## VERSION CONTROL

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</tbody>
</table>
Contents

POLICY STATEMENT ................................................................................................................................................. 6
OPERATIONAL PHILOSOPHY FOR CUSTODY .......................................................................................................... 6
DETAINED PERSONS RIGHTS IN CUSTODY .............................................................................................................. 7

1.0 OVERVIEW OF OPERATIONS .......................................................................................................................... 7

1.1 Definitions ......................................................................................................................................................... 8
   Custodial Management Application (CMA) .............................................................................................................. 8
   Detained Person .................................................................................................................................................. 8
   Health Assessment .............................................................................................................................................. 8
   Lock-up Facilities ............................................................................................................................................. 8
   Cell ................................................................................................................................................................. 8
   Holding Room ................................................................................................................................................ 8
   Charge Dock .................................................................................................................................................. 8
   Lock-up Keeper ............................................................................................................................................... 9
   Medical Assessment ........................................................................................................................................ 9
   Medical Treatment Report (MTR) .................................................................................................................... 10
   Officer in Charge .......................................................................................................................................... 10
   Shift Supervisor .......................................................................................................................................... 10

1.2 DISTRICT / DIVISIONAL OFFICE REVIEW .................................................................................................... 10

1.3 RESPONSIBILITIES OF OFFICERS ................................................................................................................ 11
   All Officers ................................................................................................................................................... 11
   Lock-Up Keeper .......................................................................................................................................... 11
   Shift Supervisor .......................................................................................................................................... 12
   Officer In Charge ....................................................................................................................................... 12

2.0 STAFFING / HUMAN RESOURCES .................................................................................................................. 13

2.1 STAFFING LEVELS ......................................................................................................................................... 13

3.0 COMMUNICATIONS ......................................................................................................................................... 15

3.1 PERSONAL RECORDING DEVICES ................................................................................................................ 15

3.2 USE OF PORTABLE RADIOS ........................................................................................................................ 15

4.0 CARRIAGE OF TACTICAL OPTIONS (ACCOUTREMENTS) ........................................................................ 15

4.1 Definitions ..................................................................................................................................................... 15
   Tactical Options (Accoutrements) .................................................................................................................. 15

4.2 CARRIAGE WITHIN CUSTODIAL AREA ......................................................................................................... 15

5.0 USE OF FORCE REPORTING .......................................................................................................................... 16

5.1 Definitions ..................................................................................................................................................... 16
   Use of Force Incident ................................................................................................................................... 16

5.2 REPORTING PROCESS .................................................................................................................................. 16

6.0 EMERGENCY MANAGEMENT .......................................................................................................................... 17

6.1 BACKGROUND ............................................................................................................................................. 17

7.0 SANITATION .................................................................................................................................................... 17

7.1 STANDARDS .................................................................................................................................................. 17

8.0 ABORIGINAL VISITORS SCHEME .................................................................................................................... 18

8.1 BACKGROUND ............................................................................................................................................. 18

8.2 REFERRAL PROCESS ................................................................................................................................... 18
9.0 INTERPRETER SERVICES ........................................................................................................... 18
  9.1 BACKGROUND ........................................................................................................................... 18
  9.2 PROCEDURES............................................................................................................................. 18

10.0 RELEASE OF DETAINED PERSON INFORMATION (GENERAL) ................................................. 19

11.0 MANAGEMENT OF LOCK-UP CCTV ......................................................................................... 19
  11.1 ACCESS TO CCTV FOOTAGE ................................................................................................. 19
  11.2 RECORDING OF CCTV REQUESTS ....................................................................................... 20

12.0 FACILITY FAULTS AND REPAIRS ............................................................................................ 20

13.0 DETAINED PERSON RISK ASSESSMENT .............................................................................. 21
  13.1 RISK CLASSIFICATIONS ......................................................................................................... 21

14.0 RIGHTS IN CUSTODY .............................................................................................................. 22
  14.1 ARRESTED PEOPLE ............................................................................................................... 22

15.0 SEARCHING OF DETAINED PERSONS .................................................................................... 23
  15.1 RESPONSIBILITIES .................................................................................................................. 23
  15.2 GENDER AND CULTURAL CONSIDERATIONS PRIOR TO SEARCH ..................................... 24
    15.2.1 Gender Identification ....................................................................................................... 24
    15.2.2 Diverse Religious Groups ................................................................................................. 24
  15.3 BASIC AND STRIP SEARCHES OF DETAINED PERSONS ....................................................... 24
    15.3.1 Basic Searches ............................................................................................................... 24
    15.3.2 Strip Searches ............................................................................................................... 25

16.0 DETAINED PERSON PROPERTY ............................................................................................. 27
  16.1 IDENTIFICATION OF PROPERTY .............................................................................................. 27
  16.2 SECURITY OF DETAINED PERSON PROPERTY ....................................................................... 27

17.0 PROTECTIVE CUSTODY DETAINED PERSONS ...................................................................... 27
  17.1 INTOXICATED DETAINED PERSONS – PROTECTIVE CUSTODY ............................................... 27
  17.2 MEDICAL CLEARANCE ........................................................................................................... 28
  17.3 PERIOD OF DETENTION .......................................................................................................... 28

18.0 DETAINED PERSON MEDICAL ASSESSMENTS .................................................................. 29
  18.1 ADMISSION ASSESSMENT ...................................................................................................... 29
  18.2 CUSTODY HANDOVER SUMMARY ....................................................................................... 29
  18.3 MEDICAL TREATMENT REPORT – TREATMENT PRIOR TO OR AFTER ADMISSION TO A LOCK-UP .......................................................... 30
  18.4 EMERGENCY MEDICAL CONSIDERATIONS ........................................................................ 31
  18.5 MEDICATION - ADMISSION .................................................................................................. 32
  18.6 MEDICATION WHILE IN CUSTODY ....................................................................................... 33
    18.6.1 Prescription Medication .................................................................................................. 33
    18.6.2 Paracetamol ..................................................................................................................... 33

19.0 JUVENILES ............................................................................................................................... 33
  19.1 JUVENILE ARRESTS ............................................................................................................... 33
  19.2 JUVENILE BAIL SERVICES .................................................................................................... 34
  19.3 JUVENILES TO BAIL (17 YEARS OF AGE) ............................................................................ 35
  19.4 CLEARANCES FROM POLICE LOCK-UPS .......................................................................... 35

20.0 HANDOVER PROCEDURES .................................................................................................... 37
  20.1 CUSTODY – HANDOVER (INTERNAL) .................................................................................... 37
POLICY STATEMENT
It is the policy of the Western Australia Police Force (WA Police) that any person detained by police for any reason whatsoever shall be treated with humanity and dignity. Officers must ensure:

- detention is appropriate, authorised and lasts no longer than is necessary
- when exercising their authority to detain a person, they recognise they have removed the person’s ability to fully care for themselves
- the circumstances of detention do not aggravate the suffering inherent in this situation
- they are vigilant in preventing a detained person from suffering illness, injury or death
- they provide the safe, secure and decent management of detained persons, in accordance with State and Commonwealth legal obligations

OPERATIONAL PHILOSOPHY FOR CUSTODY
The power to detain an individual will be used when necessary to:

- secure the attendance of people for judicial processes
- ensure the integrity of evidence (physical, identifying particulars and interview)
- following the execution of a court process (warrants)
- provide care to vulnerable people in a safe and secure environment where no alternative to police detention exists

A detained person will be treated with dignity and respect, to the extent that safety security and the law permits. They will be given access to the following resources:

- Physical (shelter and sustenance);
- Health (access to medical services and hygiene);
- Legal (access to legal advice);
- Family (communication with family); and
- Information (information about what is happening to them).
DETAINED PERSONS RIGHTS IN CUSTODY

Anyone person placed into police custody in Western Australia is entitled to be made aware of their rights which are found in the law and in the lawful directions given to police by the Police Commissioner.

A brief summary of these rights are:

- Right to make a telephone call to family or friend and legal adviser
- Right to an interpreter if required
- Right to have bail upon reasonable conditions considered without delay
- Right to medical examination and hospital treatment where necessary
- Right to have safety and welfare needs determined by police at regular intervals
- Right to be treated in a dignified and humane way
- Right to complain about mistreatment to the Corruption and Crime Commission and to be provided with material necessary to make the complaint

This is to be considered in conjunction with rights set out in sections 137 and 138 of the Criminal Investigation Act 2006 as applicable.

ADMINISTRATION

1.0 OVERVIEW OF OPERATIONS

Custodial care begins from the moment a person is taken into police custody as a detained person. Once a person is taken into custody, an episode must be created immediately on the Custodial Management Application to record all events associated with their period of detention.

All officers will make themselves conversant with these procedures as part of the business unit induction process. Additionally, officers will maintain a contemporary working knowledge of these documents where future amendments occur.
1.1 Definitions

**Custodial Management Application (CMA)**
Refers to the WA Police Custodial Management Application (CMA). The CMA is to be used as the primary source of recording all aspects of detained person management.

**Detained Person**
Any person sentenced or un-sentenced who is detained in a police lock-up facility and also includes a person apprehended under the *Protective Custody Act 2000*.

