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Tēnā koe Connor

Request for information

Thank you for your Official Information Act 1982 (OIA) request dated 3 December 2022.
You asked:

- 1. All policies and guidelines that apply to Custody officers such as control and restraint devices.*
- 2. A list of all gear Custody officers carry on them such as OC spray and Handcuffs.*
- 3. A list of gear Custody officers can use such as cell buster spray and riot shields.*

All information relevant to your request is contained within the Police Manual.

The Police Manual contains all good practice guidelines and instructions for the New Zealand Police. Each chapter provides principles that detail high level expected outcomes from following the chapter. Where the chapters detail good practice that is expected to be followed, a different path may be followed if it considers the good practice, is lawful, has integrity and can be justified to achieve enhanced outcomes.

The chapters relevant to your request titled Use of force overview, Mechanical restraints, Oleoresin Capsicum Spray¹, and Searching people² are published on the Police website.

¹ <https://www.police.govt.nz/about-us/publication/use-force-police-manual-chapters>

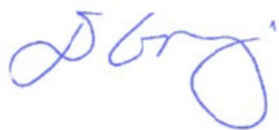
² <https://www.police.govt.nz/sites/default/files/publications/search-part-8-searching-people-redacted-031122.pdf>

The People in Police custody and TENR operational threat assessment chapters of Police Instructions are yet to be published on the Police website; therefore, a copy of these chapters is included with this response.

Some information has been withheld under section 6(c) of the OIA as the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Greig', is positioned above the typed name.

Superintendent Dave Greig
Director Capability



TENR-Operational threat assessment

Table of Contents

Table of Contents	2
Overview	3
Executive summary	3
Application and purpose	3
Definitions	3
TENR - operational threat assessment	4
TENR elements	4
Things to be aware of	4
TENR diagram	4
Roles and responsibilities	6
Employee responsibilities	6
Supervisor responsibilities	6
Police organisational responsibilities	6
TENR assessment procedures	8
Assessing the threat	8
Assessing the exposure	9
Assessing the necessity to act now, later or not at all	10
Developing a response	11
Before you respond	11
Your response options	11
Response methods	11
Recording and reporting	12
Notebook recording	12
Reporting the use of force	12
Debrief	12
Data updates and reports (lessons learnt)	12

Overview

Executive summary

The Police threat assessment methodology (TENR) is a decision making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The response to any given situation must be considered, timely, proportionate and appropriate.

The overriding principle when applying TENR is that of 'safety is success'. Victim, public and employee safety are paramount, and every effort must be made to minimise harm and maximise safety. In addition, these critical points apply:

- Police must apply TENR assessment methodology to all policing situations that involve risk and have the potential to cause harm.
- TENR assessments must be carried out in conjunction with the [Police Integrated Tactical Training \(PITT\)](#) and [Use of force](#) chapters of the Police Manual, the **Tactical Options Framework** (see PDF below), associated staff safety technical training regimes, the [Co-ordinated Incident Management System](#), [Civil Defence and Emergency Management](#) and other relevant Police Manual chapters and Standard Operating Procedures.
- TENR can be conducted intuitively, worked through in a Police notebook, or in detail as part of a planned operation, depending on the circumstances.

-

[Tactical options framework \(PDF\)](#)

147.26 KB

* A notebook card of the above (pdf) can be ordered via Lockheed Martin (710237 Lockheed PLC241 tac op-card)

Application and purpose

This chapter applies to all:

- constables
- authorised officers
- any other Police employees who from time to time may need to conduct a threat or risk assessment

and:

- details the policy behind TENR and how it must be used.

Definitions

Threat	'Threat' means any individual/s, or any act/s, or anything/s likely to cause harm or that have the potential to hinder Police in the performance of their duties.
Exposure	'Exposure' means the potential for harm (physical or otherwise) to people, or the security of places or things. Exposure can be mitigated through assessment and planning.
Necessity	'Necessity' is the assessment to determine if there is a need for the operation or intervention to proceed now, later or not at all.
Response	'Response' means the proportionate and timely execution of Police duties aided by the appropriate use of tactics and tactical options.
Risk	'Risk' means the effect of uncertainty on Police objectives combining the consequences of an event and the associated likelihood of that event occurring.
Suspect	'Suspect' means a person who poses a threat of harm to themselves, other members of the public or Police.

TENR - operational threat assessment

TENR elements

TENR is a tool that enables better decision-making where:

T - the **threat** is assessed

E - the **exposure** is managed

N - the **necessity** to intervene is considered

R - and any **response** is proportionate, and based on a considered risk assessment of threat, exposure and necessity.

Things to be aware of

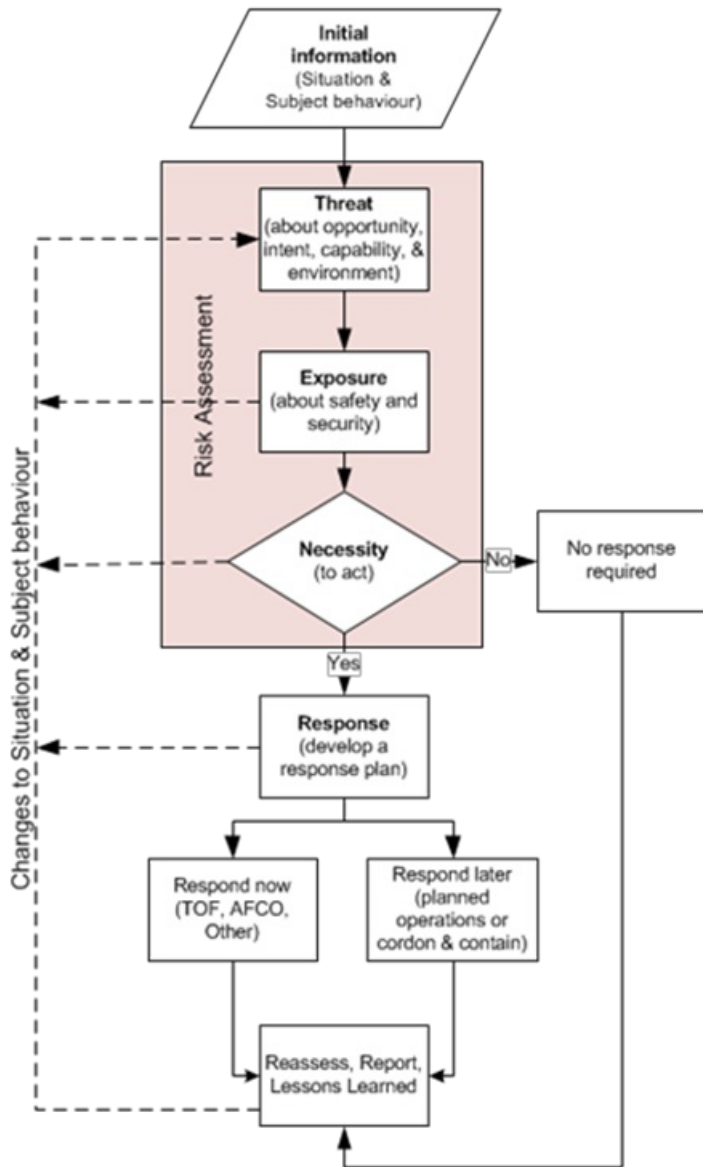
When you apply TENR you must:

- comply with existing legislation and policy
- respond proportionately to any threat.

TENR is not an end in itself - where appropriate, it guides:

- effective training, specifically staff safety technical management
- robust systems
- operational preparedness
- accurate and timely intelligence
- effective communication
- quality supervision and leadership
- robust command and control framework
- the Tactical Options Framework.

TENR diagram



Roles and responsibilities

Employee responsibilities

Employees must take all reasonable care for their own health and safety, and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons. Each employee has a responsibility to identify, assess and control risks within the workplace and in the operational policing environment.

Employees are subject to the chain of command and have an overriding responsibility to act reasonably, act in compliance with this chapter, and act with legal justification during the execution of their duties.

Employees must ensure:

- their training certifications in all required competencies are current
- they carry their authorised equipment and appointments when they deploy on duty
- they are fit for duty
- they understand and comply with legislation, policy and procedures
- they follow lawful orders and instructions
- they report identified training, knowledge and experience gaps to their supervisor and seek guidance when necessary.

Any incident has the potential to develop and change quickly. It will not always be possible to have complete and accurate information about the incident at hand. In these instances, employees must be able to demonstrate they followed relevant Police operating procedures during the 'necessity' to act assessment.

Understanding the threat, exposure and necessity will guide planning leading to the 'response'. The response must be proportionate to the threat and the risk to Police and the public. In some instances - having taken all of the circumstances into account - it might be appropriate to delay an immediate response.

Employees should seek the advice and guidance of a supervisor or other more experienced officers where a developing situation requires this support.

All employees must understand and apply TENR within the operational policing environment.

Supervisor responsibilities

Supervisors must ensure:

- all employees understand and apply TENR within the operational policing environment
- before, during and after each phase of any operation or relevant incident, the situation is assessed and reassessed
- employees are adequately trained, certified and equipped and the equipment is current, in working order and is available to staff in accordance with policy, practice and procedures
- faults or gaps in training and experience are identified, reported and addressed and failure to meet training standards is performance managed in accordance with the performance improvement framework
- risky behaviours are identified and mitigated
- active leadership in risk situations
- appropriate [debriefs](#) are undertaken with employees; ensuring that lessons learned are recorded through the [Lessons Learnt](#) Intranet page, and information relating to new police operational procedures supported by technical developments are shared, (subject to the appropriate mandate from Police).

