barrels that can be fired simultaneously... These launchers can be stand-alone or mounted onto vehicles, such as 4x4 vehicles, unmanned ground vehicles, or seafaring vessels. Launchers can also be mounted onto permanent structures such as prison walls. The launchers can be manually operated via direct operator contact or by remote control. Multi-barrel launchers allow for individual, sequential, or simultaneous firing.” ⁴³
Bail	“Authority to be at liberty for an offence.” ⁴⁴
Bail justice (in Victoria)	Volunteers who “primarily work outside business hours and on weekends to conduct hearings in relation to applications for bail or remand. These hearings are conducted in person and virtually.” ⁴⁵
Bail supported accommodation	“Residential establishments that accommodate people as a condition of bail, generally with some degree of endorsement or regulation by the government.” ⁴⁶
Bar fetters	“A rigid, typically metal, bar connecting two lockable rings or cuffs.” ⁴⁷
Barriers	Made barriers include: “natural walls, buildings, shrubbery or foliage, or constructed functional walls to separate communities.” ⁴⁸

	<p>Intended barriers include: “crowd control barriers (sometimes called French barriers), Mojo Barriers (used at concerts and stage events), chicane barriers (used to slow crowd movement), Heras fencing... and tape.”⁴⁹</p> <p>Adapted barriers include: “vehicles, police officers, cycle units, mounted units or metal shipping containers.”⁵⁰</p>
Basket hold (restraint)	“Subduing a person by wrapping your arm/s around their upper and or lower body.” ⁵¹
Baton	“Long striking weapons often made of rubber, plastic, wood, or aluminium. Batons can vary in length and can be straight, side-handled (also known as a tonfa), or extendable.” ⁵²
Belly chains/restraint belts	“A metal chain or fabric belt designed to be worn around the waist to which a [detained person’s] hands can be chained or cuffed.” ⁵³
Bias	“Bias can lead to unfair outcomes for some people, particularly when it appears in organisations like ... workplaces, or within ... the criminal justice system. Bias does not necessarily amount to racism. However, it can when coupled with the power to discriminate against or limit the rights of others.” ⁵⁴
Body search	“Body searches encompass a wide range of activities such as simple ‘pat-down searches’, strip searches, body cavity searches.” ⁵⁵
Body worn electric shock devices	“Devices capable of delivering painful electric shocks, designed to be worn by a [detained person] (usually in the form of a cuff, sleeve, vest, or belt). The electric shock is delivered by a third-party activating the device by remote control... They are used in places where people are deprived of their liberty, including during court hearings.” ⁵⁶ “These are inherently abusive and any use would constitute an act of torture or other ill-treatment (even if they are not activated).” ⁵⁷
Cage or net beds	“A bed enclosed by a cage or with one or more sides fitted with nets. Cages may be made of wood, metal, or other material, while nets can be made of fabric or other tougher materials.” ⁵⁸ These should not be used by law enforcement. ⁵⁹
Carotid or vascular neck chokeholds	“Chokeholds apply pressure to the throat or windpipe and restrict an individual’s ability to breathe. The carotid restraint technique restricts blood flow to the brain causing temporary unconsciousness.” ⁶⁰ These should not be used by law enforcement. ⁶¹
Caution	(a) A formal warning given by police, instead of proceeding with formal charges for alleged offending – this is not recorded in a person’s criminal history; or (b) Police advising an individual of their right to silence prior to questioning them in relation to an alleged offence.



Cell extraction	Forcible removal of a person from a cell.
Chemical irritants	“A group of toxic chemicals designed to temporarily deter or disable individuals by causing sensory irritation and pain in the eyes, upper respiratory tract and skin. The term ‘chemical irritants’ refers to tear gas (CS, CN, and CR) and pepper spray (OC or PAVA).” ⁶² “Chemical irritants may be used in a number of ways (“as fine powder or smoke released through weapon-launched or hand-thrown projectiles, grenades, and handheld, shoulder-worn, or backpack sprayers... [or] via water cannons, where the chemical powder is suspended in a solvent and released as a fine spray.” ⁶³
Chemical irritants launched at a distance (tear gas)	“Designed to disperse chemical irritants over a fairly wide area, chemical irritant grenades can be hand-thrown or launched. Grenades and projectiles may contain a single chemical irritant or a mixture. They may also include secondary effects such as dye, smoke, or impact projectiles. Cartridge-launched projectiles are fired from specialist less-lethal launchers or shotguns. Some grenades or cartridges separate into two or more ‘submunitions’. Some contain an explosive charge to disperse powdered irritant, while others contain a pyrotechnic to disperse irritant smoke through burning.” ⁶⁴
Chemical restraint	“Forcible administration of medication for the purpose of controlling a patient’s behaviour.” ⁶⁵
Children and young people	The language of ‘children and young people’ reflects language in Australian legislation, policy and practice. However, ‘young people’, being under 18 years old, are children under international definitions (see UN <i>Convention on the Rights of the Child (CROC)</i> Article 1: “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”). As such, these Expectations refer to children. Of note, under Aboriginal Customary Law, childhood may end at puberty or upon completion of initiation ceremonies before an individual reaches 18 years. ⁶⁶ For the purposes of this document, however, the CROC categorisation is utilised.
Code of conduct	“Usually addresses the core aspects of police work and powers, such the use of force, the power to arrest and detain and non-discrimination.” ⁶⁷
Combination cuffs	“Hand and leg restraints linked together by a long metal chain. Designed to simultaneously restrict movement in more than one part of the body.” ⁶⁸
Communication	“Includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.” ⁶⁹
Community oriented policing	“A strategy for encouraging the public to act as partners with the police in preventing and managing crime as well as other aspects of security and order based on the needs of the community.” ⁷⁰

