

**Culturally appropriate,
human rights compliant**

Police custody monitoring expectations

**Practical detention
monitoring
guidance**

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



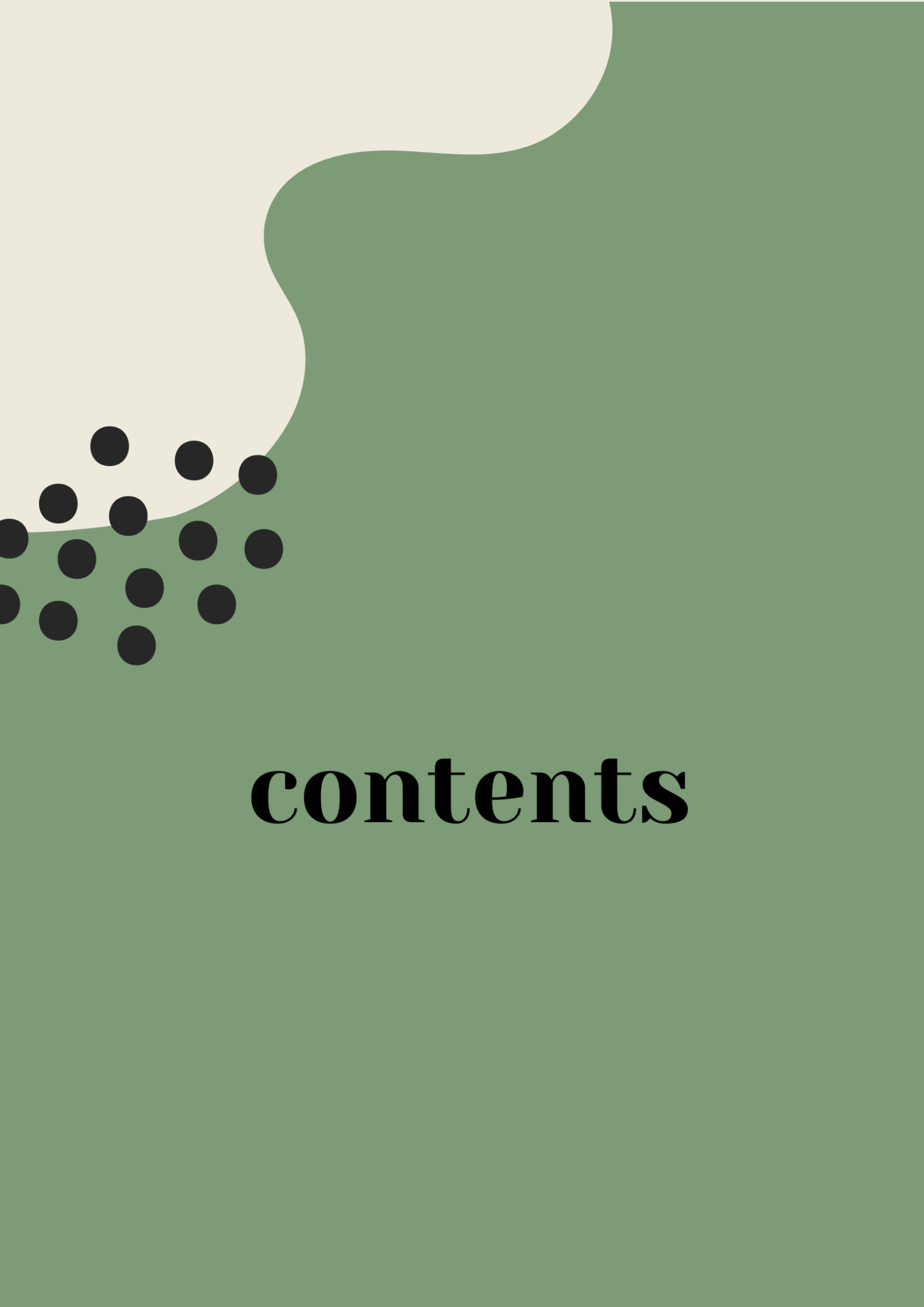
These Expectations were prepared on unceded Darug & Gadigal Country, and I pay my respects to Elders past and present across Australia, acknowledging Aboriginal and Torres Strait Islander People's enduring connection to land, sea and culture.

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.



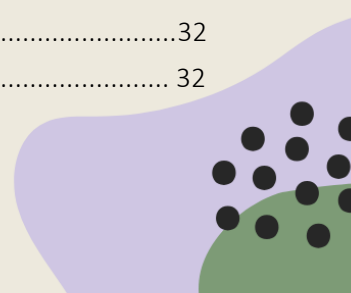
**Contact: Andreea Lachszt
andreea.lachszt@gmail.com**





contents

IV. Practical detention monitoring guidance	1
(i) How to use this section	2
1. What an NPM expects to see when monitoring deprivation of liberty	3
(a) Issues addressed	3
(b) Aide memoire.....	3
(c) Glossary.....	3
(ii) Deprivation of liberty	4
1. Deprivation of liberty is used as a last resort.....	5
2. Deprivation of liberty in particular circumstances.....	5
(a) Stops and searches.....	5
(b) At public assemblies.....	7
3. Proper consideration of alternatives to detention	8
(a) Cautions, warnings, diversion and summons	8
(b) Bail and court orders	10
4. Arrest and detention	13
(iii) Use of force	15
1. Permissible use of force	16
(a) Circumstances in which force may be used.....	16
(b) Alternatives to use of force or restraints.....	17
(c) Lethal use of force.....	18
(d) Vulnerable groups	18
(e) Dignity and non-discrimination	18
(f) Robust legal regulation.....	19
(g) Police training.....	19
(h) Role of healthcare workers.....	20
5. Weapons	20
(a) Lethal weapons- Firearms.....	20
(b) Less-lethal weapons	21
(c) Weapons storage, regulation and police training.....	25
6. Restraints.....	26
7. Other equipment and animals	27
8. Testing, procuring and monitoring weapons and equipment.....	28
9. Position/holds, using force to move/disarm people.....	28
10. Barriers used during kettling at public assemblies.....	30
11. Processes following use of force or restraint.....	31
(a) Medical care.....	31
(b) Record keeping.....	32
(c) Reporting.....	32
12. Accountability for inappropriate/excessive use of force.....	32



13. Searches	33
(a) Body searches	33
(b) Searches and/or seizure of objects	35
(c) Record keeping.....	35
(iv) Police stations and cells.....	36
1. Key protections upon arrest and apprehension	37
(a) Medical care when police attend a scene or a public assembly	37
(b) Only recognised places of detention are used	37
(c) Appropriate notifications following detention	37
(d) Information regarding, and exercise of, rights in detention.....	38
(e) Access to a lawyer	39
(f) Initial medical assessment/examination.....	39
(g) Internal and external/independent review of detention.....	40
(h) Limitations to time held in custody	40
(i) Comprehensive, accessible record keeping.....	41
2. Police interviews.....	41
(a) Default position in relation to police interviews.....	41
(b) If police are seeking to interview	41
(c) If police conduct an interview	43
(d) Collection of forensic samples.....	44
3. Healthcare provision in detention	45
(a) Culturally appropriate healthcare	45
(b) Healthcare professionals as a safeguard against torture and ill-treatment	46
(c) Effectively navigating potentially conflicting responsibilities while providing healthcare.....	47
(d) Staffing and protocols with community healthcare providers.....	47
(e) Treatment rooms, medication and equipment.....	49
(f) Equivalency of medical care	49
(g) The role of police officers in (facilitating) healthcare provision	51
(h) Police role while detained person is being treated at hospital.....	53
(i) Record keeping, complaints and continuous improvement	53
4. Treatment and conditions in police cells	54
(a) Use of interpreters	54
(b) Placement of detained people	54
(c) Police custody staffing.....	54
(d) Safety in detention	55
(e) Isolation and solitary confinement.....	57
(f) Contact with family and the outside world	57
(g) Respect for cultural, religious and moral beliefs	58
(h) Material conditions in police stations/cells	58

(v)	Transport	61
1.	Determining whether to transport someone	62
2.	Determining who transports individuals	62
3.	Conditions of transport	62
4.	(Internal) oversight	64
(vi)	Transfer/release from police custody	65
1.	Release unconditionally, on bail or on summons	66
2.	Transfer to another detaining authority	66
Endnotes	67

Published February 2026



A warning that this document includes descriptions of violence and racist speech and conduct, and that the document includes recommendations from coronial inquests into deaths in custody of Aboriginal and/or Torres Strait Islander people, using the names of people who have passed away





**practical
detention
monitoring
guidance**



how to use this section

1. What an NPM expects to see when monitoring deprivation of liberty

This document is intended to be used primarily 'on-the-ground', during NPM bodies' monitoring of deprivation of liberty by police during arrest/apprehension, stops and searches, kettling at public assemblies, transport and transfer, at police stations and at release from police custody.

(a) Issues addressed

- * **Lawful arrest, apprehension and detention**
- * **Proper consideration of alternatives to detention** (including cautions, warnings, diversion, fines, summons, bail)
- * **Use of force, restraints and searches** (lawful use of force/restraints and robust legal regulation; alternatives to use of force/restraints; lethal use of force; use of force on vulnerable groups; dignity and non-discrimination; police training; role of healthcare workers; prohibited and controlled lethal and less-lethal weapons; weapons storage; restraints; other equipment; testing, procuring and monitoring weapons and equipment; positions, holds and using force to move people; processes following use of force; accountability for inappropriate/excessive use of force; and searches of people and objects)
- * **Key protections upon arrest and apprehension** (medical care at scene; recognised places of detention; notifications of detention; information on rights; access to a lawyer; initial medical assessment/examination; internal and external reviews of detention; time limitations; record keeping)
- * **Police interviews** (before proceeding to interview; conducting the interview)
- * **Healthcare provision in detention** (culturally appropriate healthcare; healthcare professionals as a safeguard from torture; navigating potential conflicting responsibilities; staffing and protocols with community healthcare providers; treatment rooms, medication and equipment; equivalency of healthcare; the role of police officers in facilitating healthcare provision; recordkeeping, complaints and continuous improvement)
- * **Treatment and conditions in police cells** (placement of detained people; police custody staffing; safety; isolation and solitary confinement; contact with family and the outside world; respect for cultural, religious and moral beliefs; material conditions - including cell architecture, light, hygiene, food, clothing and bedding, personal belongings)
- * **Transport** (determining whether to transport someone and who transports them; conditions of transport; oversight)
- * **Transfer/release from police custody**

(b) Aide memoire

This section has an accompanying aide memoire, which is a summary intended to assist the NPM team

- * during its on-site visits (particularly to provide guidance to any contracted experts joining the team), and
- * during its constructive dialogue with police authorities.

(c) Glossary

A detailed glossary in the introductory document provides more detailed explanations for technical terms and key concepts.



deprivation of liberty

1. Deprivation of liberty is used as a last resort

1. *Apprehension,* arrest* and remand* is a last resort, for as short as possible time.*

- * Recognising that “avoiding depriving a person of [their] liberty is one of the most effective safeguards against torture and ill-treatment,”¹ police use deprivation of liberty as a last resort, including for Aboriginal and/or Torres Strait Islander people.² People are only deprived of their liberty in exceptional circumstances, in accordance with the principles of necessity and proportionality,³ for the shortest possible time.⁴ Police assess risks for vulnerable people to minimise their time in police custody.⁵
- * Legislation mandates that deprivation of liberty is a last resort.⁶
- * Police officers are trained and instructed to use arrest as a last resort.⁷
- * Management monitors compliance of using arrest as a last resort.⁸ Tools to enable this might include a database recording the use of arrest versus summons, which allows disaggregation of data by region, police station⁹ and non-Aboriginal and Aboriginal and/or Torres Strait Islander people.
- * There are no performance indicators or other incentives (e.g. allowances¹⁰) for high arrest or charge rates.¹¹ Internal police processes (e.g. relating to paperwork) do not encourage arrest as opposed to alternatives such as summons or cautions.¹²

2. *Where at all possible, children are not brought to police stations.¹³ Detention of children is a last resort, for the shortest appropriate period of time.¹⁴ Children are not held in custody unless there is no viable alternative.¹⁵*

- * Any detention of children is authorised by a senior police officer, and detention overnight is only permitted where all alternatives pose “a heightened risk to the child’s welfare,” or where a judge has issued a warrant for their appearance at court.¹⁶
- * Children are “released, taken to court, or transferred to a suitable facility as soon as possible.”¹⁷
- * Management conducts reviews of detention of children with the intention of avoiding repetition.¹⁸

3. *Police are competent in and effectively use de-escalation and conflict-resolution techniques,¹⁹ with the objective of avoiding use of detention.*

2. Deprivation of liberty in particular circumstances

(a) Stops and searches

4. *Stops and searches are recognised as constituting a deprivation of liberty.**

* See glossary.

* See glossary.

* See glossary.

* As noted in the *Introduction*, the SPT *General Comment No.1* characterises “stops and searches by the police” as amounting to a deprivation of liberty. Stops and searches of Aboriginal and/or Torres Strait Islander people by police may constitute an unwarranted point of contact with the criminal legal system (e.g. they occur due to racial profiling), and may also lead to further, avoidable involvement with police and the criminal legal system (for example,

5. *Searches are necessary, proportionate and lawful,²⁰ and are not used to harass or intimidate people.²¹ They are conducted in a manner that respect a person’s dignity and privacy.^{22*}*
6. *Police “ensure stop and search operations are equality distributed across communities,” “not concentrated in areas of high racial minority and Aboriginal or Torres Strait Islander presence.”²³*
7. *Police do not racially profile Aboriginal and/or Torres Strait Islander people when conducting stops and searches.²⁴*

What is racial profiling?

Racial profiling “is not limited to intentional individual practices or overt organisational policies that target racial minorities.” The “law condemns not just the purpose of the action, but its effect.” 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

- * Police leadership recognise the problem of unlawful profiling,²⁷ demonstrating zero tolerance for it.²⁸
- * There are proactive measures in place to prevent racial profiling, such as ensuring that the number of stop and searches conducted are not a performance indicator.²⁹ Among performance indicators there are those aimed at addressing bias and stereotypes.³⁰
- * Internal supervision mechanisms include panels considering whether police stops are being conducted on reasonable grounds.³¹ There are opportunities to obtain external feedback, such as through external community and civil society panels.³² Particularly, panels assessing reasonable grounds are comprised of “a majority of members [that] are community members with lived experience of being searched by the police,” and meetings are held in community settings, rather than police stations.³³
- * There are internal safeguards and processes to deter profiling and enable supervisors to identify

the focus of a program working to eliminate racial profiling.”²⁵

Does racial profiling happen in Australia?

Yes, there is evidence that racial profiling happens in Australia (e.g. Hopkins et al conclude that “particular police practices, including routine intercepts, pretext stops and consent searches are more likely to be targeted at particular racialised groups”²⁶).

profiling,³⁴ such as activation of body worn cameras (BWCs)³⁵ during police stops and searches (any recording protecting the privacy of the person who has been stopped/searched) and Stop and Search forms which police must complete at the time of the stop/search.³⁶

- * Forms to be completed by police are designed to encourage use and facilitate accuracy. For example, by having multiple choice fields and clear unambiguous terms (which are easily understandable for both police officers and community members).³⁷ These forms include the legal grounds for the stop or search, what the police officer was searching for and the outcome of the search. The forms also include the identifying information of the police officer (name, rank, police station) and the details of the person stopped, including their ethnicity, nationality, and Aboriginality³⁸ (as perceived by the police officer³⁹).

where matters escalate and police then arrest the person or use force on them). For these reasons, a member of the Australian NPM may choose to exercise their mandate with respect to this type of deprivation of liberty.

* See further guidance on searches.

* See further guidance on racism (*Identifying the root causes of ill-treatment*).

* See glossary.

* Consultation feedback has advised against requiring police to “further interfere with privacy by asking for ethnicity/race/Indigeneity at the point of search.” Rather, it is the police officers’ *perceptions* of the person’s ethnicity/race/Indigeneity that is most useful; this is what should be recorded.

- * A copy of the form is provided to the individual who has been stopped, and they are entitled to request a copy of the form at a later stage.⁴⁰
- * Disaggregated stop/search data is used to assess whether police officers have been lawfully stopping and searching people, and whether they have engaged in racial profiling.⁴¹

(b) At public assemblies*

8. *The exercise of stop and search powers in relation to those participating in assemblies is not discriminatory and is based on a reasonable suspicion of an offence having been/being committed.*⁴²

- * Participation in a peaceful assembly is not a reasonable ground to exercise stop and search powers.⁴³
- * “Plain clothes police [do] not attend protests for the purpose of conducting surveillance of and/or information gathering about protesters,”⁴⁴ and they do not conduct stops and searches without a lawful basis.*

9. *Kettling/containment is only used where necessary and proportionate “to address actual violence or an imminent threat.” It is used for the minimum duration necessary.⁴⁵ The threshold and nature of the actual/imminent violence to enliven the use of this power (as opposed to other powers, such as arrest) is serious injury and “when no alternative police tactics that would be less restrictive of the rights to liberty and the freedom of movement can be employed.”^{46*}*

- * The use of kettling/containment may be used in circumstances where there is a group of people “who are acting so dangerously that their containment is necessary to keep other people safe from significant harm,” and “the act of containing (and the acts necessary to effect containment of) those people is on balance going to cause less harm than not doing so.”⁴⁷
- * Containment is “enacted in a way that seeks to de-escalate tensions,” not “as a means to create an arrest pool (whereby people are contained for the purposes of arresting people one-by-one or for the arrest of specific individuals),” and not to create “a pool of people onto which weapons can be deployed.”⁴⁸
- * Police take care to only contain people directly linked to the violence or threat.⁴⁹
- * Police take particular care to identify and move the following people from any containment area: “those not involved in violent behaviour, monitors and other observers, medical personnel, individuals or groups in situations of vulnerability (e.g. children), and those in need of access to food or medicine.”⁵⁰

* See glossary for descriptions of assemblies and peaceful assemblies. Particularly highlighting consultation feedback that “‘peaceful’ is an undefined term and a subjective one, the subjectivity of which is frequently weaponised by police and the state to justify the use of [unjustified] violence against protesters.”

* Consultation feedback: “Where plain clothes police want to attend protests to execute powers on specific individuals, special consideration must be given to [1] the possibility of the deterrent effect / burden this may have on the individual and others attending the protest and [2] the need to use the protest event to intercept the person must be demonstrably justifiable [accounting for]... the seriousness of the alleged offending [and]... the [need to] balance [this] with the rights of the person and others to protest without interference and surveillance by police, and that interception at the protest event [is] the more appropriate/ least traumatic option than other circumstances.”

* Noting that there are different views on whether kettling should be prohibited (e.g. UN Special Rapporteur on the rights to freedom of peaceful assembly’s *Report on United Kingdom* (2017) [91](j) recommended ending the practice of containment. At [65], the SR stated that kettling had been used for “intelligence-gathering purposes,” led to “mass indiscriminate arrests” and human rights violations, and had a “powerful chilling effect on protesters seeking to exercise their peaceful assembly and expression rights.”

3. Proper consideration of alternatives to detention

(a) Cautions,* warnings,* diversion* and summons*

10. *Police give proper consideration of alternatives to deprivation of liberty, in particular with regard to Aboriginal and/or Torres Strait Islander adults and children.⁵¹ Diversion is the “the preferred manner of dealing with children in the majority of cases.”⁵²*

* Laws, regulations and policies do not lead to higher detention rates of Aboriginal and/or Torres Strait Islander people (e.g. mandatory sentencing laws or imprisonment for fine defaults). Cautions or warnings (with no cap on how many may be issued to children), diversion programs, summons or notices to appear, and mediation/counselling are preferred to detention, especially for children. There

is alternative accommodation to police cells (‘protective custody’) for people under the influence of alcohol or other drugs.⁵³

* For children, there is a “legislative presumption in favour of alternative pre-charge measures, including verbal warnings, written warnings, cautions and referral to cautioning programs, and youth justice conferencing.”⁵⁴

11. *There is appropriate use of and access to cautions and warnings.*

* There is a legislated positive duty on police “take into account an Aboriginal [and/or Torres Strait Islander] person’s unique background and systemic factors when making decisions on cautioning or diversion,” with police demonstrating (and recording) the steps they have taken to discharge this obligation.⁵⁵

* There is a legislated presumption “in favour of alternative pre-charge measures in appropriate cases (for example, verbal warnings, written warnings, cautions and referrals to cautioning programs),” with police “publishing cautioning data in its Annual Report, including specific data comparing cautioning rates for Aboriginal and non-Aboriginal people.”⁵⁶

* No offences are excluded from a “presumption in favour of cautions and/or diversion” for children.⁵⁷ There is no limit to the number of cautions a child can receive and children with a criminal history are

not excluded.⁵⁸ Children do not need to formally admit to an offence to receive a caution (they just need to not deny the offending).⁵⁹ Cautions are not conditional on engaging with a program or complying with conditions.⁶⁰ Cautions are offered to a child “regardless of the capacity or willingness of their parent or guardian.”⁶¹ Where police do not exercise their discretion to issue a caution, they complete a form outlining their reasons, which is provided to the child’s lawyer and reviewed by prosecution prior to charges proceeding.⁶²

* Legislation precludes charges/proceedings where a child is cautioned/diverted. The child is not required to disclose any caution/diversion in the future, they do not get a criminal record, and any identifying material collected in relation to the alleged offending is destroyed (e.g. fingerprints, photographs or intimate samples).⁶³

12. *There is appropriate use of and access to diversion.*

* There is no legislated preclusion of diversion for children for alleged serious offending,⁶⁴ or traffic offences.⁶⁵ Children do not need to admit to the

alleged offending to be considered for diversion, they just need to not deny the offending.⁶⁶

* See glossary.

* See glossary.

* See glossary.

* See glossary.



- * Police prioritise diverting “vulnerable adults and children away from custody,”⁶⁷ working “with partner services at a senior level to enable” this,⁶⁸ establishing multi-agency responses, particularly for people with mental ill-health.⁶⁹ Police work constructively with statutory, voluntary and charitable services to prevent people’s (re)engagement with the criminal legal system and police custody.⁷⁰ Police and partners evaluate the outcomes and success of the schemes.⁷¹
- * Police receive “relevant and timely information from call handlers and dispatchers to help them assess an individual’s risk and vulnerability,”⁷² and have access to multi-agency information and advice,⁷³ particularly from mental health services.⁷⁴

13. *Police appreciate that ideally there is no police intervention for children, recognising that “initial contact with law enforcement agencies” may “profoundly influence” children’s “attitude towards the State and society” and have negative effects for them, including the associated stigma of criminal legal system involvement.⁷⁵*

- * Police appreciate the evidence that diversion has positive outcomes for both individual children and community safety.⁷⁶ As such, diversion is police officers’ “preferred manner of dealing with children in the majority of cases,” and diversion is available for serious offences and from as early as possible after contact with the system.⁷⁷
- * For non-serious offending, police do not intervene if there has already been (or will be) an appropriate response from the child’s family, school or other relevant body.⁷⁸
- * Police are empowered to dispose of cases involving children “at their discretion, without recourse to formal hearings,” in accordance with legislated criteria.⁷⁹
- * Diversion is only used “when there is compelling evidence that the child committed the alleged offence;” the child consents to diversion, having been provided “adequate and specific information on the nature, content and duration of the measure,” and having an understanding of the consequences of non-compliance with diversion. The child has the opportunity to obtain legal advice. Diversion results in “definite and final closure of the case,” does not entail deprivation of liberty and does not lead to a criminal record. Police have the necessary training and support to appropriately use diversion.⁸⁰
- * The child’s consent to diversion is not obtained through coercion or intimidation, and children can seek review of diversion decisions.⁸¹
- * Where police exercise their discretion to not divert a child, they complete a form for the police brief outlining “the precise grounds for failing to recommend diversion.” This is reviewed by the court.⁸²
- * Diversionary programs may include “temporary supervision and guidance.”⁸³

14. *Police make referrals to culturally appropriate restorative justice mechanisms* as part of diversion processes. These mechanisms are Aboriginal community designed and led.⁸⁴*

15. *Fines are issued appropriately, are limited in amount, and fine default cannot result in imprisonment or suspension of driver licence.⁸⁵ Children are not issued fines.⁸⁶ There are clear and accessible mechanisms to get fines waived.⁸⁷*

16. *There is an “amnesty on the execution of long outstanding warrants of commitment for unpaid fines.”⁸⁸*

17. *Any penalties, time to pay, and instalment plans take into account people’s ability to pay.⁸⁹*

* See glossary.



18. *There is appropriate use of summons, with a legislative and administrative presumption of proceeding by way of summons for children.⁹⁰ Police failures to comply with this presumption are investigated by an independent body.⁹¹*

(b) Bail* and court orders

Bail laws as a social control

“All around Australia, breaching bail is being criminalised and becoming increasingly more challenging to overcome. There are presumptions against bail, increasing requirements for home detention (which privilege the financially able and domicile stable). Many regional Aboriginal people are placed on restrictive movement controls, such as not being allowed to enter the [Central Business District] in a small township, even though this is where their bank, Centrelink, doctor, shops, lawyer etc are located. In remote areas, people are excluded from traditional communities, preventing them from participating in essential cultural activities like funerals and sacred business. People in remote areas have infrequent court listings, meaning they are under bail conditions for many months, some of which can be very rigid.”⁹²

19. *There is “a presumption in favour of bail for all offences, with the onus on Prosecution to prove that there is a specific and immediate risk to the physical safety of another person.”⁹³*
20. *Legislation mandates that a person “may not be remanded for an offence that is unlikely to result in a sentence of imprisonment.”⁹⁴*
21. *Bail decisions and bail conditions for children “reflect a child centred approach and the best interests of the child principle,” and account for children’s age and developmental stage.⁹⁵*
22. *The prior history of a child is not used in making bail decisions in subsequent cases when they are an adult.⁹⁶*
23. *Legislation requires bail decision-makers consider the implications for dependent children and other dependants when making bail decisions for primary carers.⁹⁷*
24. *Legislation requires that bail decision-makers “consider any issues that arise due to a person’s Aboriginality, including cultural background, ties to family and place, and cultural obligations.”⁹⁸ Police “explain what information they have considered to understand how a person’s Aboriginality is relevant, and provide the reasons for any refusal to grant an application for bail made by an Aboriginal person.”⁹⁹*

* Governments work with ACCOs to develop police bail decision-making guidelines on appropriately considering any issues that arise due to a person’s Aboriginality.¹⁰⁰

25. *“In determining whether to grant bail and in setting conditions for bail, account [is] taken of the customary laws of an Aboriginal community to which the accused, or a victim of the offence, [belong].”¹⁰¹*

* For example, cultural obligations such as attending a funeral or partaking in ceremonies are taken into account and given appropriate weight. Police account for cultural obligations such as participating

* See glossary.

in men's or women's business, initiations and celebrations.¹⁰²

- * Police appreciate that separation from “cultural practices causes shame and grief,” and account for this when imposing bail conditions. For example, police do not impose inappropriate bail conditions that prohibit people from entering townships or vast areas (e.g. “not to enter the APY [Anangu Pitjantjatjara Yankunytjatjara] lands,” a 100,000sq km area”).¹⁰³ Police do not refuse bail to a township “on the basis it is too close to another community, though they are 400km away.”¹⁰⁴
- * Police do not inappropriately breach people on bail when they are “moving between townships and

family homes... [which] is normal cultural practice.” Bail agreements are sufficiently flexible to enable people to move between communities, recognising that this has been “customary practice of thousands of years” (e.g. moving from desert country to the coast to traditional meeting grounds, to escape the heat over summer).¹⁰⁵

- * In imposing bail conditions, police “consider the kinship system in customary law, which does not necessarily place a child in the care of its mother or father,” and the impact of prohibiting “co-accused from spending time together though they are cousins or cohabit.”¹⁰⁶

26. *Legislation does not include “any criteria which inappropriately restrict the granting of bail to Aboriginal people.”¹⁰⁷*

- * Governments monitor the operation of bail legislation, to ensure that entitlement to bail is being realised in practice.¹⁰⁸
- * Governments repeal any provision that has “a disproportionate adverse effect on Aboriginal and/or Torres Strait Islander people.”¹⁰⁹

27. *There are sufficient culturally appropriate bail support accommodation and services for Aboriginal and/or Torres Strait Islander children and adults (of all genders), that are close to people’s community or place of residence.*¹¹⁰

- * Governments, “in the establishment and delivery of bail support services, give priority to working with” Aboriginal Community Controlled Organisations (ACCOs).¹¹¹
- * For children, bail support accommodation is “in small homelike residences.” Bail support plans are developed with a specialist youth worker, engaging, where possible, family members in its development, and “covering education, employment, recreation and sporting goals,” and including referrals to “services and practical life skills support.”¹¹²

28. *Police only impose necessary and justifiable, proportionate, least restrictive, non-discriminatory, culturally appropriate bail conditions, that are intended to mitigate specific identified risks.*¹¹³

- * Electronic monitoring conditions are only considered where the only other alternative would be detention.¹¹⁴
- * Alcohol or substance use is treated as a health rather than behavioural issue. Abstinence is not used as a bail condition, in recognition that this may be impossible for people to comply with without support, and may, in fact, be a danger to the person’s health and wellbeing.¹¹⁵
- * If people are homeless or have transient accommodation, there is flexibility regarding including a bail condition for a residential address.¹¹⁶
- * Children are not subject to onerous curfew conditions. Instead, they are provided with opportunities to engage in meaningful activities and programs.¹¹⁷



29. *Bail conditions are explained to the person in a manner that is understood by them, taking into account their preferred language, developmental stage and culture.**

Indigenous languages in Australia

"In the 2021 Census, 76,978 Aboriginal and Torres Strait Islander Australians reported speaking one of 150 different Indigenous languages at home. This is 9.5% of the Aboriginal and Torres Strait Islander population in Australia."¹¹⁸

30. *"Where police bail is denied to an Aboriginal [and/or Torres Strait Islander] person or granted on terms the person cannot meet, the Aboriginal Legal Service, or a person nominated by the Service" is notified, and they are granted access to the detained person. Legislation mandates that the police officer give the detained person written notification of their right to apply for bail and seek review of bail refusal and of how to exercise those rights.¹¹⁹ If police bail is refused, the reasons are recorded and explained to the detained person.^{120*}*
31. *Legislation enables a superior to review a police officer's refusal to grant bail.¹²¹*
32. *Where a judicial officer (or bail justice) is called to make a bail decision regarding a detained person in police custody, the detained person is entitled to legal representation.¹²²*
33. *Bail Courts operate on weekends, so that people denied bail by police can appear before a judicial officer in a timely manner.*
34. *Police, prosecution and courts have robust information sharing mechanisms in place to avoid erroneous arrests due to bail conditions being incorrectly recorded or not updated.¹²³ Where a police officer suspects that there has been a wrongful arrest, they contact the person's lawyer to confirm the correct bail conditions.¹²⁴*
35. *Police respond appropriately to breaches of bail conditions, taking into consideration the individual circumstances of the person and nature of the breach, rather than automatically revoking bail.¹²⁵*
- * e.g. Police can issue an informal or formal written warning or summons where a child has breached a bail condition (including where this has occurred on more than one occasion).¹²⁶
 - * Children are not held responsible for breaches of bail conditions that are a result of the actions of their caregivers (e.g. change of residential address).¹²⁷
 - * Police conduct bail compliance checks on children only if there is a relevant court order in place, and if they do conduct checks, they are "mindful of the impact these checks have on family and other children in the house."¹²⁸
36. *Committing an offence while on bail, breaching bail conditions and failure to answer bail are not offences.¹²⁹*

* See further guidance on interpreters.

* See further guidance on notifications following detention, and access to a lawyer.

