



VICTORIA POLICE

**Graham Ashton AM**  
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Coroner Audrey Jamieson  
Coroners Court of Victoria  
65 Kavanagh Street  
Southbank VIC 3006

***Via email: [cpuresponses@coronerscourt.vic.gov.au](mailto:cpuresponses@coronerscourt.vic.gov.au)***

**Subject: Yucel Arslan – Finding into death with inquest**  
**Court Reference: COR 2016 00855**

Dear Coroner Jamieson

***Victoria Police response to recommendations arising from the inquest into the death of Yucel Arslan***

This document provides the response to the recommendation directed at Victoria Police arising from the finding into the death of Yucel Arslan with an inquest at the Royal Melbourne Hospital, Parkville on 24 February 2016.

On 14 December 2018, the Court released its findings and recommendations arising from the inquest into the death of Yucel Arslan. In respect of the Victoria Police Manual – Guidelines (“VPMG”) chapter titled “Searches of persons” at section 2.7, the Court recommended:

*The CCP provide clear guidance to police members in the field of the expected response where a person places an item, suspected to be drugs in their mouth. This guidance should be based on research and best practice regarding why (or why not) a use of force should be justified for the person against whom the use of force is applied. Any guidance should be supported by appropriate training. [“the recommendation”]*

In response to the recommendation the Victoria Police – Corporate Policy conducted an interjurisdictional analysis of relevant policies with the aid of the Australia New Zealand Policing Advisory Agency. Corporate Policy also led a process of internal consultation which involved: Policy Liaison Officer Network; Health, Safety and Deployment Division – Human Resources Department; Centre for Operational Safety – People Development Command; Custodial Health Services; and Office of the Deputy Commissioner – Capability.

### **Amended policy**

As a result of this review Victoria Police proposes to amend section 2.7 of *VPM Searches of a person*<sup>1</sup> to read as follows:

#### ***Concealed or ingested drugs or other items***

*The health and safety of a person in custody and the police employee/s involved in the search should take priority over securing evidence.*

*Where there are reasonable grounds to believe that a person is concealing drugs or related evidentiary items:*

- *in their mouth:*
  - *verbally encourage the person to surrender the item/s*
  - *force should not be used to retrieve the item or prevent the person from swallowing. Use of force may increase the risk of injury to both the person and the member*
  - *when it is suspected that the person has swallowed drug contraband, the person should be conveyed by ambulance to hospital as a matter of urgency*
  - *if the person is in custody, advise CHAL on 1300 681 926 of any transfer*
  - *continually assess the person against the Medical Checklist and take action as required until an ambulance arrives*
  - *take reasonable steps to ensure the person does not ingest anything further.*

The material changes to the policy are:

- (a) the direction “do not use force to prevent the person from swallowing” is changed to “force should not be used to retrieve the item or prevent the person from swallowing”;
- (b) an overarching statement has been introduced which emphasises that “The health and safety of a person in custody and the police employee/s involved in the search should take priority over securing evidence.”; and
- (c) additional information has been included regarding the calling of an ambulance.

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<sup>1</sup> The relevant chapter of the VPM has had a minor name change since the inquest.

## Communication and Training

The precise manner of communication of the amended policy to police members has not been finalised but is likely to include the following means of delivery:

- (a) Targeted emails to members;
- (b) Victoria Police Gazette article;
- (c) Bulletin board message (Victoria Police intranet); and
- (d) Victoria Police newsletters (including "Policy in Focus").

Training in respect of the amended policy has not been finalised but is likely to involve police recruit foundation training (delivered by the Centre for Law and Operational Development). Training may also be incorporated into a future "theory module" delivered as part of OSTT biannual training and/or as part of OSTT practical skills exercises for searches of persons.

Yours sincerely



**Graham Ashton AM**  
Chief Commissioner

1/13/2020