

The Victoria Police Manual is issued under the authority of the Chief Commissioner in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Management of people in police care or custody

Context

Victoria Police is responsible for the safety, security, health, and wellbeing of any person in police care or custody, whether they are on the street, in a police vehicle or in police facilities. All Victoria Police employees have a legal obligation to act compatibly with the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) to protect the human rights of people in their care or custody. Being in police custody may limit a person's human rights, so this must only occur where there is a lawful, proportionate, and necessary justification to do so.

People may come into the care or custody of police through a variety of means.

A person is in police care under legislation or common law in circumstances including, but not limited to, when a person is:

- taken into emergency care under the *Children, Youth and Families Act 2005*
- taken into care and control under the *Mental Health and Wellbeing Act 2022*
- a child aged 10 or 11 years old taken into care and control under the *Youth Justice Act 2024*
- directed or detained under the *Family Violence Protection Act 2008*
- restrained or detained for breach of the peace under common law
- in the company of a member for a reason detailed under the *Road Safety Act 1986* (e.g. exceed the prescribed concentration of alcohol or drugs).

A person is in police custody under legislation or common law in circumstances including, but not limited to, when a person is:

- under lawful arrest by warrant
- under lawful arrest under ss.458 or 459, *Crimes Act 1958*
- in the company of an investigating official and being questioned or otherwise being investigated for an offence, as defined by s.464(1), *Crimes Act 1958*
- on remand or serving a sentence of imprisonment.

This policy addresses Victoria Police employee's accountabilities and responsibilities for managing people in police care or custody and supports Victoria Police's application of the Charter. This policy aims to ensure that:

- the safety, security, health, and wellbeing concerns, that people in police care or custody can present with, are appropriately managed
- people are treated humanely and with dignity, and that their human rights are only limited in a lawful, proportionate, and necessary manner for the safety, security, health, and wellbeing of the person and others, including members and PCOs
- intersectionality experienced by people in police care or custody is understood and considered to support the safety, security, health and wellbeing needs of each individual.

In addition to managing people in police care or custody, members will continue to provide general support and assistance, in a community policing capacity, to members of the public who need assistance when members are on patrol or alerted to a person in need of assistance.

Policy at a glance

This policy includes:

- overarching principles that must be considered in relation to people in police care or custody
- governance arrangements regarding detention facilities and business continuity
- guidance regarding staffing requirements and management responsibilities
- information regarding health, safety and security requirements
- detainee and medical risk assessments and advice and information regarding the Custodial Health Service (CHS)
- procedures for managing attendance and the lodgement of a person in detention facilities
- guidance regarding the management and care of people in police custody
- property management requirements for people in care or custody
- procedures for the departure and release of people from police custody
- guidance regarding complaints or incidents in relation to people in police care or custody.

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Definitions

Attendance and custody area – the section of a police facility where a person is taken for processing, for an interview or to be detained. Includes the sally port, interview rooms, cells, exercise yard, fingerprint area and charge counter.

Bail decision maker – is any of the following empowered under the *Bail Act 1977* to grant, extend or revoke bail, or vary the amount/conditions of bail (s.3, *Bail Act*):

- a court
- a bail justice
- a police officer
- the sheriff or a person authorised under s.115(5), *Fines Reform Act 2014*.

Cognitive impairment – a broad term used to describe impaired brain function that affects a person's ability to understand and process information.

Corrections Victoria (CV) prisoner – a person who has been remanded or sentenced by a magistrate or judge and held in a Corrections Victoria facility. A CV prisoner can be temporarily held in the custody of the Chief Commissioner of Victoria Police.

Custodial Health Advice Line (CHAL) – CHAL is a phone service staffed by custodial nurses 24 hours a day and managed by the Custodial Health Service (CHS). The advice line provides health advice and assistance to members and Protective Custody Officers (PCOs) managing people in police care or custody.

Custodial Health Service – CHS is responsible for providing health care to people in police care or custody across Victoria. This includes nursing and medical consultations both in person and remotely, and the provision of medications.

Custody Hub – a centralised source of information, resources, templates, advice, and contact information relating to the management of people in police care or custody hosted on the Victoria

Police intranet.

Custody Operations and Logistics – a unit within the Custody Operations Branch of the State Event Planning and Custody Management Division (SEPCMD), State Emergencies and Support Command (SESC), responsible for providing advice on custody matters as well as the placement and movement of detainees, including CV prisoners.

Custody staff – members and PCOs responsible for undertaking the day-to-day tasks required to ensure the safety, security, health, wellbeing and transport of people in police care or custody.

Custody supervisor – a police officer at the rank of sergeant or above, who has overall responsibility for ensuring the appropriate management of people in police care or custody for their shift, including people present for interview and those lodged in detention facilities.

Detainee Risk Assessment (DRA) – a formal risk assessment completed on people in police custody. The DRA considers a range of factors including the person's custody risks, Person Warning Flags (PWF), Law Enforcement Assistance Program (LEAP) information, physical health, mental health, medical issues and an assessment against the Coma Scale Assessment Tool.

Detainee – a person in police custody that has been formally lodged in a detention facility.

Detention facility – a location listed on the Register of Detention Facilities (available on the Custody Hub) and approved by the Assistant Commissioner, SESC. They are the secure areas within certain police facilities where a person in police custody is detained, which includes cells, showers, and indoor and outdoor exercise yards. Victoria Police detention facilities have been categorised as:

- category A detention facilities (previously police cells) – facilities that are designated by Victoria Police as meeting relevant standards to support the overnight and multi-day detention of people in police custody
- category B detention facilities (previously holding rooms) – facilities that are designated by Victoria Police as suitable for the short-term detention of people in police custody (generally no more than 12 hours).

External agency – any state or federal government agency or department, including CV, Youth Justice or another police jurisdiction.

ISOBAR – an acronym outlining the preferred communication style for providing information to CHAL. The ISOBAR acronym is: identify, situation, observations, background, agreed action and readback. Refer to the **Health advice and guidance for managing people in police care or custody Practice Guide** for further information.

Lodging in detention facilities – the placement of a person in police custody in a detention facility, including the creation of a Custody Module record. This generally occurs when a person in police custody has been charged and is to be presented before a bail decision maker or magistrate, has been remanded by a magistrate and is awaiting transport to CV, or has been sentenced.

Member – any person, excluding VPS employees, employed by Victoria Police in accordance with s. 7, *Victoria Police Act 2013*. This means police officer, protective services officer (PSO), recruit, and reservist except where an instruction specifically states otherwise. However, any authority or responsibility may only be exercised within the limits of the duties of the position and their legal authorities and responsibilities.

Person in police custody – a person in police custody who is yet to be formally lodged in a detention facility and they are either:

- under lawful arrest by warrant
- under lawful arrest under s.458 or s.459, *Crimes Act 1958*

- apprehended
- in the company of a member and being questioned or otherwise investigated for an offence, as defined by s.464(1), *Crimes Act*
- on remand or serving a sentence of imprisonment.

Placing on hold in detention facilities – the temporary placement of a person in police custody in a detention facility for a short period. This can occur in circumstances such as when an interview is placed on hold and the person is moved to the detention facility to ensure they are appropriately supervised while further enquiries are made.

Police Custody Officer (PCO) – a VPS employee authorised under s.200D, *Victoria Police Act 2013* who can exercise their powers pursuant to s.9A, *Corrections Act 1986* at nominated police gaols. A reference to PCO includes Supervising PCO (SPCO).

Police facilities – property owned or occupied by Victoria Police. For example, a police station or alcohol and drug testing vehicle (Booze Bus). This excludes railway station PSO pods and spaces occupied by Victoria Police on a temporary or ad-hoc basis.

Police gaol – an area within a police facility where an Order from Governor in Council has been published in the Government Gazette pursuant to s.11, *Corrections Act*. This will generally be accompanied with a floor plan, a maximum duration a detainee can be held at the facility, and the maximum number of people who can be held in the facility. Not all locations on the Register of Detention Facilities are police gaols; advice on police gaol status can be obtained from Custody Operations and Logistics.

Register of Detention Facilities – a register of category A, category B, and 'other' police detention facilities located on the Custody Hub. The Register of Detention Facilities is maintained by Custody Operations and Logistics, and endorsed by the Assistant Commissioner, SESC.

Sentence Calculation and Warrant Administration (SCWA) – the CV unit set up to manage and respond to operational matters in relation to court moves, sentence calculations and priority clearances from Victoria Police.

Serious illness – an illness that requires a person to be admitted to hospital while the person was in the care or custody of a member or PCO. This does not include where the person is admitted to hospital solely under s.232, *Mental Health and Wellbeing Act*.

Serious injury – an injury that is life threatening, likely to result in permanent impairment or likely to require long-term rehabilitation.

Service Monitor – a nominated police officer at the rank of inspector or above, responsible for monitoring compliance with the Custody and Escort Services Contract and overseeing the service delivery of contracted staff at police detention facilities.

State Event Planning and Custody Management Division (SEPCMD) – the Division within SESC responsible for the movement of persons between police facilities and courts, oversight and coordination of custody, CHS, and advice and assistance with planned and unplanned major events.

Also refer to the general **VPM Dictionary** for definitions and acronyms.

Scope and application

This policy applies to all members and PCOs.

Responsibilities and procedures

1. Human rights

The overarching consideration for the management of people in police care or custody is the protection of a person's human rights, including the person's safety, security, health and wellbeing. Members and PCOs must manage the person in a fair and consistent manner and treat them with dignity and respect in accordance with their human rights.

When managing people in police care or custody, any of the protected human rights under the Charter may be engaged. These may include:

- the right to recognition and equality before the law (s.8 – including protection from discrimination)
- the right to life (s.9)
- protection from cruel, inhuman and degrading treatment (s.10)
- freedom of movement (s.12)
- the right to privacy (s.13)
- freedom of association (s.16(2))
- protection of families and children (s.17)
- cultural rights (including Aboriginal cultural rights) (s.19)
- the right to liberty and security of person (s.21)
- humane treatment when deprived of liberty (s.22)
- rights of children in the criminal process (s.23)
- rights in criminal proceedings (s.25).

All members and PCOs must act compatibly with the Charter. Refer to **VPM Human rights standards** for further information.

2. Management principles

The following principles apply to the management of people in police care or custody:

- Each person in police care or custody must be respected and managed in a way that meets their individual needs. Decisions about how a person is managed must balance the person's dignity and human rights against any risk to the safety, security, health and wellbeing of the person and others, including members and PCOs. Any decision that limits a person's human rights must be lawful, proportionate, and necessary, and the justification should be documented appropriately.
- People must be supervised and assessed for the duration of their time in police custody, particularly in respect of any medical condition, risk of self-harm or harming others, and security risk. Where medical or safety risks are identified, they must be recorded and responded to promptly and the appropriate assistance or advice must be obtained.
- All members and PCOs have an obligation under s.23, *Occupational Health and Safety Act* to ensure, so far as reasonably practicable, that people in police care or

custody are not exposed to risks to their health and safety arising from the conduct of members or PCOs.

- Communication between members and PCOs responsible for people in police care or custody is essential. All relevant risks, issues and information about people in police care or custody must be communicated and understood by all members and PCOs who have responsibility for ensuring the safety, security, health and wellbeing of people in their care or custody.

3. Responsibility for people in police care or custody

Members and PCOs are responsible for the safety, security, health and wellbeing of any person in their care or custody until the person is either:

- formally released from police care or custody
- formally transferred to an external agency, or designated person under specific legislation or common law
- transferred to the care or custody of another member or PCO.

4. Children in police custody

4.1 Requirements for all children

- Every effort should be made to release children from police custody as soon as practicable to protect their best interests in accordance with s.17(2), the Charter.
- Children must be placed separately from adults in accordance with s.23(1), the Charter.
- In accordance with s.346(2), *Children, Youth and Families Act 2005* and s.23(2), the Charter, a child must, within a reasonable time, and no longer than 24 hours after being taken into police custody, be either:
 - released unconditionally
 - released on bail in accordance with the *Bail Act*
 - brought before the court
 - if the court is not sitting at any convenient venue, brought before a bail decision maker.
- Refer to **VPM Bail and remand** for further information regarding releasing a child on bail.
- For the management of children aged 10 or 11 years who are in police care and control in accordance with the *Youth Justice Act 2024*, refer to *CCI 09/2025 Youth Justice Act 2024 – children under the minimum age of criminal responsibility* for further guidance.
- Any child who comes into police custody must be asked if they are of Aboriginal or Torres Strait Islander descent and where they identify as such, the requirements under section 4.2 and section 5 of this policy apply.
- If the child has been lodged in a detention facility, see section 51.1 of this policy for further requirements.

4.2 *Requirements for oversight of children in custody*

The requirements in this section apply to all children in police custody. Refer to **VPM Protecting children** for more information.

This section applies from the beginning of the attendance process until a disposition outcome is determined and applied.

This section does not apply to children in police care, for example, children taken into emergency care.

- When a child is taken into police custody, the custody supervisor at the location to which the child is conveyed must immediately notify the on-duty senior sergeant. The on-duty senior sergeant is any available senior sergeant at the police detention facility where the child is in police custody. If unavailable, the divisional patrol supervisor must assume this responsibility.
- Once the Child Attendance Oversight tab has been completed, the custody supervisor must email the Child Attendance Oversight PDF notification form to the on-duty senior sergeant. The Child Attendance Oversight PDF notification form is accessed through the Child Attendance Oversight tab on the Attendance Module
- Consideration should also be given to notifying the Proactive Policing Unit, Youth Resource Officer or Aboriginal Community Liaison Officer for their awareness.
- Once notified of a child in police custody, the on-duty senior sergeant must:
 - Ensure that any enforcement action which has resulted in placing the child in custody is appropriate, having regard to the enforcement action framework in **VPM Disposition**
 - provide oversight of the custody process and ensure compliance with custody procedures
 - ensure the custody supervisor records the justification for the decisions made in the Child Attendance Oversight and Finish tabs on the Attendance Module.
- The custody supervisor, with oversight from the on-duty senior sergeant, is responsible for documenting the justification for the decisions and actions made during the custody process on the Attendance Module.
- The custody supervisor must:
 - complete a detailed and meaningful handover to the incoming custody supervisor where the disposition is yet to be applied at the completion of their rostered shift.
- Work unit managers are responsible for monitoring compliance with this requirement.
- Where a bail decision maker is considering denying bail for an Aboriginal or Torres Strait Islander child, refer to **VPM Bail and remand** for additional requirements.
- Priority and Safer Communities Division is responsible for quality assurance of the oversight function and notifying the relevant work unit manager of any identified issues and outcomes.

5. Aboriginal and Torres Strait Islander people in police care or custody

5.1 *Standard Indigenous Question*

- As soon as practicable and prior to any questioning under s.464AAB, *Crimes Act*, members and PCOs must ask all people whether they are of Aboriginal or Torres Strait Islander descent. Refer to **VPM Interviews and statements** for further information.
- The Standard Indigenous Question must be asked exactly how it is worded:
'Are you of Aboriginal or Torres Strait Islander descent?'
- The Standard Indigenous Question must be asked of all people including children and young people irrespective of their appearance, country of birth, or whether members and PCOs know the person or their family background. Refer to **VPM Community policing** for further information.
- If a person is unable to self-identify when asked the Standard Indigenous Question because they are intoxicated or otherwise incapable of appropriately responding, their response should be recorded as 'Not Stated/Unknown', unless they have previously identified as Aboriginal or Torres Strait Islander, or members and PCOs know or are of the opinion that the person is of Aboriginal or Torres Strait Islander descent.
- If a person's previous records indicate that they have self-identified or members and PCOs know, or are of the opinion, that a person is of Aboriginal or Torres Strait Islander descent based on previous interactions with police (s.464FA, *Crimes Act*), this can be recorded on the Attendance Module to trigger an automatic Victorian Aboriginal Legal Services (VALS) notification.
- Where a person has not self-identified and members and PCOs have updated the Attendance Module to automatically notify VALS, any supporting information and the justification for updating the person's record must be recorded on the Attendance Module.
- To protect the rights of an Aboriginal or Torres Strait Islander person to enjoy their identity and culture under s.19(2), the Charter, members should respect a person who says or has previously stated that they are of Aboriginal or Torres Strait Islander descent when asked the Standard Indigenous Question, and not question the person's indigenous culture.