37. *Disaggregated data relating to bail is made publicly available. Data collected includes whether people are bailed by police or remanded in custody, “the racial and/or cultural identity of the person, including whether they identify as Aboriginal or Torres Strait Islander,” the gender of the person, and the offence with which they have been charged.*¹³⁰
38. *Police, prosecution and courts have robust information sharing mechanisms in place to avoid erroneous arrests due to sentence conditions being incorrectly recorded. Where a police officer suspects that there has been a wrongful arrest, they contact the person’s lawyer to confirm the correct court order.*¹³¹

4. Arrest and detention

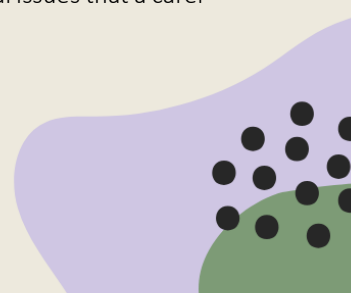
39. *No one is subject to arbitrary arrest or detention,* or deprived of their liberty “except on such grounds and in accordance with such procedure as are established by law.”*¹³²

- * e.g. Where there are paramedics already assisting at the scene, it may be unlawful for police to then apprehend an intoxicated person for the purposes of transporting them to the hospital.¹³³ Similarly, once a person has been detained by a doctor at a hospital, police may no longer have the power to detain that person.¹³⁴

40. *Remedies are available following an unlawful arrest, including immediate release, compensation and prosecution of police officers.*¹³⁵
41. *A detained person suspected of or charged with a criminal offence is presumed innocent and is treated accordingly.*¹³⁶
42. *Individuals are informed, in a manner that they understand (accounting for their characteristics, including disability and language spoken) of the reason for their arrest/apprehension/detention.*¹³⁷
43. *Care for the detained individual’s children and other dependants is organised upon a person’s arrest/apprehension.*

- * Police appreciate that there is no universal definition of what kinship is, with there being variance across different Aboriginal and Torres Strait Islander communities.¹³⁸
- * Police, where possible, do not execute a search or arrest warrant when a child is likely to be present.¹³⁹ If a child is present, handcuffing and questioning of their parent, carer or other adult is undertaken out of the child’s sight and hearing.¹⁴⁰ If appropriate, the parent/carer/guardian is provided an opportunity to explain to the child what is happening.¹⁴¹
- * Police ensure children are not left without supervision.¹⁴² This may entail allowing parents/carers to make arrangements for care of their children or suspending detention in the best interests of the child.¹⁴³ Police officers ensure that arrangements are made for children present at the time of the arrest, as well as those who are not (e.g. they are at school or daycare).¹⁴⁴
- * Police officers provide a child-appropriate explanation of what has taken place, and seek information from their parent/carer about children’s medical conditions or behavioural issues that a carer

* See glossary.



would need to know about, and any comfort items the child might want to take with them (e.g. toys, blankets).¹⁴⁵

✿ At the time of admission into custody, the details of a parent's/carer's children are recorded, including names, ages, location and guardianship status.¹⁴⁶ This information is kept confidential.¹⁴⁷

44. *Police appreciate that the risk of self-harm at the point of arrest is high (e.g. the person striking their head on the ground or in the police vehicle), and remain vigilant with regards to the care and safety of the person who has been arrested.*¹⁴⁸



use of force

1. Permissible use of force*

(a) Circumstances in which force may be used*

45. *Force (including restraint) is only used for lawful purposes,¹⁴⁹ when strictly necessary¹⁵⁰ for police officers to perform their duties.^{151*}*

- * Police only use force against a person in custody when “strictly necessary for the maintenance of security and order within the institution, or where personal safety is threatened,”¹⁵² or there is an attempted escape.¹⁵³
- * Police may use restraints to prevent escapes during transfer, to prevent injury to the restrained individual or others, or to prevent damage to property.¹⁵⁴ Restraint to prevent harm to oneself or to others is used as a last resort, “when all other reasonable options would fail to satisfactorily contain the risk.”¹⁵⁵
- * Police never use restraints as punishment,¹⁵⁶ for discipline, “to facilitate compliance with an order or direction,” or “to force participation in an activity the... person does not want to engage in.”¹⁵⁷
- * The least intrusive methods and instruments of restraint are used, only for the strictly necessary time period (restraints are removed as soon as possible after the risks cease to exist).¹⁵⁸

46. *Use of force is proportional to the lawful objectives.¹⁵⁹*

- * Police use force only when strictly necessary, as required in the performance of their duty. Any use of force is proportionate and the minimum amount necessary.¹⁶⁰
- (i) *Public assemblies**
 - * Conditions and authorisation for the dispersal of public assemblies is legislated.¹⁶² A public assembly can only be dispersed in exceptional cases, such as where the assembly ceases to be peaceful (as opposed to simply causing a high level of disruption, such as blocking of traffic in a manner that is not “serious and sustained”), or there is “an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted arrests.”¹⁶³ When dispersing unlawful, non-violent assemblies, police avoid the use of force entirely. Where police do resort to the use of force to disperse an assembly, they ensure to use the minimum force necessary.¹⁶⁴
 - * Police consider and pursue alternatives to use of force.¹⁶¹
 - * Police properly assess whether there needs to be immediate action in response to unlawful behaviours during assemblies, or whether a police response can be pursued after the conclusion of the assembly instead. Where police do take action, it is proportionate and they ensure to target the individuals who are responsible for violent behaviour, while minimising impact on others,¹⁶⁵ and ceasing the use of force once those targeted individuals are apprehended.¹⁶⁶
 - * The law limits police use of force to being “proportionate to the legitimate objective of either dispersing an assembly, preventing a crime or effecting or assisting in the lawful arrest.”

* See glossary.

* See further guidance on restraints.

* See further guidance on non-discrimination, accountability (*Identifying the root causes of ill-treatment*).

* See further guidance on policing and peaceful assemblies.



(ii) *Arrest*

- ✳ Use of force during an arrest is used where it is necessary and proportionate to both the objective and potential resistance from the individual. For example, when determining whether to use force (and the degree of force that might be used) on a person who is fleeing from police, police assess the

nature and the seriousness of the threat posed by that particular individual when determining a proportionate response (e.g. a proportionate response may differ for alleged shoplifting versus alleged murder).¹⁶⁷

(iii) *In custody*

- ✳ Any use of force on someone deprived of their liberty “which has not been made strictly necessary by” the detained person’s own conduct “diminishes human dignity.”¹⁶⁸
- ✳ Use of force is a last resort, permitted “in cases involving self-defence, attempted escape or

active/passive physical resistance to an order based on law or regulations” or where necessary to protect a person who is self-harming.¹⁶⁹

- ✳ Any use of force is immediately reported to a supervisor.¹⁷⁰

47. *Use of force is targeted/not indiscriminate, and is designed with the avoidance of harming bystanders,¹⁷¹ passers-by, medical personnel and journalists in mind.¹⁷²*

48. *When using force, threat of damage, injury and loss of life are minimised.¹⁷³*

(b) Alternatives to use of force or restraints

49. *Police are competent in de-escalation techniques, including persuasion, mediation and negotiation, which they effectively utilise.¹⁷⁴ Other, non-violent means are exhausted, with use of force being a last resort (this includes considering alternatives such as retreating, withdrawing, ending a pursuit, attending another day, containment or posting summons¹⁷⁵). Police give a warning before using force,¹⁷⁶ and allow sufficient time for people to obey the warning.¹⁷⁷*

50. *Police avoid Officer Induced Jeopardy,* particularly for planned actions. To support this, there are robust Standard Operating Procedures,¹⁷⁸ a clear understanding among police of the distinction between intelligence gathering actions and the ‘execution phase’,¹⁷⁹ clear communication and no leadership vacuum.¹⁸⁰*

51. *Police take the necessary precautions for planned actions, to facilitate alternatives to using force.¹⁸¹ This includes having appropriate equipment to facilitate alternatives to using lethal force at public assemblies.¹⁸²*

- ✳ While keeping in mind that displays of weapons and equipment can, in fact, escalate tensions at public assemblies,¹⁸³ police ensure that they have the necessary defensive equipment, including “helmets, shields, bullet-proof vests, gas masks and bullet-

proof vehicles,” “non-lethal incapacitating and crowd-dispersal instruments,” and “the broadest possible range of means for the differentiated use of force.”¹⁸⁴

* See glossary.



(c) Lethal use of force

52. *Intentional lethal use of firearms is only permissible “when strictly unavoidable in order to protect life”¹⁸⁵ (either to the police themselves or another person), where there is an “imminent threat” of serious injury, to prevent a “particularly serious crime involving grave threat to life,” or to arrest someone who presents this danger/to prevent their escape.¹⁸⁶*

- * There are clear instructions regarding when firearms may be used for arrests or to prevent escapes.¹⁸⁷
- * The use of firearms to disperse a public assembly is prohibited.¹⁸⁸ “The use of firearms is considered an extreme measure.¹⁸⁹ When arresting children, police are prohibited from using firearms and electric shock weapons and “violent methods.”¹⁹⁰ This does not prevent police officers from using a firearm in self-defence where a child has a firearm.¹⁹¹
- * Police officers who use firearms are trained “in methods of weapons retention that minimise the risk of accidental discharge.”¹⁹²

(d) Vulnerable groups

53. *Police take extra precautions with regards to vulnerable individuals or groups (e.g. Aboriginal and/or Torres Strait Islander people, children, pregnant women, the elderly, persons with disabilities, people under the influence of drugs or alcohol) when using force, including at public assemblies.¹⁹³*

54. *Police “use restraints or force only when the child poses an imminent threat of injury to [themselves] or others, only for a limited period of time and only when all other means of control have been exhausted.”¹⁹⁴*

(e) Dignity and non-discrimination

55. *Any use of force, including the use of restraints, is neither humiliating nor degrading, and does not “involve deliberate infliction of pain.”¹⁹⁵*

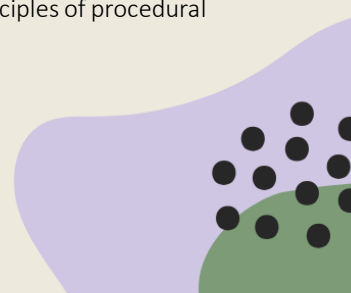
56. *Use of force and restraints is non-discriminatory,¹⁹⁶ with police paying attention to potentially discriminatory impacts of certain tactics,¹⁹⁷ weapons and restraints.*

- * To enable monitoring of whether the use of force is discriminatory, there is proper recording of information relating to the people subject to the force,¹⁹⁸ including Aboriginality.

57. *Use of restraints in public and during transportation (as a precaution against escape) maintains the person’s dignity to the extent possible.¹⁹⁹*

58. *Restraints are removed when a person appears before a judge/at court.²⁰⁰*

- * A decision about whether to use restraints in the court is one that rests with the judicial officer, not police.²⁰¹
- * Restraints are only used in court exceptional cases and subject to formal regulations, safeguarding the “fundamental rights and the principles of procedural



equality and equal treatment, presumption of innocence and due process of law.”²⁰²

(f) Robust legal regulation

59. *Use of force (including restraints and weapons) is regulated by clear, widely disseminated law, that accords with international human rights law. Force is only used for a legitimate, lawful purpose and never used punitively.*²⁰³

- * Corporal punishment of children is prohibited.²⁰⁴

60. *Only authorised weapons, restraints and related equipment are used, and they are used in a way to minimise injury.*^{205*}

- * Law and regulations clearly prescribe the circumstances and limitations on the use of weapons and restraints.²⁰⁶ Political instability, emergencies and lengthy, high-risk public order operations cannot be used as a justification for a departure from these standards.²⁰⁷

61. *There are robust regulations regarding equipment, restraints and weapons at places of detention. Police officers and police custody staff are not permitted to carry personal weapons and equipment in places of detention,²⁰⁸ and places of detention are “free from any equipment liable to be used for inflicting torture or ill-treatment.”²⁰⁹*

- * There are regulations outlining permitted less-lethal weapons and equipment at places of detention, which also prescribe who is authorised to use them. These regulations comply with international human rights laws and standards. Detained people have access to these regulations.²¹⁰
- * Chemical agents and electrical discharge weapons are prohibited in places of detention.²¹¹
- * Weapons cannot be used against children in places of detention.²¹²

(g) Police training

62. *Police have appropriate, regular training on using force, weapons and restraint. This training includes de-escalation techniques, managing stress during use of force situations, approved techniques, applicable human rights standards and identifying vulnerable individuals and how to use force against different populations (e.g. children, pregnant people, elderly people, people with disabilities). Training addresses the potential injuries arising from use of approved weapons, restraints and holds, how to respond to injuries, and provision of first aid. Training is scenario-based as well as theoretical and is updated to include lessons learned during operations.*²¹³

* See further guidance on weapons.

63. *Police understand that use of restraints “rarely leads to behavioural change, can be counterproductive, and can cause physical and psychological harm and retraumatise people.”²¹⁴*

(h) Role of healthcare workers

64. *Medical professionals are not involved in decision making about use of restraints that are not on medical grounds.²¹⁵*

- * “It is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for” restraint, unless it is “in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the “person or other detained people.”²¹⁶
- * However, a medical professional may be asked to assess a person restrained by police in order to determine whether the person should be transferred to a hospital for mental healthcare. If it is not indicated, supervision by healthcare staff is not continued.²¹⁷

65. *People are not subject to restraint on medical grounds in police custody. If a medical professional has assessed that restraint is necessary based on medical criteria, any restraint occurs in a hospital.²¹⁸*

- * It is at a hospital that there will be medical staff with the relevant expertise to make appropriate decisions
- * “and monitor the situation clinically and continuously.”²¹⁹

5. Weapons

(a) Lethal weapons - Firearms

66. *Firearms are only used in a lawful manner, with police being aware of the associated risks and how to minimise them. Police ensure access to care for individuals (including medical care) after their use.*

- * Police have enforced, “clear standing orders on the use of force and firearms,”²²⁰ and “clear reporting guidelines for every incidence of the use of force or firearms.”²²¹
- * Before discharging a firearm, police identify themselves and give a clear warning. Police allow time for the warning to be heeded, unless this would create an undue risk to police or others of death or serious injury, “or would be clearly inappropriate or pointless in the circumstances of the incident.”²²²
- * Only single aimed shots are permissible, where strictly necessary and only until the desired goal is achieved. Automatic or indiscriminate firing is prohibited. In the context of public assemblies, police properly appreciate the risk of innocent bystanders being hit by bullets and the potential for the use of firearms to cause panic. Medical care is provided after the use of firearms. Use of firearms is reported on and reviewed.²²³

67. *Police do not carry firearms in police stations and other places of detention. Police are permitted to carry firearms when transporting detained people outside the facility.²²⁴*

68. *Police do not carry firearms in remote Aboriginal communities.*²²⁵

(b) Less-lethal weapons

69. *The following prohibited weapons are not issued or available to, nor used by, police:*²²⁶ *spiked batons,*²²⁷ *spiked shields and body armour,*²²⁸ *weighted batons,*²²⁹ *weighted gloves,*²³⁰ *whips and sjamboks,*²³¹ *lathis,*²³² *ammunition containing multiple non-metallic kinetic impact projectiles,*²³³ *automatic/multi-barrel launchers firing kinetic impact projectiles,*²³⁴ *body worn electric shock devices,*²³⁵ *direct contact electric shock weapons,*²³⁶ *millimetre wave weapons,*²³⁷ *and drones equipped with less lethal weapons.*^{238*}

- * Additional to the above, there is a prohibition “on the use of weapons and ammunition which cause unwarranted injury, damage or risk.”²³⁹
- * Periodic checks are carried out to ensure that “only officially issued weapons and ammunition are being carried,”²⁴⁰ with there being sanctions where police officers are found with any weapons, ammunition or restraints that have not been officially issued.²⁴¹
- * There are unacceptable risks of using drones with weapons; they may be indiscriminate and the “risk is significantly greater” when projectiles are dropped from a great height.”²⁴² Police never use on an assembly: “fully autonomous weapons systems, where lethal force can be used against assembly participants without meaningful human intervention once a system has been deployed.”²⁴³

70. *The following controlled weapons are only used in a lawful, human rights-compliant manner, with police being aware of the associated risks and how to minimise them, and ensuring access to care for individuals (including medical care) after their use: batons; crowd control shields; chemical irritants (including malodorants,*²⁴⁴ *hand-held chemical irritants, chemical irritants launched at a distance, chemical irritant projectiles and grenades); fixed sprayers;*²⁴⁵ *large calibre chemical irritant munitions (greater than 56mm),*²⁴⁶ *single/limited shot launchers;*²⁴⁷ *conducted electrical weapons (tasers), kinetic impact projectiles (KIPs) (including ammunition containing single non-metallic projectiles*²⁴⁸); *dazzling weapons; sound, light and flashbang grenades; water cannons; acoustic weapons and equipment; and unmanned aerial vehicles (drones) armed with less-lethal weapons**

(i) *Standard batons**

- * Police do not use standard batons against people who are not engaged in, or threatening, violent behaviour.²⁴⁹ Standard batons are only used when lower levels of force have been attempted or determined to not be appropriate or impractical. Standard batons are never “used provocatively” (e.g. “beating police shields with batons to ‘stir up’ the crowd” at an assembly).²⁵⁰
- * Standard batons are only used (or threatened to be used) “where their use is necessary and proportionate to the violence being used/ threatened.”²⁵¹
- * “The threat of batons (e.g.: unholstering/ extending) ... [is not] used as a tool to disperse a protest crowd or deter protesters from being in a particular area.”²⁵²
- * A warning is issued prior to their use, unless “the circumstances do not allow” this or “if the immediate use of a baton is necessary to eliminate a hazard.”²⁵³
- * When police must use standard batons, they may target arms or legs,²⁵⁴ but avoid over-arm strikes on bones and joints,²⁵⁵ as well as any strike to the thorax, neck, head,²⁵⁶ spine, kidneys, abdomen²⁵⁷

* See glossary for descriptions of these weapons.

* See glossary for descriptions of these weapons; See further guidance on providing care after use of weapons.

* See glossary.

and genitals.²⁵⁸ Police do not use standard batons in neck holds.²⁵⁹

(ii) *Crowd control shields**

- * Crowd control shields are never used offensively.²⁶⁰
- * Crowd control shields are not directed to the head or neck.²⁶¹

(iii) *Chemical irritants**

i. *Hand-held chemical irritant sprays (pepper spray)*

- * Hand-held chemical irritants are not used: in response to “purely passive resistance;”²⁶² “to force compliance with police orders/instructions including where a person is passively resisting police orders/instructions;”²⁶³ once a person is under police control;”²⁶⁴ “in closed environments without adequate ventilation or where there is no viable exit, owing to the risk of death or serious injury from asphyxiation;”²⁶⁵ in crowds where people who are sprayed “will not have easily accessible means to move both away from the area and away from police;”²⁶⁶ “at a distance less than one meter, to prevent the OC gas causing injury to the face or eyes;”²⁶⁷ “as a means of dispersing [an]... assembly, where there are older people, children or others who may have difficulty in moving away to avoid the chemicals, in confined spaces or in sports stadiums where exits are restricted and there is a danger of crush injuries;”²⁶⁸ where there is no “imminent threat of injury.”²⁶⁹ Police issue verbal warnings prior to using OC/PAVA spray.²⁷⁰
- * Police are aware of the risks involved with the use of hand-held chemical irritants: “breathing difficulties, nausea, vomiting, irritation of the respiratory tract, tear ducts and eyes, spasms, chest pains, dermatitis,” allergies, “necrosis of the tissue in the respiratory tract and the digestive system,” pulmonary oedema, internal bleeding, burns, and flammability (“for instance if a subject is smoking”).²⁷¹ They are also aware of potential psychological injuries.²⁷²
- * Tear gas is only used: where assembly participants “have been requested to leave and have ignored the request”²⁷⁶ in order to prevent violence rather than force compliance with instructions/orders,²⁷⁷ and where “less harmful means” to disperse the assembly have been attempted,²⁷⁸ where a warning has been issued, and where the risks for participants and non-participants “do not outweigh the actual damage that the dispersal seeks to prevent or stop”²⁷⁹ (e.g. widespread violence²⁸⁰); when the escape route is feasible, evident for the assembly participants, and not towards the police line,²⁸¹ where appropriate, given the location of the assembly (e.g. not near a hospital),²⁸² where the grenades or projectiles with tear gas are “fired at a high angle.”²⁸³
- * Police are aware of the risks involved in using tear gas: a stampede if “used against a crowd in an enclosed area,”²⁸⁴ “indiscriminate effects in open areas because of changes in wind direction,”²⁸⁵ fire or death,²⁸⁶ cross-contamination impacting police.²⁸⁷ When it is discharged by water cannon, individuals “will be subject to the effects of CS gas longer, due to the crystals being absorbed into their clothes,”²⁸⁸ and other issues, such as the concentration of the irritant, may arise.²⁸⁹ Chemical irritant projectiles and grenades risk asphyxiation, and serious injury or death “from the kinetic impact of the munitions, submunitions, fragments or shrapnel.”²⁹⁰

ii. *Chemical irritants launched at a distance (tear gas)*

- * Tear gas is not: “used at close range, in excessive quantities, in a confined space, or in an area where crowds are unable to disperse;”²⁷³ fired at an individual;²⁷⁴ used on individuals who have already been restrained.²⁷⁵
- * Police facilitate and do not interfere with medics “administering care to people affected by chemical irritants regardless of whether those medics are employed by state services or community based, self-organised collectives.”²⁹¹

iii. *Medical care*

* See glossary.

* See glossary.



- * Police do not confiscate medical and first aid equipment and do not use chemical irritants on medics or their equipment/belongings.²⁹²
 - * People are properly treated after being sprayed: being exposed to fresh air, treating eyes with cool water (in a dignified way e.g. not being forced under
- (iv) *Projectile electric shock weapon (e.g. Tasers*)*
- * Only projectile electric shock weapons with an “an automatic cut-off of the electrical charge are used.”²⁹⁷
 - * Police use projectile electric shock weapons: as a last resort, “exclusively in extreme and limited situations – in which there is a real and immediate threat to life or risk of serious injury – as a substitute for lethal weapons and by trained law enforcement personnel only;”²⁹⁸ where “all other less forceful methods have been considered and discounted;”²⁹⁹ where police have first made efforts to de-escalate situations where an individual’s behaviour may result from “mental health issues, language barriers, hearing disorders, visual impairment, neurodevelopmental or neurobehavioural disorders or learning difficulties;”³⁰⁰ where “less coercive methods (negotiation and persuasion, manual control techniques, etc) have failed or are impracticable and where” the use of a projectile electric shock weapon is the “only possible” option;³⁰¹ with a “point of aim” “to the back when practical” or the “lower centre of mass for front shots.”³⁰²
 - * Police do not use projectile electric shock weapons: on people in elevated positions because of their inability to break their fall with their hands;³⁰³ on “the frontal chest area near the heart,” “genitals or other sensitive body areas;”³⁰⁴ to prevent self-harm;³⁰⁵ on people who are evading apprehension or have escaped custody;³⁰⁶ “in the presence of flammable liquid or explosive vapour” as this may cause a fire or explosion;³⁰⁷ in stun-drive mode*;³⁰⁸ on children, pregnant women and elderly people;³⁰⁹ or against detained people,³¹⁰ particularly through “several electrical discharges in quick succession.”³¹¹
 - * Police give “advance warning (where feasible),”³¹² while recognising that “people who are delirious or intoxicated” may not understand the warning and become more agitated.³¹³ Police are aware that

a shower²⁹³), ensuring they are not restrained in the prone position.²⁹⁴ If people are restrained after their exposure to chemical irritants, their breathing is monitored constantly.²⁹⁵ “Any unexpected or long-lasting effects [are] referred for relevant specialist assessment and treatment.”²⁹⁶

simply using red-dotting or arcing, or aiming the projectile electric shock weapon, may achieve their objective, without a need to then discharge the weapon.³¹⁴

- * Police are aware of the risks involved with the use of projectile electric shock weapons: “primary injury from the electrical charge or the barbs imbedded in the skin;”³¹⁵ severe pain,³¹⁶ brain injuries,³¹⁷ death;³¹⁸ children and slender adults “may be at greater risk of internal injury from tissue-penetrating barbs, as their body wall is generally less thick;”³¹⁹ elderly people “may be more prone than others to musculoskeletal injury from the muscle contractions produced by the weapon;”³²⁰ the increased risk of injury where people “have heart disease; have taken certain prescription or recreational drugs, or alcohol, or both; or are for other reasons more susceptible to adverse cardiac effects;”³²¹ people with epilepsy may have a seizure.³²²
- * Once a person has been restrained using conventional methods, such as standard handcuffs, police inform them that projectile electric shock weapons only have a temporary effect.³²³ All individuals who have projectile electric shock weapons used against them are seen by a doctor afterwards, and taken to hospital if necessary, with medical professionals providing the person (or their lawyer) a medical certificate.³²⁴
- * There are national guidelines on the use of projectile electric shock weapons.³²⁵ Police are provided with regular training on the use of projectile electric shock weapons, providing emergency care afterwards, and “all allegations of excessive or inappropriate use” “are promptly, impartially and thoroughly investigated.” There are appropriate sanctions for police and redress for victims for inappropriate/excessive use.³²⁶

* See glossary.

* See glossary.



- Following the use of a projectile electric shock weapon, the police officer provides a detailed report to a supervisor that includes the circumstances of and justification for use, how the projectile electric shock weapon was used, what alternative weapons were available, medical care provided afterwards and whether there were any witnesses.³²⁷ This

(v) *Kinetic impact projectiles (KIPs)**

- Police only use KIPs: where there is an “imminent threat of injury” to police or the public,³³⁰ and the use of KIPs is proportionate to preventing that injury,³³¹ after other methods have been tried or were unlikely to be successful in the circumstances;³³² where there are routes available for safe exit or dispersal;³³³ where the authority to use KIPs is granted by operational and tactical commanders;³³⁴ where a warning has been given.³³⁵
- Police do not: target people’s face, head, or upper torso (lower torso is permitted),³³⁶ fire KIPs “from the air or from an elevated position;”³³⁷ “‘skip-fire’ projectiles off the ground” due to lack of accuracy;³³⁸ fire KIPs in automatic mode;³³⁹ fire indiscriminately into a crowd;³⁴⁰ or use “metal pellets, such as those fired from shotguns”³⁴¹ or rubber-coated metal

(vi) *Dazzling weapons**

- Police may use dazzling weapons “in high-risk scenarios, such as in counterterrorism operations,” in exceptional circumstances,³⁴⁷ but not with the intention to cause, or in circumstances where it is likely to cause, permanent blindness.³⁴⁸ Police do not use dazzling weapons at protest events.³⁴⁹
- Police are aware of the risks involved with the use of dazzling weapons: their indiscriminate nature;³⁵⁰

(vii) *Water cannons**

- Police only use water cannons: “in situations of serious public disorder where there is a significant likelihood of loss of life, serious injury or the widespread destruction of property;”³⁵⁵ under “rigorous command and control at a senior level;”³⁵⁶ when there are adequate “dispersal or exit routes” for public assemblies;³⁵⁷ and after a warning is issued.³⁵⁸
- Police do not use water cannons: “against persons in elevated positions, where there is a risk of significant

reporting is supplemented by the “technical information registered on the memory chip and the video recording” of the projectile electric shock weapon.³²⁸ Internal reporting is complemented by regular external reporting to an independent body.³²⁹

bullets.³⁴² “Police do not shoot if there is risk that the projectile may hit children and/or people other than the targeted person, particularly so if that risk to other people involves a risk of the projectile may hit those other people in the head, face, neck, upper torso.”³⁴³

- Police are aware of the risks involved with the use of KIPs, understanding that KIPs “are very high on the use of force continuum and next on the scale to the use of firearms,” and can cause death.³⁴⁴ They “understand that KIPs have the potential to cause death or life-altering injuries, and their use is thus proportionate to the level of injury being sought to prevent.”³⁴⁵

- Medical care is provided afterwards, and the use of KIPs is reviewed.³⁴⁶

they may cause permanent blindness, can lead to motor vehicle accidents, can cause epileptic seizures,³⁵¹ and “secondary injuries from falls or collisions due to temporary loss of vision;”³⁵² shrapnel from a grenade explosion can cause injuries;³⁵³ they may cause stampedes.³⁵⁴

secondary injury;”³⁵⁹ against people at short-range,³⁶⁰ “against restrained persons or persons otherwise unable to move;”³⁶¹ “to disperse a peaceful assembly.”³⁶² Police do not use chemical irritants in conjunction with water cannons.³⁶³

- Police are aware of the risks involved with the use of water cannons: their indiscriminate nature;³⁶⁴ “hypothermia and cold-water shock in cold weather,” “persons slipping or being forced by the jet against walls or other hard objects;”³⁶⁵

* See glossary.

* See glossary.

* See glossary.



permanent blindness;³⁶⁶ they may cause panic and stampedes.³⁶⁷ Police are aware of additional risks where dyes are used in water cannons.³⁶⁸

(viii) *Acoustic weapons**

- * Police only use acoustic weapons “where there is imminent threat of death or serious injury in circumstances where there is exceptional/extraordinary violence occurring.”³⁷⁰ “Police do not move/drive acoustic weapons around an area, as this defeats the purpose of moving people out/away from a specified area.”³⁷¹
- * Police only use acoustic weapons where they have not been designed to be used in a way that causes permanent hearing damage or injury.³⁷²

- * After the use of water cannons, medical care is provided.³⁶⁹

- * Police do not use acoustic weapons and equipment “continuously over prolonged periods” in places of detention;³⁷³ and only use equipment at an “appropriate decibel limit and a minimum range.”³⁷⁴
- * Police are aware of the risks involved with the use of acoustic weapons and equipment: they are “indiscriminate in their effects;”³⁷⁵ they may cause temporary or permanent hearing damage,³⁷⁶ “temporary pain, eardrum rupture and loss of balance;”³⁷⁷ they may cause panic and stampedes.

(c) Weapons storage, regulation and police training

71. *There is strict regulation for the control, storage and issuing of weapons and ammunition.*³⁷⁸

- * There is a dedicated, secure space for storing firearms.³⁷⁹ There are procedures for ensuring accountability for weapons and ammunition issued to individual police officers.³⁸⁰
- * There is a “register for the removal and return of firearms,” that includes “name and signature of individual removing weapon(s), date and time of issue and return of weapon(s), make, model and serial number of weapon(s) removed and returned,” “purpose of removal of weapon(s), the number of rounds issued and returned with the weapon.”³⁸¹
- * The stocks of firearms are “regularly checked, including whenever custody of keys is permanently

transferred between an in-coming and outgoing key custodian.”³⁸²

- * Any “suspected losses or theft of weapons [are] immediately reported.” Independent investigations are conducted and a report includes: “identity of the weapon, including its make, model, calibre, serial number, and country of manufacture or most recent import, date, location and unit involved, summary of circumstances of loss, explanation of loss (e.g. negligence, theft, etc.), disciplinary and/or criminal action taken, recommendations to prevent a reoccurrence.”³⁸³
- * All firearms are handled on the assumption that they are loaded.³⁸⁴

72. *There are “clear, detailed regulations for the use of force, including regulations for all weapons (including firearms and less lethal weapons) authorised for use.”*³⁸⁵

- * The regulations “specify the various types of force that may be used, the circumstances in which each type of force may be used, the members of staff who are entitled to use different types of force, the level

of authority required before any force is used, and the reports that must be completed once force has been used.”³⁸⁶

* See glossary.