Police organisational responsibilities

Police has responsibilities to provide employees with:

- accurate policy and procedures,
- training,
- supervision and,
- suitable equipment

to most effectively manage the threats posed by the environment in which they are operating.

Police must also take reasonable steps to:

- acquire and keep up to date knowledge of work health and safety matters
- gain an understanding of the nature of the hazards and risks associated with operational policing
- use appropriate resources and processes to eliminate or minimise risk to health and safety from operational policing
- ensure appropriate processes for receiving and considering information regarding hazards and risks, and for responding in a timely way to that information.

TENR assessment procedures

Assessing the threat

Threat is about how serious the situation is (or could be), and the present or potential danger the situation, environment, or suspect presents to themselves, other members of the public or Police. In relation to a suspected offence, it includes the suspect's intention to resist or avoid arrest. Police must assess the threat posed by the suspect/situation based on all available information including what they see and hear, and what is known about the suspect/situation.

In order to better understand the threat of a situation or suspect, the 'threat' element of TENR is broken down into the following four sub-sets:

- **Intent**
- **Capability**
- **Opportunity**
- **Physical environment.**

Follow these steps to assess the threat.

Step	Assess
1 Intent	<p>In regards to a suspected offence, consider the situation and/or the suspect's likely intent by asking yourself:</p> <ul style="list-style-type: none"> - What crime(s) has been committed/detected/signalled? - What current offending is being investigated? - Is this a continuing threat? - What is the likely current state of mind (based on their actions) and mental health of the suspect? - How committed is the suspect to achieve the criminal aim? - Is there propensity for violence / anti-social behaviour if confronted? - Is the suspect under the influence (or likely to be under the influence) of any substances? - What is the history of criminal activities and associations? - What do Police know about the suspect?
2 Capability	<p>In regards to a suspected offence, consider if the suspect is physically capable of carrying out the threat by asking yourself:</p> <ul style="list-style-type: none"> - Is there a history of firearm (or other weapon) possession or use? - Does the suspect have knowledge of and access to counter-surveillance, computer or other electronics equipment? - Does the suspect own or have access to motor vehicles? - Has the suspect been imprisoned, involved in criminal activities and associations, or do they have knowledge of law enforcement process or procedures? - Was the suspect ever targeted by Police? - Does the suspect have known co-offenders, associates, gang affiliations/associations? Will they influence the suspect's behaviour? - Does the suspect have family, neighbours and others that can provide information or influence the suspect's behaviour? - What do Police know about the location?
3 Opportunity	<p>In regards to a suspected offence, consider what means or opportunity the suspect has to carry out any unlawful intention or threat by asking yourself:</p> <ul style="list-style-type: none"> - Does the suspect have the capability or means (e.g. firearm) with which to carry out the act? - Is the suspect anywhere near the intended victim? - Does the location support the suspect's intent?
4 Physical environment	<p>In regards to any situation, consider the physical environment Police are entering into and what risks are present within that environment. These may be risks associated with a suspect, other persons in the environment, physical terrain, weather and lighting conditions, fires, chemicals, gases or other environmental factors:</p> <ul style="list-style-type: none"> - Are there problems with the approach, exposure, or access to the location? - Does the terrain, vegetation, obstruction, or other issues create hazards? - If approaching a suspect's house, is it likely the location is fortified, secured by alarms, lights, other measures, guarded by dogs, or are there other hazards? - Has the location ever been used as a 'clan lab' or does it pose a biological/safety hazard? - How far away is additional support for the suspect? - Are other subjects involved, or likely to become involved, and what are their capabilities?

Assessing the exposure

Exposure is about the potential harm to Police employees, Police operations, Police reputation and to others. In all instances, good assessment and planning can mitigate the degree of exposure.

To understand exposure better, consider exposure in the following subsets:

- **Safety**
- **Security.**

Follow these steps to assess the exposure.

Step	Assess
1 Safety	<p>Consider the type of injury or harm that could occur to Police employees or the public, including victims, family and passers-by. Ask yourself:</p> <ul style="list-style-type: none"> - How close are Police and others to the threat posed by the suspect or situation, and how will Police control that threat? For example, where a suspect's capability extends to the use of firearms, Police must consider how close to the source of that threat Police and others should be. - Is there potential for force to be used against an employee or the public? - Is there a likelihood of harm from any source during the intended deployment? - Do Police have the appropriate resources (staff, tactical options) available to manage the threat? How far away is additional support? - Am I current in training? Do I have the right skills for this situation? Do I have current and working equipment to protect me and others? - What are the likely outcomes of the proposed Police action?
2 Security	<p>Consider the security of the operation which, if not properly managed, could lead to failure. Ask yourself:</p> <ul style="list-style-type: none"> - Are your communications secured? - Is there potential to lose or damage Police equipment? - Can cordons be established and maintained to contain the subject(s)?

Assessing the necessity to act now, later or not at all

Any response to a situation must first take into account all available information and must be supported by a clear assessment of the known threat and exposure involved.

Follow this step to assess 'necessity' - whether to act now, later or not at all - so that you come to an informed decision of how critical it is to respond.

Step	Assess
1	<p>Every Police deployment must be timely and proportionate to the threat and the exposure. Ask yourself:</p> <ul style="list-style-type: none"> - Is it appropriate to delay the response? - Have you identified the suspect? - Do you have processes and controls available to de-escalate the threat to a manageable level? - Are you trained and skilled to meet the threat? - Do you have all the resources you need to respond safely and effectively now or, should I delay the response until the right resources are available? - Is there a clear chain of command? - What are the consequences to Police and/or public in delaying the response?

Important: Any option must reasonably endeavour to **maximise safety** and **minimise risk**.

Developing a response

Before you respond

Discuss your intended response with your supervisor where the necessity to respond permits.

Your response options

Consider the options available to you based on threat, exposure and necessity, and plan a response that is timely, proportionate and appropriate. Ask yourself:

- Should you delay action until other resources, skills or equipment are available? Remember that caution is not cowardice, and there may be good reasons to cordon and contain the subject while awaiting the arrival of specialists - e.g. [AOS](#), [PNT](#).
- Is a more detailed investigation into the threat environment required before you can act safely?
- Do you need to take prompt action to prevent further loss of life or injury? Remember that even in active situations you must first carefully assess the situation and make decisions, based on appropriate and approved risk assessment methods, and supported by your training and experience.

Note: Remember that in active response situations you must continuously reassess your response based on the situation as it unfolds, and the subject's behaviour.

Response methods

Any action you take in response to a suspect/situation related threat must be in accordance with the [Police Integrated Tactical raining \(PITT\)](#) and [Use of force](#) chapters of the Police Manual, the **Tactical Options Framework** (see PDF below), associated staff safety technical training regimes, the [Co-ordinated Incident Management System](#), [Civil Defence and Emergency Management](#) and other relevant Police Manual chapters and Standard Operating Procedures.

-

 [Tactical options framework \(PDF\)](#)

147.26 KB

Recording and reporting

While recording and reporting is not part of the operational TENR threat assessment process, these are things you need to consider:

Notebook recording

You should make use of your notebook in unplanned incidents, if time allows, to record your TENR threat assessment - see notebook guidelines in the '[Notebooks and Job Sheets](#)' chapter.

Reporting the use of force

Use of force must be reported in a Tactical Options Reporting (TOR) form, according to the reporting instructions in the '[Use of force](#)' chapter.

Debrief

You should conduct or be part of a formal or informal debrief - see '[Debriefs](#)' chapter.

Data updates and reports (lessons learnt)

You should provide data updates or reports as required by the '[Debriefs](#)' chapter. Lessons learned should be submitted via the '[Lessons Learnt](#)' Intranet site.

People in Police custody

Table of Contents

Table of Contents	2
Policy statement and principles	5
What	5
Why	5
How	5
Overview	6
Introduction	6
Purpose of this chapter	6
General duty of care	6
Health and Safety at Work Act 2015	6
Consultation with IPCA	7
Who do these instructions apply to?	7
Definitions	7
CA team	7
CMC	7
Custody Area	7
Detainee	7
DAO	7
Evaluation	7
ECM	7
Health professional	7
Related information	7
Taser and firearm not to be taken into custodial areas	9
Procedures	10
Procedures for officers who arrest or detain	10
Non-Police arrests	11
Procedures for custody area staff	12
Additional procedures for certain types of detainees	14
Detainees who are dangerous	16
Detainees affected by drugs/alcohol or medical complications	17
If the person is ...	17
Intoxication can mask medical conditions	17
Case studies - deaths in Police custody	17
Methyated spirits	17
Detention for mental health assessment	18
Detainees with responsibility for children or young persons	19
Detainees with breastfeeding responsibilities	19
Procedures for receipt and assessment at court cellblocks	20
Receiving people waiting for court documentation completion	20
Management of youth detainees at court	20
Detainee's property	21
Receiving and recording detainees property	21
Storage of detainee property photographs	21
Examples of detainee property photographs	22
Releasing property during custody	22
Returning property on detainee's release	23
Transferring property	23
Placement in cells	25
Segregation of certain types of detainees	25
You must segregate...	25
In practice - separate...	25
Procedure for placing detainees in cells	25
Monitoring and checking detainees	26
Types of checks	26