5.2 *Victorian Aboriginal Legal Service (VALS) notification*

When a person is taken into police custody, or entered on the Attendance Module, a notification must be made to VALS where either:

- the person has identified as being of Aboriginal or Torres Strait Islander descent
- the person is unable to self-identify and records indicate that they have previously self-identified
- members and PCOs know, or are of the opinion, that a person is of Aboriginal or Torres Strait Islander descent based on previous records or interactions with police.

Where a person meets the above criteria for a VALS notification, the following process must be followed by the relevant member or PCO:

- Notify VALS that the person has been taken into police custody within 60 minutes; this ensures that Aboriginal and Torres Strait Islander people are offered culturally safe assistance in accordance with s.19(2), the Charter.
- Depending on where the person is taken into police custody, the VALS notification may be made via one of the following methods:
 - Attendance Module – if the person in police custody can be taken back to a police facility and put on the Attendance Module within 60 minutes of being taken into police custody, the VALS notification can be made via the Attendance Module. Recording on the Attendance Module that an Aboriginal or Torres Strait Islander person has been taken into police custody will trigger an automatic VALS notification.
 - IRIS device – if the person in police custody is not conveyed back to a police facility or where the person in police custody cannot be taken back to a police facility and their details entered on the Attendance Module within 60 minutes of being taken into police custody, e.g. the person is taken to hospital for treatment directly after arrest or members are unable to access the Attendance Module for any reason, members can notify VALS via their IRIS device.
 - Other – if an IRIS device and/or the Attendance Module are not working or accessible, notify VALS by phone or by submitting a VALS Notification – In Field Custody form [VP Form 1505].
- The justification for notifying VALS for a person who has not self-identified must be recorded on the Attendance module.
- Inform the person in police custody of the VALS notification as soon as practicable. There is no obligation for the person to engage with VALS following the notification.
- Medical information must not be provided to VALS by members or PCOs. All requests for medical information should be referred to CHAL. Any medical and health information reported by VALS must be provided to CHAL.

5.3 *Aboriginal Community Justice Panel notification*

- Where an Aboriginal or Torres Strait Islander person is taken into police custody, members and PCOs must ask the person if they wish to engage with the Aboriginal Community Justice Panel (ACJP). If a person wishes to engage with the service, in areas where they are located, notify the local ACJP and complete the ACJP Call Out Register [VP Form 1160].
- The Form 1160 is also a record. Form 1160 must still be completed even if:
 - the person in custody does not wish to engage with the ACJP
 - the ACJP volunteer/s did not respond
 - the ACJP volunteer/s did not attend.
- For security and privacy reasons, the yellow copy of Form 1160 must only be given to an ACJP representative in person.
- When notifying the ACJP, details of the person in police custody must not be left on voicemail.
- While custody staff are required to assist the ACJP as necessary, custody staff must not provide the person's medical information to the ACJP.

- Custody staff completing the notification must record whether the Aboriginal or Torres Strait Islander person wishes to engage with the ACJP, and details of the ACJP notification including when the ACJP has been notified, their response, and the response of the person in police custody, on the Attendance Module. Refer to **VPM Attendance and Custody modules** for further information.
- Refer to the **Aboriginal and Torres Strait Islander people in police care or custody Practice Guide** for further information.

5.4 *Legal Services Department notification – Aboriginal and Torres Strait Islander children*

Where the police bail decision maker is considering denying bail for an Aboriginal or Torres Strait Islander child, they must seek advice from Legal Services Department as required in accordance with s 5.4 of **VPM Bail and remand**.

Governance

6. Communicating policy and procedures

6.1 *Custody Standard Operating Procedures*

- Station commanders at stations with detention facilities must ensure that Custody Standard Operating Procedures (SOPs) for managing people in detention facilities are developed using the template on the Custody Hub Intranet page.
- Custody SOPs should only reflect local arrangements and should not replicate, replace or be inconsistent with this or any other policy.
- Custody SOPs must be approved by the Local Area Commander (LAC). They must be maintained and reviewed annually and updated as required.

6.2 *Display of information*

- Station commanders must ensure that the mandatory standardised custody-related signage available on the Custody Hub is visibly displayed and readily available for members and PCOs in detention facilities.
- The mandatory signage requirements are as follows:
 - the Coma Scale Assessment Tool and contact details for CHAL are visibly displayed and readily available for custody staff
 - signage prohibiting firearms and ammunition is displayed on every entrance to the attendance and custody areas
 - the 'Custody Rules' are explained to people in police custody and are visibly displayed at the charge counter, within their view.

6.3 *Training*

- Members up to and including the rank of inspector, PSOs, and PCOs must complete the applicable training modules relating to the management of people in police care or custody on the Victoria Police Learning Hub (VPLH).
- These members and PCOs must complete all new or updated training modules related to the management of people in police care or custody as they are published.

7. Gazetting detention facilities

VPM Gazetting Victoria Police detention facilities provides the requirements for managing detention facility building plans and the process for gazetting appropriate detention facilities as police gaols in accordance with the *Corrections Act*.

8. Custody Business Continuity Arrangements

8.1 *Business Continuity Arrangements Standard Operating Procedures*

- Station commanders must develop and maintain Business Continuity Arrangement Standard Operating Procedures (BCA SOPs). These SOPs must document the arrangement for potential police facility closures. A work unit SOP must be completed on the template provided by the State Business Continuity Unit and uploaded to Police Emergency and Event Command (PEEC).
- The BCA SOPs must be activated if a disruption to custody and attendance areas at a detention facility occurs, to minimise any impact to custody processes. Refer to **VPM Business continuity management** for further information.

8.2 *Managing Business Continuity Arrangements activation*

- Station commanders must ensure that:
 - Custody Operations and Logistics is notified as soon as practicable to assist with management of detainee capacity
 - the disruption is recorded on PEEC as a Business Continuity Incident, where there is an impact to custody services or a relocation
 - a Custody BCA Notification Form is completed and approved by the relevant LAC and submitted to Custody Operations and Logistics for all interruptions and disruptions; the template can be found on the Custody Hub.

Refer to **Custody Business Continuity Arrangements Practice Guide** for further information.

Staffing requirements and management responsibilities

9. Minimum staffing requirements for managing people in police custody

9.1 *Custody supervisor*

A custody supervisor at the rank of sergeant or above must be rostered at detention facilities listed in the Register of Detention Facilities (available on the Custody Hub) as follows. For:

- facilities listed with an asterisk (*) – must have a dedicated custody supervisor whose core duties are limited to custody matters for the shift
- facilities listed without an asterisk – a member may perform the role of custody supervisor in addition to other supervisory responsibilities for the shift
- activated BCA sites – where practicable, must mirror the custody supervisor requirements of the category A detention facility they have replaced.

Where a facility does not require a dedicated custody supervisor, the station manager must ensure that a dedicated custody supervisor is rostered for 'peak' shifts, that is, when it could be reasonably expected that there will or may be:

- a high occupancy rate at the detention facility
- a large number of people in police care or custody moving in and out of a police facility
- a number of high-risk people in police care or custody in the detention facility.

9.2 *Custody staff*

Station commanders must ensure that:

- category A detention facilities and stations where PCOs are deployed, roster at least one dedicated member or PCO for each shift. Additional members or PCOs must be rostered as required, either as dedicated custody staff, or be readily available to support dedicated custody staff as needed
- twenty-four hour police stations with category B detention facilities, roster custody staff as required, either as dedicated custody staff, or to be readily available to perform custody duties as needed
- at non-24-hour stations with category B detention facilities, members are available to perform the custody staff role when a person is lodged in a detention facility.

10. Management accountabilities and responsibilities for people in police care or custody

10.1 *Assistant commissioners*

- Assistant commissioners are accountable for the way people in police care or custody in their region or command are cared for and managed. Assistant commissioners must oversee their region or command's compliance with this policy.
- The Assistant Commissioner, SESC is accountable for monitoring the management, governance and operations of services at locations on the Register of Detention Facilities managed by a contractor. This is overseen by the SEPCMD and supported by the regions in which they are located.

10.2 *Divisional commanders*

Divisional commanders have overall responsibility for ensuring that administrative and supervision practices at police facilities within their division, are in place for the safe and appropriate management of people in police care or custody.

10.3 *Local area commanders*

LACs are responsible for providing support to the areas within their Police Service Area (PSA) that manage people in police care or custody, and for ensuring that they meet the responsibilities of this policy.

10.4 *Station commanders*

Station commanders (uniform members at the rank of senior sergeant) are responsible for ensuring that a facility's administrative and supervision practices are in place for the safe and appropriate management of people in police care or custody. Station commanders must ensure that:

- detention facilities are suitably staffed in accordance with section 9 of this policy

- members and PCOs understand their responsibilities, the requirements of this policy, custody SOPs and custody management IT applications.
- detention facility BCA and related processes and documents are followed in accordance with section 8 of this policy
- maintenance and cleaning of attendance and custody areas is carried out as required
- custody SOPs are maintained in accordance with section 6.1 of this policy.

If a police station does not have a gazetted uniform member at the rank of senior sergeant, the responsibilities of a station manager will fall to the highest-ranking uniform member at the station.

10.5 *Custody supervisors*

Custody supervisors are responsible for:

- overseeing the receipt, processing, management, and release of people in police care or custody at police facilities
- ensuring the safety, security, health and wellbeing of people in police care or custody by ensuring custody staff undertake all required tasks and responsibilities as outlined in this policy.

10.6 *Escalation of custody issues*

- Custody staff must advise the next person in the chain of command of any issues that impact on the ongoing safe management of people in police care or custody that either cannot be resolved at their management level or require broader awareness.
- Custody Operations and Logistics may be contacted for support with issues that cannot be resolved at a local level. Urgent after-hour issues that cannot be resolved by the divisional patrol supervisor, may be referred to the available after-hours Inspector, Custody Operations Branch. Refer to the Custody Hub or Custody Operations and Logistics Intranet page for further information.
- After-hours disputes or issues in relation to the Melbourne Custody Centre (MCC) should be referred to the Service Monitor. Refer to the CHS intranet page for further information.

Holding people in police custody at detention facilities

11. Sufficient grounds and necessity to hold a person

- The custody supervisor must assess the circumstances of the person in police custody and be satisfied that, where relevant, there are sufficient grounds and necessity for the person to be held in accordance with **VPM Arrests and warrants to arrest**.
- People may be held in police custody in interview rooms or detention facilities.
- A person must not be left in an interview room unsupervised. A person in an interview room must be constantly observed. See section 33 of this policy for further information.

12. Duration and suitability of detention facilities

- Category A detention facilities are suitable for multi-day detention.
- Category B detention facilities are only suitable for short term detention; except for some category B detention facilities that are suitable for activation to a category A detention facility, as per the Register of Detention Facilities.
- Category B detention facilities that have been activated to a category A detention facility adopt the definition of a category A detention facility and suitability for multi-day detention.
- To detain a person in a category B detention facility for more than 12 hours, the custody supervisor must seek the approval of an inspector or above. Prior to approving, the inspector must consider:
 - the circumstances of the detention, having regard to the nature of the offences and complexity of the investigation
 - how long it is intended to hold the detainee beyond the 12 hours
 - the custody risks, as documented by custody staff in the DRA
 - the suitability of the facility, including availability of custody staff and amenities
 - the feasibility of transporting the detainee to a category A detention facility
 - the overall safety, security, health and wellbeing of the detainee.
- The inspector must ensure the decision and the justification for that decision is recorded on the Custody Module, including where approval is not provided. Custody staff may make the entry on the Custody Module on behalf of the inspector.
- See section 4.1 of this policy for information relating to duration periods for children held in police custody.
- Facilities are only suitable to hold people in police custody if they adhere to the requirements under the annual human rights compliance audit and facilities inspection process. See section 13 of this policy for further information.
- Where there is a need to detain a person overnight, consideration must be given to transferring them to a category A detention facility as soon as practicable. This transfer supports a person's right to humane treatment as category A detention facilities are more suitable for overnight and multi-day detention.

Health, safety, and security

13. Health and safety practices and procedures

Managing health and safety is a collective responsibility. However, some responsibilities sit with individuals to ensure people in police care or custody and Victoria Police employees are kept safe; refer to **VPM OHS Fundamental obligations** for further information.

Station commanders must ensure that:

- custody staff have access to an adequate supply of appropriate and suitable personal protective equipment and clothing and are familiar with infection and contamination control procedures; refer to **VPM Employee health** and **VPM OHS Hazard and risk management** for further information
- all incidents are reported appropriately in accordance with **VPM OHS Incident management**

- an annual human rights compliance audit and facilities inspection is conducted of detention facilities under their control. The annual human rights compliance audit and facilities inspection must be:
 - completed in the second quarter of each year
 - completed using templates that can be found on the Custody Hub Intranet page
 - submitted via chain of command to the regional assistant commissioner
 - provided to Custody Operations and Logistics.
- monthly safety and security inspections are conducted and recorded in areas where people are held in police care or custody, in accordance with the **Victoria Police Workplace Standards and Inspections Manual**.

14. Safety when entering detention facilities

- When dealing with detainees, custody staff must be mindful of their own safety and the safety of their colleagues. While the DRA will inform how a specific detainee is to be managed, standard precautions must also be taken that include, but are not limited to:
 - members must remove firearms and ammunition when attending to or supervising people in detention facilities, unless exceptional circumstances exist. It is not sufficient to remove the magazine from the firearm alone (refer to **VPM Management of Victoria Police issue firearms** for more information)
 - checking of detainees on the closed-circuit television CCTV monitor before entering detention facilities and entering from a locked door
 - ensuring a minimum of two custody staff are present when entering any part of a detention facility occupied by a detainee, unless urgent or exceptional circumstances exist
 - entering alone is a measure of last resort.

15. Maintenance and cleaning of attendance and custody areas

- Custody staff must visually inspect and search attendance and custody areas to ensure that the area is clean, safe and free of defects and articles that may be used to cause injury or escape.
- Custody staff must complete a visual inspection and search:
 - before a detainee is placed or permitted to enter
 - after the detainee is released
 - periodically throughout the shift
 - at the direction of the custody supervisor.
- The custody supervisor must be notified as soon as practicable of any maintenance or cleaning issues identified at the detention facility.
- Identified hazards must be reported via an incident report on HR Assist if they are not able to be rectified immediately and control measures put in place in accordance with **VPM OHS hazard and risk management**.

16. Closed-circuit television and duress alarms in detention facilities

- Custody staff should check daily that CCTV monitors, duress alarms (where fitted) and other relevant security equipment and systems are operating correctly. Any deficiencies found with CCTV, duress alarms or other relevant security equipment

and systems, must be reported to the custody supervisor immediately and rectified as soon as possible.

- The station manager is responsible for ensuring:
 - CCTV monitors are not positioned where members of the public or other people in police care or custody can view them
 - any noteworthy incident or evidence that is captured on CCTV is downloaded and stored as soon as practicable and
 - CCTV recordings are clearly labelled and securely stored in accordance with **Closed circuit television Practice Guide**.
- To protect the right to privacy of a person, CCTV footage must only be accessed, copied or duplicated for legitimate business reasons.
- Where practicable, CCTV recordings of full searches should only be viewed by people who have a legitimate business reason and are of the same gender as the person being searched.

