



Commonwealth
National
Preventive
Mechanism

 ACT Ombudsman

 FOR CONSUMERS

Post Visit Summaries

ACT Policing Watch House
and
ACT Police Stations

25 June 2024

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ACT Policing Watch House

Summary

Purpose of visit

The Commonwealth NPM and the ACT Ombudsman (as part of the ACT NPM) conducted a joint visit to the ACT Police Watch House on 15–16 June 2023, with staff from the other ACT NPM bodies (ACT HRC, and the Office of the ACT OICS) attending as observers. This was the Commonwealth NPM's second visit to the ACT Watch House as part of our role monitoring places of detention under control of the Australian Federal Police (AFP).

What the visit revealed

The ACT Watch House is in relatively good condition for its age and is largely compliant with the 1991 Recommendations of the *Royal Commission into Aboriginal Deaths in Custody* (RCIADIC).

However, the visit identified deficiencies in aspects of Watch House operations, in particular the infrastructure relating to the age of the facility and its ability to meet the current needs of a range of people in detention and staff compared to when the facility was built.

When making recommendations, suggestions or comments it is essential to consider internationally recognised standards and guidelines such as the Mandela Rules, that provide comprehensive guidance on the treatment of individuals deprived of their liberty and the Bangkok Rules, that offer specific provisions tailored to the unique needs and vulnerabilities of women in the criminal justice system.

Moreover, recommendations should align with the principles and guidelines set forth by the Association for the Prevention of Torture (APT) which provides expertise and support to governments, national institutions, and civil society to ensure compliance with international human rights standards.

By incorporating the Mandela Rules, Bangkok Rules, and the expertise of organisations like the APT into recommendations, stakeholders can work towards promoting respect



for human rights and improving the treatment of individuals within the detention system.



Suggestions for Improvement

Suggestion 1: *All signage regarding emergency and evacuation procedures including muster points be placed in strategic locations throughout the facility in plain view of both staff and people in detention.*

Suggestion 2: *A review of firefighting equipment be undertaken:*

- a. to identify whether the use of CO2 fire extinguishers is appropriate in confined places such as cells or if they should be replaced with a more appropriate extinguisher such as water, foam, or dry chemical*
- b. to ensure staff receive training in the use of firefighting equipment and fire extinguisher identification*
- c. where a range of fire extinguishers are available for use, fire extinguisher charts outlining the different types of fire extinguishers and their uses be located in areas highly visible to all staff.*

Suggestion 3: *Faults with the duress alarm system be identified and rectified and a daily testing regime be implemented to ensure the system is operational at all times.*

Suggestion 4: *Personal duress alarms which can be activated immediately should be provided to watch house staff as opposed to duress alarms on walls which require a staff member to be in a position to physically get to it.*

Suggestion 5: *Appropriate PPE such as helmets, gloves, leg, and arm protectors be made available to assist in resolving violent incidents quickly and lessening injury to both staff and people in detention.*

Suggestion 6: *Appropriate training in cell extractions/insertions be provided to Watch House staff to assist in resolving violent incidents quickly and lessening injury to both staff and people in detention.*

Suggestion 7: *Emergency battery operated lighting be installed throughout the facility to provide adequate lighting in the event of a complete power failure.*

Suggestion 8: *A review be undertaken into the infrastructure and operation of the sallyport to address its design deficiencies.*

Suggestion 9: *The use of the sallyport as a pedestrian access and for the release of people in detention should cease immediately due to the risk of injury from vehicles*



accessing and egressing the Watch House and the steep uneven surface of the driveway.

Suggestion 10: *Install an appropriate screen covering the entire charge counter to prevent people in detention from:*

- a. *spreading transmissible diseases in the event of spitting or the throwing of other bodily fluids and/or excrement*
- b. *accessing the officer's area and having access to improvised weapons*
- c. *using the current screen as an improvised weapon, and*
- d. *committing acts of self-harm.*

Suggestion 11: *The ACT Policing chaplain assist in developing a framework to educate ACT Watch House staff to better cater for the religious needs of people in detention.*

Suggestion 12: *Compasses for the most common religions (eg, Judaism, Islam) be purchased to assist staff indicating the direction of prayer for people who request religious observance.*

Suggestion 13: *Information regarding complaints bodies and mechanisms for making a complaint be mounted on walls in prominent places for people in detention to see and provision of information on making a complaint be provided at the point of transfer or release from custody. This information should also be accessible to persons with language or understanding difficulties.*

Suggestion 14: *Cleaners undertake formal training in forensic cleaning and be provided appropriate products.*

Suggestion 15: *All clutter and signage on the windows in front of the charge counter and at-risk cells be removed to improve direct surveillance of these cells from the staff workstation.*

Suggestion 16: *To recognise the cultural and religious diversity of the population, meals properly certified as halal and kosher be made readily available.*

Suggestion 17: *ACT Policing works with the ACT Office for Disability or similar agency to identify reasonable adjustments for people with a disability in at least one cell that has clear lines of sight from the staff workstation. Any adjustments should also be compliant with the CRPD.*

Suggestion 18: *Review the current static staffing model to assess the numbers of staff required to cope with all aspects of Watch House operations during regular busy*



periods (Thursday, Friday and Saturday nights), as well as for special events and holidays to ensure adequate numbers of staff are available to deliver an appropriate level of care to all people in detention at all times.

Suggestion 19: A female staff member be on duty at all times irrespective of whether a female is in custody.

Suggestion 20: ACT Policing, with assistance from the AFP's First Nations Liaison Officers, engage Canberra Health Services to develop a framework for the provision of culturally appropriate health care for First Nations people in detention including information sharing between the ACT Watch House and appropriate agencies.

Suggestion 21: The ACT Government (via Canberra Health Services) and ACT Policing review the use of referrals for emergency mental health assessments and how people referred are dealt with when sent for assessment (including any causes of delay) and identify and implement appropriate solutions.

Iain Anderson

Commonwealth and ACT Ombudsman



Facility and Demographics

The ACT Watch House is part of the Canberra City Police Station which first opened in 1966. It was extensively refurbished in 1995 when all facilities were upgraded including the development of an enlarged Watch House with a new charge counter, holding facilities, and detention cells. There is also a livescan fingerprinting facility and facilities for photographs to be taken. The ACT Watch House provides a charging and custodial facility that operates 24 hours a day and is the only Watch House in the ACT. ACT Watch House surveillance arrangements were improved with the installation of video cameras in each cell and throughout the public areas, enhancing security and safety for both people in detention and staff.

The ACT Watch House operates under a medically oriented duty of care model where medical needs of the person in custody take precedence over custody requirements. The medical contract was renewed at the end of June 2023 and has had the same funding for the past seven years. We are unaware of any funding increase for the latest contract.

For the 12 months ending 16 June 2023, the ACT Watch House held 4,077 people in custody with 887 identifying as being of First Nations descent. There were 22 staff injuries reported during the same period.¹ On 15 June 2023, the ACT Watch House held 3 people in detention who were all male. This was approximately 6% of its operational capacity.

The ACT Watch House contains a total of 28 cells which can accommodate up to 52 people in detention. It is divided as follows:

- 4 x pre-charge cells
- 2 x group holding cells able to accommodate up to 20 persons each²
- 1 male block of 5 cells and 1 female block of 6 cells
- 6 x intoxicated persons cells
- 4 x at risk cells (2 x padded and 2 not padded), and
- 1 x drug evidence cell

¹ Data provided by ACT Policing – 29 June 2023.

² One of these cells is unable to be used due to a vertical pillar in the centre of the cell which can be used as a ligature point. The pillar is weight bearing and is unable to be removed or remediated to eliminate the ligature point.

The male and female cell blocks have access to an indoor recreation yard, each of which contain seating areas with tables.



Observations

Safety

Emergency Evacuation Plans

At the time of our visit, the ACT Watch House had standalone emergency and evacuation plans in place, which were incorporated into the broader City Police Station Business Continuity Plan. There was only one emergency evacuation plan sighted during our visit. This is inadequate, as such information must be easily accessed by all staff and people in detention in the event of an emergency. The Mandela Rules³ state that evacuation plans must be in place for the protection of people in detention. The Association for the Prevention of Torture (APT)⁴ advises that cells must be evacuated safely in an emergency.

Suggestion 1: *All signage regarding emergency and evacuation procedures including muster points be placed in strategic locations throughout the facility in plain view of both staff and people in detention.*

Fire Safety

There are fire alarms and prevention systems, however, no automated fire suppression system such as a sprinkler system was observed to be in place.

We observed 1 x firefighting standpipe, 1 x 36m fire hose and 1 x CO₂ fire extinguisher in each cell block, all were last tested in December 2022. Fire extinguisher signage boards were located at all points throughout the facility where firefighting equipment was available.

We are concerned with the use of CO₂ fire extinguishers as they work by displacing oxygen and, as such, are not suitable for use in a confined area such as a cell due to the risk of asphyxiation. CO₂ extinguishers are only suitable for class B fires (flammable and combustible liquids e.g. petrol, kerosene, oil, tar, paint and wax) and Class E fires

³ Assessing compliance with the Nelson Mandela Rules, A checklist for internal inspection mechanisms p10, 24.

⁴ Association for the Prevention of Torture. (2013). Monitoring Police Custody, A Practical Guide. p159.

(electrical). It is also an extremely cold substance, frost burn can occur if there is direct contact with the CO₂.⁵

We also observed that there were no Breathing Apparatus or smoke hoods available for use in the event staff were required to remove people in detention from their cells during a fire emergency.

Staff did not know the difference between different types of fire extinguishers, in particular the dangers of CO₂ in confined spaces, and are not trained in the use of available firefighting equipment.

No fire extinguisher chart was seen identifying the different types of fire extinguisher and their suitability for different classes of fire.

Injury and/or death of a person in custody due to incorrect equipment and/or a lack of training and knowledge on the part of the detaining authority would amount to cruel and inhuman treatment. There are many overseas examples of detainees having been killed in fires in detention.^{6, 7, 8}

Suggestion 2: *A review of firefighting equipment be undertaken:*

- a. to identify whether the use of CO₂ fire extinguishers is appropriate in confined places such as cells or if they should be replaced with a more appropriate extinguisher such as water, foam, or dry chemical*
- b. to ensure staff receive training in the use of firefighting equipment and fire extinguisher identification*
- c. where a range of fire extinguishers are available for use, fire extinguisher charts outlining the different types of fire extinguishers and their uses be located in areas highly visible to all staff.*

CCTV

The current CCTV system commenced operation in July 2006 and has a total of 53 cameras directly associated with the City Police Station and 99 cameras directly associated with the ACT Watch House.

⁵ <https://wormald.com.au/wp-content/uploads/2020/03/CO2.pdf>

⁶ <https://www.reuters.com/world/middle-east/iran-prison-fire-death-toll-rises-protests-rage-2022-10-17/>

⁷ <https://www.newsweek.com/fire-kills-least-41-rips-overcrowded-prison-doors-locked-indonesia-1626979>

⁸ <https://www.reuters.com/article/us-honduras-jail-fire-idUSTRE81E0OK20120215>

The CCTV system provides coverage of all cells and corridors, the sallyport and the charge counter, and includes:

- five Digital Video Recorders (DVR) with monitors
- ten large and six small monitoring screens located in the officer's workspace, and
- two infrared day/night cameras in the padded cells.

CCTV had excellent coverage of the entire facility with no apparent blind spots.

Duress Alarms

There are many things that can go wrong with CCTV. CCTV is only as effective as the equipment installed and the person monitoring it. Individual cameras can become non-operational thereby limiting surveillance by creating blackspots until repairs can be made. Several studies have shown the optimal concentration span for a CCTV operator is 20–30 minutes, after this the monitor's ability to focus and detect anomalies will start to decline.^{9, 10, 11}

The RCIADIC states that proper systems for surveillance should be based on human interaction rather than high technology and, that where such equipment is installed, it should only be used as a monitoring aid and not a substitute for human interaction.