<p>Conducted electrical weapons/projectile electric shock weapons (e.g. Tasers)</p>	<p>“Typically used to deliver pulses of electrical charge that cause the subject’s muscles to contract in an uncoordinated way, thereby preventing purposeful movement. This effect has been termed ‘neuromuscular incapacitation’. The charge is delivered through metal probes that are fired towards the subject but which remain electrically connected to the device by fine wires. During the period of uncoordinated muscle activity, law enforcement officials are able to intervene to restrain the subject using conventional methods, such as handcuffs. Many models use compressed nitrogen to fire two darts that trail electric cable back to the weapon’s handset. When the darts strike the human body, pulses of high voltage charge pass down the cable.”⁷¹ Some models can be turned into a direct contact electric shock weapon (a function that should be prohibited).⁷²</p>
<p>Corruption</p>	<p>“The UN Convention against Corruption (UNCAC) provides a list of acts that constitute corruption and must be criminalised... The list of acts includes: bribery, intentional embezzlement, misappropriation or other diversion, trading in influence (occurs when a third party acts as a go-between, connecting a decision maker with a party that seeks improper advantage), abuse of functions, illicit enrichment, laundering of proceeds of crime, intentionally concealing or continuing to retain property, obstruction of justice.”⁷³ “Other recognised acts of corruption include ‘account offences’, which are acts or omissions intended to commit, conceal, or disguise corrupt conduct. Examples include creating or using an invoice or any other accounting document or record containing false or incomplete information, or unlawfully omitting to make a record of a payment.”⁷⁴ “While the UNCAC does not specifically address the gendered impacts of corruption (including sexual corruption) or the importance of adopting an intersectional approach, the UN General Assembly has made a commitment to better understand the linkages between gender and corruption.... [e.g.] ‘demanding sex or acts of a sexual nature within the context of the abuse of authority may be considered a particular form of corruption, which is primarily perpetrated against women and girls.’”⁷⁵</p>
<p>Crowd control shield</p>	<p>“Round, rectangle, or square shields typically made of polycarbonate. Convex or flat models are most often used for policing public gatherings, while concave rectangular models are most often used in places of detention for cell extractions. Shields may be transparent or contain a transparent window.”⁷⁶</p>
<p>Cruel, inhuman or degrading treatment or punishment</p>	<p>The term “should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive [them], temporarily or permanently, of the use of any of [their] natural senses, such as sight or hearing, or of [their] awareness of place and the passing of time.”⁷⁷</p>
<p>Cultural load</p>	<p>“Cultural load is the (often invisible) additional workload borne by Aboriginal and Torres Strait Islander people in the workplace, where they are either the only Indigenous person or one of a small number of Indigenous people. This includes, extra Indigenous-related work demands that non-Indigenous colleagues do not have, expectations to educate non-Indigenous colleagues about Aboriginal and Torres Strait Islander people and racism, and expectations to talk on behalf of all Aboriginal and/or Torres Strait Islander people.”⁷⁸</p>



<p>Custody Notification Service (CNS)</p>	<p>“State or territory-wide 24-hour, 7-day a week telephone legal advice [service] available to Aboriginal and/or Torres Strait Islander people who have been detained in custody. CNS lawyers provide legal advice in a culturally sensitive manner, and are trained to detect and respond to issues such as threats of self-harm or suicide, or any injuries sustained during arrest.”⁷⁹</p>
<p>Culturally appropriate service provision</p>	<p>“Service provision is culturally appropriate where it respects and acknowledges Aboriginal culture, traditions, history and languages. Services must consult with Aboriginal community members and respond to their needs. They must ensure their service is safe, accessible and considers the impact of historical injustices on the Aboriginal population.”⁸⁰</p>
<p>Culturally safe healthcare</p>	<p>“Cultural safety is determined by Aboriginal and Torres Strait Islander individuals, families and communities. Culturally safe practise is the ongoing critical reflection of health practitioner knowledge, skills, attitudes, practising behaviours and power differentials in delivering safe, accessible and responsive healthcare free of racism.”⁸¹</p>
<p>Dazzling weapons</p>	<p>A “form of directed energy weapon that use, for example, lasers or light-emitting diodes (LEDs) to achieve their effects. In law enforcement operations, they are used especially against subjects in a moving vehicle. Depending on the model, they can be used to engage targets at distances of up to several kilometres.”⁸²</p>
<p>Death in custody</p>	<p>The “definition of deaths should include at least the following categories:</p> <ul style="list-style-type: none"> → The death wherever occurring of a person who is in prison custody or police custody or detention as a juvenile; → The death wherever occurring of a person whose death is caused or contributed to by traumatic injuries sustained or by lack of proper care whilst in such custody or detention; → The death wherever occurring of a person who dies or is fatally injured in the process of police or prison officers attempting to detain that person; and → The death wherever occurring of a person who dies or is fatally injured in the process of that person escaping or attempting to escape from prison custody or police custody or juvenile detention.”⁸³ <p>It should also include deaths occurring in a proximate period to detainment or time in custody.⁸⁴</p>
<p>Deprivation of liberty</p>	<p>“Any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.”⁸⁵</p>
<p>Detaining authority</p>	<p>“In relation to a place of detention, means the person or entity for the time being in charge of the place of detention and includes any person or entity responsible for the day-to-day care, control, health and safety of [detained people] in that place of detention... an entity or person engaged by or on behalf of a detaining authority or the State to provide services under a contract as, or on behalf of, a detaining authority is taken to be a detaining authority.”⁸⁶</p>



