



AFP National Guideline on persons in custody and police custodial facilities

1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on the disclosure of information](#).

Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for members to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Acronyms

ACT	Australian Capital Territory
ACTP	ACT Policing
AFP	Australian Federal Police
ALS	Aboriginal Legal Service
<small>s37(2)(b), s47E(d)</small>	
CATT	Crisis and Awareness Treatment Team
CFACT	Clinical Forensics ACT
PROMIS	Police Real-time Online Management Information System

3. Definitions

Appointee – is defined in s. 4 of the [Australian Federal Police Act 1979](#) (Cth).

Attempt at suicide – is a committed or reckless attempt at serious or life-threatening self-harm.

Charging – is the process of:

- charging a person with a criminal offence
- processing a person for warrants
- processing a person for breach of the peace matters
- lodging an intoxicated person
- lodging a person in custody for any other purpose.

Custodial facility – means a structure used by police or government or other government employees to lawfully secure, hold, detain or imprison a person, and includes places described as a:

- watch-house
- holding cell
- lock-up
- prison.

Custody – includes, in this guideline, 'custody care or control' unless otherwise stated. It means restricting or removing a person's right to freedom of movement, including inducing a belief they may not exercise their free will as a result of dealings with police and if a person is:

- in the company, care, custody or control of a member or special member, and is restricted from leaving that company for the time being
- placed in a holding room
- lodged in police cells or an area or facility controlled by police
- subject to administrative detention
- arrested.

Indigenous Australian – is a person:

- of Aboriginal or Torres Strait Island descent
- who identifies as an Aboriginal or Torres Strait Islander and is identified as such within the community in which they live.

Intersex person – is a person who because of a genetic condition was born with reproductive organs or sex chromosomes that are not exclusively male or female.

Intoxicated – means being under the influence of alcohol, another drug or substance, or a combination of alcohol, drugs or substances.

Major Airport – is an Australian airport with a permanent AFP presence.

Medical condition – includes any condition requiring or having a pre-existing regime of care, treatment, attention or assistance, and includes psychiatric care or treatment.

Medical practitioner – means person registered to practise:

- medicine in Australia by the Medical Board of Australia, including as a psychiatrist: and a
- psychologist registered by the Psychology Board of Australia.

Member – means an AFP sworn appointee and includes an AFP:

- special member

- employee undergoing recruit training to be a sworn member or protective service officer
- employee declared to be a member under s. 40B of the AFP Act
- employee declared to be a protective service officer under s. 40EA of the AFP Act.

Person at risk – is a person in custody who is, or is suspected to be:

- under the age of 18
- an Indigenous Australian
- highly intoxicated
- showing, or believed by any person to show, any inclination to harm themselves or another person
- causing any concern about their physical or mental wellbeing
- suffering from a medical condition
- incapable of making a rational decision on their need for medical treatment
- at risk of harm from other persons in custody due to the circumstances of their incarceration.

Responsible person – is a person who can care for an intoxicated person and is:

- a relative, guardian or friend of the intoxicated person who is at least 18 years old and not intoxicated
- a solicitor acting on behalf of the intoxicated person
- the manager of a place licensed under legislation for caring for intoxicated persons
- any other adult person (unaffected by intoxicants) to whom it is reasonable to release the intoxicated person.

Search – includes frisk search, ordinary search, strip search or taking of forensic samples as defined in legislation.

Serious injury – means an injury which needs or receives treatment from a medical practitioner.

Special member – means, for the purposes of this guideline, a person appointed as a special member under s. 40E of the AFP Act or as a special protective service officer under s. 40EC of that Act and who is:

- seconded or attached to the AFP for a fixed term or
- employed by the AFP.

It does not include a special member or special protective service officer who is:

- employed by another agency and
- working within that agency.

Transgender person – is a person who identifies as a member of a different sex by:

- living, or seeking to live, as a member of that sex
- living as a member of that sex whether or not the person is a recognised transgender person.