There are large red duress alarm buttons located at strategic points throughout the ACT Watch House which send an immediate alert tone throughout the facility, however, during our visit there were issues with the system working only intermittently. There were also issues with the location of the alarm buttons being high up on walls in corridors which require staff to be able to physically get to a button to raise an alarm.

No personal duress alarms are provided for ACT Watch House staff. If a staff member were to be attacked by a person in detention, or trapped in a cell, it might be some time before other staff noticed. It may also cause delays in attending to people in detention suffering medical episodes, self-harm etc.

⁹ Dadashi, N. (2008). Automatic Surveillance and CCTV Operator Workload. University of Nottingham.

¹⁰ Green, M. (1999). The appropriate and Effective Use of Security Technologies in U.S. Schools. National Institute of Justice.

¹¹ Donald F.M., Donald C.H.M. (2014). Task disengagement and implications for vigilance performance in CCTV surveillance. *Cognition, Technology and Work*, 17(1), 121-130.

Duress alarms are an important safety mechanism for both staff and people in detention where response times are of the essence. They allow staff to alert others of an emergency such as a person in detention attempting self-harm, medical emergency, assaults etc. This enables staff from the broader station to attend and assist as quickly as possible to prevent harm/further harm.

They also allow staff members operating CCTV to immediately bring cameras to bear on the emergency.

Suggestion 3: *Faults with the duress alarm system be identified and rectified and a daily testing regime be implemented to ensure the system is operational at all times.*

Suggestion 4: *Personal duress alarms which can be activated immediately should be provided to watch house staff as opposed to duress alarms on walls which require a staff member to be in a position to physically get to it.*

Staff Personal and Protective Equipment (PPE)

There was no emergency staff PPE on site other than 2 Armadillo Interlocking Riot Shields. There were no helmets, gloves, leg guards or arm guards supplied to staff. Lack of use of PPE has contributed to several injuries to staff (22 in the past 12 months) rendering them inefficient for duty for varying lengths of time and exposing the AFP to workplace injury claims.

We note that staff receive training in de-escalation as a first response to incidents, however no staff received training in cell extractions/insertions including the use of riot shields where attempts to de-escalate fail.

Lack of appropriate response equipment and training may lead to incidents becoming unnecessarily drawn out resulting in preventable injury to staff and people in detention alike. If Watch House staff are off work due to injury it may lead to staff shortages or staff with limited experience in the care and management of people in detention being brought in from other areas to cover the deficiency.

The Mandela Rules encompass training that shall include security and safety, the use of force and instruments of restraint, and the management of violent offenders.¹² The OHCHR states that law enforcement officials be equipped with self-defensive

¹² The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Rule 76, p23.

equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.¹³

Proper defensive tactics training focuses on techniques that prioritise safety and minimise use of force in a manner that prevents injuries to both people in detention and staff. When taught and applied effectively, appropriate defensive tactics significantly contribute to lessening of injuries as the training emphasises the use of minimal, necessary force to control a threat. Proper equipment and training play critical roles in lessening injuries and enhancing safety within any detention environment.

The use of proper PPE can allow staff to enter a dangerous environment with a relative degree of safety to use empty hand tactics thus negating the use of higher levels of force such as Oleoresin Capsicum (OC) and batons etc.

A previous review by the Office of the Commonwealth Ombudsman in 2007 stated that lack of training in cell extractions/insertions limited staff capacity to deal effectively with the work environment and there would be value in providing watchhouse specific training in cell extractions and OC.¹⁴

Suggestion 5: *Appropriate PPE such as helmets, gloves, leg, and arm protectors be made available to assist in resolving violent incidents quickly and lessening injury to both staff and people in detention.*

Suggestion 6: *Appropriate training in cell extractions/insertions be provided to Watch House staff to assist in resolving violent incidents quickly and lessening injury to both staff and people in detention.*

Lighting

As the ACT Watch House is an underground facility, most of the lighting is artificial with some natural light from windows in cell blocks. Artificial lighting throughout the facility was sufficient; however, there was no emergency lighting in place in the event of a complete power failure which would place the Watch House into almost complete

¹³ Office of the High Commissioner for Human Rights, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

¹⁴ Review of ACT Policing's Watchhouse operations, Joint Report by the Australian Federal Police and the Commonwealth Ombudsman, June 2007, Part 4.105

darkness. The Mandela Rules offer a minimum standard for places of detention including artificial light be sufficient to read or work.¹⁵

The Watch House is compliant under normal conditions unless there is a complete power failure. The available light in this situation would make it difficult for staff to effectively observe people in detention, respond to incidents such as assaults, self-harm, medical emergencies, and for staff to find keyholes to open doors in an emergency etc.

The issue was also raised in the 2007 OCO Review of the Watchhouse.¹⁶

Suggestion 7: *Emergency battery operated lighting be installed throughout the facility to provide adequate lighting in the event of a complete power failure.*

Accessibility

People coming into custody enter the Watch House via police vehicle through a driveway and steep ramp at the rear of the Police Station. The driveway leads to a secure vehicle entry sallyport (garage). External entry to the sallyport is secured by a roller door operated by Watch House staff from within the Watch House or from within the sallyport. Police drive a vehicle into the sallyport and onto a rotating plate that allows the vehicle to be turned up to 360° to allow the vehicle to exit. Once inside the sallyport, the roller door is closed and entry to the Watch House is by an internal door which is electronically controlled in the charge room. The sallyport entry is currently used as a pedestrian entry and is also used for releasing people from detention.

As the ACT Watch House was initially a carpark, the vehicle entry is narrow and winds back on itself before entering the sallyport. The entrance at the roller shutter is low with no height markings in place to warn drivers of the maximum height of their vehicle. The sallyport has a single entry and exit point for vehicles as the rear of the sallyport enters into a small courtyard surrounded by the building structure.

¹⁵ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Rule 14, p6.

¹⁶ Review of ACT Policing's Watchhouse operations, Joint Report by the Australian Federal Police and the Commonwealth Ombudsman, June 2007, Part 3.43

The sallyport is small and only able to fit one vehicle at a time. Ambulances are too tall and are unable to fit into the sallyport requiring ill or injured people to be transported up a steep winding driveway onto the main road.

The reception process for each person being detained takes up to 20 minutes and sometimes more than half an hour for those who are uncooperative. During this period, other people must wait outside the Watch House in cramped vehicles that are required to 'ramp' on the street for considerable periods of time.

This makes the sallyport unsuitable for a modern Watch House facility and the primary choke point for the ACT Watch House particularly during peak periods.

The risk to people in detention who are highly intoxicated, may have been exposed to OC spray and remain un-decontaminated, or have underlying medical conditions is unfavourable. All police have a post-incident response duty of care including starting decontamination procedures as soon as possible. In a confined space such as a vehicle pod, the OC is unable to disperse with the effects continuing longer than necessary. There is a risk of heavily intoxicated persons falling unconscious and/or aspirating vomit which could go unnoticed in the confines of a vehicle pod. People with underlying medical conditions may also be left in the vehicle pod unseen by medical personnel for significant amounts of time.

Unnecessary delays due to the sallyport design may be deemed inhuman treatment under OPCAT and were also raised in the 2007 OCO review of the Watch House.¹⁷

Suggestion 8: *A review be undertaken into the infrastructure and operation of the sallyport to address its design deficiencies.*¹⁸

¹⁷ Review of ACT Policing's Watchhouse operations, Joint Report by the Australian Federal Police and the Commonwealth Ombudsman, June 2007, Part 4.3

¹⁸ Association for the Prevention of Torture, Monitoring Places of Detention, p75.

Suggestion 9: *The use of the sallyport as a pedestrian access and for the release of people in detention should cease immediately due to the risk of injury from vehicles accessing and egressing the Watch House and the steep uneven surface of the driveway.*



Image 1: The Watch House Sallyport, Entrance Driveway and Turntable

Furnishings

The charge counter is a long wooden desk-like structure where persons in detention are formally charged and processed prior to being placed into a cell. There is a second small wooden structure at one end which is attached to the top of the charge counter that encloses the computer screen. This structure has a sharp corner that can be used for self-harm or staff injury in the event a person in detention becomes non-compliant or violent.

There is a small screen in front of the computer providing a measure of protection for the staff member operating the computer from being spat on, however, the protection provided is minimal as the remainder of the counter is an open space where people in detention can spit on officers when they are not behind the screen. Persons in detention can also jump the counter and gain access to improvised weapons or commit self-

harm by jumping onto the counter and then jumping off headfirst onto the concrete floor. The screen can also be easily grabbed and ripped from the wall providing people in detention with an edged weapon.

We welcome the banning of the use of spit hoods by the AFP/ACT Policing in April 2023 and note that has presented some challenges to Watch House staff who may need to employ alternative methods to subdue a person, including additional use of force. Alternative methods of protection are currently limited to the wearing of PPE such as plastic face visors which carry their own risks (being ripped off, used as weapons etc) by staff. In the event that this fails and there are no other alternatives then additional force could be applied such as the use of Conducted Energy Weapons (CEW) or OC spray or the use of open-hand tactics which can include wrist and arm locks, upper body holds, neck restraints, pressure point control tactics and ground restraint.

Suggestion 10: *Install an appropriate screen covering the entire charge counter to prevent people in detention from:*

- e. spreading transmissible diseases in the event of spitting or the throwing of other bodily fluids and/or excrement*
- f. accessing the officer's area and having access to improvised weapons*
- g. using the current screen as an improvised weapon, and*
- h. committing acts of self-harm.*

Respect

Religion

Freedom of religion or belief is guaranteed by Article 18 of the *Universal Declaration of Human Rights*, Article 18 of the *International Covenant on Civil and Political Rights*, the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* and s14 of the *Human Rights Act 2004 (ACT)*. The right to religion in detention applies equally to all recognised religions, including First Nations practices, and not only to the mainstream religions in a country. Integrating religion can help address the holistic needs of people in detention, supporting their spiritual, emotional, and psychological well-being.

There was little provision for religious observance of any kind at the ACT Watch House. No chaplain or other religious advisers are available to people in detention. Friday, Saturday, and Sunday are the key days for religious observance in many religions and



are the peak days when most people are in custody in the Watch House. No guidance is available to assist Muslims who may be in custody to undertake daily prayers, however, there was a prayer mat available on request. Staff had no knowledge of the needs of the Islamic religion such as Halal meals and the direction of Mecca for Islamic prayer rituals.

Individual police officers are public authorities under s40A of the *Human Rights Act 2004 (ACT)* when exercising a function under a territory law. Section 40B therefore requires that they give proper consideration to relevant human rights when making a decision and that they not act in a way that is incompatible with rights under that Act.

The Mandela Rules state that access to a qualified representative of any religion shall not be refused to any prisoner and so far as practicable, every prisoner shall be allowed to satisfy the needs of their religious life by attending the services provided in the prison and having in their possession the books of religious observance and instruction of their denomination.¹⁹ The ICCPR enshrines the right for everyone to manifest their religion or belief in worship, observance, practice and teaching.

Suggestion 11: *The ACT Policing chaplain assist in developing a framework to educate ACT Watch House staff to better cater for the religious needs of people in detention.*

Suggestion 12: *Compasses for the most common religions (eg, Judaism, Islam) be purchased to assist staff indicating the direction of prayer for people who request religious observance.*

Complaints

There were 10 complaints made about Watch House operations in the 2021/22 financial year, a significant decrease from 75 in the 2017/18 financial year. The decrease in the number of complaints can be attributed to the various reviews which have been undertaken since 2007, and the implementation of better policies, procedures, and practice from the recommendations and learnings from those reviews including:

- Review of ACT Policing's Watch House Operations, Joint Report by the Australian Federal Police and the Commonwealth Ombudsman, June 2007.²⁰
- ACT Policing, Judicial and Family Violence Operations Unit – Watch House Review, 2018.

¹⁹ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rules 65 & 66.