**Health Assessment**
A recorded general assessment of a detained person’s physical health and psychological state upon admission into custody. The lock-up keeper is to refer to the CMA health questions for guidance and is to record all the detained person’s responses and observations in the relevant CMA episode.

Ongoing health assessments are to continue according to section 21.2 – Cell Checks.

Any detained person deemed in need of urgent medical treatment is not to remain in a lock-up and is to be attended to by a medical professional as a matter of priority. An ambulance is to be called for all medical emergencies by dialling ‘000’.

**Lock-up Facilities**
The following police lock-up infrastructure (cell, holding room and charge dock) exist in various forms in various locations within Western Australia.

**Cell**
The term ‘cell’ refers to a secure place of confinement with amenities suitable for overnight detention such as a toilet, water supply and a raised plinth to accommodate a mattress.

**Holding Room**
‘Holding Room’ refers to a secure place of confinement, often with a bench for temporary seating but without the standard overnight design amenities of a ‘cell.’

**Charge Dock**
A ‘charge dock’ refers to a small and secure place of confinement designed for the temporary placement of a detained person who is awaiting an imminent custodial
transaction such as admission processing or identifying particulars. Also referred to as a ‘pod’, this infrastructure (often provided in smaller stations and charge rooms) is suitable for short term confinement only and requires that officers designated for providing care to the detained person are physically present at all times.

Police Manual LP-01.02 Definitions
A police lock-up consists of:
- a cell or group of cells, charge room and connected passageways
- located on police premises
- that are specifically designed for the detention of persons being held in police custody

**LOCK-UP KEEPER**
The officer with allocated responsibility to manage the lock-up and persons in custody during a particular shift. Police Manual LP-01.03 Responsibilities, refers to situations where a specific lock-up keeper is not allocated.

Where a detained person is placed in either a cell or holding room and will not be physically supervised by officers, a lock-up keeper must be designated as required by this policy.

**NOTE:** There is no requirement to appoint a lock-up keeper when the following conditions apply:

The detained person is held in a charge dock or charge room and in there is a constant physical presence of officers observing that person; and

The detained person is subject to a pending action such as release to bail or escort or is awaiting standard processing such as a health assessment or identifying procedure.

**MEDICAL ASSESSMENT**
The medical assessment of a detained person carried out by a qualified medical professional such as a Doctor or Registered Nurse.
MEDICAL TREATMENT REPORT (MTR)
A medical report generated from CMA, which is completed by the arresting officers and provides details of a detained person’s:

- custody risk assessment and any conveyance details
- the hospital/medical assessment and the names of treating professionals
- what medical treatment was provided and what ongoing care is required to maintain a detained person’s health while being held in custody
- a supervisor’s acknowledgement of the MTR content upon the detained person’s re-admission into police custody

OFFICER IN CHARGE
The officer substantively in charge of the relevant business unit, or the person acting in that position. For larger district centres with multiple business units housed within the same complex, this term refers to the Officer in Charge of the police station within that complex. This designation refers to responsibilities relative to the day-to-day serviceability of the custodial area as set out within the Good Governance Guide.

SHIFT SUPERVISOR
The senior officer on duty whose responsibilities include the supervision of officers within a business unit, inclusive of oversight of the management of detained persons in custody. For larger district centres with multiple business units housed within the same complex, this term refers to the on duty shift supervisor at the police station within that complex.

1.2 District / Divisional Office Review
The District / Divisional Officer is responsible for ensuring that these Standard Operating Procedures (SOPs) are regularly reviewed and maintained.
1.3 Responsibilities of Officers

ALL OFFICERS

- All staff will make themselves conversant with the relevant lock-up procedures contained within the Police Manual.
- All staff will make themselves conversant with the WA Police Code of Conduct and the SOPs relevant to the business area.
- When an officer becomes aware that any lock-up equipment is missing or found to be non-operational, they are to immediately advise the shift supervisor or Officer in Charge (OIC) of the lock-up where required. The shift supervisor or OIC will take the necessary risk assessment/mitigation steps in the interim while the item being repaired/replaced.

LOCK-UP KEEPER

The primary focus of the lock-up keeper is the custodial care of detained persons in accordance with WA Police policies and their rights. The designation of this role is to be recorded on a transfer of responsibility event on the CMA episode relevant to each detained person.

On commencing duty the Lock-up Keeper will:

- personally visit the cells and take over responsibility for detained persons
- record handover of responsibility in the CMA and P10A (where applicable)
- check that all locks in cells, passages and yards are secure
- inspect all unoccupied cells to ensure they are prepared to receive detained persons
- consider the authorisation of continued restraint or placement in a padded cell

For each new admission:

- Speak to the detained person and arresting officers to establish whether the detained person requires medical attention. This may be a result of injuries, medical conditions or having been the subject of use of force (refer: Police Manual LP-04.04 Medical Treatment Prior to Admission and LP-04.04.1 Medical Treatment while in Custody).
• Ensure that appropriate CMA records are made of medical conditions and use of force.
• Ensure that the detained person is informed of their rights and why they are being held.

For all detained persons:

• Ensure that every detained person is treated in a humane and dignified manner having due regard to the need for security and safety of all involved parties
• Ensure that lawful grounds exist for continued detention
• Ensure the CMA and appropriate records are completed.

NOTE: There is no requirement to appoint a lock-up keeper when the following conditions apply:
The detained person is held in a charge dock or charge room and in there is a constant physical presence of officers observing that person; and
The detained person is subject to a pending action such as release to bail or escort or is awaiting standard processing such as a health assessment or identifying procedure.

SHIFT SUPERVISOR

The Shift Supervisor will:

• Acquaint themselves with the number and profile of detained persons, and deploy appropriate resources to the lock-up
• Monitor closely the management of detained persons who present a heightened risk to themselves or others
• Ensure that the lock-up keeper is aware of their responsibilities.

OFFICER IN CHARGE

The OIC will ensure that:

• Repair/replacement of missing or damaged equipment is actioned
• Adequate first aid and resuscitation equipment is available, in good working order and that staff are trained in its use
• Any audio visual recording equipment fitted is operational and that staff are familiar with the procedures to be followed in relation to operating such equipment
• Audio visual recording equipment and duress alarms fitted in lock-ups are physically tested on a weekly basis to ensure they are functioning correctly. (Evidence of this testing is to be retained in accordance with Good Governance Guide Practice Advisory 5.2 – Custodial Care Safety and Security)

• Local induction procedures define custody roles and responsibilities

• Local Standard Operating Procedures (SOPs) are in existence and that staff are familiar with the procedures

• Emergency overflow and relocation procedures are included in the local SOPs.

2.0 STAFFING / HUMAN RESOURCES

2.1 Staffing Levels

To maintain a high standard of custodial care, shift supervisors are expected to monitor their custodial environment and, where practicable, ensure sufficient staff are on duty relevant to all considered factors including risks to staff and detained persons. In consultation with their OIC or District Office, shift supervisors are authorised to take action to maintain appropriate staffing levels.

For the purpose of this policy, the term ‘practicable’ is defined as being able to be achieved or put into practice successfully within the available means. While actions may be theoretically possible, they may be thoroughly impractical to apply.

Due to the wide range of police stations strengths (staff numbers) in Regional WA, the number of staff required will be appropriate to the situation based on a formal risk assessment, including the antecedents of the detained person, officer safety and the safety of the detained person.

As a minimum, two officers (inclusive of the lock-up keeper) must be designated to provide custodial care duties in a lock-up wherever a detained person is in police custody. These officers must be present within the custodial area whenever a transactional event takes place such as the provision of meals, cell transfers, physical cell checks and any such action that requires the opening of a cell door or movement of the detained person.
NOTE: A suspension of the staffing levels specified above may be made in exceptional circumstances, such as where a clear and urgent necessity for police to respond immediately to a life threatening incident exists. The key consideration in determining the conflict between the needs of the community against that of a detained person is the protection of life. In these circumstances, the following points must be considered before applying the staffing level exception:

- **The risk status of the detained person.** This assessment is to be made using the following information sources and may include both an assessment of their risk of self-harm as well as an elevated risk due to an existing medical condition:
  - information associated with the management of the detained person captured on the CMA system
  - physical observations of the detained person at that point in time
  - previous information and intelligence relative to their previous interactions with police

- **The ability to secure other officers to fulfil the detained person’s future custodial care requirements.** This may be achieved by recalling additional officers to duty or diverting staff from other duties.

In the metropolitan area, the District Control Centre (DCC) has oversight of district custody arrangements and must be consulted where officer seeks to apply the staffing level exemption.

In Regional WA, the request is to be directed to the shift supervisor at the business area, or alternatively to the shift supervisor at the district 24-hour police station for consideration.
3.0 COMMUNICATIONS

3.1 Personal Recording Devices
Taking of any photographs or recordings (audio or visual) with personal devices within a lock-up is prohibited unless authorised by a shift supervisor or the OIC. If authorisation is provided, such usage must be endorsed and the recording managed in compliance with Police Manual ER-02.01 Use of Personal Recording Devices.