Recognised transgender person - is a person whose record of sex is altered under Part 4 of the [Births, Deaths and Marriages Registration Act 1997](#) (ACT) or under the corresponding provisions of a law of a state or another territory.

Watch-house – is a facility used to charge and hold persons in AFP custody in an Australian jurisdiction. A reference to a specific watch house refers only to that watch house. ('AFP watch house' means any watch-house in the ACT or Jervis Bay. 'ACT Watch-house' or 'Jervis Bay Watch-House' refers only to that facility.)

Watch-house Sergeant – means, in the AFP:

- in the ACT, the member performing the duties of the sergeant in the City Watch-house
- at Jervis Bay, Norfolk Island, Cocos Keeling Islands or Christmas Island police stations, the senior member rostered for duty.

'Watch-house Sergeant' is otherwise a watch-house sergeant/custody manager in the relevant jurisdiction of another police force.

4. Guideline authority

This guideline was issued by the Chief Police Officer for the ACT using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s.69C of the Act.

5. Introduction

This guideline establishes requirements to manage persons in AFP custody and guides members on appropriate handling of any person in police custody. This guideline should be read with the ACT Policing Watch-house Operations Manual.

6. Policy

All forms of custody must be appropriate and justified in the circumstances. Police must minimise any potential for injury when exercising custody powers.

Any person in police custody must be treated with humanity, dignity and regard for their civil rights, and not be subjected to cruel, inhumane or degrading treatment.

Members must have regard to the Ministerial Council for Police and Emergency Management 'Standard Guidelines for Police Custodial Facilities'.

7. Rights of a person in custody

The legal rights of a person in police custody for the purposes of questioning are outlined in Part 1C of the [Crimes Act 1914](#) (Cth). These rights are not exclusive and members should also consider legal rights and issues relevant to:

- juveniles (refer Crimes Act 1914)
- females
- minority and ethnic groups
- cultural and religious considerations
- other applicable legislation.

A useful reference is ['A Practical Reference to Religious Diversity for Operational Police and Emergency Services'](#) by the Australasian Police Multicultural Advisory Bureau.

7.1 Children

If it is necessary to keep a child or young person in any custodial facility they must be lodged separately from other persons in custody.

7.2 Health or medical care

Members uncertain about a person in custody's medical (including psychiatric) condition, or whether that person can make a rational decision on their need for medical treatment, should seek medical attention on their behalf. Particular care should be given to persons defined as 'at risk'.

7.3 Communication and access

Persons in custody may make a request to communicate with a legal practitioner and/or a relative or friend. Where requested, such facilities must be made available as soon as is practicable. If the person has difficulty in speaking, hearing or understanding English an interpreter service must be provided.

Members must note that special provisions apply to persons detained under Part III, Division 3 of the [Australian Security Intelligence Organisation Act 1979](#) (Cth).

Members may deny communication by a person in custody to another person under s. 23L of the [Crimes Act 1914](#) (Cth) where it is believed on reasonable grounds communication may result in:

- an accomplice taking steps to avoid apprehension
- concealment, fabrication or destruction of evidence
- intimidation of a witness
- harm to another person if questioning is delayed.

Members must only deny communication with a legal practitioner in accordance with s. 23L(3) of the [Crimes Act 1914](#) (Cth).

If a person in custody's request to communicate with another person is denied under Part 1C, the reasons for that decision must be recorded

s37(2)(b), s47E(d)

s37(2)(b), s47E(d)

7.4 Indigenous Australians

For indigenous Australians, s. 23H of the [Crimes Act 1914](#) (Cth) provides for:

- notifying Aboriginal Legal Aid (ALS)
- contact with and presence of an interview friend, unless expressly and voluntarily waived by the person.

Where an Indigenous Australian is taken into custody the arresting member must ensure the

ALS is notified and notification is sent by facsimile. Members must record all ALS notifications and notification attempts in the relevant PROMIS incident.

Members should refer to the [Aboriginal Interview Friends and Interpreters – Statutory List Pursuant to Section 23J of the Crimes Act 1914](#).