²⁰ https://www.ombudsman.gov.au/___data/assets/pdf_file/0029/286661/investigation_2007_06.pdf

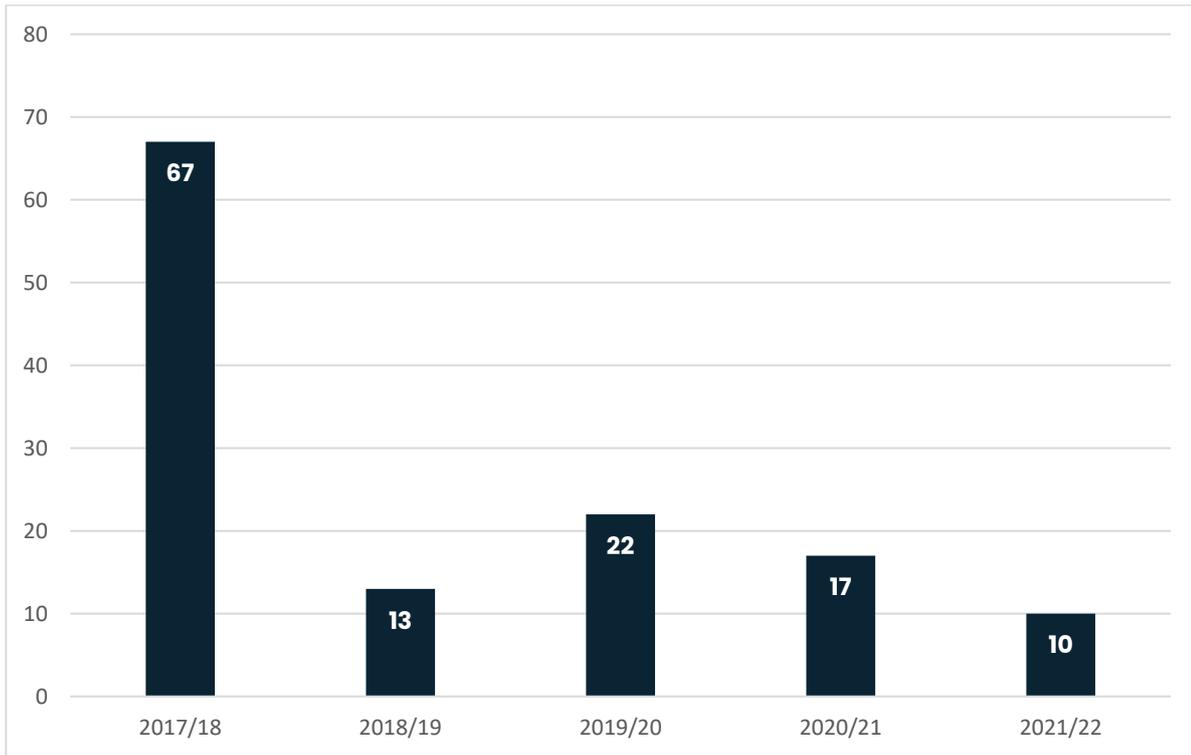


Table 1: Complaints against Watch House operations by financial year

In 2020, ACT Policing developed the *ACT Policing Watch House Action Plan 2021* to address current operations of the Watch House with consideration to be given to the 2018 ACT Watch House Review & the 2007 Ombudsman Review recommendations.

The Action Plan culminated in the development and implementation of a new ACT Watch House Operations Handbook which replaced and updated a myriad of standalone Better Practice Guides which were cumbersome and difficult to keep up to date.

People in detention are made aware of their ability to lodge a complaint and are given a complaints brochure which is placed with their property when it is returned to them, they are also advised post-release that complaints can be made online.

We observed there was adequate advice provided to people in detention about their rights and obligations when in custody in the ACT Watch House, however, advice regarding their right to complain about their treatment was inadequate. There were no posters or other information for people in detention regarding their right to complain or how to go about making a complaint. No information was provided to the one person in detention we witnessed being transferred into the custody of ACT Corrections.

Complaints mechanisms in police custody are essential tools for maintaining accountability, promoting fairness, preventing misconduct, and upholding human rights.

The Mandela Rules provide that every prisoner shall be provided with written information about his or her rights including authorised methods of seeking information including legal advice.²¹ The APT states that people in detention have the right to make complaints about any aspect of their treatment or conditions in detention.²²

Suggestion 13: *Information regarding complaints bodies and mechanisms for making a complaint be mounted on walls in prominent places for people in detention to see and provision of information on making a complaint be provided at the point of transfer or release from custody. This information should also be accessible to persons with language or understanding difficulties.*

Cell Conditions

The ACT Watch House contains a total of 26 cells accommodating up to 52 people in detention. Each cell contains at least one built-in bed with rounded corners, thick foam mattress covered with PVC plastic, a toilet, bubbler for drinking water, and hand basin. With the exception of the padded cells, the toilet and bubbler are activated from inside the cell. An integrated intercom call button and microphone is installed in each cell to allow the person in detention to contact Watch House staff or call for assistance. Each cell has two cameras linked to a CCTV system monitored by Watch House staff.

No ligature points were noted, including hinges on the outside of the doors which had chamfered edges to prevent attaching of ligatures.

Due to the watchhouse having been built within an underground carpark, individual cells do not have windows to allow natural light. Each cell block however, has a large window which allows for some filtered natural light to enter the cells.

All toilets had privacy screens in place providing privacy for people in detention from both the cell window and cameras but still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.

²¹ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 54.

²² <https://www.apr.ch/knowledge-hub/dfd/complaints-procedures>

The Mandela Rules and the APT provide for minimum standards for accommodation such as health, due regard to climatic conditions, floor space, heating and ventilation including that the architecture of the place of detention, in particular the design of the cells, must contribute to guaranteeing the safety of people housed there and that cells be equipped with bathrooms and toilets and include basic furniture.^{23,24}

All cells visually appeared in good condition. Daily cleaning is undertaken by an external contractor and generally cells are in good condition and appear well kept. Cells are wiped down with disinfectant after use. Sealing around the base of the toilet and where the sink unit meets the wall was missing in some cells which may create hygiene issues.

We were advised that cleaners are not trained in forensic cleaning. Forensic cleaning in a detention environment is crucial for maintaining hygiene, managing biohazards, mitigating risk, and ensuring the safety of both staff and people in detention. A clean and well-maintained detention facility can positively influence the psychological well-being of detainees and demonstrates a commitment to their well-being and treatment. The Mandela Rules state that all parts of a prison should be kept scrupulously clean at all times.²⁵

There were large, clear, toughened glass windows which enabled excellent visibility into each cell from the detention area, most of which do not have direct lines of sight. The 2 at-risk cells would have direct lines of sight except there is clutter and signage on the workstation windows. The RCIADIC reported that it is preferable for police cells to be designed to maximise direct visual surveillance.²⁶

There are four cells directly opposite the charge counter which are often used to house juveniles. Dividing the charge counter from these cells is a glass partition which was intended to enable Watch House staff at the charge counter to see into the cells to monitor juveniles in detention. We found it difficult to see inside these cells from behind the charge counter due to signage on the glass stating 'these cells are being video recorded at all times'.

²³ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 12, 13, 14, 15 and 16.

²⁴ <https://www.apt.ch/knowledge-hub/dfd/accommodation>

²⁵ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 17

²⁶ Royal Commission into Aboriginal Deaths in Custody, Recommendation 139

Suggestion 14: *Cleaners undertake formal training in forensic cleaning and be provided appropriate products.*

Suggestion 15: *All clutter and signage on the windows in front of the charge counter and at-risk cells be removed to improve direct surveillance of these cells from the staff workstation.*

Purposeful Activity

Outdoor Exercise

Persons held in police custody in the ACT Watch House are only held for short periods of time and, as legislated in the *Corrections Management Act 2007 (ACT)*, for a maximum of 36 hours. We were advised by the OIC that the majority of people in detention are held for less than 24 hours before being released or transferred into the custody of ACT Corrections.

We also note that due to the small footprint of the facility and no room for expansion there is no outdoor area for people in detention to exercise. Further, due to staffing and security constraints the indoor recreation area in each cell block is unable to be utilised at the current time.

Wellbeing and Social Care

Meals

There is a dedicated kitchen for the preparation of meals for people in detention. Meals are pre-prepared frozen food ordered from the AFP College and supplied by the Compass Group. Tea, coffee, and juice are also available. Proper food and nutrition are critical to safeguarding the health, human rights, and dignity of people in detention.

The APT and the Mandela Rules require every person in detention be provided with food of nutritional value adequate for health and strength be provided at all times.

Little provision has been made for people in detention whose religious beliefs or medical conditions require a special diet to be followed such as kosher or halal meals



or pregnant people. Current practice is that a vegetarian meal suffices as a kosher and halal meal.

Provision for proper religious meals is essential for respecting religious freedom, upholding human rights, and promoting a more inclusive and understanding environment with a commitment to fairness, equality, and respect for individuals cultural and religious backgrounds.

Suggestion 16: *To recognise the cultural and religious diversity of the population, meals properly certified as halal and kosher be made readily available.*

Vulnerable Groups

All people in detention are required to complete a 'Reception and Lodgement of Detainee' form which seeks personal information about them, including an assessment tool for early identification of persons at-risk and with disabilities. The intake form was recently changed to be consistent with the [*ACT Disability Justice Strategy*](#).

There are no disability specific cells at the ACT Watch House, however, the entrance to each cell and cell block is sufficiently wide to allow wheelchair access, although a person with a physical disability in detention will be placed in an unpadded 'at risk' cell if one is available. Normal practice is for any wheelchair or mobility aid (including the detainee's own aids) to be removed once a person in detention is inside the cell to ensure that no potential hanging point is available. There is an onsite wheelchair available if required. No other mobility aids, such as crutches, are available.

Cells are not fitted with handrails to assist persons with a disability accessing toilets, hand basins or bubblers. If these facilities need to be used, a mobility impaired person in detention must seek assistance from Watch House staff. The non-padded 'at risk' cells have the intercom button within easy reach of the bed. It is not clear how a person in detention with very limited mobility would be able to summon assistance.

There is equally limited provision for people in detention with other physical disabilities such as hearing or sight impairment. It is not clear how a sight impaired person in detention would be able to negotiate an unfamiliar cell or locate the intercom to call for help.

Disability or special needs cells are important to ensure the fair and appropriate treatment of individuals with disabilities.

The *United Nations Convention on the Rights of Persons with Disabilities* (CPRD) states that if persons with disabilities are deprived of their liberty, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law, including by provision of reasonable accommodation.

The right to equality and non-discrimination requires reasonable adjustments to ensure equal enjoyment of rights, including humane treatment while deprived of liberty.²⁷

People held in Protective Custody and who are not considered to be at-risk to themselves or others may be taken to a relative or friend, or the Sobering Up Shelter in Ainslie which is operated by Catholic Care Australia. Protective custody is usually for 8 hours but can be extended to 12 hours in exceptional circumstances.

Aboriginal Legal Service NSW/ACT (ALS) must be informed immediately if a person who identifies as First Nations is brought into custody. This includes lodgement for intoxication and breaches of the peace. A register is kept at the Sergeants' desk which must be completed noting the time of the call and whom from ALS was spoken to. This is emailed to ALS each day.

If a First Nations person is to be interviewed, they are provided the opportunity to contact an 'interview friend' (support person). If an interview friend is not available, the ALS will usually provide a lawyer to attend. If a lawyer is also not available, the interview may progress without an interview friend. All efforts to contact an interview friend are recorded on the individual's PROMIS (Police Real Time Online Management Information System) record.

Suggestion 17: *ACT Policing works with the ACT Office for Disability or similar agency to identify reasonable adjustments for people with a disability in at least one cell that has clear lines of sight from the staff workstation. Any adjustments should also be compliant with the CRPD.*

Personnel

Delivery of appropriate care to people in detention requires that an adequate number of qualified staff are available to provide that care. Staff numbers are critical for

²⁷ Human Rights Act (ACT) s8 & 19.

maintaining safety, security, order, and providing necessary services to people in detention. Insufficient staff can lead to challenges in managing the facility effectively and can potentially compromise the well-being of both staff and people in detention and lead to cruel, inhuman, or degrading treatment.