Detention	Deprivation of personal liberty except as a result of conviction for an offence. ⁸⁷
Direct contact electric shock weapons	“Direct contact electric shock weapons deliver extremely painful electric shocks when touched to an individual’s skin or clothing... Law enforcement use various forms of direct contact electric shock weapons, including, stun batons – short or long batons that can be used for striking or hitting and have electrodes at the end, along the length or in a coil around the shaft, electric shock shields – shields with multiple electrode strips on the face; the shield is sometimes curved (concave) in order to hold a person against a wall or floor, and stun guns- small hand-held devices usually about the size of a mobile phone with two or more metal electrodes at one end. Some direct contact electric shock weapons include built-in chemical irritant sprays, or sound or light devices.” ⁸⁸
Directed energy weapon	“Weapons that may use technologies that produce concentrated electromagnetic energy and atomic or subatomic particles as a means to damage or destroy equipment or to kill or injure personnel. Directed energy weapons may also be employed for non-lethal purposes, such as when laser dazzle devices are used to give a warning from a distance to potentially hostile actors.” ⁸⁹
Disciplinary offence	“Often referred to as neglect of duty, an umbrella term for any kind of misconduct by a police officer that is not a criminal offence as defined by national criminal law, including misconduct such as pursuing private activities during working hours, being rude to colleagues or members of the public, using company equipment for private gain, alcohol abuse, harassing or bullying colleagues, insubordination and disrespect for standard operational procedures.” ⁹⁰
Discrimination on the basis of disability	“Any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.” ⁹¹
Diversions	“Measures... that avoid resorting to judicial proceedings... Diversion involves the referral of matters away from the formal criminal justice system, usually to programmes or activities.” ⁹²
Drivestun mode (e.g. Tasers)	“Many conducted electrical weapons can also deliver an electric shock when pressed directly against an individual (a use sometimes referred to as ‘drivestun mode’), though the effect relies on pain compliance and does not result in neuro-muscular incapacitation.” ⁹³ This mode should not be used by law enforcement. ⁹⁴
Dynamic security	Building relationships with detained people and having knowledge of what is going on in police custody. ⁹⁵
Easy English and meaning-based translation	“Easy English is an accessible and alternative form of communication,” that “helps people with low literacy, intellectual disabilities, English as a second language.” ⁹⁶ “There are major differences between English and Aboriginal languages at several levels. English and Aboriginal languages come from vastly different language families. They have



	completely different grammatical systems, and particularly in the area of abstract concepts, there are rarely equivalent words. Aboriginal languages have many words and ideas that are not found in English, and vice-versa. On top of this, the conceptual background that provides the framework for understanding legal English is often significantly different between a native speaker of English and a person who grows up speaking an Aboriginal language. Interpreting or explaining English legal terms into Aboriginal languages is a much more complex exercise than transferring legal terms from English into other European languages, which share a much more similar vocabulary and conceptual background.” ⁹⁷
Enforced disappearance	“The arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.” ⁹⁸
Fixed restraints	“Single or double lockable cuffs, usually attached to a metal chain designed to be bolted or otherwise fixed to the floor, wall, ceiling, or other fixed object.” ⁹⁹
Fixed sprayers	Sprayers which “disperse large quantities of chemical irritant (normally tear gas or pepper spray) in a specified area, and are designed to be mounted or attached to a wall, ceiling, or fence. Fixed sprayers can be used indoors or outdoors and can be activated by remote control or automatically by motion sensor technology.” ¹⁰⁰
Gender-affirmative health care	“Gender-affirmative health care can include any single or combination of a number of social, psychological, behavioural or medical (including hormonal treatment or surgery) interventions designed to support and affirm an individual’s gender identity.” ¹⁰¹
Grenades	“Explosive grenades that cause a loud bang (sound grenade), a bright flash of light (light grenade), or both (flashbang grenade). Stun grenades are disorientation devices designed to cause temporary blindness, loss of hearing, and disorientation. Some may also disperse chemical irritant or kinetic impact projectiles. Stun grenades can be hand-thrown or rifle-fired.” ¹⁰² Grenades can also be used for chemical irritant dispersal mechanism (tear gas grenades). ¹⁰³
Grey policing	Not fully complying with, or bending, the law. ¹⁰⁴
Handcuffs (standard)	“Metal handcuffs feature two lockable cuffs, with a ratchet allowing for the size of the cuff to be adjusted. The cuffs can be connected by a short chain-link, hinge, or ridged bar. Some models feature a double locking mechanism, which reduces the risk of cuffs being accidentally overtightened, others are single locking. Handcuffs can also be made of soft fabric or plastic (resembling cable ties).” ¹⁰⁵
Hand-held chemical irritants	“Used by law enforcement; the most common being pepper spray (also known as oleoresin capsicum, or OC), PAVA and CS spray.” ¹⁰⁶ These are smaller dispersal mechanisms. ¹⁰⁷

