



Appendix

Appendix A: Queensland Police Service submission



QUEENSLAND POLICE SERVICE

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Our Ref:
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1 August 2024

Mr Anthony Reilly
Queensland Ombudsman
Level 18, 53 Albert Street
Brisbane Q 4000

Dear Mr Reilly

I refer to your letter of 10 July 2024, regarding the inspections that occurred at Murgon and Cairns watch-houses earlier this year. Thank you for providing the QPS an opportunity to make submissions in response to the draft report.

As you are aware, police officers may detain an individual when there is a concern for community safety, and this detention lasts until the individual's initial court appearance. If the court remands a person in custody, they will continue to be detained in a watch-house until they are accepted into a youth detention centre or prison.

The Queensland Police Service (QPS) detains approximately 75,000 people in 63 watchhouses each year, many built in the 1970's and are not designed or resourced to hold people in custody beyond 72 hours. Unfortunately, legislative changes within the Queensland Corrective Services Act 2006 and the Youth Justice Act 1992 have forced the QPS to detain an unprecedented number of remanded people in watch-houses for longer periods of time.

Whilst the QPS is unable to expedite admissions to youth detention centres and prisons, we strive to deliver safe and secure facilities, however as you rightly indicated, QPS watch-houses are designed and resourced to provide short-term periods of detention.

Therefore, Deputy Commissioner Cameron Harsley will lead a review into this critical issue and examine three broad areas of our custody operations, being people, operations, and capital. The role and responsibility of QPS in extended custody operations, especially for young people, will be a substantial consideration within this body of work.

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We will continue to work with the Department of Youth Justice, Queensland Corrective Services and the Department of Justice and Attorney General to reduce the number of and the time people spend in police watch-houses awaiting transfer to more appropriate detention facilities.

In response to the recommendations, the attached document provides specific feedback on the 24 recommendations within the inspection report. We believe that the number of recommendations could be reduced to twelve, with minor modification of wording within several recommendations. Critically, we don't believe that the intent of the recommendation is affected by these suggested changes.

The QPS is committed to pursuing continuous improvement in all aspects of our operations and we will consider the implementation of these recommendations during the review of custody operations that is currently underway.

I remain dedicated to delivering a safe Queensland community and I will continue to seek government's support in fulfilling this commitment.

Yours sincerely


STEVE GOLLSCHESKI APM
COMMISSIONER

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Recommendation	Response
<p>The watch house staff complete a complete a risk and compatibility assessment before children are required to share a cell. The Queensland Police Service, in consultation with the Department of Youth Justice review processes for young people being admitted into watch-houses, including training provided to Queensland Police Service staff.</p>	<p>The Queensland Police Service (QPS) in collaboration with partner agencies are reviewing policy, process and training delivered to watch-house staff relating to the admission of young people to watch-houses. This will include an evaluation of health and risk assessments, as well as any cultural needs of young people being admitted to watch-houses.</p>
<p>2 The Queensland Police Service examines ways to increase privacy in relation to the use of toilets and shower facilities for children sharing a cell in watch-houses.</p>	<p>The QPS building design manual is currently being reviewed following the design and development of the Wacol Remand Centre. The retrofitting existing facilities will require significant capital, therefore any changes will be considered in future modifications. The 24/7 transactional nature of watch-houses continues to be a challenge in managing privacy against risk and security.</p>
<p>3 The Queensland Police Service ensures the design of new watch-houses ensures more privacy for children when using the toilet.</p>	<p>Given the similarity of this recommendation to other recommendations within this report. It is suggested that this recommendation be deleted and incorporated into Recommendation 2, with suggested amendments. adopted.</p>
<p>4 The Queensland Police Service examines ways to increase privacy in relation to the use of showers for children at the Cairns watch-house.</p>	<p>Given the similarity of this recommendation to other recommendations within this report. It is suggested that this recommendation be deleted and incorporated into Recommendation 2, with suggested amendments. adopted.</p>
<p>5 Where children are detained in watch-houses for longer periods of time: (a) they are not detained in watch-houses that cannot facilitate at least two hours of daily access to an outside exercise yard and (b) that such access is treated as a mandatory entitlement that cannot be removed, for example, for operational reasons or as punishment.</p>	<p>QPS watch-houses are designed and resourced as short-term custody facilities. The majority of these are incorporated within or attached to police stations and/or court facilities, within metropolitan locations. QPS watch-houses do not have outside exercise yards. These therapeutic facilities are provided at the Department of Youth Justice and Queensland Corrective Services facilities.</p> <p>The QPS has no ability to prioritise the admission and transfer of people from watch-houses to these youth detention facilities or prisons. The QPS will continue to advocate for the transfer of young people and adults to appropriate custody facilities once they have been remanded or sentenced by a court.</p>