73. *Staff who are issued “firearms, less-lethal weapons and restraints” “have been trained in their use,” and have “passed appropriate proficiency standards.”³⁸⁷*

- ✱ Training includes “technical proficiency in the use of force technique in question,” “legal, ethical and human rights framework, including, the absolute prohibition on torture,” “security and safety, including the concept of dynamic security, personal safety and stress management,” “realistic scenarios,” “alternatives to the use of force and firearms, such as preventive and defusing techniques,” “cultural awareness and sensitivity to diversity, including gender awareness and awareness of child-related issues.” Staff “undergo regular refresher training and the training content is regularly reviewed, “and in light of particular incidents.”³⁸⁸

6. Restraints

74. *Instruments of restraint are not used for a longer period of time than is strictly necessary.³⁸⁹*

75. *The use of mechanical restraints, including handcuffs, as routine police custody management is prohibited;³⁹⁰ their use is necessary and proportional.³⁹¹*

76. *Instruments of restraint are never used on patients in hospital beds³⁹² or girls or women during labour and immediately after childbirth.³⁹³*

77. *Inherently degrading or painful instruments of restraint are prohibited,³⁹⁴ and only “approved restraints are kept at places of detention.”³⁹⁵ The following prohibited restraints are not available to, nor used by, police (this is not a comprehensive list):³⁹⁶ restraint chairs with metallic restraints;³⁹⁷ restraint chairs with non-metallic restraints and restraint boards with non-metallic restraints;³⁹⁸ thumbcuffs;³⁹⁹ bar fetters;⁴⁰⁰ rigid bar combination cuffs;⁴⁰¹ weighted (or particularly heavy⁴⁰²) hand or leg restraints;⁴⁰³ fixed restraints;⁴⁰⁴ cage or net beds;⁴⁰⁵ hoods and blindfolds;⁴⁰⁶ spit hoods/guards;⁴⁰⁷ stun belts;⁴⁰⁸ chemical (medical and pharmacological) restraints;⁴⁰⁹ neck restraints and electric shock ankle cuffs.^{410*}*

(i) *Spit hoods*

- ✱ Police are prohibited from using spit hoods.
- ✱ Spit hoods risk “disorientation, stress, asphyxiation, suffocation or strangulation if used incorrectly, for excessive periods, if the [detained person] is left unattended, or if used in combination with chemical irritants or other restraints.”⁴¹¹ Spit hoods “also cause anxiety, agitation, acute distress, disorientation and irritability, increasing stress,” and “the potential of injury or the need for further restraint. For persons suffering from claustrophobia, they can trigger other adverse reactions including panic.”⁴¹²

(ii) *Chemical restraints*

- ✱ There is “an absolute ban on all coercive and non-consensual measures, including restraint... of people with psychological or intellectual disabilities.”⁴¹³
- ✱ If people are taken to hospitals where they are given sedatives, they are not then returned to the police cells.⁴¹⁴

* See glossary for descriptions of these restraints.

78. *The following controlled restraints are only used in a lawful manner, with police being aware of the associated risks and how to minimise them, and ensuring access to care for individuals (including medical care) after their use: cuffs (including leg, combination); belly chains/restraint belts.**

- * Handcuffs are not “overtightened or worn for a prolonged period,” as they “can cause pain, discomfort, or permanent injury.”⁴¹⁵ They are not used to “restrain people in stress positions,” nor are they “attached to fixed objects.”⁴¹⁶ They are not used to restrain people together.⁴¹⁷ Handcuffs are not used on people who rely on sign language to communicate.⁴¹⁸
- * Leg cuffs are not used to restrain people in stress positions, are not overtightened, or used for prolonged periods of time (as this “can lead to pain, discomfort, or permanent injury”).⁴¹⁹ Police appreciate that leg cuffs are associated with a risk of secondary injuries from falling.⁴²⁰
- * The connecting chain of combination cuffs is of sufficient length so that the cuffs do not force the person “to stoop, which may be humiliating or degrading.”⁴²¹ Restraints are not used “to restrain people in stress positions* such as a hog-tie*.”⁴²²
- * Belly chains/restraint belts are not used “to restrain people in stress positions,”⁴²³ nor are they used at judicial hearings.⁴²⁴

79. *The use of restraints on children is prohibited,⁴²⁵ including during transport/transit.⁴²⁶*

7. Other equipment and animals

80. *Screening smoke* is only used “in case of violent assaults against police forces (firearms, incendiary or explosives devices).”⁴²⁷*

- * Warnings are issued beforehand; there are avenues for dispersal; smoke cannisters are not directed towards people.⁴²⁸
- * Police are aware of the risks involved with the use of smokescreens: the impact of changing wind direction; the potential for wind to make the smokescreen ineffective; and potential allegations that police used smokescreen to hide their conduct.⁴²⁹

81. *The use of police dogs is prohibited against children and people who are fleeing police.⁴³⁰ Police do not use drug detection (‘sniffer’) dogs at festivals.⁴³¹ Police do not use dogs for any reason, including cell extractions,* in detention.⁴³²*

82. *Police dogs are not used in remote Aboriginal communities without community endorsement.⁴³³*

* See glossary for descriptions of these restraints.

* See glossary.

* See glossary.

* See glossary.

* See glossary.



8. Testing, procuring and monitoring weapons and equipment

83. *Before procuring weapons and equipment, police conduct a review into the legality (under international and domestic law) of the items, with a particular focus on human rights law.*⁴³⁴

- ✱ Testing is conducted independently of the manufacturer, with a focus on effects on vulnerable people, and accounting for the proposed uses of the items.⁴³⁵ Potential targets, bystanders and police are considered in this process.⁴³⁶ Police only use “weapons that meet international standards of accuracy.”⁴³⁷
- ✱ For example, KIPs are tested to ensure that “they are sufficiently accurate to strike a safe area on a human-sized target from the required distance,”⁴³⁸ and police “use irritants with the lowest level of toxicity that is still likely to be effective.”⁴³⁹
- ✱ Police conduct public consultations prior to procurement of weapons and equipment.⁴⁴⁰

84. *There are procedures in place for regular maintenance and servicing of weapons, restraints and equipment.*⁴⁴¹

85. *The use and effects of all restraints, weapons and related equipment are monitored by police.*⁴⁴²

- ✱ Recorded information includes disaggregated data on whom force/restraint is used, including “age, sex/gender, disability” and Aboriginality, as well as any resultant serious injuries and deaths. The data is made publicly available.⁴⁴³
- ✱ To assist in monitoring, audio-visual/visual recordings are used and regularly reviewed, including:⁴⁴⁴ BWCs;⁴⁴⁵ tasers equipped with a memory chip that can be used for recording information and conducting checks on their use (e.g. “the exact time of use; the number, duration and intensity of electrical discharges”);⁴⁴⁶ weapons with “video recording devices,” to enable recording of “the circumstances surrounding their use.”⁴⁴⁷ Emerging technologies are utilised to monitor BWC footage for suspected excessive use of force by police officers.⁴⁴⁸

86. *Police cooperate with independent domestic and international bodies monitoring the use and effects of restraints, weapons and equipment. Police then update their policies, procedures and training according with expert bodies’ recommendations.*^{449*}

9. Position/holds, using force to move/disarm people

87. *People are not dragged along the floor when being moved by police, as this is degrading. They are provided assistance by police to walk, provided mobility aids such as a wheelchair, or they are carried by police (e.g. on a stretcher).*⁴⁵⁰

- ✱ Police custody centres have a “wheelchair, stretcher or other suitable device that can be safely stored and used where practicable to transport [people] who are unable to move themselves.”⁴⁵¹

* See further guidance on oversight bodies and continuous improvement (*Identifying the root causes of ill-treatment*).

88. *There is a prohibition on the use of dangerous positions and stress positions (positional torture*).*⁴⁵²

- * The following physical restraints are prohibited: supine restraint, pin downs, basket holds, takedown techniques;⁴⁵³ any restraint “that has the purpose or effect of restraining or inhibiting a person’s respiratory or digestive functioning,” “that pushes a

person’s head forward onto their chest,” “that compels a person’s compliance by inflicting pain, hyperextending joints, or applying pressure to the chest or joints.”⁴⁵⁴ “Carotid or vascular neck chokeholds and hogtying* are prohibited.”⁴⁵⁵

89. *The prone position* is prohibited.*^{456*}

Positional asphyxia

“The research into positional asphyxia... establishes that loss of consciousness/death can occur extremely rapidly. In most cases despite prompt and extensive resuscitation attempts by police members and attending paramedics the person was not able to be revived. In many cases, it may not be practical to monitor a person’s health during the course of a violent confrontation, especially in circumstances where there are only two [police] members present.”⁴⁵⁷

- * Police are properly trained on “the risks of prone restraint, the ways in which to mitigate those risks, and the importance of moving a person from the prone position as soon as possible, particularly in cases where there has been acute behavioural disturbance and emergency sedation.”⁴⁵⁸ Police training uses “reality-based training techniques to a sufficient degree to ensure a proper understanding of the dangers of sudden cardiac arrest and positional restraint asphyxia,” the “warning signs of a rapid onset of serious injury or death,” and the importance of properly monitoring a restrained person’s health “if practical during and certainly immediately after the subjects are in the restraint positions.”⁴⁵⁹ Risk factors addressed in training include: obesity, psychosis, pre-existing physical conditions, respiratory multiple fatigue, multiple officers holding a person in the prone position, and chemical agents.⁴⁶⁰ Training includes practical components, and yearly audits are conducted on training that has been completed.⁴⁶¹
- * Police and paramedics partake in interagency training and develop procedures which clarify their

respective roles and the need for clear communication in circumstances “where both agencies attend a scene involving acute behavioural disturbance, prone restraint and emergency sedation.”⁴⁶²

- * Police consider the known risks (such as the weight applied and the amount of time the person is held in the prone position), and underlying health issues (such as breathing difficulties);⁴⁶³ particularly when dealing with people who are or appear to be mentally unwell, police give proper “regard to information provided, and concerns expressed by, family members or others close to the person about the person’s behaviour, including changes in that behaviour.”⁴⁶⁴
- * Police appreciate that a person might continue to struggle while in a prone position because of difficulty breathing rather than because they are resisting police;⁴⁶⁵ if a person complains that they are unable to breathe in the prone position, this prompts police to request “nursing or medical assessment” - the person’s complaints are not ignored and their gasping is not simply attributed to

* See glossary.

* See glossary for a description of these holds/techniques.

* See glossary for a description of these holds.

* See glossary.

* In recognition that the prone position is currently not prohibited across Australia, further guidance is provided regarding how to mitigate the risk of death. Inclusion of this guidance is not an implicit endorsement of the ongoing use of the prone position. It should be prohibited as a matter of priority across all jurisdictions.

exertion.⁴⁶⁶ If an individual ceases to struggle or goes limp, becomes rigid or becomes completely still, police arrange urgent medical attention- they do not place the person in a transport vehicle or leave them in a cell.⁴⁶⁷

- * Police frequently reassess the need for prone restraint.⁴⁶⁸ If a person is handcuffed in the prone position, police move them into the recovery as soon as possible and keep them under constant observations;” police end the restraint “when

operationally safe,” allowing the person to breathe freely.⁴⁶⁹

- * In monitoring, police pay attention to what the person may be saying, “gurgling/gasping sounds, cyanosis, panic/prolonged resistance and sudden tranquillity,”⁴⁷⁰ take the person’s pulse, and are aware of “signs, symptoms and statements about breathing difficulties or heart problems or general distress.”⁴⁷¹ The presence of health professionals does not relieve police officers of their duty to carry out continuous observations.⁴⁷²

10. Barriers used during kettling at public assemblies

What is kettling?

Kettling is when “police contain protesters in one place for an extended period by surrounding them and not allowing them to leave.”⁴⁷³ In its submission on the SPT’s Draft General Comment, the Australian NPM recommended that the SPT “clarify what is meant by settings, through the use of examples (e.g. the use of kettling (also known as containment or corralling) as a crowd control measure during a protest).”⁴⁷⁴ The SPT’s final General Comment included in its examples of deprivation of liberty “any gatherings where police practices such as kettling are or may be carried out.”⁴⁷⁵

90. *Physical barriers* that are used at public assemblies do not pose a risk to safety.*⁴⁷⁶

- * Barbed wire, razor wire or other spiked barriers are not used, due to risk of injury.⁴⁷⁷
- * When determining which physical barriers to use, police properly assess associated risks, such as barriers being repurposed for use as weapons,

barriers being difficult to move (impacting police ability to rapidly deploy when necessary), and potentially resulting in people being trapped or crushed.⁴⁷⁸

91. *The types of barriers (made, intended or adapted*) used enable keeping opposing factions of a public assembly safe (e.g. to limit movement or obscure views).*⁴⁷⁹

92. *Police only use shield lines as a barrier where necessary, withdrawing as soon as no longer required.*⁴⁸⁰

- * When deciding whether to deploy shield lines, leadership takes into account the fact that the presence of police in protective equipment can either discourage (through a “show of strength”) or encourage violent behaviour and disorder.⁴⁸¹
- * Police understand that “deploying shield lines creates fear and stress in protest crowds with the anticipated expectation of injury and harm to

protesters. This anticipation can lead to protesters taking actions to defend against this imminent/anticipated [harm], which may include defensive violent acts/violent acts that have the intention of preventing, delaying, dissuading police from using violence/causing harm to protesters.”⁴⁸²

- * Police officers have training on how to use equipment, and supervisors who have command

* See glossary.

* See glossary.

and control are “ready to restrain officers who overreact.”⁴⁸³

93. *Police vehicles at public assemblies are only used for permissible reasons, and are never driven into a public assembly.*⁴⁸⁴

- ✱ Permissible reasons for vehicle use include: as public address systems; for lighting; to transport police, equipment or arrested people; and for protection against projectiles.⁴⁸⁵

94. *Mounted Police officers are not deployed to any crowd control operations.*⁴⁸⁶

95. *Prohibited barriers, such as the use of dogs, are not used by police at public assemblies.*

- ✱ Dogs are not used at protests,⁴⁸⁷ including for “riot control, containment or dispersal,” noting also that their use may “disproportionately affect some faith group’s communities who have historical perceptions of the use of dogs.”⁴⁸⁸ Where canine units are used for permissible reasons, they are used in a culturally sensitive manner.⁴⁸⁹
- ✱ Dogs used for other, lawful purposes are properly trained and are always under control of their handlers.⁴⁹⁰
- ✱ There is mandatory internal reporting of all dog bites, with investigators having the relevant training and expertise, and a focus on the welfare of victims.⁴⁹¹

11. Processes following use of force or restraint

(a) Medical care*

96. *Following a use of force (whether lawful or unlawful), police ensure “that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.”*⁴⁹²

- ✱ Police have ready access to first aid equipment in police stations and police vehicles, and injured or otherwise affected people are not arbitrarily denied access to ambulances and healthcare providers.⁴⁹³ If medical professionals are not available (e.g. at the police station, after a use of force on a child), the detained person is transported to a medical clinic or hospital.⁴⁹⁴
- ✱ Official and volunteer medical personnel “are provided with safe access to attend to any injured individuals.”⁴⁹⁵ Independent medical personnel directly offer assistance to individuals, rather than police acting as an intermediary.⁴⁹⁶ Police cooperate with medical personnel, including by providing information about any use of force, such as the use of restraints, weapons and related equipment.⁴⁹⁷
- ✱ Any distinctions with regards to the medical assistance provided is based solely on medical need, such as the severity of any injuries, not on irrelevant or discriminatory considerations, such as alleged offending or Aboriginality.⁴⁹⁸

* See further guidance on healthcare.



(b) Record keeping*

97. *Accurate records of any use of force or restraints are maintained.*⁴⁹⁹

- * Reports contain accurate and sufficient information to properly assess whether the use of force was necessary and proportionate, particularly where it has resulted in an injury: “the circumstances; the characteristics of the victim; the measures taken to avoid the use of force and to de-escalate the situation; the type and manner of force employed, including specific weaponry; the reasons for the use of force, and its effectiveness; and the consequences.” Reports include a finding on the lawfulness of the use of force and any lessons learned.⁵⁰⁰
- * Records are maintained for all use of force (planned and unplanned; different types and degrees of force e.g. handcuffing someone during transport).⁵⁰¹

(c) Reporting*

98. *Use of force is reported internally to superior officers.*⁵⁰²

99. *Use of force is reported to oversight bodies.*⁵⁰³

100. *A family member or friend is notified following any use of force on an individual, where this results in an injury.*⁵⁰⁴

101. *The use of restraints is monitored and reviewed,⁵⁰⁵ by a committee/group that does not include officers involved in the use of force, and include a diversity of views (e.g. training officers, Aboriginal Liaison Officers),⁵⁰⁶ identifying breaches and departures from human rights norms. Policies, procedures and training relating to use of force, weapons and restraints are updated with relevant learnings.*⁵⁰⁷

12. Accountability for inappropriate/excessive use of force*

102. *Individuals who have allegedly been subject to force or affected by the use firearms “have access to an independent process, including a judicial process.”⁵⁰⁸*

103. *Victims of unlawful use of force have access to redress,* including “compensation, guarantees of non-repetition, rehabilitation, reparation, restitution and satisfaction,” and they have a right to participate in any investigation.*⁵⁰⁹

104. *Police officers (and where relevant, their superiors⁵¹⁰) are held accountable for “arbitrary, unnecessary or otherwise unlawful use of force.”⁵¹¹*

* See further guidance on oversight and transparency (*Identifying the root causes of ill-treatment*).

* See further guidance on oversight and transparency (*Identifying the root causes of ill-treatment*).

* See further guidance on prohibition of torture and ill-treatment, and deaths in custody (*Identifying the root causes of ill-treatment*).

* See glossary.

105. *Compliance with unlawful superior orders is not a defence to unnecessary or excessive use of force. Conversely, those who refuse to comply with unlawful orders from their superior orders are not sanctioned.*⁵¹²
106. *Unlawful use of force attracts appropriate penalties and sanction (including disciplinary, civil and criminal penalties).*⁵¹³

13. Searches

(a) Body searches*

107. *Searches are never routine, and searches in places of detention are subject to the same principles of legality, necessity, proportionality and accountability as in the community.*⁵¹⁴
- * Searches are regulated by legislation,⁵¹⁵ and the fact that someone is being held in place of detention does not “does not confer a greater right to carry out a search,” even if detaining authorities may be concerned about safety or security.⁵¹⁶
108. *Searches are regulated by legislation and are only permitted “when police have reasonable grounds to suspect a person has a particular contraband item.”*⁵¹⁷
109. *Searches conducted with an individual’s ‘consent’ are prohibited, in recognition of the inherent power imbalance between police and community members, meaning that people “will consent out of fear, lack of knowledge, and powerlessness, rather than genuine consent.”*⁵¹⁸
110. *Body cavity searches (mouth, vaginal and anal searches, and squats) are prohibited by law.*⁵¹⁹
111. *The use of emetic agents (that induce vomiting) in pursuit of obtaining suspected evidence (such as drugs) is humiliating and dangerous, and not permitted.*⁵²⁰
112. *Strip searches of children are prohibited by law.*⁵²¹ *The use of strip searches on adults is being phased out, as a priority, with the intention that strip searches are eventually prohibited.*⁵²² *The prohibition includes compelling a person “to squat, bend over, move their genitals or breasts during a strip search to facilitate visual inspection.”*⁵²³ *All main police custody centres have, or are in the process of acquiring, technology*⁵²⁴ *that renders the use of strip searches redundant. Any new technology utilised is human rights-compliant.*⁵²⁵
- * “Prior to strip searching, other means of searching such as pat searches, metal detectors and increased surveillance” are used. Strip searching is never “routinely conducted as part of the general routine of the centre or on entry to a centre.”⁵²⁶ Governments “invest in technology which enables non-intrusive searching, to provide further alternatives and minimise the use of strip searching,”⁵²⁷ and “consider options such as using X-ray machines.”⁵²⁸

* See glossary.

* Additional detail on the regulation of strip searching should not be understood as endorsement of an alternative to progress towards a blanket prohibition of strip searching. This guidance is provided to minimise the harms of strip searches, which are currently lawful in Australia, until they are phased out.

- Where strip searches are conducted, they are undertaken in private, respectful of the person's dignity, by trained staff of the same gender as the person being searched⁵²⁹ (or another gender, if that is the preference of the person being searched). Police use the '2-steps approach' for strip searches, so that the person "is never completely naked."⁵³⁰

Police are prohibited "from touching a person's breasts, genitals or buttocks during a strip search."⁵³¹

- If the detained person is unable to undress themselves, then pat down or scanning searches are conducted instead.⁵³²

113. *Searches are carried out lawfully and professionally, "in the least intrusive manner possible" and "limiting as far as possible the inherently humiliating character of the search."*⁵³³

114. *Decisions to search and the manner in which searches are conducted take into account potential re-traumatisation of individuals.*⁵³⁴ *Police have enforced policies and procedures to this effect.*⁵³⁵

115. *Searches do not discriminate against vulnerable and marginalised groups, such as Aboriginal and/or Torres Strait Islander people.*⁵³⁶

- Searches are "based on an individual assessment and/or process as a result of specific, reliable intelligence." Police officers reflect on whether they

are making decisions based on identified, specific risk, or based on stereotypes,⁵³⁷ and rectify their practices as appropriate.

116. *Searches are conducted in a humane, dignified, culturally appropriate and gender sensitive manner,*⁵³⁸ *in accordance with local cultural and religious protocols.*⁵³⁹ *An individual is searched by a police officer of the same gender with which the individual identifies, or a police officer of the gender of the individual's choice (particularly noting that this is extended to trans and gender diverse people⁵⁴⁰).*⁵⁴¹ *Interpreters are used where needed.*⁵⁴² *Pat searches of children are conducted only with a trusted adult being present, except in urgent situations.*⁵⁴³

117. *The individual's privacy and dignity is protected by ensuring that searches are conducted in a location where the individual's body cannot be seen or recorded by any camera. Only one police officer can see the individual being searched (however, another police officer maintains view of the police officer conducting the search).*⁵⁴⁴

118. *Accommodations are made for searching people with disability, and people's dignity is respected.*⁵⁴⁵

- Police communicate with the detained person to identify which adjustments need to be made.⁵⁴⁶

inspected and promptly reassembled after the search."⁵⁴⁷

- For example, police allow people to sit down during searches, and any "artificial limb or aid is respectfully

119. *Appropriate searches (based on reasonable suspicion) for substances and potential means to self-harm, that respect the dignity and privacy of the individual, are conducted prior to transporting someone who has been arrested/detained.*⁵⁴⁸

120. *Police are properly trained on, and have sufficient understanding of, infectious diseases, so that they do not fail to conduct searches for potentially harmful substances or items, or provide appropriate medical care, due to their misunderstandings about the nature of and risks associated with infectious diseases.*⁵⁴⁹
121. *Visitors to police custody are not subjected to strip searches.*⁵⁵⁰ *Searches of visitors are based on reasonable suspicion, and are subject to the same protections outlined above.*⁵⁵¹
122. *Prior to searches being conducted, individuals are given information about the purpose of the search and the way in which the search is carried out, in a manner and a language they understand.*⁵⁵²

(b) Searches and/or seizure of objects

123. *Police seize objects in accordance with the law (e.g. warrants are obtained where needed). Seizures are proportionate to the aim. Objects are returned once the objective of the seizure has been achieved.*⁵⁵³ *Seizures of mobile phones are only permissible under a judicial warrant, and phones are kept for the shortest possible time.*⁵⁵⁴
124. *Police develop local protocols with Aboriginal and Torres Strait Islander communities on conducting searches, seizures and return of cultural objects.*
125. *Police are mandated to record searches/seizures on their BWC.*⁵⁵⁵
126. *There are robust avenues for reviewing/appealing seizure of objects, especially objects belonging to a third person or cultural objects.*⁵⁵⁶

(c) Record keeping*

127. *Police maintain accurate and up-to-date records of all searches,*⁵⁵⁷ *including body searches, searches of objects and searches of cells. Records include the reason for the search, steps taken to minimise the harm of the search, how the search was conducted and by whom, and any results of the search, as well as after-care provided to the impacted individual.*⁵⁵⁸ *Also recorded are the police officer's perception of the individual's race/ethnicity/Aboriginality, the police officer's perception of the individual's gender, the location of the search and the police work unit/operation.*⁵⁵⁹

- * Police “review, evaluate and, where necessary, update national laws, policies, codes, procedures, programmes and practices.”⁵⁶⁰

* See further guidance on oversight and transparency (*Identifying the root causes of ill-treatment*).



**police stations
and cells**

1. Key protections upon arrest and apprehension

(a) Medical care when police attend a scene or a public assembly

128. *Radio dispatchers verbally convey relevant medical information to police attending at a scene.*⁵⁶¹
129. *In circumstances where individuals are clearly not fit for custody at the time of arrest or apprehension they are immediately taken to a medical service, rather than the police station.*⁵⁶² *Police make appropriate decisions about whether to wait for an ambulance or to transport an individual needing medical care to the hospital directly.*⁵⁶³
130. *Neither paramedics nor police administer chemical restraints for convenience or ease of transporting the detained person to the hospital.*⁵⁶⁴
131. *Police ensure healthcare professionals have unimpeded access to people needing medical attention at public assemblies. Police also protect healthcare workers.*⁵⁶⁵

(b) Only recognised places of detention are used

132. *People are only detained by police at officially recognised places of detention, and not in unofficial parts of police stations (e.g. basements or secret rooms).*⁵⁶⁶ *No-one is kept in secret detention.**
133. *Police maintain accurate records of places of detention used and people deprived of their liberty at those locations.*⁵⁶⁷
134. *Custody officers receiving people who have been detained are satisfied of the lawful grounds for detention. The grounds for detention are recorded in the detained person's presence unless this is not possible.*⁵⁶⁸

(c) Appropriate notifications following detention

135. *Police are mandated to notify the Aboriginal Legal Service (ALS)* as soon as possible after an Aboriginal and/or Torres Strait Islander person is taken into custody for any reason, including (but not limited to) in relation to an alleged offence or 'protective custody'.⁵⁶⁹ This scheme is the Custody Notification Service (CNS)*,⁵⁷⁰ providing a welfare and legal advice function, and Aboriginal Legal Services are properly funded to do this work 24 hours per day, 7 days per week.*⁵⁷¹

* See glossary.

* See glossary.

* See glossary.

- ✿ Legislation provides that police inform detained people that the ALS has been notified of their detention and that the ALS provides a welfare and legal advice service. Police explain that the CNS is intended to identify risks to a person's safety and wellbeing while in custody (including mental health, cognitive or physical disabilities, or substance use), and that the CNS can advise family or friends of the

detained person's whereabouts, with their consent. Police explain that the CNS is also able to contact an on-call lawyer to provide pre-interview advice.⁵⁷²

- ✿ Detained Aboriginal and/or Torres Strait Islander people are given a "meaningful opportunity to make an informed decision" about whether to speak to the CNS, a friend or relative, or a legal practitioner.⁵⁷³

136. *Aboriginal and/or Torres Strait Islander people in custody are properly identified, whether they self-identify to the police or they are recorded as being Aboriginal and/or Torres Strait Islander in police information systems.*

- ✿ Police do not act as gate-keepers when someone identifies as Aboriginal and/or Torres Strait Islander.

137. *A family member or other nominated person is promptly informed of a person's detention.⁵⁷⁴ For children, this occurs at the moment of arrest/apprehension, rather than at the time the child arrives at the police watch house.⁵⁷⁵*

(d) Information regarding, and exercise of, rights in detention

138. *Provision of legal information to Aboriginal and/or Torres Strait Islander people about rights in custody, and more broadly, their rights and responsibilities in relation to police, begins with proactive community legal education, not at the point arrest.⁵⁷⁶*

139. *Upon arrest/apprehension, detained people are informed of their rights (including how to exercise them)⁵⁷⁷ in both oral and written format,⁵⁷⁸ in a manner understandable to them,⁵⁷⁹ using appropriate communication* tools. Records are kept of information provided to detained people on their rights.⁵⁸⁰*

- ✿ Detained people who are hearing or visually impaired, or who have a cognitive or psychosocial disability, are provided access to support services to assist them in understanding the custody process. Custody staff are trained on how to assist people to access these services.⁵⁸¹

- ✿ Detained people are informed how their personal forensic samples, including images, will be managed and used.⁵⁸²

140. *Police act promptly on a detained person's request to exercise their rights or entitlements.*

- ✿ A detained person is provided an explanation (including the reason) for any delays or refusal, and

they have access to a process for review of such a decision or failure.⁵⁸³

* See glossary.

(e) Access to a lawyer

141. *Detained Aboriginal and/or Torres Strait Islander people have access to culturally appropriate legal representation through Aboriginal Legal Services.*
142. *In recognition of the fact that Aboriginal Legal Services play a unique role in the criminal legal system,⁵⁸⁴ they are adequately and sustainably funded,⁵⁸⁵ independent,⁵⁸⁶ competent⁵⁸⁷ and accessible for all detained Aboriginal and/or Torres Strait Islander people (including in urban, rural and remote locations⁵⁸⁸).*
143. *Conflicts of interest are managed appropriately to ensure that all Aboriginal and/or Torres Strait Islander people have access to legal representation.⁵⁸⁹*
144. *All Aboriginal and/or Torres Strait Islander people in detention are eligible for Aboriginal Legal Services, regardless of their financial means.⁵⁹⁰*
145. *Police facilitate detained people's effective and confidential access to lawyer,⁵⁹¹ as mandated by law. This access is not impacted by the type of detention (e.g. for alleged offending or administrative detention), or the alleged type of offending (i.e. whether minor or serious).⁵⁹² The detained person is not only informed of their right to a lawyer, but can practically access a lawyer,⁵⁹³ and any suspension or delay of access to a lawyer is exceptional.⁵⁹⁴ The phones used are of adequate quality to enable proper communication between the detained person and lawyer.⁵⁹⁵*
146. *Lawyers have access to all the relevant information required to provide effective assistance.⁵⁹⁶*
147. *Detained people are afforded confidentiality when speaking with their lawyer, have adequate time to speak with them, have the assistance of an interpreter if required, and can meet with their lawyer face-to-face.⁵⁹⁷*
148. *In cases of breach of client-lawyer privilege confidentiality, the information obtained is not admissible in court.⁵⁹⁸*
149. *Detained people exercising their rights is not prejudicial to their case⁵⁹⁹ and there are remedies available where detained people have not been granted access to a lawyer.⁶⁰⁰*

(f) Initial medical assessment/examination

150. *People are offered an independent medical examination upon arrival at the place of detention, free of charge.⁶⁰¹*
151. *Medical screenings are not perfunctory.⁶⁰²*

152. *If people are not fit for custody (e.g. they are experiencing an acute psychiatric disturbance, are not easily rousable, police cannot conduct risk screening on admission because people are unable to answer questions, there is a medical emergency/need for medical care, or a person is significantly intoxicated⁶⁰³), they are transferred to a medical service.*

153. *Prior to admitting an intoxicated person, particularly for overnight detention, a health assessment by a nurse at the police station (or at the hospital) is conducted as part of the welfare screening.⁶⁰⁴ The assessment is not conducted remotely.⁶⁰⁵ Where an individual has a history of alcohol use, such that they may potentially be experiencing alcohol withdrawal, they are medically cleared prior to being admitted to a police station.⁶⁰⁶*

154. *If a detained person refuses to, or cannot, provide health information, healthcare professionals refer to information from any previous admissions to police custody to determine whether the person has welfare needs such as the administration of medications.⁶⁰⁷*

* Police and healthcare professionals then follow up with the individual when circumstances have changed, or the detained person has settled, “to re-address the issue of specific current concerns,”

“especially where a detained person has made a vague reference to being a ‘sick person.’”⁶⁰⁸

* Any need for further information is indicated at shift handover.⁶⁰⁹

(g) Internal and external/independent review of detention

155. *Senior “police officers of an [appropriately senior] rank conduct reviews of detention.”⁶¹⁰*

156. *Detained individuals can challenge and seek review of their detention, with the assistance of legal representation. They are brought promptly before a judicial authority.⁶¹¹*

157. *The default is that detained people attend first mention hearings and court bail applications in-person, and are informed of when and where their matter has been listed.⁶¹² However, proper consideration is given to relevant circumstances to ensure that people are not being kept in custody for longer, unnecessary periods of time (e.g. the remote location of the police station is a significant distance from the nearest sitting court), and to limit the exposure to circumstances that may adversely impact on the health and wellbeing of the person (e.g. having to be transported by vehicle for long distances). In making a decision, consideration is also given to the suitability of police custody, particularly for children.⁶¹³*

(h) Limitations to time held in custody

158. *Police book people into custody and conduct investigations expeditiously, to minimise the time people are in police custody.⁶¹⁴*

159. *There are legislated limitations to the length of time individuals can be held in police custody (being 48 hours, or less for adults). For the purposes of calculating the amount of time an individual is held in police custody, the clock starts at the moment of their deprivation of liberty (arrest/apprehension) and includes transport (which may include significant distances in parts of Australia). Children are not held in custody for longer than 3 hours (except where they need to be transported across greater distances). The relevant time that a person is detained the locations of detention are accurately recorded.*⁶¹⁵
160. *There are limitations to the length of time individuals can be held in police custody prior to being charged (including detention during investigation and/or interview)⁶¹⁶(being 3 hours for adults).*⁶¹⁷
161. *Police stations are not used to detain remanded or convicted individuals. The only permissible, short-term exception is an emergency such as a flood or fire (not overcrowding of prisons, youth detention facilities or immigration facilities).*⁶¹⁸

(i) Comprehensive, accessible record keeping

162. *Records relating to the arrest, decision to bail or remand (including reasons for decision⁶¹⁹), transfer, treatment in custody, and any custody management issues⁶²⁰and injuries⁶²¹ are detailed, accurate and up to date. Records are accessible by the detained person, their lawyer and family, and external oversight bodies.*⁶²²

2. Police interviews

(a) Default position in relation to police interviews

163. *The fundamental right protecting people against self-incrimination is such that there is not a standard practice of police conducting interviews of suspected/accused individuals. Individuals can return with their lawyer to the police station at a later date to provide an interview if they wish to do so.*⁶²³

(b) If police are seeking to interview

164. *There is a lawful basis for all police interviews.*⁶²⁴
165. *Safeguards for police interviews are provided for in legislation,⁶²⁵ and there are robust accompanying policies and procedures. Police are properly trained in lawful, effective interviewing.*⁶²⁶
166. *In determining whether it is appropriate to proceed with an interview, police take into consideration how the person has been treated in the period prior to the interview commencing. Police particularly consider whether relevant safeguards have been applied and whether the individual may have been subjected to ill-treatment or torture.*⁶²⁷

167. *In determining whether it is appropriate to proceed with an interview, whether the person has been subject to sleep deprivation* is assessed.*⁶²⁸
168. *In determining whether it is appropriate to proceed with an interview, the person's fitness to interview is assessed (e.g. if they are under the influence of alcohol or drugs).*⁶²⁹
169. *Police identify individual's vulnerabilities, in order to implement additional and/or tailored safeguards and supports for interviewing.*⁶³⁰
- * For example, children have an independent support person with them, preferably a family member or trusted adult from their community.⁶³¹
170. *Police facilitate/arrange for additional support people, including for children and people with disabilities, to attend the interview. The support people may be family or friends, or professionals/people who are on an official register.*
- * People placed on a register are properly trained and understand "fully what is required by them at law so that they can properly fill the role that they have undertaken." They are confident and competent to fulfil their roles in a support person, and do not simply witness interviews, or act as "window dressing."⁶³²
 - * Aboriginal and/or Torres Strait Islander people are not inappropriately excluded from being on a register of independent support people (e.g. because they have an irrelevant criminal record).⁶³³
171. *Additional to access to legal advice and representation (discussed above), an individual is able to have a lawyer physically present during the interview.*⁶³⁴
- * If an individual has a lawyer present at their interview, this in no way compromises the individual's presumption of innocence – no adverse assumptions or conclusions are made, nor are any protections weakened.
 - * Aboriginal Legal Services are properly resourced to be provide in-person legal advice and be present in-person for police interviews, particularly for children.
172. *The police officer conducting the interview informs the person of their rights, in a manner understandable to them.*⁶³⁵
173. *Police provide a clear explanation of the relevant procedures relating to the interview and investigation.*⁶³⁶
174. *Police respect people's right to silence, and no adverse inference is drawn from people exercising this right.*⁶³⁷
- * Respecting when a person exercises their right to silence, and not proceeding with any questioning, extends to when legal representatives relay instructions that the person does not want to participate in an interview.
 - * Police do not proceed in spite of the person's decision to exercise their right to silence (e.g. using justifications such as 'giving the person an opportunity to tell their side of the story,' or putting to them the allegations, in order to be 'fair').