3.2 Use of Portable Radios
For officer safety, all officers tasked to perform custodial duties within a lock-up are to carry police issue portable radios while on duty. The radio is to be turned on at all times and tuned to the designated channel relevant to the business area.

OIC to complete:
Local arrangements will guide the most appropriate radio channel for use in consideration of congestion on main operational policing channels.

4.0 CARRIAGE OF TACTICAL OPTIONS (ACCOUITEMENTS)

4.1 Definitions
TACTICAL OPTIONS (ACCOUITEMENTS)
A reference to WA Police approved tactical options and includes the following accoutrements; Artificial Incapacitation Devices (AID’s - Taser and OC Spray), baton, firearm (sworn), handcuffs and / or other restraints.

4.2 Carriage within Custodial Area
Firearms or ammunition may only be taken into a lock-up in exceptional circumstances (such as where it is impractical or unsafe to remove and secure the firearms and ammunition). Under normal circumstances, officers are to secure firearms safely within appropriate facilities prior to entry.
Officers must always be mindful of weapons retention techniques as prescribed by Operational Safety and Tactics Training (OSTT) training and guidelines.

Unless exceptional circumstances exist, officers specifically designated to perform the ongoing management of persons in custody (such as lock-up keepers) must not wear firearms, however the retention of lesser force options such as Taser or OC Spray is permitted.

5.0 USE OF FORCE REPORTING

5.1 Definitions

USE OF FORCE INCIDENT
Means any circumstance in which a WA Police member, including Police Officers, Police Auxiliary Officers, Police Custody Officers and Aboriginal Police Liaison Officers (APLO), uses a force option on a subject (or multiple subjects) and such use is identified within Police Manual FR-01.01 as to require the submission of a ‘Use of Force Report’. This includes an unauthorised discharge of a Firearm, Taser or OC Spray.

5.2 Reporting Process

Any incident involving a detained person where a defined use of force is used must be recorded in this first instance on the detained person’s CMA episode.

Any incident involving a detained person that requires the submission of a use of force report is to be completed in accordance with Police Manual FR-01.01.1 Reporting Use of Force.
6.0 EMERGENCY MANAGEMENT

6.1 Background
Prior to working within any custodial environment, all officers will be provided with instruction and documentation regarding local emergency procedures as part of the business unit induction process.

Existing plans must be subject to annual review to reflect local environmental changes and contemporary issues.

Local emergency procedures must include duress alarm functionality, staff and detained person evacuation and relocation arrangements and mandatory notifications.

OIC OF BUSINESS AREA TO INSERT LOCAL PROCEDURES IN THIS AREA

7.0 SANITATION

7.1 Standards
A high standard of sanitation within lock-ups must be maintained and this requirement extends to any vehicles being used to transport detained persons. Business areas must outline local arrangements regarding the cleaning of cells, mattresses, blankets and vehicles. This may include existing cleaning contracts within larger locations.

OIC OF BUSINESS AREA TO INSERT LOCAL PROCEDURES IN THIS AREA
8.0 ABORIGINAL VISITORS SCHEME

8.1 Background
The Aboriginal Visitors Scheme (AVS) is managed by the Department of Justice (Corrections) and comprises aboriginal staff who visit places of detention around the state, providing support and counselling to aboriginal people in custody. In some cases, the service may be able to provide over the phone counselling to a detained person where a physical visit is not possible.

8.2 Referral Process
Referrals for in person or over the phone counselling for aboriginal detained persons can be arranged by calling 1800 282 429 and this service is available 24 hours a day, 7 days a week.

Referrals can be either requested by the detained person, or initiated by an officer if he or she believes it is in the best interest of the detained person.

Any referrals (accepted or declined by the detained person) to the AVS are to be recorded on the CMA.

9.0 INTERPRETER SERVICES

9.1 Background
Interpreter services may be required to facilitate the admission, welfare screening and ongoing management of detained persons.

9.2 Procedures
The following contacts should be used when seeking translating / interpreting services:

   On call Interpreters and Translators Agency PH: 92257700 (24/7 service)
   Kimberley Interpreting Service (indigenous) PH: 9192 3981 or 0419943612
10.0 RELEASE OF DETAINED PERSON INFORMATION
(GENERAL)

Officers must not release information regarding a detained person, any police matter or any information which may breach existing policy.

Information regarding why a person is in custody may be subject to legislative confidentiality, a Family Violence Restraining Order (FVRO), a Violence Restraining Order (VRO) or protective conditions and a number of other sensitive factors.

When receiving phone calls or requests for information (relating to detained persons or other), the person requesting will be directed to a shift supervisor who will assess the request and make a determination as to what information, if any, is released.

Unauthorized release of information by officers may be pursued through disciplinary action. Depending upon the circumstances and consequences for police investigation or operations arising from unauthorized information release, this disciplinary action could result in criminal prosecution.

The WA Police Code of Conduct provisions of confidentiality apply.

11.0 MANAGEMENT OF LOCK-UP CCTV

11.1 Access to CCTV Footage

Requests for lock-up Closed Circuit Television (CCTV) footage (recording) for evidentiary purposes, internal Investigation or any other legitimate matters is to be directed the OIC or other nominated delegate. Any request for such material must provide sufficient information justifying a legitimate purpose before the footage is downloaded.
11.2 Recording of CCTV Requests

The OIC, or nominated delegate, shall maintain a register of all CCTV content downloaded from the lock-up area. The register shall record the following information:

- details of the requesting officer
- description of the material downloaded including the details of the detained person
- reason for the download
- time and date the download was completed
- who the downloaded material was physically provided to

12.0 FACILITY FAULTS AND REPAIRS

All custodial facilities state-wide are constructed to standards set out within the Police Building Code. All staff have the responsibility to report faults to custodial infrastructure such as damage to cells, CCTV malfunctions, biohazards and any other such condition that may create an unsafe environment for both detained persons and officers.

With the exception of major police buildings, any faults are to be reported to the Building Management and Works Minor Works and Breakdown Service (24hrs) on 13 21 34. Officers must provide the site identification number for the business unit / police station concerned and must also consider the priority of the repairs required. All reported faults are to be recorded in the business unit faults register and are to be monitored for completion.

Where a charge dock, holding room or cell are considered unsafe for the confinement of a detained person, suitable alternative arrangements are to be put in place by the lock-up keeper in consultation with the shift supervisor or officer in charge as appropriate. These alternative arrangements may include transfer to an alternative place of confinement, increased observation and monitoring, or release from custody (if appropriate).
ADMISSION

13.0 DETAINED PERSON RISK ASSESSMENT

13.1 Risk Classifications
During the admission to a lock-up, a behavioural and medical history risk screening assessment is to be conducted with the detained person and all details are to be entered into the relevant CMA episode. This admission assessment process is to occur for every detained person lodged at a lock-up, irrespective of whether they are remaining in custody or subject to early release.

As part of the process, every detained person will be assessed as **General, High or Undetermined** risk by the lock-up keeper or shift supervisor.

**HIGH RISK DETAINED PERSON**
A detained person is to be considered ‘high risk’ if one or more of these factors apply:

- *has been or is a self-harm risk*
- *has or is known to have had serious health issues*
- *has received a blow to the head within the past 24 hours (including as a result of use of force by police)*
- *is known to be violent toward police*
- *has previously escaped or attempted escape from police*
- *gravity of the allegation, including murder, sexual assault, armed robbery or serious assault*
- *significant cultural issues or shame associated with the allegation*

IMS holdings must be checked to source this type of information and additionally it may come from the detained person, police or other sources.

The classification of a detained person as ‘high risk’ is to be recorded on the CMA.

Detained persons who are considered as ‘high risk’ must be monitored continuously for the first 30 minutes following admission, then monitored every 10 minutes during the detention period.
If the lock-up keeper or shift supervisor determines that the grounds for the detained person’s ‘high risk’ assessment do not present a current risk, then the detained person may be re-classified as ‘general’. The information used to justify this re-classification is be clearly recorded as a critical decision in the CMA episode.

The risk assessment of each detained person is a continuous ongoing process while that person is in custody and where a detained person’s circumstances change, the lock-up keeper or shift supervisor may change the risk assessment accordingly.

**UNDETERMINED**

A designation of ‘undetermined’ may be applied in a temporary basis where the necessary assessment information is unable to be obtained such as language barriers or an impassive detained person. In such cases, all information holdings must be reviewed and the detained person must be treated as high risk until such time that a rating of general or high can be applied.

All changes in risk assessment are to be recorded on the CMA.

### 14.0 RIGHTS IN CUSTODY

#### 14.1 Arrested People

**Section 137 Criminal Investigation Act 2006**

The following statutory rights must be afforded to all arrested people regardless of the reason for the arrest. This includes people arrested for the purposes of completing identifying procedures and forensic procedures under the relevant legislation.