Harm reduction	“Harm reduction refers to policies, programmes and practices that aim to minimise the negative health, social and legal impacts associated with drug use, drug policies and drug laws. Harm reduction is grounded in justice and human rights. It focuses on positive change and on working with people without judgement, coercion, discrimination, or requiring that people stop using drugs as a precondition of support.” ¹⁰⁸
Hogtying	Fastening an individual’s hands and feet together.
Hoods and blindfolds	“A piece of fabric used to cover the eyes (blindfold), or the entire head (hood). Some models are secured in place with a lock around the neck, while others are attached to other restraints, such as handcuffs.” ¹⁰⁹
Incommunicado detention	“Where the [detained] person is not permitted any contact with the outside world.” ¹¹⁰
Indigenous Data	“Information, in any format, that is about Indigenous Peoples, knowledge systems, customs, resources or territories or that impacts Indigenous lives at the collective and/or individual level.” ¹¹¹
Indigenous Data Governance	“The enactment of Indigenous Data Sovereignty and refers to the mechanisms that support Indigenous decision-making on how data are controlled, collected, interpreted, accessed, stored, and used.” ¹¹²
Indigenous Data Sovereignty	“The right of Indigenous Peoples to own, control, access and possess data that derive from them, and which pertain to their members, knowledge systems, customs, resources or territories.” ¹¹³
Institutional racism	“Institutional racism refers to societal patterns that have the net effect of imposing oppressive or otherwise negative conditions against identifiable groups on the basis of race or ethnicity. Institutional racism is manifested in... political and social institutions and can result in the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin.” ¹¹⁴ It is the “process by which people from ethnic minorities are systematically discriminated against by a range of public and private bodies. If the result or outcome of established laws, customs or practices is racially discriminatory, then institutional racism can be said to have occurred. Institutional racism operates ‘irrespective of the intent of the individuals who carry out the activities of the institution.’ It often arises due to an organisational failure to understand the impact of, or appropriately ensure compliance with, policies and procedures affecting particular people,” such as Aboriginal and/or Torres Strait Islander people. ¹¹⁵
Interpersonal racism	“Interpersonal racism is racism that occurs in interactions between individuals or groups of people, often in everyday settings. Interpersonal racism can come in the form of abuse, harassment, humiliation or exclusion. It can also be expressed through off-hand jokes or comments. Sometimes referred to as ‘everyday racism’, interpersonal racism is considered by some to be the way in which systemic racial inequity plays out between people. Interpersonal

	racism does not always target a specific person and may not even be intended to cause any offence or harm. However, a lack of intent does not reduce the negative impacts of racism.” ¹¹⁶
Intersectionality	“In social theory, the interaction and cumulative effects of multiple forms of discrimination affecting the daily lives of individuals, particularly women of color. The term also refers more broadly to an intellectual framework for understanding how various aspects of individual identity—including race, gender, social class, and sexuality—interact to create unique experiences of privilege or oppression.” ¹¹⁷
Kettling/containment	“When the police contain protesters in one place for an extended period by surrounding them and not allowing them to leave.” ¹¹⁸
Kinetic impact projectiles (KIPs)	“Are used by law enforcement officials to tackle... individuals, including as a less-lethal alternative to lethal ammunition discharged by firearms.” ¹¹⁹ There are various types of KIPs, “such as rubber bullets, plastic bullets, impact rounds, baton rounds or bean bags.” ¹²⁰
Large calibre chemical irritant munitions	“Designed to deliver large quantities of chemical irritant over a very wide area or extended distances. These munitions can be fired from a mortar, howitzer, or artillery system. Some munitions are rocket-propelled to increase their range.” ¹²¹
Lathis	“Long flexible batons (usually 1m or longer), traditionally made of wood or bamboo but more recently have also been manufactured using polycarbonate.” ¹²²
Leg cuffs	“Two lockable cuffs, usually made of metal, fastened around the ankles and attached by a chain to allow the [detained person] some movement. The cuff size is usually larger than those of ordinary handcuffs and is adjustable.” ¹²³
Malodorants	“Chemicals that have a foul or deeply unpleasant smell. The smell can linger and be difficult to remove from clothing. Malodorants can be dispersed by hand-held spray, grenades, launched projectiles, drones, and water cannon.” ¹²⁴
Mediation	“Any process whereby the victim and the [person who offended] are enabled, if they freely consent, to participate actively in the resolution of matters arising from the crime through the help of an impartial third party (mediator).” ¹²⁵
Millimetre wave weapons	“Millimetre wave weapons are a form of directed energy weapon (DEW) that are designed for use against human beings. The Active Denial System developed by the US military, for example, is purportedly intended to non-injuriously heat the topmost layer of skin of those targeted with a focused beam of millimetre wave energy and thereby encourage persons to leave the scene because of ‘an intolerable heating sensation’. This weapon technology has been undergoing further modification and testing. It is promoted for multiple purposes including force protection, perimeter defence, crowd control, patrols/convoys, and defensive and offensive operations, but has not been used in either military or law enforcement operations to date. Vehicle-mounted models for potential use in crowd dispersal as well as models for indoor use