Obse vat on check	26
Verba check	26
Phys ca check	26
Monitoring levels and frequency of checks	26
f the deta nee requ res...	26
Monitoring requirements when in restraints	26
Wh e restrat ed by one or more of the fo ow ng a deta nee requ res care and frequent mon tor ng	26
Wh e restrat ed by one or more of the fo ow ng a deta nee requ res care and constant mon tor ng	26
Responsibilities and procedures for monitoring	27
Custody staff	27
Person n charge of ce b ock	27
Hea th profess ona	27
Use of CCTV for monitoring movements in custody areas	27
Detainees' rights in custody	29
Solicitors	29
Foreign nationals	29
Visitors and phone calls	29
V s ts	29
Manag ng v s ts	29
Phone ca s	30
Phone enqu r es about deta nees	30
Complaints	30
IPCA monitoring of Police places of detention	30
Meals and hygiene	32
Cleaning	32
Hygiene	32
Smoking	32
Meals	32
Drink	32
Transferring / transporting detainees	33
Transporting to court, prison, or another place	33
Carry out a TENR risk assessment	33
hreat	33
E Exposure	34
N Necess ty	34
R Response	34
When a ternat ve prov ders are used	34
Additional risk factors for Department of Corrections prisoners	34
Who is to accompany a detainee on transfer?	34
Ensure the detainee has been properly searched	34
Ensure the following documents and items are transferred with the detainee	35
Before beginning your transport	35
During transport	35
Transporting detainees to a medical facility	36
Prisoner Escort and Transport Manual	37
Releasing detainees	38
Every release	38
Releasing unlawfully detained people	38
Releasing without charge	38
Releasing temporarily for interviews	39
Releasing with a formal warning	39
Releasing on summons	39
Releasing on Police bail	39
Suicide attempts and deaths in custody	41
Responsibility to prevent suicide	41
Procedure when suicide attempt discovered	41
Deaths in custody	41
Offences	43
Emergency procedures and equipment	44

Emergency equipment	44
Prohibited equipment	44
Requirements for all Police prisoner transport vehicles	44
Emergency hatches	44
Additional keyholders	44
First aid kits	44
Prisoner and Escort Transport Manual (see PDF below)	44

Policy statement and principles

What

- Police employees are responsible for the safety of themselves and others. This includes being responsible for the care and security of people detained at scenes, during transport, within Police stations, and may include cells at courts.
- Police responsibility for care, safety and security starts from the moment a person is arrested or detained and does not end until they are released or transferred into the care of another agency, individual or family member.
- Alongside the use of force, the detention of people is the strongest legislative power that can be executed by Police.

Why

- Under the Health and Safety at Work Act 2015 (HSWA), NZ Police have a primary duty of care of its workers and others affected by our work. This includes people in Police custody as well as other people who enter the custody area (such as external agencies etc.). Failure to comply with the People in Police Custody Policy may result in Police employees being subject to enforcement under the HSWA.
- If the detainee is aged under 18, the parent, guardian or other caregiver must be informed of their arrest, regardless of their wishes, as soon as practicable.
- Statutory limitations apply to the time children and young people can be detained in Police custody.
- Bail detainees awaiting the completion of court documentation must be bailed within two hours or obtain a warrant for their continued detention.
- If a prisoner is to remain in a tear resistant gown, body shield coveralls, in handcuffs, under armed guard or in other unusual circumstances for a court appearance, Police must ensure that they have sought the presiding Judge's consent before the appearance.
- Photograph and secure detainee's property in a tamperproof evidence bag and seal it.

How

- Before transport, search detainees under section 85 or 88 of the Search and Surveillance Act where practicable to prevent them from disposing of evidence or harming themselves or others. Leave searches under section 11 (a search of a person who is or is about to be 'locked up') for completion at the station, as there are limited opportunities to search a detainee again under this provision.
- Call a health professional for advice if the detainee has been injured, or you think it necessary, or the detainee requests on reasonable grounds to be seen by a doctor.
- Use [TENR](#) to assess the safety and security risk, including whether it is appropriate to use [mechanical restraints](#).
- Be aware of the segregation requirements for certain types of detainees.
- Always consider the detainee's level of consciousness. Immediate hospitalisation is required if they are unresponsive - this is a medical emergency. Detainees who are only partially responsive, should also be taken to hospital.
- Record any risk information, all special care instructions, and everything that happens in relation to a detainee, from processing to release, in the ECM.

Overview

Introduction

Police employees are responsible for the safety of themselves and others, and also the care and security of everyone detained including at scenes, during transport, within Police stations and cells at courts.

Police responsibility for care, safety and security starts from the moment a person is arrested or detained and does not end until they are released or transferred into the care of another agency, individual or family member.

Alongside the use of force, the detention of people is the strongest legislative power that can be executed by Police. To ensure every detainee is treated humanely we will:

- comply with all legislation related to detained people
- ensure all staff working in custody areas understand and apply the contents of this chapter
- ensure sufficient staff are allocated to work in custody areas
- ensure appropriately trained staff are allocated to work in custody areas.

Purpose of this chapter

This chapter details from the time of arrest or detention:

- **procedures** for the receipt, assessment, monitoring and management of people in Police custody, especially when:
 - [alcohol or drugs](#) have been consumed
 - the person has been injured or has a known medical problem
 - there is a perceived suicide risk or risk of the person harming themselves
- the **responsibilities and duties** of employees involved operationally in custodial management, for the health, safety and secure custody of all people held by them.

In particular, the chapter aims at:

- ensuring appropriate care is provided for detainees with physical or mental health needs
- preventing harm, self-harm, suicide and attempted suicide during or post detention
- providing a safe and healthy work environment
- using [TENR assessments](#) to assist in maintaining the safety and security of detainees and others.

General duty of care

Where a Police employee has care or charge of a person in detention (or who believes they are unable to leave), the Police employee is under a legal duty of care to provide that person with necessities and to take reasonable steps to protect that person from injury (including self-harm or harm from others).

This duty starts from the moment of arrest and continues until care of the person is transferred to someone else or the person is released.

This policy, and other relevant Police policies and procedures, details the steps Police employees must take to meet this duty of care. Failure to exercise your duty of care could result in charges or disciplinary action under the code of conduct for misconduct.

Health and Safety at Work Act 2015

Under the [Health and Safety at Work Act 2015](#) (HSWA), Police have a primary duty of care to ensure, so far as reasonably practicable, the health and safety of its workers and others affected by our work. This includes a duty to ensure the health and safety of people in Police custody as well as other people who enter the custody area (such as external agencies etc.).

Police Officers, Authorised Officers, and all other Police staff (including Senior leadership teams) working in or influencing the operation of Police custody also have duties under HSWA. HSWA duties also extend to contractors and other workers who do not work for NZ Police but work within custody units such as DAOs and nurses. Under HSWA, individuals have a duty to:

- take reasonable care for your own safety

- take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons (including detainees)
- comply with any reasonable instruction given by NZ Police in order to ensure compliance under the HSWA
- cooperate with any reasonable policy or procedure of NZ Police relating to health or safety at the workplace (for example - the People in Police Custody policy).

Failure to comply with the People in Police Custody Policy may result in Police workers being subject to enforcement under HSWA. This includes the potential for prosecution and/or a fine. Further information on duties and offences can be found in [Part 2, subpart 4 of HSWA](#).

Consultation with IPCA

This chapter has been written in consultation with the Independent Police Conduct Authority (IPCA) which is responsible for the inspection and monitoring of Police detention facilities and the treatment of detainees under the UN Optional Protocol to the Convention Against Torture (OPCAT). The chapter incorporates the Protocol's requirements for the management of persons in custody. For more information on the IPCA's role under the protocol see '[IPCA monitoring of Police places of detention](#)' in this chapter.

Who do these instructions apply to?

These instructions must be applied to any person detained by Police under any enactment, whether or not they have been arrested.

Definitions

See the meaning of terms used in this chapter below.

CAT team

Crisis Assessment Team (CAT). Health professionals who assess those with a potential mental disorder and arrange appropriate care.

CMC

Custody Management Console (CMC) displays information on detainees in custody at a given time. The CMC allows the management of multiple detainees at once.

Custody Area

A dedicated area for receiving, processing and holding detainees, temporary and permanent.

Detainee

Anyone who is arrested or detained under any enactment, or any person who reasonably believes they are not free to leave.

DAO

Duly Authorised Officer (DAO) A designated and authorised health professional who has appropriate competence in dealing with persons who are mentally disordered in accordance with the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Evaluation

The recording of behavioural, mental and physical health indicators in the ECM or on the charge sheet for the purpose of establishing the level of care and monitoring required.

ECM

NIA electronic custody module (ECM) holds all information that is pertinent to the detainee.

Health professional

Medical practitioner or mental health professional, [duly authorised officer](#), nurse, or Crisis Assessment Team member.

Related information

This chapter must be read in conjunction with these Police Manual chapters:

- Managing prisoners on behalf of Corrections
- Searching people
- Youth Justice (for information about holding children and young persons in custody)
- TENR -Operational Threat Assessment
- Use of force
- Mechanical restraints
- Positional asphyxia
- New Zealand Bill of Rights.