Arrested people (Detained persons) are entitled to:

- *any necessary medical treatment*
- *a reasonable degree of privacy from the mass media*
- *a reasonable opportunity to communicate or to attempt to communicate with a relative or friend to inform that person of his or her whereabouts*
- *be assisted in by an interpreter or other qualified person, if he or she is for any reason unable to understand or communicate in spoken English sufficiently*
It is the policy of WA Police to afford all people arrested by police the following additional rights:

- if detained in police custody, to have their safety and welfare needs re-assessed by police at regular intervals
- if a member has cause to arrest a person who has been injured, it is the responsibility of the arresting officer to cause that person to be examined by a medical practitioner as soon as possible and remain with that person until suitable arrangements for bail or alternative custody arrangements are organised or can be made
- to be treated in a dignified and humane way
- to complain about mistreatment to the Corruption and Crime Commission and to be provided with material necessary to make the complaint

15.0 SEARCHING OF DETAINED PERSONS

15.1 Responsibilities

Section 135 of the Criminal Investigation Act 2006 provides the power to search detained persons for security risk items, which are things that could:

- endanger the detained person or any other person; or
- be used to escape from lawful custody; or
- adversely affect the security, good order or management of a place where a person is being kept in custody

Sections 16, 63, 70 and 71 of the Criminal Investigation Act 2006 also apply in terms of how the search is to be conducted.

Before any detained person is searched, the officer conducting the search must, if reasonably practicable:

- identify himself or herself to the detained person
- inform the detained person of the reason for the search
- request the person to consent to the search
• if the person does not consent to the search or withdraws his or her consent, inform the person that it is an offence to obstruct the search being conducted

Wherever practical, a search should be carried out in the presence of another officer and all details relating to the search (basic or strip) must be recorded on the relevant CMA episode.

15.2 Gender and Cultural Considerations Prior to Search

15.2.1 Gender Identification

When in doubt about the gender identity of a detained person based on their physical appearance, it is appropriate for an officer to ask the person what their gender identity is and proceed with the search based on the response.

Further guidelines are captured in the Police Manual LP-04.07 Transgender and Intersex Search Policy.

15.2.2 Diverse Religious Groups

Police interact with detained persons from many diverse cultures and it is necessary to recognise the different religions and beliefs when carrying out duties such as searching clothing and belongings.

Further guidelines are captured in the Police Manual LP-04.08 Diverse Religious Groups.

15.3 Basic and Strip Searches of Detained persons

15.3.1 Basic Searches

The term basic search as provided by section 63 of the Criminal Investigation Act 2006 allows officers to do any or all of the following when searching a detained person:

• scan the person with an electronic or mechanical device, whether handheld or not, to detect any thing
• remove the person’s headwear, gloves, footwear or outer clothing (such as a coat or jacket), but not his or her inner clothing or underwear, in order to facilitate a frisk search
• frisk search the person
• search any article removed from the detained person during this procedure
Wherever practicable, a search should be carried out in the presence of another officer. A detained person must, if practicable, be searched by an officer of the same gender, unless the searcher is a doctor or nurse.

Gloves are to be worn at all times during the search, with rubber gloves worn under standard agency issued search gloves for the initial search. When the officer is satisfied there are no security risk items as per section 135(1) (a) of the Criminal Investigation Act 2006, search gloves may be removed.

Basic searches are to be conducted in line with current training and particular attention must be paid to belt linings, collars and garment linings to detect any security risk items that may have been concealed.

Belts, ties, bras and shoes are to be removed prior to placing the detained person into any cell or place of confinement in addition to any other article of clothing which, in the opinion of the lock-up keeper or shift supervisor, may be used to commit self-harm.

**15.3.2 Strip Searches**

An assessment to conduct a strip search should be undertaken as soon as practicable on all detained persons assessed as being ‘high risk’ or if in the opinion of the shift supervisor or lock-up keeper, the detained person presents a safety risk to any person. The following factors may be considered:

- the detained person has been or is a self-harm risk
- is known to be violent toward police
- has previously escaped or attempted escape from police
- gravity of the allegation, including murder, sexual assault, armed robbery or serious assault

In addition to high risk detained persons, the following persons should also be subject to a strip search:

- a detained person who has previously been charged or convicted of, or who is currently charged with drug offences
- has previously been charged or convicted of, or who is currently charged with concealed dangerous items or weapons
The decision to strip search a detained person is to be assessed on a case by case basis by the shift supervisor or lock-up keeper. Details of this assessment are to be recorded on the CMA.

A detained person shall only be strip searched by an officer of the same sex, or in compliance with current legislation.

Strip searches are to be conducted in privacy and in a humane manner with due regard for the detained person’s human dignity. Prior to conducting a strip search, the shift supervisor or lock-up keeper will ensure that any vision of the search being conducted is to not being monitored by any person that would not otherwise be authorised to view the search.

The term strip search as provided by section 64 of the Criminal Investigation Act 2006 allows officers authorised to conduct a strip search to do any or all of the following:

- remove any article that the person is wearing including any article covering his or her private parts
- search any article removed from the person as described above
- search the person’s external parts, including his or her private parts
- search the person’s mouth but not any other orifice

Gloves are to be worn at all times during the search, with rubber gloves worn under standard agency issued search gloves for the initial search. When the officer is satisfied there are no security risk items as per section 135(1) (a) of the Criminal Investigation Act 2006, search gloves may be removed.

Strip searches are to be conducted in line with current training and particular attention must be paid to belt linings, collars and garment linings to detect any security risk items that may have been concealed.
16.0 DETAINED PERSON PROPERTY

16.1 Identification of Property
All detained person’s property must be searched, itemised and correctly recorded onto the relevant CMA episode. Where possible, this should be carried out under an area covered by CCTV monitoring and officers must thoroughly search all property for security risk items.

Once logged onto the CMA episode, a property receipt is to be printed and the detained person will be asked to confirm the listed property and sign the receipt.

Where a detained person refuses to sign the receipt, the shift supervisor or lock-up keeper is to initial and endorse the refusal.

16.2 Security of Detained person Property

OIC OF BUSINESS AREA TO outline local arrangements regarding the security of detained person property, including jewellery and cash.

17.0 PROTECTIVE CUSTODY DETAINED PERSONS

17.1 Intoxicated Detained persons – Protective Custody
Police are authorised under legislation to apprehend intoxicated people who are in a public place or are trespassing on private property. This power does not extend to apprehending intoxicated people on private property.

Intoxicant – means:

- alcohol; or
- a drug, or a volatile or other substance, capable of intoxicating a person

Intoxicated – means:

“Affected by or apparently by an intoxicant to such an extent that there is a significant impairment of judgement or behaviour.”
An intoxicated detained person who is apprehended and needs to be protected for their welfare and cannot be placed in an appropriate facility (sobering up shelter / hospital), or placed in the care of another person, may be lodged at a police lock-up as a last resort.

17.2 Medical Clearance
A detained person, who is intoxicated, unconscious or semi-conscious is not to be admitted to a lock-up until he / she is subjected to a medical assessment. The lock-up keeper or shift supervisor is to ensure that such health assessment is conducted during the admission process through questioning, observations, detained person history and information from the arresting / conveying officers (where applicable).
Where some doubt exists regarding the condition of the detained person, further assessment should be sought from a medical professional.
An assessment is required as intoxicated detained persons have an increased risk of medical issues because they may be:
- affected by several substances
- subject to alcohol poisoning
- subject to alcohol withdrawal
- subject to underlying health issues impacting their ability to communicate
Where a professional medical assessment has been sought prior to custody, a Medical Treatment Report (sourced from the CMA) needs to be obtained and filed with the detained person’s other admission documents.

17.3 Period of Detention
The shift supervisor or lock-up keeper will release a detained person within 8 hours after apprehension, except:
- If the detained person is still intoxicated and a Justice of the Peace has authorised the continued detention of the person; or
- When the reasonable organisational requirements of the lock-up do not enable a member to release the detained person; or
• If release of the detained person between the hours of midnight and 7.30 am is not in the best interests of the detained person; or
• Where legislative extensions are granted.

18.0 DETAINED PERSON MEDICAL ASSESSMENTS

18.1 Admission Assessment
An arresting officer is to ensure any detained person, whether lodged in a lock-up or not, is to be treated in a dignified manner which considers the detained person’s welfare and diverse individual needs. Arresting officers are to pay particular attention to the risks and vulnerabilities attached to the management of that detained person, and ensure they have access to professional health services to address any physical and mental health needs.

On admission of a detained person to the lock-up, the lock-up keeper or shift supervisor will assess the detained person and gather all relevant information to determine whether he / she appears to require medical attention.

The officer making the determination should make the assessment based on the following:

• visual observations of the detained person
• questioning the detained person
• prior information concerning the detained person held on CMA / IMS
• information from the arresting / conveying officers

Any detained person deemed by an officer to be in need of treatment at a medical facility will not be admitted to the lock-up. ‘000’ is to be dialled for all medical emergencies and an ambulance called.

18.2 Custody Handover Summary
Where a detained person is being transferred between two WA Police business units, a Custody Handover Summary (CHS) is to be generated from the CMA and this is to accompany the detained person. The CHS includes all key events and details relating to
the management of the detained person prior to arrival at the lock-up. This document is to be supplied to other WA Police business units and key partner agencies when a transfer of responsibility event occurs.