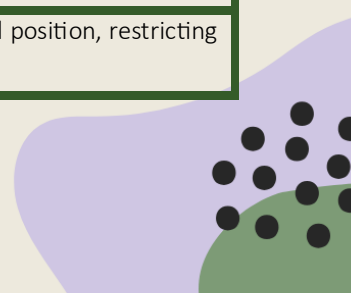
	(potentially in prisons) have previously been developed.” ¹²⁶ These should not be used by law enforcement. ¹²⁷
Natural justice (procedural fairness)	“These principles ensure that decisions affecting the rights, interests or legitimate expectations of individuals are fair, transparent and equitable” and include “the right to be informed of and understand the case against you; the right to be heard and respond to the case against you; the right to have a decision affecting you made without bias; the right to be informed of and understand a decision in a case against you; and the right to appeal a decision in a case against you.” ¹²⁸
Non-accusatory/ investigative interviewing	The “aim of questioning... [is] to obtain accurate and reliable information in order to discover the truth of all relevant facts about matters under investigation. The aim of interviews... [is not] to elicit confessions or other information reinforcing presumptions of guilt or other assumptions held by [police] officers.” ¹²⁹
Officer Induced Jeopardy	“Situations where officers needlessly put themselves in danger, committing an unforced tactical error that makes them vulnerable and thus in a position where they must use deadly force to protect themselves.” ¹³⁰
Pin downs (restraint)	“Subduing a person by holding down their limbs or any part of the body, such as their arms or legs.” ¹³¹
Poison relationship	“Within the [Aboriginal] kinship network there are also avoidance relationships between people that are lifelong. Some of these are public knowledge and some are private... These avoidance relationships are about respecting your family and are not about disrespect. The term ‘poison’ is also used to describe avoidance, this term is meant with respect.” ¹³²
Place of deprivation of liberty/Place of detention	“Any place under [the State’s] jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention)... deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.” ¹³³
Police contact death	Where the “deceased was in the legal custody of the Chief Commissioner of Police; or... in the custody of a Police Officer... [or a] Police Officer was attempting to take the deceased into custody, or the deceased died from injuries sustained when a Police Officer attempted to take the deceased into custody.” ¹³⁴
Positional asphyxia	“When the position of the... [person’s] body interferes with respiration, resulting in death from asphyxia or suffocation.” ¹³⁵
Profiling	“Profiling involves categorising individuals according to their inferred characteristics,” ¹³⁶ or “personal characteristics. These characteristics can be ‘unchangeable’ (such as age or height) or ‘changeable’ (such as clothing, habits, preferences and other elements of behaviour).

	Profiling includes data mining whereby individuals are categorised “on the basis of some of their observable characteristics in order to infer, with a certain margin of error, others that are not observable.” ¹³⁷
Prone position	“Where the person is [restrained] lying flat with the chest down and back up.” ¹³⁸
Protective custody	Administrative police detention of an intoxicated person who is perceived to be a risk to themselves or others.
Public order policing	“Public order policing is the use of police authority and capacity to establish a legitimate equilibrium between governmental and societal, collective and individual, rights and interests in a mass demonstration of grievance.” ¹³⁹
Racial discrimination	“Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” ¹⁴⁰
Racial profiling	“‘Racial profiling’ is not limited to intentional individual practices or overt organisational policies that target racial minorities. While proof of intent is a critical part of the criminal law, federal and state discrimination law condemns not just the purpose of the action, but its effect.... [and] while individual prejudice (conscious) and cognitive bias (unconscious) may be part of the problem, it is changing the institutional or structural practices that result in discrimination that must be the focus of a program working to eliminate racial profiling.” ¹⁴¹
Racism	The “process by which systems and policies, actions and attitudes create inequitable opportunities and outcomes for people based on race. Racism is more than just prejudice in thought or action. It occurs when this prejudice – whether individual or institutional – is accompanied by the power to discriminate against, oppress, or limit the rights of others.” ¹⁴²
Reasonable accommodation	“Necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.” ¹⁴³
Recognised place of detention	Officially recognised place of detention. Information on these places should be gazetted/publicly available.
Reconciliation Action Plan	A formal plan demonstrating an organisation's commitment to reconciliation with Aboriginal and Torres Strait Islander Peoples.
Redress (under the CAT)	“Encompasses the concepts of ‘effective remedy’ and ‘reparation’. The comprehensive reparative concept... entails restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition and refers to the full scope of measures required to redress

	violations under the " UN <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i> . ¹⁴⁴
Related equipment	"Equipment that includes personal protective equipment used in law enforcement, such as shields, helmets, body armour or other equipment provided for law enforcement officials to minimize injury. Equipment may be general in nature or specific to certain situations, such as assemblies, and includes equipment that may be used remotely, automatically or autonomously, as well as information and communications technology used by law enforcement. The term also covers restraints used in custodial settings." ¹⁴⁵
Restorative justice, program and process	"Any process in which the victim, the [person who has offended] and/or any other individual or community member affected by a crime actively participates together in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative process include mediation, conferencing, conciliation and sentencing circles." ¹⁴⁶
Restorative program	"Any programme that uses restorative processes and seeks to achieve restorative outcomes." ¹⁴⁷
Restraint boards with non-metallic restraints	"Boards with a range of restraining points, straps or cuffs are often made from fabric or leather." ¹⁴⁸
Restraint chairs	"Chairs with metal cuffs to restrain at the wrists and/or ankles; or fixtures to which restraints (such as handcuffs) can be attached. Some models also have a lockable metal table or tray... Chair with a range of restraining points, straps, or cuffs, usually made from fabric or leather." ¹⁴⁹
Rigid bar combination cuffs	"Hand and leg restraints linked together by a rigid metal bar." ¹⁵⁰
Screening smoke	"The use of smoke... [to] create a visual barrier that allows the redeployment of police or removal of vulnerable people out of sight of other demonstrators." ¹⁵¹
Secret detention	Where "State authorities acting in their official capacity, or persons acting under the orders thereof, with the authorization, consent, support or acquiescence of the State, or in any other situation where the action or omission of the detaining person is attributable to the State, deprive persons of their liberty; where the person is not permitted any contact with the outside world ('incommunicado detention'); and when the detaining or otherwise competent authority denies, refuses to confirm or deny or actively conceals the fact that the person is deprived of [their] liberty hidden from the outside world, including, for example family, independent lawyers or non-governmental organizations, or refuses to provide or actively conceals information about the fate or whereabouts of the [detained person]." ¹⁵²
Sensory deprivation	"[M]ay imply restricting the victim's use of the senses of hearing, seeing, smelling, touching, and tasting. Sensory deprivation may also be obtained through reducing auditory, visual, olfactory, tactile, or gustatory stimuli." ¹⁵³

