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**IPCA Case Management Team  
OPCAT Indicators**

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OPCAT (and the Crimes of Torture Act 1989 in New Zealand) concerns the treatment of **detainees**. Under s 16 of that Act, a **detainee** is a person in a place of detention who is deprived of his or her liberty:

**1. “Place of detention” means**

*any **place** in New Zealand where persons are or may be **deprived of liberty**, including, for example, detention or custody in—*

- a) a prison;*
- b) a police cell;*
- c) a court cell;*
- d) a hospital;*
- e) a secure facility as defined in section 9(2) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003;*
- f) a residence established under section 364 of the Children, Young Persons, and Their Families Act 1989;*
- g) premises approved under the Immigration Act 1987; and*
- h) a service penal establishment as defined in section 2 of the Armed Forces Discipline Act 1971.*

(This is not an exhaustive list and the definition may also include, for example, police vehicles in which detainees are deprived of their liberty).

**2. “Deprived of liberty” means**

*any form of **detention or imprisonment** or the placement of a person in a **public or private custodial setting** which that person is **not permitted to leave at will** by order or agreement of any judicial, administrative, or other authority.*

## Treatment

- Ill-treatment, use of force, or torture by Police
- Management of allegations

## Protection measures:

- Sleep period / rousal policy
- Accommodation of special needs, such as:
  - visual
  - hearing
  - physical
  - alcohol or drugs-related impairment
  - mental illness
  - females
  - juveniles
- Information availability re: IPCA complaints procedure

## Material conditions

### *Accommodation*

- Double bunking
- Use of self-harm / padded / CCTV cell(s)
- Toilets in cells
- Provision of toilet paper, soap, disinfectant
- Cleanliness, ventilation, temperature of cell(s)

- Cell lighting
- Call system / ability to call for assistance from cell
- Conditions / safety in communal areas

### *Hygiene*

- Access to shower facilities
- Separate facilities for males / females
- Privacy and cleanliness of showers / showering area
- Provision of soap, towel, and oral hygiene products
- Provision of sanitary items for females
- Cleaning of cells, particularly in relation to blood and bodily fluids

### *Clothing/bedding*

- Provision of bedding: quilts, blankets, pillows, and towels
- Availability / quality of replacement clothing
- Tear proof blankets or other clothing / bedding
- Cleanliness of mattresses

### *Food*

- Accommodation of special dietary needs (including religious dietary requirements)
- Access to food / water outside meal times
- Quality of meals provided

**Activities and access to others**

- Availability of information as to rights / entitlements / Language Line services
- Availability of private and safe area for telephone calls
- Provision for private visits from family, lawyers, etc
- Provision of interpreter where needed
- Time for exercise
- Space and safety of exercise area
- Day room: size, availability, safety, etc
- Access to reading / writing materials
- Access to local Embassy where applicable
- Access to religious practitioners and ability to exercise faith

**Health Services**

- Treatment of individuals with HIV/AIDS
- Risk assessment procedure
- Procedure following request to see a Doctor
- Availability of Doctors and response time
- Medical room – equipped, private, and clean
- Access to external medical support agencies (drug, alcohol, counselling, psychiatric services, etc)
- Policies / procedures surrounding prescription medications

**Staff**

- Emergency evacuation procedures

**General**

- Disabled access
- Staffing numbers
- Staff of same gender for searches
- Smoking policy
- Treatment of remand prisoners