18.3 Medical Treatment Report – Treatment Prior to or After Admission to a Lock-up

Where a detained person has been subject to a medical assessment prior to admission, or alternatively circumstances change after they have been admitted into custody that requires them to undergo a medical consultation, the arresting / conveying officer must provide a completed Medical Treatment Report (MTR) at the conclusion of the medical consultation. All relevant sections of the report are to be completed to outline:

- the current health status of the detained person
- the purpose of the hospital visit / medical assessment
- the medical assessment and treatment provided
- follow up actions required while the detained person is in police custody

(A copy of this form is available on the Perth Watch House intranet site)

On arrival to a lock-up following medical treatment, the completed MTR is to be handed to the lock-up keeper or shift supervisor present in order for the detained person to be properly assessed during the admission process.

Any other medical correspondence received from a medical professional is to accompany the MTR during the admission process.

The health status of detained persons may be affected by many factors and often their well-being can deteriorate quickly. Additionally, they can also be at great risk of self-harm, particularly in the first 48 hours of confinement. As such any detained person subject to a MTR is to be closely monitored and may require management as ‘high risk’ (Refer section 13.1). The specific health issue subject to the MTR is to be reviewed every two hours during daylight hours and every four hours at night to ascertain if there has been any deterioration in the health of the detained person.
An MTR review is also required whenever there is a Custody Handover - internal (Refer section 20.1). If at any time it appears the health of the detained person has deteriorated then follow up medical assistance is to be sourced immediately.

In both circumstances the relevant CMA episode and/or P10a is to be updated to reflect the outcome of this MTR review and a supervisor advised of the result.

18.4 Emergency Medical Considerations

All emergency medical situations must be dealt with immediately. The first consideration is for an ambulance to be called to the location, the patient is to be provided with first aid care until the ambulance arrives and directions taken from the attending ambulance officers relevant to the patient’s welfare. Alternatively, local circumstances may prevail whereby other medical professionals are available attend the location of the emergency. WA Police personnel should only convey ill persons in a police vehicle to a medical facility where there are no other options available for urgent medical assistance.

An entry **MUST** exist in Local Procedures detailing the access pathways for medical advice/assistance for persons in Police Custody.

- *The local ambulance service contact details must be recorded, where afterhours call out arrangements are in place these details must be recorded.*
- *In areas covered by volunteer ambulance officers or where a 24/7 service is not available the arrangements in place to access ambulance services must be recorded.*
- *Medical assistance – where Hospital or Nursing Posts/Clinics exist the contact details are to be recorded.*
- *Medical assistance – where Aboriginal Health Services are available these services should be engaged or where the detained person is of Aboriginal descent and requests these services attendance is to be arranged, contact details and access arrangements should be recorded.*
• **On-Call Doctor** – In locations where an on-call call-out medical service is available the details should be recorded and services utilised to attend at the lock-up only where the situation requiring medical services is not an emergency.

• **Perth Watch House 24/7 Nurse** – advice can be accessed via the nurse on duty at the Perth Watch House, contact details should be recorded and available.

| OIC OF BUSINESS AREA TO outline local procedures specific to their location. Detail all options available for medical assistance, both urgent and non-urgent, to include location of the service and contact phone numbers. |

### 18.5 Medication - Admission

Arresting / conveying officers are responsible for obtaining any medications required by a detained person prior to admittance to any lock-up.

If a detained person is brought to the lock-up without their prescribed medication, the lock-up keeper needs to:

- **assess whether the medication is essential**
- **if the medication is essential, check if the arresting officers can collect it from the detained person’s home, or if a member of the detained person’s family or a friend can deliver it to the lock-up, ensuring the medication is correctly labelled**
- **if there is no way of getting the medication and it is essential, the detained person will need to be taken to a medical facility**
- **prior to attending a medical facility, officers must complete a medical event on the CMA outlining the required medication (A MSR and MTR should be produced and provided to staff at the medical facility)**

The MSR will contain the following information:

- **an outline of what is known medically about the detained person**
- **what medication the hospital needs to provide**

Once assessed at the medical facility, staff are to complete the MTR and this is to be produced on admission of the detained person to the lock-up.
18.6 Medication While in Custody

18.6.1 Prescription Medication
Medications received for a detained person are to be examined to ensure they are prescribed to that person. Any medications not in their original marked and prescribed packets are to be examined and where doubt exists regarding the integrity of medication (such as type and dosage), further advice is to be sought from a medical professional.

The provision of medication to a detained person is to be recorded as an event on the detained person’s CMA episode.

18.6.2 Paracetamol
Paracetamol or other similar products are not to be issued to a detained person by an officer unless specific supporting medical advice has been provided. Officers are not medically trained to assess if a detained person is capable of receiving the medication without any resulting complications.

19.0 JUVENILES

19.1 Juvenile Arrests
Police officers may arrest a juvenile in the following circumstances:

- for Schedule 1 and Schedule 2 offences, Young Offenders Act 1994
- if the offence is serious and loss or destruction of evidence is likely if the juvenile is not arrested
- to prevent a continuation or repetition of the offence
- where there appears to be no other appropriate course of action
- where it is necessary to ensure the child’s appearance in court
- where the juvenile’s identity is in doubt

Police officers are to notify the Aboriginal Legal Service on the arrest of an Aboriginal juvenile in accordance with Police Manual LP-02.02 Aboriginal Legal Service Detainee Advice.
19.2 Juvenile Bail Services

Metropolitan Youth Bail Service

**OIC OF BUSINESS AREA to delete Metro / RWA section and content as applicable.**

In the metropolitan area, police officers may contact the Metropolitan Youth Bail Service (MYBS) to request assistance from staff to locate a responsible adult for the purposes of bail or may take up bail as the responsible person. The MYBS provide seven (7) day per week services including:

- **point of arrest intervention, provision of advocacy, identification and assessment of a suitable responsible person**

- **identification, rehabilitative residential services, suitable short and longer term bail placements at bail facilities, and psychiatric facilities, with family members or responsible adults**

- **ensuring that young people attend Court at the requested time and with some understanding of the Court process**

- **ensuring that young people are linked into relevant programs and services to address their offending behaviour**

- **that alleged breaches of bail conditions are assessed**

The MYBS is located at 15 Mackie St, Victoria Park and can be contacted on 9355 8000. The centres are open Sunday to Thursday 0800hrs to 2000hrs and on Friday and Saturday 0800hrs to 2300hrs.

**Regional Youth Justice Services**

In RWA, police officers are to contact the Regional Youth Justice Services (RYJS) as soon as practicable after a juvenile is arrested to assist with the provision of bail or to arrange emergency short-stay accommodation for young people who have been given bail but have no one to bail them and nowhere to go. RYJS can be contacted as follows:

**OIC OF BUSINESS AREA to delete sections below as applicable.**
**Great Southern Youth Justice Services – Albany:**
184 Stirling Terrace ALBANY 6330 - Telephone 9845 5300 Fax 9845 5399

**Mid-West Gascoyne Youth Justice Services – Geraldton:**
17 Lester Avenue GERALDTON 6530 - Telephone 9920 8600 Fax 9920 8666

**Goldfields Youth Justice Services – Kalgoorlie:**
337A-B Hannan Street, KALGOORLIE 6430 - Telephone 9026 4500 - Fax 9026 4555

**West Kimberley Youth Justice Services – Broome:**
Corner Frederick & Weld Streets BROOME 6725 - Telephone 9158 3888 Fax 9193 5750

**East Kimberley Youth Justice Services – Kununurra:**
6 Cottontree Ave KUNUNURRA 6743 - Telephone 9166 6500

**Pilbara Youth Justice Services – Karratha:**
2 Basset Road KARRATHA 6714 - Telephone 9144 4499 Fax 9185 4419

19.3 Juveniles to Bail (17 years of age)
A 17 year old juvenile can be considered for bail as if he or she was an adult under the *Bail Act 1982*, providing they can satisfy the criteria set out in the act.

A 17 year old should not be released to bail if they do not have any visible means to look after themselves and in all cases, attempts should be made to contact the parents or guardian of the juvenile prior to release.

19.4 Clearances from Police Lock-ups
Juvenile prisoners who are remanded in custody or held subsequent to another judicial process (such as a return to prison warrant) are to be transferred from police custody to DCS (Banksia Hill) as soon as possible.

Clearances of juveniles from police lock-ups in RWA are carried out by DCS or their nominated contractor.

In most cases, juveniles must be collected within 24 hours from the time the contractor is notified by police however some exceptions exist in remote areas.
Prior to arranging collection of a juvenile, DCS or their contractor will require the following documentation:

- **remand warrant or associated authority for custody**
- **fitness for travel assessment or similar completed form**

Officers must be aware that contractual collection times do not commence until such time as DCS or the contractor has confirmed having received the documentation referred to above.

Where it appears that a juvenile is not likely to be collected within the agreed 24 hour timeframe, the DCS Juvenile Transport Unit is to be contacted on 9333 2546, or alternatively the DCS Operations Centre can be contacted on 1300 000 327. Due to the sensitivities of having juveniles in police custody, the relevant District Office should also be advised of the circumstances.