Single/limited shot launchers	“These weapons enable the firing of kinetic impact or chemical irritant projectiles. They are available in a variety of forms, including... single barrel and multi-shot (revolver style) launchers, launching cups (metal attachment that fit over the barrel of a shotgun or rifle) and compressed air launchers.” ¹⁵⁴
Sjambok	A “type of heavy whip, traditionally made of leather, but now also made of other materials, such as plastic.” ¹⁵⁵
Sleep deprivation	<p>Total sleep deprivation (TSD): “Elimination of sleep for a period of time (at least one night) after the person has been awake for an extended period. It is an absolute value (e.g. 43 hours).”¹⁵⁶</p> <p>Partial sleep deprivation (PSD)/Sleep restriction (SR): “Reduction in sleep time below an individual’s usual baseline or the amount of sleep needed on a regular basis to maintain optimal performance. It is a relative value (e.g. 4 hours sleep in a person with an average baseline sleeping time of 7 hours, means a PSD of 3 hours).”¹⁵⁷</p> <p>Sleep disruption (SD): “Interruption or fragmentation of sleep, where frequent arousal disrupts the normal dynamics of sleep for the person. Sleep disruption is associated with an increase in awakenings and, typically, a reduction of deep sleep although the total amount of time might seem similar to a normal night’s sleep (e.g. 7 hours of sleeping time with interruptions due to hunger, heat or loud noise). It can be deliberate or not.”¹⁵⁸</p> <p>Minimum duration of necessary sleep: “There is a small variability in individual needs among adults (from 5 to 8 hours). There is a widely accepted consensus of an average of 7 +/- 1 hours of daily continuous sleep as part of a normal sleep pattern. For an adult (18-65) the minimum duration of necessary sleep is no less than 6 hours and for an older adult (>65), not less than 5 hours. The minimum duration for children (under 18) is higher... This is a recommendation during normal circumstances and should also be the minimum during detention or interrogation.”¹⁵⁹</p>
Solitary confinement	“The confinement of [a detained person] for 22 hours or more a day without meaningful human contact.” Prolonged solitary confinement refers “to solitary confinement for a time period in excess of 15 consecutive days.” ¹⁶⁰
Special measures	“Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.” ¹⁶¹
Spiked baton	“A baton with sharp spikes or other protrusions designed to inflict pain. Spiked batons are usually made from metal, but can also be made of other materials, such as hardened rubber, plastic, and wood.” ¹⁶²
Spiked shield and spiked body armour	“Spiked shields may be flat, convex, or concave, and have spikes or other protrusions designed to inflict pain attached to the front of the shield. Spiked body armour, such as arm guards, feature protruding spikes designed to be used offensively.” ¹⁶³

Spit hoods/guards	“Spit hoods vary in design but generally consist of a thick piece of material over the mouth and transparent material over the eyes. The material covering the mouth is designed to protect law enforcement from saliva or blood. The material covering the eyes should not impair the [detained person’s] vision.” ¹⁶⁴
Strengths-based approach	“Strengths-based approaches encompass a number of practices and themes that disengage from and provide alternative solutions to the deficit discourses that frame negatively racialised individuals.” ¹⁶⁵
Stress position (positional torture)	Stress positions force a person “into a painful physical position, such as forced standing, awkward sitting positions or suspension of the body for prolonged periods of time. Stress positions can lead to long term or even permanent damage, including nerve, joint and circulatory damage, and muscle and joint pain.” ¹⁶⁶ People can be “forced to remain in a fixed position for an extended period of time varying from minutes to hours or even days. The positions may consist of standing on the toes, standing with arms stretched out or they can be unnatural or contorted positions. Victims of positional torture hold the positions out of fear of the consequences of disobedience, or are physically bound into the position with ropes, straps or handcuffs. Positional torture leaves little, if any, visible evidence of injury despite subsequent chronic pain and potential disability.” ¹⁶⁷
Strip search	“If during a search an officer moves a person’s clothes (other than the outer clothes...) away from their body, or requires a person to move their clothes away from their body, in order to visually inspect inside those clothes this will constitute a strip search, whether or not this involves a visual inspection of their genital area or breasts,” and “if an officer places their hand or fingertips inside a person’s waistband, collar or sleeves (whether of outer clothing or inner clothing) this will also constitute a strip search.” ¹⁶⁸
Summons	A legal document requiring a person to attend court for their criminal matter.
Supine restraint	“Subduing a person by forcing them into a face-up position.” ¹⁶⁹
Systemic racism	“Systemic racism is when laws, policies and practices across agencies work together to produce a discriminatory outcome for racial or cultural groups. While the laws, policies and practices may appear to be neutral, they result in uneven or unfair outcomes. Systemic racism is different to individual or interpersonal racism, which takes place when individuals hold racist views and treat people differently based on those views, for example, hate speech or racial abuse. Laws, policies and practices can contribute to systemic racism, even if this is not acknowledged or recognised by the authorities that develop and implement them.” ¹⁷⁰
Takedown techniques (ground stabilisation)	“Subduing a person by forcing them to free-fall to the floor or by forcing them to fall to the floor with support.” ¹⁷¹
Thumbcuffs	“Rigid metal cuffs, which hold a person’s thumbs close together in a fixed position, restricting hand movement. Some models have a serrated inner edge.” ¹⁷²