16.1 *Registering and recording CCTV incidents*

- CCTV recordings must be stored and retained as required by **VPM Recording devices, CCTV and digital asset management**. This includes maintaining a register. If incidents occur that are captured on CCTV, custody staff must record the incident in the CCTV register.
- The register should include:
 - a unique reference number
 - dates and times of images or incidents
 - incident/offence type
 - relevant comments
 - custody staff involved
 - details of any person who accessed or copied images
 - details of any movements of the copied images.
- After the incident has been recorded in the CCTV register, custody staff should advise the custody supervisor, who should arrange for the recording to be copied and retained as required below.
- CCTV recordings must only be copied for legitimate business reason.
- As specified in the Retention and Disposal Authority for Records of Victoria Police, the retention periods for CCTV recordings are as follows:

CCTV in or attached to police facilities (including divisional vans) retention and disposal			
Category	Criteria	Minimum retention time	Authorisation for disposal
No incident	No noteworthy occurrences, troublesome behaviour or similar. Routine searches including full searches not resulting in a noteworthy incident are included.	1 month	Not required – Systems should be set to automatically record over footage after 30 days.
Noteworthy incident	• An incident where a complaint may arise.	7 years (after last action provided the	See VPMP Information

	• Troublesome behaviour (e.g. person attempting to cause harm to themselves). • Incident involving injury or illness of a person in police custody where transportation to a medical facility for treatment is required. • As determined by the Station Commander, an incident likely to involve civil litigation. • Any incident likely to be subject to an internal or external review.	person has reached 25 years of age)	review, retention and disposal
Death in custody	Injury or illness that results in a death in police custody.	Permanent	
Evidence	An incident constituting an offence and subject to a brief of evidence.	Kept with brief of evidence	

Detainee Risk Assessment

17. Detainee Risk Assessment requirements

- Custody staff must complete the DRA type on the Custody Module that is relevant to the circumstances of each person in police custody and must submit an updated DRA if circumstances change.
- Where circumstances require a paper-based DRA to be completed, custody staff must:
 - immediately scan and email the DRA to CHAL
 - if sending an email is not possible, fax the DRA to CHAL and transfer the information to the electronic DRA on the Custody Module within 60 minutes, unless exceptional circumstances exist.
 - if there is a delay in transferring the information to the Custody Module, the custody supervisor should detail the reasons for the delay in the 'Supervisor Comment' section when approving the DRA.
- Custody staff must accurately record a person's responses to each of the DRA questions and record detailed and meaningful information within the free text fields.
- If a person is unable or refuses to engage in the DRA process, custody staff should attempt to fill out a DRA based on known information and observations of the person. If, at a later time, the person is able or willing to engage with the process, custody staff should attempt to complete an updated DRA. Discuss the reasons for being unable to fully complete the DRA with CHAL.
- Members and PCOs must use an interpreter when a person cannot communicate in English unless exceptional circumstances exist. Exceptional circumstances must be detailed on the Attendance or Custody modules.
- Members and PCOs should consider a person's privacy when conducting the DRA. For example, consider whether the staff present for the assessment are necessary

for the safety, security, health and wellbeing of the person and only share information with staff who require it.

- A hardcopy of the DRA must accompany the person in police custody when being moved to another police facility or into the custody of CV or Youth Justice.

17.1 *New Custody Detainee Risk Assessment*

Custody staff must complete a New Custody DRA for each person when they are:

- lodged in a detention facility
- held at a police facility for more than four hours
- taken directly to hospital after arrest or interview and the person is likely to remain in police custody following treatment (refer to section 50.11 of this policy for further information)
- arriving from another police facility.

17.2 *Custody Transfer Detainee Risk Assessment*

Custody staff are required to conduct a Custody Transfer DRA upon arrival when the detainee has been transferred to a police detention facility from CV or Youth Justice.

17.3 *Revised Post Custody Incident Detainee Risk Assessment*

Custody staff must complete a Revised Post Custody Incident DRA as soon as practicable after becoming aware that the status of a person in police custody has changed since completing the current DRA. The status of a person in police custody has changed in circumstances that include, but are not limited to:

- they have experienced a medical episode
- they are displaying behaviour that indicates a previously undocumented or unknown mental health issue
- there has been a significant change in behaviour subsequent to arriving in police care or custody
- a change in observation level is required
- there is any deterioration in the Coma Scale Assessment Tool score
- they have experienced symptoms that are likely due to ingesting alcohol and/or other substances prior to being taken into police care or custody
- they have consumed an unknown substance whilst in police care or custody
- they have been involved in a physical altercation with another person while in police care or custody
- they have had force used against them by members or custody staff
- they have experienced trauma to the head whilst being in police care or custody, including self-inflicted trauma
- they are transferred from a police detention facility, after being lodged, due to a medical episode.

Refer to the **Health advice and guidance for managing people in police care or custody Practice Guide** for further information.

Medical assessment and advice

18. Overarching considerations

- The health of people in police care or custody can deteriorate at any point. Members and PCOs must monitor and assess the medical needs and/or condition of people for the duration of their time in police care or custody, to support their right to life.
- Call Ambulance Victoria (AV) via '000' if emergency medical care is required.
- Contact CHAL for advice on the health or wellbeing of a person in police care or custody.
- Members and PCOs must record all information relating to medical observations on the Attendance or Custody modules. Refer to section 3.4 of **VPM Attendance and Custody modules** for further information.

19. Coma Scale Assessment Tool

- The Coma Scale Assessment Tool has been developed for members and PCOs to assess the conscious state and risk of deterioration of all people in police care or custody. It provides guidance of care depending on a person's best verbal response. If the person's best verbal response deteriorates, members and PCOs are expected to respond as indicated by the appropriate score.
- Where the care or custody of a person is transferred to another member or PCO, that member or PCO must reassess the medical state of the person against the Coma Scale Assessment Tool.
- If a person's Coma Scale Assessment Tool score has changed, a supervisor at the rank of sergeant or above must be notified and the updated score must be recorded on the Attendance or Custody Module.

19.1 *Refusal to provide a verbal response*

When members and PCOs believe that a person is not providing a verbal response due to uncooperative behaviour but does not have reduced conscious state, they should record this on the Attendance or Custody modules.

19.2 Coma Scale Assessment Tool

BEST VERBAL RESPONSE If the best verbal response deteriorates over time, respond as indicated by the next lower score		COMA SCALE		MEDICAL ACTION
ALERT Knows and clearly states name, date, and place	▶	5	▶	No action required
CONFUSED Unable to state name, date, place etc	▶	4	▶	Call CHAL Monitor regularly for signs of deterioration
MEANINGLESS UNINTELLIGIBLE Not able to be understood	▶	3	▶	Send to hospital by ambulance or call CHAL for advice
MOANS/GROANS Not sensible words	▶	2	▶	Send to hospital by ambulance and notify CHAL
NIL RESPONSE No response at all	▶	1	▶	URGENT action required send to hospital by ambulance and notify CHAL

Members and PCOs must contact AV, and notify a supervisor at the rank of sergeant or above, where immediate medical attention is required or in medical emergencies that include, but are not limited to:

- where CPR is required
- abnormal breathing
- unable to rouse
- excessive bleeding
- Coma Scale Assessment Tool score 1-2.

Once AV is onsite and with the person, custody staff must notify CHAL of the situation and specify the hospital to which the person is being transferred, if applicable.

Refer to the **Health advice and guidance for managing people in police care or custody Practice Guide** for further information.

19.3 Alcohol and/or substance affected people

- When assessing and interacting with people who appear to be alcohol and/or substance affected, members and PCOs should be mindful that:
 - the health of an alcohol and/or substance affected person can deteriorate quickly
 - there may be an alternative cause for their apparent condition, including head injury, low or high blood sugar or infection, which may require urgent medical attention
 - alcohol and/or substance affected people may have other pre-existing health conditions that may need medical attention
 - substance affected people may appear to be under the influence of alcohol.
- If the person appears to be alcohol and/or substance affected, their best verbal response must be assessed against the Coma Scale Assessment Tool every 30 minutes as a minimum. Members and PCOs must record each score on the Attendance or Custody module.

19.4 *Medical assistance in the field*

- In addition to assessing and monitoring the medical needs and/or condition of people in police care or custody, members may be required to respond to members of the public that need medical assistance, to support the right to life.
- The Coma Scale Assessment Tool can also be used to assess the conscious state and risk of deterioration of members of the public who are not in police care or custody.
- AV must be contacted to provide immediate medical attention or in medical emergencies as outlined in section 19.2 of this policy.

20. Custodial Health Advice Line

CHAL is a 24-hours a day, 7 days a week service provided by CHS and is responsible for supporting and assisting members and PCOs in caring for the health needs of people in police care or custody.

When at a police facility, CHAL must be contacted to provide immediate medical advice about the health and wellbeing of a person in custody where a significant concern has been identified, even if noted in a DRA.

When at a police facility, CHAL must also be contacted in the following circumstances (unless otherwise disclosed in a DRA):

- clinical situations that include, but are not limited to:
 - person requesting medication
 - person complaining of pain or injury
 - person reporting any medical diagnosis or condition
 - person appears alcohol and/or substance affected
 - person reporting being pregnant
 - person reporting they are breastfeeding
 - deteriorating Coma Scale Assessment Tool score
 - when a member or PCO is concerned about a person's health or wellbeing
 - person displaying symptoms of an infectious virus or disease.
- concerns about a person's mental health or behaviour that includes, but is not limited to:
 - risk of suicide or self-harm (self-reported or observed)
 - acts of self-harm
 - erratic behaviour
 - person speaking to themselves
 - person arrested following unusual behaviour.
- transferred to hospital whilst in police custody under hospital guard.

ISOBAR is the preferred communication method when providing information to CHAL. Refer to **Health advice and guidance for managing people in police care or custody Practice Guide** for further information.

21. Fitness for interview

- Contact the Victorian Institute of Forensic Medicine (VIFM) and speak to a forensic medical officer (FMO) for clinical advice on whether a person is fit for interview. FMOs can be contacted on (03) 9684 4480 24-hours a day, 7 days a week.

- CHAL is not responsible for undertaking fitness for interview assessments.
- Refer to **VPM Interviews and statements** for further information.

22. Fitness for lodgement

Where there are concerns about a person's fitness to be lodged in a detention facility, contact CHAL for advice.

23. Notifications required regarding medical treatment or injury

- A supervisor at the rank of sergeant or above must be notified if a person in police care or custody is injured or if medical treatment is required.
- Custody staff must notify CHAL if any person in police care or custody requires medical treatment, including all people transferred to hospital.
- If a person in police care or custody is admitted to hospital, they should be asked whether they want next of kin, relatives or friends notified.
- Custody staff must notify CHAL when a person in police custody returns from hospital by completing a DRA on the Custody Module. If a copy of the hospital discharge summary is available, the discharge summary must be emailed to CHAL.
- If a person is in an unconscious state or is suffering a serious injury or life-threatening condition, custody staff make all reasonable attempts to notify the person's next of kin as soon as practicable. Notification should only be made after an assessment of risks has been conducted, considering the following factors, that include, but are not limited to:
 - the presence of family violence or intervention orders
 - the likelihood of destruction of evidence
 - the likelihood of the continuation of an offence
 - the likelihood of escape
 - if it is safe and appropriate to do so.
- If a foreign national is seriously ill or injured, notify the custody supervisor. The custody supervisor is responsible for contacting the Australian Federal Police Security Protection Diplomatic Liaison, who will notify the appropriate consulate. The custody supervisor must notify the divisional patrol supervisor and LAC. If not practicable to notify a custody supervisor, members in the field must notify the division patrol supervisor and LAC. Contact details can be found on the Custody Hub.
- When the identity of an ill or injured person is unknown and there is a need to know the person's identity, refer to **VPM Missing persons investigations** for further information.
- Custody staff must direct all enquiries to and from interstate agencies regarding death and serious injury notifications occurring in police care or custody to Police Communications.
- Custody staff must contact CHAL for advice if a person in police care or custody reports being positive for a blood borne virus (BBV) or an infectious disease. If an exposure to a BBV or infectious disease occurs, custody staff must complete an incident report on HR Assist. Refer to **VPM OHS Incident management** for further information.

- Where a person in police care or custody who has a BBV and intentionally or recklessly tries to infect members, PCOs, other people in police custody or the public, a Person Warning Flag (PWF) [VP Form 292] should be submitted. Refer to **VPM Person warning flags** for further information.

24. Reasonable adjustments for people with disabilities

- The *Equal Opportunity Act 2010* requires Victoria Police to make reasonable adjustments in the provision of services. If a person with a disability requires adjustments to access a service, Victoria Police must make reasonable adjustments.
- Each person must have their unique needs taken into consideration when deciding on what constitutes reasonable adjustments. This decision must be made on a case-by-case basis and can be made in consultation with CHAL and the custody supervisor.
- Refer to the **Managing people with disability in police care or custody Practice Guide** for further information.

25. People at risk of falls

- People in police custody may be at an increased risk of falls in circumstances that include but are not limited to, if they:
 - have a recent history of falls
 - are confused, disorientated or agitated
 - have blurred or impaired vision
 - are alcohol and/or substance affected
 - have impaired mobility
 - use a mobility aid.
- Where the DRA or any other assessment of risks identifies that a person in police custody is at an increased risk of falls, members and PCOs must record detailed and meaningful information about the person's circumstances in the DRA.
- Where the DRA or any other assessment of risks identifies that a person in police custody may be at an increased risk of falls, members and PCOs must consider increasing the person's observation frequency.
- If additional support is required, contact CHAL for advice on how to manage the person. The details of any management plan made in consultation with CHAL must be recorded on the Attendance or Custody module.

Refer to **Health advice and guidance for managing people in police care or custody Practice Guide** for further information.

26. People at risk of suicide or self-harm

- Where the DRA or any other assessment of risks identifies that a person in police custody at a police facility is at risk of suicide or self-harm, custody staff must consult with CHAL and the custody supervisor for advice on how to manage the person and record the details on the Attendance or Custody modules.
- Custody staff must also assign an appropriate risk rating to people in police custody at risk of suicide or self-harm and undertake recommended actions in accordance with the **Custody risks and recommended actions Practice Guide**.

- Custody staff must submit a PWF via Form 292. Refer to **VPM Person warning flags** for further information.
- When the person in police custody at risk of suicide or self-harm is in an interview room, members and PCOs must take the following precautions:
 - ensure any blanket given is a suicide-resistant blanket
 - consider the provision of a suicide-resistant gown in accordance with section 26.2 of this policy
 - remove any items from the interview room which could be used for self-harm
 - explain the interview and custody process
 - keep them under direct observation or hold them in a detention facility to be monitored via CCTV and conduct checks in accordance with section 48 of this policy
 - ensure disposable coveralls are not provided
 - consider the use of hand cuffs. Refer to **VPM Operational safety equipment**, **VPM Operational safety and the use of force**, and **VPM Police custody officers** for further information
 - remove any items from the detention facility which could be used for self-harm
 - consider placing the person with other detainees (refer to sections 41 and 42 of this policy for further information).

26.1 *Person in police custody has self-harmed or is actively self-harming*

- Where a person in police custody has self-harmed and the situation is urgent, members and PCOs must call AV on '000' and follow their advice. Notify CHAL once AV is onsite and has taken responsibility for care of the person.
- Members and PCOs must provide first aid to the person and take any other preventative action to reduce self-harm or harm to others.
- If the situation is not urgent, call CHAL for advice and to create a plan to manage the person. Members and PCOs should conduct a thorough visual check of a person. If there is any sign the person may be injured, ill or at risk of harm (e.g. cuts or bleeding) they must discuss these concerns with CHAL.
- If a person in police custody is transported to hospital and then returns to a detention facility, custody staff must notify CHAL and provide a hospital discharge summary if available.
- Custody staff must record detailed and meaningful information about the person's condition on the Attendance or Custody modules.
- Custody staff must complete a Revised Post Custody Incident DRA when a person in custody self-harms, in accordance with section 17.3 of this policy. This provides custody staff the opportunity to re-assess the risk and change the observation levels for the person in police custody.
- Custody staff must submit a PWF via Form 292. Refer to **VPM Person warning flags** for further information.
- Members should consider not charging a person in police custody who has self-harmed with an offence against the good order of the police gaol in circumstances where no other offence was committed.
- Refer to **People in police care or custody at risk of suicide or self-harm Practice Guide** for further information.

26.2 *Suicide-resistant gowns*

- Where a person in police custody is using their clothing to self-harm or indicating that they will use their clothing to self-harm, members and PCOs must consider the removal of specific clothing items or the removal of their clothing and the provision of a suicide-resistant gown.
- Removing clothing from a person should be done in a manner that respects the person's dignity and human rights, and minimises any associated trauma, distress or other harm that might be caused by removing their clothes.
- If force is used to remove a person's clothing, custody staff must complete a Use of Force form [VP Form 237]. Refer to **VPM Operational safety and the use of force** for further information.
- The following applies where a person is given a suicide-resistant gown:
 - a person must not wear disposable coveralls or any other clothing with a suicide-resistant gown
 - where practicable, custody staff should explain to the person why they are being given a suicide-resistant gown and give the person the opportunity to voluntarily remove their clothes and change into the suicide-resistant gown
 - where practicable, custody staff should inform the person that if they do not adhere to these instructions, their clothes will be forcibly removed
 - if force is required to remove clothing, where possible, custody staff of the same gender as the person should remove the clothing
 - if the person is menstruating or incontinent, leave the person's underwear on and provide them with appropriate sanitary or incontinence items, unless the person is using their underwear or the item to self-harm or harm others
 - custody staff should notify CHAL that the person has been placed in a suicide-resistant gown and determine how to manage the person
 - suicide-resistant gowns must only be removed on the advice of CHAL.
 - consult with CHAL, at minimum, every four hours when a person is in a suicide-resistant gown
 - details noting the time the person was placed in the suicide-resistant gown and when it is removed must be recorded on the Attendance or Custody modules.
- People in police custody who self-harm in a manner other than with their clothing should only be put in a suicide-resistant gown on the direction of CHAL.
- To maintain the dignity of the person in police custody, if a suicide-resistant gown is not available, custody staff should provide the person with a suicide-resistant blanket.

