

**Senate Select Committee on Mental Health
Inquiry on the Provision of Mental Health Services in Australia
Submission by the Australian Federal Police**

Terms of Reference relevant to the Australian Federal Police (AFP) are addressed as follows:

(j) *The overrepresentation of people with a mental illness in the criminal justice system and in custody, the extent to which these environments give rise to mental illness, the adequacy of legislation and processes in protecting their human rights and the use of diversion programs for such people*

A preliminary scan of AFP incidents at airports involving mental health issues identified over 80 incidents, nationwide, in a twelve month period. The majority of these referrals occurred within airport terminals prior to boarding an aircraft.

Mental illness takes several forms, varying in severity and outward manifestation, and may be triggered by a number of stressors. Airports, particularly in the heightened threat environment, might act as a trigger, and provoke the manifestation of symptoms of mental illness.

Environmental stressors at airports include the presence of crowds, figures of authority (including airline and screening staff, Customs, Immigration and Quarantine officers, AFP Protective Service and State Police), the presence of security equipment (walk through magnetometers and cameras). There is a propensity for an escalation of symptoms of illness, if a mentally ill passenger is unaccompanied, or is unable to deal with these issues by themselves. Presence of figures of authority may exacerbate anxiety, leading to onset of a psychotic episode.

AFP officers are empowered to take into custody mentally ill people who may be a threat to themselves or others. Under the auspices of the various State mental health Acts, police have the power to apprehend a person if the officer has reasonable belief the person has a mental illness, and the conduct of the person may cause danger to him/herself or others. The person is then given into custody of a hospital facility which is responsible for conducting a full psychological assessment of the person.

It should be noted that in Victoria, AFP members are not interpreted as being a 'member of the police force' under Section 10 of the *Mental Health Act 1986 (Vic)*. Therefore, AFP members in Victoria do not have the power to apprehend a person in the above circumstances. This inevitably places AFP members in Victoria in a precarious position when dealing with mentally ill people, although they are able to rely on the services of Victoria Police members.

Law enforcement agencies at Australian airports are primarily concerned with proactively gathering intelligence on security issues, and reacting to incidents as they transpire.

The use of prescribed diversion programmes is not specifically within the AFP's charter for providing aviation security. However, police have discretionary powers, in that they may choose not to arrest a mentally ill person if they do not feel this is the most effective course of action. If an officer believes a situation may be resolved without processing a mentally ill person through the legal system, and may only require communicating with the person to calm a volatile situation, then this will be the most appropriate action.

Where a mentally ill person continues to pose a security threat to aviation, they will be processed through the appropriate channels (eg: taken into custody and given hospital assessment).

(m) - The proficiency and accountability of agencies, such as housing, employment, law enforcement and general health services, in dealing appropriately with people affected by mental illness.

All operational AFP members are *Use of Force* qualified, which includes training in dealing with persons with mental health issues. *AFP Commissioner's Order 3* gives effect to the policy of the AFP for the use of reasonable force and its implementation through the establishment and maintenance of appropriate competency standards, the accreditation of trainers, the qualification and re-qualification of AFP employees in the use of force, appropriate reporting mechanisms and management structures for training and monitoring use of force in the AFP.

The purpose of *Commissioner's Order 3* is to ensure the AFP operates to de-escalate potential conflict situations within the use of force continuum. The AFP stresses the use of minimum force and maintains the preference at all times to resolve incidents without force.

The AFP provides policing services to the Australian Capital Territory (ACT) governed by a Policing Arrangement between the Commonwealth Minister for Justice and Customs, the ACT Deputy Chief Minister, the ACT Attorney-General and the ACT Minister for Police, Emergency Services and Correction. The following guidelines and Memorandum of Understanding (MOU) provide specific instruction to members.

- ACT Policing has developed the ACT Policing *Guideline for Best Practice 5/2000: Persons Suffering from Mental Illness or Mental Dysfunction*, which sets out the correct procedure for all members when dealing with people affected by mental illness;
- ACT Policing has developed the ACT Policing *Practical Guide: Person in Custody*, which establishes the requirements for managing people in custody of the AFP (ACT Policing), and provides guidance in relation to the appropriate manner of handling persons in police custody, including persons suffering a mental condition;
- The MOU between the AFP and mental health services (including ACT Mental Health, Canberra Hospital, Calvary Hospital and ACT Ambulance Service) is being redrafted. The MOU will address all issues when dealing with people affected by mental illness. The final consultation process should be completed by early May 2005. ACT Policing will then review the *Guideline for Best Practice 5/2000: Persons Suffering from Mental Illness or Mental Dysfunction* to ensure it reflects the updated MOU.