The number of people in custody in the ACT Watch House and the reasons for their detention vary according to the time of day, and the day of the week. The ACT Watch House currently operates under a static staffing model consisting of a limited number of sworn AFP Officers and Protective Service Officers who are sworn as special Members.

All staff members are required to process a person on arrival into the Watch House which takes about 20 minutes but sometimes can take half an hour or more. Likewise, any incident occurring in the facility also requires the attendance of all staff members. Little or no attention can be given to other people in detention in cells during these times, and the model only allows for one incident to be dealt with at a time leaving other people in detention vulnerable to self-harm, medical incidents, assaults etc. Also affecting the number of personnel on duty will be the number of at-risk or high needs people accommodated at any one time as these people require higher levels of care such as more frequent monitoring and/or medical interventions. Providing sufficient staff to handle high numbers of people in detention ensures effective supervision and management, thereby reducing the risks of violence and ensuring timely provision of health care and timely responses to medical emergencies. Failure to provide enough staff to deliver appropriate care is also inconsistent with the AFP's duty of care to ACT Policing members tasked with custodial duties.

ACT Policing has the lowest number of Police members per capita in Australia.

Expected outcome 1.3 of the Mandela Rules provides that 'prisons are adequately staffed during the day and night'.

Suggestion 18: *Review the current static staffing model to assess the numbers of staff required to cope with all aspects of Watch House operations during regular busy periods (Thursday, Friday and Saturday nights), as well as for special events and holidays to ensure adequate numbers of staff are available to deliver an appropriate level of care to all people in detention at all times.*

As at 30 June 2022, 28.7% of ACT Police were female²⁸, yet the ACT Watch House does not have a female member on duty for every shift. Mixed gender staffing is a safeguard against ill-treatment, and the presence of both male and female staff can have a beneficial effect in terms of the custodial ethos and foster a degree of normality in a place of detention. The lack of a female staff member at all times raises concerns when the need arises to search a female person in detention. Both the Mandela Rules²⁹ and the Bangkok Rules³⁰ require that female prisoners shall only be attended and supervised by female staff.

Suggestion 19: *A female staff member be on duty at all times irrespective of whether a female is in custody.*

Physical and Mental Health

Medical Care and Management

Medical services are provided by the Clinical Forensic Medical Services (CFMS) of ACT Health and consists of:

- 11 doctors
- 6 nurses, and
- 4 administration staff.

We observed an excellent working relationship between AFP custodial staff and CFMS who provided cheat sheets for common medical conditions for Watch House staff and were set to deliver ongoing training including ‘fitness for custody’ training in July 2023. Medical staff also perform ‘fitness for interview’ assessments and forensic procedures for people in detention and victims of crime.

There is a dedicated medical room in the ACT Watch House which is staffed by a doctor and nurse contracted by CFMS who are on duty during peak periods as follows:

- Sunday – Wednesday, 5pm–9pm

²⁸ <https://www.pc.gov.au/ongoing/report-on-government-services/2023/justice/police-services>

²⁹ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) Rule 81.

³⁰ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Rules 11 & 19.

- Thursday – Saturday, 9pm–7:30am.

They are also available on a rotational on call basis at all times outside of these hours. The medical room was clean and sanitary with the usual medical room equipment such as a bed, monitoring equipment, and examination equipment. Medications are stored in locked cupboards. However, the room was small and crowded, particularly if 2 medical personnel were required to give emergency treatment. There is no CCTV or other monitoring equipment in this room.

The ACT Watch House has an agreement in place with Northbourne Pharmacy for the provision of medication for people in detention whose medical records are held in ACT Health’s Digital Health Record (DHR), which records all interactions between a person and ACT public health services.

Medical care and management of people in police custody is essential in upholding human rights, ensuring safety and well-being, addressing immediate health needs, and complying with legal and ethical obligations. It plays a critical role in preserving life, providing necessary healthcare, and promoting a just and humane treatment of individuals in the criminal justice system.

The APT stipulates that healthcare at least equivalent to that in the community should be available free of charge to all detainees.³¹

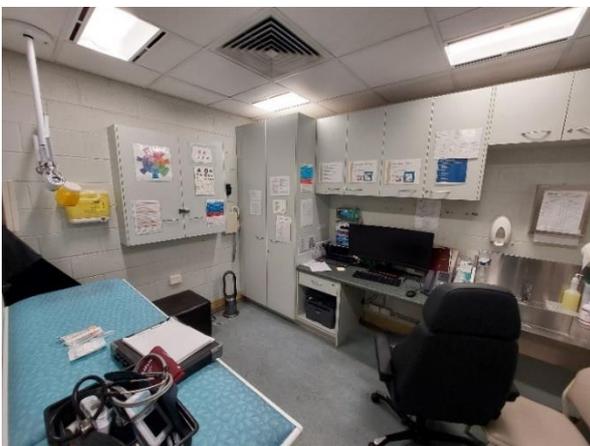


Image 2: ACT Watch House Medical Room

³¹ <https://www.apr.ch/knowledge-hub/dfd/health-care-services#legal>

Information Sharing

We observed information sharing between most stakeholders including AFP, CFMS, ACT Health and ACT Corrections to be very good, particularly with the implementation of the DHR system. However, information sharing with Winnunga Nimmityjah Aboriginal Health and Community Services (Winnunga) is non-existent which limits the ACT Watch House in delivering culturally safe and holistic health care to First Nations people in detention.

We note that Winnunga have information sharing agreements with other agencies including ACT Corrections and meet with them on a regular basis to discuss individual health needs.

Effective information sharing in detention promotes better health care outcomes, supports the delivery of appropriate and timely care, ensures the safety and wellbeing of individuals in detention, and, in this case, would ensure culturally safe healthcare to First Nations people in detention.

The RCIADIC states that Police Services should be in negotiation with Aboriginal Health Services to examine the delivery of medical services to persons in custody including the involvement of Aboriginal Health Services in the provision of health care and the establishment of proper systems of liaison between Aboriginal Health Services and Police to ensure the transfer of information relevant to the health needs of prisoners.³²

Suggestion 20: *ACT Policing, with assistance from the AFP's First Nations Liaison Officers, engage Canberra Health Services to develop a framework for the provision of culturally appropriate health care for First Nations people in detention including information sharing between the ACT Watch House and appropriate agencies.*

Psychological Assessment

The staff at the Watch House raised with us concerns regarding people who needed to be assessed under the ACT *Mental Health Act 2015* before being granted bail. Under current arrangements, a person in custody is transferred to ACT Corrections to be taken to Court for their Bail Hearing, at which point the Magistrate may order a forensic mental health assessment before the person is released.

³² Royal Commission into Aboriginal Deaths in Custody, Recommendation 127.



The person is then transferred back to the Watch House for staff to escort the person to Canberra Hospital, where they may wait, generally handcuffed, for hours for an assessment. Once the assessment is complete, they must be escorted back to the Watch House, and then re-presented to a Magistrate again for either bail or a Forensic Mental Health Order.

In the vast majority of cases, the Court will have finished sitting that day, and the person will then be detained overnight, or, in the case of a Friday afternoon, for the entire weekend, until they can appear before a Magistrate again. This means that some people (ie those who would be granted bail) are sometimes being detained for up to three days when they would otherwise have been released.

One solution to this circumstance, if achievable, would be to have a psychiatrist on duty at the Court so that assessments could be undertaken as soon as the Magistrate requests one, removing the need for transfers to and from hospital, restraint in a medical setting, and unnecessary detention.

Suggestion 21: *The ACT Government (via Canberra Health Services) and ACT Policing review the use of referrals for emergency mental health assessments and how people referred are dealt with when sent for assessment (including any causes of delay) and identify and implement appropriate solutions.*

ACT Police Stations

Summary

Purpose of visit

The Commonwealth NPM and ACT Ombudsman conducted announced visits to the following ACT Police Stations between 20 April and 3 May 2023:

- Belconnen
- Gungahlin
- Tuggeranong
- Woden

These were our first visits to ACT Police Stations as part of our role monitoring places of detention under control of the Australian Federal Police (AFP).

What the visit revealed

All ACT Police Stations are in relatively good condition for their respective ages and are largely compliant with the 1991 Recommendations of the *Royal Commission into Aboriginal Deaths in Custody* (RCIADIC).

The visits identified deficiencies in some aspects of detention operations, in particular a lack of signage for emergency procedures, information for people in detention regarding their rights and responsibilities and access to assistance services such as legal aid, ombudsmen and the NPM. Other deficiencies of note are related to fire safety, CCTV blind spots, monitoring screens being too small to effectively monitor people in cells and lack of toileting privacy.

When making recommendations, suggestions or comments it is essential to consider internationally recognised standards and guidelines such as the Mandela Rules, that provide comprehensive guidance on the treatment of individuals deprived of their liberty and the Bangkok Rules, that offer specific provisions tailored to the unique needs and vulnerabilities of women in the criminal justice system.

Moreover, recommendations should align with the principles and guidelines set forth by the Association for the Prevention of Torture (APT) which provides expertise and support to governments, national institutions, and civil society to ensure compliance with international human rights standards.

By incorporating the Mandela Rules, Bangkok Rules, and the expertise of organisations like the APT into recommendations, stakeholders can work towards promoting respect for human rights and improving the treatment of individuals within the detention system.



Suggestions for Improvement

All facilities

Suggestion 1: *A review of firefighting equipment be undertaken by a suitably qualified person to:*

- a. assess the suitability of CO₂ fire extinguishers for use in confined places such as cells or if they should be replaced with a more appropriate extinguisher such as water, foam or dry chemical;*
- b. appropriate fire extinguishers be placed in the detention area with appropriate signage; and*
- c. where a range of fire extinguishers are available for use, fire extinguisher charts outlining the different types of fire extinguishers and their uses be located in areas highly visible to all staff.*

Suggestion 2: *Current CCTV systems be reviewed and updated or replaced where necessary eg larger screens to enable effective monitoring, particularly with split screens, cameras with a wider field of view or a second camera be installed to eliminate all blind spots.*

Suggestion 3: *A first aid kit and defibrillator be permanently installed with suitable signage in the detention area.*

Suggestion 4: *OC foam be made available for use in the detention area to avoid overspray and over deployment of streamer type chemical agents that may affect other people in detention who are not the subject of the deployment.*

Suggestion 5: *A privacy screen be installed around the toilet to provide privacy for people in detention from both the peephole and cameras but still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.*

Suggestion 6: *Cleaners undertake formal training in forensic cleaning and be provided appropriate products.*

Suggestion 7: *Information regarding complaints bodies and mechanisms for making a complaint be mounted on walls in prominent places for people in detention to see.*

This information should also be accessible to persons with language or understanding difficulties.

Suggestion 8: *All signage regarding emergency and evacuation procedures including muster points be displayed where it can easily be seen by people in detention as soon as possible after completion of refurbishment.*

Suggestion 9: *A lockable room or lockers be provided for property management for people in detention.*

Suggestion 10: *ACT Policing works with the ACT Office for Disability or similar agency to identify reasonable adjustments for people with a disability in at least one cell that has clear lines of sight from the staff workstation. Any adjustments should also be compliant with the CRPD.*

Suggestion 11: *Information regarding ALS, legal aid, Ombudsman services and the NPM be displayed in a prominent place where it can be easily seen by people in detention.*

Belconnen Police Station

Suggestion 1: *A review of firefighting equipment be undertaken to ensure fire hoses can reach all areas of the detention facility.*

Gungahlin Police Station

Suggestion 1: *People with disabilities should not be detained at Gungahlin Police Station until appropriate facilities have been installed or existing facilities modified to ensure accessibility.*

Tuggeranong Police Station

Suggestion 1: *A review be undertaken to identify and reduce the length of time it takes for Police communications to respond to a duress alarm and a testing regime be implemented to ensure the system is operational at all times.*

Suggestion 2: *A defibrillator be permanently installed with suitable signage in the detention area.*

Suggestion 3: *Install an appropriate screen covering the entire charge counter to prevent people in detention from:*

- a. accessing the officer's area and having access to improvised weapons*
- b. spreading transmissible diseases in the event of spitting or the throwing of other bodily fluids and/or excrement*
- c. using the current inappropriate screen as an improvised weapon*
- d. committing acts of self harm.*

Woden Police Station

Suggestion 1: *Any use of the cells be discontinued until the source of the smell of raw sewage has been investigated, identified and rectified.*

Iain Anderson

Commonwealth and ACT Ombudsman



Facilities and Demographics

All ACT Police Stations are ACT Policing facilities under the control of the Australian Federal Police (AFP) located in the Australian Capital Territory.