26.3 *Advice on people taken into care and control under s.232 of the Mental Health and Wellbeing Act in the field*

- For a person taken into care and control under s.232, *Mental Health and Wellbeing Act*, members must arrange for a mental health practitioner or a registered medical practitioner to conduct a mental health assessment in accordance with **VPM Care and control under the Mental Health and Wellbeing Act 2022**.
- If the person taken into care and control under s.232, *Mental Health and Wellbeing Act* needs to be transported, refer to section 29.1 of this policy.

26.4 *Taking people into care and control under the Mental Health and Wellbeing Act 2022 at police facilities*

- A person in police custody at a police facility may be taken into care and control under s. 232, *Mental Health and Wellbeing Act* for a mental health assessment if they appear to have a mental illness and members are satisfied that it is necessary to take the person into care and control to prevent imminent and serious harm to the person or to another person.
- The decision to take a person at a police facility into care and control under s.232, *Mental Health and Wellbeing Act* should be done in consultation with CHAL, however members are ultimately responsible for determining the most appropriate course of action.
- If the person requiring the mental health assessment needs to be transported from a police facility, refer to sections 28 and 29 of this policy.

27. Health information security

Any health information collected must be stored, used and disclosed in accordance with the Health Privacy Principles of the *Health Records Act 2001*. Refer to **VPMG Information privacy** for further information.

Transporting people

28. General requirements for transporting people in police vehicles

- Members and PCOs should only transport people in police care or custody in a police vehicle when appropriate and necessary to do so, after assessing any risks and in consideration of the person's safety, security, health and wellbeing.
- PSOs must not transport people in police care or custody.
- Before transporting a person in a police vehicle, members and PCOs must consider:
 - if the person has any underlying health or medical conditions, mental illness or a disability which may impact on or potentially compromise their ability to be transported in the vehicle
 - the person's COMA scale score if the vehicle being used is suitable for transporting the person.
- Members and PCOs transporting a person to a police facility for interview or lodgement should contact a custody supervisor via Police Communications prior to their arrival to:
 - confirm there are appropriate detention facilities or interview rooms available
 - allow custody staff to prepare for the arrival
 - advise custody staff of any other observations that may impact on safety security, health and wellbeing of the person in police care or custody.
- A person may be transported if they have a minor injury or illness. If members or PCOs are concerned about transporting a person due to a medical condition, injury, self-harming behaviour or their conscious state, they should notify a supervisor at the rank of sergeant or above and contact CHAL for advice.
- A person should not be transported if they are not easily roused or unconscious. Under these circumstances, the person should be transported to hospital via AV. A

police vehicle should not be used for transport unless no other viable option is available.

- Where police vehicles are used to transport people, members and PCOs must:
 - take care to prevent positional restraint asphyxia
 - consider weather conditions and address any health and wellbeing needs that arise from transportation in adverse weather conditions
 - ensure people are monitored at all times when in police vehicles
 - ensure the vehicle is searched before and after use to determine if it is clean, safe and free of defects and articles that could be used to cause injury or escape
 - where seatbelts are fitted in the police vehicle, people in police care or custody should wear them. The only exception is where fitting the seat belt would endanger the safety, security, health or wellbeing of members, PCOs or the person in police custody. In such cases, staff transporting the person must record their justification for not doing so in accordance with **VPM Operational duties and responsibilities**
 - record incidents such as aggressive and/or violent behaviour, existing injuries, health and/or medical issues during transport on the Attendance or Custody modules, in accordance with **VPM Operational duties and responsibilities** and consider submitting a PWF via Form 292.
- A person in police custody may only be held in a police vehicle where no other option is available, and for the shortest period of time necessary. Where a person does need to be held in a vehicle they must:
 - only be placed in a secure vehicle (any police vehicle designed primarily for the carriage of people in police custody)
 - be under constant observation, by a member or a PCO, either in person or via CCTV, until suitable holding arrangements become available
 - be transferred or released from the vehicle as soon as suitable holding arrangements are made
- if applicable, custody staff must follow local instructions for downloading footage from police vehicles and refer to section 16.1 of this policy for registering, recording and retention of CCTV footage.
- Members must comply with **CCI 04/25 Persons drunk in public** regarding transportation of a person drunk in public.

29. Transportation of people at risk of suicide or self-harm

Members should only transport a person at risk of suicide or self-harm when:

- AV are unavailable and no other viable option is available, and for the shortest period of time necessary
- the person is in police custody
- the person poses a risk of harm to themselves or to others.

Where there is police involvement, transport can take several forms:

- accompanying the person in another vehicle (e.g. an ambulance or a mental health agency vehicle)
- escorting another vehicle (e.g. an ambulance or a mental health agency vehicle)
- conveying the person in a police vehicle (last resort).

29.1 *Transporting people taken into care and control under s.232 Mental Health and Wellbeing Act*

- Members are responsible for determining the most appropriate form of police involvement when transporting a person who is taken into care and control under s.232 *Mental Health and Wellbeing Act*. Refer to **VPM Care and control under the Mental Health and Wellbeing Act 2022** for further information.
- Transport of a person taken into care or control under s.232 *Mental Health and Wellbeing Act* in a police vehicle:
 - is a last resort and should only be utilised when the person poses such a significant risk of harm that transport by any other means would be unsafe
 - should be for the shortest period of time necessary.
- If it is determined that a person taken into care and control under s.232, *Mental Health and Wellbeing Act* requires transport to a specified body in accordance with **VPM Care and control under the Mental Health and Wellbeing Act 2022** in a police vehicle, the divisional patrol supervisor or custody supervisor should be consulted. Where transport in a police vehicle is necessary:
 - ensure a minimum of two members are present. Where a member is attached to a non-24-hour police station, ensure to follow the minimum member requirements outlined in **VPM Operational duties and responsibilities**
 - use handcuffs only when necessary and be mindful of the risk of positional restraint asphyxia. Refer to **VPM Operational safety equipment** for further information
 - transport the person to a specified body. Refer to **VPM Care and control under the Mental Health and Wellbeing Act 2022**.
- Members must not transport a person who has been sedated unless in an ambulance and accompanied by AV.
- If a person is returned to a police facility after being released from care and control under s.232, *Mental Health and Wellbeing Act*, CHAL must be notified.

Attendance procedures

30. Reporting to a supervisor

- When a person is to be taken to a police facility for interview, pending further action or enquiries, they should be taken to a facility where a supervisor at the rank of sergeant or above is located.
- When a person is to be taken to a police facility for lodgement in the detention facility, they must be taken to a facility listed on the Register of Detention Facilities where a custody supervisor is located.
- If there is a delay in taking a person to a police facility which is likely to cause an unreasonable delay between arrest and questioning, the member or PCO accompanying the person must notify the divisional patrol supervisor.
- Upon arrival at a police facility, a supervisor at the rank of sergeant or above must be notified.

31. Right to access independent legal advice

- A person in police custody must be given a reasonable opportunity to communicate with or attempt to communicate with a legal practitioner before the commencement of any questioning or investigation.
- The communication between the person and the legal practitioner, as far as practicable, must be conducted in a manner that cannot be overheard. This is a right that is protected under s.464C, *Crimes Act* and s.25, the Charter.
- If it is identified that the person in police custody is not an Australian citizen, they must be given a reasonable opportunity to communicate with or attempt to communicate with the consular office of the country of which they are a citizen before the commencement of any questioning or investigation. This is a right that is protected under s. 464F, *Crimes Act*.
- Refer to **VPM Interviews and statements** for further information.

32. Assessment and recording during the attendance process

32.1 Attendance Module

When accompanying people in police care or custody to assist with police enquiries, for interview, or lodgement, members and PCOs must:

- ensure people (other than witnesses) taken to police facilities are entered on the Attendance Module as soon as practicable after arriving at a police facility
- ensure an arrival check entry is recorded on the Attendance Module in accordance with **VPM Attendance and Custody modules**.

When an Attendance Module record is made, the custody supervisor must:

- ensure an assessment has been made against the Coma Scale Assessment Tool and that appropriate action has been taken
- ensure the initial supervisor check is completed on the Attendance Module in accordance with **VPM Attendance and Custody modules**
- ensure LEAP and associated checks and assessments have been undertaken and that any updates are recorded
- ensure LEAP checks are conducted on any pending enforceable actions (e.g. remand warrant application, bench warrant, whereabouts, intervention order service, and any forensic procedures etc.)
- enquire if the person is the primary caregiver of a dependent and, if so, whether suitable arrangements for their care have been made
- ensure that where practicable, members or PCOs attempt to facilitate the making of suitable arrangements with the person in police custody's family or friends, or other agencies or organisations that may have involvement with the dependent person
- where no suitable arrangements are made for:
 - a child, notify Child Protection, Department of Families, Fairness and Housing (DFFH), using the applicable number on the 'Child protection contacts' website.
 - a person with a disability, supported by the National Disability Insurance Scheme (NDIS), contact an NDIS Local Area Coordinator on 1800 800 110 or through the NDIS Local Area Coordinator search function on the NDIS website.

Refer to the **Managing people with disability in custody Practice Guide** for information on after-hours support

- any other dependent who may require immediate medical care, contact AV.
- after the arrival check and initial supervisor check are completed, welfare checks are to be recorded on the Attendance Module in accordance with **VPM Attendance and Custody modules**.

At police facilities without a dedicated custody supervisor, the above responsibilities should be performed by a supervisor of the rank of sergeant or above who is independent, that is, a member who has not been involved in the arrest or interviewing of the person.

Where a supervisor at the rank of sergeant or above is unable to attend the police facility, these responsibilities can be performed via phone or other virtual alternatives (e.g. AVL or Microsoft Teams). Justification for not attending the police facility must be recorded on the Attendance Module.

32.2 *Processing of a person in police custody*

Where a person in police custody is assisting with police enquiries or being interviewed, members and PCOs must ensure:

- if appropriate, the person is searched in accordance with **VPM Searches of a person** and recorded on the Attendance or Custody modules, including details in relation to the authorisation and factors considered to justify the search
- photographs of people, including any scars, marks, or tattoos, are taken and added to the Attendance Module. If applicable, ask the person to remove items that obstruct the face (e.g. religious face coverings or face masks). A person is not required to remove religious headwear (e.g. headscarf) for a photo unless it obstructs the face. Refer to the **Religious or cultural practice for people in police care or custody Practice Guide** for further information
- there is no power to compel a person to be photographed unless they are a registered sex offender. In circumstances where a person is not a registered sex offender, force must not be used to take photographs or remove items for the purpose of taking photographs
- the person is or has been fingerprinted in accordance with **VPM Fingerprinting**
- unexecuted DNA orders are downloaded and actioned as required
- the custody supervisor is informed of any:
 - injury sustained by the person, or a member or PCO
 - complaints made by the person in custody of assault by members or PCOs.

The custody supervisor must:

- assess whether or not the person has an injury or illness
- where the person complains of assault by members or PCOs, or if members or PCOs have been injured or are ill, determine whether it is appropriate for relevant members or PCOs to continue to be involved in processing the person
- oversee the interviewing and charging process including determining whether the investigator has considered whether the person is a DNA person and if a DNA sample may be obtained in accordance with **VPM DNA profile samples**.

If that person wishes to make a complaint about their treatment while in police custody, refer to section 72 of this policy for further information regarding complaint management.

32.3 *Custody risks*

Assessing custody risks is a process that must be applied throughout a person's time in police custody.

If a risk is identified or there is a change in the risk severity, custody staff must ensure:

- appropriate action is taken
- the custody supervisor is notified
- the person's custody risks are updated on the Custody Module in accordance with the **Custody risks and recommended actions Practice Guide**.

33. Placement of people attending for interview

- While the custody supervisor has overall responsibility for the care and supervision of the person in police care or custody at a police facility, the interviewing or investigating member is directly responsible for their care and supervision until:
 - the person is released
 - the person is lodged in a detention facility
 - responsibility for the care and supervision of the person is transferred to another member or PCO.
- A search should be conducted of the interview room before and after use by the interviewing member.
- A person must not be left in an interview room unsupervised. A person in an interview room must be under direct observation.
- Before entering an interview room occupied by a person in police care or custody, members and PCOs should assess any risks, taking into consideration previous and recent behaviour of the person, and the resources required to safely enter the room.
- When a person is at a police facility for interview, the interviewing member should consider placing them on hold in a detention facility rather than an interview room while further actions or enquiries are undertaken. This decision must be informed by:
 - whether it is appropriate to hold the person in a detention facility taking into consideration their safety, security, health and wellbeing
 - an assessment of possible risks, including consideration of the Coma Scale Assessment Tool
 - the ability to directly observe the person if they were placed in an interview room
 - the anticipated time that it will take to undertake enquiries.
- Members and PCOs must record identified risks on the Attendance or Custody modules.
- When placed in a detention facility, a person awaiting interview or in the process of being interviewed must be kept separate from people who have been remanded or who are serving a sentence of imprisonment. While placed on hold, the person

must be managed in a way that is appropriate for a person who has not been convicted. See section 41 of this policy for further information.

- The custody supervisor must ensure that people placed on hold in a detention facility must be checked either:
 - in-person every 15 minutes and be constantly monitored via CCTV
 - in accordance with the observation frequency determined by the completion of a DRA.
- Observations must include detailed and meaningful information and be recorded on the Attendance or Custody modules.
- Members must continue to adhere to the reasonable time provisions under s. 464A(1), *Crimes Act* if a person taken into police custody is placed in a detention facility instead of an interview room. When determining what constitutes reasonable time, members must consider the sub sections listed in s.464A(4), *Crimes Act*.
- An entry on the Custody Module and a New Custody DRA must be completed when a person is on hold in police facilities for more than four hours, even if they are not formally lodged in a detention facility during that time. See section 17 of this policy for further information.
- Interviews must be conducted in accordance with **VPM Interviews and statements**.

34. Communicating risk or safety concerns

- When the care and supervision of a person is transferred to a member or PCO, they must be briefed about the circumstances and the level of supervision required. The member or PCO receiving the information must confirm that they understand the information they have received.
- Members and PCOs must advise the custody supervisor if they discover any information or any change in the person's behaviour that may alter the DRA and monitoring of the person while in police care or custody. The custody supervisor must consider whether a revised post-custody incident DRA is required.
- The vulnerability of people in police care or custody may increase in particular circumstances, which may increase their risk of suicide or self-harm. These circumstances include, but are not limited to:
 - after interview
 - after arrest for further offences
 - on being charged with an offence
 - following visits/conversation with legal practitioners or relatives
 - after refusal of bail
 - when attending court
 - after being charged with sex offences, family violence offences or stalking offences
 - after sentencing.

35. Disposal interview questions

- A disposal interview must be completed by a supervisor of the rank of sergeant or above who is independent, that is, a member who has not been involved in the

arrest or interviewing of the person in accordance with **VPM Attendance and Custody modules** and **VPM Police custody officers**.

- The independent member should also ensure any property that belongs to the person is returned or transferred unless an item has been seized by police. Refer to sections 56-65 of this policy for further information.
- Where an independent member is not present at the police facility, the disposal interview can be performed via phone or other virtual alternatives (e.g. AVL or Microsoft Teams). Justification for not attending the police facility must be recorded on the Attendance Module.

Lodging a person in detention facilities

36. Suitability for lodgement

Custody supervisors must assess the circumstances of the person in police custody and be satisfied that:

- there are sufficient grounds and necessity for the person to be held in a detention facility. Refer to **VPM Arrests and warrants to arrest** for further information
- the framework provided by **VPM Disposition** has been applied
- it is appropriate to lodge the person in a detention facility by considering the following:
 - the safety, security, health and wellbeing of the person
 - the nature of offending
 - the demeanour of the person
 - the circumstances of the arrest
 - the person's prior history (custody risks and recommended actions, PWF etc.)
 - the category of detention facilities available
 - any other relevant factors.

37. Creating a Custody Module record

Members and PCOs must create a Custody Module record when a person in police custody has been:

- lodged in a detention facility
- taken directly to hospital after arrest or interview and the person is likely to remain in police custody following treatment (refer to section 50.11 of this policy for further information)
- held in police custody at police facilities for more than four hours.

