

Inspection standards for Queensland watch-houses

Introduction

The purpose of the *Inspector of Detention Services Act 2022* (IDS Act) is to promote the improvement of detention services and places of detention, including watch-houses. Areas of focus include promoting and upholding the humane treatment of detainees and preventing them from being subjected to harm.

To achieve its purpose, the IDS Act authorises the Inspector of Detention Services to inspect places of detention, and report to Parliament about the outcomes of the inspections. This preventative focus will examine the systems and the lived experiences of people who are deprived of their liberty.

The inspection standards for Queensland watch-houses aim to ensure transparency in the outcomes that will be assessed during inspections. An additional goal for the Standards is to establish a set of best practice principles that watch-houses should meet to ensure the humane treatment of prisoners and prevent prisoners being subjected to harm while detained.

The preparation and publication of these Standards is required by the IDS Act.

Each standard also has several indicators which contribute to the Inspector's assessment of how well a standard is achieved. These indicators are contained, and discussed further, in our *Guide to assessing the inspection standards for Queensland watch-houses*.

The Standards recognise the vulnerability and specific needs of people who are deprived of their liberty and the importance of a trauma-informed operating philosophy. The Standards also recognise and highlight the importance of understanding and providing culturally appropriate services for the needs of Aboriginal and Torres Strait Islander prisoners.

The Queensland Standards are informed by the IDS Act, relevant Queensland legislation relating to prisoners, international rules that establish best practice, and other standards in other jurisdictions. Consultation was undertaken with Queensland government agencies, community organisations and the community.

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Principles

These standards are underpinned by the following basic principles:

- All detainees are treated with respect for their inherent dignity and value as human beings.
- Detention in a watch-house should be for the minimum time possible. Watch-houses are not designed to hold detainees for extended periods of time and are not appropriate places for children to be housed.
- No detainee is subjected to, and all detainees are protected from, torture and other cruel, inhuman or degrading treatment or punishment.
- Detainees identified as victims of torture or other cruel, inhuman or degrading treatment or punishment are supported to address their specific needs and seek redress if they wish to do so.
- Every person in a watch-house is safe and secure, including detainees, staff, service providers and visitors.
- Detainees are not discriminated against on the grounds of race, colour, gender, gender identity, intersex status, sexuality, disability, language, religion, political opinion, national or social origin, property, birth or any other status.
- Detainees' individual needs are catered for without discrimination, with particular focus on the most vulnerable cohorts of the population.
- Given the overrepresentation of Aboriginal and Torres Strait Islander people, watchhouses should have a culturally appropriate operating philosophy and be oriented to understanding and being responsive to the needs of Aboriginal and Torres Strait Islander people.

Standards

Reception

1. Detainees are safely transferred between police custody and watch-houses.
2. Authorisation for the detainee's custody is obtained and is explained to the detainee.
3. Detainees are treated with respect on arrival and are made aware of their rights and obligations.
4. Detainees are assessed and managed for their urgent needs and risks.
5. Detainee's personal property is recorded, stored securely and returned on release.
6. Detainees are examined and assessed by a qualified health practitioner on arrival at a watch-house. Immediate mental and physical health care needs are met.
7. Detainees are provided with the opportunity to make a free phone call on arrival.

Duty of care

8. Detainees are held in the watch-house no longer than necessary and for a maximum period of 72 hours.
9. Children are held in watch-house for the shortest possible time and only as a last resort. Overnight detention should be avoided.
10. The need for detainees to remain in custody is reviewed and reasons documented.
11. Detainees have access to legal representatives and resources and are supported to meet their legal obligations in relation to in person appearances or appearance via video link. Legal interviews are conducted in private.
12. The watch-house environment is one where bullying, harassment, intimidation, sexism or racism are not tolerated.
13. Detainees identified as being at risk of suicide or self-harm are safely and respectfully managed.

14. Men, women and children are accommodated separate from one another.
15. Cell placement considers the detainee's needs including gender, age and cultural considerations, and the management of any known disabilities and risks. Cell placement decisions that result in detainees sharing a cell are documented.
16. Use of padded or segregation cells, including as a strategy to separate detainees from other detainees, is used as a last resort and for the shortest possible time. The separation is guided by legislation and policy, accurately documented and subject to governance.
17. People with a known disability are safe, protected from harm and neglect and can enjoy full access to custody services.
18. Watch-houses have effective, transparent and confidential complaints processes in place for prisoners and staff.

Managing behaviour

19. Staff manage behaviour through a trauma and gender-informed approach that recognises the vulnerability and traumatic experiences of detainees.
20. Staff and detainee interactions are respectful.
21. Force is only used as a last resort and never as punishment. When force is used, it is lawful, necessary, proportionate and subject to rigorous governance.
22. Restraints are only used in exceptional circumstances and when no lesser form of control would be effective to address identified risks.
23. Weapons are only used as a last resort when no lesser form of control would be effective to address identified risks. The use of weapons is lawful, necessary, proportionate and subject to rigorous governance.

Daily life

24. Watch-house infrastructure is safe, fit for purpose and maintained to a high standard.
25. Watch-house lights can be dimmed or light output reduced to allow detainees to sleep.
26. Detainees have clean clothing, footwear and hygiene products available to them. Clothing is suitable for the environmental conditions.
27. Detainees have a bed and clean bedding suitable for their needs.
28. Detainees have access to nutritious food and clean drinking water is readily available.
29. Detainees can shower and brush their teeth daily.
30. Children and vulnerable adults can have access to visits from family and/or support services.
31. Detainees staying for extended periods can access phone calls to family or supports in privacy.
32. All detainees can spend at least 2 hours out of cell each day.
33. All detainees have access to meaningful activities that are also age appropriate.
34. Children staying for extended periods of time are given access to education.

Health

35. Detainees ongoing mental and physical health care needs are met.
36. Health service delivery to Aboriginal and Torres Strait Islander detainees is culturally appropriate.
37. Detainees receive required medication while in custody.

Security

38. All searches are lawful, reasonable and proportionate to the risk posed. They are carried out in the least obtrusive way, only conducted when necessary, and in a manner that is respectful of the inherent dignity of the person being searched.
39. Strip or unclothed search practices are completed with a trauma and gender informed approach. Technology is adopted to reduce the need for unclothed searches.
40. Incidents and deaths in custody are reported, required parties are notified and a comprehensive review or investigation is facilitated.
41. Transfer and transport arrangements for detainees being moved to a detention facility are respectful of detainees' needs and ensure the safety and security of the detainee.

Release

42. Detainees discharged to liberty or bail are supported to understand any relevant conditions associated with their release.

Equity and diversity

43. Detainees from diverse backgrounds and with diverse needs are respected and treated with dignity.
44. Legislation, policies and practices respect and promote the cultural rights of Aboriginal detainees and Torres Strait Islander detainees. Aboriginal detainees and Torres Strait Islander detainees are supported to exercise cultural rights and are protected from discrimination and harm.

Leadership and governance

45. Senior management promotes safe and respectful custody.
46. All staff working in a watch-house have the necessary skills, knowledge and authority, and are trained to the highest standards of professional competence, integrity and honesty.
47. Watch-house custody is considered as part of corporate performance management and reporting.
48. The Queensland Police Service collaborates with partner agencies and organisations to enhance custody arrangements. Collaboration with Aboriginal and Torres Strait Islander community leaders and organisations is prioritized.

References

List the relevant references from the Guide to assessing the standards.