The Stations opened between 1997 and 2012.

We are aware that Police cells are very rarely used and generally only for holding persons awaiting interview for minor offences who are compliant. There are no current policy or procedures in operation determining how the cells are to be used, as they do not operate at any time as a Watch House except for Tuggeranong, which is a backup Watch House facility in the event the City Watch House becomes inoperable for any reason. It is also used as an overflow facility if the City Watch House is at capacity.

There is no high care accommodation such as padded cells in any Police Station, these are only found in the ACT Watch House which has the appropriate facilities and is staffed by appropriately trained personnel.

There were no persons in custody during our visits.



Observations

Safety

Emergency Evacuation Plans

At the time of our visits, all Stations had emergency and evacuation plans in place, which were incorporated into each Station's broader Business Continuity Plans. Emergency and Evacuation plans were displayed in various places and included emergency exits and muster points.

Such information must be easily accessed by all staff and people in detention in the event of an emergency. The Mandela Rules state that evacuation plans must be in place for the protection of people in detention³³ whilst the Association for the Prevention of Torture (APT) says that cells must be evacuated safely in an emergency.³⁴

Fire Safety

There are approved fire alarms and prevention systems in each station however, none have automated fire suppression systems such as a sprinkler system in place. This is due to suppression systems being able to be used as ligature points.

We observed 36m fire hoses at each station located both within and external to the station.

There were also a mix of Dry Chemical and CO₂ fire extinguishers located throughout each station, however there was an overabundance of CO₂ extinguishers in detention areas.

We are concerned with the use of CO₂ fire extinguishers as they work by displacing oxygen and, as such, are not suitable for use in a confined area such as a cell due to the risk of asphyxiation. CO₂ extinguishers are only suitable for class B fires (flammable and combustible liquids e.g. petrol, kerosene, oil, tar, paint and wax) and Class E fires

³³ Assessing compliance with the Nelson Mandela Rules, A checklist for internal inspection mechanisms p10, 24.

³⁴ Association for the Prevention of Torture. (2013). Monitoring Police Custody, A Practical Guide. p159.

(electrical). It is also an extremely cold substance, and frost burn can occur if there is direct contact with the CO₂.

No fire extinguisher charts were seen identifying the different types of fire extinguishers and their suitability for different classes of fire.

Fire safety in a detention facility is crucial to protect the lives of people in detention who have limited mobility and are unable to fend for themselves. Injury and/or death of a person in custody due to incorrect equipment and/or a lack of training and knowledge on the part of the detaining authority would amount to cruel and inhuman treatment. There are many overseas examples of detainees having been killed in fires in detention.

The Nelson Mandela Rules Checklist state that fire safety measures and protocols are to be in place and known by staff.³⁵

CCTV

We observed CCTV cameras distributed throughout each facility including:

- all external perimeters;
- common areas which are covered by a multitude of cameras including corridors and entries to the detention areas; and
- detention areas including each cell.

All CCTV including the cells are monitored by station staff who have various other duties and are likely not trained in detention monitoring.

We observed that some monitoring screens are very small making it difficult to see detail, particularly when using split screens from multiple cameras at the same time. This can be problematic when observing multiple people in detention.

CCTV in detention facilities plays a crucial role in upholding the principles and objectives of OPCAT by significantly contributing to the prevention of torture and ill-treatment and ensuring that human rights are respected and protected. It is also crucial that monitoring screens are large enough for the observer to identify suspicious activity and potential conflicts to allow for proactive intervention to prevent escalation.

³⁵ Assessing compliance with the Nelson Mandela Rules A checklist for internal inspection mechanisms, p10 & 24.

Intercom and Emergency Call Function

There were intercoms in all cells which were functioning and monitored by station staff. The intercoms can be disabled but only with permission from individual Station Sergeants.

Intercoms are a critical component of detention infrastructure and play a crucial role in ensuring the security and safety of people in detention by providing a means of immediate communication to enable staff to respond to emergencies quickly and efficiently.

As recommended in the *Royal Commission into Aboriginal Deaths in Custody* (RCIADIC), it is imperative that proper functioning intercom systems are in each cell which give direct communication to custodians for people in detention to summon assistance in the event of illness or emergency.³⁶

Duress Alarms

Tuggeranong has a large red duress alarm which sends an immediate alert tone throughout the facility; however, it took police communications about 5 minutes to respond via telephone to determine if there was an actual emergency situation.

Duress alarms are an important safety mechanism for both staff and people in detention where response times are of the essence. They allow staff to alert others of an emergency such as a person in detention attempting self-harm, medical emergency, assaults etc. This enables staff from the broader station to attend and assist as quickly as possible to prevent harm/further harm.

They also allow staff members operating CCTV to immediately bring cameras to bear on the emergency.

³⁶ Royal Commission into Aboriginal Deaths in Custody, Recommendation 140.

First Aid

Each Station had basic first aid kits and defibrillators with appropriate signage and other kits available in all vehicles, including individual kits carried by officers. However, not all Stations had kits and defibrillators located within the detention area.

All staff are trained in basic first aid and CPR including defibrillation. In the event of any medical emergency, ACT Ambulance Service (ACTAS) are notified to attend whilst officers undertake immediate first aid.

Chemical Agents

There was no Oleoresin Capsicum (OC) foam available at any of the Stations, only OC streamer (aerosol spray). This item carries inherent risks of overspray and over deployment, which can enter the ventilation system and be spread throughout the facility, consequently affecting other persons in detention who are not the subject of the deployment. When used in a confined space it can also lead to respiratory distress. This is not acceptable, as any chemical agent must be suitable for the environment it is going to be used in which is why they are available in various forms such as fogger, streamer, and foam.

The European Committee for the Prevention of Torture notes that the use of such agents in very confined spaces, such as cells, entails manifest risks to the health of both people in detention and staff.³⁷

It should be noted that we are not suggesting the use of OC as an option of first choice. Rather, that the type currently being used is not appropriate for use in a confined place (such as a cell) as it can enter the ventilation systems and affect other people not subject to the deployment. The effects of the OC on an individual who is not the subject of the deployment, may be considered torture under OPCAT.

OC is used in every State and Territory police agency as a lawful use of force option contained within individual agencies Situational Use of Force or Tactical Options Models. These Models identify that only the minimum amount of force should be applied to achieve an objective and that the level of force may de-escalate or escalate at any time based on the changing circumstances. The situation will need to be

³⁷ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, p69.

continually re-assessed. OC may be used on persons who are violent and when other tactical options such as presence and verbalisation have failed.

Respect

Cell Conditions

Each station has between one and 5 single cells which all appeared modern and in very good condition, each containing one PVC covered mattress and a working stainless-steel toilet with a sink attached providing access to drinking water.

There was a mixture of cell door types where some had hatches and others did not, windows were all made of strengthened glass. Most had modern key operated locks except for Gungahlin and Woden which had a slide bolt on the upper and lower halves of the cell door.

No ligature points were noted, and hinges were on the outside of the doors had chamfered edges to prevent standing and attaching of ligatures.

Spare mattresses are stored in the ACT Watch House and can be transported to all other stations as required.

We did note that the cells at Woden Police Station all smelled strongly of raw sewage.

The Mandela Rules and the APT provide for minimum standards for accommodation such as health, due regard to climatic conditions, floor space, heating and ventilation, and that the architecture of the place of detention, in particular the design of the cells, must contribute to guaranteeing the safety of people housed there and that cells be equipped with bathrooms and toilets and include basic furniture.^{38,39}

³⁸ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 12, 13, 14, 14, 15 and 16.

³⁹ <https://www.apt.ch/knowledge-hub/dfd/accommodation>

Privacy

Only toilets at Belconnen Police Station had privacy screens in place providing privacy for people in detention from both the cell window and cameras but still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes. All other stations had no privacy screens fitted, so people in detention are in full view of the CCTV cameras and windows when using the toilet.

Toilet privacy in detention settings is an important aspect of ensuring the dignity, safety, and well-being of individuals in custody.

The *International Covenant on Civil and Political Rights* guarantees that no one shall be subjected to arbitrary or unlawful interference with his privacy⁴⁰ and the APT articulates that sanitary installations be in working order and provide adequate privacy.⁴¹

Cleaning Arrangements

Cleaning arrangements for all stations are under contract to ARA Indigenous Services. In the event of a self-harm incident or soiling of a cell, the area would be sealed off until the next cleaning shift or if the cell is required to be placed back into service immediately, cleaners can be called in 24 hours a day 7 days per week.

We were advised that cleaners are not trained in forensic cleaning.

Forensic cleaning in a detention environment is crucial for maintaining hygiene, managing biohazards, mitigating risk and ensuring the safety of both staff and people in detention.

Complaints & Legal Representation

All people in detention are given a complaints brochure which is placed in their property when it is returned to them, they are also advised post-release that complaints can be made online.

⁴⁰ International Covenant on Civil and Political Rights

⁴¹ Association for the Prevention of Torture. (2004). *Monitoring Places of Detention, A Practical Guide*. Geneva, Switzerland. p146, 147

We note that there were no posters or other information for people in detention regarding the complaints procedure. There was some signage displayed in some stations but not others for Aboriginal Legal Services, however, no signage in relation to Legal Aid, the Ombudsman or the NPM was displayed.

Complaints mechanisms in police custody are essential tools for maintaining accountability, promoting fairness, preventing misconduct, and upholding human rights.

The Mandela Rules provide that every prisoner shall be provided with written information about his or her rights including authorised methods of seeking information including legal advice.⁴² The APT states that people in detention have the right to make complaints about any aspect of their treatment or conditions in detention.⁴³

Property

Not all stations had facilities for the storing of property belonging to people who have been placed in detention.

The proper securing and accounting for property belonging to people in detention is a fundamental aspect of ensuring fairness, accountability, and respect for the rights of people in detention. It not only protects their personal belongings but also serves to maintain trust in law enforcement and the justice system.

Purposeful Activity

Outdoor Exercise

We note that persons held in police custody are only held for short periods of time and as legislated in the *Corrections Management Act 2007* (ACT), for a maximum of 36 hours prior to being:

- released;
- charged and bailed; or

⁴² The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 54.

⁴³ <https://www.apt.ch/knowledge-hub/dfd/complaints-procedures>

- transferred to the custody of the Director General of Justice and Community Safety (JACS) for admission to a correctional centre.

We also note that persons are only held in ACT Police Stations for the purpose of being interviewed where they are either released or transferred to the ACT Watch House.

Wellbeing and Social Care

Access to a Lawyer, Visitor Access

Tuggeranong was the only facility with a dedicated visitors room with no monitoring equipment or CCTV, which is able to be used for confidential discussions with lawyers and/or personal visitors.

All other stations had no separate room. The only facilities available were formal interview rooms which is concerning and not appropriate given they have monitoring equipment permanently installed. We were advised that when these facilities are used for meetings with lawyers or visitors, the monitoring equipment must be switched off. This can be visually seen by persons in the room as there are three buttons on the wall which light up when monitoring equipment is switched on and operational. This is considered an adequate safeguard in the absence of being able to make a separate, non-monitored room available.

Confidential access to legal counsel is fundamental for people in detention to receive fair treatment. It is an essential component of a just and equitable legal process. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that the right of a detained person to be visited by and to consult in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations.⁴⁴

Vulnerable Groups

Some of the newer stations are accessible for persons with physical disabilities via wide double doors including into the detention areas, however older stations such as

⁴⁴ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 18.