38. Detainee processing

When a person is lodged in a detention facility, custody supervisors must ensure that the following tasks are completed:

- The detainee is advised and understands their rights, including the reason for their detention and the Custody Rules that apply to the detention facility. If required, obtain the services of an interpreter in accordance with **VPM Interviews and statements**.

- Where a professional interpreter is not available, a para-professional interpreter should be engaged. Refer to **VPM Interviews and statements** for further information.
- The detainee is searched, if applicable, in accordance with **VPM Searches of a person** and recorded on the Custody Module, including details in relation to the authorisation and factors considered to justify the search.
- A DRA is completed in accordance with section 17 of this policy.
- Personal items such as clothing, jewellery, religious items and appearance related items are removed if they pose a safety or security risk to the detainee or others. See sections 52 and 62 of this policy for further information.
- Support items and mobility aids are assessed and removed if they pose a risk to the detainee or others. The removal of these items must be proportionate to the risk, and necessary for the safety and security of the detainee or others. Custody staff must contact CHAL if removing these items. See sections 52 and 62 of this policy and **Managing people with disability in police care or custody Practice Guide** for further information.
- Anything removed during a search of a person that is not an exhibit is dealt with in accordance with sections 56 to 65 of this policy and **VPM Property and exhibit management**.
- The detainee's property is recorded, checked and accounted for in accordance with section 57 of this policy.
- The detainee has been photographed. There is no power to compel a person to be photographed unless they are a registered sex offender. A detainee is not required to remove religious headwear (e.g. headscarf) for a photo unless it obstructs the face. Refer to the **Religious or cultural practice for people in police care or custody Practice Guide** for further information.
- Where the custody supervisor is notified that a person presented to be lodged in a detention facility has injuries that are not explained on either the Attendance or Custody Module, the custody supervisor must make enquiries as to the events leading up to and circumstances of the injuries and record this on the Custody Module.
- If the detainee is a primary caregiver or has dependents refer to section 32.1 of this policy for further information.
- If applicable, update the Custody Module including the custody risks and recommended actions assessment; see **VPM Attendance and Custody modules** and **Custody risks and recommended actions Practice Guide**
- If required, submit a PWF using Form 292. Refer to **VPM Person warning flags** for further information.
- If applicable, a completed Medical Consent form should be emailed or faxed to CHAL. Custody staff must record when the form has been sent to CHAL on the Custody Module.

39. External agencies lodging detainees at detention facilities

- Where an external agency attends a detention facility to lodge a person, custody staff must ensure that a handover with appropriate, detailed, and meaningful information and documentation is received.

- A Detainee Transfer to/Receipt from External Agency form [VP Form 1446] must be completed and retained with any other relevant documentation. This is not required for detainees arriving from CV or Youth Justice.
- A copy of any instrument of authority that the detainee is held on must be supplied by the external agency to custody staff prior to any lodging of the detainee.
- The external agency must provide a custody handover briefing to Victoria Police custody staff which advises how long the detainee has been in the external agency's custody.
- Custody staff must request the external agency supply any custody management records relating to:
 - any medical treatment required (including current medication)
 - custody management issues or requirements
 - warnings for violence, separation, risk of suicide or self-harm etc.
- If the person is lodged at a detention facility, custody staff must ensure CHAL receives documentation on medical history, medication and self-harm risks which have been identified, including a hospital discharge summary, if applicable.
- Where the external agency is unable to supply any existing custody management records, the custody supervisor should make an assessment and if necessary, contact Custody Operations and Logistics for further advice or seek guidance from the divisional patrol supervisor.
- Where the external agency is unwilling to supply any existing management records, the custody supervisor should refuse the lodgement and contact Custody Operations and Logistics for further advice or seek guidance from the divisional patrol supervisor.

40. Detainee management requirements

- Following the completion of the DRA, the custody supervisor or SPCO (where an SPCO is present) must determine the placement of the detainee based on:
 - the safety, security, health and wellbeing of the detainee
 - the detainee's physical condition, age, gender and mobility
 - indications the detainee may harm themselves or others, escape, or damage property
 - the detainee's demeanour
 - any other relevant factors including risks present on the Attendance or Custody modules or PWF on LEAP
 - whether the detainee can be lodged with other detainees.
- The custody supervisor or SPCO (where an SPCO is present) is responsible for providing direction to custody staff concerning the safety, security, health and wellbeing of the detainee. If a detainee is displaying aggressive or violent behavior, custody staff should consult with the custody supervisor to determine an appropriate management plan.
- If a detainee is determined to be at risk of suicide or self-harm, ill or injured, custody staff should consult with the custody supervisor and CHAL to determine an appropriate management plan.

41. Placement of people in a police detention facility

People must not be placed in a cell until the relevant risks, management requirements and considerations for the individual have been assessed. Placement decisions should be frequently assessed by custody staff.

Custody staff must ensure that:

- women are placed separately from men. For gender diverse people, refer to section 42.4 of this policy
- children are placed separately from adults in accordance with s.23(1), the Charter
- people displaying symptoms, or suspected of having, an infectious virus or disease are placed in a separate cell. Contact CHAL for advice as required
- people awaiting interview, bail or remand decision and people on hold without charge are placed separate from:
 - remanded CV prisoners
 - CV prisoners serving a sentence of imprisonment
 - detainees held under warrant
- people displaying violent or threatening behaviour are placed in a cell by themselves if justified and necessary for the health, safety, security and wellbeing of the person and others
- people are not placed in a cell by themselves as a punitive measure.

Where the above requirements are not able to be met due to high capacity or service demand, contact Custody Operations and Logistics for advice.

Custody staff must apply the following placement principles unless it is not operationally feasible:

- Place people displaying self-harming or suicidal behaviour with other people unless there is risk of harm to the person or others.
- Place people who are at risk of serious or significant harm from others due to the nature of offending, in a cell by themselves or with people accused of similar offending. Refer to the **Custody risks and recommended actions Practice Guide** for further information.
- Alcohol or substance-affected people may require individual cell placement. Consider the Coma Scale Assessment Tool in the decision.
- If required, custody staff should consult with the arresting members as to the placement of a person in custody e.g. co-offenders, sex offenders or gang members.

Where the above principles are not able to be applied, the custody supervisor should record the justification on the Custody Module.

42. Placement of specific detainees

42.1 Children

- A child must not be placed in a cell with an adult in accordance with s.23(1), the Charter and s.347(2a), *Children, Youth and Families Act*.
- Children of the same gender can be placed in a cell together, unless one or more of the children pose a risk to another child. Custody staff must consider the age gap of

the children and any other relevant factors before a decision is made to place children together.

- A child on remand may be temporarily held or lodged in a police gaol for no more than two working days, for the purposes of facilitating the transportation of the child to or from a court or youth justice facility (s.347A, *Children, Youth and Families Act*).
- Children on remand are required to be held in a remand centre for the detention of children unless otherwise prescribed by Schedule 3 of the *Children Youth & Families Regulations 2017* (s.347).

42.2 **Emergency Care Warrant**

A child subject to an Emergency Care Warrant should only be held in a detention facility when their behaviour is such that they cannot be safely held elsewhere in the police facility.

42.3 **Aboriginal and Torres Strait Islander people, including children**

- Aboriginal and Torres Strait Islander people must be consulted on their preference for placement.
- Place Aboriginal and Torres Strait Islander detainees together if they wish to be placed with other Aboriginal and Torres Strait Islander detainees, unless there is an identified risk from placing them together, or the other person/s object, to promote the right to maintain cultural and kinship ties in accordance with s.19(2c), the Charter.

42.4 **Transgender and gender diverse detainees**

- Transgender and gender diverse detainees, including children, may request placement with a preferred gender. This may be with males, females or in a cell by themselves. The detainee should be informed that there is no privacy from other detainees in a shared cell when using the toilet.
- Custody staff must consider the request for preferred placement of a transgender or gender diverse person and make all reasonable efforts to accommodate placement where they will feel most safe unless an assessment of any risks determines otherwise. Factors to consider in their placement include:
 - the affirmed gender identity of the individual, that is, the gender with which the person identifies
 - whether the individual has expressed a concern for their safety
 - any safety risks posed by others in the cell to the wellbeing of a transgender or gender diverse individual, creating a risk of violence, ill-treatment or physical, mental or sexual abuse to transgender or gender diverse people or any other person
 - any other relevant risk factors.
- Transgender and gender diverse individuals must not be placed in a cell by themselves solely because of their gender identity.
- Refer to the **Transgender and gender diverse people in police care or custody Practice Guide** for further information.

42.5 *Detainees with a disability*

- The *Equal Opportunity Act* requires Victoria Police to make reasonable adjustments for a person with a disability in the provision of care and ensure the safety, security, health, and wellbeing while the person is in police custody. Reasonable adjustments must be considered by custody staff determining placement of the detainee.
- Each person must have their unique needs taken into consideration when deciding what constitutes reasonable adjustments. This decision must be made on a case-by-case basis in consultation with the custody supervisor and if applicable, with CHAL. Refer to the **Managing people with a disability in custody Practice Guide** for further information.

43. Removal of detainees from detention facilities

The custody supervisor is responsible for ensuring members or PCOs record on the Custody Module if a detainee is moved from a detention facility to another location inside or outside the police facility:

- for the purpose of interviewing the detainee
- for any other reason or action.

44. Transfer where police facilities are inadequate

44.1 *Transfers to other police facilities*

- If there is a need to hold a person in police custody overnight or for multiple days, and the facilities are inadequate, custody staff should transfer them to a category A detention facility.
- If assistance is required for transport, custody staff should contact Custody Operations and Logistics for advice during business hours. If outside of business hours, custody staff should notify the divisional patrol supervisor.

44.2 *Transfer of people to MCC*

- People in police custody must have been charged pending a remand or bail application, remanded, arrested on a warrant, or sentenced to a term of imprisonment before being transferred to the MCC.
- Members or PCOs must request the transfer via Custody Operations and Logistics.
 - If outside of Custody Operations and Logistics' business hours, seek approval from the Divisional Supervisor for North West Metro Division 1, in consultation with the MCC shift manager.
 - Requests for transport to and from the MCC may be made through Custody Operations and Logistics during their business hours.
 - The requesting station is responsible for transportation to and from the MCC after hours.
- If a person in police custody requires transfer to MCC on medical grounds, custody staff must consult CHAL, Custody Operations and Logistics and the MCC shift manager.
- If a person in police custody requires transfer to MCC on medical grounds, before their supporting paperwork or documentation is completed, the custody supervisor

must record the lawful reason for detaining the person in police custody and details of the transfer on the Custody Module.

- If a person in police custody is transferred to MCC on the advice of CHAL, pending medical assessment or transport to hospital, the person can be placed on hold in a holding cell to ensure that they are appropriately supervised. The transporting custody staff are responsible for the safety, security, health, and wellbeing of the person while the person is on hold and must remain at the MCC until the person is formally lodged or transported to hospital.
- The transporting custody staff must ensure all property (other than seized property), medication and relevant documentation accompanies the person in police custody when transferred.

45. Conducting and recording transfers

Where a detainee is to be transferred from a police facility, the escorting member or PCO should:

- ensure all detainee transfers and movements are recorded on the Custody Module including:
 - reasons for the movement/transfer
 - transfer destination
 - escorting member or PCO's name and rank.
- ensure that the detainee is transported safely and in accordance with sections 28 and 29 of this policy.

Where a detainee has been transferred from another police facility, the receiving members or PCOs should:

- search the detainee's property in accordance with sections 56-65 of this policy
- consider whether there are lawful grounds to conduct a search of the detainee. Refer to **VPM Searches of a person** for further information.

46. Gaol offences

- Any charge against the good order of the police gaol pursuant to the *Corrections Act* and the *Corrections Regulations 2019* may only be issued when the detention facility is classified as a police gaol.
- Custody staff should consider not charging a detainee who has self-harmed with an offence against the good order of the police gaol in circumstances where no other offence was committed (e.g. criminal damage, assault).

Management and care of people in police custody

47. General management and supervision requirements

- The custody supervisor has overall responsibility for ensuring the appropriate management and care of people in police custody for their shift.
- Custody staff are responsible for undertaking the day-to-day tasks required to ensure the safety, security, health, and wellbeing of people in police custody.

- In detention facilities where SPCOs are allocated, SPCOs have the primary function of maintaining the good order of the police gaol, supervising, and overseeing the duties performed by PCOs. Refer to **VPM Police custody officers** for further information about the role of SPCOs.

47.1 *Continuity of supervision in detention facilities*

- There must be at least one custody staff member present in the close vicinity of the detention facility at all times when one or more detainees are being held.
- If a custody staff member needs to leave the area, they must hand over their duties to another custody staff member. Refer to section 47.2 of this policy.

47.2 *Communication and handover procedures*

- Custody supervisors and custody staff must ensure that all relevant information about a person in police custody is communicated to, and understood by, other relevant staff during the shift. Information must be verbally communicated and recorded on the Attendance or Custody Module. The member or PCO receiving the information must confirm that they understand the information they have received.
- If custody responsibilities are transferred over to other custody staff, a comprehensive verbal handover should be given, particularly at shift changeover or when transporting between police facilities.
- The handover must address the status, risks, and wellbeing of each person in police custody.
- It is recommended that incoming custody staff walk through the detention facilities with custody staff from the previous shift, at shift changeover, to observe each detainee.
- Handovers must be recorded on the Custody Module.

47.3 *Supervisor handover procedures*

- Custody supervisors must record the time that they assume responsibility for the attendance and custody areas on the Custody Module.
- At the completion of their shift, the outgoing custody supervisor must complete a detailed and meaningful formal supervisor handover with the incoming custody supervisor using the Custody Module, in accordance with **VPM Attendance and Custody modules**.
- The supervisor handover on the Custody Module must be completed in addition to the verbal handover between outgoing and incoming supervisors.

48. Monitoring and checking

48.1 *Detainee Risk Assessment*

- Members and PCOs should monitor and assess people throughout their time in police custody. The DRA informs custody staff of the requirements for the management and care of detainees that includes, but is not limited to:
 - appropriate observation levels
 - identifying and attending to medical needs
 - identifying and addressing wellbeing needs (e.g. food, hygiene and visits)

- member and PCO safety considerations.
- Refer to section 17 of this policy for further information.

48.2 *Aboriginal and Torres Strait Islander people – additional checks*

Additional checks are required when a person is taken into police custody and the person either:

- identifies as being of Aboriginal or Torres Strait Islander descent
- is unwilling or unable to self-identify and records indicate that they have previously self-identified
- custody staff know, or are of the opinion, that the person is of Aboriginal or Torres Strait Islander descent based on information contained in records and includes previous or current interactions with police.

In these circumstances, an in-person check must be conducted by custody staff every 15 minutes for the first two hours and the observation details must be entered in the Custody Module.

After the first two hours, checks must be conducted according to the appropriate level and frequency identified in the DRA.

48.3 *Levels of observation*

- Custody staff must choose an observation level when completing a DRA that reflects the mental and physical state of the person in police custody. Refer to the Levels of Observation table (set out below) for guidance on how to assess which level of observation is most appropriate and the corresponding minimum acceptable number of in-person checks for that person.
- There are different methods of conducting an in-person check including, observation check, verbal check, and cell check. Refer to section 48.4 of this policy.
- Custody staff are required to conduct an in-person check for each person in police custody in accordance with the relevant observation level.
- If a change in observation level is required, custody staff must complete a Revised Post Custody Incident DRA. Refer to section 17.3 of this policy for further information.

Levels of Observation**Level 4 – Low Risk Observation**

This is the minimum acceptable level for all people in police custody (who are not assessed at a higher level):

- An in-person check on the person in custody must be conducted *at least every hour*.
- An in-person check of an Aboriginal or Torres Strait Islander person must be conducted every 15 minutes for the first two hours from when the person is first lodged in a detention facility.
- Complete an observation check at every in-person check for the purpose of determining the detainee's wellbeing. If the safety, security, health and wellbeing of the person in police custody cannot be properly assessed by an observation check, complete a verbal check and/or a cell check.
- Ensure checks are carried out sensitively to cause as little intrusion as possible.
- If the person in custody is sleeping, refer to section 48.5 of this policy on conducting an in-person check when the detainee is sleeping.
- CCTV should be used in addition to in-person checks.