Torture	“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” ¹⁷³
Trauma-informed	“A program, organization, or system that is trauma-informed realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system; and responds by fully integrating knowledge about trauma into policies, procedures, and practices, and seeks to actively resist re-traumatization.” ¹⁷⁴ “A trauma-informed perspective recognises the intersectional impact of racism and racial discrimination and ensures that people who experience racism can share their experiences in a way that is safe and sensitive to their experiences.” ¹⁷⁵
Unconscious (implicit) bias	“Unconscious or implicit bias refers to the attitudes, beliefs, and stereotypes that people may hold towards individuals and groups that they are not consciously aware of.” ¹⁷⁶
Universal design	“Design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. ‘Universal design’ shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.” ¹⁷⁷
Unmanned aerial vehicles (drones) armed with less-lethal weapons	“A launcher attached to an unmanned aerial vehicle (drone), which can fire or disperse chemical irritants, kinetic impact projectiles or other less-lethal ammunition over a wide area.” ¹⁷⁸
Use of force	“The use of physical means to coerce or influence behaviour or to damage property. Such means may be kinetic, chemical, electrical or of another kind. The use of force may injure and even, in certain instances, kill. A weapon may be used to apply force without being discharged, for example by pointing it at a person while threatening to discharge it unless the person engages in or refrains from certain behaviour.” ¹⁷⁹
Water cannon	“Vehicles designed to project water at a variety of pressures and in a variety of forms for the purposes of dispersing groups, protecting property or putting an end to violent behaviour. Chemical irritants, malodorants or other substances that are hazardous to health are sometimes mixed with the water used in water cannon.” ¹⁸⁰
Weighted baton	“While standard batons and standard protective gloves do have a certain weight and are important protective equipment for officials, weighted batons and gloves are significantly heavier and/or have weights added to particular areas... There are two main types of weighted

	batons: Slappers – a flat device consisting of flexible metal encased in thick leather, which can be used for slapping or striking a person. Billy clubs – a short baton consisting of spring steel encased in leather, sometimes weighted at one end with lead shot and used for striking a person.” ¹⁸¹
Weighted gloves	Are “usually made of leather, with metal weights covering the knuckles, fingers, or back of the hand.” ¹⁸²
Weighted hand or leg restraints	“Two metal cuffs attached by a heavy chain of considerable weight. The cuffs are usually non-adjustable and larger than those of ordinary handcuffs or leg cuffs.” ¹⁸³
Whip	“A whip is normally a firm, flexible stick made of leather or other material, or a stick with one or more fabric or rope thongs attached. Thongs can sometimes incorporate barbs, spikes, knots, or hooks, or may be plaited with wire.” ¹⁸⁴
Whistleblowing	“Making a disclosure in the public interest by an employee, director or external person, in an attempt to reveal neglect or abuses within the activities of an organisation, government body or company (or one of its business partners) that threaten public interest, its integrity and reputation.” ¹⁸⁵
Written warning	A written warning given by police, instead of proceeding with formal charges for alleged offending – this is not recorded in a person’s criminal history.