Gungahlin have narrow corridors not suitable for wheelchairs. Cells are not fitted with handrails to assist disabled persons accessing toilets, hand basins or bubblers. If these facilities need to be used, a mobility impaired person in detention must seek assistance from staff.

There is equally limited provision for people in detention with other physical disabilities such as hearing or sight impairment. It is not clear how a sight impaired person in detention would be able to negotiate an unfamiliar cell or locate the intercom to call for help.

Disability or special needs cells are important to ensure the fair and appropriate treatment of individuals with disabilities.

The United Nations Convention on the Rights of Persons with Disabilities (CPRD) states that if persons with disabilities are deprived of their liberty, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law, including by provision of reasonable accommodation.

No signage in relation to Aboriginal Legal Service (ALS), legal aid, the Ombudsman or the NPM was displayed.

Interviews

All stations had interview rooms available for use which were well furnished with state-of-the-art digital recording built in.

All persons being interviewed are provided the opportunity of having an interview friend present during interview.

Whilst investigating officers are preparing for interview, the person in detention may be housed in the cells with staff carrying out monitoring duties via CCTV and a physical check conducted every 10 minutes.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment states that the electronic recording of police interviews represents an important additional safeguard against the ill-treatment of people in detention. Such a facility can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of any allegations of ill-treatment. This is in the interest both of persons who have been ill-treated by the police and of

police officers confronted with unfounded allegations that they have engaged in physical ill-treatment or the application of psychological pressure.⁴⁵

Shower and Toilet Facilities

All stations except Gungahlin have a shower facility with running hot and cold water where the thermostat is set at an optimal temperature, however, as a safety precaution there is no temperature control available to people in detention but it can be adjusted on request.

The Mandela Rules require shower installations be provided for use as frequently as necessary for general hygiene⁴⁶ and the APT requires sanitary facilities to be in good condition, clean, sufficient in number and easy to access.⁴⁷

Physical and Mental Health

Medical Care and Management

Medical services are provided by the Clinical Forensic Medical Services (CFMS) of ACT Health and consists of a rotating roster of:

- 11 doctors
- 6 nurses, and
- 4 administration staff.

Belconnen and Woden have a dedicated medical room which are modern, well-furnished, and sanitary with the usual medical room equipment such as a bed, monitoring equipment, examination equipment etc. Medications are stored in locked cupboards. There is no CCTV or other monitoring equipment in these rooms.

Medical care and management of people in police custody are essential in upholding human rights, ensuring safety and well-being, addressing immediate health needs,

⁴⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2nd General Report s39 and the 12th General Report s36.

⁴⁶ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 16.

⁴⁷ <https://www.apt.ch/knowledge-hub/dfd/sanitary-facilities-and-personal-hygiene>

and complying with legal and ethical obligations. It plays a critical role in preserving life, providing necessary healthcare, and promoting just and humane treatment of individuals in the criminal justice system.



Methodology

The Commonwealth NPM visits places of detention to:

- monitor the treatment of people in detention and the conditions of their detention
- identify any systemic issues where there is a risk of torture or ill-treatment, and
- make recommendations, suggestions, or comments promoting systemic improvement.

The Commonwealth NPM conducts three types of visits: announced, unannounced, and semi-announced. The type, location, and timing of each visit is determined by the Commonwealth NPM alone.

Each place of detention is assessed in terms of its performance based on the management and conditions for people in detention. We assess these against the 5 indicators of a healthy detention facility, adapted from those used by other international and domestic visiting bodies.

The five indicators of a healthy centre are⁴⁸:

Safety	people in detention are held in safety and that consideration is given to the use of force and disciplinary procedures as a last resort
Respect	people in detention are treated with respect for their human dignity and the circumstances of their detention
Purposeful activity	the detention facility encourages activities and provides facilities to preserve and promote the mental and physical well-being of people in detention
Well-being and social care	people in detention are able to maintain contact with family and friends, support groups, and legal representatives, and have a right to make a request or complaint
Physical and mental health	people in detention have access to appropriate medical care equivalent to that available within the community. Stakeholders work collaboratively to improve general and individual health conditions for people in detention

⁴⁸ These indicators have been adapted from expectations used by international and domestic inspectorates.

The Commonwealth National Preventive Mechanism Mandate

The *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) is an international human rights treaty designed to strengthen the protections for people deprived of their liberty and potentially vulnerable to mistreatment and abuse.

OPCAT does not create new rights for people who are detained, rather it seeks to reduce the likelihood of mistreatment. OPCAT combines monitoring at an international level (by the Subcommittee for the Prevention of Torture) and by National Preventive Mechanisms (NPMs) at a domestic level.

NPMs are independent visiting bodies, established in accordance with OPCAT, to examine the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other cruel, inhuman, or degrading treatment or punishment.

An NPM is not an investigative body. The mandate of an NPM working against torture is preventive: it seeks to pro-actively identify patterns and detect systemic risks of torture, rather than reacting to complaints.

In July 2018, the Australian Government announced the Commonwealth Ombudsman as the visiting body for Commonwealth places of detention (the Commonwealth NPM). At present, the Commonwealth NPM visits places of detention operated by:

- the Department of Home Affairs
- the Australian Federal Police
- the Australian Defence Force

The ACT Ombudsman is part of the ACT NPM and undertakes visits of ACT Policing places of detention operated by the AFP, jointly with the Commonwealth Ombudsman as the Commonwealth NPM.



ACT Policing

Monday, 22 April 2024

Mr Iain Anderson
Commonwealth and ACT Ombudsman

Dear Mr Anderson, *Iain*

Our reference: EC24-001458

Thank you for your correspondence dated 5 April 2024.

I am writing in relation to the National Preventive Mechanism (NPM) Visits to the ACT under the Operational protocol to the Prevention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) by the Commonwealth NPM and your office throughout May and June 2023.

Thank you for providing your final copies of the Post Visit Summaries (the Report). ACT Policing appreciates the opportunity to provide final comment on the Report and an updated response to the findings and associated suggestions.

ACT Policing has provided an update to its preliminary response to your suggestions (**Attachment A**) and acknowledges progress in relation to the suggestions will be monitored in the next OPCAT inspection. ACT Policing continues to be committed to addressing the issues raised in your Report, including progressing further initiatives to achieving a high level of ongoing compliance throughout our facilities, noting that in some instances ACT Government investment will be required.

ACT Policing notes that the Report will now be released in its entirety and made available on your website. We are grateful for the opportunity to review the Report's content for any sensitive information.

Should you require any additional information please contact [REDACTED]
[REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]





**ACT
Policing**

ACT Policing Response to Final Summaries

Commonwealth National Preventive Mechanism and ACT
Ombudsman's findings recent visits to ACT Police Stations and
Watch House

April 2024

police.act.gov.au

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ACT Policing Response to Summaries in December 2023

Throughout May and June 2023 ACT Policing facilitated the National Preventive Mechanism (NPM) Visits under the Operational Protocol to the Prevention against Torture and other Cruel, Inhuman and Degrading Treatment of Punishment (OPCAT) by the Commonwealth NPM and the ACT Ombudsman.

On 24 November 2023 the ACT Ombudsman provided AFP the Post Visit Summaries from each station visit. The ACT Ombudsman invited the AFP to review the Report and correct any errors of fact or omissions, and or provide a formal response to the findings and associated suggestions.

ACT Policing's December 2023 response addressed the suggestions from the NPM visits:

- ACT Policing Watch House: 21 suggestions - 2 noted, 1 partially accepted, 18 accepted.
- ACT Policing Tuggeranong Police Station: 12 suggestions - 1 noted, 1 partially accepted, 10 accepted.
- ACT Policing Woden Police Station: 11 Suggestions - 1 partially accepted, 10 accepted.
- ACT Policing Belconnen Police Station: 5 Suggestions - all accepted.
- ACT Policing Gungahlin Police Station: 5 Suggestions - all accepted.

In response to the Summaries supplied in November 2023, ACT Policing promptly addressed several suggestions that required immediate attention. These included:

- Woden Police Station Suggestion 6: That any use of the cells be discontinued until the source of the smell of raw sewage has been investigated, identified, and rectified.
 - In the first instance the contracted cleaner has been instructed to weekly flush the toilets in the cells to ensure fresh water runs through the pipes.
 - Further investigations will be conducted to ensure there is not a more systemic problem with the plumbing.
- Gungahlin Police Station Suggestion 4: People with disabilities should not be detained at Gungahlin Police Station until appropriate facilities have been installed or existing facilities modified to ensure accessibility.
 - Officer In Charge of Gungahlin Police Station has instructed the cells should not be used for those with a disability.
- Watch House Suggestion 9: The use of the sallyport as a pedestrian access and for the release of people in detention should cease immediately due to the propensity for injury from vehicles accessing and egressing the Watch House and the steep uneven surface of the driveway.
 - Instruction to members has been disseminated requiring pedestrian exit via the sallyport to cease immediately, unless significant justifiable risk exists.

Detainees are to be escorted via the internal entry and City Police Station Front Office.

- ACT Policing is investigating additional non-slip driveway coating for the sallyport ramp.

ACT Policing is not in a position to action the following suggestion for the ACT Watch House in the foreseeable future:

- Watch House Suggestion 8: A review be undertaken into the infrastructure and operation of the sallyport to address its design deficiencies.
 - This would require significant funding from ACT Government to undertake this suggestion given the scale of works required.
 - ACT Policing did however, note this suggestion, recognising while this vulnerability cannot be addressed through the Watch House remediation project, the issue will be highlighted in the design consultation of the new ACT Policing Watch House facility in coming years.
- ACT Policing noted Tuggeranong Police Station Suggestion 11: That ACT Policing works with the ACT Office for Disability or similar agency to identify reasonable adjustments for people with a disability in at least one cell that has clear lines of sight from the staff workstation. Any adjustments should also be compliant with the CRPD.
 - ACT Policing requested funding through the ACT Government 2023 mid-year budget process for the purpose of upgrading and refurbishing the Tuggeranong Police Station detention facility. This proposal was not prioritised or funded by ACT Government.
- ACT Policing partially accepted the following Suggestion for the Watch House (1), Tuggeranong (1) and Woden (1) Police Stations: Signage regarding emergency and evacuation procedures including muster points be placed in strategic locations throughout the facility in plain view of both staff and people in detention.
 - Despite recommendations by the Ombudsman, best practice with custodial facilities is not to place emergency egress locations and plans in view of detainees.
 - In light of this, it will be incumbent on members to maintain competency in evacuation procedures and that this is regularly tested.

ACT Watch House Remediation Project

In recognition of the enduring risk that exists within ACT Police custodial facilities, in early 2023 ACT Policing redirected some existing capacity and created the Watch House Remediation Project. This project continues to implement a number of initiatives, which are focused on reducing custodial risks. The NPM Visit Report suggestions will be considered and, where appropriate, incorporated into the outcomes of this project.

Resource implications

A predominant number of suggestions have been addressed through ACT Policing's business as usual activities. Additionally, several suggestions include items that were already part of an asset replacement process.

The ACT Government has funded upgrades for the ACT Watch House which will see investment against a number of the suggestions for the Watch House, including a screen for the front counter.

ACT Government funding agreement

In 2023 under the More ACT Policing initiative, ACT Policing were able to secure an additional 126 FTE, of which an additional 13 FTE are for the Watch House. Under the same initiative, the ACT Government provided \$200,000 for ACT Policing to evaluate and install 'proof of life' monitoring technology.

On 21 November 2023 the ACT Government approved the provision of \$2.258M to ACT Policing, to be used for a range of upgrades and maintenance to the ACT Watch House. Some of these upgrades will further mitigate custodial risk, and risk to ACT Policing members.

As part of the *Agreement between the ACT Government and the Australian Federal Police for the provision of policing services to the Australian Capital Territory (the Agreement)*, ACT Government is responsible for the provision of appropriate facilities and associated infrastructure to enable the provision of policing services by the AFP. The *Agreement* includes the following principles which guides ACT Government decision making on ACT Policing facilities:

- Principle 1 – Maintain ACT Policing's current accommodation infrastructure footprint in a fit for purpose state.
- Principle 2 – Align ACT Policing's infrastructure with operational needs, supporting capacity and capability in the context of the Policing Service Model.
- Principle 3 – ACT Policing infrastructure presence should support a growing Canberra.
- Principle 4 – Proactively manage ACT Policing's infrastructure portfolio and accommodation needs, having regard for whole of government strategic plans and programs and working collaboratively across relevant ACT Government agencies and other stakeholders.