* See glossary.

(c) If police conduct an interview

175. *An appropriate room, that is not intimidating, is used for interviewing.*⁶³⁸
176. *Police conduct interviews that are an appropriate length of time (being no longer than 3 hours in total, in 50 minute segments for adults; 10 minutes in total for children).⁶³⁹ Police suspend interviews if required (e.g. the interviewee needs medical attention,⁶⁴⁰ if the lawyer/interviewee request a break to rest or consult privately, if the interviewee wants a bathroom break).⁶⁴¹ Police proactively assess whether the interviewee needs rest, food or water, being attentive to their mental and physical state.⁶⁴²*
177. *Interviews are conducted in a non-accusatory, investigatory manner* – police are not driven by the objective of securing a confession, but rather by an objective to obtain accurate information.*⁶⁴³
178. *Interviews are conducted in a non-coercive manner. The prohibition on eliciting information or a confession through torture is absolute.*⁶⁴⁴
179. *Police properly use interpreters for interviews.*⁶⁴⁵
- * For example, police respect if an individual requests an interpreter, even in police have formed the view that the individual speaks English ‘sufficiently confidently’. Police do not act as gatekeepers to interpreters, and do not shame people for wanting to use an interpreter.
 - * Recordings of the caution are available in Aboriginal languages widely spoken in the area covered by the police station. However, this is a substitute for using an interpreter.⁶⁴⁶
180. *Police conduct interviews respectfully (taking into account personal characteristics such as sexual orientation, gender, religion and disability),⁶⁴⁷ and in a culturally appropriate manner (including in accordance with the Anunga Rules).*
- * For example, police explain “the meaning of the caution and ask the person to tell the investigating official in their own words, phrase by phrase, what is meant by the caution to ensure that both the right to remain silent and that anything they do or say may be used in evidence is understood.”⁶⁴⁸

The Anunga Rules/Guidelines*

“When an Aboriginal person is being interrogated as a suspect, unless [they are] fluent in English as the average white man of English descent, an interpreter...should be present... When an Aboriginal [person] is being interrogated it is desirable where practicable that a "prisoner's friend"... be present... Great care should be taken in administering the caution when it is appropriate to do so. It is simply not adequate to administer it in the usual terms and say “do you understand that?” or “Do you understand that you do not have to answer questions?” Interrogating police officers, having explained the caution in simple terms, should ask the Aboriginal [person] to tell them what is meant by the caution, phrase by phrase, and should not proceed with the interrogation until it is clear the Aboriginal [person] has apparent understanding of [their] right to remain silent... Great care should be taken in formulating questions so that so far as possible the answer which is wanted

* See glossary.

* See glossary.

or expected is not suggested in any way... Even when an apparently frank and free confession has been obtained relating to the commission of an offence, police should continue to investigate the matter in an endeavour to obtain proof of the commission of the offence from other sources... Because Aboriginal people are often nervous and ill at ease in the presence of white authority figures like policemen it is particularly important that they be offered a meal...when a meal time arrives. They should also be offered tea or coffee..... [or] a drink of water. They should be asked if they wish to use the lavatory... It is particularly important that Aboriginal and other people are not interrogated when they are disabled by illness or drunkenness or tiredness.... Should an Aboriginal [person] seek legal assistance reasonable steps should be taken to obtain such assistance... When it is necessary to remove clothing for forensic examination or the purposes of medical examination, steps must be taken forthwith to supply substitute clothing.”⁶⁴⁹

181. *It is preferable that further interviews of individuals in prison (either on remand or sentenced) by police occur at the prison. Transfer of individuals to police premises is “only be sought and authorised when it is absolutely unavoidable.”⁶⁵⁰ All of the same rights and protections are afforded to individuals being interviewed on prison premises as at police premises, and for any subsequent police interviews.*
182. *Police have audiovisual recordings of interviews.⁶⁵¹*
183. *Police maintain accurate written records of interviews.⁶⁵²*
184. *The interviewee and their lawyer have access to high quality, complete audiovisual recordings of interviews, and all other related records.⁶⁵³*
185. *The information provided during the interview is accorded an appropriate level of privacy/confidentiality.⁶⁵⁴*
186. *Evidence that is gained as a result of torture,⁶⁵⁵ or through processes that do not comply with the relevant safeguards, is not admissible in court. Police meet their obligations to report torture,⁶⁵⁶ and interviewees can complain about their mistreatment.^{657*}*
187. *Police leadership responds appropriately to allegations of torture and ill-treatment, or failures to comply with safeguards during interviews.⁶⁵⁸ Relatively minor breaches of safeguards are addressed through disciplinary procedures; more egregious conduct is referred to prosecution.^{659*}*
188. *Police strive for continuous improvement in interviewing processes and practices.⁶⁶⁰*

(d) Collection of forensic samples

189. *Collection of forensic samples is regulated by legislation.⁶⁶¹*
190. *Collection of forensic samples from children is prohibited without judicial authority.⁶⁶²*

* See further guidance on allegations of torture and ill-treatment (*Identifying the root causes of ill-treatment*).

* See further guidance on prosecution of torture and ill-treatment (*Identifying the root causes of ill-treatment*).

191. *Detained people are informed, in a manner understandable to them, their rights in relation to forensic samples and what happens to samples that they provide.*⁶⁶³
192. *Forensic samples are taken by a medical practitioner of the same gender (or preferred gender) of the detained individual. If this is not feasible at the police station, the person has the option of being transported to a hospital to enable this, noting that it is culturally inappropriate among some communities to have a person of another gender to take photographs, handle or swab a person's genital area.*⁶⁶⁴
193. *Forensic samples are securely stored.*⁶⁶⁵ *Fingerprints, cellular samples and DNA profiles of persons suspected, but not convicted, of offences are destroyed/not retained.*⁶⁶⁶
194. *Police work with Aboriginal and Torres Strait Islander communities to develop protocols regarding obtaining, storing, retaining, using and disposing of forensic samples from Aboriginal and/or Torres Strait Islander people.*

3. Healthcare provision in detention

(a) Culturally appropriate healthcare

Culturally safe healthcare

"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."⁶⁶⁷

195. *Culturally appropriate healthcare, that is acceptable to Aboriginal and/or Torres Strait Islander people, including children, adolescents, women, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, is provided at police stations.*⁶⁶⁸

(i) Role of Aboriginal Community Controlled Health Organisations (ACCHOs)

- ✱ Local ACCHOs are consulted on whether they wish to provide primary healthcare at police stations, and, if they do, they are adequately and sustainably funded to deliver this service.⁶⁶⁹
- ✱ ACCHOs are involved in the development of protocols for the care of detained Aboriginal and/or Torres Strait Islander people, including people under the influence of alcohol or other drugs, people with epilepsy, diabetes or heart disease or other serious medical conditions, people who may self-harm, people with mental illness, people who may need medication.⁶⁷⁰
- ✱ Wherever possible, Aboriginal and/or Torres Strait Islander people needing psychiatric assessment or treatment are referred to psychiatrists who have "knowledge and experience of Aboriginal persons," or "medical practitioners who are or have been employed by [ACCHOs]" (while the latter may not be specialists, they "have experience and knowledge which would benefit" detained Aboriginal and/or Torres Strait Islander people needing care or assessment).⁶⁷¹

(ii) *Aboriginal and/or Torres Strait Islander health practitioners*

✱ Governments employ Aboriginal health workers and wellbeing officers “at all levels of the justice health system,” to assist Aboriginal and/or Torres Strait Islander people at all stages of their engagement with the criminal legal system,⁶⁷² including in police custody.

✱ Governments recruit, train, and accredit more qualified Aboriginal and/or Torres Strait Islander psychologists, psychiatrists, counsellors, social workers and other mental health workers. Governments consider introducing a specialised Aboriginal Unit within custodial mental health advice and response services.⁶⁷³

(iii) *Guidelines and screening tools*

✱ Governments introduce “standardised and culturally appropriate screening tools across all custody settings,”⁶⁷⁴ and “prioritise the development and

finalisation of standards for culturally safe, trauma-informed* health services in the criminal legal system.”⁶⁷⁵

(iv) *Non-ACCHO health services*

✱ All medical services providing care at police stations “receive training to ensure that they have an understanding and appreciation of those issues which relate to Aboriginal health, including

Aboriginal history, culture and lifestyle.” The services consult with ACCHOs in identifying appropriate training for staff, and prioritise employing Aboriginal and/or Torres Strait Islander people.⁶⁷⁶

(v) *Police training*

✱ While police are not expected to deliver medical services, they undergo training on Aboriginal and/or Torres Strait Islander people’s general health status and appreciate the foreseeable risk of Aboriginal and/or Torres Strait Islander people in their care

having “illnesses and conditions endemic to the Aboriginal population.” The training supports police to “identify persons in distress or at risk of death or harm through illness, injury or self-harm.”⁶⁷⁷

✱ Police are trained in overdose prevention.⁶⁷⁸

(b) Healthcare professionals as a safeguard against torture and ill-treatment*

196. *Healthcare professionals are never involved in torture or ill-treatment of Aboriginal and/or Torres Strait Islander people deprived of their liberty.*⁶⁷⁹

197. *Healthcare professionals play a role in preventing ill-treatment of detained Aboriginal and/or Torres Strait Islander people.*⁶⁸⁰

198. *Healthcare professionals condemn and report torture and ill-treatment of detained people (in certain circumstances breaching confidentiality without consent).*⁶⁸¹

199. *Healthcare professionals are protected from reprisals.*⁶⁸²

* See glossary.

* See further guidance on investigations into torture and ill-treatment (*Identifying the root causes of ill-treatment*).



(c) Effectively navigating potentially conflicting responsibilities while providing healthcare

200. *The relationship between health-care professionals and a detained person is “governed by the same ethical and professional standards as those applicable to patients in the community.”⁶⁸³*

- * Health care providers have a duty to protect their patients’ physical and mental health, and any prevention and treatment of disease is only on the basis of clinical grounds.⁶⁸⁴
- * The primary responsibility of the healthcare professional is to the patient,⁶⁸⁵ and confidentiality is maintained.⁶⁸⁶ Medical professionals disclose any mandatory reporting requirements to the detained person at the outset of discussions or treatment.⁶⁸⁷

201. *Healthcare providers have clinical independence.*⁶⁸⁸

- * e.g. Healthcare providers maintain separate and confidential record-keeping systems to police.⁶⁸⁹

202. *Healthcare providers are not involved in any aspect of a police investigation.*

- * Healthcare providers do not use or allow police to use their “medical knowledge or skills, or health information specific to individuals, to facilitate or otherwise aid any interrogation, legal or illegal, of those individuals.”⁶⁹⁰
- * Healthcare providers do not “elicit information relating to the investigation of the crime, this is the role of the police.”⁶⁹¹

203. *Healthcare services have access to people detained in police stations, and their clinical decisions are not overruled.⁶⁹² Police act on any advice given by medical professionals.⁶⁹³*

(d) Staffing and protocols with community healthcare providers

204. *Provision of healthcare does not unnecessarily extend the duration of police custody.*⁶⁹⁴

205. *The healthcare service delivering care in police custody is multi-disciplinary and competent. Healthcare providers undertake human rights training.*⁶⁹⁵

206. *There is sufficient medical staff present at police stations to meet the healthcare needs of detained people.*

(i) *Medical screening and assessments*

- * Staffing levels are sufficient to ensure that detained people have access to a medical assessment “in a reasonable time period without jeopardising clinical care or forensic assessment.”⁶⁹⁶
- * Given that medical doctors may not be available at all police stations, particularly in remote Aboriginal and Torres Strait Islander communities, “initial medical assessments may be performed by another



qualified health-care professional reporting to a doctor.”⁶⁹⁷ For example, nurses may be supervised by doctors (however, detained people are able to request assistance from the supervisor).⁶⁹⁸

- * There is continuity of healthcare staff.⁶⁹⁹
- * There are procedures in place for instances where a detained person needs assessment or care that is

(ii) *Staffing at principal watch houses in capital cities and major centres*

- * There is 24/7 “medical or nursing presence in all principal watch-houses in capital cities and in such other major centres as have substantial numbers

(iii) *Staffing at other locations*

- * In other locations, there are arrangements “to have medical practitioners or trained nurses readily available to attend police watch-houses” to identify

not available in police custody (either due to inappropriate response timeframes or inappropriate medical staffing).⁷⁰⁰ To enable these decisions to be efficiently and properly made, there is a system in place for on-call medical advice, that custodial staff are well-versed in.⁷⁰¹

detained,” and all police custody has remote access to 24/7 medical staff.⁷⁰²

people “who are at risk through illness, injury or self-harm at the time of reception.”⁷⁰³

207. *There are locally based protocols between police and medical/paramedical agencies,⁷⁰⁴ hospitals⁷⁰⁵ and ACCHOs.*

(i) *Joint responses*

- * Protocols cover police and paramedics’ joint management of responses (e.g. to acute behavioural disturbances, management of and care for people

(ii) *Provision of healthcare*

- * Protocols cover provision of healthcare, to “ensure that best medical practice can occur, acceptable behaviour standards can be maintained, appropriate lines of reporting are documented.”⁷⁰⁷
- * Police have partnerships with “agencies and support services to ensure” the transfer of detained people who require immediate mental health care.⁷⁰⁸
- * Police officers are present only as a last resort during provision of healthcare in custody, and only in cases

(iii) *Information sharing*

- * Information-sharing protocols “allow confidential and efficient sharing of risk, health and social care information so that patients receive continuity of care while in custody, on transfer and after release.”⁷¹⁰ These protocols comply with relevant, robust safeguards, provided for in legislation, particularly where healthcare providers may share medical information with police.⁷¹¹

(iv) *Continuity of care*

- * Healthcare providers delivering services in police custody have the requisite relationships with the general public health administration to facilitate

who have been physically restrained), and to “develop a formal process to share lessons learned from joint operations.”⁷⁰⁶

where there are grounds that the safety of the patient or medical staff is in danger, and police presence has been requested by the medical professional. If police are present, they are out of sight, e.g. behind a half-closed door where they can still hear if the medical professional calls for assistance (but not sufficiently close that they can hear the conversation between the detained person and medical professional).⁷⁰⁹

- * “Individual care and prescribed medicines are continued on transfer and release through effective liaison with other services. Healthcare information accompanying the [person’s] personal escort record is transferred confidentially and clearly marked ‘medical in-confidence’.”⁷¹²

continuity of care, including for HIV, tuberculosis and other infectious diseases, and drug use.⁷¹³



(e) Treatment rooms, medication and equipment

208. *There are appropriate clinical spaces in which to conduct medical examinations.*

- * Clinical rooms are fit for purpose (including with regards to infection control), enable private consultations, and are designed and furnished to preserve dignity.⁷¹⁴

209. *Detained people's medication needs are met in police custody. Medications are stored and dispensed safely.*

- * Legislation and policies mandate the safe and secure transport, storage, ordering, supply, handling and use of medications.⁷¹⁵ Robust governance processes include proper documentation⁷¹⁶ (e.g. any missed doses⁷¹⁷) and monitoring of "supply, prescribing trends and incidents involving medicines."⁷¹⁸
- * People in police custody are provided the medications they need. There are processes in place to corroborate/validate, if needed, reports of detained people with external providers and prescribers.⁷¹⁹ If necessary, police obtain detained people's medication from their residence.⁷²⁰
- * "Medicines are prescribed safely in line with evidence-based practice and are reviewed regularly."⁷²¹
- * Medications are stored in a locked cabinet, with the key/code being available to custody officers 24/7.⁷²²
- * Medication is clearly labelled with the detained person's name, and "the amount and frequency of the prescribed dosage."⁷²³ The dispensing instructions must have sufficiently clear and detailed guidance for those who are not medically trained.⁷²⁴
- * Medicines are administered by competent staff.⁷²⁵
- * Detained adults (not children⁷²⁶) can "access self-care medicines such as paracetamol and nicotine replacement therapy safely and easily,"⁷²⁷ and naloxone,⁷²⁸ unless there are grounds that this may risk their safety or life, in which case an assessment can be conducted.⁷²⁹ All medication provided to individuals is promptly and accurately recorded, and is reviewed daily by nursing staff.⁷³⁰

210. *Detained people's medication needs are met on transfer (including to court) and release from custody.⁷³¹*

- * Detained people "receive adequate supplies of medication or a community prescription to prevent gaps in treatment. Prescriptions and drug administration records are available to community health providers to enable continuity of care and patient safety."⁷³² This includes OAT.⁷³³

211. *Police stations have, and police are trained in the use of, first aid kits and defibrillators.⁷³⁴*

(f) Equivalency of medical care

The challenge of providing quality healthcare to detained Aboriginal and/or Torres Strait Islander people

"Even with the most comprehensive health system in place, structural barriers may impede the full and effective realization of the right to health. Centres of detention and confinement often concentrate people from the most vulnerable situations, including those who are medically vulnerable. The centres are often characterized by inhumane physical and psychosocial environments and unequal structures of power frequently rooted within racist and violent pasts. The unpopularity and powerlessness of those deprived of liberty and confined leave them with no voice and few defenders to advocate for their dignity. These factors shape an ecology of deprivation that significantly compromises the ethical and effective organization and delivery of health care."⁷³⁵

212. *Detained people are provided medical care equivalent to that provided in the community.*⁷³⁶
213. *Healthcare is provided with dignity, in a gender-sensitive manner, without discrimination,⁷³⁷ including on the basis of a person's status as a detained person, their use of drugs, disability, language,⁷³⁸ Aboriginality, gender identity or sexuality.*⁷³⁹
214. *Healthcare is available 24 hours a day⁷⁴⁰ (either at the police station⁷⁴¹ or via transfer to a medical facility⁷⁴²).*
215. *Necessary healthcare provided is free of charge.*⁷⁴³
216. *Detained people's right to informed consent is respected,⁷⁴⁴ with the assumption being that they have capacity to make decisions.*⁷⁴⁵

- * Provision of medical care requires the consent of the detained person, except in an emergency that presents an immediate risk to their life. Detained people have a right to refuse medical care and treatment.⁷⁴⁶
- * Police take the necessary steps to enable informed decision making. This includes provision of interpreters, or additional supports for people who have a hearing or visual impairment.⁷⁴⁷
- * If a detained person has a disability that affects their decision-making capacity, they are provided access to services to assist with supported decision-making or their guardian. As a last resort "'best-interests' decisions are made by health professionals in accordance with legal requirements."⁷⁴⁸
- * There are no forced healthcare interventions in circumstances where a person is exercising their autonomy and freedom to make decisions relating to their body. For example, while drug use may present an immediate risk to health of an individual, they may have taken an informed decision to use drugs, in which case there is no mandatory rehabilitation treatment, or detox against their will. This is distinct to circumstances where someone has symptoms of overdose, requiring immediate, life-saving intervention, when actions need to be taken immediately.⁷⁴⁹
- * Any detained individual's refusal of care is well documented.⁷⁵⁰

217. *Detained people can obtain a second opinion from a healthcare provider of their choice.*⁷⁵¹

- * This is especially the case if a person is held in police custody for more than a few days.
- * Detained people are "allowed to be visited and treated by [their] own doctor or dentist if there are reasonable grounds for the application" and they are "able to pay any expenses incurred."⁷⁵²
- * Detained people are able to access their regular health professional for a second opinion.⁷⁵³

218. *A detained person is seen by a healthcare professional of their preferred gender in non-emergency situations.⁷⁵⁴ They are provided gender-sensitive healthcare.*

- * Care provided to women accounts for "prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds."⁷⁵⁵
- * People have access to gender-affirming care.*

* See glossary.

219. *Confidentiality of health records is maintained,⁷⁵⁶ with the exception of providing information to assist police custodial staff (or other detaining authorities) manage the detained person's condition/health.⁷⁵⁷*

220. *Healthcare provided for people who use substances is appropriate, and accords with harm reduction principles.**

- * Police officers are trained in evidence-based assessment tools to recognise when detained people are withdrawing from drugs or alcohol.⁷⁵⁸ They have training on overdose prevention.⁷⁵⁹
- * Medication to “relieve signs and symptoms of withdrawal are prescribed and administered, as clinically indicated.” Detained people can continue their opioid agonist treatment (OAT) that was available in the community, and if they do not have a community subscription, a healthcare professional is always available to prescribe OAT.⁷⁶⁰
- * Detained people have access to other legal harm reduction services, including needle and syringe programs.⁷⁶¹
- * In anticipation of transfer or release (or upon, if there is insufficient notice), police and healthcare professionals appropriately share clinical records with courts, prisons and GPs,⁷⁶² provide individuals information on how to access ongoing support and harm minimisation advice,⁷⁶³ and make referrals for support services (with the consent of the detained person).⁷⁶⁴
- * Individuals are given access to naloxone upon release,⁷⁶⁵ and are provided with information on how to access and continue engaging with harm reduction services upon release.⁷⁶⁶

221. *Healthcare provided for people with diabetes is appropriate.*

- * Police officers have training in “how to determine the quantity of insulin being self-administered,” and monitoring carbohydrate intake.”⁷⁶⁷

222. *Appropriate healthcare is provided for women, including women experiencing symptoms of perimenopause/menopause.⁷⁶⁸*

(g) The role of police officers in (facilitating) healthcare provision

223. *Police have a clear understanding of, and meet, their duty of care as it relates to healthcare provision. This includes provision of first aid, their responsibilities regarding shift changeovers,⁷⁶⁹ and the need to prioritise providing healthcare over addressing a non-urgent biohazard (e.g. blood spill on floor).⁷⁷⁰*

224. *With the exception of “very minor injuries where only first aid is required,” police officers promptly arrange for any detained person “who appears physically injured or unwell to be examined by a health professional,” and “treatment is sought for any form of head injury, no matter how minor.”⁷⁷¹*

* See glossary.

225. *Requests for medical attention and medication are taken seriously by police officers and other detention staff.*⁷⁷²

226. *Risks to police (including in relation to infectious diseases or perceptions of aggression/violence⁷⁷³) are appropriately assessed when determining when/how to provide required medical care. Police appreciate that seeming aggression can, in fact, be an indicator in and of itself that a person is unwell.*⁷⁷⁴

227. *Police monitor detained people's physical and mental health, and respond promptly and appropriately to their symptoms and behaviours.*

✱ In certain circumstances, police monitor detained people with increased regularity, including where detained people complain of "severe symptoms that necessitate repeated hospital attendances within a short space of time." "New or changing symptoms" in an unwell person "may signify deterioration warranting medical review." Police officers appreciate that drug and alcohol use "can both mimic and obscure the symptoms of serious illness." If police find a detained person "unconscious or not

easily rousable," they are "immediately conveyed to hospital by ambulance."⁷⁷⁵

✱ Police officers "are trained to identify behaviours indicative of mental health issues and, where appropriate, arrange for engagement with mental health services," by clear pathways that operate 24 hours per day. Detained people "requiring urgent mental health intervention are diverted from police custody into treatment at the earliest opportunity."⁷⁷⁶

228. *Police understand the risks for people under the influence of alcohol or other drugs (e.g. death from high levels of alcohol or other drug consumption, fall risk, reduction in a person's ability to keep their airway clear by expelling/swallowing secretions like saliva or vomit, reduction in ability to "to move out of a position in which breathing is restricted because of either obstruction of the airway or compression of the chest"⁷⁷⁷), and ensure their safety and well-being.*

229. *Police monitor people who are under the influence of drugs or alcohol and respond promptly and appropriately to their symptoms and behaviours.*

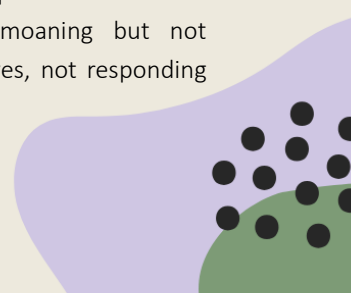
✱ Police are "trained to have a low threshold for transferring a [detained person] to hospital (or referring them to a nurse where available) if they have any doubt" as to a person's wellbeing.⁷⁷⁸ Police appreciate that hospitals can provide care that they cannot, including airway management, maintaining oxygen levels within the required levels and ventilation.⁷⁷⁹

medical help if the person cannot be roused... or consciousness has not changed or is of concern," conduct "all assessments in person, not by video," and only leave the person asleep if satisfied that they are breathing normally and without apparent distress."⁷⁸²

✱ Police appreciate that, when managing a person detained, "under the effect of psychoactive substance or other drugs,"⁷⁸⁰ it is dangerous and inappropriate to take the approach that the person will or can 'sleep it off'.⁷⁸¹ Police monitor and "assess the sobriety of the person at least every 30 minutes (or more frequently if necessary) during the first two to three hours of detention," seek "urgent

✱ In case of overdose, staff are able to identify and administer naloxone immediately, before calling emergency healthcare.⁷⁸³

✱ Police ensure that people who cannot be roused are taken to hospital immediately. Police properly consider people's responses in assessing whether the person has been roused (e.g. whether they provide "no verbal response" or an "incomprehensible response, moaning but not speaking," not opening their eyes, not responding



“to speech and simple requests,” whether they use “rational words like ‘go away’ or ‘stop hurting me’” or instead grunt slightly).⁷⁸⁴

✳ Records are kept of detained people’s responses when police try to rouse them, and police officers’ assessments of the detained people’s level of consciousness.⁷⁸⁵

(h) Police role while detained person is being treated at hospital

230. *In recognition of the fact that police presence frequently escalates situations, police officers’ roles in hospital settings is kept to a minimum.*⁷⁸⁶
231. *Police officers remove handcuffs and other means of restraint if used during transportation before entering the hospital if at all possible.*⁷⁸⁷
232. *Police officers wear civilian clothes in order to not stand out in the waiting room (if possible to change out of uniform without compromising the timely access to medical care).*⁷⁸⁸
233. *Restraints are used only as a last resort, noting that many detained people who have been taken to the hospital are too unwell to pose a genuine flight risk. Instruments of restraint are never used on people “during labour, during childbirth and immediately after childbirth.”*⁷⁸⁹

(i) Record keeping, complaints and continuous improvement

234. *Medical records are accurate and comprehensive, and accessible to individuals (including following their transfer or release into the community).*⁷⁹⁰
235. *Police and healthcare providers implement continuous improvement of healthcare provision to people deprived of their liberty.*^{791*}
236. *Detained people know how to make complaints about the healthcare that they have been provided while in police custody and “and these complaints form part of reviews to continuously improve clinical care arrangements,” including response times and quality of care provided.*^{792*}

* See further guidance on continuous improvement (*Identifying the root causes of ill-treatment*).

* See further guidance on complaints and continuous improvement (*Identifying the root causes of ill-treatment*).

4. Treatment and conditions in police cells

(a) Use of interpreters

237. *Governments ensure that there is a sufficient number of properly trained interpreters proficient in Aboriginal and Torres Strait Islander languages available to assist Aboriginal and Torres Strait Islander people detained by police.*⁷⁹³
238. *Police officers, healthcare professionals and other service providers use interpreters where needed to communicate with a person who is in their custody. The use of interpreters is not limited to when the police are interviewing the detained person or providing initial information on their rights, but extends to meeting the detained person's welfare needs throughout their detention.*⁷⁹⁴

(b) Placement of detained people

239. *People are detained at police stations close to their home/community where possible.*^{795*}
- * Particularly, children are detained close to their families,⁷⁹⁶ as are women who have caretaking responsibilities.⁷⁹⁷
240. *Detained people are not "subjected to repeated transfers, or to transfers to facilities a great distance from their homes... as a punishment or as a means of exerting pressure on them to confess or to provide information."*⁷⁹⁸

(c) Police custody staffing

241. *The custodial staff/police officers responsible for caring for the detained person are different to police officers investigating them for alleged offending.*⁷⁹⁹ *Private security companies are not engaged to care for people in police cells/watch houses.*
242. *There is sufficient staffing to ensure the safety and wellbeing of detained people being held in police custody.*⁸⁰⁰ *Staff have the appropriate expertise and experience, and have undertaken mandatory, tailored training for working in a custodial setting. There is always a supervisor for custody staff on shift (or, for remote locations, supervisors at other police stations available to provide guidance as needed).*⁸⁰¹ *Custody staff include people of different genders, and staff are identifiable.*⁸⁰²

* This should not be understood as implicit support to detain people for lengthy periods of time in police custody.