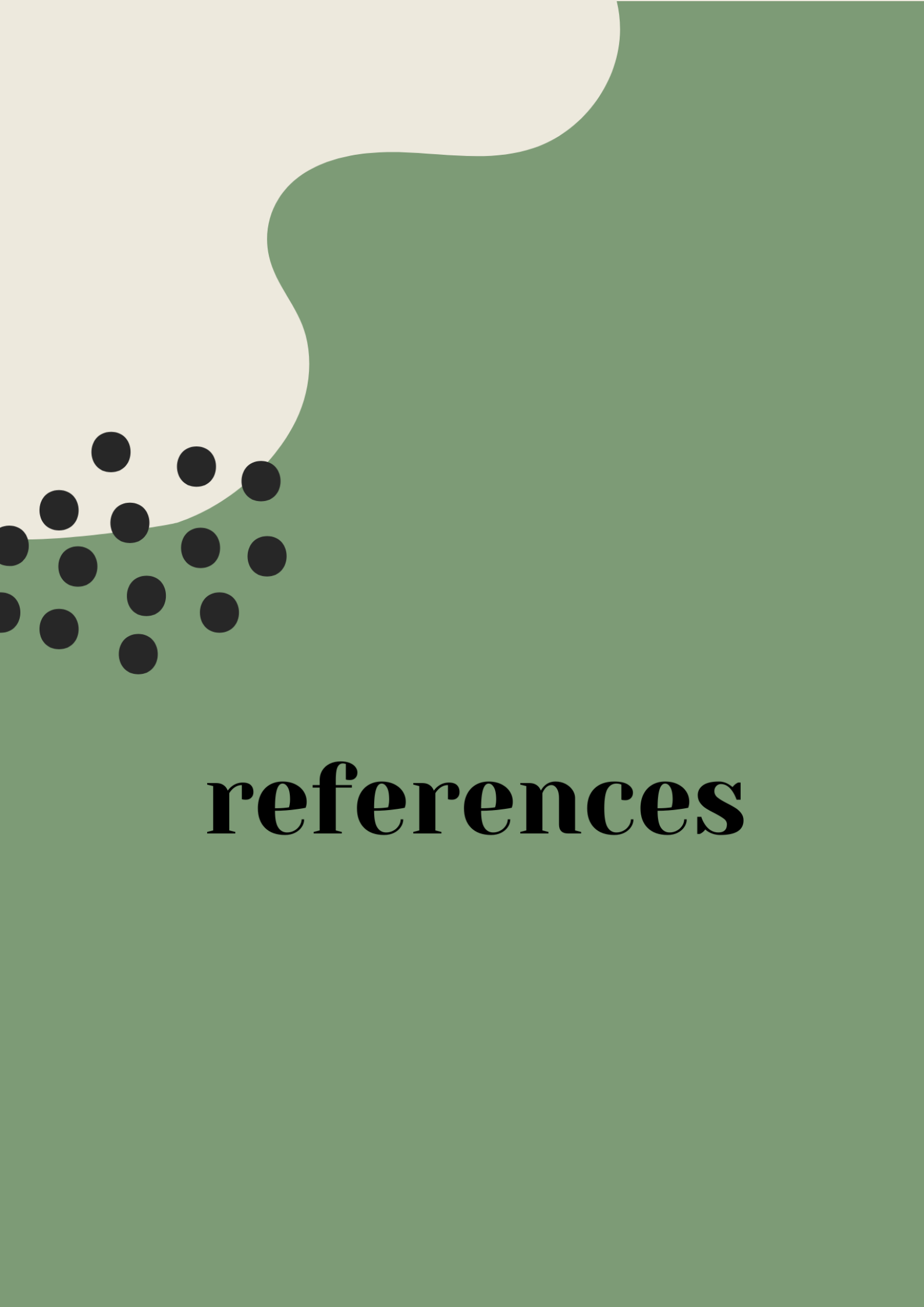
2. Acronyms and abbreviations

Term	Acronym/Abbreviation
Aboriginal Community Controlled Health Organisation	ACCHO
Aboriginal Community Controlled Organisation	ACCO
Aboriginal Interpreter Service, Northern Territory Government	AIS
Aboriginal Legal Service	ALS
Aboriginal Resource and Development Services	ARDS
ACT Office of the Inspector of Custodial Services	ACT OICS

Australian Health Practitioner Regulation Authority	AHPRA
Australian Human Rights Commission	AHRC
Australian Law Reform Commission	ALRC
Body Worn Camera	BWC
Closed-Circuit Television	CCTV
Convention on the Rights of the Child	CROC
Council of Europe	CoE
Cruel, inhuman or degrading treatment or punishment	ill-treatment
Custody Notification Service	CNS
European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	CPT
Foetal alcohol spectrum disorder	FASD
Freedom of Information	FOI
His Majesty's Inspectorate of Constabulary and Fire & Rescue Services & Care Quality Commission	HMICFRS & CQC
Independent Broad-based Anti-corruption Commission (VIC)	IBAC
Indigenous Data Governance	IDG
Indigenous Data Sovereignty	IDS
International Association of Chiefs of Police	IACP
Kinetic Impact Projectile	KIP
Law Enforcement Conduct Commission (NSW)	LECC
Melbourne Activist Legal Support	MALS

National Accreditation Authority for Translators and Interpreters	NAATI
National Preventive Mechanism	NPM
North Australian Aboriginal Justice Agency	NAAJA
Office for Democratic Institutions and Human Rights	ODIHR
Organization for Security and Co-operation in Europe	OSCE
Opioid agonist treatment	OAT
Principles on effective interviewing for investigations and information gathering	Mendez Principles
Royal Commission into Aboriginal Deaths in Custody	RCIADIC
UN Committee against Torture	UN CAT
UN Convention against Corruption	UNCAC
UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	CAT
UN Convention on the Rights of the Child	CROC
UN Declaration on the Rights of Indigenous Peoples	UNDRIP
UN International Covenant on Civil and Political Rights	ICCPR
UN International Covenant on Economic, Social and Cultural Rights	ICESCR
UN International Convention on the Elimination of All Forms of Racial Discrimination	ICERD
UN Office of the High Commissioner for Human Rights	OHCHR
UN Office on Drugs and Crime	UNODC
UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	OPCAT

UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders	Bangkok Rules
UN Standard Minimum Rules for Non-custodial Measures	Tokyo Rules
UN Standard Minimum Rules for the Administration of Juvenile Justice	Beijing Rules
UN Standard Minimum Rules for the Treatment of Prisoners	Nelson Mandela Rules
UN Subcommittee on Prevention of Torture	SPT
UN Working Group on Arbitrary Detention	WGAD
Universal Declaration of Human Rights	UDHR
World Health Organization	WHO
Victorian Aboriginal Legal Service	VALS



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