In meeting ACT Government's responsibilities under the Agreement, it works in consultation with ACT Policing to establish strategic plans and programs which facilitate the responsibility to provide ACT Policing with appropriate facilities and associated infrastructure for the provision of policing. ACT Policing is responsible for management and maintenance of its facilities in accordance with the funding provided through the Agreement. Any remedial or significant works in addition to the annual program for maintenance, is considered by the ACT Government through the Governance Framework and as required, through the ACT Government Budget Process.

Some suggestions, particular those relating to a change or addition to the infrastructure of the detention facility, will require ACT Government funding. ACT Policing will continue to seek funding from the ACT Government to ensure detention facilities in the ACT meet best practice, and that those in detention, and ACT Policing members, are safe.

ACT Policing Response to Final Summaries

The Final Summaries have been restructured since December 2023. The two final documents included the following breakdown of suggestions, along with their current status:

- ACT Policing Watch House: 21 suggestions - 2 noted; 1 partially accepted; 7 accepted; 5 actioning; 5 actioned; 1 completed.
- ACT Policing All Facilities: 11 suggestions - 1 partially accepted; 7 accepted; 3 actioning.
- ACT Policing Belconnen Police Station: 1 suggestion – 1 actioning.
- ACT Policing Gungahlin Police Station: 1 suggestion – 1 actioning.
- ACT Policing Tuggeranong Police Station: 3 suggestions – 2 accepted; 1 actioning.
- ACT Policing Woden Police Station: 1 suggestion – 1 actioned.

ACT Policing's response to each Suggestion is included in the tables in the following pages.

Gungahlin Joint Emergency Services Centre (JESC)

On 27 February 2024, the Justice and Community Safety Directorate (JACS) was advised of some hazardous materials in a worksite being managed by building contractors in the Gungahlin Joint Emergency Services Centre (JESC). As a result of the contamination issue and taking a precautionary approach and to ensure the safety and wellbeing of its staff, ACT Policing and the Emergency Services Agency enacted business continuity arrangements. Gungahlin station-based police officers have been moved to the former Traffic Operations Centre in Belconnen.

As a result of this move, ACT Policing has been unable to access Gungahlin Station to address suggestions for this station. Once it is safe for ACT Policing to access the JESC, consideration of the suggestions will commence again.

ACT Policing City Station

On 6 February 2024, ACT Policing Executives inspected ACT Policing City Station which had suffered water damage after a significant amount of rain. It was agreed that the majority of the City Station ground floor was no longer a sustainable and appropriate workplace in its current state. The top floors and basement have evidence of water damage also, however, manageable at that stage, but remain under continual evaluation including air quality and humidity. ACT Policing Executives made a very serious and well considered decision to enact the first stage of the City Station Business Continuity Plan (BCP). This decision is based on risk and wellbeing of ACT Policing members, with the community expectations and services also at the forefront.

The decision to enact the BCP meant that all members working on the ground floor of City Station were relocated to other premises. The Front Office area continues to operate within a quarantined area with access to amenities. The remaining floors of City Station, including the Watch House, continue to be monitored for health and safety concerns, and should they too be deemed to be high risk, further stages of the BCP will be enacted.

As a result of enacting the BCP, ACT Policing has been unable to progress some remedial actions for the ACT Policing Watch House due to access limitations and urgent repairs occurring around the ACT Policing City Station.

ACT Policing Watch House		
#	Suggestion/Recommendation	Comment
1	All signage regarding emergency and evacuation procedures including muster points be placed in strategic locations throughout the facility in plain view of both staff and people in detention.	<p>Partially accepted</p> <p>December 2023: Despite recommendations by the Ombudsman, best practice with custodial facilities is not to place emergency egress locations and plans in view of detainees.</p> <p>In light of this, it will be incumbent on members to maintain competency in evacuation procedures and this is regularly tested.</p> <p style="color: red;">April 2024: A contractor has been engaged to upgrade existing signage.</p> <p style="color: red;">A review of all WHS compliance and governance is currently being conducted.</p>
2	<p>A review of firefighting equipment be undertaken:</p> <p>a. identify whether the use of CO2 fire extinguishers is appropriate for use in confined places such as cells or if they should be replaced with a more appropriate extinguisher such as water, foam, or dry chemical.</p> <p>b. ensure staff receive training in the use of firefighting equipment and fire extinguisher identification.</p> <p>c. where a range of fire extinguishers are available for use, fire extinguisher charts outlining the different types of fire extinguishers and their uses be located in areas highly visible to all staff.</p>	<p>Actioning</p> <p>December 2023: Referred to the Contractor currently providing portable fire safety equipment – part of the service and maintenance under AS1851 is the requirement to conduct an annual site audit of equipment and suitability to site. This forms part of the requirements for the issue of an Annual Fire Safety Statement.</p> <p>ACT Policing has an existing in-house resource who is capable and qualified to deliver any face-to-face training.</p> <p>Fire extinguisher charts are readily available, however careful consideration needs to be made as to how these are affixed to walls, such that frames or laminated charts are not readily accessible in a potential security situation where detainees are non-compliant, as these items could readily become weaponised and rapidly escalate risk to ACT Policing members and detainees.</p> <p style="color: red;">April 2024: A review of all WHS compliance and governance is currently being conducted by ACT Policing and AFP.</p> <p style="color: red;">Fire warden and extinguisher training is being developed to capture all current Watch House staff and in coming members.</p>
3	Faults with the duress alarm system be identified and rectified	Actioned

	and a daily testing regime be implemented to ensure the system is operational at all times.	<p>December 2023: Procurement process underway to select a provider to address faults with the alarm system.</p> <p>With the proposed Watch House training/governance team coming online, the development of a duress alarm testing regime will be an early task for integration into the Watch House documentation. This regime can be tailored across the other ACT facilities.</p> <p>April 2024: A Contractor has been awarded the contract to install a new duress system.</p>
4	Personal duress alarms which can be activated immediately should be implemented as opposed to duress alarms on walls which require a staff member to be in a position to physically get to it.	<p>Accepted</p> <p>December 2023: Recommendation for personal duress alarms will be re-addressed by the Watch House Remediation Project.</p>
5	Appropriate PPE such as helmets, gloves, leg, and arm protectors be acquired to assist in resolving violent incidents quickly and lessening injury to both staff and people in detention.	<p>Actioned</p> <p>December 2023: It is envisaged this will be completed soon.</p> <p>April 2024: Helmets, shields, and safety mats have been delivered to Watch House.</p> <p>Knee pad (inserted to operational pants) have been trialed/accepted and ACT Policing is awaiting delivery.</p>
6	That appropriate training in cell extractions/insertions be provided to Watch House staff to assist in resolving violent incidents quickly and lessening injury to both staff and people in detention.	<p>Actioned</p> <p>December 2023: Training proposal has been endorsed and is currently before the AFP approval committee.</p> <p>April 2024: Cell extraction training endorsed. Trainers have been identified to deliver the training package and a training schedule is being drafted to capture existing and new Watch House members.</p>
7	That emergency battery operated lighting be installed throughout the facility to provide adequate lighting in the event of a complete power failure.	<p>Actioned</p> <p>April 2024: Emergency lighting upgrades work is scheduled to commence soon.</p>
8	A review be undertaken into the infrastructure and operation of the sallyport to address its design deficiencies.	<p>Noted</p> <p>December 2023: It is unlikely ACT Government funding would be available to undertake this recommendation given the scale of works required.</p> <p>ACTP recognise this as a vulnerability which cannot be addressed through the Remediation project but will be cognisant of this suggestion during the design consultation of the new facility in coming years.</p>

<p>9</p>	<p>The use of the sallyport as a pedestrian access and for the release of people in detention should cease immediately due to the propensity for injury from vehicles accessing and egressing the Watch House and the steep uneven surface of the driveway.</p>	<p>Actioned</p> <p>December 2023: Instruction to members disseminated that pedestrian exit via the Sallyport to cease under the majority of circumstances. Unless significant justifiable risk exists, detainees are to be escorted via the internal entry and Front Office until remediation identified below is finalised.</p> <p>ACT Policing is investigation additional non-slip driveway coating for the Sallyport ramp.</p> <p>April 2024: ACT Policing documents amended to reflect Suggestion 9.</p> <p>The activation of the City Station and Gungahlin General Duties Business Continuity Plans has impacted ACT Policing’s resources and ability to progress this upgrade. Due to remediation works being conducted on external areas of City Station, a pause has been placed on the proposed sallyport upgrades.</p> <p>ACT Policing to engage a contractor to draft initial sketch plans. Which will incorporate improved pedestrian access via a low-rise staircase, to exit on London Circuit, improved access via standard door instead of opening roller doors and improved safety measure relating to potential slip hazards at the decontamination shower.</p> <p>Works have commenced on lighting and access to the Sallyport.</p>
<p>10</p>	<p>The installation of an appropriate screen covering the entire charge counter to prevent people in detention from:</p> <ul style="list-style-type: none"> a) spreading transmissible diseases in the event of spitting or the throwing of other bodily fluids and/or excrement; b) accessing the officer’s area and having access to improvised weapons; c) using the current screen as an improvised weapon; and d) committing acts of self-harm. 	<p>Actioning</p> <p>December 2023: Awaiting final designs and advice.</p> <p>April 2024: Contractor engaged and has provided designs. ACT Policing to assess and comment.</p> <p>Design Guidelines and Technical Specifications pertaining to custodial facilities have been obtained from Victoria Police for consultation. They will be a consideration in future design works undertaken by ACT Policing.</p>

<p>11</p>	<p>That the ACT Policing chaplain assist in developing a framework to educate ACT Watch House staff to better cater for the religious needs of people in detention.</p>	<p>Accepted</p> <p>April 2024: ACT Policing has engaged with the AFP Chaplain Network and plans to engage with a broad range of ACT faith leaders to ensure current practices meet the diverse needs of detainees.</p> <p>To support ACT Policing members, the Australian New Zealand Police Advisory Agency's (ANZPAA) Religious and Spiritual Diversity Guide for Operational Police is also made available to all members working within the Watch House. This document provides current and approved information on religious observations from a wide range of major religions.</p>
<p>12</p>	<p>Compasses for the most common religions (eg, Judaism, Islam) be purchased to assist staff indicating the direction of prayer for people who request religious observance.</p>	<p>Accepted</p> <p>December 2023: To be handled internally by Remediation Project team.</p> <ul style="list-style-type: none"> • A cell be nominated for appropriate directional prayer markings. • Bundle in with poster creation project (recommendation 13). <p>April 2024: ACT Policing will include appropriate painted directional prayer markings in cells within the Watch House.</p>
<p>13</p>	<p>That information regarding complaints bodies and mechanisms for making a complaint be mounted on walls in prominent places for people in detention to see and provision of information on making a complaint be provided at the point of transfer or release from custody. This information should also be accessible to persons with language or understanding difficulties.</p>	<p>Accepted</p> <p>April 2024: The Post Custody Flyers is now in use in the Watch House. An update has been added to Watch House documentation outlining the reasoning for the change and the processes that have been implemented to ensure compliance.</p> <p>The Post Custody Flyers include information the mechanisms for making a complaint, privacy information regarding taking/recording and use of private information and biometrics. QR codes have been added to assist detainees in accessing information. Members are currently identifying the most common non-English languages spoken in the ACT to have the Post Custody Flyers translated into.</p> <p>The Bill posters have been drafted and the content and materials used are currently being reviewed.</p>
<p>14</p>	<p>That cleaners undertake formal training in forensic cleaning and be provided appropriate products.</p>	<p>Actioning</p> <p>December 2023: ACT Policing is reviewing the cleaning contract to establish if this recommendation is already addressed. If not, the contract will be updated to require the provider conducts training to address this suggestion.</p>