243. *It is clear who is in a supervisory/leadership role among custodial staff on duty, having overall responsibility for operations, including staff supervision and the care and custody of detained people. Senior police officers are rostered on every shift,⁸⁰³ mentoring junior police officers, with a particular focus on police duty of care and the “significance of procedures like the health assessment.”⁸⁰⁴*

- * The supervisor’s role includes “the authority to accept or reject a person in custody,” managing admissions, and deciding whether to mark a detained person as at-risk.⁸⁰⁵

244. *Custody officers treat detained people respectfully and courteously, recognising that being detained is stressful and that people may prefer to speak to staff of a particular gender or with Aboriginal and/or Torres Strait Islander staff.⁸⁰⁶*

245. *Internal audits are conducted to identify and address staffing issues,⁸⁰⁷ including in relation to the supervisory/leadership role⁸⁰⁸ and Aboriginal and/or Torres Strait Islander staff.*

(d) Safety in detention

246. *Booking-in areas offer sufficient privacy for conversations with detained people.⁸⁰⁹*

247. *Holding areas (where people are awaiting processing or transfer to interview rooms/court) are “within sight of the officer in charge.”⁸¹⁰*

248. *Cell size and design are appropriate for the number of people detained therein, allowing for people to occupy, and particularly sleep in, separate cells.* If this cannot be managed (e.g. there is temporary overcrowding), decisions about placement account for suitability and safety, and additional supervision is provided to minimise risks to safety.⁸¹¹*

249. *People are placed in appropriate cells/rooms within police stations, to keep them safe from violence and other types of harm from other detained people.⁸¹² Placement accounts for factors such as cultural considerations.*

- * Detained/remanded people and sentenced people,* women and men, children and adults, and protestors and counter-protestors are kept separate.⁸¹³ Children have visual and auditory separation from adults.⁸¹⁴ People may also be separated on account of the nature of the alleged offending (e.g. sexual offending) or other attributes (e.g. gang affiliation).⁸¹⁵
- * Police appreciate that Aboriginal and/or Torres Strait Islander people may be considered adults in their culture if they have been through initiation, even if they are still a child under Western law, and accommodate them appropriately in police custody (e.g. not housing a 17-year-old initiated male with women).⁸¹⁶ Police do not place people in poison/avoidance relationships* in the same cell/room unless the detained people request to be placed together.
- * The default position is to place children in locations other than cells while they are in police custody.

* Noting, however, that having the capacity to detain people in separate cells does not mean they necessarily should be. See *Isolation and solitary confinement* below (Expectation 259).

* People who have been remanded or sentenced are only detained in police custody in cases of emergency (see Expectation 161 above).

* See glossary.



When children are placed in cells, this requires authorisation by supervisors and the reasons for the decision are recorded.⁸¹⁷

- * Placement within police stations “avoids further marginalising persons on the basis of sexual

orientation or gender identity or subjecting them to risk of violence, ill-treatment or physical, mental or sexual abuse.”⁸¹⁸

250. *Police take effective steps to prevent self-harm and suicide.*

- * These steps include not leaving people in police cars; conducting robust risk assessments on reception; conducting observations in-person (every 15 minutes for the first 2 hours⁸¹⁹) and engaging in human interaction rather than relying on electronic surveillance; eliminating means of self-harming (such as ligature points⁸²⁰); police carrying appropriate equipment (such as anti-ligature knives) to respond to incidents of self-harm; ensuring detained people have appropriate clothing; police conducting comprehensive handovers across shifts; police being properly trained in suicide prevention; and the effectiveness of suicide prevention strategies and procedures/policies being regularly reviewed.⁸²¹
- * In conducting risk assessments (and handovers), police ensure that sensitive information is not overheard by other detained people. Police officers take into account all relevant information, including people’s use of drugs/alcohol, whether it is the detained person’s first time in custody, risks from other detained people, clothing worn by the detained person,⁸²² and Aboriginality.⁸²³
- * The use of anti-rip clothing is a proportionate response to mitigate the risk of harm; the detained person’s dignity is maintained. The reason for the use of anti-rip clothing is recorded.⁸²⁴
- * Detained people are provided access to crisis mental health services if they request this or require it (e.g. via a phone call).⁸²⁵

251. *Self-harm in police custody is not criminalised.*⁸²⁶

252. *If people are marked ‘at-risk’, they self-harm, or they are transferred to hospital, their family/guardian is notified.*⁸²⁷

253. *There are operational call buttons/intercoms in every cell and room used to detain people. Custodial staff are located sufficiently close, and have access to the requisite keys, to enable them to respond and assist promptly,*⁸²⁸ ***as well as to be able to hear people call out.***⁸²⁹ ***There are arrangements in place for people with mobility issues to be able to call for assistance from their cells.***⁸³⁰ ***Custodial staff respond to all calls.***⁸³¹

254. *There are effective alerts when there is a call system operational issue, to enable police to identify an issue that needs to be fixed.*⁸³² ***Systems are regularly checked and well-maintained.***

255. *Police respond to detained people calling out for assistance in relation to another detained person.*⁸³³

256. *CCTV operates throughout the custodial suite with no ‘black-spots’ (with the exception of meeting privacy needs of detained people, such as for ablutions).*⁸³⁴ ***High ‘quality audio recording operates in charging and other processing areas and people are made aware of the audio recording.’***⁸³⁵ ***Detained people are not monitored through spyholes.***⁸³⁶



257. *There are regular audits of all safety equipment, including of fire alarms and suppression systems, and keys. Urgent action is taken where relevant equipment is missing or damaged.*⁸³⁷
258. *All police stations have evacuation procedures (including in relation to fire, smoke, and chemical spills and leaks) in which staff are well-versed.*⁸³⁸

(e) Isolation and solitary confinement

259. *The use of solitary confinement* of Aboriginal/and or Torres Strait Islander people is prohibited. The use of isolation is a last resort.*⁸³⁹

The Royal Commission into Aboriginal Deaths in Custody

“In all cases, unless there are substantial grounds for believing that the well-being of the [detained person] or other persons detained would be prejudiced, an Aboriginal [person is] not be placed alone in a police cell. Wherever possible an Aboriginal [person is] accommodated with another Aboriginal person. The views of the Aboriginal [person] and such other [person] as may be affected... [are] sought. Where placement in a cell alone is the only alternative the [person is] thereafter be treated as a person who requires careful surveillance.”⁸⁴⁰

(f) Contact with family and the outside world

260. *People are not held in incommunicado detention*.⁸⁴¹ Detained people have a right to contact with, and visits from, family members, services and oversight bodies.⁸⁴² Contact with family is never limited as a disciplinary or punitive measure.*⁸⁴³

✱ Detained people have access to a telephone with privacy, with staff potentially maintaining line of sight, but always remaining out of earshot during phone calls. However, police ensure that detained people do not breach family violence orders by phoning the protected person.⁸⁴⁴

✱ Detained people can have visits from family and services, with priority given to children and vulnerable adults, and people who are held overnight. There is no limit to the number of visits a person may have, “but the period in detention may have a bearing on what can be facilitated.”⁸⁴⁵

261. *Visitors’ dignity is respected,⁸⁴⁶ and there is an appropriate area where visitors can meet with detained people.⁸⁴⁷ The reception area has a welcoming atmosphere.*⁸⁴⁸
262. *Visitors “are protected from abuse, bullying, and intimidation,” and any complaints they make regarding the treatment of detained people are properly investigated. Visitors are informed of any complaints outcomes.*^{849*}

* See glossary.

* See glossary.

* See further guidance on complaints (*Identifying the root causes of ill-treatment*).

263. *Someone known to the detained person, rather than police officers/custodial staff, delivers information relating to the death of a family member. All efforts are made to ensure any cultural protocols can be followed. Detained people are observed and provided/offered appropriate supports.*⁸⁵⁰

(g) Respect for cultural, religious and moral beliefs

264. *Police respect Aboriginal and/or Torres Strait Islander people's culture, language and beliefs.*^{851 *}

(h) Material conditions in police stations/cells

265. *Police stations and cells are accessible and accommodations* are made.*⁸⁵²

- * Detained people “with disability, especially those with mobility issues, can safely access and use admission suites, processing areas, cells, communal areas, and other parts of the custody facility used for detention purposes.”⁸⁵³

266. *Detained people are held in clean cells that are in a good state of repair, free from graffiti (including hate symbols and symbols of white supremacy⁸⁵⁴), that offer sufficient privacy. They have access to facilities that enable dignified maintenance of hygiene and for ablutions. Communal areas are similarly clean and in a good state of repair.*

- * All parts of a police station that are regularly used by detained people are “properly maintained and kept scrupulously clean at all times.”⁸⁵⁵ Police cells and communal areas are in a good state of repair, clean, and free from ligature points and graffiti.⁸⁵⁶
- * Police carry out daily cell checks, with any defects being repaired promptly.⁸⁵⁷ “There are effective arrangements to keep cells clean and to remove any biological hazards. This includes regular deep cleaning and having appropriate hygiene measures in place.”⁸⁵⁸ There are safety protocols to mitigate risk until a biological hazard is removed.⁸⁵⁹
- * Police custody is pest-free.⁸⁶⁰
- * Detained people have access to proper toilet facilities “under decent conditions” and means to wash themselves.⁸⁶¹ They are routinely provided toilet paper (a fresh roll, not one used previously by other incarcerated people⁸⁶²), “can easily access hand washing facilities,”⁸⁶³ and “can maintain cleanliness and are offered, and provided with, showers,”⁸⁶⁴ “at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.”⁸⁶⁵ Showers are accessible for people with a disability, have impaired mobility or are injured, and people have privacy when they use showers.⁸⁶⁶ There are adapted toilets available for detained people with mobility difficulties.⁸⁶⁷ Detained people have the facilities to shave and care for their beards.⁸⁶⁸
- * Detained women (and menstruating people) have the requisite facilities and materials to meet their hygiene needs, including a range of sanitary products provided free of charge, provided without being requested (and provided in bulk, so that detained people do not need to repeatedly request those products from police officers). Detained people have privacy when using menstrual products.⁸⁶⁹ They have sufficient access to showers when pregnant, breastfeeding or menstruating (at least once a day).⁸⁷⁰ Menstruating people have

* A broader Expectation, to be demonstrated through police conduct that accords with the more detailed guidance provided across these Expectations.

* See glossary.

access to sanitary disposal systems that maintain privacy and dignity.⁸⁷¹

267. *There is sufficient division between toilet facilities and sleeping/living areas.*⁸⁷²
268. *Sources of drinking water are separate to the toilet facilities.*⁸⁷³
269. *The use of padded cells is prohibited in police stations. If someone is sufficiently unwell, they are transferred to a hospital or clinic.*⁸⁷⁴
270. *Detained people are not subject to sensory deprivation* (e.g. being required to wear headphones with white noise or sound block, being required to wear a blindfold or being kept in a room with poor lighting, limbs being constrained so detained people “cannot use [their] hands to touch the surroundings”).*⁸⁷⁵
271. *Detained people’s cells have natural light.*⁸⁷⁶ *Artificial lights that can be turned on and off. There is proper ventilation,*⁸⁷⁷ *with temperatures maintained at an appropriate level*⁸⁷⁸ *(taking into account both the location of the police station, as well as the climate of the detained person’s usual place of residence). Detained people are able to exercise, including some time out of cell, outside in fresh air, every day (under cover if necessary due to the weather).*⁸⁷⁹ *Their cell has a clock.*
272. *Detained people (including people under the influence of alcohol or other drugs) are provided nutritious, hygienic, culturally appropriate food that meets dietary and religious needs*⁸⁸⁰ *(and that accords with their ethical beliefs e.g. vegetarian or vegan meals) at regular, usual mealtimes (“with no more than 15 hours between morning and evening meals”*⁸⁸¹*).*⁸⁸² *This includes “at least one full meal (i.e. something more substantial than a sandwich) every day.”*⁸⁸³ *People have access to clean drinking water at all times.*⁸⁸⁴ *Food waste is removed from cells immediately after use.*⁸⁸⁵
273. *Detained people are not subject to sleep deprivation*.*⁸⁸⁶
274. *Detained people have access to adequate bedding and clothing (that is not humiliating or degrading), that is both appropriate for the climate and culturally appropriate. People are provided clothing that is appropriate to wear when appearing before a judicial officer.*⁸⁸⁷

* If necessary, police supply replacement clothing, including underwear. Family and friends are able to “deliver alternate or replacement clothing.”⁸⁸⁸ Replacement clothing may be provided for a range of reasons, including being “soiled, otherwise

unsuitable, or removed for forensic examination or other purposes.”⁸⁸⁹

* Pillows and mattresses are in good condition and sufficiently comfortable.⁸⁹⁰ “Additional pillows and blankets are available on request.”⁸⁹¹ Mattresses are not placed on the floor of the police cell.⁸⁹²

* See glossary.

* See glossary.



275. *Detained people have access to educational, cultural and informational material.⁸⁹³ There are age-appropriate activities and materials for children, and materials account for different literacy levels and languages of detained people.⁸⁹⁴*

276. *Children are placed in secure rooms that are painted in welcoming colours, with art. They have access to stress balls and fidget toys if they would like.⁸⁹⁵*

277. *Detained people's money, valuables, clothing (and other effects that they cannot keep on their person) are placed in a secure room that is subject to CCTV.⁸⁹⁶ An inventory is signed by the detained person upon reception, in an area subject to CCTV, and measures are taken to keep their personal belongings in good condition.⁸⁹⁷*

- * Healthcare professionals decide what to do with a detained person's medication.⁸⁹⁸

- * On release, all of the detained person's personal belongings are returned to them, except for articles that were destroyed on "hygienic grounds", or that the detained person authorised be sent to someone

else or be used (e.g. money). Detained people sign a receipt for returned items.⁸⁹⁹ Money or other goods that had been sent to the detained person during their detention is treated the same way.⁹⁰⁰

- * There is a complaints process with regards to people's personal belongings.⁹⁰¹

278. *Police handle (including storage of) cultural items found on the detained person respectfully, in accordance with local cultural protocols.⁹⁰²*

279. *People are compensated for police damage to their property.⁹⁰³*

280. *Pregnant and nursing people are provided with appropriate facilities in detention.⁹⁰⁴*

281. *The views of the local Aboriginal community and ACCOs are taken into account in the design of accommodation at police stations. Police cells are designed to emphasise and facilitate personal interaction between custodial officers and detained people, and between detained people and visitors.⁹⁰⁵*

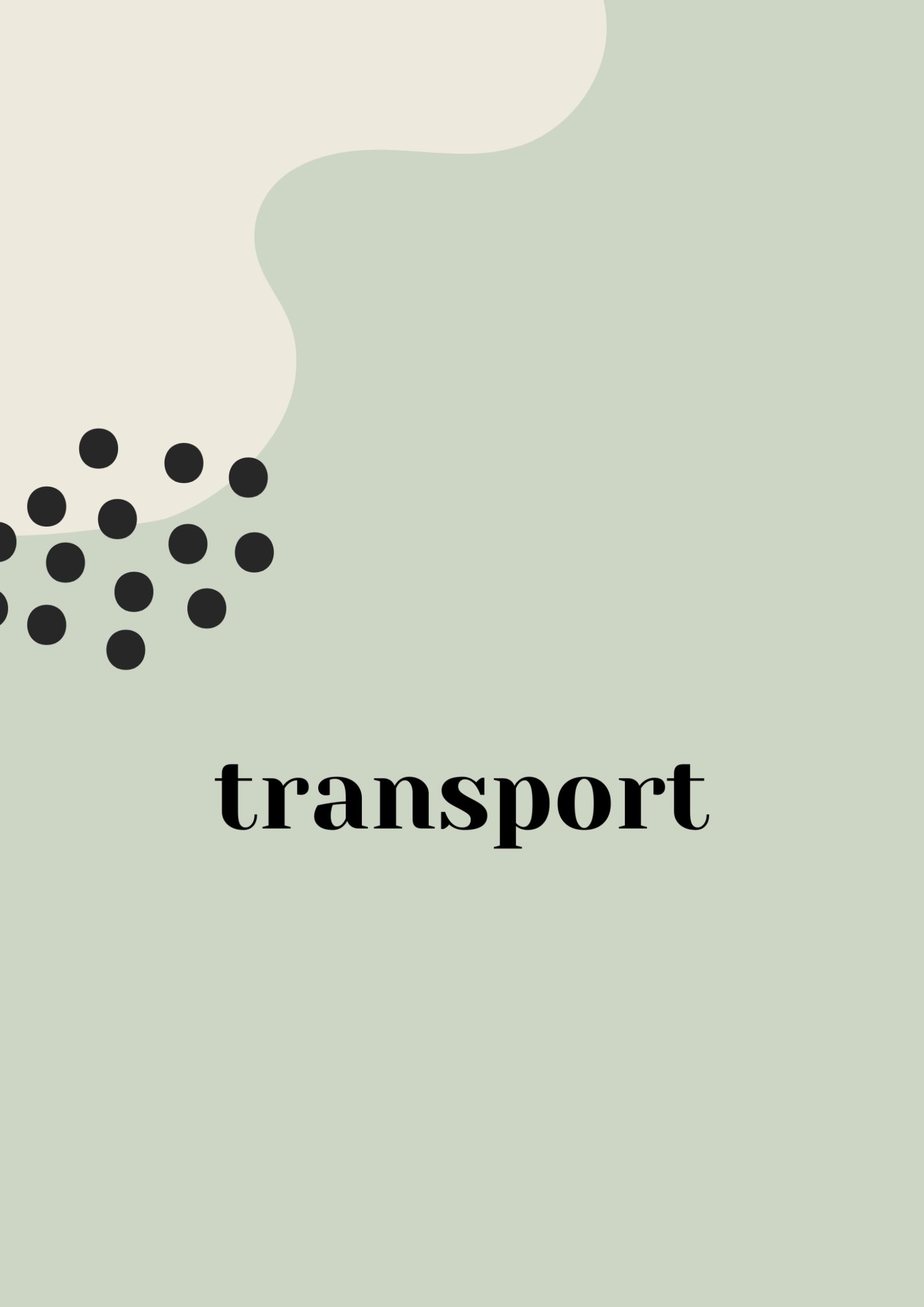
282. *The size of police cells is appropriate.*

- * The smaller the cell, the less time a detained person spends there. Police cells "intended for single occupancy for stays in excess of a few hours" are "7

square metres, 2 metres or more between walls, 2.5 metres between floor and ceiling."⁹⁰⁶

283. *Facilities are secure, so that detained people cannot escape.⁹⁰⁷*





transport

1. Determining whether to transport someone

284. *Police limit unnecessary transport over long distances, balancing this with ensuring that the detained person has genuine access to natural justice for criminal and administrative matters.*⁹⁰⁸

- ✳ Where detained people attend a virtual court, police liaise with the courts to ensure that matters are appropriately prioritised. If detained people are remanded by the court, police transport the person to the prison without undue delay.⁹⁰⁹

2. Determining who transports individuals

285. *Police make appropriate decisions on whether to transport an individual to hospital in the police vehicle or to call an ambulance.*⁹¹⁰

286. *Privatisation of transport does not remove the State's duty of care to ensure "that human rights standards are met by contractors."⁹¹¹ Private contractors are properly trained, and supervisors monitor "staff compliance with policies and procedures relating to the welfare of [detained people] and duty of care."⁹¹²*

3. Conditions of transport

287. *Transport is prompt and by the most direct, practical route to hospital if someone is unwell.*⁹¹³

288. *Transfer is safe and dignified, protecting the health, wellbeing and privacy of the detained person.*⁹¹⁴

(i) *The types of vehicles used and material conditions in vehicles*

- ✳ Police do not use utes with cages, which are inherently unsafe and degrading, and exposed to the elements, for long distances.⁹¹⁵
- ✳ Vehicles have a well-maintained, operational air-conditioning system,⁹¹⁸ an appropriate temperature is maintained in the vehicle,⁹¹⁹ and there is a temperature monitor. There is natural light and ventilation in the vehicle, there is a view of the outside world, and the bench or seat is comfortable.⁹²⁰ There is no graffiti scratched into the windows, or on other parts of the vehicle.⁹²¹
- ✳ Police have a transport replacement strategy and budget, to ensure that "vehicles are replaced on a regular basis and there are no old or unsafe vehicles in use."⁹¹⁶
- ✳ Police officers (or those subcontracted) can properly observe detained people during transportation and/or there is good quality audio-visual CCTV that covers the entire area in which someone is being transported.⁹²²
- ✳ The vehicles in which detained people are transported "are selected based on assessed risk and individual needs," using non-standard vehicles where appropriate. Considerations include whether people with disability, or children or pregnant women/parents with children or babies are being transported (the latter are not transported in divisional vans).⁹¹⁷
- ✳ Vehicles have a first aid kit⁹²³ and a spare tyre.⁹²⁴ There are basic comfort items such as sickness bags.⁹²⁵

(ii) *Placement and protection of detained people in vehicles*

- ✳ Police officers properly assess the level of security measures that are required for transporting people. e.g. Police do not follow "an arbitrary and inflexible rule" to determine whether someone is 'high risk'

and should be placed in the rear pod of a vehicle, which may be considered more 'secure'.⁹²⁶

- ✱ Women, children, and men are transported in separate vehicles (or, at the very least, with visual/auditory separation within the same vehicle⁹²⁷),⁹²⁸ and women and girls are escorted by female police officers/contractors.⁹²⁹

(iii) *Preservation of privacy, dignity and comfort*

- ✱ Detained people "are advised of their destination and their disembarkation is not unduly delayed on arrival." Their privacy and dignity are maintained to the extent possible, on departure, arrival and during transport.⁹³²

(iv) *Safety during transport*

- ✱ Police officers are "briefed on any matters that may affect the security of the escort," or the safety and well-being of detained people,⁹³⁷ including what position is safe for the person being transported.⁹³⁸
- ✱ "Vehicles are driven in a safe manner and in compliance with Road Rules."⁹³⁹ Police do not deliberately swerve or drive in a manner that makes the drive uncomfortable for the detained person.⁹⁴⁰
- ✱ There are restraints to keep the person being transported safe (e.g. seatbelt). There is a means by which the person can be released from the vehicle in an emergency, police officers are able to view

- ✱ Police officers ensure that detained people "are not subjected to violence, threats, or intimidation" from other detained people during transport.⁹³⁰

- ✱ Considerations on where to place the individual include whether the person is intoxicated or has had a seizure.⁹³¹

- ✱ There are comfort breaks (that are dignified) for longer drives⁹³³ (every 2 hours⁹³⁴). Food is provided at usual mealtimes.⁹³⁵

- ✱ Handcuffs are only used on people being transported in exceptional circumstances, and not on children.⁹³⁶

CCTV footage while they are driving,⁹⁴¹ and there is an operational duress alarm for the detained person.⁹⁴² People being transported can be, and are, communicated with (via an intercom, if needed⁹⁴³).⁹⁴⁴ Police regularly stop to conduct a physical check on the detained person's welfare.⁹⁴⁵

- ✱ Any stops along the way are explained to the detained person.⁹⁴⁶

- ✱ Police officers "are trained and equipped to respond in-transit to emergencies involving [people] with a disability."⁹⁴⁷

289. *Arresting and escorting police officers ensure that they communicate information relevant to risk assessments to those to whom they are transferring detained people.*⁹⁴⁸

290. *Planes are the mode of transport used for longer distances (e.g. between remote communities and rural/urban centres), particularly where road routes are unpaved roads.*⁹⁴⁹

291. *When children are transported by plane, the number of police officers accompanying the child reflects the best interests of that particular child (e.g. considering whether having more than one officer will be intimidating for the child; assessing whether two police officers are required to ensure the safety of the child).*⁹⁵⁰

292. *The length of time of transfers, and treatment and conditions during transport, are accurately recorded.*⁹⁵¹



4. (Internal) oversight

293. *“Escort vehicles can be tracked at all times. Escorting officers maintain radio contact with control rooms during all stages of transport.”⁹⁵²*
294. *There is appropriate oversight of transport where the function is contracted out.⁹⁵³*



**transfer/release
from police
custody**

1. Release unconditionally, on bail or on summons

295. *Detained people are released and transferred safely.*

- * For example, legislation enables police officers “to release a person on bail at or near the place of arrest without necessarily conveying the person to a police station.”⁹⁵⁴
- * People are not released from police vehicles with no means of returning to their home. For example, they are driven home or provided a bus ticket.⁹⁵⁵

296. *As a priority, the period of time children are kept in facilities which are not fit for purpose or are shared by adults, such as police watch houses, is kept to a minimum.*⁹⁵⁶

297. *Children are bailed or released in the presence of a parent, responsible adult or the relevant child protection agency.*⁹⁵⁷

2. Transfer to another detaining authority

298. *There are robust custody transfer arrangements between Police and Corrections/Youth Detention authorities, to ensure clear lines of accountability and responsibility, and information sharing, during the transfer of detained people. Police and corrections are well-versed in the relevant protocols.*⁹⁵⁸

- * Protocols “are regularly reviewed at a senior level to ensure they remain contemporary and effective,”⁹⁵⁹ and any issues are promptly reported to senior management.⁹⁶⁰

299. *When children refused bail by a court, they are transferred to a youth detention facility, rather than being returned to police custody.*⁹⁶¹

Endnotes

- ¹ UN SR Report (2007) [59].
- ² UN SPT, *Visit to Australia* [109].
- ³ UN CAT, *Concluding Observations on Australia* (2022) [16].
- ⁴ Adapted from NSW Select Committee, *Deaths in Custody* (2021) rec 14. See also Tasmanian NPM, *Expectations* (2024) 2.6.
- ⁵ Tasmanian NPM, *Expectations* (2024) 2.6.
- ⁶ RCIADIC rec 92; NSW Select Committee, *Deaths in Custody* (2021) rec 14; *The European Code of Police Ethics* (2001) V(B)(2)(54); Tasmanian NPM, *Expectations* (2024) 2.1.
- ⁷ RCIADIC, rec 87(b).
- ⁸ *ibid.*
- ⁹ *ibid* rec 87(c).
- ¹⁰ *ibid.*
- ¹¹ *Ibid.*
- ¹² *Ibid.*
- ¹³ The Children's Commissioner for England, *Children's involvement in the 2024 riots*.
- ¹⁴ *CRoC*, art 37(b).
- ¹⁵ Tasmanian NPM, *Expectations* (2024) 2.7.
- ¹⁶ *ibid.*
- ¹⁷ *ibid.*
- ¹⁸ *ibid.*
- ¹⁹ UN *Expanded Pocket Book on Human Rights for the Police* p16.
- ²⁰ UN *Mandela Rules* rule 51.
- ²¹ *ibid.*
- ²² *ibid.*
- ²³ Consultation feedback; Paul Quinton, 'Race Disproportionality and Officer Decision-Making' in Michael Shiner Rebekah Delsol (ed), *Stop and Search, The Anatomy of a Police Power* (2015).
- ²⁴ Mounty Yarns, *Lived Experiences of Aboriginal young people in Mt Druitt*.
- ²⁵ Police Stop Data Working Group, *Submission to Yoorrook Justice Commission* (2023) 14.
- ²⁶ Tamar Hopkins et al, 'Do Australian Police Engage in Racial Profiling? A method for identifying racial profiling in the absence of police data' (13 May 2024) p19.
- ²⁷ *Preventing unlawful profiling today and in the future: a guide* (2018) p80.
- ²⁸ *ibid* p81.
- ²⁹ *ibid* p78.
- ³⁰ *ibid* p81.
- ³¹ *ibid.*
- ³² *ibid* p80.
- ³³ Consultation feedback; Michael Shiner and Paul Thornbury, *Regulating Police Stop and Search: An Evaluation of the Northamptonshire Police Reasonable Grounds Panel* (2019), rec 4, 5, 6.
- ³⁴ *Preventing unlawful profiling today and in the future: a guide* (2018) p75.
- ³⁵ *ibid* p80.
- ³⁶ *ibid* p75-76.
- ³⁷ *ibid.*
- ³⁸ Adapted from *Preventing unlawful profiling today and in the future: a guide* (2018) p75-76.
- ³⁹ Adapted from *Preventing unlawful profiling today and in the future: a guide* (2018) p75-76, reflecting consultation feedback; Tamar Hopkins et al, *Monitoring Racial Profiling Introducing a Scheme to Prevent Unlawful Stops and Searches by Victoria Police A Report of the Police Stop Data Working Group* (2017).
- ⁴⁰ *Preventing unlawful profiling today and in the future: a guide* (2018) p75-76.
- ⁴¹ *ibid* p80.
- ⁴² UN HRC, *GC 37 on the right of peaceful assembly* (2020) [83].
- ⁴³ *ibid.*
- ⁴⁴ Consultation feedback. Noting a departure from UN HRC, *GC 37 on the right of peaceful assembly* (2020) [92]: Plain-clothed police officers in assemblies are used only where strictly necessary, and they identify themselves before exercising any police powers such as stop/search.
- ⁴⁵ UN HRC, *GC 37 on the right of peaceful assembly* (2020) [84]; *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [75].
- ⁴⁶ Adapted from OSCE/ODIHR, *Report Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States* (May 2013 – July 2014) [311].
- ⁴⁷ Consultation feedback.
- ⁴⁸ Consultation feedback.
- ⁴⁹ UN HRC, *GC 37 on the right of peaceful assembly* (2020) [84]; *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [75].
- ⁵⁰ *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [75].
- ⁵¹ UN CAT, *Concluding Observations on Australia* (2022) [16].
- ⁵² UN Committee on the Rights of the Child, *General Comment 24* (2019) [16].
- ⁵³ UN CAT, *Concluding Observations on Australia* (2022) [12], [34], [38](e); RCIADIC rec 87(d), rec 148; UN General Assembly, *Elimination of Violence against Children* [34](a); NSW Select Committee, *Deaths in Custody* (2021) rec 13. See also NT Coroner, *Inquest into the death of Perry Jabanangka Langdon* [2015] [30]; WA Coroner, *Inquest into death of Maureen Mandijarra* (2017) [374] rec 1, 2, 3.
- ⁵⁴ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 148.
- ⁵⁵ *Yoorrook For Justice Report* (2023) rec 28.
- ⁵⁶ *ibid.*
- ⁵⁷ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 149.
- ⁵⁸ *ibid* rec 150.
- ⁵⁹ *ibid* rec 151.
- ⁶⁰ *ibid* rec 152.
- ⁶¹ *ibid* rec 153.
- ⁶² *ibid* rec 157.
- ⁶³ *ibid* rec 158.
- ⁶⁴ NTRC (2017) rec 25.9.
- ⁶⁵ *ibid* rec 25.11.
- ⁶⁶ *ibid* rec 25.12.
- ⁶⁷ HMCIFRS & CQC, *Expectations for police custody* (2022) [1.5].
- ⁶⁸ *ibid.*
- ⁶⁹ *ibid.*
- ⁷⁰ *ibid.*
- ⁷¹ *ibid.*
- ⁷² *ibid* [2.1].
- ⁷³ *ibid.*
- ⁷⁴ *ibid.*
- ⁷⁵ UN *Beijing Rules*, commentary [10].
- ⁷⁶ UN CRC, *General Comment 24* [15].
- ⁷⁷ UN CRC, *General Comment 24* [16]. See also UN *Beijing Rules*, Commentary [11].
- ⁷⁸ UN *Beijing Rules*, Commentary [11].
- ⁷⁹ UN *Beijing Rules* [11.2]
- ⁸⁰ UN CRC, *General Comment 24* [18](a-f). See also UNODC, *Guidelines on Legal Aid* (2013) [53](f).
- ⁸¹ Adapted from UN *Beijing Rules*, Commentary [11].
- ⁸² VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 147.
- ⁸³ UN *Beijing Rules* [11.4]
- ⁸⁴ UN General Assembly, *Elimination of Violence against Children* [6](n)(o); VALS, *VLRC Submission* (2021) p5, 27-28.
- ⁸⁵ ALRC, *Pathways to Justice* (2017) rec 12-1, rec 12-2; RCIADIC rec 121(a-b); WA Coroner, *Inquest into the death of Julieka Ivanna Dhu* (2016) rec 6.
- ⁸⁶ Mounty Yarns, *Lived Experiences of Aboriginal young people in Mt Druitt* 43.
- ⁸⁷ Consultation feedback.
- ⁸⁸ RCIADIC rec 120.
- ⁸⁹ *ibid* rec 121(a-b).