Section 6(c) Official Information Act 1982



Procedures

Procedures for officers who arrest or detain

The arresting or detaining officer is responsible for safety and security, especially the detainee's, until they are handed over to custody area staff. This topic outlines procedures that must be followed from the time of arrest or detention to ensure those responsibilities are met.

Step	Action
1	<p>Carry out an initial assessment of risk in regards to the detainee at the time of arrest or detention.</p> <p>The responsibility of the arresting officer remains until the detainee is formally processed and evaluated in the ECM, unless responsibility is transferred to another officer, agency or person.</p>
2	<p>Carry out a rub-down search of the detainee under section 85 or 88 of the Search and Surveillance Act 2012 (S&S Act) before transport, and remove articles that:</p> <ul style="list-style-type: none"> - may be used to: <ul style="list-style-type: none"> - harm the detainee or anyone else, or - assist their escape, or - cause damage (e.g., to the vehicle), and - under s88, if you have reasonable grounds to believe the person has on them or is carrying evidential material relating to the offence for which they are arrested or detained, you may also remove that evidential material. <p>Ensure that there is another employee present where possible.</p> <p>Notes:</p> <ul style="list-style-type: none"> - If it is not practicable to search detainees immediately after they are taken into custody, take care to prevent them from disposing of evidence or harming themselves or others. - Leave searches under section 11 of the Act (a search of a person who is or is about to be 'locked up') for completion at the station (Step 7 below). If s11 is used for the search before the person is at a Police station, they can only be searched again if one of the circumstances in s11(3) of the Act apply. - For more information, see 'Searches of arrested or detained people' in the 'Searching people' chapter.
3	<p>All detainees must be considered to be 'at risk' until an evaluation takes place.</p> <ul style="list-style-type: none"> - Those without signs of suicide risk must be frequently monitored. - Those with signs of suicide risk must be constantly monitored. <p>Note: It is sufficient to comply with this step if the detainee is under the direct supervision of a third party, e.g., a doctor treating an injured detainee, or a lawyer speaking to the detainee in an interview room.</p>
4	<p>Ensure a NIA check is done at the earliest opportunity. Be vigilant for any flags relevant to the detainee's safe custody or risk including previous alerts and evaluation history records and advise the employee receiving the detainee of these.</p> <p>Note: "Evaluation History" can be accessed by query person and opening the last custody record for the detainee (Records, select "Custody" category and open Evaluation History).</p>
5	<p>Transport the detainee after an assessment of risk using TENR. Consider the use of mechanical restraints. When transporting apply the segregation requirements.</p>

6	<p>When detainees are formally received at the custody area, advise the employee receiving them of:</p> <ul style="list-style-type: none"> - the reason for the detention - whether the person can be bailed or released - any special care required. <p>Ensure that risk information and any special care instructions are recorded in the ECM.</p>
7	<p>Search the detainee under section 11 of the Search and Surveillance Act 2012, preferably in the presence of the custody staff.</p> <p>Note: Once a detainee has been searched at a Police station and is, or is to be, “locked up”, they can only be searched again if one of the circumstances in section 11(3) of the Search and Surveillance Act 2012 apply. See ‘Searches of arrested or detained people’ in the ‘Searching people’ chapter.</p>
8	<p>Advise the detainee of their rights in custody by asking them to read and sign the ‘Notice to Person in Custody’ form. Witness their signature and file the signed form. (If they refuse to sign, note this on the form.)</p> <p>If the detainee is unable to read the notice, read it to them and ensure they understand it. (Notices are available in a number of different languages - see Police Intranet> Response and Operations> Legislation and Resources, or if necessary, an interpreter could be engaged). Endorse the back of the form to indicate the action taken.</p>
9	<p>Help the custody staff place the detainee safely in a cell.</p>

Non-Police arrests

If a person is brought to a station to be held in custody following their lawful arrest by someone other than a constable:

- the person making the arrest must sign all documentation relating to the actual arrest
- a constable or authorised officer must then carry out all other procedures.

Procedures for custody area staff

Everything that happens in relation to a detainee, from processing to release, must be recorded in the ECM or the Inspection of Prisoner book if the ECM is not available.

You must follow these steps in relation to all detainees in Police custody.

Step	Action
1	Inform the custody supervisor when a detainee is about to be received.
2	Enter the detainee's details and complete the evaluation in the ECM as soon as practicable.
3	Verify the arresting officer's search under section 11 of the Search and Surveillance Act 2012. See step 7 of the procedures for officers who arrest or detain .
4	Follow the procedures for receiving detainees' property in this chapter.
5	If the detainee has had clothing seized by Police, issue them with: <ul style="list-style-type: none"> - appropriately sized blue disposable "Body Shield" polypropylene coveralls, or - other appropriate clothing.
6	- For detainees identified as a suicide risk consider removing their clothing and replacing it with a tear resistant gown.

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Section 6(c) Official Information Act 1982

- 8 Ensure that risk information and any special care instructions are recorded in the ECM. If the detainee is deaf or has hearing difficulties to an extent that may impact on their ongoing care, ensure this is recorded in the ECM. Refer to the [Interpreting for the deaf](#) chapter if an interpreter is required.
- 9 Evaluate and classify the detainee into one of the following categories:
- Not in need of specific care
 - Care and frequent monitoring
 - Care and constant monitoring)
- (See [monitoring levels](#) in this chapter for more information).
- [Constant or frequent monitoring](#) is mandatory for detainees:
- in certain types of [mechanical restraints](#)
 - at risk of suicide.
- Until the evaluation takes place all detainees must be considered to be ‘at risk’ and frequently monitored, with the exception of detainees showing signs of suicide risk - they must be constantly monitored. If the detainee is unable to be evaluated for any reason, then this monitoring regime remains until the evaluation is completed in its entirety.
- Note:** As part of the Evaluation process in the ECM it is necessary to check alerts and “Evaluation History” and record in the current evaluation any relevant risk.

10	<p>Call a health professional (use Police medical officers where practical) for advice / assistance if:</p> <ul style="list-style-type: none"> - the detainee has been injured (especially where a potential head injury has occurred proximate to the detention) - you are supervising a detainee and think it necessary, or - a detainee, on reasonable grounds, requests to be seen by a doctor. <p>If a medical examination is undertaken, ensure a copy of the medical report is filed and a copy is provided with the detainee on transfer. If any other advice is received from a health professional, ensure this is recorded in the ECM.</p> <p>In all cases always consider the level of consciousness and whether the person should be transferred to a Health facility. See dealing with 'Detainees affected by drugs/alcohol or medical complications'.</p>
11	<p>Medication</p> <ul style="list-style-type: none"> - Check if the detainee has any prescribed medication. - Allow the detainee to take the medication in accordance with the prescription information so long as the prescribed medication is in the name of the detainee and a visual examination of the medicine does not raise concerns about its legitimacy Note: injectable medications (e.g. insulin) for suicidal detainees must only be administered in the presence of, or by, a health professional. - If the medication is not held with the detainee, it may need to be obtained from the detainee's home or through a new prescription. - Record the details of the medication, including the dosage and timing, in the ECM. - Call a health professional where you are concerned that the medication may not be legitimate.
12	<p>Check the appropriate 'Notice to Person in Custody' (POL 48H):</p> <ul style="list-style-type: none"> - was read to or by the detainee - either signed by the detainee or, if they refuse to sign, endorsed by the arresting/detaining officer - is filed with other custody documents.
13	<p>Notification</p> <ul style="list-style-type: none"> - With the permission of the detainee, Police may notify a person of the detainee's choice that they have been detained and whether they can be released. - If the detainee is aged under 18, the parent, guardian or other caregiver must be informed of their arrest, regardless of their wishes, as soon as practicable (s8 Oranga Tamariki Act 1989) <p>When the notification has been completed, update the ECM.</p>
14	<p>Obtain appropriate biometric data from the detainee as applicable (s32 or 33 Policing Act 2008 and Criminal Investigations (Bodily Samples) Act 1995).</p>
15	<p>Complete remaining fields within the ECM. Check all the information is correct and complete.</p>
16	<p>Identify a suitable cell and place the detainee in the cell. Maintain segregation.</p>
17	<p>Maintain the monitoring/checks as per their evaluation. Remember that a person's status may change requiring a re-evaluation. (For more information on when re-evaluation of a person's risk may be required, see 'Responsibilities and procedures for monitoring').</p>
18	<p>Note that there are statutory limitations on the time that children and young people can be detained in Police custody. For more information, see 'Charging and holding children and young persons in custody' in the 'Youth Justice' chapter.</p>

Additional procedures for certain types of detainees

See also these topics for additional procedures / considerations relating to certain types of detainees:

- [Detainees who are dangerous](#)

- Detainees affected by drugs/alcohol or medical complications
- Detention for mental health assessment
- Detainees with responsibility for the care of children or young persons

Detainees who are dangerous

Follow these steps:

Step	Action
1	Use TENR to assess the safety and security risk, including whether it is appropriate to use mechanical restraints .
2	Continue to use TENR to re-assess the risk during detention and transfer. The transfer to court may need to be delayed and the case adjourned if the detainee cannot safely be put before the court.
3	The custody supervisor should be present when processing dangerous detainees.
4	Only use reasonable force to secure the detainee if required.
5	Search the detainee while restrained.
6	Segregate the detainee from others.
7	Monitor and re-assess the detainee's health regularly. Dangerous detainees may become suicidal or unwell due to drug or alcohol consumption as their detention continues. Be mindful of the risks of excited delirium and positional asphyxia.
8	Inform the on-coming shift about concerns relating to the detainee and what action has been taken. Record the handover in ECM.