Where significant delays in the collection of a juvenile from police custody are expected, the shift supervisor / OIC should consider alternative transport options such as road escort and Police Air Wing.
DETAINED PERSON SUPERVISION AND MANAGEMENT

20.0 HANDOVER PROCEDURES

20.1 Custody – Handover (Internal)

The lock-up keeper and shift supervisor are required to conduct a detailed shift handover on every occasion when a shift changeover occurs. This process is to also occur when a transfer of responsibility occurs within a shift, such as occasions where a lock-up keeper is substituted with another officer.

It should be noted that this transfer of responsibility and handover process relates to the detained persons within a facility – not to the facility itself. Therefore, a handover is not required where there are no detained persons in custody.

The minimum requirements to be included and discussed in the handover are:

- **all detained persons are to be physically accounted for and correctly recorded on the Custodial Management Application**
- **the outgoing lock-up keeper is to physically walk through the cells area with the incoming lock-up keeper**
- **each detained person is to be identified by name**
- **the reason for each detained person being in custody is to be explained and clarified**
- **the anticipated duration of detention at the lock-up of all detained persons**
- **details of any medical concerns for any detained person**
- **details of any medication requirements of any detained person**
- **details of any suspected mental health or other safety concerns of any detained person**
- **re-assess the health status of any detained person subject to an MTR (Refer section 18.3)**

The shift handover is to be recorded in the CMA as a transfer of responsibility.
The Detailed Facility Status Report (DFSR) generated from the CMA may be printed and used to support the handover process. This document is to be signed by the respective outgoing and incoming lock-up keepers and retained for audit purposes.

20.2 Custody – Handover (External)
A custody handover to an external partner agency or contractor is to include the relevant considerations listed in section 20.1.

Additionally, the following forms generated from the CMA are to be provided to the receiving party:

- detailed Facility Status Report
- custody Handover Summary for each individual detained person
- all medical documentation, including any CMA forms relating to treatment provided while in custody and medication

Both these forms together are accepted as the approved instrument for recording the handover of detained persons from WA Police to external agencies.

20.3 Detained person Property Handover
As part of the hand-over process, all property, medication, monies and valuables are to be identified and accounted for on the CMA by the incoming shift supervisor. Where any anomalies exist, this to be brought to the attention of the shift supervisor.

21.0 DETAINED PERSON SAFETY AND SUPERVISION

21.1 Conflict Mitigation
Where the detained person has shown some significant agitation towards any officer involved in their apprehension or detention, guidance should be sought from the shift supervisor or lock-up keeper regarding alternative actions to be taken to de-escalate the situation. Where practicable, independent officers should be tasked with carrying out the admission process including identifying particulars, to minimise potential conflict.
21.2 Cell Checks

Cell checks of detained persons assessed as ‘general risk’ will be conducted every 20 minutes for the first hour of admission and then at least every hour after that. All checks will be carried out by a minimum of two staff members where practical. No officer is to open the door of a cell without a second officer present.

Detained persons who are considered as ‘high risk’ must be monitored continuously for the first 30 minutes following admission, then physically checked a minimum of every ten minutes thereafter.

Where detained persons are awake, they are to be engaged in conversation from time to time, to check their state of mind and their general health.

Sleeping detained persons should be left undisturbed as much as possible, however observations are to be made ensure they are breathing comfortably and appear in good health. All observations are to be recorded by the officer conducting the check on the relevant detained person CMA episode and / or P10A.

When the detained person abuses the use of the cell call monitoring system, advice must be sought from the shift supervisor or lock-up keeper prior to activating the ‘mute’ button. When the ‘mute’ button has been activated, visual monitoring of the detained person must continue to ensure their safety and the mute button should be reactivated at the earliest opportunity.

21.3 Padded Cells

A detained person confined in a padded cell is to be physically checked every five to ten minutes and monitored constantly by way of CCTV.

Confinement in a padded cell is not to be used as a punishment or a method of gaining compliance.

Lighting in a padded cell is to remain on at all times during the detained person’s confinement within the cell.

Any confinement, the reasons for such confinement and all associated decisions are to be recorded on the relevant CMA episode. Confinement in a padded cell can only be authorised by a shift supervisor or lock-up keeper.
If handcuffs are applied to a detained person placed into a padded cell, an officer must physically supervise the detained person at all times until the handcuffs are removed.

### 21.4 Cell Extractions

Where practicable, cell extraction techniques (as per OSTT training and guidelines) are to be used in the case of a violent detained person who poses a threat to themselves, a fellow cell detained person or to officers. Where suitably trained officers are not available to complete a cell extraction, this should guide alternative courses of action relevant to preclusion based on an appreciation of the urgency of the situation.

Prior to considering a cell extraction, to demonstrate preclusion, all lesser force options particularly tactical negotiations must be exhausted.

Where possible, the shift supervisor is to be consulted prior to a cell extraction being commenced and they will satisfy themselves of the following:

- *all involved staff have been trained in cell extractions (unless urgent circumstances dictate an immediate response)*
- *all personal protective equipment (PPE) is available for use by staff*

Once completed, the cell extraction is to be entered as a custody event on the CMA. Normal use of force reporting guidelines apply in terms of the use of tactical options and injuries sustained by the detained person.

### 21.5 Remote Monitoring

Remote monitoring shall be used to supplement detained person safety and shall not be used as an alternative to physical cell checks.

### 21.6 Routine Cell Inspections

When a detained person is to be moved from a cell, vehicle or exercise yard for any reason, the vacated area will be inspected for damage and contraband by officers conducting the movement.

Where the detained person is not to be returned to the cell, all items including used blankets and food remnants are to be removed.
21.7 Officer Security – Safety Movement Ratio

Where a detained person is to be moved from one location to another, such as a cell transfer or vehicle escort, the minimum safety movement ratio of two officers to one detained person is to be maintained. Where more than one detainee is being escorted at the time, the inclusion of additional officers will be considered based on assessment of all the attendant risks. (E.g. three detainees do not automatically require the presence of six police officers). These risks may include the antecedents of the individual detainees, behaviour while in custody, the nature of the environment (such as a secure facility or open public place) and the reason that each detained person in custody (seriousness of charges).

Refer to section 2.1 in relation to minimum staffing levels that must be maintained to manage detained persons in police facilities.

21.8 External Escorts during Custody

A detained person may require transfer to another facility while in police custody, such as a hospital or other medical facility.

Due to the high flight risk associated with transportation of detained persons to hospital, all detained persons are to be restrained by handcuffs when taken into a public area unless extenuating circumstances exist. Extenuating circumstances include, but are not limited to circumstances which severely reduce the likelihood of a detained person escaping lawful custody (e.g. the detained person is elderly, or has a mobility disability). If handcuffs are not used, the detained person is to be restrained by a physical hold during the movement process. Handcuffing of detained persons is to be noted on the detained person’s CMA episode.

Handcuffing technique (front/rear) is at the discretion of the officer applying the handcuffs and should be based on the risk assessment of the detained person. Where possible however, rigid handcuffs should be applied in the front stacked position during the movement process as per OSTT training and guidelines. Two officers are to be present at all times while a detained person is handcuffed.
During treatment at a medical facility, the following conditions are to be observed:

- **One escorting officer is to remain with the detained person at all times**
- **Should the detained person require privacy for medical treatment or examination, then the detained person is to be handcuffed to the bed or trolley with escorting officers remaining in close proximity**
- **If the detained person requires the toilet, then the detained person is to be taken to a toilet with a support railing fitted (e.g. a disabled toilet and handcuffed to the railing).**

Where the medical attention is of a minor nature, the use of a police vehicle is to be considered. An ambulance is to be used for all urgent circumstances.

All actions and decisions regarding medical treatment and telephone calls to an ambulance are to be recorded on CMA.

### 22.0 DETAINED PERSON MEALS

#### 22.1 General Considerations

Detained persons will be provided with meals during their time in custody and this is to be noted on the relevant detained person’s CMA episode. Refusal of meals is also to be recorded.

A detained person that suffers from diabetes is to be closely monitored due to the risks involved while in custody.

Alternative meals will be supplied to detained persons for medical purposes, or where their religion requires specific meals.

**OIC OF BUSINESS AREA may include specified meal service times as per Police Manual LP-13.01. Alternatively the OIC has discretion to allow meals outside specified hours, however these considerations must be included in local procedures.**
OIC OF BUSINESS AREA to include local arrangements regarding the process of order / supply of detained person meals (where applicable).

23.0 DETAINED PERSON COMMUNICATION WHILE IN CUSTODY

23.1 Request for Phone Calls

Under most circumstances, all detained persons have the right to make a telephone call to either family, friend or a legal adviser (this may be refused under some circumstances relevant to section 138(4) Criminal Investigation Act 2006).

Prior to permitting a phone call by a detained person, the officer responsible must ensure that there are no orders are in place which prohibit this contact. These may include:

- existing protective bail conditions
- Violence Restraining Order conditions
- Police Order conditions

Officers responsible for facilitating the phone call request must review all relevant information holdings and satisfy themselves that no protective conditions exist. Where there is doubt regarding the existence of such conditions, advice must be sought from the shift supervisor.