7.5 Smoking by a person in custody

Members must not permit persons in custody to smoke in any AFP premises or vehicles. Persons being interviewed may, however, be allowed a cigarette break to rest or recuperate (as a period excluded from the investigation period pursuant to s. 23C(7)(h) of the [Crimes Act 1914](#) (Cth)).

Members must record (ideally in the record of interview before and after a break) that a cigarette break was requested by an interviewee and taken to rest and recuperate.

8. Interviews

Members must, when a person is arrested and to be interviewed, comply with Part 1C of the [Crimes Act 1914](#) (Cth).

The member interviewing a person in custody must ensure:

- the person is not left alone
- their behaviour is assessed to determine if they are a 'person at risk'
- the room is clear of objects that could be used as weapons
- if there is any indication that the person requires medical treatment, the treatment is obtained as soon as possible
- if any concern is held for the person, medical advice is obtained as soon as possible.

8.1 Children and Young persons

Members must only interview children and young persons in the presence of a parent, guardian or other responsible adult of the interviewee's choosing. If such a person cannot be located or cannot attend within 2 hours, an interview friend or a senior police officer not involved in the matter may be utilised in their place. A legal advisor may be present if requested.

8.2 Indigenous Australians

The member interviewing an Indigenous Australian must comply with s. 23H of the [Crimes Act 1914](#) (Cth).

Members need not contact an Aboriginal Interview Friend to be present while an Indigenous Australian is in custody specifically to conduct a breath analysis (per the [Road Transport \(Alcohol and Drugs\) Act 1977](#) (ACT)).

8.3 Interview Friend

When an interview friend is present during an interview, the member must advise them they:

- may not interfere with the interview procedure
- may not assist interviewee responses to questions
- may be excluded from the interview if interference occurs.

9. Search of a person in custody

Members must comply with the [Crimes Act 1900](#) (ACT), [Crimes Act 1914](#) (Cth) and/or other relevant jurisdictional legislation when searching persons in custody.

Members responsible for a person in custody must ensure they are thoroughly searched before putting them in a holding room or AFP cell.

Members must not search a person without another member present, unless it is unavoidable.

Where practicable searching must be conducted by a member of the same gender or, where the person identifies as a transgender or intersex person, by a person of the gender to which the person identifies.

Members searching persons should be aware of, and take precautions to minimise the risk of exposure to contagious diseases.

9.1 Strip searching

Where a police officer of the rank of Superintendent or higher has authorised a strip search of a person in custody or a forensic search of a person in custody is required, the Watch-house Sergeant must ensure the search complies with the [Crimes Act 1900](#) (ACT) and the [Crimes Act 1914](#) (Cth) as outlined in the ACTP Watch-house Operations Manual.

10. Holding rooms

Holding rooms are for the detention and safekeeping of persons in custody pending further legal proceedings.

Holding rooms must, wherever possible, be equipped with a video surveillance camera that operates while a person is placed in, held in and removed from the room. Rooms not so equipped must only be used for custody purposes if a member remains with the person in custody. In all other cases the arresting member must ensure the person is conveyed to a watch-house as soon as possible.

The arresting member or any nominated member must:

- remove any property that may reasonably be suspected to be able to be used for self harm, harming others or damaging property before placing the person in the room
- ensure continuous video-recorded observation of holding room occupants
- record movement into and out of any holding room and record those details s37(2)(b), s47E(d)
- physically check a person in a holding room at reasonable intervals in accordance with the person's condition.

Members must ensure the person's well-being by:

- talking to them to help allay fears about their present or future circumstances
- if they are asleep, ensure they are breathing comfortably and appear well.

If there is reason to be concerned about the physical or mental condition of a person in custody, that person must be treated as a 'person at risk'.