		<p>April 2024: ACT Policing reviewed the cleaning contract to establish if this recommendation is already addressed.</p>
15	<p>All clutter and signage on the windows in front of the charge counter and at-risk cells be removed to improve direct surveillance of these cells from the staff workstation to be compliant with rule 139 of the RCIADIC.</p>	<p>Actioning</p> <p>December 2023: Watch House to review relevance and necessity of literature/signage and remove that which is not required.</p> <p>April 2024: All clutter and signage on the windows in front of the charge counter and at-risk cells be removed to improve direct surveillance of these cells from the Constables workstation.</p> <p>Lighting in the area of the At-Risk Cells has been upgraded, which has improved the visibility of those areas.</p>
16	<p>To recognise the cultural and religious diversity of the population, meals properly certified as halal and kosher be made readily available.</p>	<p>Accepted</p> <p>December 2023: Given the current infrequency of requests for halal and kosher food, it is not viable to pre-purchase halal and kosher foods from the available suppliers. Any purchase of a meal with halal and kosher requirements would be made upon as needed basis to reduce wastage.</p>
17	<p>ACT Policing works with the ACT Office for Disability or similar agency to identify reasonable adjustments for people with a disability in at least one cell that has clear lines of sight from the staff workstation. Any adjustments should also be compliant with the CRPD.</p>	<p>Actioning</p> <p>December 2023: ACT Policing currently undertaking this body of work and funding has provided through the ACT Government's midyear budget.</p> <p>April 2024: ACT Policing met with contractors, to conduct a site visit and scope of works for the reasonable adjustment cell. Two options have been proposed with option 2 being deemed not viable due to is not being compliant with <i>Recommendation 17 OPACT 2023 report and UN Convention on the Rights of Persons with Disabilities (CRPD), regarding line of site.</i></p> <p>Option 1 involves the merging of two cells which would reduce the compacity of the Watch House, this would allow the changes to comply with the DA. Further engagement with architect's and certifiers in relation to compliance with wheelchair access.</p> <p>ACT Policing has meet with ACTP Disability Justice and Community Engagement Team to discuss aspects of neurodiversity and custody management that potentially can be applied to the Reasonable Adjustment Cell.</p>

18	That a review of the current static staffing model be undertaken to assess the numbers of staff required to cope with all aspects of Watch House operations during regular busy periods (Thursday, Friday and Saturday nights), as well as for special events and holidays. Adequate numbers of staff must be available to deliver an appropriate level of care to all people in detention at all times.	<p>Completed</p> <p>December 2023: Suggestion 18 is addressed in its entirety.</p>
19	That a female staff member be on duty at all times irrespective of whether a female is in custody.	<p>Noted</p> <p>December 2023: ACT Policing ensures a female member is rostered for every shift in each of the operational patrol zones, ensuring ready availability of a female member, should there be no female rostered within the Watch House.</p>
20	ACT Policing, with assistance from the AFP's First Nations Liaison Officers, engage Canberra Health Services to develop a framework for the provision of culturally appropriate health care for First Nations people in detention including information sharing between the ACT Watch House and appropriate agencies.	<p>Accepted</p> <p>December 2023: ACT Policing Watch will engage with Canberra Health Services on this Suggestion. Any additional services will need to be separate from the current contract.</p> <p>ACT Policing believes there is a misunderstanding of information sharing arrangements already in place. ACT Policing will continue to ensure where possible, best practice is implemented in relation to First Nations people in detention.</p> <p>Clinical Forensic Medical Services and Canberra Health Services have confirmed existing protocols are sufficient and do not compromise the privacy of individuals – noting individual consent is still sought for third party notifications.</p>
21	The ACT Government (via Canberra Health Services) and ACT Policing review the use of referrals for emergency mental health assessments and how people referred are dealt with when sent for assessment (including any causes of delay) and identify and implement appropriate solutions.	<p>Accepted</p> <p>December 2023: ACT Policing will work with Canberra Health Services and the Justice and Community Safety Directorate to review this referral process.</p>

ACT Policing All Facilities

#	Suggestion/Recommendation	Comment
1	<p>A review of firefighting equipment be undertaken by a suitably qualified person to:</p> <p>a. assess the suitability of CO2 fire extinguishers for use in confined places such as cells or if they should be replaced with a more appropriate extinguisher such as water, foam or dry chemical;</p> <p>b. appropriate fire extinguishers be placed in the detention area with appropriate signage; and</p> <p>c. where a range of fire extinguishers are available for use, fire extinguisher charts outlining the different types of fire extinguishers and their uses be located in areas highly visible to all staff.</p>	<p>Actioning</p> <p>December 2023: Referred to contractor currently providing portable fire safety equipment – part of the service and maintenance under AS1851 is the requirement to conduct an annual site audit of equipment and suitability to site. This forms part of the requirements for the issue of an Annual Fire Safety Statement.</p> <p>Fire extinguisher charts are readily available, however careful consideration needs to be made as to how these are affixed to walls, such that frames or laminated charts are not readily accessible in a potential security situation where detainees are non-compliant, as these items could readily become weaponised and rapidly escalate risk to ACT Policing members and other detainees.</p>
2	<p>Current CCTV systems be reviewed and updated or replaced where necessary eg larger screens to enable effective monitoring, particularly with split screens, cameras with a wider field of view or a second camera be installed to eliminate all blind spots.</p>	<p>Accepted</p> <p>December 2023: Current systems are due for asset replacement. Replacement requirements will include seeking to implement this Suggestion and consideration of the significant space restrictions with current monitor placement in front office. Additionally, asset replacement and configuration will also need to consider members well-being.</p>
3	<p>A first aid kit and defibrillator be permanently installed with suitable signage in the detention area.</p>	<p>Accepted</p> <p>December 2023: Careful consideration needs to be made as to how these items are affixed to walls, such that frames or laminated charts are not readily accessible in a potential security situation where detainees are non-compliant, as these items could readily become weaponised and rapidly escalate risk to ACT Policing members and other detainees. Contents of the first aid kit could easily be concealed and either weaponised or used as ligatures etc. for detainees to attempt self-harm. Any installation of this type of equipment should be located within secure staff station areas.</p>
4	<p>OC foam be made available for use in the detention area to avoid overspray and over deployment of streamer type chemical agents that</p>	<p>Accepted</p> <p>December 2023: OC foam canisters to be purchased and provided to each Station.</p>

	may affect other people in detention who are not the subject of the deployment.	
5	A privacy screen be installed around the toilet to provide privacy for people in detention from both the peephole and cameras but still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.	Accepted December 2023: In consultation with the Justice and Community Safety Directorate, ACT Policing will seek to install similar modesty panels to those already existing in ACT Policing Watch House.
6	Cleaners undertake formal training in forensic cleaning and be provided appropriate products.	Actioning December 2023: ACT Policing is reviewing the cleaning contract to establish if this recommendation is already addressed. If not, the contract will be updated to require the provider conducts training to address this suggestion. April 2024: ACT Policing reviewed the cleaning contract to establish if this recommendation is already addressed.
7	Information regarding complaints bodies and mechanisms for making a complaint be mounted on walls in prominent places for people in detention to see. This information should also be accessible to persons with language or understanding difficulties.	Accepted December 2023: ACT Policing is working with several internal teams to address and collaborate with the Ombudsman to develop content. Officers in Charge of each Station to decide the most appropriate and safe location for the information to be positioned.
8	All signage regarding emergency and evacuation procedures including muster points be displayed where it can easily be seen by people in detention as soon as possible after completion of refurbishment.	Partially accepted December 2023: Despite recommendations by the Ombudsman, best practice with custodial facilities is not to place emergency egress locations and plans in view of detainees. Considering this, it will be incumbent on members to maintain competency in evacuation procedures and that this is regularly tested.
9	A lockable room or lockers be provided for property management for people in detention.	Accepted December 2023: In consultation with the Justice and Community Safety Directorate, ACT Policing to measure and install suitable secured storage for those in detention.
10	ACT Policing works with the ACT Office for Disability or similar agency to identify reasonable adjustments for people with a disability in at least one cell that has clear lines of sight from the staff workstation. Any adjustments	Actioning December 2023: ACT Policing is working with the ACT Office for Disability and similar agencies to identify reasonable adjustments for people with a disability that may be held within ACT Policing's custodial facilities.

	<p>should also be compliant with the CRPD.</p>	
<p>11</p>	<p>Information regarding ALS, legal aid, Ombudsman services and the NPM be displayed in a prominent place where it can be easily seen by people in detention.</p>	<p>Accepted December 2023: ACT Policing is working with a number of internal teams to address and collaborate with the Ombudsman to develop content. Officers in Charge of each Station to decide the most appropriate and safe location for the information to be positioned.</p>

ACT Policing Belconnen Police Station

#	Suggestion/Recommendation	Comment
1	A review of firefighting equipment be undertaken to ensure fire hoses can reach all areas of the detention facility.	<p>Actioning</p> <p>December 2023: Referred to contractor currently providing portable fire safety equipment – part of the service and maintenance under AS1851 is the requirement to conduct an annual site audit of equipment and suitability to site. This forms part of the requirements for the issue of an Annual Fire Safety Statement.</p>

ACT Policing Gungahlin Police Station

#	Suggestion/Recommendation	Comment
1	<p>People with disabilities should not be detained at Gungahlin Police Station until appropriate facilities have been installed or existing facilities modified to ensure accessibility.</p>	<p>Actioning</p> <p>December 2023: Instruction disseminated to relevant members to not detain persons with disabilities at Gungahlin Police Station. Disability requirements will be included in the refurbishment of the Joint Emergency Services Centre.</p> <p>April 2024: ACT Policing has been unable to access Gungahlin Station to address suggestions for this station. Once it is safe for ACT Policing to access the JESC, consideration of the suggestions will commence again.</p>

ACT Policing Tuggeranong Police Station

#	Suggestion/Recommendation	Comment
1	A review be undertaken to identify and reduce the length of time it takes for Police communications to respond to a duress alarm and a testing regime be implemented to ensure the system is operational at all times.	<p>Accepted</p> <p>December 2023: Consultation has occurred within ACT Policing to implement this suggestion. Outcomes of the Watch House Remediation Project review of Watch House duress response training regime may be tailored to regional facilities.</p>
2	A defibrillator be permanently installed with suitable signage in the detention area.	<p>Accepted</p> <p>December 2023: Careful consideration needs to be made as to how these items are affixed to walls, such that frames or laminated charts are not readily accessible in a potential security situation where detainees are non-compliant, as these items could readily become weaponised and rapidly escalate risk to ACT Policing members and other detainees. Contents of the first aid kit could easily be concealed and either weaponised or used as ligatures etc. for detainees to attempt self-harm. Any installation of this type of equipment should be located within secure staff station areas.</p>
3	<p>Install an appropriate screen covering the entire charge counter to prevent people in detention from:</p> <ul style="list-style-type: none"> a. accessing the officer's area and having access to improvised weapons b. spreading transmissible diseases in the event of spitting or the throwing of other bodily fluids and/or excrement c. using the current inappropriate screen as an improvised weapon d. committing acts of self harm. 	<p>Actioning</p> <p>December 2023: In consultation with the Justice and Community Safety Directorate, ACT Policing will seek to install similar modesty panels to those already existing in ACT Policing Watch House.</p>

ACT Policing Woden Police Station		
#	Suggestion/Recommendation	Comment
1	Any use of the cells be discontinued until the source of the smell of raw sewage has been investigated, identified and rectified.	<p>Actioned</p> <p>December 2023: In the first instance the contracted cleaner has been instructed to weekly flush the toilets in the cells to ensure water is recycled frequently to rectify the unpleasant odours. Should the problem persist, further investigations will be conducted to ensure there is not a more systemic problem with the plumbing.</p>

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Commonwealth Ombudsman

Level 5, 14 Childers Street

Canberra ACT 2600

Tel: 1300 362 072

Email: ombudsman@ombudsman.gov.au