When a detained person is permitted a phone call, the telephone number and the details of the person called are to be entered onto the relevant CMA episode.

23.2 Refusal of Detained person Phone Calls

In accordance with section 138(4) Criminal Investigation Act 2006 members may refuse a suspect the right of communication or attempted communication with a person where it is reasonably suspected to do so would result in:

- an accomplice taking steps to avoid being charged
- evidence being concealed, disturbed or fabricated or
- a person’s safety being endangered
If a member refuses a detained person the right of communication, the reasons for refusal must be recorded on the relevant CMA episode. The right to the communication must be afforded if the grounds for the initial refusal are subsequently found to be false or no longer relevant.

24.0 IDENTIFYING PARTICULARS

24.1 Requirements

Following the admission process, officers will complete the following:

- fingerprints
- photographs
- DNA (if legally able to be obtained)

All detained persons, where legislation permits, must have a DNA sample taken in accordance with the *Criminal Investigation (Identifying People) Act 2002*.

As per current policy, DNA must be taken from every offender charged with an offence that has a statutory penalty which includes imprisonment for 12 months or more, when a permanent DNA profile is unable to be confirmed as being held on the forensic database.

**OIC OF BUSINESS AREA** to include local arrangements and processes as to how Identifying Particulars are to be practically taken in the workplace.

25.0 DEATHS, LIFE THREATENING INJURIES AND ATTEMPTED SELF-HARM IN POLICE CUSTODY OR PRESENCE

25.1 Introduction

Custodial care begins from the moment a person is taken into police custody. A detained person who has not been adequately searched may also ingest drugs or conceal security risk items in his / her possession thereby causing their own illness, injury or death. Members are to exercise vigilance in the discharge of their duty of care to persons in custody. Attention of all members is drawn to section 262 of the *Criminal Code* in relation to their duty of care in respect of people in custody.
25.2 Definitions

**DEATH OR SERIOUS INJURY IN POLICE CUSTODY**

Means the death of, or serious injury to any person which occurs during a period commencing at the time a person enters police custody and ending when the person leaves police custody, either legitimately or by escape. In the case of a person who is arrested by someone other than a police officer, the period shall commence at the delivery of such person into police custody. It also includes, but is not limited to:

- suicide / attempted suicide of persons in police custody
- the death of, or serious injury to any employee of the WA Police, or other persons caused by a person while in police custody
- the death of or serious injury to any person during an escape, or attempt to escape from police custody

**DEATH OR SERIOUS INJURY DIRECTLY CONNECTED WITH POLICE ACTION**

Means the death of, or serious injury to any person (including an employee of the WA Police) occurring outside the custodial environment and arising from, or connected to a police officer acting in his or her official capacity. It includes by way of illustration, but is not limited to those incidents which occur in connection with:

- attempts to effect an arrest or exercise of authority
- the application and use of force in other circumstances
- a member’s actions taken in self-defence or in the defence of another person
- the driving of a police vehicle
- mass action where police were present
- any act or omission by a member which may amount to a criminal offence or serious misconduct as defined in the Corruption and Crime Commission Act
- suicide/attempted suicide in the presence of police, other than while in custody
- the death/serious Injury to any other person caused by a person who has escaped from Police Custody
DEATH OR SERIOUS INJURY INDIRECTLY CONNECTED WITH POLICE ACTION

Means the death of or serious injury to any person, including a member of the WA Police, indirectly arising from, or connected to a police officer acting in his or her official capacity as a member of the WA Police.

Previously referred to deaths in police presence or near police presence, these deaths are investigated to determine if a duty of care existed and if so, whether it was appropriately exercised by police. It includes by way of illustration, but is not limited to, those deaths which occur in connection with:

- the suicide of persons having had contact with police, but not then in custody
- persons removed or ordered by police from any premises
- persons conveyed to medical treatment
- other persons directly affected by the exercise of any power or authority by police

POLICE CUSTODY

Means the care, control and security of a person and detention of a person by lawful authority or process. It includes any period of detention supervised by police and includes but is not limited to the following circumstances:

- when persons of interest are being interviewed by the police but have not been arrested
- being formally under arrest for any reason
- the detention of an intoxicated person, where no other option is available
- accompanying an officer for the purposes of undergoing any forensic examination or breath/blood test
- travelling with a member to assist in inquiries where no arrest has been made
- conveyance to any place after being arrested for any reason
- when persons are stopped and searched or questioned by the police
- when persons are in police vehicles
- when under guard in a hospital
- when persons are in the care of the police having been detained under the Mental Health Act 2014
when children or young persons are in police protection

(Above definitions are found in Police Manual SS-02.13.1 Deaths, Life Threatening Injuries and Attempted Self-Harm in Police Custody or Presence).

Under section 22(b) of the Coroners Act 1996, where it appears the death was caused, or contributed to by any action of a member of the Police Force the Coroner must hold an inquest into the death. A Coroner must also hold an inquest where immediately before death, the person was held in police custody.

25.3 Mandatory Notifications

When a death or life threatening injury occurs in police custody or presence, the shift supervisor shall notify:

- Police Operations Centre Communications Coordinator (POCCC)
- Internal Affairs Unit (via on call officer after hours number)
- State Control Centre Superintendent (State Controller)
- District / Divisional Inspector or Superintendent (Duty Officer)
- District Control Centre
26.0 DETAINED PERSON RELEASE

26.1 CMA Checks
Prior to releasing a detained person to summons, bail or freedom, all checks and release
details must be completed on the CMA before the detained person leaves the building.

26.2 Bail
Bail undertakings must be completed by an authorised officer as outlined in sections 3
and 29 of the Bail Act 1982.

The shift supervisor will generally complete a bail undertaking however the person
designated as being in charge of the lock-up at that time (lock-up keeper) may also
conduct this task.

OIC OF BUSINESS AREA to include any other arrangements regarding local bail
processes in this section.

26.3 Final Property Release
When property is returned to a detained person during the release process, the property
is to be physically checked off against the CMA Final Property Release form by the
releasing officer. Once complete, the form is to be signed by the detained person and
the property returned.

All property shall be checked off against the form and should be handed back to the
detained person in view of the CCTV camera (where applicable).

Any discrepancies found in the property during the release process will be reported to a
shift supervisor immediately prior to the release of the detained person. The shift
supervisor will attempt to correct any discrepancy and where the matter cannot be
resolved, the OIC is to be advised by email. The OIC will investigate the matter and
advise the detained person of the outcome.
27.0 TRANSPORT OF DETAINED PERSONS / ESCORTS

27.1 Background
This section outlines the standard operating procedures for the transport of detained persons in police custody.

All detained person transport events will be carried out with regard to the safety of all persons involved, and will represent a balance between the safety and security of the West Australian community and the dignity of the detained person.

People in custody have a higher incidence of mental health problems, chronic illness, substance abuse and self-harming behaviour than the general population. Our dealings with them must recognise these risks.

All decisions and incidents during transport must be recorded on the CMA or in the escorting officer’s notebook when in the field. A failure to record a decision undermines the credibility of the individual officer if they are subsequently asked to account for their actions.

27.2 Escort Risk Assessments
Prior to the commencement of a detained person escort, the shift supervisor and escorting officers will need to consider the following risks prior to departure:

- the nature of the journey – distance, road type, driving hazards, daylight or night-time and weather reports (This particularly applies to Regional WA)
- the risk posed by the detained person
- warning signals
- conduct while in custody
- history of escape attempts
- history of violence
- mental state of individual
- likelihood of substantial imprisonment
- previous exposure to OC or approved restraints
- medical conditions, including contagious disease and chronic illness
• staffing availability and ongoing business continuity
• vehicle availability

Where the transport cannot be achieved safely within these parameters, the shift supervisor will need to make the necessary adjustments to mitigate the risks, such as postponing the movement to daylight hours or arranging additional staff.

A person in custody may be handcuffed if there is a reason to believe they may attempt to escape.

Cuffing of detained persons is to be noted on the detained person’s CMA episode or in the escorting officer’s notebook as appropriate.

Where rigid handcuffs are used during an escort, they must be applied to the detained person in the front stacked position as per OSTT training and guidelines.

Escorting officers must be aware of extremes of heat or cold weather conditions and should ensure that vehicle air-conditioning is functioning correctly.

Where higher risks associated with the escort are identified, the number of officers may be increased. If additional resources are unavailable, the senior officer present must consider alternative options to mitigate the risk.

At least one of the escorting officers must be of the same gender as the detained person. If this is not practicable, the reason must be recorded on the CAD task. If the detained person is of a different gender to the escorting officers, no one officer may be alone with the detained person at any time.