Detainees affected by drugs/alcohol or medical complications

If the person is ...

- **Alert** - able to engage in a coherent conversation ... **THEN** - follow the procedures for custody area staff.
- **Voice / Drowsy or confused** - responds to voice and able to reply. May need some assistance to walk ... **THEN** - follow the procedures for custody area staff. Be aware that the level of consciousness may change over time due to intoxication or medical complications.
- **Pain / Partially responsive** - responds to pain only (e.g. nail-bed pressure) ... **THEN** - treat this as a medical emergency and arrange for the person to be taken to hospital.
- **Unresponsive** - does not respond to any stimuli ... **THEN** - this is a medical emergency and immediate hospitalisation is required. If you expect a delay in the ambulance's arrival or the person's condition calls for immediate action, use a Police vehicle.

Note: If the person is detained for detoxification (s36 Policing Act 2008), consider the requirements of the Act to take the person to their place of residence. This option is not available for partially or unresponsive detainees.

Intoxication can mask medical conditions

Intoxication can mask underlying medical conditions which can go undetected when custody personnel assume the person just needs to 'sober up'.

Note: Loud snoring is a sign the person is deeply unconscious.

Case studies - deaths in Police custody

Prisoner A was located by Police on a suburban street having fallen onto his back. He was transported and then carried into the Police station where he was placed into a cell to sober up. Unbeknown to Police the heavily intoxicated male had struck the back of his head and suffered a brain bleed. The head injury was not readily apparent. During the night the prisoner was noted to be snoring loudly however staff neither checked nor attempted to waken him. The person subsequently died from the unnoticed head injury.

Prisoner B was an alcoholic who lived on the streets. He was detained for detox. On being received into the custody area, he was coherent and told Police he suffered from epilepsy but hadn't been taking his medication. He was placed into a cell to sober up but a few hours later suffered a grand mal epileptic seizure and died. Medical advice is that those suffering from epilepsy are at a higher risk of having a fit when they do not take their medication and are sobering up.

Police employees need to be aware of the masking effects of intoxication regarding any medical condition and the risk posed by the mixture of alcohol, drugs and current or pre-existing medical issues.

Methylated spirits

A person who has been drinking methylated spirits will sober up more quickly than a person who has been drinking alcohol - usually, within an hour of being detained. However, they will be in greater danger of having serious medical problems. Therefore, you must seek medical advice before releasing the person.

Detention for mental health assessment

These steps apply when a person is detained by Police under the [Mental Health \(Compulsory Assessment and Treatment\) Act 1992](#). For more information see the '[People with mental impairments](#)' chapter.

Step	Action
1	<p>Mental health assessments should wherever practical be carried out in the least restrictive environment. The preferred option is the person's home or a health facility. The custody area should only be used after all other options have been explored.</p> <p>If a person is taken to a Police station they must be entered in the ECM.</p>
2	<p>Where possible, after considering safety, the detainee should be able to be accompanied or visited by a support person, e.g., friend or family member.</p>
3	<p>The maximum period of detention under the Act is 6 hours from the time of initial detention at the scene. They must have the mental health assessment by a medical practitioner within the 6 hours; it is not sufficient for the detainee to be examined only by a DAO within this time.</p>
4	<p>If someone is detained under s109 and is under the influence of alcohol they must still be assessed by medical practitioner within 6 hours. Detoxification powers (s36 Policing Act 2008) do not override the detention time limit for the mental health assessment to be carried out.</p>
5	<p>If the person is being detained at a Police station and it is anticipated that the assessment will not be carried out within the 6-hour timeframe, deliver the detainee to a hospital or other appropriate place within this timeframe and release them. This may include the person's home or transferring them to the care of a family member.</p>
6	<p>If action in step 5 cannot be facilitated, the person must be released.</p> <p>Note: that a person may remain voluntarily at the Police station and outside the custody area while awaiting collection.</p>
7	<p>When releasing the detainee ensure that attempts have been made to get them to a place of safety, e.g. their home or into the care of friends or family.</p>

Detainees with responsibility for children or young persons

Police who arrest or detain a person with a child in their care must ensure the safety and best interests of the child. Follow these steps:

Step	Action
1	<p>When processing detainees who are responsible for the care of children and young persons, consider:</p> <ul style="list-style-type: none"> - whether it is necessary for the detainee to be retained in custody or if they could be immediately bailed or released on summons, and - if it is in the best interests of the child to stay with the detained person.
2	<p>If neither of these is an appropriate course of action:</p> <ul style="list-style-type: none"> - try to place the child with a member of their family, whānau, iwi or other responsible adult with the consent of the child's parent/guardian - record the consent within the ECM or your notebook. <p>If no consent is given and a suitable person cannot be found to care for the child, contact the on-duty social worker and seek a placement with Oranga Tamariki.</p>

Detainees with breastfeeding responsibilities

Consultation should occur with the detainee regarding the child's feeding needs and arrangements made to accommodate them.

Procedures for receipt and assessment at court cellblocks

Receiving people waiting for court documentation completion

Wherever practicable and in the absence of any reason to do otherwise, defendants bailed by the court should be directed to await bail documentation in a suitable bail waiting area rather than the court cells.

Where people are detained for less than two hours in court cells to await bail documentation, the normal custodial procedure can be shortened, as per the steps below.

Complete the following procedures when a person previously at large is received in a court cellblock waiting for any court bail documentation to be completed.

Step	Action
1	Everything that happens in relation to a detainee, from processing to release, must be recorded in the ECM or the Inspection of Prisoner book if the ECM is not available.
2	Keep the detainee separated from detainees remaining or already in custody awaiting transfer to a custodial or health facility.
3	Search the detainee under section 11 Search and Surveillance Act 2012.
4	Complete an informal evaluation conversation and record the fact and any significant remarks in notebook, or charge sheet, or in the ECM.
5	Bail the detainee within two hours or obtain a warrant for their continued detention (s31 Bail Act 2000).
6	If any property is taken, record it as per the detainee’s property section, or on the charge sheet. Return property on release following the signing of the bail bond.

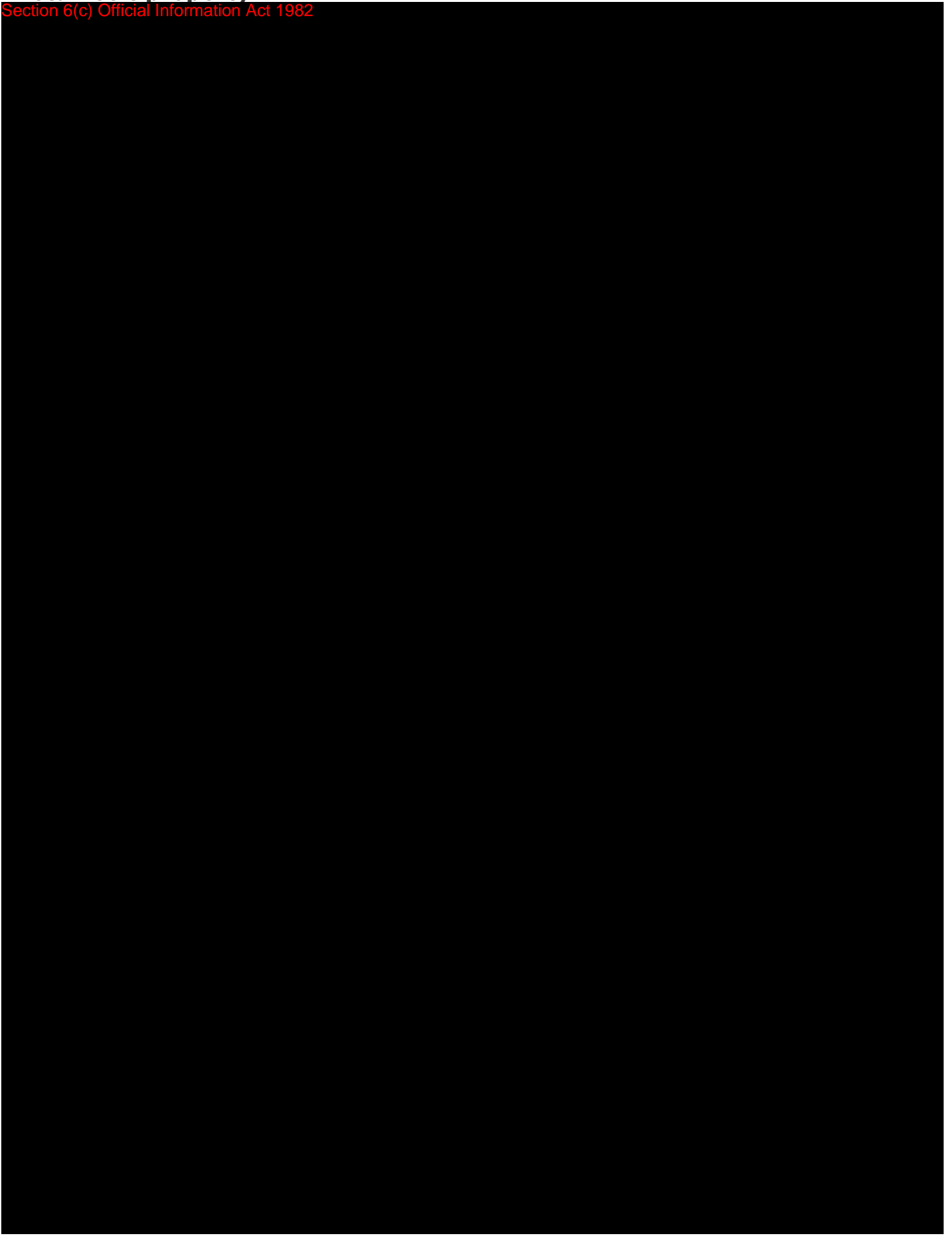
Management of youth detainees at court

The supervision and management of youth detainees who arrive at court in the custody of Oranga Tamariki remain the responsibility of that agency. Police should not accept responsibility for the supervision and management of youth detainees in court cells.

