

AUSTRALIAN POLICE CUSTODY AND PEOPLE WHO USE DRUGS: GAPS AND OPPORTUNITIES

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Background: Police custody is the first point in the criminal justice process after arrest. For decades, academics/human rights advocates have been calling on Australian governments to address concerns about conditions of police custody and poor detainee treatment/care and yet issues remain unaddressed. Our study which involved interviews with young men who inject drugs about custody experiences in Victoria, Australia, is one of few to examine these issues. Most participants were intoxicated when arrested/experienced withdrawal symptoms once detained and had pre-existing mental health conditions. Accessing healthcare, including medication for withdrawal symptoms was difficult. Limited access to fresh air/natural light/hygiene facilities exacerbated stress. Some self-harmed to deal with these stresses. Study data informed a desk-based scoping exercise to understand Australian police custody policy/practice landscapes.

Methods: We examined publicly available documents, including government reports, policing policies, academic literature, Ombudsmen reports, and human rights frameworks/treaties (e.g., Mandela Rules, Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [OPCAT]) to determine gaps/opportunities for addressing detainee safety/healthcare issues.

Results: We found no current publicly available Australian data exists about detainee numbers/demographics nor their length of stay; the most recent published data is from 2002. We found few enforceable protections exist regarding detainee healthcare rights/physical standards of police cells, and that limited transparent avenues exist for detainees to lodge complaints. Although Australia is a signatory to OPCAT, which aims to protect people's human rights in detention, Australia is the only developed nation having delayed OPCAT obligations.

Conclusion: Police custody detainees retain the right to be treated fairly/humanely and receive appropriate healthcare to meet their needs. While information about their needs remains unreported, however, ensuring rights are upheld is limited. Regular/accurate public reporting of the numbers/characteristics of detainees is needed, as is more research to understand detainee and custody officer experiences.

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