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6	<p>The Queensland Police Service reviews staffing of the Cairns and Murgon watch-houses to ensure a greater physical presence of its staff in the units used to detain children. This should include a requirement that watch-house staff undertake regular, unobtrusive, physical supervision of children to ensure their safety. This should occur at least every 15 minutes when children are locked in their cells. The observations should be recorded, monitored and reviewed.</p>	<p>The QPS policy in relation to the observation of people in custody is based on established risk parameters and facilitated through a combination of remote monitoring (CCTV) and physical inspections.</p> <p>A number of QPS watch-houses have a layout that facilitates a constant observation of cells, from a central control area (pod model). This layout allows for staff to continually monitor people in custody, unfortunately this often has a negative impact and watch-house staff within these facilities have reported that constant observation makes young people (especially males) act out. Staff and other people in custody are often subjected to gross acts, including masturbation in front of female staff, urination or throwing faeces during physical cell inspection and staff suffering constant verbal abuse.</p>
7	<p>The Queensland Police Service develops and delivers mandatory training for staff who undertake admissions and assessments of children, covering such topics as trauma-informed approaches to communicating with children with complex needs and engaging with Aboriginal and Torres Strait Islander children.</p>	<p>Given the similarity of this recommendation to other recommendations within this report. It is suggested that this recommendation be deleted and incorporated into Recommendation 1, with suggested amendments.</p>
8	<p>The Queensland Police Service consult with Queensland Health and/or other appropriate health experts, to develop and implement a standardised process to be applied to all children who are being detained in watch-houses for longer periods of time:</p> <ul style="list-style-type: none"> • that facilitates the examination of the child by a qualified health practitioner • within a timeframe recommended by Queensland Health and/or the other health experts. 	<p>The QPS and Queensland Health are currently reviewing the provision of healthcare within watch-houses, as part of a recommendation from the Tilberoo and Wylucki Inquest.</p>
9	<p>The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice and develops appropriate assessment tools to identify the needs and level of risk of children (including Aboriginal and/or Torres Strait Islander children)</p>	<p>Given the similarity of this recommendation to other recommendations within this report. It is suggested that this recommendation be deleted and incorporated into Recommendation 1, with suggested amendments.</p>

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10	The Queensland Police Service ensures admission discussions with children take place in a confidential and non-threatening environment.	Given the similarity of this recommendation to other recommendations within this report. It is suggested that this recommendation be deleted and incorporated into Recommendation 1, with suggested amendments.
11	The Queensland Police Service and the Department of Youth Justice ensures that children with medical or mental health needs, e.g. identified as being at risk of self-harm and/or suicide are: <ul style="list-style-type: none"> • transferred to a youth detention centre, or other appropriate facility immediately, and • referred to medical and/or mental health staff immediately while awaiting their transfer. 	<p>The QPS has no ability to prioritise the admission and transfer of people from watch-houses to these youth detention facilities or prisons. The QPS provide twice daily notifications to Department of Youth Justice (DYJ) on the young people in custody.</p> <p>The QPS works with Queensland Health to facilitate regular watch-house visits by Child Mental Health teams, a decision on whether a child is transferred to a mental health facility is made by a QH mental health practitioner.</p> <p>The QPS will continue to advocate for the transfer of young people and adults to appropriate custody facilities once they have been remanded or sentenced by a court.</p>
12	The Department of Youth Justice and the Queensland Police Service ensure that children detained in isolation (by virtue of being the only child in the watch-house or because they need to be removed from other children) are transferred from the watch-house to a youth detention centre and not be held in a watch-house for longer periods of time.	It is proposed that this recommendation be deleted and incorporated into Recommendation 11, with suggested amendments.
13	The Department of Youth Justice and the Queensland Police Service ensure that children with known complex mental health and/or cognitive issues are transferred to a youth detention centre or a more appropriate facility and not held for longer periods of time.	It is proposed that this recommendation be deleted and incorporated into Recommendation 11, with suggested amendments.