The exception is where they are remanded into Police custody or are subject to section 242 or if their behaviour in court is such that police are required to invoke other powers to deal with the situation appropriately (i.e. arrest). In any situation where multiple agencies may use the same custodial facilities, each agency remains responsible for the detainees in their custody only.

Detainee's property

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Section 6(c) Official Information Act 1982



Releasing property during custody

Follow these steps:

Step	Action
1	Obtain the detainee's authority in writing to release the property.
2	For cash, other than small amounts, also gain authority to release it from the officer in charge of the case.
3	Update the chain of custody in the PROP system to record any movement of property.
4	Print a Property Receipt and provide to the relevant party to sign.
5	Retain the original tamper proof bag and seal it and all remaining property into a new tamper proof bag and return to the allocated storage place.
6	Scan and attach a copy of the detainee's written authority and the signed Property Receipt to the Property Record.
7	Retain the hard copies in accordance with current practices.

Note: Any time a sealed tamper proof bag is opened, the reasons why **must** be recorded in the custody record.

Returning property on detainee's release

Follow these steps:

Step	Action
1	Check the allocated storage location and the name on the property bag to ensure the correct property is being returned.
2	If the tamper proof bag has been opened, inform the custody supervisor immediately.
3	Return all property belonging to the detainee except any that: <ul style="list-style-type: none"> - may need to be given in evidence in proceedings arising from a charge brought against the detainee - may be required for further investigation, or - it is an offence to possess (s13 Search and Surveillance Act 2012). For cash, other than small amounts, gain authority to release it from the officer in charge of the case.
4	Get the detainee to endorse the receipt of their property by signing the Property Seizure and Return Form.
5	Update the chain of custody in the PROP system to reflect how the property item(s) have been disposed of.
6	Scan and attach a copy of the signed Property and Seizure Return Form to the Property Record.
7	Retain the hard copies in accordance with current practices.

Transferring property

Follow these steps when transferring property with the detainee to a prison, or another Police station or custodial facility.

Step	Action
1	Update the chain of custody in the PROP system to reflect how the property item(s) are being disposed of.
2	Print two copies of the Property Transfer Sheet to provide to the relevant party to sign.
3	Send the sealed property, along with two copies of the Property Transfer Sheet, with the detainee. Hand the sealed tamper proof bag to the person now responsible for the detainee.
4	<p>The person receiving the detainee and property:</p> <ul style="list-style-type: none"> - signs one copy of the Property Transfer Sheet to acknowledge receipt - receives the sealed tamper proof bag - returns the signed copy to the employee handing over the property who returns it to the station of origin.
5	Scan and attach a copy of the signed Property Transfer Sheet to the Property Record.
6	Retain the hard copies in accordance with current practices.

Placement in cells

Segregation of certain types of detainees

this topic lists types of detainees who:

- must be segregated at all times from other detainees
- should be segregated if practicable.

You must segregate...

- any detainee ... **from** other detainees who represent an immediate threat to them
- victims and/or witnesses ... **from** detainees
- children 13 years and under ... **from** young persons (14-17) and adult detainees
- children and young persons (17 years and under) ... **from** adult detainees
- 18-year-old Corrections' detainees ... **from** other detainees
- female detainees ... **from** male detainees
- transgender detainees, where identified or made known ... **from** detainees whose gender they do not identify with
- people who have been arrested for sexual offences against children ... **from** other detainees
- detainees with infectious diseases ... **from** other detainees
- detainees in mechanical restraints ... **from** unrestrained detainees
- detainees with an intellectual disability or psychiatric disorder ... **from** other detainees
- violent detainees ... **from** other detainees.

If practical, separate...

- detainees who have committed minor offences ... **from** detainees who have committed serious crimes
- 18-year-olds ... **from** detainees 19 years and older
- arrested detainees ... **from** those who have been remanded and sentenced
- gang members ... **from** opposing gang members.

Procedure for placing detainees in cells

Follow these steps:

Step	Action
1	Decide what cell to place the detainee in by considering whether they: <ul style="list-style-type: none"> - need to be separated from other detainees (see criteria above) - are at risk from themselves or at risk from others.
2	Placing more than one detainee in a cell (double bunking) is a viable option for detainee placement. Double bunking must only occur after a risk assessment has been completed (TENR) and the detainee's preference has been considered. Detainee segregation must be maintained.
3	For your own safety, always advise another employee (if possible) when you enter or leave the cell block. If in the slightest doubt, always request assistance.
4	When escorting a detainee ensure they walk in front of you.
5	Give the detainees that are staying overnight sufficient clean bedding and others on a case by case basis. (Use tear resistant blankets for detainees to be frequently or constantly monitored)
6	Endorse the ECM.

Monitoring and checking detainees

Where CCTV systems are fitted and of good quality, monitoring should include monitoring activity on the CCTV displays, but recorded checks must be by one or more of the three types as follows.

Types of checks

here are three types of checks that can be carried out.

Observation check

Observe through a cell view port to check the detainee's well being. If unable to confirm this, complete a verbal check.

Verbal check

verbally rouse the detainee to establish well being and if there is no response complete a physical check.

Physical check

Enter the cell and establish well being.

Note:

- CCTV is NOT an authorised means of checking, but in the case of constant monitoring where a specific viewing monitor is provided at an individual cell and mounted beside the cell door, and where the quality of viewing on the monitor provides the same or better coverage than the view through the cell window, that constant monitoring can include the use of the cctv monitor.
- CCTV is NOT an authorised means of monitoring or carrying out checks of detainees.
- Detainees should not be physically roused at every check unless their risk assessment indicates they need specific care, are intoxicated or exhibit any risk identifiers.
- Continual waking without due cause could be deemed as inhumane treatment and a breach of the New Zealand Bill of Rights Act and Crimes of Torture Act 1989.

Monitoring levels and frequency of checks

A detainee's monitoring level can be increased at any time but **cannot be reduced** except on advice of a health professional.

If the detainee requires...

- no specific care, the **detainee must be** checked at least every two hours
- frequent monitoring, the **detainee must be** checked at least 5 times per hour at irregular intervals
- constant monitoring, the **detainee must be** directly observed without interruption.

Monitoring requirements when in restraints

In some circumstances it is appropriate to use [mechanical restraints](#). Your [TENR](#) process will inform this decision. In all cases only approved mechanical restraints can be used and employees must be aware of the increased risk of positional asphyxiation.

While restrained by one or more of the following a detainee requires care and frequent monitoring:

- a waist restraint belt
- an ankle restraint (by plastic ties)
- a vehicle leg restraint,

when **not linked** to another restraint.

While restrained by one or more of the following a detainee requires care and constant monitoring:

- a spitting hood
- a combination of either a rear wrist and ankle restraint, or a waist restraint belt and ankle restraint, that **are linked**
- a restraint chair.

Note: See '[Time limits for removal of certain mechanical restraints](#)' in the 'Mechanical restraints' chapter for the maximum duration for these type of restraints and the requirements for any extensions.

Note: A tactical options report must be completed when using certain types of mechanical restraints. Refer to the [Use of force](#) chapter for more information.

Responsibilities and procedures for monitoring

This topic outlines the responsibilities of custody staff, supervisors and health professionals for monitoring.

Custody staff

After the person's monitoring level is determined follow these steps:

Step	Action
1	Start and maintain monitoring until the detainee is: <ul style="list-style-type: none"> - released from Police custody - transferred to the care of another agency.
2	Record monitoring checks in the ECM.
3	Re-assess the detainee if there is a change in their circumstances, e.g. they are: <ul style="list-style-type: none"> - remanded in custody - under the influence of alcohol or drugs as the effects can worsen over time and can cause death - advised of more serious additional charges - transferred from court or prison to a Police jail. <p>Never reduce the level of monitoring without the authority of a health professional.</p>

Person in charge of cell block

Brief incoming staff to ensure monitoring is maintained. Record the handover in the ECM.

Health professional

If called upon:

- examine the person in custody
- confirm whether they require:
 - no specific care, or care and
 - [frequent monitoring](#), or
 - [constant monitoring](#).

Use of CCTV for monitoring movements in custody areas

All 24/7 manned stations and custody units should have [CCTV](#) to monitor the movement of any detainee from their arrival to their release. CCTV camera lenses should be routinely cleaned and recordings held for a minimum of three months.