- ⁹⁰ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 28.
- ⁹¹ *ibid*.
- ⁹² Consultation feedback.
- ⁹³ *ibid* rec 15.
- ⁹⁴ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 16; *Yoorrook For Justice Report* (2023) rec 32(c).
- ⁹⁵ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 18. See also Tasmanian NPM, *Expectations* (2024) 9.4.
- ⁹⁶ UN *Standards for UN Police* (2009) [59].
- ⁹⁷ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 19.
- ⁹⁸ ALRC, *Pathways to Justice* (2017) rec 5-1, see also rec 5-2.
- ⁹⁹ *Yoorrook For Justice Report* (2023) rec 32(e), 33, 34; NSW Select Committee, *Deaths in Custody* (2021) rec 8, 9; Victoria Coroner, *Inquest into the death of Veronica Nelson* (2023) rec 4.9, 4.10, 4.12.
- ¹⁰⁰ ALRC, *Pathways to Justice* (2017) rec 5-2.
- ¹⁰¹ ALRC, *Recognition of Aboriginal Customary Laws*, p32. See also p318. See support for updates on ALRC recommendations in RCIADIC rec 219.
- ¹⁰² Consultation feedback.
- ¹⁰³ Consultation feedback.
- ¹⁰⁴ Consultation feedback.
- ¹⁰⁵ Consultation feedback.
- ¹⁰⁶ Consultation feedback.
- ¹⁰⁷ RCIADIC rec 91(a-c).
- ¹⁰⁸ *ibid* rec 89.
- ¹⁰⁹ Victoria Coroner, *Inquest into the death of Veronica Nelson* (2023) rec 3.
- ¹¹⁰ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 23; NTRC (2017) rec 25.15; ALRC, *Pathways to Justice* (2017) rec 5-2.
- ¹¹¹ NTRC (2017) rec 25.22.
- ¹¹² *ibid* rec 25.21(1-4).
- ¹¹³ *Mendez principles* (2021) [44]; HMICFRS & CQC, *Expectations for police custody* (2022) [3.4]; Tasmanian NPM, *Expectations* (2024) 2.1. See also HMICFRS, *Report on an inspection visit to police custody suites in West Midlands Police* (2023).
- ¹¹⁴ Adapted from NTRC (2017) rec 25.17.
- ¹¹⁵ Consultation feedback.
- ¹¹⁶ Consultation feedback.
- ¹¹⁷ Consultation feedback.
- ¹¹⁸ NAATI, *Indigenous Interpreting Project*.
- ¹¹⁹ RCIADIC rec 90(a-c).
- ¹²⁰ Tasmanian NPM, *Expectations* (2024) 2.1.
- ¹²¹ RCIADIC rec 91(a-c).
- ¹²² Consultation feedback.
- ¹²³ NTRC (2017) rec 25.18.
- ¹²⁴ Consultation feedback.
- ¹²⁵ See, for example, NT Coroner, *Inquest into the death of Clifton Wayne Pamkal* [2009] NTMC 046 [99 – 100].
- ¹²⁶ NTRC (2017) rec 25.19(4-5).
- ¹²⁷ Consultation feedback.
- ¹²⁸ Mounty Yarns, *Lived Experiences of Aboriginal young people in Mt Druitt* 41.
- ¹²⁹ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 17; NTRC (2017) rec 25.19(4-5); Victoria Coroner, *Inquest into the death of Veronica Nelson* (2023) rec 4.5, 4.6, 4.7, 4.11.
- ¹³⁰ Victoria Coroner, *Inquest into the death of Veronica Nelson* (2023) rec 12.
- ¹³¹ Consultation feedback.
- ¹³² UN *Expanded Pocket Book on Human Rights for the Police*, p14; *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [81]; UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 2; UN *ICCPR* Article 9(1); UN *Manual on Investigative Interviewing for Criminal Investigation* [3.5]; UN *Declaration on the Protection of all Persons from Enforced Disappearance* article 12(1); UN *CROC* article 37(b); UN General Assembly, *Elimination of Violence against Children* [32], [34](a); UN *Standards for UN Police* (2009) [53], [56], [57], [74]; *Mendez principles* (2021) [43], [44]; APT, *Monitoring Police Custody* (2013) p9-10.
- ¹³³ NT Coroner, *Inquest into the death of Christopher Wurrmerli Murrungun* [2016] [58].
- ¹³⁴ NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrappa aka Moscow* [2009] [199].
- ¹³⁵ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, principle 32(1).
- ¹³⁶ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 36(1). See also UN *Expanded Pocket Book on Human Rights for the Police* p17; UN *ICCPR* article 14(2); UN *Havana Rules* [17]; UN *Beijing Rules* [7.1]; UN *Mandela Rules* rule 111(2); UN *CRC*, *General Comment* 24 [43]; UN *CROC* article 40(2)(b)(i); UN *HRC*, *General Comment* 32 [30].
- ¹³⁷ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 10. UN *Expanded Pocket Book on Human Rights for the Police* p14; UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 11(2); UN *Expanded Pocket Book on Human Rights for the Police* p18; UN *Safeguards to prevent torture during police custody and pretrial detention* [6]; UN *ICCPR* article 9(2); UN *ICCPR* article 14(3)(a); UN *CAT*, *Concluding Observations on Australia* (2022) [13](a); UN *Beijing Rules* [7.1]; UN *CRC*, *General Comment* 24 [46], [48]; UN *CROC* art 40(2)(b)(ii); UN *HRC*, *General Comment* 32 [31]; *The Yogyakarta Principles* (2006) principle 7(b).
- ¹³⁸ SNAICC, *Supplementary paper: Defining Kinship Carers for Aboriginal and Torres Strait Islander children in the ACT* (2022) p5.
- ¹³⁹ IACP, *Safeguarding Children of Arrested Parents* (2014) p20.
- ¹⁴⁰ *ibid* p21.
- ¹⁴¹ *ibid* p22.
- ¹⁴² UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 31. See e.g. HMICFRS, *Report on an inspection visit to police custody suites in South Wales Police* (2023).
- ¹⁴³ UN *Bangkok Rules* rule 2(2). See also APT, *Monitoring Police Custody* (2013) p127; HMICFRS & CQC, *Expectations for police custody* (2022) [3.2].
- ¹⁴⁴ IACP, *Safeguarding Children of Arrested Parents* (2014) p21.
- ¹⁴⁵ *ibid* p22.
- ¹⁴⁶ UN *Bangkok Rules* rule 3(1).
- ¹⁴⁷ *ibid* rule 3(2).
- ¹⁴⁸ Consultation feedback.
- ¹⁴⁹ UN *Expanded Pocket Book on Human Rights for the Police* p23.
- ¹⁵⁰ *ibid*.
- ¹⁵¹ UN *Code of Conduct for Law Enforcement Officials* article 3. See also article 3, commentary (a). See also *The European Code of Police Ethics* (2001) V(A)(37).
- ¹⁵² UN *Standards for UN Police* (2009) [86].
- ¹⁵³ UN *Mandela Rules* rule 82(1).
- ¹⁵⁴ UN *Expanded Pocket Book on Human Rights for the Police* p20.
- ¹⁵⁵ UN *CAT*, *Concluding Observations on Australia* (2022) [32](e). See also UN *Mandela Rules* rule 48(1)(a-c).
- ¹⁵⁶ UN *Expanded Pocket Book on Human Rights for the Police*, p20.
- ¹⁵⁷ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 211. See also UN General Assembly, *Elimination of Violence against Children* [39](f).
- ¹⁵⁸ UN *Mandela Rules* rule 48(1)(a-c).
- ¹⁵⁹ UN *Expanded Pocket Book on Human Rights for the Police* p23. See also Tasmanian NPM, *Expectations* (2024) 6.1.
- ¹⁶⁰ UN *Standards for UN Police* (2009) [14].
- ¹⁶¹ NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrappa aka Moscow* [2009] [126 – 127], [141 – 146].
- ¹⁶² UN *HRC*, *GC 37 on the right of peaceful assembly* (2020) [85].
- ¹⁶³ *ibid*.
- ¹⁶⁴ UN *Standards for UN Police* (2009) [21].
- ¹⁶⁵ *ECHR and Policing* (2013) p106-107.
- ¹⁶⁶ UN *HRC*, *GC 37 on the right of peaceful assembly* (2020) [79].
- ¹⁶⁷ UN *OHCHR*, *Guidance on less-lethal weapons in law enforcement* (2020) [6.1.1].
- ¹⁶⁸ *ECTHR*, *Bouyid v. Belgium* (Application No. 23380/09) [88].
- ¹⁶⁹ UN *OHCHR*, *Guidance on less-lethal weapons in law enforcement* (2020) [6.2.3].
- ¹⁷⁰ UN *Mandela Rules* rule 82(1).
- ¹⁷¹ UN *OHCHR*, *Guidance on less-lethal weapons in law enforcement* (2020) [6.3.2]; ICRC, *International rules and standards for policing*

- (2015) p37; UN HRC, *GC 37 on the right of peaceful assembly* (2020) [87]; UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [6.3.3], [6.3.4]; UN HRC, *GC 37 on the right of peaceful assembly* (2020) [86].
- ¹⁷² Consultation feedback.
- ¹⁷³ UN *Standards for UN Police* (2009) [16](a-b); UN *Expanded Pocket Book on Human Rights for the Police* p23; UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [6.3.1].
- ¹⁷⁴ UN *Expanded Pocket Book on Human Rights for the Police* p26.
- ¹⁷⁵ Consultation feedback.
- ¹⁷⁶ UN *Expanded Pocket Book on Human Rights for the Police* p23; *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [79]; UN *Standards for UN Police* (2009) [15]; UN *Expanded Pocket Book on Human Rights for the Police* p15; VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 212; Tasmanian NPM, *Expectations* (2024) 6.1.
- ¹⁷⁷ Consultation feedback.
- ¹⁷⁸ NT Coroner, *Inquest into the death of Kumanjayi Walker* [2025] NTLC 8 [970-972].
- ¹⁷⁹ *ibid* [1075-1077], [1130].
- ¹⁸⁰ *ibid* [1081-1084].
- ¹⁸¹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [2.6]; ECHR and Policing (2013) p27, p37; UN HRC, *GC 37 on the right of peaceful assembly* (2020) [75], [76], [77]; UN *Expanded Pocket Book on Human Rights for the Police* p28.
- ¹⁸² ECHR and Policing (2013) p28-p29; UN *Expanded Pocket Book on Human Rights for the Police* p23.
- ¹⁸³ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [6.3.1]. See also ICRC, *International rules and standards for policing* (2015) p24.
- ¹⁸⁴ UN *Expanded Pocket Book on Human Rights for the Police* p27.
- ¹⁸⁵ UN *Standards for UN Police* (2009) [18], [19]; ECHR and Policing (2013) p27-28; OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 81; UN *Expanded Pocket Book on Human Rights for the Police* p24-25. See also NSW Coroner, *Inquest into the death of Christopher McGrail* (2020) [183-185].
- ¹⁸⁶ UN *Standards for UN Police* (2009) [17](a-c).
- ¹⁸⁷ RCIADIC rec 162.
- ¹⁸⁸ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [6.3.4]. See also UN HRC, *GC 37 on the right of peaceful assembly* (2020) [88]. See also *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [79].
- ¹⁸⁹ UN *Code of Conduct for Law Enforcement Officials* article 3, commentary (c).
- ¹⁹⁰ UN General Assembly, *Elimination of Violence against Children* [34](c). Noting that this is preferred to guidance under UN *Code of Conduct for Law Enforcement Officials* article 3, commentary (c), that every effort should be made to exclude the use of firearms, especially against children.
- ¹⁹¹ Consultation feedback.
- ¹⁹² RCIADIC rec 162.
- ¹⁹³ *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [79].
- ¹⁹⁴ UN Special Rapporteur on torture *HRC report* (2015) [86](f). See also UN CRC, *General Comment 24* [95](f); UN General Assembly, *Elimination of Violence against Children* [9](a); [34](c); [39](c).
- ¹⁹⁵ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 211. See also UN General Assembly, *Elimination of Violence against Children* [39](f).
- ¹⁹⁶ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [2.11].
- ¹⁹⁷ UN HRC, *GC 37 on the right of peaceful assembly* (2020) [81].
- ¹⁹⁸ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [2.11].
- ¹⁹⁹ UN SPT, *Visit to Australia* [71].
- ²⁰⁰ UN *Mandela Rules*, Rule 47(2)(a).
- ²⁰¹ Omega, *Handbook on Handcuffs and Other Instruments of Restraint in Court Hearings* (2022) p50.
- ²⁰² *ibid* p51.
- ²⁰³ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [2.4].
- ²⁰⁴ UN Special Rapporteur on torture *HRC report* (2015) [45], [86](e); UN CAT, *Concluding Observations on Australia* (2022) [48]; UN CAT, *Concluding Observations on Australia* (2008) [31]; UN CRC, *General Comment 24* [72]; UN General Assembly, *Elimination of Violence against Children* [36](a); [39](e); UN *Standards for UN Police* (2009) [50].
- ²⁰⁵ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [2.5].
- ²⁰⁶ *ibid*.
- ²⁰⁷ ECHR and Policing (2013) p29.
- ²⁰⁸ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [6.2.2].
- ²⁰⁹ UN HRC, *General Comment 20* [11].
- ²¹⁰ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [6.2.2].
- ²¹¹ UN SPT, *Visit to Australia* [69].
- ²¹² UN *Havana Rules* [65]. See also UN General Assembly, *Elimination of Violence against Children* [39](d).
- ²¹³ UN *Mandela Rules* rule 82(2); HMICFRS & CQC, *Expectations for police custody* (2022) [4.2]; UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.5.1], [4.5.2], [4.5.3], [4.5.4], [4.5.5]; RCIADIC rec 163; UN *Expanded Pocket Book on Human Rights for the Police* p16; UN *Mandela Rules* rule 49; UN *Expanded Pocket Book on Human Rights for the Police* p26; Tasmanian NPM, *Expectations* (2024) 6.3.
- ²¹⁴ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 211. See also UN General Assembly, *Elimination of Violence against Children* [39](f).
- ²¹⁵ Consultation feedback.
- ²¹⁶ Adapted from UN GA, *Principles of Medical Ethics* principle 5.
- ²¹⁷ Consultation feedback. See also UN CRC, *General Comment 24* [95](f).
- ²¹⁸ Consultation feedback.
- ²¹⁹ Consultation feedback. See also UN CRC, *General Comment 24* [95](f).
- ²²⁰ UN *Expanded Pocket Book on Human Rights for the Police* p27.
- ²²¹ *ibid* p28.
- ²²² UN *Standards for UN Police* (2009) [22]. See also UN *Expanded Pocket Book on Human Rights for the Police* p25; ECHR and Policing (2013) p28, p30.
- ²²³ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p81-82.
- ²²⁴ UN *Expanded Pocket Book on Human Rights for the Police* p19, 22.
- ²²⁵ Thalia Anthony and Eddie Cubillo, *Kumanjayi Walker inquest: racism and violence, but findings too little and too late* (2025).
- ²²⁶ See also UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [5.1], [6.1.4].
- ²²⁷ UN SR Torture *Interim report* (2023) Annex 1 [2.1].
- ²²⁸ *ibid* Annex 1 [2.2].
- ²²⁹ *ibid* Annex 1 [2.3].
- ²³⁰ *ibid*.
- ²³¹ *ibid* Annex 1 [2.4].
- ²³² *ibid* Annex 1 [2.5].
- ²³³ *ibid* Annex 1 [2.6].
- ²³⁴ *ibid* Annex 1 [2.7].
- ²³⁵ *ibid* Annex 1 [3.1].
- ²³⁶ *ibid* Annex 1 [3.2].
- ²³⁷ *ibid* Annex 1 [1.1].
- ²³⁸ Consultation feedback.
- ²³⁹ UN *Expanded Pocket Book on Human Rights for the Police*, p28.
- ²⁴⁰ *ibid*.
- ²⁴¹ *ibid*.
- ²⁴² UN SR Torture *Interim report* (2023) Annex 2 [5.4].
- ²⁴³ UN HRC, *GC 37 on the right of peaceful assembly* (2020) [95].
- ²⁴⁴ UN SR Torture *Interim report* (2023) Annex 2 [4.2].
- ²⁴⁵ *ibid* Annex 2 [4.5].
- ²⁴⁶ *ibid* Annex 2 [4.6].
- ²⁴⁷ *ibid* Annex 2 [4.7].
- ²⁴⁸ *ibid* Annex 2 [2.3].

- ²⁴⁹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.1.3].
- ²⁵⁰ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 76-77.
- ²⁵¹ Consultation feedback.
- ²⁵² Consultation feedback.
- ²⁵³ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 76-77.
- ²⁵⁴ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.1.3].
- ²⁵⁵ *ibid* [7.1.4].
- ²⁵⁶ *ibid*.
- ²⁵⁷ *ibid* [7.1.5].
- ²⁵⁸ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 76-77.
- ²⁵⁹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.1.5]. See also UN SR Torture *Interim report* (2023) Annex 2 [2.1].
- ²⁶⁰ Consultation feedback.
- ²⁶¹ UN SR Torture *Interim report* (2023) Annex 2 [2.2].
- ²⁶² UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.2.7].
- ²⁶³ Consultation feedback.
- ²⁶⁴ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.2.7].
- ²⁶⁵ *ibid*.
- ²⁶⁶ Consultation feedback.
- ²⁶⁷ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 79.
- ²⁶⁸ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 79. See also UN SR Torture *Interim report* (2023) Annex 2 [4.1]; UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.3.7].
- ²⁶⁹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.2.3].
- ²⁷⁰ IBAC, *Investigations into the use of OC spray by Victoria Police* (2024) p5.
- ²⁷¹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.2.5].
- ²⁷² IBAC, *Investigations into the use of OC spray by Victoria Police* (2024) p5.
- ²⁷³ UN SR Torture *Interim report* (2023) Annex 2 [4.3]. See also DIGNITY, *Fact Sheet Collection Health #23 – Tear gas* (2025).
- ²⁷⁴ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.3.6]. See also DIGNITY, *Fact Sheet Collection Health #23 – Tear gas* (2025).
- ²⁷⁵ DIGNITY, *Fact Sheet Collection Health #23 – Tear gas* (2025); Consultation feedback.
- ²⁷⁶ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p78-79.
- ²⁷⁷ Consultation feedback.
- ²⁷⁸ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p78-79.
- ²⁷⁹ *ibid*.
- ²⁸⁰ *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [79].
- ²⁸¹ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p79-80.
- ²⁸² *ibid*.
- ²⁸³ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.3.2].
- ²⁸⁴ *ibid* [7.3.3].
- ²⁸⁵ *ibid*.
- ²⁸⁶ *ibid*.
- ²⁸⁷ *ibid* [7.3.4].
- ²⁸⁸ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p78.
- ²⁸⁹ Consultation feedback.
- ²⁹⁰ UN SR Torture *Interim report* (2023) Annex 2 [4.4].
- ²⁹¹ Consultation feedback.
- ²⁹² Consultation feedback.
- ²⁹³ Consultation feedback.
- ²⁹⁴ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.2.4].
- ²⁹⁵ *ibid*.
- ²⁹⁶ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.2.4]. See also OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p79-80.
- ²⁹⁷ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.4.4].
- ²⁹⁸ UN CAT, *Concluding Observations on Australia* (2022) [50]. See also CPT, *General Report* (2010) [70]; UN SR Torture *Interim report* (2023) Annex 2 [3.1]; NT Coroner, *Inquest into the death of Gottlieb Rubuntja* [2010] [119].
- ²⁹⁹ NT Coroner, *Inquest into the death of Gottlieb Rubuntja* [2010] [122].
- ³⁰⁰ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.4.7].
- ³⁰¹ CPT, *General Report* (2010) [70].
- ³⁰² NT Coroner, *Inquest into the death of Gottlieb Rubuntja* [2010] [132-133].
- ³⁰³ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.4.5].
- ³⁰⁴ *ibid* [7.4.6].
- ³⁰⁵ Noting a departure from UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.4.9]; Consultation feedback.
- ³⁰⁶ Consultation feedback.
- ³⁰⁷ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.4.8].
- ³⁰⁸ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.4.2], [7.4.11], [7.4.12]; UN SR Torture *Interim report* (2023) Annex 2 [3.1].
- ³⁰⁹ UN CAT, *Concluding Observations on Australia* (2014) [13]; CPT, *General Report* (2010) [79].
- ³¹⁰ UN SPT, *Australia Report* [69].
- ³¹¹ CPT, *General Report* (2010) [76].
- ³¹² UN CAT, *Concluding Observations on Australia* (2022) [50].
- ³¹³ CPT, *General Report* (2010) [79].
- ³¹⁴ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.4.3].
- ³¹⁵ *ibid* [7.4.5].
- ³¹⁶ UN SR Torture *Interim report* (2023) Annex 2 [3.1].
- ³¹⁷ *ibid*.
- ³¹⁸ CPT, *General Report* (2010) [79].
- ³¹⁹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.4.6].
- ³²⁰ *ibid* [7.4.5].
- ³²¹ *ibid* [7.4.6].
- ³²² *ibid*.
- ³²³ CPT, *General Report* (2010) [80]. See also NT Coroner, *Inquest into the death of Gottlieb Rubuntja* [2010] [132-133].
- ³²⁴ CPT, *General Report* (2010) [81].
- ³²⁵ UN CAT, *Concluding Observations on Australia* (2014) [13].
- ³²⁶ UN CAT, *Concluding Observations on Australia* (2014) [13]; CPT, *General Report* (2010) [75], [80], [84].
- ³²⁷ CPT, *General Report* (2010) [82].
- ³²⁸ *ibid*.
- ³²⁹ *ibid* [83].
- ³³⁰ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.5.2]. See also OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p80-81; MALS, *Legal Observer Team Report: The Policing of the DLF Protests* (2025) rec 8.
- ³³¹ Consultation feedback.
- ³³² OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p80-81.
- ³³³ *ibid*.
- ³³⁴ *ibid*.
- ³³⁵ Consultation feedback.
- ³³⁶ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.5.2], [7.5.3]; OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p80-81.
- ³³⁷ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.5.3].



³³⁸ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.5.4]; OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p80-81.

³³⁹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.5.5].

³⁴⁰ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p80-81. See also *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [79].

³⁴¹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.5.6].

³⁴² *ibid* [7.5.8].

³⁴³ Consultation feedback.

³⁴⁴ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 80.

³⁴⁵ Consultation feedback.

³⁴⁶ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 80-81.

³⁴⁷ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.6.2].

³⁴⁸ *ibid* [7.6.4].

³⁴⁹ Consultation feedback.

³⁵⁰ Consultation feedback.

³⁵¹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.6.3].

³⁵² UN SR Torture *Interim report* (2023) Annex 2 [5.3].

³⁵³ *ibid* Annex 2 [5.5].

³⁵⁴ *ibid*.

³⁵⁵ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.7.2].

³⁵⁶ *ibid*.

³⁵⁷ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 77-78. See also *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [79].

³⁵⁸ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 77-78.

³⁵⁹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.7.3]; OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 77-78.

³⁶⁰ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.7.4].

³⁶¹ *ibid*.

³⁶² OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 77-78.

³⁶³ Consultation feedback.

³⁶⁴ Consultation feedback.

³⁶⁵ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.7.3].

³⁶⁶ *ibid* [7.7.4].

³⁶⁷ Consultation feedback.

³⁶⁸ Consultation feedback.

³⁶⁹ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) 77-78.

³⁷⁰ Consultation feedback.

³⁷¹ Consultation feedback.

³⁷² Consultation feedback.

³⁷³ UN SR Torture *Interim report* (2023) Annex 2 [5.2].

³⁷⁴ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.8.3].

³⁷⁵ *ibid* [7.8.4].

³⁷⁶ UN SR Torture *Interim report* (2023) Annex 2 [5.2].

³⁷⁷ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [7.8.3].

³⁷⁸ UN *Expanded Pocket Book on Human Rights for the Police* p62; Omega Research Foundation, *Monitoring weapons & restraints: A Practical Guide for detention monitors and torture prevention bodies* p12.

³⁷⁹ Omega Research Foundation, *Monitoring weapons & restraints: A Practical Guide for detention monitors and torture prevention bodies*

p12. See also UN *Expanded Pocket Book on Human Rights for the Police* p26.

³⁸⁰ UN *Expanded Pocket Book on Human Rights for the Police* p28.

³⁸¹ Omega Research Foundation, *Monitoring weapons & restraints: A Practical Guide for detention monitors and torture prevention bodies* p12.

³⁸² *ibid*.

³⁸³ *ibid*.

³⁸⁴ UN *Expanded Pocket Book on Human Rights for the Police* p26.

³⁸⁵ Omega Research Foundation, *Monitoring weapons & restraints: A Practical Guide for detention monitors and torture prevention bodies* p14.

³⁸⁶ *ibid*.

³⁸⁷ *ibid* p15.

³⁸⁸ Omega Research Foundation, *Monitoring weapons & restraints: A Practical Guide for detention monitors and torture prevention bodies* p15.

³⁸⁹ UN *Standards for UN Police* (2009) [88].

³⁹⁰ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 211.

³⁹¹ UN SPT, *Visit to Australia* [29].

³⁹² UN SPT, *Visit to Australia* [88](c). Noting a departure from *Inquest into the death of Mati Tamwoy* [2025] NTLC 1, although Coroner did find at [47] that "This was unnecessarily restrictive, demeaning and stigmatising during Mr Tamwoy's treatment and the days before his death. It likely affected his emotional well-being and sense of dignity."

³⁹³ UN *Mandela Rules* rule 48(2); UN *Bangkok Rules* rule 24; VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 211.

³⁹⁴ UN *Mandela Rules* rule 47(1).

³⁹⁵ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 211.

³⁹⁶ See also UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [5.2].

³⁹⁷ UN SR Torture *Interim report* (2023) Annex 1 [1.1].

³⁹⁸ Consultation feedback. Noting departure from UN SR Torture *Interim report* (2023) Annex 2 [1.1], [1.2].

³⁹⁹ UN SR Torture *Interim report* (2023) Annex 1 [1.2].

⁴⁰⁰ *ibid* Annex 1 [1.3].

⁴⁰¹ *ibid* Annex 1 [1.4].

⁴⁰² Consultation feedback.

⁴⁰³ UN SR Torture *Interim report* (2023) Annex 1 [1.6].

⁴⁰⁴ *ibid* Annex 1 [1.7].

⁴⁰⁵ *ibid* Annex 1 [1.8].

⁴⁰⁶ *ibid* Annex 1 [1.9].

⁴⁰⁷ UN SPT, *Visit to Australia* [31], [32]; UN CAT, *Concluding Observations on Australia* (2022) [14]; Tasmanian NPM, *Expectations* (2024) 6.1.

⁴⁰⁸ CPT, *General Report* (2010) [74].

⁴⁰⁹ UN *Havana Rules* [36]; VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 211.

⁴¹⁰ Consultation feedback.

⁴¹¹ UN SR Torture *Interim report* (2023) Annex 1 [1.10].

⁴¹² *ibid*.

⁴¹³ *Report of the UN Special Rapporteur on Torture* (A/HRC/22/53) (2013) [63]. See also *Report of the UN Committee on the Rights of Persons with Disabilities* (A/HRC/22/53) (2017) [11]. Consultation feedback. Noting a departure from UN *Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care*, Principle 10(1), 11(8): A mental health practitioner, who is only permitted to use chemical restraints without informed consent as authorised by law - where it is "urgently necessary in order to prevent immediate or imminent harm to the patient or to other persons." This treatment is not prolonged "beyond the period that is strictly necessary for this purpose", and is never administered "as a punishment or for the convenience of others."

⁴¹⁴ Consultation feedback.

⁴¹⁵ UN SR Torture *Interim report* (2023) Annex 2 [1.3]. See also CPT, *General Report* (2019) [64].

⁴¹⁶ UN SR Torture *Interim report* (2023) Annex 2 [1.3].

⁴¹⁷ Consultation feedback.

⁴¹⁸ Consultation feedback.

⁴¹⁹ UN SR Torture *Interim report* (2023) Annex 2 [1.4].

⁴²⁰ *ibid*.

⁴²¹ *ibid* Annex 2 [1.5].

- ⁴²² *ibid.*
- ⁴²³ UN SR Torture *Interim report* (2023) Annex 2 [1.6].
- ⁴²⁴ Consultation feedback.
- ⁴²⁵ UN SPT, *Visit to Australia* [30]. Noting a departure from UN *Havana Rules* [63, 64]; UN *Expanded Pocket Book on Human Rights for the Police* p39. Particularly highlighting concerns with using restraints to prevent destruction of property: “By order of the director of the administration, such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority.” Noting a departure from UN *Havana Rules* [64]. See also [63]; UN *Expanded Pocket Book on Human Rights for the Police* p39; UN *Standards for UN Police* (2009) [51]: “The use of restraints on children is exceptional, permissible only after “all other control methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation.” Restraints are used on children in a manner that does not cause humiliation or degradation, and for the shortest possible period of time.” Noting the preferable thresholds if restraints are to be permitted in Tasmanian NPM, *Expectations* (2024) 6.1: “Restraints are only used on children in exceptional circumstances involving violence, or risk thereof, likely to result in substantial injury to the detainee or others, or of self-harm. If required, only age-appropriate and approved restraint techniques are used, and then only for the shortest possible time.”
- ⁴²⁶ UN SPT, *Visit to Australia* [70], [71].
- ⁴²⁷ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p73-74.
- ⁴²⁸ *ibid.*
- ⁴²⁹ *ibid.*
- ⁴³⁰ Consultation feedback.
- ⁴³¹ NSW, *Report on the 2024 New South Wales Drug Summit*, priority action 12.10.
- ⁴³² Human Rights Watch, *Cruel and Degrading: The Use of Dogs for Cell Extractions in U.S. Prisons* (2006).
- ⁴³³ Noting a departure from NT Coroner, *Inquest into the death of Kumanjaya Walker* [2025] NTLC 8. [950]: “I have considered the submissions of the Parumpurru Committee that the deployment of the Dog Unit to Yuendumu to arrest Kumanjaya was inappropriate and unnecessary, particularly given that when he was a child he was hospitalised for injuries inflicted by a police dog. The Parumpurru Committee also submit that the Aboriginal community at Yuendumu were fearful of police dogs and that the use of a police dog in community reveals a policing disregard for community values and attitudes, as well as a policing culture of structural racism. They submit that dogs are not an appropriate police accoutrement to be deployed in Yuendumu. I would not be doing them justice if I did not include this impassioned final submission: “The imagery of the state using dogs against humans is extraordinarily powerful, and intimidating. The use of dogs against people has a terrible, shameful history. The time is past when it can be considered acceptable in the NT.” [953]: “The use or presence of a police dog can be intimidating or frightening for any person, and I accept that this is particularly so for many Aboriginal community members. However, I do not accept that this deployment was inappropriate or unnecessary in these circumstances.”
- ⁴³⁴ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.2.1].
- ⁴³⁵ *ibid* [4.2.2].
- ⁴³⁶ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.2.3]. See also UN HRC, *GC 37 on the right of peaceful assembly* (2020) [81].
- ⁴³⁷ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [6.3.4].
- ⁴³⁸ *ibid* [7.5.7].
- ⁴³⁹ *ibid* [7.3.8].
- ⁴⁴⁰ *ibid* [4.4.1].
- ⁴⁴¹ CPT, *General Report* (2010) [76].
- ⁴⁴² UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.3.1].
- ⁴⁴³ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.3.2]. See also UN HRC, *GC 37 on the right of peaceful assembly* (2020) [81].
- ⁴⁴⁴ CPT, *General Report* (2010) [77].
- ⁴⁴⁵ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.3.3].
- ⁴⁴⁶ CPT, *General Report* (2010) [77].
- ⁴⁴⁷ *ibid.*
- ⁴⁴⁸ Consultation feedback.
- ⁴⁴⁹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.3.5].
- ⁴⁵⁰ NT Coroner, *Inquest into the death of Cedric Trigger* [2010] [19]; NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [63-64], [210- 211], [240]. See also NT Coroner, *Inquest into the death of Kumanjaya Walker* [2025] NTLC 8 [1295, 1297-1299].
- ⁴⁵¹ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [241]. See also *Davies v State of Victoria* [2012] VSC 343 [56]. See also HMICFRS, *Report on an unannounced inspection visit to police custody suites in Leicestershire* (2020).
- ⁴⁵² VALS *Inquiry into Victoria’s Criminal Justice System* (2021) rec 211.
- ⁴⁵³ NSW Coroner, *Inquest into the death of David Dungay* (2019).
- ⁴⁵⁴ *ibid.*
- ⁴⁵⁵ Adapted from Amnesty International, *Fair Trial Manual* (2014) p98.
- ⁴⁵⁶ VALS *Inquiry into Victoria’s Criminal Justice System* (2021) rec 211. Supported by consultation feedback.
- ⁴⁵⁷ NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrulpa aka Moscow* [2009] [183 - 185].
- ⁴⁵⁸ NSW Coroner, *Inquest into the death of Michael Peachey* (2024) rec 1(a) and (b), [737-739].
- ⁴⁵⁹ NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrulpa aka Moscow* [2009] [195].
- ⁴⁶⁰ NSW Coroner, *Inquest into the death of David Dungay* (2019) [17.32].
- ⁴⁶¹ *ibid* 17.24], [17.32].
- ⁴⁶² NSW Coroner, *Inquest into the death of Michael Peachey* (2024) rec 3.
- ⁴⁶³ NSW Coroner, *Inquest into the death of Michael Peachey* (2024) [744 – 746]; NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrulpa aka Moscow* [2009] [44 – 45].
- ⁴⁶⁴ NSW Coroner, *Inquest into the death of Michael Peachey* (2024) rec2 (a) and (b).
- ⁴⁶⁵ NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrulpa aka Moscow* [2009] [179].
- ⁴⁶⁶ NSW Coroner, *Inquest into the death of David Dungay* (2019) [16.10], [16.12], [16.15], [16.18].
- ⁴⁶⁷ NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrulpa aka Moscow* [2009] [50-55].
- ⁴⁶⁸ NSW Coroner, *Inquest into the death of Michael Peachey* (2024) [744 – 746]; NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrulpa aka Moscow* [2009] [44 – 45].
- ⁴⁶⁹ NSW Coroner, *Inquest into the death of Michael Peachey* (2024) [497 – 500].
- ⁴⁷⁰ NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrulpa aka Moscow* [2009] [183-185]; see also NSW Coroner, *Inquest into the death of David Dungay* (2019) [17.1 – 17.4].
- ⁴⁷¹ NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrulpa aka Moscow* [2009] [195].
- ⁴⁷² NSW Coroner, *Inquest into the death of Michael Peachey* (2024) [521- 522].
- ⁴⁷³ Liberty, *A guide to kettling*.
- ⁴⁷⁴ Australian NPM submission SPT GC (2023) 7.
- ⁴⁷⁵ *ibid.*
- ⁴⁷⁶ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [6.3.5].
- ⁴⁷⁷ *ibid.*
- ⁴⁷⁸ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p73.
- ⁴⁷⁹ *ibid* p72-73.
- ⁴⁸⁰ *ibid* 76.
- ⁴⁸¹ *Ibid.*
- ⁴⁸² Consultation feedback.