11. Property

Members taking property (for any reason) from a person in custody must:

- record its details:
 - in an official AFP notebook
 - official AFP endorsed form or
 - where available on audio/video tape and
 - including the person's (preferably) or corroborator's signature/attestation of the record's accuracy (on tape or by signature)
- secure it appropriately
- handle appropriately any item with specific cultural or religious significance
- hand it to watch-house personnel if the person is lodged there
- Watch-house staff must itemise, record and lodge in safe storage (for the custody duration) any property or item seized during a search.
- return it to released persons and obtain a receipt (recorded as above)
- deal with any property seized as evidence in accordance with the [AFP National Guideline on property and exhibits](#).

12. Conveying person in custody to watch-house

Where a person has been arrested and is to be conveyed to the watch-house the member must, on arrest:

- ensure compliance with Part 23C of the [Crimes Act 1914](#) (Cth) (investigation periods)
- notify the watch-house at the earliest opportunity of that intention or ensure police communications notify the watch-house
- ensure notifications include:
 - whether the person is an adult or a juvenile
 - whether the person is male or female
 - where applicable, the persons level of intoxication
 - the demeanour of the person.

12.1 Attendance at Watch-house

Where members attend the watch-house with a person in custody they must comply with legislation relevant to the jurisdiction and, where applicable, refer to the ACTP Watch-house Operations Manual.

Members must not approach or speak to persons in watch-house custody, or allow others to do so, without authorisation by watch-house staff.

13. Interviews with persons in custody in a Watch-house

Members must ensure:

- persons held in a watch-house are only interviewed in an interview room equipped with video recording equipment
- [s37\(2\)\(b\)](#) records all movement to and from the cell
- interviews by legal advisers or visits by a family member or friend occur in a designated visitors' booth attached to the watch-house
- persons lodged in protective custody for intoxication are not interviewed about any offence while lodged for that condition.

14. Counter-terrorism detention

Members with custody of a person detained under the Part III, Division 3 of the [Australian Security Intelligence Organisation Act 1979](#) (Cth) should refer to the:

- [Guidelines for cooperation between the Australian Security Intelligence Organisation and the AFP on the exercise of powers of detention and questioning pursuant to Part III, Division 3 Australian Security Intelligence Organisation Act 1979.](#)

15. Person in custody admission

Watch-house staff must, when a person in custody arrives there, ensure an initial assessment is conducted and recorded in [s37\(2\)\(b\)](#)

[s37\(2\)\(b\)](#) Each assessment must include a series of questions as outlined in the ACTP Watch-house Operations Manual.

15.1 Formal Charge

When a person is formally charged, the Watch-house Sergeant must:

- complete the [s37\(2\)\(b\)](#)
- implement and record any response to issues arising from an assessment
- read and explain each charge to the person and administer the formal caution.

Interpreter services must be used if the person has difficulties speaking, hearing or understanding spoken English.

16. Protective custody (intoxication)

Members must note some Australian jurisdictional legislation allows members to take intoxicated people into protective custody and decriminalises public intoxication, focusing on the care and protection of persons (including other members of the public) and property (including the intoxicated person's property).

For ACT specific legislation requirements please refer to the ACT Policing Watch-house Operations Manual.

17. Assessing fitness for custody

Persons in custody are entitled to the same standard of medical care as any other member of the public. Members must be satisfied that persons are fit to be placed in, or remain in, custody.

If there is reason to be concerned about the physical or mental condition of a person in custody, that person must be treated as a 'person at risk'.

18. Medical responsibilities

Members medical responsibilities for people in custody complement national and international standards set for medical practitioners, including:

- [World Medical Association Declaration of Geneva \(1948\)](#)
- [World Medical Association Declaration on the Rights of the Patient \(1981\)](#)
- [World Medical Association Declaration of Tokyo \(1975\)](#)
- [United Nations Principles of Medical Ethics \(Protection of Prisoners and Detainees\) 1982](#)
- [Australian Medical Association \(AMA\) Health care of Prisoners and Detainees -1998.](#)

18.1 Medical attention

The member responsible for a person in custody must take reasonable steps to ensure that person receives proper medical attention if that person:

- requests medical attention or advice
- shows signs of impaired sensibility
- appears to be or is suffering from any illness, disease, drugs or poison
- is unconscious or lapsing into and out of consciousness
- shows signs of recent injury
- fails to respond to stimuli
- is depressed or disturbed
- is seriously ill
- presents in a manner that raises any doubt about their health.