CCTV is not an authorised means of carrying out observation checks of detainees, but in the case of constant monitoring where a specific viewing monitor is provided at an individual cell and mounted beside the cell door, and where the quality of viewing on the

monitor provides the same or better coverage than the view through the cell window, that constant monitoring can include the use of the CCTV monitor. CCTV monitoring is limited to constant monitoring and only where the person monitoring is physically positioned at the cell.

Detainees' rights in custody

Solicitors

All detainees have the right to consult and instruct a lawyer **in private and without delay**. Give the detainee an up-to-date list of lawyers practicing in your area and allow them to telephone the lawyer they choose. If the detainee does not ask for a lawyer but their relatives do, contact the lawyer they nominate.

Solicitors are allowed access to their clients at all times.

Foreign nationals

Foreign nationals who have been detained have the right to have their consulate or embassy advised of the fact that they have been arrested and what they have been charged with. The detainee also has the right to be visited by their diplomatic or consular representative.

Visitors and phone calls

The wellbeing of detainees can be enhanced through the provision of visits and phone calls and visits should be accommodated whenever practicable.

Visits

In addition to visits from solicitors and diplomatic representatives, detainees may be visited by:

- their family or whanau, or a friend if no family member is available
- a medical practitioner
- a minister of religion
- if a child or young person, their parent or guardian, or an Oranga Tamariki social worker.

A person detained under the Mental Health (CAT) Act 1992 should be allowed where possible, after considering safety, a visit or a phone call to a support person, e.g. friend or family member.

Managing visits

Follow these steps when considering and managing visits.

Step	Action
1	Obtain visitors' details and determine through NIA whether: <ul style="list-style-type: none"> - the visitor has convictions or outstanding warrants - the visitor/detainee are subjects of any order (Domestic Violence Act 1995) - the visit is authorised within the ECM.
2	Assess if the visit can be carried out safely.
3	Record the visit in the ECM.
4	Where visits are authorised: <ul style="list-style-type: none"> - restrict the number of visitors a detainee has at a time - warn visitors they must not give anything to a detainee directly, but to leave it with staff - only accept property required for a legitimate purpose (e.g. a change of clothes for court). (For details on recording property, see Detainee's property).
5	Take the visitor to the allocated room for the visit to occur.
6	If the visit was a contact visit search the detainee as well as the rooms that were used, when the visit is over.

Phone calls

Phone calls may be advantageous for some detainees. Other than calls to solicitors, phone calls are made at the discretion of Police.

Phone enquiries about detainees

Releasing information to members of the public about detainees or possible detainees can breach the Privacy Act 2020 in some circumstances. Before releasing any information follow this process.

Step	Action
1	Ascertain who the caller is. You can accept what they say at face value unless their response makes you suspicious. If you are not satisfied the caller is who they say they are, refuse the request (the public interest in Police disclosing information to this caller does not outweigh the detainee's privacy).
2	If the detainee has already notified someone of their detention, then refuse the request (the public interest in Police disclosing to this caller does not outweigh the detainee's privacy).
3	Check that the detainee has consented for Police to release information to the person calling.
4	Check the ECM to ensure there are no operational reasons to prevent the information being released to the caller.
5	If there is a public interest in the caller knowing (e.g. a family member needs to know, is worried about the detainee) then you may release the information. This can override step 3.
6	If a person is not being detained by Police and there are no operational reasons to prevent the information being released, then the caller can be told that the person they are enquiring about is not being detained at that location.

Note: Where operational demands make it impractical to complete the necessary checks the caller should be asked to call back at a later time.

Complaints

If a detainee tells you they wish to make a complaint you must receive that complaint and:

- record initial details of the complaint in your notebook or the ECM
- refer it as soon as possible to your supervisor.
- The supervisor must document the complaint and send to the District Police Professional Conduct Manager.

A full statement or further investigation may be deferred to:

- allow the detainee to recover from the effects of drink, drug or other substance
- allow the detainee to seek advice (if requested or deemed appropriate)
- ensure the complaint is taken by employees who are not directly involved in actions that may be the subject of the complaint.

It is important to gather information regarding the complaint as early as possible and preferably before transfer or release.

When an allegation of assault by a Police employee is made, custody staff must consider seeking a medical examination of the detainee at the earliest opportunity. Any decision not to seek medical attention must be recorded in the custody module at the time, noting the reasons for the decision.

IPCA monitoring of Police places of detention

Police detention facilities must be safe and humane and meet international standards. The New Zealand government has signed the United Nations agreement Optional Protocol to the Convention Against Torture (OPCAT) which requires Police detention facilities to

be independently inspected. The inspections are carried out by the Independent Police Conduct Authority and:

- may include inspecting facilities, viewing records, interviewing detainees, and making recommendations
- are designed to protect against torture, or other cruel, inhuman, or degrading treatment or punishment and aim to prevent abuses happening in the first place, rather than just dealing with complaints of ill treatment after they have happened.

District Commanders must facilitate IPCA inspections of custody units and cellblocks when requested, which could be unannounced.

Refer to the [IPCA website](#) for more information about their role in inspecting places of Police detention.

Meals and hygiene

Cleaning

Districts must make arrangements to ensure that adequate cleaning is carried out in custody units.

Hygiene

Detainees held more than 24 hours should be given the opportunity to shower and change into fresh clothes (if available). A towel, soap and toothbrush should be provided and recovered at the conclusion of use. Detainees held for a lesser period of time may be offered these if practicable.

Smoking

Smoking by all detainees (including any held on behalf of Corrections) is prohibited on all Police premises including outside areas. (See the Police '[Smoke-free workplace policy](#)').

Meals

Detainees must be provided with adequate meals. Each station must have a local procedure for meal order, supply and payment. As a general rule, a prisoner must be supplied with a meal if they are in custody at a normal mealtime. Appropriate meals should be provided to any detainee that has special dietary requirements due to culture or allergies etc.

Drink

Detainees must be provided with adequate fluid with water being the preferred option.

Carry out a TENR risk assessment

Before transport, carry out a [TENR risk assessment](#) to determine what safety and security precautions need to be taken during transport. This may be no more than a quick mental assessment, or a discussion between yourself and colleague who you are working with.

T - Threat

- Who are you transporting, and what is their intent and capability?
- What means or opportunity could a detainee have to commit an offence against you or another detainee, or escape?
- Any previous escape attempts?
- What is the current state and history of the detainee's mental health?
- How many detainees are you transporting and what segregation is required?

- What is the capacity and capability of the vehicle you are using to reduce the threat?
- What is the time and distance that you have to travel, and could this contribute to the threat level?

E - Exposure

- Who is exposed - Police employees and other detainees?
- Consider exposure when segregating detainees from others.

N - Necessity

- Consider the necessity to complete the transport now, or delay. If a detainee is behaving in a violent manner, consider a delay until they are no longer a threat.
- Is it necessary to transport all detainees at once if safe segregation cannot be achieved, or could another vehicle or another trip achieve the desired outcome?

R - Response

- Formulate your response to manage the threats using all tactics and resources available to you.

When alternative providers are used

Where an alternative transport provider (Air, Sea) is used, a risk assessment must be carried out with that provider.

Additional risk factors for Department of Corrections prisoners

If the detainee is a Department of Corrections prisoner, take into account the level of external risk Corrections has assigned for the prisoner's security classification - Minimum, Low, Low-Medium, High and Maximum Security

If uplifting a prisoner from Corrections do your best to segregate in accordance with Corrections segregations if possible. If segregation is unable to be achieved, communicate this to the Receiving Office staff. Assess the risks of transporting without segregating. Options may include:

- providing an additional transport
- requesting Corrections to transport the prisoner
- electing not to segregate based on a risk assessment
- leaving the prisoner at the prison.

Further information on Corrections segregation can be found in [Schedule 10](#) of the [MOU](#) with Corrections.

Who is to accompany a detainee on transfer?

As above, a TENR risk assessment must be conducted before every detainee transport and re-assessed during transport.

Following this risk assessment, the appropriate number of employees, and the appropriate mix of Authorised Officer and constabulary staff, should be determined to ensure both the security of the detainees, and the safety of Police employees and detainees.

Risk assessment should be conducted by the escorting employee(s). If agreement as to the level of risk mitigation cannot be reached, then this should be escalated for supervisory review, and recorded by way of notebook.

Ensure the detainee has been properly searched

A detained person should have been searched following arrest and/or detention. Prior to transport, you may conduct a search pursuant to [s11\(3\)](#) Search and Surveillance Act 2012 if:

- the person was not searched before they were locked up; or
- you reasonably **suspect** that they have been close to another person who has not been locked up in Police custody; or
- you reasonably **suspect** that they have been close to another person who has been locked up but not searched yet; or
- you have reasonable grounds to **believe** that the person may have anything that may be used to harm themselves or others.

Ensure that items such as shoelaces, belts, jewellery, and any clothing items with cords, are removed to prevent self-harm or harm to another.

Ensure the following documents and items are transferred with the detainee

- A printout of the Evaluation (if the ECM is not available at the destination)
- A prisoner transit sheet if the detainee is going to prison or court (and the ECM is not available at the destination)
- Medical examination notes (if applicable)
- Medication (if applicable)
- The detainee's property if they are unlikely to be returning to Police custody or the transfer is for an extended period and they may have legitimate access to their property.

Ensure all relevant documentation and risk information is passed to the person receiving the detainee.

Note: For deportations by air refer to [Annex 1](#) of the Police and Ministry of Business Innovation and Employment (MBIE) Memorandum of Understanding.