Level 3 – Moderate Risk Observation (Substance affected)

This is the minimum acceptable level for substance affected people in custody, or people in custody who have been assessed by a health professional as presenting with physical or mental health risks:

- An in-person check of the detainee must be conducted and the person in custody roused at least every 30 minutes.
- An in-person check of an Aboriginal or Torres Strait Islander person must be conducted every 15 minutes for the first two hours from when the person is first lodged in a detention facility.
- Complete a verbal check at every in-person check. If the safety, security, health and wellbeing of the person in custody cannot be properly assessed by a verbal check, complete a cell check.
- Pay attention to any person in custody appearing intoxicated to ensure intoxication is not masking symptoms of a serious medical condition.
- Level 3 requires a person in custody to be roused at every in-person check. Section 48.5, 'conducting an in-person check when the detainee is sleeping' does not apply for level 3.
- The person's best verbal response must be assessed against the Coma Scale Assessment Tool at each in-person check.
- CCTV should be used in addition to in-person checks.

Level 2 – High Risk Observation

This is the minimum acceptable level for a person in custody where an assessment of a person's risks indicates a likelihood of self-harm or suicide, and/or they have been assessed by a health professional as presenting with significant physical or mental health risks:

- An in-person check on the person in custody must be conducted at least every 15 minutes, or more regularly if directed by CHAL.
- Complete a verbal check at every in-person check if the detainee is awake. If the safety, security, health and wellbeing of the person in custody cannot be properly assessed by a verbal check, complete a cell check.
- Consider rousing the person in custody every 15 minutes subject to advice from CHAL.
- If the person in custody is sleeping, refer to s. 48.5 on 'conducting an in-person check when the person in police custody is sleeping'.
- CCTV must be used to constantly monitor the person in police custody, unless exceptional circumstances apply, in addition to in-person checks.
- CHAL must be notified of the person in police custody's situation.

See **People in police care or custody at risk of suicide or self-harm Practice Guide** for further guidance.

Level 1 – Imminent Risk Observation

People in police custody should not be kept in police facilities where either:

- the person in police custody is at imminent risk of suicide or self-harm; consult CHAL for advice, or
- the person in police custody is at imminent risk of a life limiting or ending medical event.

In these circumstances:

- Call AV and then notify CHAL.
- The person in police custody must be under constant physical observation pending clinical assessment from CHAL/AV and/or transfer.
- Constant physical observation involves two or more members or PCOs remaining physically present with the person in police custody in the detention facility, either outside the door of the cell or inside the cell with the person in custody.

48.4 Conducting checks

- People in police custody must be checked in-person. This means that custody staff must go into the detention facility to directly observe the person in police custody. While CCTV enhances the monitoring of people in police custody, in-person checks are still required.
- CCTV must not be used as the sole means of monitoring people in police custody.
- When conducting an in-person check of a person in police custody, there are three different methods that can be used. These are:
 - Observation check – at least one member or PCO observes the person in police custody through the flap or window in the cell door to check their safety, security, health, and wellbeing. This includes hearing or observing the breathing of the person in police custody.

- Verbal check – at least one member or PCO engages in a verbal conversation with the person in police custody to assess both their state of mind and their general health. A non-verbal acknowledgement from the person in police custody, such as a thumbs up or head nod may be sufficient to constitute a verbal check.
- Cell check – two or more members or PCOs must enter the cell and determine that the person in police custody is well and breathing. This may also include observing whether they can open their eyes, respond verbally and be understood, or other observations as determined in consultation with CHAL.
- Custody staff should refer to the Levels of Observation tables at section 48.3 of this policy for guidance on when each method of checking is appropriate.
- Custody staff should be mindful that the vulnerability of people in police custody may increase in particular circumstances, and this should be taken into consideration when conducting the checks. These circumstances include, but are not limited to:
 - after interview
 - after arrest for further offences
 - on being charged with an offence
 - following visits/conversation with legal practitioners, relatives or friends
 - after refusal of bail
 - when attending court
 - after being charged with sex offences, family violence offences or stalking offences
 - after sentencing.
- Custody staff must do all of the following:
 - conduct all required checks in line with a person in police custody's observation level
 - record all checks on the Custody Module in accordance with **VPM Attendance and Custody modules**. Observations should include meaningful and detailed information about the safety, security, health and wellbeing of the person in police custody
 - report any changes in the behaviour or condition of the person in police custody to the custody supervisor immediately
 - respect the privacy and dignity of people in police custody at all levels of observation.
- As far as practicable, there should be continuity in checks. The custody staff member who conducted the last check should conduct the next check. This provides a more informed evaluation of changes in the condition and potential risks involved.

48.5 *Conducting an in-person check when the person in police custody is sleeping*

- Where a person in police custody is sleeping, they should be checked to ensure they are breathing (observe rise and fall of the chest and/or hearing the person breathing) and/or moving and appear in good health.
- If custody staff have any reason to be concerned about the safety, security, health, and wellbeing of a sleeping person in police custody, or they cannot observe signs of life, they must enter the cell and perform a cell check on the person.

- In some circumstances, it may be necessary to rouse the person to assess if they are asleep as opposed to being in an unconscious state and in need of medical attention. Situations where this may be required include but are not limited to, where the person in police custody:
 - shows signs of being alcohol and/or substance affected at the time of assessment
 - remains in one position for an extended period or appears to be lying in an awkward position
 - appears to have breathing difficulties
 - is in a position where the rise and fall of the chest cannot be observed
 - is snoring, shaking, or vomiting.
- People in police custody at Level 3 observation as indicated on the Levels of Observation table at section 48.3 of this policy must be physically roused at every check.
- Custody staff must report any decline in the person in police custody's behaviour or condition to the custody supervisor immediately.

49. Custody supervisor checks

- The custody supervisor should conduct welfare checks of people in detention facilities. Custody supervisor welfare checks must be recorded on the Custody Module. These checks are in addition to those done by custody staff.
- If the check by the custody supervisor raises no concerns, custody staff may create the observation on the Custody Module on behalf of the custody supervisor. The custody staff member recording the observation must note which custody supervisor conducted the check and that they are recording the observation on behalf of the custody supervisor.
- If the check reveals any circumstances that pose a risk to any person or to the management of the detention facility, the custody supervisor should record this on the Custody Module. See **VPM Attendance and Custody modules** for further information.

50. Medical treatment

50.1 *Obtaining medical treatment*

- Where a person in police custody appears to be ill or injured, custody staff must obtain medical advice or assistance.
- If a person in police custody is found in an impaired conscious state or there is any doubt about their condition custody staff must:
 - assess the person's best verbal response against the Coma Scale Assessment Tool and take appropriate action (refer to section 20 of this policy for further information)
 - contact AV where emergency medical attention is required
 - contact CHAL for advice and assistance
 - monitor the person in accordance with the appropriate level as indicated on the Level of Observation table at section 48.3 of this policy.
- Custody staff must notify the custody supervisor where there are any concerns in relation to the medical treatment of a person in police custody.

50.2 *Medical consent*

- When completing a DRA, custody staff should request the person in police custody to read and sign the form 'Consent to Obtain, Use and Disclose Health Information'.
- The signed consent form must be emailed or faxed to CHAL if consent is given.
- This form can be found on the Custody Hub.

50.3 *Giving medication to a person*

When giving medication, custody staff must comply with the instructions below and the custody supervisor is responsible for ensuring compliance with the following:

- Medication must not be given to any person in police custody unless first approved by CHAL, or on the direction of AV.
- Medication approved by CHAL must be given as soon as practicable after the authorisation has been given.
- The preferred method for giving medications to a person in police custody is from a sealed, tamper proof blister pack which has been authorised and prepared by a CHS pharmacist, a contracted pharmacist, or a medical officer.
- Document the medication provided to the person in police custody on the Attendance or Custody Module.
- All medication should be photographed clearly showing the name of medication, expiry date and dispense label. Images must be emailed or faxed to CHAL for approval prior to being given.
- Medication dispensed in the community to a person in police custody may only be given to the person when directed by CHAL.
- Prior to any medication being provided to a person in police custody, the person must be correctly identified by a minimum of three identifiers (e.g. name, date of birth and photograph).
- Do not directly handle medication. Place the medication into a cup and provide the cup to the person in police custody. Ensure the person in police custody places the medication in their mouth.
- A mouth check must be carried out, asking the person in police custody to open their mouth and lift their tongue, so custody staff are satisfied the medication has been swallowed. If the person refuses, force cannot be used, and the refusal must be recorded on the Custody Module.
- A person in police custody must not be provided with medication while they have access to other people in custody.
- All medication must be consumed by the person in police custody before that person is permitted to associate with other people in police custody.
- The Custody Module must be updated when medication is used/consumed, refused, or not given.
- Contact CHAL when medication is refused by the person in custody or not given by custody staff.
- On release of the person in police custody, advice must be sought from CHAL regarding any remaining medication being provided to the person.

- All medication (whether the person's own or issued by CHS) must be transferred with the person in custody between police facilities and CV.

50.4 *Medication storage*

- A person in custody's own medication and medication issued by CHS must be clearly labelled with three points of identification, e.g. their name, date of birth and MNI.
- All medication provided by CHS or their delegate (such as a contracted community pharmacy) must be stored in the custody area. If required, store in a refrigerator.

50.5 *People required to self-medicate*

- During the DRA, it may be identified that a person in police custody has medication with them that they can use to self-medicate (e.g. a Ventolin inhaler for asthma or a spray to treat angina). Contact CHAL for advice prior to allowing the person in police custody to take this medication.
- All medication should be photographed, and the image must be emailed or faxed to CHAL for approval prior to administration.
- People in police custody may only self-medicate under the supervision of custody staff.

50.6 *People required to self-inject*

- Where a person in police custody is required to self-inject medication, they should be permitted to administer this medication immediately after approval from CHAL. Custody staff must not allow someone to self-inject more than two hours after CHAL approval without further CHAL consultation.
- Custody staff may provide access to a blood glucose monitor for a person in police custody to self-test following an assessment of any associated risks. Results must be reported to CHAL and added as an observation in the Custody Module by custody staff.
- Custody staff must supervise the person in police custody when in possession of a syringe and ensure they place the syringe in a Sharps Container after use.
- A nurse or medical practitioner must provide the injection where there is concern about the person in police custody misusing a syringe.

50.7 *People on Opioid Replacement Therapy*

- A person on Opioid Replacement Therapy (ORT) (Methadone/Buprenorphine etc.) treatment must be permitted to continue their treatment. ORT will be followed up and arranged by CHS pharmacy for dosing by the CHS contracted pharmacy during their operating hours.
- Custody staff should contact CHAL for advice when managing a person on ORT.
- Refer to the **People in police custody on Opioid Replacement Therapy Practice Guide** for further information.

50.8 *Refusal of medical treatment*

People in police custody have the right to refuse medical or nursing treatment. Where medical attention is obtained and the person refuses treatment from a medical practitioner, custody staff must:

- notify a custody supervisor of the refusal
- record details of the refusal and any advice received from the medical practitioner on the Attendance or Custody Module
- notify CHAL for advice.

50.9 *Private medical examination*

- A person in police custody may request a private medical examination.
- In order to conduct a private medical examination, approval must be obtained through the Chief Custodial Medical Officer (CCMO) in consultation with the Station Commander
- Custody staff must inform the medical practitioner and the person in police custody that Victoria Police will not meet the expenses of the examination.
- Custody staff must inform CHAL that a private medical practitioner is attending.
- Custody staff must facilitate the private medical examination as soon as practicable following the request.
- Any treatment prescribed by a private medical practitioner must be approved by the CCMO.
- Custody staff must record details of the visit on the Attendance or Custody Module.

50.10 *Transfer to other facilities or hospital*

If medical advice indicates the person in police custody should be transferred from a police facility to other facilities such as MCC or hospital, refer to sections 28, 29 and 44.2 of this policy.

If a person in police custody is taken to hospital for assessment or treatment:

- the person should be charged and bailed, where appropriate
- where it is not appropriate for the person to be charged and bailed, and the person is admitted to a hospital, a hospital guard must be provided (refer to Hospital Guard Plan/SOPs located on the Custody Hub for further information)
- custody staff must record details of all transfers to hospital on the Custody Module.

If a person in police custody requires medical attention but refuses, custody staff must seek advice from CHAL.

50.11 *Transfer to hospital directly after arrest in the field*

Where a person in police custody has been transported directly to hospital for assessment or treatment after an arrest in the field, the following applies:

- The person should be charged and bailed, where appropriate. Detailed and meaningful notes must be recorded by members on their electronic Patrol Duty Return (ePDR) and diary or notebook, on the circumstances of the transfer.

- Where it is not appropriate for the person to be charged and bailed, and the person is admitted to a hospital, a hospital guard must be provided. Refer to local Hospital Guard Plan/SOPs located on the Custody Hub for further information.
- Where the person is likely to remain in police custody following treatment or admission, the arresting members must:
 - Call the local police station in which the hospital is located, as soon as practicable, to place the person on the Custody Module and complete a New Custody DRA detailing the circumstances of the hospital admission. The police station completing the Custody Module entry on behalf of the arresting member can then transfer the person to hospital on the Custody Module.
 - Complete a hard copy Custody Property Sheet (CPS) [VP Form 451] and process the person in police custody's property in accordance with sections 56 and 57 of this policy. Property must then be processed in accordance with section 60 of this policy upon lodgement at a police detention facility.

50.12 *Medical information and documentation*

- Any information received by custody staff that relates to the health care needs of a person in police custody must be provided to CHAL, including remand documentation and information from visitors and/or family.
- If the person in police custody is given medical documents from a medical practitioner, custody staff should handle these documents securely and store them with the property of the person in police custody.
- A medical discharge summary provided by a hospital or medical facility when a person in police custody is discharged after treatment, should be provided to CHAL by custody staff and their receipt should be recorded on the Custody Module. Original documents must then be sealed in the person's property.

51. Care for specific types of detainees

51.1 *Children*

A child's best interests must be met in accordance with s.17(2), the Charter. Custody staff must take appropriate measures to ensure that:

- the child is protected against all forms of discrimination
- children are kept separate from adults in detention facilities
- where possible, if the child is female, supervision occurs by a female member or female PCO
- the child is provided appropriate emotional support, including opportunities to contact parents/guardians and/or family members
- searches only occur in the presence of a parent/guardian or independent person and in line with **VPM Searches of a person**
- visits to the child from relatives and friends are facilitated where possible and if appropriate
- the child is provided with recreational material where available and if the assessment of associated risks determines that it is appropriate (e.g. reading material, television)

- any other measures are implemented that are appropriate to minimise harm and discomfort to the child
- any child who is Aboriginal or Torres Strait Islander is provided with appropriate cultural support and assistance in accordance with this policy. Members and PCOs should actively seek assistance from Aboriginal community-controlled organisations to support the child if available. See the **Aboriginal and Torres Strait Islander people in custody Practice Guide** for more information.
- where a child identifies as transgender or gender diverse, apply section 51.3 of this policy.

Members and PCOs should contact Child Protection, Department of Families Fairness and Housing (DFFH), using the applicable number on the 'Child protection contacts' website, to request and/or arrange a Child Protection Officer to attend and assist with the supervision if either of the following applies:

- the child's parent/guardian or an independent person for children cannot be contacted
- the child is a client of Child Protection.

51.2 *Aboriginal and Torres Strait Islander people*

Aboriginal and Torres Strait Islander people hold distinct cultural rights. In accordance with s.19(2), the Charter, appropriate measures must be taken to ensure that:

- the person is provided opportunities to maintain kinship relationships through contact with family, friends, and community
- visits to the person from family, friends, and community are facilitated where possible and if appropriate
- access to cultural items is provided in accordance with sections 52 and 62 of this policy.

Refer to the **Aboriginal and Torres Strait Islander people in police care or custody Practice Guide** for further information.

51.3 *Transgender and gender diverse people*

- Members and PCOs must treat a person who identifies as transgender or gender diverse as their affirmed gender.
- If a person discloses that they are transgender or gender diverse, members and PCOs should respectfully ask what terms they use to describe themselves, then use those terms.
- Members and PCOs should always use the person's affirmed name and pronouns.
- Members and PCOs should advise the person that they will be treated as a person of their affirmed gender unless they choose or request otherwise.
- Members and PCOs should take steps, where practicable, to protect the privacy of the person's transgender status.
- Members and PCOs must manage any individual risks to transgender or gender diverse people in police custody and re-assess as required.
- Refer to the **Transgender and gender diverse people in police care or custody Practice Guide** for further information.

52. General wellbeing requirements

- Station commanders, custody supervisors and custody staff are responsible for ensuring the safety, security, health and wellbeing of people in police custody is maintained in accordance with the Charter.
- The risk to a person in police custody increases the longer they are in police custody. Therefore, custody staff should, where practicable, provide those held in police custody for an extended period an increased frequency of access to visitors and resources, such as fresh air and exercise, to promote their right to humane treatment.
- Where a person in police custody is not granted access to a general wellbeing requirement, the justification must be recorded on the Attendance or Custody Module in accordance with **VPM Attendance and Custody modules**.