If not satisfied on any point above, the member must promptly arrange medical attention/advice.

18.2 Intervention

Intervention which removes clothing from or restrains a person must be performed by members of the same gender unless the circumstances demand immediate action. Such assistance must be minimised. For example, a male police officer's emergency assistance to removing a female person's clothing should be limited to restraining the person.

18.3 Urgent medical attention

If there are any signs the person requires urgent medical attention the member must immediately arrange for an ambulance to attend at the scene and/or take appropriate action to provide medical assistance.

18.4 Medical conditions

A person in custody may suffer from injury or illness that may be a threat to themselves or others. Members must be alert to medical conditions which can be life-threatening and require urgent medical attention. Some symptoms and signs of serious conditions can be confused with less serious conditions, in particular, with alcohol or drug use or abuse.

Medical conditions that require careful assessment and monitoring include:

- epilepsy
- head injury
- diabetes
- use/misuse of alcohol
- use/misuse of prescription or illicit drugs
- impaired intellectual ability
- other psychological illnesses/conditions.

Some of these conditions can co-exist; the detection of alcohol does not exclude head injury or diabetes.

18.5 Medical examination

Where practicable, consent must be obtained before a person in custody is medically examined. Examinations may be carried out to:

- establish the person's medical condition
- record their injuries
- enable the medical practitioner to advise on suitable treatment
- establish the person's fitness for interview or detention.

A member who has custody of a person and acquires information relating to the medical condition of the person (through observation or voluntary disclosure by the person) must ensure the information is recorded to inform members who later assume custody responsibilities.

In the ACT, Clinical Forensic ACT (CFACT) must, wherever possible, be utilised to assess or treat a persons in custody.

In other jurisdictions, AFP requests to assess or treat a person in custody must be facilitated through the nearest hospital emergency department unless other arrangements formally exist.

19. Hospitals

Where medical treatment for an injury or illness cannot be conducted at a police station the person must be conveyed to hospital.

These provisions do not apply to persons in 'protective custody' under legislation regarding intoxicated persons. Such persons must be released into the custody of ambulance personnel and records made of this.

If a person in custody is seriously ill or not easily roused and needs to be taken to a hospital or

other place for treatment or admission for medical procedures, transport will be by ambulance, and a member will travel with the person in custody. A member must remain with a person in custody until they are discharged from the hospital and returned to exclusive police custody.

Members who want to interview a person in hospital must apply for permission from the senior medical officer on duty at that hospital.

Where court proceedings must be held in a hospital, the team leader must ensure necessary arrangements are made with appropriate hospital staff for the court to sit at the hospital.

20. Suicidal and self harm behaviour

Where a risk of suicide or self harm is identified in relation to a person in police custody, members must seek advice from the relevant jurisdiction's mental health service.

20.1 Mental health assessment

Members must, if it is warranted, ensure a mental health assessment and crisis management plan is obtained from the Mental Health ACT Crisis Awareness and Treatment Team (CATT) for a person in AFP custody:

- lodged in the ACT watch-house
- awaiting AFP interview.

If the CATT cannot or will not attend, Clinical Forensics ACT (CFACT) must be contacted.

If CATT attendance is considered unsafe, the person in custody must be transported to Accident and Emergency, Canberra Hospital for CATT assessment. CFACT should also be informed where the person is transported to that hospital.

If a person in custody is assessed to be a person at risk, a second member must be present to continually monitor that person when transported.

21. Advice to next of kin

If a person in custody suffers a serious injury or dies, the family, next of kin, nominated contact person or representative body (for example a legal representative) must be notified as soon as practicable.

Members must notify a deceased person's next of kin as soon as possible. Where the next of kin resides in the ACT, members must deliver the advice in person.

If this advice needs to be delivered elsewhere in Australia, the investigating member must forward a request to the state or territory police station nearest the location of the next of kin.

