



Force Circular Memo

Force Directives Group
Management Services Bureau
Chief Commissioner's Office

No. 82-3

Date 18th February, 1982.

X 82-3-1

Child Ward Absconders

Recent legal advice has indicated that in relation to absconding children who are wards of the State :-

- Case already covered*
- (a) police have no power to force entry into premises in search of an absconding child ward; and
 - (b) police have no specific power to apprehend a child ward who has absconded unless -
 - (i) he has committed an offence for which an arrest power exists,
 - (ii) he comes within the scope of the care provisions of Section 31 of the Community Welfare Services Act, or
 - (iii) he has escaped from a Youth Training Centre or a Remand Centre (Community Welfare Services Act, Section 98. Note: Reception Centres are not mentioned in this Section).

The Government has been asked to amend this deficiency. In the meantime members should exercise considerable caution in returning child wards to the care of the Community Welfare Services Department. (Also see Standing Order 5.20).

(C.C.B. File No. 20-1-331)

X 82-3-2

Use of Interview Registers in Disciplinary Procedures

Case

Standing Order 8.35 was not intended to require an Officer interviewing a member regarding a disciplinary matter (as distinct from a criminal offence) to put such member through the Interview Register.

(C.C.B. File No. 5-1-1779)

✓ 82-3-3

Sale of Unclaimed Property by Public Auction

S.O. AMENDED/ No 17/82 P.G. 16/9/82

The Force has decided to adopt a more efficient procedure for the disposal of unclaimed property due to be disposed of at public auction.

see P. 2 overleaf

- 2 -

republic as amended
M 10.7

The Chief Commissioner has authority under Section 122(1) of the Police Regulation Act to direct that unclaimed goods and chattells which have lawfully come into the possession of the police may be sold at public auction.

The Chief Commissioner has delegated that authority in relation to all property except motor vehicles to the Officers in Charge of Districts. Section 6A(1) of the Police Regulation Act requires this delegation to be in writing, and Officers who take charge of Districts shall ensure that they are appropriately empowered. If it is considered an additional Officer should be authorised, a report should be forwarded to the Chief Commissioner's Office. The Personnel Branch is responsible for preparing authorities and ensuring that a copy is forwarded to the Officer in Charge, Property Office, Russell Street.

Quarterly returns of unclaimed property shall be prepared in accordance with Standing Order 10.7, except for paragraphs 10.7(2) and 10.7(3) which will be cancelled.

Officers in Charge of Districts are to ensure :-

- (1) The quarterly return (Form 24) in triplicate is only signed by an authorised Officer.
- (2) Form 24 in triplicate is actually signed by the Officer not just the accompanying report.
- (3) Perishable property is not forwarded to the Property Office - it may be destroyed on the authority of an Officer (Police Regulation Act, s. 122(2)(ii)).
- (4) Valueless and unsaleable property such as worn out clothing, worn out bicycle tyres, damaged transistor radios worth \$5.00 or less when new, used cosmetics, foodstuffs and chemicals of doubtful origin are not forwarded to the Property Office - these may be destroyed on the authority of an Officer. (Superintendents' Conference, October, 1978).

Publication of notices of sale in the Government Gazette will be arranged by the Administration Department at the request of the Property Office or otherwise.

(C.C.B. File No. 72-3-621)

82-3-4

Policy Relating to the Authorisation of
"Standby" Arrangements (Determination No. 336)

Determination No. 336 relating to "standby" arrangements came into force on 5th April, 1981. Following an extensive review, the following are guidelines for implementation.

Policy

Make this out when in manual

Page 2

Introduction

Initially, it should be noted that the only difference in the two definitions is that "on call" requires an immediate capacity to return to work, or at least on very short notice, with the member required to remain at home; "availability" means capable of resuming duty within a reasonable time which may be specified, but the member is not required to remain at home.

In both cases, the provisions must be authorised by an Officer, or a Sub-Officer who has been authorised by an Officer either generally or on particular occasions. The expression "Authorised Sub-Officer" extends to include a Sub-Officer who is not authorised in advance in cases of emergency.

The definition of "member" includes all members below the rank of Inspector with the exception only of one-man stations, except when the Officer in Charge of a one-man station is directed to remain on call in respect of an area outside his sub-district.

Necessity for Standby

Members shall only be required or directed to go on standby (on call or available for duty) in the following circumstances:-

- (a) where there is a need based on past experience to provide a coverage over 24 hours in each day of each week or for particular hours on particular days and such cover cannot be afforded by proper and effective rostering of available personnel; or
- (b) where some specific operational event or its likelihood makes it prudent to ensure that a member or members are readily available to resume duty. This does not apply to general or non-specific situations where provisions relating to recall to duty or the authorisation of overtime (Determination No.29) are applicable.

Authorisation of Standby Arrangements

On Call. As the circumstances in which standby arrangements are necessary imply a need for prompt police attention, the type of standby to be normally authorised is that of "on call".