- ⁴⁸³ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p76.
- ⁴⁸⁴ Consultation feedback, adapted from OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p74.
- ⁴⁸⁵ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p74.
- ⁴⁸⁶ MALS, *Legal Observer Team Report: The Policing of the DLF Protests* (2025) rec 6.
- ⁴⁸⁷ Consultation feedback.
- ⁴⁸⁸ OSCE/ODIHR, *Human Rights Handbook on Policing Assemblies* (2016) p72.
- ⁴⁸⁹ *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [75].
- ⁴⁹⁰ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [6.1.3].
- ⁴⁹¹ IBAC, *Serious incidents involving the use of police dogs* (2023) p4.
- ⁴⁹² UN *Standards for UN Police* (2009) [16](c). See also UN *Expanded Pocket Book on Human Rights for the Police*, p25-26; *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [79]; UN SPT, *Visit to Australia* [30].
- ⁴⁹³ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.6.2].
- ⁴⁹⁴ Consultation feedback.
- ⁴⁹⁵ *ibid* [6.3.6].
- ⁴⁹⁶ Consultation feedback.
- ⁴⁹⁷ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.6.3].
- ⁴⁹⁸ *ibid* [4.6.1].
- ⁴⁹⁹ ECHR and *Policing* (2013) p29; UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [3.3]; UN SPT, *Visit to Australia* [30]; UN *Expanded Pocket Book on Human Rights for the Police*, p25-26; UN *Standards for UN Police* (2009) [24]; UN HRC, *GC 37 on the right of peaceful assembly* (2020) [91]; Tasmanian NPM, *Expectations* (2024) 6.1.
- ⁵⁰⁰ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [3.4]. See also HMICFRS & CQC, *Expectations for police custody* (2022) [4.2].
- ⁵⁰¹ Consultation feedback.
- ⁵⁰² UN *Expanded Pocket Book on Human Rights for the Police* p24.
- ⁵⁰³ UN SPT, *Visit to Australia* [29], [30]; UN CAT, *Concluding Observations on Australia* (2022) [50]; UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [3.5].
- ⁵⁰⁴ Adapted from UN *Expanded Pocket Book on Human Rights for the Police* p25-26; UN *Standards for UN Police* (2009) [16](d); Tasmanian NPM, *Expectations* (2024) 6.1.
- ⁵⁰⁵ UN SPT, *Visit to Australia* [30].
- ⁵⁰⁶ Consultation feedback.
- ⁵⁰⁷ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [3.11]. See also UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.3.4]; UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [4.3.4].
- ⁵⁰⁸ UN *Standards for UN Police* (2009) [27]; ICRC, *International rules and standards for policing* (2015) p35.
- ⁵⁰⁹ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [3.12].
- ⁵¹⁰ ICRC, *International rules and standards for policing* (2015) p35. See also UN *Standards for UN Police* (2009) [25]; UN *Expanded Pocket Book on Human Rights for the Police* p24.
- ⁵¹¹ ICRC, *International rules and standards for policing* (2015) p35.
- ⁵¹² ICRC, *International rules and standards for policing* (2015) p35; UN *Standards for UN Police* (2009) [26]; *The European Code of Police Ethics* (2001) V(A)(37); UN *Expanded Pocket Book on Human Rights for the Police* p24.
- ⁵¹³ UN OHCHR, *Guidance on less-lethal weapons in law enforcement* (2020) [3.10].
- ⁵¹⁴ ICRC, *International rules and standards for policing* (2015) p47.
- ⁵¹⁵ CTI, *Safeguards in Police Custody* (2021) [9].
- ⁵¹⁶ ICRC, *International rules and standards for policing* (2015) p47.
- ⁵¹⁷ Consultation feedback.
- ⁵¹⁸ Consultation feedback; *R v Therens* [1985] 1 SCR 613 [56] per Le Dain.
- ⁵¹⁹ Amnesty International, *Fair Trial Manual* (2014) p99; VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 221; QHRC, *Stripped of our dignity* (2023) p130-131. Noting a departure from CTI, *Safeguards in Police Custody* (2021) [9]; and UN *Mandela Rules* rule 52(2).
- ⁵²⁰ Amnesty International, *Fair Trial Manual* (2014) p99.
- ⁵²¹ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 218; Consultation feedback.
- ⁵²² Consultation feedback.
- ⁵²³ Consultation feedback; adapted from LECC, *Inquiry into NSW Police Force strip search practices* (2020) rec 11.
- ⁵²⁴ UN *Mandela Rules* rule 52(1). See also CTI, *Safeguards in Police Custody* (2021) [9].
- ⁵²⁵ Consultation feedback.
- ⁵²⁶ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 217.
- ⁵²⁷ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 222. See also UN General Assembly, *Elimination of Violence against Children* [41](d); UN *Bangkok Rules* rule 20; Tasmanian NPM, *Expectations* (2024) 6.4.
- ⁵²⁸ HMICFRS & CQC, *Expectations for police custody* (2022) [3.2].
- ⁵²⁹ UN CAT, *Concluding Observations on Australia* (2022) [32](f).
- ⁵³⁰ CTI, *Safeguards in Police Custody* (2021) [9]. See also HMICFRS & CQC, *Expectations for police custody* (2022) [3.2]; UN *Expanded Pocket Book on Human Rights for the Police* p45, p46; UN *Mandela Rules* rule 52(1); UN *Bangkok Rules* rule 19; see also rule 21 and UN General Assembly, *Elimination of Violence against Children* [41](c).
- ⁵³¹ LECC, *Inquiry into NSW Police Force strip search practices* (2020) rec 10.
- ⁵³² QHRC, *Stripped of our dignity* (2023) rec 16.
- ⁵³³ ICRC, *International rules and standards for policing* (2015) p45.
- ⁵³⁴ *ibid* p47.
- ⁵³⁵ VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 219.
- ⁵³⁶ APT, *Monitoring Police Custody* (2013) p112.
- ⁵³⁷ CTI, *Safeguards in Police Custody* (2021) [9].
- ⁵³⁸ HMICFRS & CQC, *Expectations for police custody* (2022) [3.2].
- ⁵³⁹ Consultation feedback.
- ⁵⁴⁰ QHRC, *Stripped of our dignity* (2023) rec 17.
- ⁵⁴¹ Consultation feedback.
- ⁵⁴² Consultation feedback.
- ⁵⁴³ Consultation feedback.
- ⁵⁴⁴ Consultation feedback.
- ⁵⁴⁵ QHRC, *Stripped of our dignity* (2023) rec 16.
- ⁵⁴⁶ *ibid*.
- ⁵⁴⁷ Tasmanian NPM, *Expectations* (2024) 6.4.
- ⁵⁴⁸ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [50 – 52], [57- 58]; NSW Coroner, *Inquest into the death of Rebecca Maher* (2019) rec 2.
- ⁵⁴⁹ NSW Coroner, *Inquest into the death of Rebecca Maher* (2019) [223], [230] rec 1.
- ⁵⁵⁰ ICRC, *International rules and standards for policing* (2015) p47.
- ⁵⁵¹ Noting departure from UN CAT, *Concluding Observations on Australia* (2022) [32](f); consultation feedback.
- ⁵⁵² Consultation feedback.
- ⁵⁵³ ICRC, *International rules and standards for policing* (2015) p47.
- ⁵⁵⁴ Consultation feedback.
- ⁵⁵⁵ Consultation feedback.
- ⁵⁵⁶ Consultation feedback.
- ⁵⁵⁷ CTI, *Safeguards in Police Custody* (2021) [9].
- ⁵⁵⁸ UN *Mandela Rules* rule 51.
- ⁵⁵⁹ Consultation feedback.
- ⁵⁶⁰ UN General Assembly, *Elimination of Violence against Children* [34](g).
- ⁵⁶¹ WA Coroner, *Inquest into the death of Frederick John Collard* (2019) [111- 112], [116], [121].
- ⁵⁶² *Medical Care in Police Custody* (2021) p3; APT, *Monitoring Police Custody* (2013) p53; RCIADIC rec 135; RCIADIC, rec 136; RCIADIC rec 147.
- ⁵⁶³ NT Coroner, *Inquest into the death of Peter Raymond Jacobs* [2009] [63 – 66].
- ⁵⁶⁴ Consultation feedback.
- ⁵⁶⁵ MALS, *Legal Observer Team Report: The Policing of the DLF Protests* (2025) rec 4.

⁵⁶⁶ UN *Expanded Pocket Book on Human Rights for the Police* p18; UN *Declaration on the Protection of all Persons from Enforced Disappearance* art 10(1); UN *Standards for UN Police* (2009) [76]; CPT, *General Report* (2019) [68]; UN *International Convention for the Protection of All Persons from Enforced Disappearance* (2010) art 17(1) and art 17(2)(c); APT, *Monitoring Police Custody* (2013) p101.

⁵⁶⁷ UN *International Convention for the Protection of All Persons from Enforced Disappearance* (2010) art 17(3)(a-h), art 22(b), art 23(1)(a).

⁵⁶⁸ Tasmanian NPM, *Expectations* (2024) 2.1.

⁵⁶⁹ NSW Coroner, *Inquest into the death of Rebecca Maher* (2019) rec 1.

⁵⁷⁰ RCIADIC, rec 223(a), rec 224; ALRC, *Pathways to Justice* (2017) rec 14-3; NTRC (2017) rec 25.4.1; VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 21, 135, 136, 137; NTRC (2017) rec 25.4.2.

⁵⁷¹ NSW Coroner, *Inquest into the death of Rebecca Maher* (2019) rec 2, [209 – 211]; WA Coroner, *Inquest into the death of Julieka Ivanna Dhu* (2016) [846-847], rec 10.

⁵⁷² Victoria Coroner, *Inquest into the death of Veronica Nelson* (2023) rec 5.

⁵⁷³ *ibid* rec 7.1 and 7.2.

⁵⁷⁴ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 16(1), UN *Expanded Pocket Book on Human Rights for the Police* p15; UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 16(4); *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [81]; UN CAT, *Concluding Observations on Australia* (2022) [13](e); UN *Declaration on the Protection of all Persons from Enforced Disappearance* art 10(2); UN *Bangkok Rules* rule 2(1); UNODC, *Guidelines on Legal Aid* (2013) [43](e); UN *Standards for UN Police* (2009) [64]; CPT, *General Report* (2002) [43]; *The European Code of Police Ethics* (2001) V(B)(2)(57); UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 16(3); UN *Expanded Pocket Book on Human Rights for the Police* p40; UN Special Rapporteur on torture *HRC report* (2015) [40]; UN Special Rapporteur on torture *HRC report* (2015) [75]; UN Special Rapporteur on torture *HRC report* (2015) [85](j); UN *Havana Rules* [22]; UN *Beijing Rules* [10.1]; UN General Assembly, *Elimination of Violence against Children* [34](d); UN *Standards for UN Police* (2009) [167]; *ECHR and Policing* (2013) p83; CTI, *Safeguards in Police Custody* (2021) [8]; UN *International Convention for the Protection of All Persons from Enforced Disappearance* (2010) art 18(1)(a-g); UN *International Convention for the Protection of All Persons from Enforced Disappearance* (2010) art 22(c); Tasmanian NPM, *Expectations* (2024) 2.2.

⁵⁷⁵ Consultation feedback.

⁵⁷⁶ UNODC, *Guidelines on Legal Aid* (2013) [42](a,b,c,d,f).

⁵⁷⁷ CTI, *Safeguards in Police Custody* (2021) [8]; UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 13; UN *Expanded Pocket Book on Human Rights for the Police*, p20-21; UN *Safeguards to prevent torture during police custody and pretrial detention* [6]; UN CAT, *Concluding Observations on Australia* (2022) [36](g); UN *Bangkok Rules* rule 2(1); UN CROC article 13(1); UN *Standards for UN Police* (2009) [60], [83]; CPT, *General Report* (2019) [44], [66]; DIGNITY, *Safeguards in Police Custody* (2019); APT, *Monitoring Police Custody* (2013) p124; UNODC, *Guidelines on Legal Aid* (2013) [29], [30], [43](a), [42](a,b,c,d,f); UN *Standards for UN Police* (2009) [63].

⁵⁷⁸ UN Special Rapporteur on torture *HRC report* (2015) [75]; UN SPT, *Visit to Australia* [45]; UN *Mandela Rules* rule 55(3); UNODC, *Guidelines on Legal Aid* (2013) [42](a,b,c,d,f); UN *Standards for UN Police* (2009) [83]; *ECHR and Policing* (2013) p83; CTI, *Safeguards in Police Custody* (2021) [8]; APT, *Monitoring Police Custody* (2013) p124.

⁵⁷⁹ UNODC, *Guidelines on Legal Aid* (2013) [43](i); UN CAT, *Concluding Observations on Australia* (2022) [13](a); UN *Manual on Investigative Interviewing for Criminal Investigation* p31; UN SPT, *Visit to Australia* [44]; UN *Havana Rules* [24], [25]; UN *Mandela Rules* rule 55(1) and (2); UN General Assembly, *Elimination of Violence against Children* [7](d), [39](a), [43](b); UNODC, *Guidelines on Legal Aid* (2013) [53](e); UNODC, *Guidelines on Legal Aid* (2013) [42](a,b,c,d,f); UN *Standards for UN Police* (2009) [61]; DIGNITY, *Safeguards in Police Custody* (2019); UN *Standards for UN Police* (2009) [91](i-iv); CPT, *General Report* (2002) [44]; CTI, *Safeguards in Police Custody* (2021) [8]; HMICFRS & CQC,

Expectations for police custody (2022) [3.2]; APT, *Monitoring Police Custody* (2013) p124.

⁵⁸⁰ UNODC, *Guidelines on Legal Aid* (2013) [42](a,b,c,d,f); CPT, *General Report* (2002) [44]; *ECHR and Policing* (2013) p83.

⁵⁸¹ Tasmanian NPM, *Expectations* (2024) 8.1. See e.g. HMICFRS, *Report on an unannounced inspection visit to police custody suites of the British Transport Police* (2020): recordings with sign language available; HMICFRS, *Report on an inspection visit to police custody suites in Hampshire and Isle of Wight Constabulary* (2024): availability of Braille.

⁵⁸² Tasmanian NPM, *Expectations* (2024) 2.2.

⁵⁸³ *ibid*.

⁵⁸⁴ UNODC, *Guidelines on Legal Aid* (2013) [3], [4], [14], [26], [57]; CTI, *Safeguards in Police Custody* (2021) [8]; UN CAT, *Concluding Observations on Australia* (2022) [34]; UNODC, *Guidelines on Legal Aid* (2013) [32], [33], [34], [53](a), [53](d), 58[a-e], [52](a-b).

⁵⁸⁵ UN *Safeguards to prevent torture during police custody and pretrial detention* [15]; UN CAT, *Concluding Observations on Australia* (2014) [12]; UN General Assembly, *Elimination of Violence against Children* [6](l); UNODC, *Guidelines on Legal Aid* (2013) [15], [61](a-d), [62].

⁵⁸⁶ UNODC, *Guidelines on Legal Aid* (2013) [16], [20], [36].

⁵⁸⁷ UNODC, *Guidelines on Legal Aid* (2013) [37], [28], [38], [64], [65], [66], [69](a-e), UN *Mandela Rules* rule 61(3).

⁵⁸⁸ RCIADIC, rec 107; UNODC, *Guidelines on Legal Aid* (2013) [33], [55](a-f), [56](a-c).

⁵⁸⁹ RCIADIC rec 106.

⁵⁹⁰ UNODC, *Guidelines on Legal Aid* (2013) [41](a-f), [21], [22].

⁵⁹¹ CPT, *General Report* (2011) [18], [19], [68]; CTI, *Safeguards in Police Custody* (2021) [8]; Tasmanian NPM, *Expectations* (2024) 2.2, 2.8.

⁵⁹² CPT, *General Report* (2011) [20], [21]; DIGNITY, *Safeguards in Police Custody* (2019).

⁵⁹³ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 17(1); UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 17(2); UN ICCPR article 14(3)(b); *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [81]; UN ICCPR article 14(3)(d); UN Special Rapporteur on torture *HRC report* (2015) [75], [40], [85](j), [86](h); UN CAT, *Concluding Observations on Australia* (2022) [13](b); UN *Havana Rules* [18](a); UN *Beijing Rules* [7.1]; UN *Bangkok Rules* rule 2(1); UN CRC, *General Comment* 24 [49], [50], [51], [89]; UN CROC article 37(d); UN General Assembly, *Elimination of Violence against Children* [35](b); UN *Standards for UN Police* (2009) [48], [59], [164]; UN SPT, *Visit to Australia* [47]; UN CROC article 40(2)(b)(ii); NTRC (2017) rec 25.6.1; *The European Code of Police Ethics* (2001) III(10), V(B)(2)(57); UNODC, *Guidelines on Legal Aid* (2013) [23], [27]; UN *Standards for UN Police* (2009) [48].

⁵⁹⁴ UN *Standards for UN Police* (2009) [48]; UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 18(3); CPT, *General Report* (2011) [22].

⁵⁹⁵ Consultation feedback.

⁵⁹⁶ UN *Safeguards to prevent torture during police custody and pretrial detention* [7].

⁵⁹⁷ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 18(1), (2) and (4); UN ICCPR article 14(3)(b); UN *Mandela Rules* rule 61(1); UN CRC, *General Comment* 24 [95](e); UN General Assembly, *Elimination of Violence against Children* [34](f); UN *Standards for UN Police* (2009) [79]; RCIADIC rec 108; ICRC, *International rules and standards for policing* (2015) p46-47; UN *Expanded Pocket Book on Human Rights for the Police* p21; UN *Standards for UN Police* (2009) [48]; CPT, *General Report* (2011) [23]; UN *Mandela Rules* rule 61(2).

⁵⁹⁸ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 18(5).

⁵⁹⁹ UNODC, *Guidelines on Legal Aid* (2013) [43](k).

⁶⁰⁰ *ibid* [31]; [42](e).

⁶⁰¹ UN *Expanded Pocket Book on Human Rights for the Police* p22; DIGNITY, *Safeguards in Police Custody* (2019); APT, *Monitoring Police Custody* (2013) p52-53; UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 24; UN *Safeguards to prevent torture during police custody and pretrial detention* [8]; UN SPT, *Visit to Australia* [48]; UN *Standards for UN Police*

(2009) [95]; DIGNITY, *Safeguards in Police Custody* (2019); UN CAT, *Concluding Observations on Australia* (2022) [13](c); *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [81]. "Access to medical treatment/exam is provided."; CTI, *Safeguards in Police Custody* (2021) [8]; *Medical Care in Police Custody* (2021) p2-3.

⁶⁰² Queensland Coroner, *Inquest into the death of Matthew Maurice Tiers* (2011) p7.

⁶⁰³ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [96 – 97], [100]; NT Coroner, *Inquest into the death of Cedric Trigger* [2010] [23], [24], [42].

⁶⁰⁴ WA Coroner, *Inquest into death of Maureen Mandijarra* (2017) [375 – 378] rec 4.

⁶⁰⁵ NSW Coroner, *Inquest into the death of Rebecca Maher* (2019) [248-249].

⁶⁰⁶ Queensland Coroner, *Inquest into the death of Matthew Maurice Tiers* (2011) p3-4, 9.

⁶⁰⁷ WA Coroner, *Inquest into the death of Dennis John Phillips* (2013) p33-34.

⁶⁰⁸ *ibid.*

⁶⁰⁹ *ibid.*

⁶¹⁰ Adapted from HMICFRS & CQC, *Expectations for police custody* (2022) [3.6]. See also Tasmanian NPM, *Expectations* (2024) 2.10.

⁶¹¹ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 9, 10, 11(3), 37; UN *Expanded Pocket Book on Human Rights for the Police* p14; UN CAT, *Concluding Observations on Australia* (2022) [13](f); UN *Declaration on the Protection of all Persons from Enforced Disappearance* article 10(1); UN CRC, *General Comment 24* [89, 90, 91]; CTI, *Safeguards in Police Custody* (2021) [8]; *The Yogyakarta Principles* (2006) principle 7(b).

⁶¹² CPT, *General Report* (2002) [45]; Tasmanian NPM, *Expectations* (2024) 2.9.

⁶¹³ Consultation feedback.

⁶¹⁴ HMICFRS, *Report on an inspection visit to police custody suites in West Midlands Police* (2023).

⁶¹⁵ Consultation feedback.

⁶¹⁶ UN SPT, *Visit to Australia* [43]; UN General Assembly, *Elimination of Violence against Children* [37](b); UN SPT, *Visit to Australia* [42]; UN Special Rapporteur on torture *HRC report* (2015) [85](j) and (k); NTRC (2017) rec 25.3.2.

⁶¹⁷ Consultation feedback.

⁶¹⁸ *The European Code of Police Ethics* (2001) III(11), p38; APT, *Monitoring Police Custody* (2013) p10; UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, Principle 8; UN CAT, *Concluding Observations on Australia* (2022) [32](a).

⁶¹⁹ Victoria Coroner, *Inquest into the death of Veronica Nelson* (2023) rec 7.3, 7.4, 7.5.

⁶²⁰ *ibid* rec 4.13.

⁶²¹ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [101].

⁶²² UN *Safeguards to prevent torture during police custody and pretrial detention* [9]; UN HRC, *General Comment 20* [11]; UN *Declaration on the Protection of all Persons from Enforced Disappearance* article 10(3); UN *Standards for UN Police* (2009) [68](a-i); CTI, *Safeguards in Police Custody* (2021) [9]; UN *Standards for UN Police* (2009) [85]; APT, *Monitoring Police Custody* (2013) p53-56, 148-149; UN *Standards for UN Police* (2009) [69]; DIGNITY, *Safeguards in Police Custody* (2019).

⁶²³ Consultation feedback.

⁶²⁴ UN *Expanded Pocket Book on Human Rights for the Police* p11, p12; *Mendez principles* (2021) [58, 59, 60].

⁶²⁵ *Mendez principles* (2021) [208].

⁶²⁶ *Mendez principles* (2021) [208, 212, 175, 179, 211, 212, 181, 182, 211, 155, 157, 158, 156, 150, 161, 162, 163, 164, 165]; UN *Manual on Investigative Interviewing for Criminal Investigation* p44-45; UN *Safeguards to prevent torture during police custody and pretrial detention* [11]; UN Special Rapporteur on torture *HRC report* (2015) [75]; UN *Manual on Investigative Interviewing for Criminal Investigation* p46.

⁶²⁷ *Mendez principles* (2021) [67, 68, 69, 77, 78, 87, 101, 102].

⁶²⁸ Pérez-Sales et al, *Protocol on Medico-Legal Documentation of Sleep Deprivation* (2019).

⁶²⁹ *Mendez principles* (2021) [86-91]; HMICFRS & CQC, *Expectations for police custody* (2022) [3.5].

⁶³⁰ *Mendez principles* (2021) [103, 132, 135-141, 143, 144, 147, 148]; UN *Manual on Investigative Interviewing for Criminal Investigation* [4.4]; UN *Manual on Investigative Interviewing for Criminal Investigation* p18.

⁶³¹ Consultation feedback.

⁶³² UN *Manual on Investigative Interviewing for Criminal Investigation*, 17, 32-33.

UN Special Rapporteur on torture *HRC report* (2015) [75]; UN *Beijing Rules* [7.1]; UN CRC, *General Comment 24* [8], [56], [57]; UN General Assembly, *Elimination of Violence against Children* [34](e); HMICFRS & CQC, *Expectations for police custody* (2022) [4.5]; VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 140, rec 141; NTRC (2017) rec 25.6.2; *Police v KR* [2015] NTMC 020 [13].

⁶³³ Consultation feedback.

⁶³⁴ CPT, *General Report* (2011) [24]; UN *Safeguards to prevent torture during police custody and pretrial detention* [12](d); UNODC, *Guidelines on Legal Aid* (2013) [43](b); *Mendez principles* (2021) [108], [110], [109], [84]; UNODC, *Guidelines on Legal Aid* (2013) [53](b).

⁶³⁵ Adapted from *Mendez principles* (2021) [107].

⁶³⁶ *Mendez principles* (2021) [72], [73], [112].

⁶³⁷ UN CRC, *General Comment 24* [45]; NTRC (2017) rec 25.6.1; CPT, *General Report* (2019) [65]; *Mendez principles* (2021) [66]; UN *Manual on Investigative Interviewing for Criminal Investigation* p27; *Mendez principles* (2021) [127]; *ECHR and Policing* (2013) p82.

⁶³⁸ CPT, *General Report* (2002) [37]; *ECHR and Policing* (2013) p85; APT, *Monitoring Police Custody* (2013) p41; CPT, *General Report* (2002) [39]; APT, *Monitoring Police Custody* (2013) p78.

⁶³⁹ Consultation feedback; CTI, *Safeguards in Police Custody* (2021) [9].

⁶⁴⁰ *Mendez principles* (2021) [126].

⁶⁴¹ *Mendez principles* (2021) [125]; Consultation feedback.

⁶⁴² *Mendez principles* (2021) [111].

⁶⁴³ CPT, *General Report* (2019) [34, 73-80]; UN *Manual on Investigative Interviewing for Criminal Investigation* p45-46.

⁶⁴⁴ *Mendez principles* (2021) [21, 24, 25, 104, 28, 38]; UN *Manual on Investigative Interviewing for Criminal Investigation* [5.3-5.6], p18.; UN ICCPR article 14(3)(g); UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 21(1), UN *Expanded Pocket Book on Human Rights for the Police* p15; UN *Expanded Pocket Book on Human Rights for the Police* p11, 19; UN CROC art 40(2)(b)(iv); UN *Standards for UN Police* (2009) [45]; UN *Expanded Pocket Book on Human Rights for the Police* p11; UN General Assembly, *Elimination of Violence against Children* [33]; UN *Manual on Investigative Interviewing for Criminal Investigation* [4.5]; UN CRC, *General Comment 24* [58-59], [60]; UN *Standards for UN Police* (2009) [92]; UN *Safeguards to prevent torture during police custody and pretrial detention* [12](c); UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 21(2); UN *Manual on Investigative Interviewing for Criminal Investigation* [3.3, 3.4, 4.3], p31; CPT, *General Report* (2002) [38].

⁶⁴⁵ UN CAT, *Concluding Observations on Australia* (2014) [12].

⁶⁴⁶ Consultation feedback.

⁶⁴⁷ UN *Manual on Investigative Interviewing for Criminal Investigation* p17-18.

⁶⁴⁸ Victoria Coroner, *Inquest into the death of Veronica Nelson* (2023) rec 6.

⁶⁴⁹ *R v Anunga* (1976) p414-415.

⁶⁵⁰ CPT, *General Report* (2002) [46].

⁶⁵¹ CPT, *General Report* (2002) [36], [39]; *Mendez principles* (2021) [99], [176], [177].

⁶⁵² UN *Expanded Pocket Book on Human Rights for the Police* p11; UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 23(1); UN *Safeguards to prevent torture during police custody and pretrial detention* [12](e); UN *Standards for UN Police* (2009) [90](a-c); CPT, *General Report* (2019) [81], [40].