If the next of kin resides outside Australia, the member should seek the assistance of the s37(2)(b), s47E(d) to deliver the information through the appropriate channels. If the next of kin of a foreign national is not known, the investigating member must notify the s37(2)(b), s47E(d) who should then notify Diplomatic Missions.

22. Death in custody

If a death in custody occurs the member at the scene must ensure their team leader and the relevant Superintendent are notified as soon as possible. Additional notifications include:

- The Officer-in-Charge/on-call Duty Superintendent must notify the Duty Commander.
- The Duty Commander must notify the Manager, Professional Standards or in their absence, the Professional Standards Internal Investigation on call member.
- The Coroner's Officer must be notified as soon as practicable and advised of the circumstances.

The Manager Professional Standards is responsible for any internal investigation relating to a death in custody. All deaths in custody must be treated as a crime scene and investigated accordingly. The Manager Professional Standards or in their absence, the Duty Commander, must appoint an independent investigation team to investigate the circumstances of the death.

The members involved with the person while in police custody which include the informant, the Watch-house staff and other members directly involved with the deceased, are not to take part in the investigation process, other than as witnesses.

If an Indigenous Australian dies in custody, the case officer and the AFP Indigenous Community Liaison Officer must, after consultation with the Coroner, notify and provide requested information (and the time and date of coronial inquest) to the deceased's family and Aboriginal Legal Service.

23. Escape from lawful custody

If a person escapes from lawful custody the member directly responsible for that person's custody must notify their team leader as soon as possible. The team leader must then notify the relevant officer-in-charge or (after hours) the on-call Duty Superintendent.

The member's officer-in-charge or the on-call Duty Superintendent must cause an investigation into the circumstances of the escape and notify the Duty Commander of the investigation outcome. This need not apply if Professional Standards are involved.

24. Transporting persons in custody

24.1 Transport by vehicle

All vehicles in which persons in custody may be placed must be searched:

- when commencing each shift
- after transporting a person in custody
- when completing each shift.

Members must, where possible, search arrested or detained persons before placing them in police vehicles.

Members transporting persons in custody using caged vehicles must be vigilant to reduce safety risks. Where practicable, 2 members must accompany a person in custody being transported in a caged vehicle and the second member must monitor the welfare of the person.

Where appropriate, a non-aggressive person responding to police directions may be transported in a sedan and:

- seated in the left rear
- if a prisoner capsule is not fitted, beside a member
- with door 'child locks' locked.

A vehicle being used to convey a person in custody must not become involved in urgent duty driving or a pursuit (per the [AFP National Guideline: ACT Policing: Urgent Duty Driving and Pursuits](#)).

24.2 Travelling through airports

Police or government officials with persons in their custody may travel through Australian major airports. Members must note that:

- the AFP does not maintain custodial facilities at any Australian major airport
- AFP Aviation cannot supervise escorted persons in custody, other than those it takes into custody as its usual business.

24.3 Responsibilities of custodians

Non-Aviation members travelling through an Australian major airport with persons in custody must, in relation to that person, retain sole responsibility for:

- Notifying any custodial movements s37(2)(b)
- custody, supervision and security of the person(s) s37(2)(b)
- complying with relevant guidelines
- duty of care considerations and obligations
- providing meals and prescription medication
- notification and lodgement procedures relevant to external custodial facilities
- transport needs, including:
 - transport to and/or from the airport
 - air transport
 - transport within the airport environment
- contacting the relevant airport prior to travel to confirm the specific facilities available at that airport.

24.4 Responsibilities of AFP Aviation

Where operational priorities allow, AFP Aviation may extend support to other AFP portfolios, other state/territory police or government officials in circumstances which include facilitating:

- appropriate passage through customs and/or immigration processes

- access to interview rooms s37(2)(b), s47E(d)
s37(2)(b), s47E(d)
- access to available airport AFP interview rooms and/or secure rooms.

All AFP Aviation support must be authorised by the relevant Airport Police Commander or their delegate.