Before beginning your transport

Follow these steps:

s.6(c) OIA



During transport

Follow these steps:

Section 6(c) Official Information Act 1982



Releasing detainees

Every release

Follow these steps:

Step	Action
1	Verify the detainee's identity to ensure they are the right person.
2	Check that the detainee's biometric data has been taken (if required) and the ECM is updated.
3	Check the detainee is not wanted for any further matters and that their release is authorised.
4	Search the detainee's cell for items discarded and for damage. If any damage has occurred, consider a charge of wilful damage.
5	Consider whether family or friends or an appropriate health professional should be advised prior to the person's release or transfer.
6	Consider whether the detainee needs to be uplifted or delivered to a suitable location.
7	Return the detainee's property. Have the detainee receipt the property on the Property Seizure and Return Form and escort them away from the custody and security areas.
8	Update ECM showing the release or transfer of: <ul style="list-style-type: none"> - the detainee, and - the disposal of the property.

Releasing unlawfully detained people

Follow these steps:

Step	Action
1	Discuss the situation with the custody supervisor.
2	Release a detainee immediately if you find: <ul style="list-style-type: none"> - they were unlawfully arrested on a warrant and are not the person named in the warrant, or - the warrant is invalid because of a previous appearance.
3	Only release the person with the authority of a District Court judge if you find: <ul style="list-style-type: none"> - there was an irregularity in the warrant, but there was no mistake in identity e.g. a spelling mistake in the name, or - it was issued on the basis of false information.

Releasing without charge

Follow these steps:

Step	Action
1	<p>A detainee may be released without charge in some circumstances including:</p> <ul style="list-style-type: none"> - Where there is insufficient evidence to charge the person - Where an infringement notice is issued (e.g. Sale and Supply of Alcohol Act 2012) - Intoxicated people (s36 Policing Act 2008) - Young persons (ss48, 234, 235 Oranga Tamariki Act 1989) - Breach of peace (s315, Crimes Act 1961) - Assessment for mental health (s109 Mental Health(Compulsory Assessment and Treatment) Act 1992) - Formal warnings. <p>In these cases follow the steps for 'Every release'.</p>

Releasing temporarily for interviews

When detainees are removed for interview by other Police employees, their health, safety and secure custody becomes the responsibility of that employee until they are returned to the cell block. Follow these steps:

Step	Action
1	Ensure the arresting or detaining officer has authorised the release of the person for interview.
2	Endorse the ECM to show the detainee has been removed for interview and by whom.
3	Ensure any risk information is passed to the officer taking the detainee for interview.
4	<p>On return of the detainee, consider:</p> <ul style="list-style-type: none"> - the need to and justification to search the detainee again (s11, Search and Surveillance Act 2012) - whether a new evaluation is required, e.g. if the detainee has new charges against them.

Releasing with a formal warning

A formal warning is a lawful alternative to prosecution for some minor offences where there is sufficient evidence to charge. Follow the 'Formal warning process' in the '[Formal warnings](#)' chapter when releasing a detainee with a formal warning.

Releasing on summons

Follow these steps:

Step	Action
1	<p>Consider release on a summons as an alternative to bail for detainees when there is no court sitting within seven days.</p> <p>Note: There is no provision to summons a young person. They must be released and the matter referred to Youth Aid.</p>
2	Complete, serve and endorse the summons.
3	Follow the steps for ' Every release '.

Releasing on Police bail

Police bail may be authorised by the custody supervisor in conjunction with the arresting officer. Refer to the 'Deciding whether to grant or oppose bail' section of the '[Bail](#)' chapter for more information about when Police bail can or cannot be granted.

Note: Detainees cannot be bailed for longer than seven days with conditions, or 14 days without conditions. Observe local court sitting dates as to when particular types of defendants should be bailed to.

Follow these steps:

Step	Action
1	Use the Custody Bail Manager in the ECM to complete information in regard to the bail conditions. (See 'Bail conditions' in the 'Bail' chapter).
2	Have the detainee endorse the bail bond.
3	Update the movement/release tab in the ECM.

Suicide attempts and deaths in custody

Responsibility to prevent suicide

Police must take all practical and reasonable steps to prevent the suicide of detainees. Section 41 of the Crimes Act 1961 provides that everyone is justified in using necessary reasonable force to prevent the commission of suicide or the commission of an offence likely to cause immediate and serious injury to that person.

Procedure when suicide attempt discovered

Follow these steps:

Step	Action
1	Before intervening, ask another employee to obtain medical assistance.
2	Intervene to stop the attempt.
3	Carry out first aid as necessary.
4	A detainee who has attempted suicide must be constantly monitored and the circumstances are to be brought to the attention of a health professional for assessment of the detainees immediate needs.
5	Report the incident to the custody supervisor who will ensure the District Commander is informed.
6	Create a NIA occurrence and a new suicide alert in NIA by completing the 'Suicidal Tendencies Notification' form. This must be carried out before the detainee is released or transferred.
7	Suicide attempts must be reported to the District Health and Safety Advisor. The District Advisor will report the event in MyPolice.
8	Consider the Police ' Trauma support policy ' in relation to the welfare of employees involved. Referrals under the policy must be made for suicides or when serious harm has occurred.
9	If serious bodily harm or death has occurred, ensure the Director: Integrity and Conduct, PNHQ and the Director: Safer People are notified as soon as practicable.
10	Serious bodily harm or death must be notified to WorkSafe NZ under the Health and Safety at Work Act 2015. Notifications to WorkSafe NZ are made by the Safer People team/District Health and Safety Advisor, or the District Command Centre (DCC) if an Advisor is unavailable.

Deaths in custody

These steps apply to all deaths in custody, whether in the cells or not and regardless of the cause.

Step	Action
1	Immediately freeze the scene and ensure all evidence is preserved including CCTV camera footage and custody documentation.
2	<p data-bbox="130 250 443 286">Advise a supervisor who will:</p> <ul style="list-style-type: none"> <li data-bbox="194 318 593 353">- notify and arrange for CIB to attend <li data-bbox="194 362 673 398">- ensure the District Commander is informed <li data-bbox="194 407 1401 443">- immediately notify the NCCC in accordance with the 'No surprises policy'. The NCCC notifies the Commissioner <li data-bbox="194 452 689 488">- notify the District Health and Safety Advisor.
3	<p data-bbox="130 497 1520 577">The District Commander informs the Director: Integrity and Conduct and the Director: Safer People of the circumstances surrounding the death. The Director: Integrity and Conduct will inform the Independent Police Conduct Authority of the death. The Director: Safer People will ensure WorkSafe NZ is notified. All deaths in Police custody must be notified to WorkSafe NZ.</p>
4	Apply the Police ' Trauma support policy ' to all employees involved in the incident.

Offences

his table outlines offences relevant to the management of detainees.

Offence	It is an offence if...	Comment	Category of Offence
Unlawful dealings with prisoners (s52(1) Policing Act 2008)	a person, without permission of a Police employee: - holds a restricted communication with a prisoner in the custody or charge of a Police employee, or - delivers, or causes something to be delivered to a prisoner. Restricted communications are defined in s52(3).	You can arrest without warrant anyone you have reasonable cause to believe is committing or has committed these offences.	Category 2 Criminal Procedure Act 2011.
Refusing particulars (s32(4) Policing Act 2008)	a person in lawful custody of Police and detained for committing an offence, continues to fail to comply with a direction under s32 (to give identifying particulars) after being cautioned.	This section does not apply to people in custody for reasons other than having committed an offence, e.g. people arrested on warrant for failing to pay a fine.	Category 2 Criminal Procedure Act 2011

Emergency procedures and equipment

Each station and custody area must have its own contingency plans and procedures in the event of an emergency and all staff should be familiar with evacuation and any other emergency procedures.

Emergency equipment

This equipment must be immediately available in all custody areas. Employees must be familiar with its location, operation and use.

Equipment	Purpose	Police cells	Court cells
<ul style="list-style-type: none"> - Surgical gloves - PPK kit - First aid kit - Face masks - "111" rescue (cutting) tool. 	For use in cases of suicide attempts.	√	√
<ul style="list-style-type: none"> - tear resistant blankets - tear resistant gowns 	For issue to people assessed as needing care and monitoring.	√	

Prohibited equipment

This equipment is prohibited from use at all Police and court cells:

- white-paper overalls
- sheets
- pillow cases
- any equipment that has not been approved by the Director: Capability.

Requirements for all Police prisoner transport vehicles

This section relates to vehicles that are primarily designed and used for the purpose of transporting detainees.

Emergency hatches

All emergency hatches on prisoner transport vehicles must be:

- checked monthly to ensure they are in good working order and serviced immediately if required. A log, detailing inspections, must be kept in the vehicle
- the operating mechanisms must be clearly labelled, and employees must be familiar with use in an emergency.

Additional key holders

All employees escorting prisoners in prisoner transport vehicles that require keys to open doors or padlocks must carry a set of keys to the doors or padlocks separate from the driver's.

First aid kits

All prisoner transport vehicles must carry fully stocked first aid kits.

Prisoner and Escort Transport Manual (see PDF below)

This contains information on what to do in an emergency or unexpected event and is usually stored in the cab of the vehicle. Employees should be familiar with its contents.

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Prisoner Escort and Transport Manual February 20 7.pdf	162.52 KB
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