



VICTORIA POLICE

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Ms J Heffey, Coroner
Coroner's Court Victoria
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1 July 2014

Subject: NITT, Stephen
Case Number: 2009/5931
Date of Recommendations: 18 March 2014

Ms Heffey,

I write in response to recommendation 1 arising from your findings in the inquest into the death of Stephen NITT.

Recommendation 1: I recommend that Victoria police institute an "alert" process to be widely broadcast and disseminated amongst members providing information about both deaths and "near-misses" in respect of persons in custody in police cells. Such information should list the specific failures to observe the rules, thereby re-enforcing the importance of compliance, leaving nothing to discretion. The exact mechanism for this to be achieved, I leave to Victoria Police to work out.

Response: This recommendation has been implemented.

An extensive review of persons in custody was undertaken by Victoria Police in 2011, resulting in the development of comprehensive and consolidated policy and practice guidelines. A *Persons in Police Care or Custody* learning module was also developed which, in addition to providing online training packages, incorporates the ability for members to share their learnings and experiences across the organisation.

Yours sincerely,

Tim Cartwright APM
Deputy Commissioner



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1 July 2014

Subject: NITT, Stephen
Case Number: 2009/5931
Date of Recommendations: 18 March 2014

Ms Heffey,

I write in response to recommendation 2 arising from your findings in the inquest into the death of Stephen NITT.

Recommendation 2: Furthermore, to remove any doubts, it should be stressed that the fact that a person in custody is intoxicated is not a barrier to exercising powers under Section 10 where appropriate and conveying that person to a mental health facility. Whilst this misapprehension did not arise in the circumstances of this case, it was contained in a submission on behalf of Victoria Police and it should be clarified with members so that there is no misunderstanding.

Response: This recommendation has been implemented.

The persons in Custody review undertaken by Victoria Police provided more rigid expectations and greater clarity around observations, risk assessment and supervision criteria for persons in police custody. These have been reflected in the policy guidelines around *Apprehension Persons Under the Mental Health Act*.

These changes to policy have been reflected in the relevant police training programs and further supported by development of an online learning module to specifically provide guidance to members and supervisors around persons in custody. Most recently, implementation of the *Mental Health Act 2014* to commence on 1 July 2014 has provided the opportunity to re-emphasise this message in updates to police training and information packages distributed across the organisation.

Yours sincerely,


Tim Cartwright APM
Deputy Commissioner