The following table outlines general wellbeing requirements when supervising people in police custody that must be followed by custody staff:

Wellbeing requirements	
Clothing	• Clothing may be taken from people in police custody for evidentiary, safety or hygiene purposes. Custody staff should ensure that people in police custody have access to replacement clothing following an assessment of any associated risks. This clothing may be obtained from stock kept in police facilities or provided by family or friends. Alternatively, disposable coveralls may be supplied. • If disposable coveralls are supplied, the person in police custody must be directed and supervised to ensure the disposable coveralls are worn correctly. • If replacement clothing is provided by family or friends: – ensure that it is searched for concealed items – give the clothing that the person in police custody was wearing to family or friends to take home, unless required for evidence. • All category A and category B BCA detention facilities must maintain stock of suicide-resistant gowns. Refer to section 26.2 of this policy for further information. • Clothing exchanges and issuing of disposable coveralls or suicide-resistant gowns are to be recorded on the Attendance or Custody Module in line with VPM Attendance and Custody modules.
Appearance related items	• Transgender people may bring appearance-related items with them into police care or custody, such as prosthetics, undergarments, wigs, or chest binders. • Any appearance-related item that a person brings with them into police care or custody must be removed if it poses a safety or security risk to the person or others. This can include using any item to self-harm or as a weapon to harm others. • Custody staff must conduct an assessment of risks before removing an appearance-related item from a person in police care or custody and must

	record the justification for the removal of the item on the Attendance or Custody Module. Refer to the Transgender and gender diverse people in police care or custody Practice Guide for further information.
Bedding	- Category A and category B detention facilities must maintain stock of and only supply suicide-resistant blankets to people in police custody. - Suicide-resistant blankets are the only blanket that may be provided to the people in police custody as needed. Ensure that the suicide-resistant blankets are removed from the cell when the person is moved or released. - Blankets and mattresses must be kept in a clean and sanitary condition. - Suicide-resistant blankets and mattresses must be checked for damage prior to each use and disposed of when no longer fit for use. If the blanket or mattress has begun to fray or develop holes, it is not fit for use.
Meals and refreshments	- The Station Commander is responsible for ensuring the provision of meals and refreshments for people in police custody. Meals should be nutritious, appetising and account for special dietary needs, allergies, and religious or cultural needs, including vegetarian/vegan, gluten free, halal, kosher etc., as requested. - It may not be necessary or practical to always have available meals or refreshments that cater for all dietary needs. Station commanders should have local arrangements in place to enable custody staff to obtain them when requested. - In locations where meals are not supplied by the major meal providers under the Supply of Prisoner Meals Contract, Station commanders must obtain quotes for meal deliveries from local service providers. At the beginning of the financial year, Station commanders must notify Custody Operations and Logistics of their preferred local service provider and provide the details of any purchase orders. - Station commanders must ensure: - custody staff must monitor meals for quality. If meals are kept on hand at police facilities, they should be regularly checked for freshness - custody staff preparing meals and refreshments for people in police custody must take steps to minimise contamination, such as washing their hands before handling and ensuring that the food is adequately heated through - that the meal trays used are suitable for people in police custody - that appropriate cutlery is used, as recommended by Custody Operations and Logistics. - Custody staff must ensure: - meals and refreshments are provided to people in police custody at standard mealtimes and at other times where it is reasonable to assume that they require it. However, meals and drinks must not be

	provided following a medical assessment of the person in police custody, where it is considered unsafe or likely to result in illness – meals and waste including all meal and drink packaging, and utensils are collected from people in police custody within reasonable timeframes – visitors do not provide food or drink for people in police custody to consume. • Hot drinks may be provided to people in police custody if the risks have been assessed and indicate it is safe to do so. • Custody staff must consider the following when providing meals and refreshments to people in police custody: – choking can be a deliberate attempt to self-harm – meal and drink packaging and utensils may be used for self-harm, to choke on, as a weapon or to cause damage. They should be removed as soon as a meal is finished. • If a person in police custody is at risk of self-harm or harming others, custody staff should consider whether they require close supervision while they are eating.
Hygiene facilities and toiletries	• People in police custody should be allowed to shower, wash, and shave as required following an assessment of associated risks. • A stock of basic toiletries and personal hygiene items must be maintained for use by people in police custody. • People in police custody must be able to manage menstruation and incontinence with dignity. Custody staff must ensure they have access to adequate sanitary and incontinence items and underwear while in police custody. • Underwear, sanitary and incontinence items can only be removed from a person in police custody who is menstruating or incontinent if the underwear, sanitary or incontinence item is being used to self-harm or harm others. • Any risks identified can be minimised through increased supervision and ensuring that people in police custody only have access to items that may be used to cause harm for the minimum amount of time necessary.
Exercise and recreation	• Subject to an assessment of associated risks, suitable supervision and where practicable, people in police custody in category A detention facilities should be allowed to access external exercise yards or secure areas with access to fresh air. Risks can be mitigated by having more than one custody staff member supervising the person in police custody, or by limiting the number of people that are in the exercise yard at a time. • People in police custody may be given access to recreational material where available and if the assessment of associated risks determines that it is appropriate (e.g. reading material, television). • Friends or family may provide appropriate reading material to people in police custody. If the assessment of associated risks determines that it is

	appropriate, the person in police custody may be provided access to the material.
Religious and cultural needs	- To ensure the protection of cultural rights, people in police custody should be allowed to observe religious practices or have cultural needs met as far as practicable. - Custody staff must assess the risks on a case-by-case basis, of a person in police custody being in possession of religious and cultural items. If an assessment of associated risks determines that the item poses a safety risk to the person or others in police custody, the item must be removed from the person in police custody. Where available and subject to this assessment of the risks, the person in police custody should be given access to reading material, prayer mats, or other religious or cultural articles. - Refer to the Religious and cultural practice by people in police care or custody Practice Guide for further information.
Support items and mobility aids	- A person with a disability may bring a support item or mobility aid with them into police care or custody, such as white canes or hearing aids. - Any aid items that a person brings with them into police care or custody may be removed if it poses a risk to the person or others. This can include using any item to self-harm or as a weapon to harm others. - The removal of these items must be proportionate to the risk, and necessary for the safety and security of the detainee and others. - Custody staff must contact CHAL if removing these items. - Custody staff must record the justification for the removal of the item on the Attendance or Custody Module. - Refer to Managing people with disability in police care or custody Practice Guide for further information.
Smoking	- Smoking is prohibited at police facilities. - Custody staff should contact CHAL if the person in police custody requires withdrawal support. - Refer to VPMP Smoke free workplace for further information.

53. Visitors and external correspondence

53.1 General visitors

- People in police custody should be allowed to have friends or family visit them.
- If a person in police custody is held in police custody for more than three days, custody staff should take reasonable steps to facilitate visits by family or friends. This may include allowing visits at times other than the designated visitor periods. If the person in police custody does not have family or friends who are able to visit, it may be appropriate to facilitate communication through other means.
- Children in police custody are entitled to have visitors (including legal practitioners) under ss. 347 and 347A, *Children, Youth and Families Act*.

- Aboriginal or Torres Strait Islander people in police custody who do not have family or friends available can contact the local ACJP or Aboriginal community-controlled organisation to discuss facilitating a visit to maintain kinship ties, as protected by s. 19(2), the Charter. Refer to section 5.3 of this policy for further information.
- Station commanders must establish local arrangements for receiving and managing visitors. These arrangements may be informed by the availability of staff, the security arrangements available and the location of the station. Station commanders must not unreasonably prevent people in police custody from having visitors.
- People in police custody should be informed of the visitor arrangements at the time of lodgement.
- When visitors attend, custody staff must ensure that:
 - their presence does not pose a security risk
 - they produce sufficient identification
 - they are supervised by custody staff in accordance with the Custody SOPs
 - if the detention facility is a police gaol, they have undergone a search by metal detector in accordance with s.104B, *Corrections Act*
 - there are no active intervention orders with protection conditions in place between the person in police custody and the visitor
 - there are no bail conditions prohibiting association or contact between the person in police custody and the visitor.
- Custody staff should be mindful that people in police custody may have an increased vulnerability of suicide or self-harm following visits.
- A register of visitors must be kept in accordance with section 4.3 of **VPMP Physical Security**. A physical register of visitors template (T360) can be found on the Custody Hub and must be retained for seven years upon completion.
- In addition to keeping a physical register of visitors, custody staff must also record all visitors on the Attendance or Custody Module in accordance with section 3.7 of **VPM Attendance and Custody modules**.

53.2 *Telephone calls*

- People in police custody should be allowed to communicate with family, friends, or legal practitioners by phone or other virtual alternatives. Where it is not practicable or appropriate for the person in police custody to make the call themselves, custody staff may make calls on behalf of the person.
- Custody staff must ensure there are no active intervention orders with protection conditions in place regarding the person in police custody and the person to be called, unless the order does not prohibit the contact.
- Custody staff must ensure there are no bail conditions prohibiting association or contact between the person in police custody and the person to be called.

53.3 *Service of civil process on people in detention facilities*

- Where personal service is required, the process server should be allowed entry unless the entry poses a security risk.
- Where personal service is not required, custody staff may receive service of the process on behalf of the person in police custody.

- After service has been effected, custody staff must record service on the Custody Module and manage the documents as part of the person's property. Refer to section 60 of this policy for further information.

54. Visits and consultations with legal practitioners

- People in police custody are entitled to access independent and confidential legal advice. This can occur in person or by virtual alternatives. Refer to the **Legal Practitioner Referral Guide** available on the intranet for further information.
- If a legal practitioner makes a phone call requesting to speak to a person in police custody, the legal practitioner should be informed as to whether this can be facilitated. Alternative arrangements such as visiting in person or virtual alternatives may need to be considered by the legal practitioner.
- Legal practitioners may visit people in police custody if they do not pose a security risk and produce sufficient identification.
- During legal consultations, people in police custody and their legal practitioners should remain within view but must be out of hearing of custody staff, other people in police custody, and members of the public.
- Custody staff must record visits, consultations, and any communication, including phone calls, on the Attendance or Custody Module.

55. Records and privacy

- Custody staff must consider privacy and security in relation to people in police custody's details and keep records private and secure.
- As far as practicable, custody staff must keep records or details in a location where they are unable to be viewed or accessed by other people in police custody, or members of the public.

Property

56. General requirements for managing property for people in police custody

When dealing with a person in police custody's property, members and PCOs must:

- adopt appropriate hygiene practices when handling, such as use of PPE
- be aware of potential hazards such as sharp objects or uncapped syringes
- ensure all items removed from the person are individually recorded on the Custody Property Sheet (CPS)
- photograph any medication and send the images through to CHAL. The images must clearly show labelling, actual medication and packaging, and the expiry date
- place all property retained into clear plastic bags that are secured with a security tag and have all itemised contents visible. A copy of the person's CPS must be kept with the bag. Where necessary, a Tamper Evident Audit Bag (TEAB) should be used.
- include the quantity of bags and corresponding security tag numbers in the CPS
- refer to the **Religious and cultural practice by people in police care or custody Practice Guide** for further information regarding storing religious and cultural items

- ensure all money is counted in the presence of the person (if practicable), in the presence of a second member or PCO, and then recorded, and sealed in a TEAB as required by **VPM Seized property and special property types** and **VPM Property and exhibit management**. Any money should be counted in a location where it can be recorded on CCTV.

Refer to section 68 of this policy for further information regarding return of property following release from police custody.

57. Custody Property Sheet

The CPS is available on the Custody Module. The CPS may be used for people in police care or custody who do not have a Custody Module record.

Members and PCOs should ensure a person in police care or custody signs the CPS. Where the person in police care or custody:

- is unable to write, members and PCOs should note this on the CPS, read the contents of the CPS aloud and obtain and witness the person's mark. A supervisor at the rank of sergeant or above should endorse the person's mark on the CPS
- refuses to sign or is physically or cognitively incapable of signing, note this on the CPS and include the reasons why the person has not signed
- is displaying any behaviours that pose a risk to the person in police care or custody and/or others, note this on the CPS and include this reason as to why the person has not signed.

58. Property requirements for people recorded on the Attendance Module

- People in police custody recorded on the Attendance Module should have their personal property removed and securely stored until their release.
- Members and PCOs are responsible for ensuring that the person's property is recorded on the CPS, checked, and accounted for.
- If a Custody Module record is subsequently created for the person, refer to section 61 of this policy for further information.

59. Property requirements for people recorded on the Custody Module

- People in police custody recorded on the Custody Module should have their personal property removed and securely stored until their release.
- Members and PCOs are responsible for ensuring that the person's property is recorded on the CPS found on the Custody Module, checked and accounted for.
- Where property is deemed suitable to be retained by the person in custody, for example, jewellery in circumstances that it cannot be removed, custody staff must:
 - photograph any property item left on the person; print and place with the property of the person in police care or custody
 - record on the CPS noting the property item is retained on the person
 - record the justification for leaving the property item on the person on the Custody Module
 - record on the CPS if the property item is removed from the person and placed in the person's property.

- If a person in police custody is subsequently lodged in a detention facility, see section 60 of this policy for further information.

60. Property requirements for people lodged in detention facilities

In addition to the requirements in sections 56 to 59 of this policy, when a person is lodged in a detention facility, custody staff must:

- include details of any statement or Record of Interview that have been handed to the detainee on the CPS
- enter property removed as an exhibit from the detainee onto the Property and Laboratory Management (PALM) system and make a record on the Custody Module. A copy of the PALM property receipt should be kept with the person's property
- where practicable, minimise the amount of property held by allowing the detainee to give searched items to a friend or relative with the signed consent of the person
- ensure any clothing or other items provided to the detainee by friends and relatives are thoroughly searched. If the item poses no risk to the person, or others, it can be provided to them and recorded on the Custody Module
- if the detainee has no property at lodgement, a 'nil' entry should be created, and the CPS should be printed in hard copy and signed by the person.

61. Property being received

61.1 *Transfer via the Attendance Module*

- When people in police custody are transferred via the Attendance Module, custody staff must inspect the person's property and ensure it matches the hard copy CPS that accompanied the person.
- Where practicable, this should be done in the presence of the person and the transporting staff.
- If the forms and property are identical, custody staff must then receipt the CPS that accompanied the person and hand it back to the transporting staff, to be returned to the originating police facility.
- If the property and CPS are not identical, this must be brought to the attention of the custody supervisor immediately.

61.2 *Transfer via the Custody Module*

- When people in police custody recorded on the Custody Module are received from an external agency or another police facility, custody staff must view the CPS on the Custody Module and compare it with the hard copy CPS that accompanies the person.
- The person's property, including all medication, must be inspected and accounted for in the presence of the person and the transporting staff.
- If the forms and property are identical, custody staff must then receipt the CPS that accompanied the person and hand it back to the transporting staff, to be returned to the external agency, or the originating police facility.

- If the property and accompanying paperwork are not identical, this must be brought to the attention of the custody supervisor immediately.

62. Property risk identification

- Any item that a person in police custody brings with them into custody must be removed if it poses a safety risk to the person or others in the police facility. This can include using the item to self-harm or as a weapon to harm others.
- Custody staff must record their justification for removing a religious or cultural item on the Attendance or Custody Module. Refer to the **Religious and cultural practice by people in police care or custody Practice Guide** for further information.
- Custody staff must record their justification for removing support items or mobility aids on the Attendance or Custody Module. Refer to the **Managing people with a disability in police care or custody Practice Guide** for further information.
- Custody staff must record their justification for removing appearance related items from transgender and gender diverse people in police care or custody on the Attendance or Custody Module. Refer to the **Transgender and gender diverse people in police care or custody Practice Guide** for further information.

63. Perishable property and alcohol

- All perishable property belonging to a person in police custody, including any item that is subsequently disposed of, must be recorded on the CPS and signed by the person in police custody.
- People must not consume their own perishable property whilst in police custody.
- Perishable property or alcohol may be stored with the person in police custody's property if able to be securely covered or sealed.
- Perishable property or alcohol may be disposed of either:
 - when the item poses a health or safety risk to custody staff, the person in police custody, or others, e.g. if required to be refrigerated
 - with the person in police custody's consent.
- If alcohol is seized from a child, it can be legally disposed of in accordance with the *Liquor Control Reform Act 1998*.