Male and female detained persons should be kept separate. Similarly, adult and juvenile detained persons should be kept separate. Where this is operationally impracticable, the reason should be recorded in the notebook of the escorting officer. Where this segregation cannot take place, officers should take additional care in monitoring the detained persons.
27.3 Escort Preparation
The escorting officers in consultation with a supervisor will be responsible for ensuring the following actions are undertaken prior to departing on the transport:

- where applicable, contacting the establishment where the detained person is being taken with an estimated arrival time (This is vital to ensure that the alarm is raised if the transport does not arrive)
- that officers involved in the escort are Operational Members as per Police Manual FR-01.02.14
- searches of the detained person and vehicle are carried out methodically as outlined earlier in these procedures
- a dynamic risk assessment has been made of the detained person i.e. monitoring, assessing and responding to any changes in real time
- driver has completed vehicle serviceability checks (Power Checks)
- detained person seating area is checked and cleared of potential ligature points
- detained person’s property is correctly listed and physically checked
- detained person area door is securely closed and locked (Officers must have ready access to keys in order to evacuate the detained person in an emergency)

27.4 Detained Person Transport – Safe Movement Ratio
The circumstances of each proposed detained person transport will determine how an escort will be completed in terms of staffing numbers and planning. Escorts will be completed with a minimum of two officers however this may be increased where additional risks exist.

27.5 Operational Members – Escorting Officers
Escorting officers must be Operational Members as per Police Manual FR-01.02.14 Carriage of Firearms and Tactical Options (Accoutrements) – Generally, and must carry tactical options (accoutrements) and safety equipment as below.
Tactical Options (accoutrements) to be carried by escorting officers are:

- *Taser with additional Taser operational cartridge in accordance with OSTT training and guidelines*
- *firearms (sworn officers)*
- *Oleoresin Capsicum (OC) Spray*
- *handcuffs (rigid or Saflock) and keys for both types*
- *extendable baton*

Safety equipment refers to:

- *satellite phone / HF Radio (for regional escorts)*
- *first-aid kit*
- *emergency water supplies*
- *list of police radio channel frequencies*
- *Hoffman (safety) knife, where available*

### 27.6 CAD Recording of Escorts

All escorts must be recorded on the CAD system for safety and data collection reasons. The CAD task must provide the necessary details for a planned safe movement.

- *full name and date of birth of the detained person*
- *alerts or warnings*
- *charges*
- *planned destination*
- *associated paperwork is complete*
- *detained person movement is ready or the expected time*
- *the time of departure*
- *a cross-reference to any incidents of note (e.g. incident report number)*

Details to be added at the commencement of an escort:

- *the estimated time of arrival*
- *contact details for the escorting officers*
A supervisor must ensure that the CAD task is updated and closed once the escort has been completed.

27.7 Detained Person Searching

All detained persons will be searched at the commencement of an escort by the escorting officers and again once they reach their destination. This must occur even if previous searches have been conducted.

This will occur for all escorts, transfers and hospital sits and is to be noted on the detained person’s CMA episode or police notebook. This will at all times maintain and assure the safety of all parties involved in the transport and care of the detained person.

27.8 Escort Handover (Internal)

The transfer of responsibility to other WA Police members must be a thorough process as outlined in these procedures at section 19.

When releasing a detained person, the conveying officers are to ensure that the accepting officer understands the entries on the Custody Handover Summary (CHS) and any other relevant issues concerning the ongoing safety and management of the detained person.

All relevant documentation outlined in section 19.2 of these procedures must be provided to the receiving officers.

27.9 Escort Handover (External)

A custody handover to an external partner agency or contractor is to include the relevant considerations listed above in section 20.1.

Additionally, the following forms generated from the CMA are to be provided to the receiving party:

- *Detailed Facility Status Report*
- *Custody Handover Summary (CHS) for each individual detained person*
- *all medical documentation, including any CMA forms relating to treatment provided while in custody and medication*
Both these forms together are accepted as the approved instrument for recording the handover of detained persons from WA Police to external agencies.

### 27.10 Escort Contingencies

Escorting officers should be alert to the following scenarios that can occur when transporting detained persons:

- change in environmental conditions such as weather warning or flooding
- medical emergency
- vehicle mechanical breakdown
- escape or rescue
- diversion from prescribed route

Where these factors occur, officers should review their circumstances and if necessary, develop an alternative action plan.

If these factors impact on the safety and security of the transport, it is essential that the changes are communicated to a supervisor or to Police Communications (VKI). The officers will communicate their location, situation and if they require another vehicle to attend and the urgency of that vehicle.

### 27.11 Conducting the Escort

The following points will be observed during a detained person escort:

- Where applicable, radio communication is to be established with Police Communications (VKI) when leaving one district and entering another.
- For journeys in excess of one hour where practical, a physical detained person check will be made at intervals of no more than one hour. This necessitates stopping the vehicle (high visibility vests are to be worn when out of the vehicle).
- All officers must be aware of the remote visual monitoring capability of WA Police vehicles for detained person welfare. Between hourly physical checks, the visual monitoring must be regularly checked to confirm the welfare of the detained person. Where doubt exists, the officer is to conduct a physical check as outlined...
above. If the remote monitoring capability is not operating, the vehicle is not to be used for detained person escorts.

- The driver should take regular breaks and swapping drivers should also be considered from time to time.
- The detained person should only be removed from the security pod of a vehicle in an area that can be reasonably secured by the officers. A detained person’s right to dignity and comfort will be balanced against the safety and security of the escorting officers and the community.
- The detained person may not smoke while in a police vehicle or while unattended.
- The detained person must not be handcuffed or otherwise secured to the vehicle during the escort. Handcuffs must be applied when the detained person is removed from the vehicle for any reason.
- During stops, escorting officers will search toilet facilities before and after use by the detained person. They are not to be left unsupervised at any time.
- During stops, officers should avoid contact between the detained person and the general public. Care should be taken to prevent the detained person acquiring improvised weapons.
- Escorting officers must comply with road traffic legislation at all times.

27.12 Conclusion of the Escort

Any unsafe practices or unserviceable equipment identified during the escort that could endanger officers or detained persons should be reported and rectified.

28.0 AIR ESCORTS (JUDICIAL AND RFDS)

28.1 Procedures (Judicial Detained Persons)

It is a requirement under Australian Air Navigation Regulations (Reg.297P) that the authority arranging the carriage of a person in custody by air shall provide the operator of the aircraft with details of the prisoner escort.

Where the carriage of a person in custody is to be undertaken by aircraft, the following procedures must be adhered to:
• The aircraft operator must be advised at the time of booking that the proposed passenger is a person in custody and the grounds on which the person is in lawful custody.

• On arrival at the airport, and not less than forty-five (45) minutes prior to departure of the flight, the escorting officers must produce their identity card to identify themselves and the detained person to the airline passenger-handling officer.

• On arrival at the security check point escorting officers must follow the directions of airport security staff.

• A maximum of two detained persons accompanied by escorting officers may be carried in an aircraft at any one time. On boarding the aircraft, the detained person is to be seated as directed by the cabin crew.

• During the flight, the detained person is to remain seated with seatbelt fastened.

• Escorting officers must be seated alongside the detained person/s during the flight. If toilets are available (subject to airline restrictions), the detained person is to be accompanied to the toilet at all times.

• Neither the escorting officer nor the prisoner will be served intoxicating liquor during the flight.

• An aircraft operator or the pilot-in-charge is under no obligation to carry persons in custody and may impose such additional restrictions as they see fit.

• The carriage of firearms / weapons and dangerous goods such as debilitating substances (such as OC sprays and chemical agents) are not permitted in the cabin of an aircraft.

• Restraints should not be used, under normal circumstances, including the detained person being shackled to any part of an aircraft. Unless by prior permission by the airline operator, the captain of the aircraft or his delegated authority.

• All decisions made regarding the escort or the detained person will be recorded on CMA or officer’s notebook as appropriate.

• At least one of the escorting officers must be of the same gender as the detained person.
28.2 Procedures (RFDS Escorts)

**USE OF COMMERCIAL AIRCRAFT**

A police officer shall not escort a mentally ill person on a commercial aircraft unless documentation has been issued by a medical practitioner certifying the patient’s suitability for carriage by air and stating whether or not there is a risk of violence from such patient. In most cases, commercial aircraft operators will cause this assessment to take place as part of the booking process.

**ESCORTS ON RFDS AIRCRAFT**

- **Requests for police assistance on RFDS flights will be directed to the Police Operations Centre (POC) so that a risk assessment can be conducted by the POC supervisor. A CAD task will be created to record the escort.**

- **Flights departing Jandakot to Regional WA locations may require an officer from the Perth Watch House or South Metropolitan District to assist with the transport. A decision as to who will assist will be determined by the POC supervisor, after consultation with the relevant business area OIC.**

- **Prior to departure, the police officer / auxiliary officer assisting with the escort must ensure that a Referral for Examination (Form 1A) and Transport Order (Form 4A) are in existence for the person being transported.**

- **Police officers involved in escorting people suspected of suffering mental illness on RFDS aircraft are not to embark wearing firearms or Oleoresin Capsicum (OC) spray.**

- **With escorts from Regional WA to Perth, it is not uncommon at times for a metropolitan based officer to take over the transport and accompany the patient in an ambulance to the authorised hospital. In such cases, a handover of property is to take place between officers and a record of such transfer should be made in their official police notebooks for continuity purposes.**

- **Once all aspects of the escort are completed, POC are to be advised and the CAD task will be closed.**