Availability. As the terms of "availability for duty" envisage a situation where the member required may be moving from place to place and contact with him depends on messages being sent from the member and received by other members, with arbitrary decisions as to whether or not the place or environment to which he is going is such that he may be readily contacted, this does not seem to be a satisfactory method of arranging a prompt provision of police services. The continuance of an authorisation, when moves from place to place occur, is liable to create administrative problems. For these reasons, a member is not to be directed to be "available for duty" rather than "on call", unless the express permission of the Officer in Charge of the District concerned is first obtained.

Case will be included in Determinations

-4-

Officers in Charge of Districts shall be responsible for implementing standby arrangements (both "on call" and "availability for duty") in their Districts.

Practicality of Authorisation

Before a member is placed on standby, the authorising officer must be satisfied that in all the circumstances the authorisation is not only necessary but can be implemented in a practical fashion.

A member at a non-24 hour station can only be placed "on call" when his station is closed and either the telephone can be switched to where he is located or a recorded message advises the public of his telephone number. In such a case a member should be rostered as "on call", but it is not sufficient for "on call" that the public are advised of the "on call" member by a notice at the police station or elsewhere.

Some country stations have telephone answering machines on issue, but unfortunately it is likely to be some time before all country stations can be so equipped. In most cases, the station telephone can only be switched over to the residence of the Officer in Charge, which means that under the above criteria he is the only member who could be placed on call. If such Officer in Charge was to be placed permanently on call, he could not leave his residence, which could be an unreasonable restriction that should not be approved. In such a circumstance, having regard to community needs and the member's welfare, Officers in Charge of Districts are to ensure:-

- (a) in the case of a station telephone extension to the member's residence, that the station telephone is switched through to the residence during any period the member is authorised to be "on call"; and
- (b) in other cases where the local police are unavailable, the public are advised (for example, notice displayed at station premises) of the location of the nearest 24 hour police station from which police attention may be obtained.

Standby on Rest Days

Members are granted four rest days per fortnight as a necessary break from duty. Rest days should only be curtailed in extreme situations and provision for recall on a rest day already exists.

To add to the probability of recall by placing a member on call on a rest day with a consequent restriction of his movements is considered undesirable, and should not be resorted to except in extreme or unusual circumstances. Therefore, no member shall be placed on call or on availability on a rest day unless with the express permission of the Officer in Charge of the District concerned.

-5-

Rostering of Members

It is apparent that before authorisation for standby arrangements are given, particular attention must be paid to the adequacy of rosters including the staggering of rest days, so as to avoid as far as possible the undesirable restrictions placed on members who are required to be on standby.

Cancellation of Previous Instructions

The guidelines contained in Telex Broadcast 73/30.4.81 and Police Gazette 7.1.82 (41) are cancelled.

(C.C.B. File No. 38-2-624)

82-3-5 Leave, Taking Of When Trials Pending

LET THIS INSTRUCTION LAPSE IN 2 MONTHS

Difficulties continue to be experienced by members wishing to obtain a Crown Law clearance to take leave when they have trials pending. Paragraph 3.53 of the 1981 Police Manual applies. The Crown Law Department will not give an absolute guarantee that a trial will not be listed in an emergency. Members will receive the greatest co-operation where -

- (1) the report is forwarded to the Crown Law Department not less than two months before the intended leave (Manual 3.53(1)).
- (2) a further report is forwarded if a committal occurs during the two months advice period (Manual 3.53(2)).
- (3) the report should detail the trials pending including the name of the accused, the committal court and date and the court and date committed to.

(C.C.B. File No. 5-13-8)

82-3-6 Police Uniforms - Amendment to FCM 81-9-1

The instructions contained in FCM 81-9-1 as amended by FCM 81-12-4 (Policewoman slacks) is further amended by:-

- (a) Para 1(f) is replaced by the following:-

"All items of uniform shall conform to the colours and sealed samples specified in the appropriate specifications maintained at the Services Department, Uniform Design and Development Division, and shall be made in accordance with such specifications and sealed samples available from that Division".

see case
FCM 85-10

-6-

- (b) In para 2(a), deleting the 'a' after the word "with" in the first line and replacing it with "the" and inserting "specification and or" after "accordance with" in the second last line.
- (c) In para 5, deleting the words "overcoat, cape style" and inserting "A balmoral style cape."
- (d) In paras 7(a)(i), 7(a)(ii), 7(b)(i) and 7(b)(ii), inserting "Scarf" immediately before the description of gloves.
- (e) In para 7(b)(i) and 7(b)(ii)
- inserting "Belt, leather (as described for male officers)" before the description of shoes.
- (f) In para 7(b)(i)
- replacing the expression "Overcoat* cape style" by the expression "Cape, balmoral style."
- (g) In para 7(e) in the description of "Khaki bedford cord breeches" deleting "Approved design" and inserting the expression "Specified design and manufacture."
- (h) In Schedule 1 (at the bottom of the third and fourth pages), replacing the expression "Junior navy velvet material" with the expression "Royal blue velvet material" and inserting "Royal blue" before the expression "Twill material."

Case
see para 83-10

(J.R. Hall),
DEPUTY COMMISSIONER (Administration)