- ⁶⁵³ *Mendez principles* (2021) [129], [172]; UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 23(2).
- ⁶⁵⁴ UN *Expanded Pocket Book on Human Rights for the Police* p10; *Mendez principles* (2021) [130], [173].
- ⁶⁵⁵ *Mendez principles* (2021) [203, 210]; UN CAT art 15; UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 27; UN *Safeguards to prevent torture during police custody and pretrial detention* [13]; UN CAT, *Concluding Observations on Australia* (2008) [30].
- UN, *Istanbul Protocol* [16]; UN HRC, *General Comment 20* [13].
- ⁶⁵⁶ *Mendez principles* (2021) [183, 184, 197].
- ⁶⁵⁷ *ibid* [194, 195, 196, 200].
- ⁶⁵⁸ *ibid* [179, 181, 182].
- ⁶⁵⁹ *ibid* [180]; UN, *8th Congress on the Prevention of Crime* [16]; UNODC, *The Status and Role of Prosecutors* p41.
- ⁶⁶⁰ UN CAT article 11; *Mendez principles* (2021) [168, 169, 213].
- ⁶⁶¹ Consultation feedback.
- ⁶⁶² Consultation feedback.
- ⁶⁶³ HMICFRS, *Report on an unannounced inspection visit to police custody suites in North Yorkshire* (2022).
- ⁶⁶⁴ Consultation feedback.
- ⁶⁶⁵ HMICFRS, *Report on an inspection visit to police custody suites in West Midlands Police* (2023).
- ⁶⁶⁶ ECtHR, *S. and Marper v. the United Kingdom* (2008) [125-126].
- ⁶⁶⁷ AHPRA, *National Scheme's Aboriginal and Torres Strait Islander Health and Cultural Safety Strategy*.
- ⁶⁶⁸ UN SR on Health, *Report* (2018) [38].
- ⁶⁶⁹ RCIADIC rec 127(c). See also VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 225; WA Coroner, *Inquest into the death of Dannielle Stacey Lowe* [2025] rec 2.
- ⁶⁷⁰ RCIADIC rec 127(f)(i-ix).
- ⁶⁷¹ *ibid* rec 151.
- ⁶⁷² VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 228.
- ⁶⁷³ *ibid* rec 231.
- ⁶⁷⁴ *ibid* rec 231.
- ⁶⁷⁵ *ibid* rec 229.
- ⁶⁷⁶ RCIADIC rec 154(a-c).
- ⁶⁷⁷ *ibid* rec 155.
- ⁶⁷⁸ Consultation feedback.
- ⁶⁷⁹ UN *Mandela Rules* rule 32(1)(d); UN, *Istanbul Protocol* [151]; UN GA, *Principles of Medical Ethics* principle 2, 4(a) and (b); *Nurses' role in the care of detainees and prisoners* (2011); World Medical Assembly, *Declaration of Tokyo* (2016) [1], [2], [6]; World Psychiatric Association, *Madrid Declaration on Ethical Standards for Psychiatric Practice* (2011) [2]; UN *Mandela Rules* rule 32(2); *Nurses' role in the care of detainees and prisoners* World Medical Assembly, *Declaration of Tokyo* (2016) [5].
- ⁶⁸⁰ UN *Safeguards to prevent torture during police custody and pretrial detention* [5]; CPT, *General Report* (2002) [42]; UN *Mandela Rules* rule 34; *Nurses' role in the care of detainees and prisoners* (2011).
- ⁶⁸¹ *Nurses' role in the care of detainees and prisoners* (2011); APT, *Monitoring Police Custody* (2013) p76-77; UN, *Istanbul Protocol* [178], [179], [182].
- ⁶⁸² *Nurses' role in the care of detainees and prisoners* (2011); World Medical Assembly, *Declaration of Tokyo* (2016) [9].
- ⁶⁸³ UN *Mandela Rules* rule 32(1)(a).
- ⁶⁸⁴ *ibid*.
- ⁶⁸⁵ UN, *Istanbul Protocol* [173]; UN GA, *Principles of Medical Ethics* principle 3.
- ⁶⁸⁶ UN *Mandela Rules* rule 32(1)(c); World Psychiatric Association, *Madrid Declaration on Ethical Standards for Psychiatric Practice* (2011) [15]; *Nurses' role in the care of detainees and prisoners* (2011).
- ⁶⁸⁷ UN, *Istanbul Protocol* [173], [181]. See also Tasmanian NPM, *Expectations* (2024) 3.1.
- ⁶⁸⁸ World Medical Assembly, *Declaration of Tokyo* (2016) [7]; *Medical Care in Police Custody* (2021) p2; APT, *Monitoring Police Custody* (2013) p74, 76; VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 224.
- ⁶⁸⁹ World Psychiatric Association, *Madrid Declaration on Ethical Standards for Psychiatric Practice* (2011) [15].
- ⁶⁹⁰ World Medical Assembly, *Declaration of Tokyo* (2016) [5].
- ⁶⁹¹ *Medical Care in Police Custody* (2021) p2-3.
- ⁶⁹² UN SR on Health, *Report* (2018) [37]; UN *Mandela Rules* rule 27(2).
- ⁶⁹³ Tasmanian NPM, *Expectations* (2024) 3.1.
- ⁶⁹⁴ Consultation feedback.
- ⁶⁹⁵ UN SR on Health, *Report* (2018) [36]; UN *Mandela Rules* rule 25(2); HMICFRS & CQC, *Expectations for police custody* (2022) [4.8]; *Medical Care in Police Custody* (2021) p2; World Medical Assembly, *Declaration of Tokyo* (2016) [10].
- ⁶⁹⁶ *Medical Care in Police Custody* (2021) p2.
- ⁶⁹⁷ CTI, *Safeguards in Police Custody* (2021) [8].
- ⁶⁹⁸ APT, *Monitoring Police Custody* (2013) p74.
- ⁶⁹⁹ *ibid* p132.
- ⁷⁰⁰ *Medical Care in Police Custody* (2021) p2.
- ⁷⁰¹ *ibid*.
- ⁷⁰² Adapted from RCIADIC rec 127(a); consultation feedback. See also NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [212 - 219]; Queensland Coroner, *Inquest into the death of Shiralee Deanne Tilberoo and Vlasta Wylucki* (2023) rec 3.
- ⁷⁰³ RCIADIC rec 127(b).
- ⁷⁰⁴ *ibid* rec 127(d).
- ⁷⁰⁵ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [220].
- ⁷⁰⁶ Queensland Coroner, *Inquest into the death of Shaun Charles Coolwell* (2019) [127].
- ⁷⁰⁷ *Medical Care in Police Custody* (2021) p2.
- ⁷⁰⁸ Tasmanian NPM, *Expectations* (2024) 3.2.
- ⁷⁰⁹ Adapted from *Medical Care in Police Custody* (2021) p2; consultation feedback.
- ⁷¹⁰ HMICFRS & CQC, *Expectations for police custody* (2022) [4.7]. See also WA Coroner, *Inquest into the death of Dennis John Phillips* (2013) p33-34; Tasmanian NPM, *Expectations* (2024) 3.1.
- ⁷¹¹ WA Coroner, *Inquest into death of Maureen Mandijarra* (2017) [380] rec 5.
- ⁷¹² HMICFRS & CQC, *Expectations for police custody* (2022) [4.8]. See also Tasmanian NPM, *Expectations* (2024) 3.1.
- ⁷¹³ UN *Mandela Rules* rule 24(2).
- ⁷¹⁴ HMICFRS & CQC, *Expectations for police custody* (2022) [4.7]. See also Tasmanian NPM, *Expectations* (2024) 3.1; APT, *Monitoring Police Custody* (2013) p41.
- ⁷¹⁵ *Medical Care in Police Custody* (2021) p4; HMICFRS & CQC, *Expectations for police custody* (2022) [4.11].
- ⁷¹⁶ *Medical Care in Police Custody* (2021) p4.
- ⁷¹⁷ HMICFRS & CQC, *Expectations for police custody* (2022) [4.11].
- ⁷¹⁸ *ibid*.
- ⁷¹⁹ *Medical Care in Police Custody* (2021) p4.
- ⁷²⁰ HMICFRS & CQC, *Expectations for police custody* (2022) [4.11]. See also Tasmanian NPM, *Expectations* (2024) 3.3.
- ⁷²¹ HMICFRS & CQC, *Expectations for police custody* (2022) [4.11].
- ⁷²² APT, *Monitoring Police Custody* (2013) p76.
- ⁷²³ *ibid*.
- ⁷²⁴ *Medical Care in Police Custody* (2021) p4.
- ⁷²⁵ HMICFRS & CQC, *Expectations for police custody* (2022) [4.11].
- ⁷²⁶ Consultation feedback.
- ⁷²⁷ HMICFRS & CQC, *Expectations for police custody* (2022) [4.11].
- ⁷²⁸ Consultation feedback.
- ⁷²⁹ Adapted from *Medical Care in Police Custody* (2021) p4; consultation feedback.
- ⁷³⁰ WA Coroner, *Inquest into the death of Dannielle Stacey Lowe* [2025] rec 2.
- ⁷³¹ HMICFRS & CQC, *Expectations for police custody* (2022) [4.11]. See also Tasmanian NPM, *Expectations* (2024) 3.3. See e.g. HMICFRS, *Report on an inspection visit to police custody suites in West Yorkshire Police* (2024).
- ⁷³² HMICFRS & CQC, *Expectations for police custody* (2022) [4.11].
- ⁷³³ HMICFRS, *Custody Inspection Report - Fife* (2024).
- ⁷³⁴ APT, *Monitoring Police Custody* (2013) p76; HMICFRS & CQC, *Expectations for police custody* (2022) [4.7]; *Medical Care in Police Custody* (2021) p2; NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [127].
- ⁷³⁵ UN SR on Health, *Report* (2018) [35].



- ⁷³⁶ UN *Mandela Rules* rule 24(1), 28, 30(a),(b),(c),(d), 10(1), 10(2), 11(1), 11(2); UN CRC, *General Comment 24* [95](d); UN GA, *Principles of Medical Ethics* principle 1; VALS *Inquiry into Victoria's Criminal Justice System* (2021) rec 223; *Nurses' role in the care of detainees and prisoners* (2011); *Medical Care in Police Custody* (2021) p2; UN OPCAT art 12(1) and (2)(a),(b),(d); UN CAT, *Concluding Observations on Australia* (2022) [32](c); UN Special Rapporteur on torture *HRC report* (2015) [75]; UN *Havana Rules* [56]; UN SR on Health, *Report* (2018) [71], [98](k); ICESCR art 12; HMICFRS & CQC, *Expectations for police custody* (2022) [4.9], [4.7].
- ⁷³⁷ UN SR on Health, *Report* (2018) [27], [28]; UN CRPD (2006) art 25(a-f).
- ⁷³⁸ HMICFRS & CQC, *Expectations for police custody* (2022) [4.7].
- ⁷³⁹ *The Yogyakarta Principles* (2006) principle 9(b), 17(a), (b).
- ⁷⁴⁰ Tasmanian NPM, *Expectations* (2024) 3.1.
- ⁷⁴¹ UN SPT, *Visit to Australia* [48].
- ⁷⁴² UN *Mandela Rules*, rule 27(1).
- ⁷⁴³ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, Principle 24; UN *Standards for UN Police* (2009) [95].
- ⁷⁴⁴ UN SR on Health, *Report* (2018) [25]; UN SR on Health, *Report* (2018) [98](m); *Nurses' role in the care of detainees and prisoners* (2011); World Medical Assembly, *Declaration of Tokyo* (2016) [4], [8]; UN SR on Health, *Report* (2018) [26].
- ⁷⁴⁵ Consultation feedback.
- ⁷⁴⁶ Adapted from Tasmanian NPM, *Expectations* (2024) 3.1; consultation feedback.
- ⁷⁴⁷ Tasmanian NPM, *Expectations* (2024) 3.1.
- ⁷⁴⁸ *ibid*.
- ⁷⁴⁹ Consultation feedback.
- ⁷⁵⁰ WA Coroner, *Inquest into the death of Dennis John Phillips* (2013) p33-34.
- ⁷⁵¹ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 25; UN *Standards for UN Police* (2009) [96]; APT, *Monitoring Police Custody* (2013) p131; UN CAT, *Concluding Observations on Australia* (2008) [13].
- ⁷⁵² *Mandela Rules* rule 118.
- ⁷⁵³ Consultation feedback.
- ⁷⁵⁴ Adapted from Tasmanian NPM, *Expectations* (2024) 3.1.
- ⁷⁵⁵ UN *Bangkok Rules* rule 15.
- ⁷⁵⁶ CPT, *General Report* (1992) [38]; *Medical Care in Police Custody* (2021) p2; World Medical Assembly, *Declaration of Tokyo* (2016) [3]; CTI, *Safeguards in Police Custody* (2021) [8]; *Medical Care in Police Custody* (2021) p4; UN *Mandela Rules* rule 26(2); Tasmanian NPM, *Expectations* (2024) 3.1.
- ⁷⁵⁷ RCIADIC rec 127(e), 130(a-c); APT, *Monitoring Police Custody* (2013) p76; WA Coroner, *Inquest into the death of Julieka Ivanna Dhu* (2016) [761-782] rec 5.
- ⁷⁵⁸ HMICFRS & CQC, *Expectations for police custody* (2022) [4.10].
- ⁷⁵⁹ Consultation feedback.
- ⁷⁶⁰ Adapted from HMICFRS & CQC, *Expectations for police custody* (2022) [4.10]; Consultation feedback. See e.g. HMICFRS, *Report on an unannounced inspection visit to police custody suites in North Wales* (2022); HMICFRS, *Report on an unannounced inspection visit to police custody suites in Surrey* (2022).
- ⁷⁶¹ Consultation feedback.
- ⁷⁶² HMICFRS & CQC, *Expectations for police custody* (2022) [4.10].
- ⁷⁶³ *ibid*.
- ⁷⁶⁴ *ibid*.
- ⁷⁶⁵ *ibid*.
- ⁷⁶⁶ Consultation feedback.
- ⁷⁶⁷ WA Coroner, *Inquest into the death of Deon David Woods* (2012) p31.
- ⁷⁶⁸ ICVA, *Quarterly Stakeholder Update Q1 2024/2025*.
- ⁷⁶⁹ RCIADIC rec 123, 122(a-c), 125, 126, 129, 158, 160(a-b), 159, 161, 131, 132(a-c).
- ⁷⁷⁰ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [91].
- ⁷⁷¹ Tasmanian NPM, *Expectations* (2024) 3.1.
- ⁷⁷² Consultation feedback.
- ⁷⁷³ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [110 – 11].
- ⁷⁷⁴ WA Coroner, *Inquest into the death of Dennis John Phillips* (2013) p32.
- ⁷⁷⁵ WA Coroner, *Inquest into the death of Julieka Ivanna Dhu* (2016) rec 11.
- ⁷⁷⁶ Tasmanian NPM, *Expectations* (2024) 3.2.
- ⁷⁷⁷ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [149]; Victoria Coroner, *Inquest into the death of Tanya Louise Day* (2020) rec 3.
- ⁷⁷⁸ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [150 – 151].
- ⁷⁷⁹ NSW Coroner, *Inquest into the death of Rebecca Maher* (2019) [253-255].
- ⁷⁸⁰ Consultation feedback.
- ⁷⁸¹ NSW Coroner, *Inquest into the death of Rebecca Maher* (2019) rec 3.
- ⁷⁸² NSW Coroner, *Inquest into the death of Rebecca Maher* (2019) [234 - 235]. Noting consultation feedback that police officers regularly waking and speaking to an intoxicated person in their custody can be triggering.
- ⁷⁸³ Consultation feedback.
- ⁷⁸⁴ NSW Coroner, *Inquest into the death of Rebecca Maher* (2019) [234 - 235].
- ⁷⁸⁵ *ibid* rec 4.
- ⁷⁸⁶ Consultation feedback.
- ⁷⁸⁷ Consultation feedback.
- ⁷⁸⁸ Consultation feedback.
- ⁷⁸⁹ *Mandela Rules* rule 48(1) and (2); Consultation feedback; *Coronial Inquest into the death of Mati Tamwoy* [73].
- ⁷⁹⁰ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 26; UN *Safeguards to prevent torture during police custody and pretrial detention* [8]; UN *Mandela Rules* rule 26(1); UN *Standards for UN Police* (2009) [97]; APT, *Monitoring Police Custody* (2013) p75, 132.
- ⁷⁹¹ APT, *Monitoring Police Custody* (2013) p165; RCIADIC rec 124, 152(a-c), 153(a-c); UN CAT, *Concluding Observations on Australia* (2022) [36](b).
- ⁷⁹² Tasmanian NPM, *Expectations* (2024) 3.1.
- ⁷⁹³ Consultation feedback.
- ⁷⁹⁴ Consultation feedback.
- ⁷⁹⁵ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 20; UN *Standards for UN Police* (2009) [76].
- ⁷⁹⁶ UN Special Rapporteur on torture *HRC report* (2015) [49]. See also UN Special Rapporteur on torture *HRC report* (2015) [77].
- ⁷⁹⁷ UN *Bangkok Rules* rule 4.
- ⁷⁹⁸ APT, *Monitoring Police Custody* (2013) p117.
- ⁷⁹⁹ CPT, *General Report* (2019) [83], [84], [85], [49]; CTI, *Safeguards in Police Custody* (2021) [9]; DIGNITY, *Safeguards in Police Custody* (2019); UN *Expanded Pocket Book on Human Rights for the Police* p21.
- ⁸⁰⁰ HMICFRS & CQC, *Expectations for police custody* (2022) [1.1].
- ⁸⁰¹ Consultation feedback, adapted from NT Coroner, *Inquest into the death of Andrew Ross* (1999) p39-40; WA Coroner, *Inquest into the death of Julieka Ivanna Dhu* (2016) rec 1 and 2.
- ⁸⁰² UN *Expanded Pocket Book on Human Rights for the Police* p4, 19-22, 44.
- ⁸⁰³ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [181-183].
- ⁸⁰⁴ *ibid*.
- ⁸⁰⁵ NT Coroner, *Inquest into the death of Cedric Trigger* [2010] [27], [29], [32]; NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [56].
- ⁸⁰⁶ Tasmanian NPM, *Expectations* (2024) 7.1.
- ⁸⁰⁷ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [174-175, 177].
- ⁸⁰⁸ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [242].
- ⁸⁰⁹ HMICFRS, *Report on an unannounced inspection visit to police custody suites in Bedfordshire* (2020).
- ⁸¹⁰ APT, *Monitoring Police Custody* (2013) p40-41.
- ⁸¹¹ Tasmanian NPM, *Expectations* (2024) 1.1.
- ⁸¹² APT, *Monitoring Police Custody* (2013) p8, p97-98, p158, p159, p10; UN General Assembly, *Elimination of Violence against Children* [39](g),

[39](j), [39](h); HMICFRS & CQC, *Expectations for police custody* (2022) [3.2]; Tasmanian NPM, *Expectations* (2024) 6.7.

⁸¹³ UN *Expanded Pocket Book on Human Rights for the Police*, p18,39; UN ICCPR Article 10(2)(b); UN Special Rapporteur on torture *HRC report* (2015) [42], [86](a), [43]; UN CRC, *General Comment 24* [92]; UN CROC art37(c); UN General Assembly, *Elimination of Violence against Children* [38](c); UN *Standards for UN Police* (2009) [171]; UN *Expanded Pocket Book on Human Rights for the Police* p44, 45; UN *Mandela Rules* rule 112(1); *The European Code of Police Ethics* (2001) V(B)(2)(58); *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* [81]; Tasmanian NPM, *Expectations* (2024) 2.7, 6.5, 6.6.

⁸¹⁴ Consultation feedback.

⁸¹⁵ Consultation feedback.

⁸¹⁶ NT Coroner, *Inquest into the death of Andrew Ross* (1999) p33-34.

⁸¹⁷ Adapted from HMICFRS & CQC, *Expectations for police custody* (2022) [4.6]; NT Coroner, *Inquest into the death of Andrew Ross* (1999) p39-40.

⁸¹⁸ *The Yogyakarta Principles* (2006) principle 9(a). See also 9(c). See also *The additional Yogyakarta Principles (YP+10)* (2017) principle 9(i).

⁸¹⁹ Consultation feedback; RCIADIC rec 137(b).

⁸²⁰ NT Coroner, *Inquest into the death of Andrew Ross* (1999) p39.

⁸²¹ RCIADIC rec 137(a-d), 139, 141, 165, 142, 133(a-d); UN *Expanded Pocket Book on Human Rights for the Police* p19; HMICFRS & CQC, *Expectations for police custody* (2022) [3.3], [4.2]; UN *Expanded Pocket Book on Human Rights for the Police* p19; UN *Bangkok Rules* rule 35, 16; UN CAT, *Concluding Observations on Australia* (2022) [36](b); Tasmanian NPM, *Expectations* (2024) 2.5.

⁸²² Tasmanian NPM, *Expectations* (2024) 2.5.

⁸²³ *ibid* 2.8.

⁸²⁴ HMICFRS, *Report on an unannounced inspection visit to police custody suites in Lincolnshire* (2022).

⁸²⁵ Consultation feedback.

⁸²⁶ RCIADIC rec 164.

⁸²⁷ *ibid* rec 147.

⁸²⁸ CPT, *General Report* (2002) [48]; APT, *Monitoring Police Custody* (2013) p42, p157; RCIADIC rec 140; HMICFRS & CQC, *Expectations for police custody* (2022) [3.3], [4.1]; APT, *Monitoring Police Custody* (2013) p48.

⁸²⁹ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [124].

⁸³⁰ HMICFRS, *Report on an unannounced inspection visit to police custody suites in Northumbria* (2020).

⁸³¹ Consultation feedback.

⁸³² Adapted from NSW Coroner, *Inquest into the death of Ronald Brizzolaro* (2017) p6-7.

⁸³³ NT Coroner, *Inquest into the death of Terence Daniel Briscoe* [2012] [120].

⁸³⁴ APT, *Monitoring Police Custody* (2013) p145-146; HMICFRS & CQC, *Expectations for police custody* (2022) [4.1], [3.1]; Tasmanian NPM, *Expectations* (2024) 1.2.

⁸³⁵ Tasmanian NPM, *Expectations* (2024) 1.2.

⁸³⁶ HMICFRS, *Report on an unannounced inspection visit to police custody suites in Lincolnshire* (2022).

⁸³⁷ Tasmanian NPM, *Expectations* (2024) 1.1, 1.2.

⁸³⁸ APT, *Monitoring Police Custody* (2013) p159; HMICFRS & CQC, *Expectations for police custody* (2022) [4.1]; Tasmanian NPM, *Expectations* (2024) 1.2.

⁸³⁹ UN *Mandela Rules* rule 44, 45(1),(2), 46(2) and (3); UN CRC, *General Comment 24* [95](h); UN General Assembly, *Elimination of Violence against Children* [39](b); UN Special Rapporteur on torture *HRC report* (2015) [44], [86](d); UN SPT, *Visit to Australia* [74]; UN CAT, *Concluding Observations on Australia* (2022) [38](d); UN General Assembly, *Elimination of Violence against Children* [38](h); UN CAT, *Concluding Observations on Australia* (2022) [32](g)

⁸⁴⁰ RCIADIC rec 144.

⁸⁴¹ UN HRC, *General Comment 20* [11]; UN *Safeguards to prevent torture during police custody and pretrial detention* [5]; RCIADIC rec 146.

⁸⁴² UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 15; UN Special Rapporteur

on torture *HRC report* (2015) [86](h); UN *Standards for UN Police* (2009) [99]; UN *International Convention for the Protection of All Persons from Enforced Disappearance* (2010) art 17(2)(d); UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 19; UN *Expanded Pocket Book on Human Rights for the Police* p18; UN CRC, *General Comment 24* [94], [95](e); UN General Assembly, *Elimination of Violence against Children* [39](i); UN *Standards for UN Police* (2009) [173]; UN *Expanded Pocket Book on Human Rights for the Police*, p39; UN CROC art 37(c); HMICFRS & CQC, *Expectations for police custody* (2022) [4.3]; WA Coroner, *Inquest into the death of Ian Ward* (2009) p117.

⁸⁴³ *Mandela Rules* rule 43(3).

⁸⁴⁴ Tasmanian NPM, *Expectations* (2024) 4.1.

⁸⁴⁵ *ibid* 4.2.

⁸⁴⁶ UN *Mandela Rules* rule 60(1), (2).

⁸⁴⁷ UN *Expanded Pocket Book on Human Rights for the Police* p21.

⁸⁴⁸ APT, *Monitoring Police Custody* (2013) p40.

⁸⁴⁹ Tasmanian NPM, *Expectations* (2024) 4.2.

⁸⁵⁰ Consultation feedback.

⁸⁵¹ UN *Expanded Pocket Book on Human Rights for the Police* p18, p19, p20; UN ICCPR art 27; UN *Havana Rules* [4], [13]; APT, *Monitoring Police Custody* (2013) p159.

⁸⁵² UN CRPD (2006) Art 20(a-d); APT, *Monitoring Police Custody* (2013) p42.

⁸⁵³ Tasmanian NPM, *Expectations* (2024) 8.2.

⁸⁵⁴ ACT OICS, *Healthy Centre Review*, p23.

⁸⁵⁵ UN *Mandela Rules* rule 17.

⁸⁵⁶ HMICFRS & CQC, *Expectations for police custody* (2022) [4.1].

⁸⁵⁷ *ibid*.

⁸⁵⁸ *ibid*.

⁸⁵⁹ Tasmanian NPM, *Expectations* (2024) 1.1.

⁸⁶⁰ ICVS, *Independent Custody Visitors Service Q3 Report* (2022).

⁸⁶¹ CPT, *General Report* (2002) [47]. See also APT, *Monitoring Police Custody* (2013) p158; UN *Mandela Rules* rule 15, 18(1).

⁸⁶² Consultation feedback.

⁸⁶³ Adapted from HMICFRS & CQC, *Expectations for police custody* (2022) [4.3].

⁸⁶⁴ HMICFRS & CQC, *Expectations for police custody* (2022) [4.3]. See e.g. HMICFRS, *Police Report on an unannounced inspection visit to police custody suites in Sussex* (2020).

⁸⁶⁵ UN *Mandela Rules* rule 16.

⁸⁶⁶ Queensland Police Service, *Watch-house review* (2025) 11.

⁸⁶⁷ HMICFRS, *Police Report on an unannounced inspection visit to police custody suites in Sussex* (2020).

⁸⁶⁸ UN *Mandela Rules* rule 18(2).

⁸⁶⁹ Consultation feedback.

⁸⁷⁰ Adapted from UN *Bangkok Rules* rule 5; consultation feedback.

⁸⁷¹ Consultation feedback.

⁸⁷² Consultation feedback.

⁸⁷³ Consultation feedback.

⁸⁷⁴ Consultation feedback.

⁸⁷⁵ DIGNITY, *Fact Sheet Collection Health #19 – Sensory deprivation* (2022).

⁸⁷⁶ HMICFRS & CQC, *Expectations for police custody* (2022) [4.1].

⁸⁷⁷ *ibid*.

⁸⁷⁸ *ibid*.

⁸⁷⁹ UN *Expanded Pocket Book on Human Rights for the Police* p18; *The European Code of Police Ethics* (2001) V(B)(2)(56); UN Special Rapporteur on torture *HRC report* (2015) [86](c); UN *Mandela Rules* rule 13, 14(a), (b), 42; APT, *Monitoring Police Custody* (2013) p156-158; RCIADIC rec 149; CPT, *General Report* (2002) [47]; HMICFRS & CQC, *Expectations for police custody* (2022) [4.1], [4.3]; WA Coroner, *Inquest into the death of Ian Ward* (2009) p117. See e.g. HMICFRS, *Police Report on an unannounced inspection visit to police custody suites in Sussex* (2020); HMICFRS, *Report on an unannounced inspection visit to police custody suites in Bedfordshire* (2020); HMICFRS, *Report on an inspection visit to police custody suites in Thames Valley Police* (2024).

⁸⁸⁰ UN *Havana Rules* [37]. See also HMICFRS & CQC, *Expectations for police custody* (2022) [4.3].

⁸⁸¹ UN *Expanded Pocket Book on Human Rights for the Police* p21.

- ⁸⁸² Adapted from RCIADIC, rec 143. See also APT, *Monitoring Police Custody* (2013) p158; UN *Mandela Rules* rule 22(1).
- ⁸⁸³ CPT, *General Report* (2002) [47]. See also Tasmanian NPM, *Expectations* (2024) 1.3.
- ⁸⁸⁴ UN *Mandela Rules* rule 22(2); CPT, *General Report* (2002) [47]; UN *Havana Rules* [37].
- ⁸⁸⁵ See e.g. HMICFRS, *Report on an unannounced inspection visit to police custody suites in Bedfordshire* (2020).
- ⁸⁸⁶ DIGNITY, *Fact Sheet Collection Health #8 – Deprivation of sleep* (2021).
- ⁸⁸⁷ UN *Havana Rules* [36], rule 19(1) and (2) and (3), 20, 21; CPT, *General Report* (2002) [47]; APT, *Monitoring Police Custody* (2013) p159; HMICFRS & CQC, *Expectations for police custody* (2022) [4.3].
- ⁸⁸⁸ Tasmanian NPM, *Expectations* (2024) 1.4.
- ⁸⁸⁹ *ibid* 1.2.
- ⁸⁹⁰ HMICFRS, *Report on an unannounced inspection visit to police custody suites in Lincolnshire* (2022).
- ⁸⁹¹ Tasmanian NPM, *Expectations* (2024) 1.4.
- ⁸⁹² Consultation feedback.
- ⁸⁹³ UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* principle 28; UN *Expanded Pocket Book on Human Rights for the Police* p20; APT, *Monitoring Police Custody* (2013) p159; HMICFRS & CQC, *Expectations for police custody* (2022) [4.3], [4.6], [3.2].
- ⁸⁹⁴ Tasmanian NPM, *Expectations* (2024) 1.4, 2.7.
- ⁸⁹⁵ Consultation feedback.
- ⁸⁹⁶ *ibid* 2.3.
- ⁸⁹⁷ UN *Mandela Rules* rule 67(1); Tasmanian NPM, *Expectations* (2024) 2.3.
- ⁸⁹⁸ UN *Mandela Rules* rule 67(4).
- ⁸⁹⁹ UN *Mandela Rules* rule 67(2); Tasmanian NPM, *Expectations* (2024) 2.3.
- ⁹⁰⁰ UN *Mandela Rules* rule 67(3).
- ⁹⁰¹ Tasmanian NPM, *Expectations* (2024) 2.3.
- ⁹⁰² Adapted from HMICFRS, *Report on an inspection visit to police custody suites in South Wales Police* (2023); HMICFRS, *Report on an inspection visit to police custody suites in Thames Valley Police* (2024).
- ⁹⁰³ Consultation feedback.
- ⁹⁰⁴ UN *Expanded Pocket Book on Human Rights for the Police*, p44. See also p46.
- ⁹⁰⁵ RCIADIC rec 148.
- ⁹⁰⁶ CPT, *General Report* (1992) [43].
- ⁹⁰⁷ NT Coroner, *Inquest into the death of Clifton Wayne Pamkal* [2009] NTMC 046 [67].
- ⁹⁰⁸ WA Coroner, *Inquest into the death of Ian Ward* (2009) p141-142.
- ⁹⁰⁹ HMICFRS, *Report on an unannounced inspection visit to police custody suites in Bedfordshire* (2020).
- ⁹¹⁰ NT Coroner, *Inquest into the death of Christopher Wurrmerli Murrungun* [2016] [20 – 27], [56], [106].
- ⁹¹¹ WA Coroner, *Inquest into the death of Ian Ward* (2009) p129-130.
- ⁹¹² *ibid* p146, rec 3 and 4.
- ⁹¹³ NT Coroner, *Inquest into the death of Robert Plasto-Lehner and David Gurrulpa aka Moscow* [2009] [122], [193].
- ⁹¹⁴ UN SPT, *Visit to Australia* [70]; UN *Havana Rules* [26]; UN *Mandela Rules* rule 73(1), (2) and (3); UN General Assembly, *Elimination of Violence against Children* [34](k); APT, *Monitoring Police Custody* (2013) p117-118, WA Coroner, *Inquest into the death of Ian Ward* (2009) p130.
- ⁹¹⁵ Consultation feedback.
- ⁹¹⁶ WA Coroner, *Inquest into the death of Ian Ward* (2009) p143.
- ⁹¹⁷ Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹¹⁸ WA Coroner, *Inquest into the death of Ian Ward* (2009) p24. See also Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹¹⁹ WA Coroner, *Inquest into the death of Ian Ward* (2009) p4-5, p82-83. See also Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹²⁰ WA Coroner, *Inquest into the death of Ian Ward* (2009) p14-17, p119-122. See also Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹²¹ Consultation feedback.
- ⁹²² NT Coroner, *Inquest into the death of Cedric Trigger* [2010] [18]; NT Coroner, *Inquest into the death of Christopher Wurrmerli Murrungun* [2016] [61- 65], [109].
- ⁹²³ NT Coroner, *Inquest into the death of John Benedict Munkara* [2017] NTLC [58 – 59].
- ⁹²⁴ WA Coroner, *Inquest into the death of Ian Ward* (2009) p33.
- ⁹²⁵ Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹²⁶ WA Coroner, *Inquest into the death of Ian Ward* (2009) p17.
- ⁹²⁷ Consultation feedback.
- ⁹²⁸ Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹²⁹ Adapted from Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹³⁰ Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹³¹ NT Coroner, *Inquest into the death of Peter Raymond Jacobs* [2009] [59 – 62].
- ⁹³² Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹³³ WA Coroner, *Inquest into the death of Ian Ward* (2009) p14-17, p119-122. See also Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹³⁴ Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹³⁵ Consultation feedback.
- ⁹³⁶ Consultation feedback.
- ⁹³⁷ Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹³⁸ Consultation feedback.
- ⁹³⁹ Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹⁴⁰ Consultation feedback.
- ⁹⁴¹ WA Coroner, *Inquest into the death of Ian Ward* (2009) p14-17, p119-122. See also Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹⁴² WA Coroner, *Inquest into the death of Ian Ward* (2009) p119-122.
- ⁹⁴³ Consultation feedback.
- ⁹⁴⁴ WA Coroner, *Inquest into the death of Ian Ward* (2009) p6. See also Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹⁴⁵ WA Coroner, *Inquest into the death of Ian Ward* (2009) p83. See also Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹⁴⁶ Consultation feedback.
- ⁹⁴⁷ Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹⁴⁸ *ibid*.
- ⁹⁴⁹ Consultation feedback.
- ⁹⁵⁰ Consultation feedback.
- ⁹⁵¹ Consultation feedback.
- ⁹⁵² Tasmanian NPM, *Expectations* (2024) 10.1.
- ⁹⁵³ WA Coroner, *Inquest into the death of Ian Ward* (2009) p143-145.
- ⁹⁵⁴ RCIADIC rec 91(a-c).
- ⁹⁵⁵ Consultation feedback. See e.g. HMICFRS, *Report on an unannounced inspection visit to police custody suites in Northumbria* (2020): police “have consistent arrangements to access funds or services to enable [detained people] who lack the means to get home safely on release.” See also HMICFRS, *Report on an inspection visit to police custody suites in West Midlands Police* (2023).
- ⁹⁵⁶ Consultation feedback.
- ⁹⁵⁷ Tasmanian NPM, *Expectations* (2024) 2.7.
- ⁹⁵⁸ *ibid* 2.4.
- ⁹⁵⁹ *ibid*.
- ⁹⁶⁰ *ibid*.
- ⁹⁶¹ Adapted from Tasmanian NPM, *Expectations* (2024) 2.7.