24.5 Transport by aircraft

When a person in custody will be transported by aircraft, the escorting members must ensure:

- the aircraft operator is advised a person in custody will be under escort per the [Aviation Transport Security Regulations 2005](#) (Cth) (and the [Notification Form requirements](#))
- an escort is available at the flight destination
- s37(2)(b), s47E(d)
- prior to boarding, the flight captain and a senior cabin attendant is advised of their presence.

See also:

- [AFP Practical Guide on escorts](#)
- [Aviation Transport Security Regulations 2005](#) (Cth).

25. Dietary considerations

Before giving any food to a person in custody, the Watch-house Sergeant must ensure the person is asked whether they have any relevant:

- allergies (noting some can kill)
- medical needs (e.g. diabetes control)
- religious restrictions.

Watch-house staff must respond to and record this information

s37(2)(b)

s37(2)(b)

If any doubt exists as to the type of, or need for any food or medication, medical advice should be sought. If the person shows any signs of distress after taking the medication or eating food, no more should be given and medical attention sought immediately.

26. Medication

If a person in custody has medication or an aerosol spray for asthma or similar medical condition, The member responsible for that person in custody must ensure

- advice of a relevant medical practitioner is sought to ensure the medication is appropriate and safe to administer
- prescribed medication is available and taken as stated in its attached instructions
- administering of medication is recorded and any person to whom the custody transfers is advised accordingly.

Watch-house staff must respond to and record this information and advise any succeeding members about it.

If any doubt exists as to the type of or need for any medication, medical advice should be sought. If the person shows any signs of distress after taking the medication, no more should be given and medical attention sought immediately.

27. Use of chemical agents

A member who uses a chemical agent against another person must ensure the person receives, as soon as practicable, adequate medical attention and/or de-contamination treatment. Training for members deployed in a watch-house will include specific instruction on using oleoresin capsicum (OC) foam. Refer also to:

- [AFP Commissioner's Order on Use of Force \(CO3\)](#)
- [AFP Practical Guide on the use of oleoresin capsicum \(ACT Policing\)](#)
- ACTP Watch-house Operations Manual.

28. Charge adjudication

The Watch-house Sergeant must ensure the propriety of any charge proposed against any person and the statement of facts is complete and supports the charge(s).

The Watch-house Sergeant will refuse to charge a person if:

- the facts do not constitute an offence
- a summons would be effective.

Members may request the officer-in-charge of the watch-house to review a decision by the Watch-house Sergeant to refuse a charge.

29. Bail considerations

When a person has been charged, the Watch-house Sergeant must consider whether to provide immediate bail under relevant legislation.

30. Placement in cells

Arresting members must not assist removing persons in custody from the charge counter area to the police cells unless directed to do so by the Watch-house Sergeant.

The Watch-house Sergeant may place a person in a padded cell if that person:

- behaves in a manner likely to cause injury
- is violent
- is uncontrollable
- has attempted self-harm.

Watch-house staff must keep such persons under constant surveillance and move them to a conventional cell when circumstances allow.

31. Inspecting cell occupants

Inspection of cell occupants will be in accordance with the ACTP Watch-house Operations Manual. Watch-house staff must maintain close surveillance if the person in custody:

- gives any concern about the physical or mental condition
- is intoxicated
- appears angry, withdrawn or depressed.

Heavily intoxicated persons should be placed in the 'coma position' and checked regularly to ensure they remain in that position to reduce the risk of choking on vomit.

32. Privacy and disclosure

Details of a person in custody must only be disclosed in compliance with:

- the person's wishes
- the [AFP National Guideline on the disclosure of information](#)
- Commonwealth law.

33. Watch-house visitors

The Watch-house Sergeant may permit, subject to legislative restrictions, arranged visits to persons in custody by their family members, legal advisor(s) or other appropriate persons. Such visiting times should not be unreasonably restrictive.