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14	<p>The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice and develops:</p> <ul style="list-style-type: none"> • a behaviour management policy/strategy that provides guidance to watch-house staff in relation to behaviour management strategies, including identifying which entitlements are mandatory and cannot be withheld • training in the trauma-informed and culturally appropriate management of children in custody that is mandatory for all watch-house staff. 	<p>The QPS is currently working with the Department of Youth Justice, Queensland Corrective Services and Queensland Health to review processes for managing people in watch-houses. Appropriate policy and training will be developed and implemented once this review has been completed.</p>
15	<p>The Queensland Police Service ensures that each watch-house that detains children partners with an agency that provides individual, trauma-informed and culturally appropriate advice and input on managing the complex needs and behaviours of children in watch-houses.</p>	<p>QPS watch-houses are designed and built as short-term custody facilities, they are not designed or resourced to operate as correctional or detention facilities. This recommendation seeks QPS to implement the same policies, processes and training as requested in recommendation 14.</p> <p>It is proposed that this recommendation be deleted and incorporated into Recommendation 14.</p>
16	<p>Where children are detained in watch-houses for longer periods of time, the Queensland Police Service ensures contact between a child in a watch-house and their family is given a high priority.</p>	<p>It is proposed that this recommendation be deleted and incorporated into Recommendation 18, with suggested amendments.</p>
17	<p>The Department of Youth Justice and the Queensland Police Service facilitate access by appropriate Aboriginal and Torres Strait Islander organisations, and Aboriginal and Torres Strait Islander Police Liaison Officers, to children in a watch-house.</p>	<p>It is proposed that this recommendation be deleted and incorporated into Recommendation 18, with suggested amendments.</p>
18	<p>The Department of Youth Justice and the Queensland Police Service work together to develop structured visiting times for family</p>	<p>QPS in collaboration with partner agencies and support groups is currently reviewing policy and processes associated with the watch-house visitors</p>

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19	<p>The Department of Youth Justice and the Queensland Police Service identify services available to children in the Murgon watch-house (for example, Cherbourg Regional Aboriginal and Islander Community Controlled Health Service, and Mercy Services), and ensure:</p> <ul style="list-style-type: none"> • the regular involvement of community organisations is facilitated • children have access to culturally appropriate mental health care and welfare visits • protocols and agreements are in place to support this. 	<p>It is proposed that this recommendation be deleted and incorporated into Recommendation 18, with suggested amendments.</p>
20	<p>The Queensland Police Service ensures Murgon watch-house staff promptly send advice of the arrest of a child to the Department of Youth Justice.</p>	<p>This is already incorporated into existing QPS policy. The QPS will take action to ensure that staff at Murgon station are aware of their requirements for notifications to Youth Justice.</p>
21	<p>The Queensland Police Service and the Department of Youth Justice conduct a joint review of services to children in watch-houses across the state that identifies gaps and develops strategies to address them.</p>	<p>It is proposed that this recommendation be deleted and incorporated into Recommendation 18, with suggested amendments.</p>

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22	The Queensland Police Service reviews the levels of centralised coordination of children in watch-houses to improve accountability and consistency of practices and services across the state.	<p>In October 2023, the State Custody Unit assumed the role of managing capacity across QPS watch-houses, moving people in custody to other watch-houses across the state to maximise available cell capacity and ensure QPS is able to meet demand.</p> <p>The Gov't supported a youth orientated 'hub' at Caboolture watch-house, which provides 24/7 youth worker and medical support to young people. The 'hub' also provides education sessions to young people with a large group of on-site teachers, as well as cultural and social support provided by MurriWatch and Youth Advocacy Centre.</p> <p>The Caboolture watch-house hub commenced in January 2024 and will continue operating until the Wacol Remand Centre commences on 31 December 2024. Whilst not a youth detention centre, the 'hub' has provided invaluable support to young people awaiting admission to a youth detention centre. The 'hub' has also allowed QPS staff to return to core responsibility of ensuring the safety and security of all people in watchhouses.</p>
23	The Queensland Police Service reviews its complaints-handling policies and procedures to ensure it has an effective, transparent and confidential process in place for children held in a watch-house. The complaints system should be user-friendly for children with low levels of literacy, those with disabilities and those for whom English is an additional language or dialect.	The QPS has commenced a review of its complaint handling process and will report on the outcomes, through existing processes.
24	Children should be detained in a watch house for the minimum time possible and transferred to a more suitable facility as soon as possible.	The QPS has no ability to prioritise the admission and transfer of people from watch-houses to these youth detention facilities or prisons. The QPS provide twice daily notifications to Department of Youth Justice (DYJ) on the young people in custody across the state.

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