64. Seized property

- Members have a power to seize property under various legislative provisions and at common law.
- The person in police custody should be advised of the intention to seize the item(s) and relevant power used to do so. Any item(s) seized from people in police custody must be recorded on the CPS and the Attendance or Custody Module.
- All items seized as an exhibit must be clearly identified, recorded, and entered onto PALM. The PALM property receipt should be placed with the property of the person in police custody.
- Any seized items must be photographed and stored in accordance with **VPM Property and exhibit management** and **VPM Seized property and special property types**.

65. Disposal authorised by the person in police custody

- A person in police custody may authorise the disposal of their property to a nominated person (e.g. friend or relative). Where this occurs, custody staff should do all of the following:
 - ensure that the person in police custody has completed the authorisation section on the CPS
 - confirm the identity of the nominated person
 - hand the person in police custody's property to the nominated person as soon as possible
 - have the nominated person sign the CPS.
- The disposal of the property must be recorded on the Attendance or Custody Module.
- Hardcopies of the CPS must be retained in accordance with the Retention and Disposal Authority for Records of Victoria Police. Refer to the **Retention and Disposal Periods for Victoria Police Records Practice Guide** for further information.

Departure and release from police custody

66. Determination of lawful release for Corrections Victoria prisoners

66.1 *Sentence Calculation and Warrants Administration at Corrections Victoria*

- Sentence Calculation and Warrants Administration (SCWA) is a CV administrative unit responsible for the lawful release of CV prisoners and detainees held in police custody.
- SCWA assists members and PCOs with both Sentence Calculation and Priority Clearance requests for CV prisoners being held in detention facilities. This is to ensure the CV prisoner is lawfully released at the appropriate time and not unlawfully detained.
- SCWA operating hours can be found on the Sentencing Calculation Request [VP Form 1445]. All CV prisoner release enquiries must be made during these hours.
- The SCWA operational phone number must not be provided to the public.
- Records relating to a SCWA request must be managed as follows:
 - All enquiries made with CV must be noted on the Custody Module in accordance with **VPM Attendance and Custody modules**.
 - A printed copy of all requests to SCWA, including the Priority Clearance Request [VP Form 1478] and Form 1445, and information received from CV via email, must be kept with the Prisoner Information Record (PIR) and retained and managed in accordance with **VPMP Information review, retention and disposal**.

66.2 *Sentence Calculation Request*

- Custody staff must complete a Form 1445 in circumstances where:
 - a CV prisoner being held in police custody is sentenced to less than 30 days imprisonment

- pre-sentence detention reckoned as time served is close in number to the term of imprisonment imposed
- a CV prisoner being held in Victoria Police custody has less than 10 days left of their sentence.
- When any of the conditions above are met, custody staff must:
 - email Form 1445 and all sentencing documentation to the SCWA
 - monitor for when the SCWA returns the Form 1445 to custody staff with a release date
 - update the CV prisoners 'Hold To' comments on the Custody Module.

66.3 *Priority Clearance Request*

- Following a court ruling by either a judge or magistrate, the court clerk will contact the detention facility to arrange the release of the CV prisoner, a Priority Clearance Request [VP Form 1478] must be completed before a CV prisoner, due for immediate release, can be released from police custody. Custody staff must obtain copies of all court orders, as soon as possible, following the conclusion of the hearing.
- Custody staff must check the MNI on the remand warrant to ensure it matches the one identifying the CV prisoner. If the remand warrant has the wrong MNI or an MNI belonging to the CV prisoner's alias, an incorrect result may be provided by SCWA.
- Custody staff should refer to the "Notes and Important Information" section on Form 1478 for how to correctly complete and submit the form. Once completed, custody staff must follow this process:
 - Submit the form to SCWA. If the 'Submit to SCWA' function on the form is unavailable, custody staff must print and scan the completed form and email it to scwa.scan@justice.vic.gov.au.
 - Receive an automated email receipt from SCWA to confirm that the documents have been received and are being processed. A priority clearance request can take up to 60 minutes to process.
 - If a response is not received from SCWA after 60 minutes, custody staff or the custody supervisor must contact the SCWA's operational line (refer to Form 1445 for relevant contact details).
 - If custody staff have difficulty with obtaining a response from SCWA, they should contact Custody Operations and Logistics for assistance and advice.
 - Following their review, SCWA will email a response to all parties copied into the initial email. The email response will include one of four (4) outcomes:
 - SCWA clears the CV prisoner for release
 - SCWA requires further information from Victoria Police to process the priority clearance
 - the CV prisoner must not be released from police custody
 - the person is not a CV prisoner, and a clearance cannot be provided by CV.
 - The requesting custody staff member must wait for the SCWA email response before taking any action to release the CV prisoner from police custody.
 - Once SCWA clears the CV prisoner for release, SCWA will activate the discharge button on the Custody Module for that custody record.
 - If the requesting custody staff member is concluding their shift, or otherwise changing duties, prior to receiving the email response, it is their responsibility to

advise the relevant custody supervisor that a response is yet to be received from SCWA.

- If a response is not received by the end of the custody supervisor's shift, they must advise the incoming custody supervisor of the outstanding SCWA request at the time of their handover briefing and record this on the Custody Module.

67. Releasing people serving a term of imprisonment under a Warrant to Imprison

- If a person is serving a term of imprisonment under a Warrant to Imprison, they are required to serve their full sentence.
- For this purpose, a day should be taken to start at midnight on one day and finish at midnight the next. As it is not practical to release all detainees at midnight, time of release must be determined as follows:
 - a person serving a sentence longer than one day should be released from police custody between 6:00am and 8:00am on the last day of sentence
 - a person serving a sentence of one day, the time of release is as follows:
 - arrested between midnight and before 8:00am – released at 8:00am on the day of arrest
 - arrested between 8:00am and before 6:00pm – released at 6:00pm on the day of arrest
 - arrested after 6:00pm – released at midnight on the day of arrest.
- Refer to section 73 of this policy for guidance regarding notification requirements where a person in police custody has been unlawfully released or detained.

68. Return of property

68.1 Release from police custody

- When a person in police custody is released by a bail decision maker or magistrate following a court hearing, custody staff should ask the person to return to the police station or custody area to collect their property.
- The member or PCO releasing a person from police custody should ensure that the person is:
 - given each item on the CPS, unless seized as an exhibit (refer to section 64 of this policy)
 - given any seized item(s) in a TEAB (if utilised) deemed suitable to be returned. If returning seized items, refer to **VPM Seized property and special property types** for further information
 - informed of any item(s) that have been seized by police as evidence
 - given any medication (members or PCOs must seek advice from CHAL prior to handing back medication)
 - given the printed CPS to sign on receipt of their property.
- The member or PCO releasing the person must ensure that each item on the CPS is accounted for.

68.2 Transfer to a prison

- Where contracted transport is used, property should be placed into a clear plastic bag with a unique security seal number.

- Medication prescribed for the detainee and verified by CHS should accompany the person to prison; refer to section 59 of this policy.
- A hardcopy of any DRA(s) must be provided to the transporting staff and accompany the person to prison.

69. Releasing children from police custody

- Where practicable, children, other than children taken into police custody on an Emergency Care warrant, should be released from police custody into the care of a parent, guardian, independent third person (ITP), residential carer or DFFH.
- Children taken into police custody on an Emergency Care warrant must be released into the care of the person/address nominated on the warrant. This may be DFFH, a residential carer or other suitable person as nominated on the Emergency Care warrant, if so nominated, otherwise under s.173, *Children, Youth and Families Act*.

70. Releasing people at risk of suicide or self-harm

- Custody staff may identify that a person being released from police custody appears to have a mental illness, and because of the apparent mental illness, it is necessary to take the person into care and control to prevent imminent and serious harm to the person or to another person.
- Custody staff must immediately inform the custody supervisor and seek advice from CHAL when needed.
- Members may take the person into their care and control under s. 232, *Mental Health and Wellbeing Act* for a mental health assessment if the conditions are met.
- Refer to **VPM Care and control under the *Mental Health and Wellbeing Act 2022*** for further information.

71. Transfer to external agency

- Where a person in police custody is to be transferred to an external agency, in addition to any information requested by the external agency, a Detainee Transfer To/Receipt from External Agency [VP Form 1446] must be completed. The following printouts from LEAP and/or the Attendance or Custody Module that are applicable to this, or any previous custody incident, must be attached:
 - any medical treatment
 - medication prescribed/or and supplied by CHS
 - custody issues
 - custody risks
 - PWFs.
- The member or PCO transferring the person from police custody to the external agency must:
 - provide a verbal briefing and completed Form 1446 (with the printouts placed in a sealed envelope) to the external agency representative taking custody of the person
 - have the external agency representative sign the Form 1446 acknowledging receipt and contents
 - update the Attendance or Custody Module with details of the representative, the verbal briefing and the documents/medications provided to the agency.

- Where the person in police custody is being transferred to the Department of Home Affairs (DHA), in addition to the above requirements, scan and send a copy of the completed Form 1446 to DHA via email. See the Custody Hub for the relevant email address.
- Where the person in police custody was entered on the:
 - Custody Module – a copy of the Form 1446 must be kept with the PIR
 - Attendance Module – a copy of the Form 1446 must be retained on an official file by the work area that released the person in police custody to the external agency.

Complaints or incidents in police care or custody

72. Complaints

- Complaints received from people in police care or custody and/or independent people must be initially recorded on the Attendance or Custody Module by the member or PCO receiving the complaint.
- SPCOs must not attempt to resolve complaints made by people in police custody relating to an employee. These must be referred to a supervisor at the rank of sergeant or above.
- Refer to **VPM Complaints** for further requirements on the receipt of complaints.

73. Notification of significant issues of people in police care or custody occurring in attendance and custody areas

Members and PCOs must advise the custody supervisor if there are any issues that impact the ongoing safe management of people in police care or custody.

See **VPM Complaints** for reportable incidents or situations requiring immediate notification to PSC.

Custody staff must escalate their response according to the table below:

Situation	Notification and management
Unlawful release or unlawful detention	The custody supervisor must: • notify Custody Operations and Logistics by email • complete an Incident Fact Sheet (IFS).
Escapees	The custody supervisor must: • immediately report the incident to the: - Patrol supervisor and divisional patrol supervisor or other relevant senior sergeant - Police Communications - Professional Standards Command (PSC). • adhere to reporting member responsibilities and completion of LEAP forms outlined in VPM Escapees and absconders and VPM Missing persons investigations • complete an IFS

	• update any relevant custody risks in accordance with section 32.3 of this policy • record any details of the incident on the Attendance or Custody Module • submit a PWF via Form 292.
Serious injury/illness incidents (including as a result of attempted suicide or self-harm)	After ensuring that appropriate medical advice and attention has been obtained, the custody supervisor must: • secure, preserve and manage the scene in accordance with VPM Scene management • manage the incident in accordance with VPM Emergency management response • immediately report the incident to all of the following: - Divisional patrol supervisor or other relevant senior sergeant - Duty officer - Police Communications - CHAL - PSC notification via line command in accordance with VPM Complaints - WorkSafe in accordance with VPM OHS incident management and VPM Investigations of workplace incidents. • update any relevant custody risks in accordance with section 32.3 of this policy, if applicable • record any details of the incident on the Attendance or Custody Module • complete relevant OH&S incident reporting in accordance with VPM OHS incident management and VPM Investigations of workplace incidents • complete a Revised Post Custody Incident DRA, if applicable • complete an IFS • submit a PWF via Form 292 • if the event has been determined a Death or Serious Injury/Illness (DSII) incident, the custody supervisor must escalate to the Police Commander, who is responsible for completing the above notifications and actions in accordance with VPM Death or serious injury/illness incidents involving police.
Attempted suicide or self-harm that has not resulted in illness or injury	The custody supervisor must: • report the incident to both: - the Divisional patrol supervisor or other relevant senior sergeant - CHAL.

	• update any relevant custody risks in accordance with section 32.3 of this policy, if applicable • record any details of the incident on the Attendance or Custody Module • complete relevant OH&S incident reporting in accordance with VPM OHS incident management and VPM Investigations of workplace incidents • complete a Revised Post Custody Incident DRA, if applicable • complete an IFS • submit a PWF via Form 292.
Death of a person in police custody in the attendance and custody areas	The custody supervisor must: • secure, preserve and manage the scene in accordance with VPM Scene management • manage the incident in accordance with VPM Emergency Management response • report the incident to all of the following: - divisional patrol supervisor or other relevant Senior Sergeant - duty officer - police communications - CHAL - PSC notification in accordance with VPM Complaints - WorkSafe Victoria in accordance with VPM OHS Incident management and VPM Investigations of workplace incidents - State Coroner in accordance with VPM Deceased persons - Custody Operations and Logistics. • record any details of the incident on the Attendance or Custody Module • complete relevant OH&S incident reporting in accordance with VPM OHS Incident management and VPM Investigations of workplace incidents • complete an IFS • submit LEAP form Death of a Person [VP Form 214] • submit LEAP form Report of Death [VP Form 83] • if the event has been determined a Death or Serious Injury/Illness (DSII) incident in accordance with VPM Death or serious injury/illness incidents involving police, the Police Commander will escalate the notifications and actions to be undertaken.

74. Debrief following a custody related incident

- The full debrief criteria must be complied with in accordance with **VPMP Operational debriefings** and **VPMG Operational debriefings**.

- A full debrief should be considered for the following:
 - where the safety of an employee or person in police custody has been placed at significant risk
 - other incidents as determined by the station manager of the police facility, where the incident occurred.
- A full debrief must be conducted if directed by the Superintendent, SEPCMD.
- The requisite debrief (regardless of the debrief type) must be held as soon as practicable (must be within 14 days) of the incident occurring and should be completed using the debrief report template located on the Custody Hub.
- The following areas should be represented at the debrief:
 - the work unit and where the person in police custody was being held at the time of the incident
 - members or PCOs involved in the management of the person in police custody
 - CHS (if applicable)
 - Properties Division, Operation Infrastructure Department (OID)
 - Health, Safety and Wellbeing OHS Consultant
 - Custody Operations and Logistics
 - other work units as determined by the convenor of the debrief.
- The convenor (who is dependent on the debrief type) must ensure that the completed debrief report is forwarded to Custody Operations and Logistics.

Related documents

- VPM Attendance and Custody modules
- VPM Police custody officers
- VPM Care and control under the *Mental Health and Wellbeing Act*
- VPM Arrests and warrants to arrest
- VPM Bail and remand
- VPM Complaints
- VPM Death or serious injury/illness incidents involving police
- VPM Fingerprinting
- VPM Gazetting Victoria Police detention facilities
- VPMP Information review, retention and disposal
- VPM Interviews and statements
- VPM OHS Hazard and risk management
- VPM OHS Incident management
- VPM Person warning flags
- VPM Property and exhibit management
- VPM Protecting children
- VPM Searches of a person
- VPM Seized property and special property types

- Aboriginal and Torres Strait Islander people in police care or custody Practice Guide
- People in police custody on Opioid Replacement Therapy Practice Guide
- Custody Business Continuity Arrangements Practice Guide
- Custody risks and recommended actions Practice Guide
- Managing people with disability in police care or custody Practice Guide
- Health advice and guidance for managing people in police care or custody Practice Guide
- People in police care or custody at risk of suicide or self-harm Practice Guide
- Religious and cultural practice by people in police care or custody Practice Guide
- Retention and Disposal Periods for Victoria Police Records Practice Guide
- Transgender and gender diverse people in police care or custody Practice Guide
- Victoria Police Code of Conduct
- Victoria Police Workplace Standards and Inspection Manual

Further advice and information

For further advice and assistance regarding these Policy Rules, contact your supervisor, Custody Capability, State Emergencies and Support Command or visit the Custody Hub on the intranet.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
20/01/25	New policy issued to replace VPMP Persons in police care or custody and VPMG Safe Management of persons in police care or custody .	FF-240370 3
06/03/25	Updates to reflect integration of VP Form 1515 into Attendance Module	FF-268818
06/03/25	Updates to clarify that VPM Care and control under the Mental Health and Wellbeing Act 2022 is the primary source of guidance when taking people into care and control under s.232, <i>Mental Health and Wellbeing Act</i> .	FF-269545
30/09/25	Updated to refer to the CCI 09/2025 Youth Justice Act 2024 – children under the minimum age of criminal responsibility for the management of children aged 10 or 11 years in police care and control.	N/A
12/11/2025	Removal of reference to contact councils to provide emergency aged care services	N/A