34. Personal hygiene and clothing

Watch-house staff must:

- ensure persons in custody can attend to their personal hygiene
- encourage persons in custody to shower as necessary
- provide (with help from that person's friends or relatives if possible) clean clothing to wear instead of soiled clothing
- advise medical personnel of any hygiene or medical problems.

35. Complaints

Members must deal with complaints by persons in custody according to the:

- [AFP Commissioner's Order on Professional Standards \(CO2\)](#)
- [AFP National Guideline on Complaint Management](#).
- ACT Policing Watch-house Operations Manual.

If a person in custody in a Watch House wishes to make a formal complaint, they will be advised how they may lodge one and be given the opportunity to do so in accordance with the ACT Policing Watch-house Operations Manual.

36. PROMIS

s37(2)(b)

Members must use the PROMIS s37(2)(b) to process persons in a watch-house. If not operating, members must:

- manually record details for later entry
- update the s37(2)(b) when it becomes available
- file the manual records.

37. Watch-house CCTV

The Watch-house Sergeant must ensure the process of charging, processing, lodgement and release is recorded.

The Video Operations Team are responsible for the supply, processing and storing of CCTV footage tapes.

Members who require a copy of a CCTV footage tape must request it s37(2)(b)
s37(2)(b)

38. Custody transfer file

Watch-house staff must:

- create a custody transfer file for each person in custody transferred to or from the watch-house.
- give the custody transfer file to staff of the receiving watch-house
- record the transfer file movement in the person in custody's property sheet.

39. Watch-house shift changeover

The outgoing Watch-house Sergeant must brief the incoming sergeant on the status of each person in custody.

40. Facility checks

Members should:

- check cells and cell facilities daily to ensure they are in good working order
- search and clean them after use
- record cell checks in s37(2)(b)

41. Emergency procedures

All members working at a watch-house must be aware of relevant emergency procedures, including evacuation procedures.

42. Use of force reporting

Any use of force must be reported to comply with the [AFP Commissioner's Order on Use of Force \(CO3\)](#).

Within a watch-house escorting a compliant person in custody (who offers no resistance) does not require reporting per CO3, but should be recorded s37(2)(b)

43. Further advice

Any queries relevant to the content of this National Guideline should, in the first instance, be referred to Officer in Charge, Judicial Operations ACT Policing.

44. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Security Intelligence Organisation Act 1979](#) (Cth)
- [Aviation Transport Security Regulations 2005](#) (Cth)
- [Bail Act 1992](#) (ACT)
- [Births, Deaths and Marriages Registration Act 1997](#) (ACT)
- [Crimes Act 1900](#) (ACT)
- [Crimes Act 1914](#) (Cth)
- [Crimes \(Forensics Procedures\) Act 2000](#) (ACT)
- [Intoxicated Persons \(Care and Protection\) Act 1994](#) (ACT)
- [Road Transport \(Alcohol and Drugs\) Act 1977](#) (ACT).

AFP governance instruments

- [AFP Commissioner's Order on Use of Force \(CO3\)](#)
- [AFP National Guideline: ACT Policing: Urgent duty driving and pursuits](#)
- [AFP National Guideline on Complaint Management](#)
- [AFP Practical Guide on escorts](#)
- [AFP Practical Guide on the use of oleoresin capsicum \(ACT Policing\)](#).

Other sources

- [Aboriginal Interview Friends and Interpreters – Statutory List Pursuant to Section 23J of the Crimes Act 1914](#)
- ACTP Watch-house Operations Manual
- [A Practical Reference to Religious Diversity for Operational Police and Emergency Services](#)
- [Australian Medical Association \(AMA\) Health care of Prisoners and Detainees -1998.](#)
- [Notification Form – Movement of Persons In Custody \(Department of Infrastructure and Transport\)](#)
- [United Nations Principles of Medical Ethics \(Protection of Prisoners and Detainees\) 1982](#)
- [World Medical Association Declaration of Geneva \(1948\)](#)
- [World Medical Association Declaration of Tokyo \(1975\)](#)
- [World Medical Association Declaration on the Rights of the Patient \(1981\).](#)