NSW Police Force

OFFICE OF THE COMMISSIONER

21 May 2025

F/2024/80125

The Hon. Michael Daley MP
Attorney General
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Dear Attorney

On 28 November 2024, NSW Deputy State Coroner Magistrate Elizabeth Ryan finalised the inquest into the death of Mr Michael Peachey.

The Deputy State Coroner made three recommendations to the NSW Police Force (NSWPF) under the provisions of section 82 of the *Coroners Act 2009.*

These recommendations, along with the NSWPF position on each of the recommendations, are included in the attached table.

Yours sincerely

Karen Webb APM
Commissioner of Police

Encl. NSWPF response – Inquest into the death of Mr Michael Peachey

NSW Police Force response - Inquest into the death of Michael Peachey

Recommendations	NSWPF response
1. That the NSWPF Commissioner consider: a) formulating an independent policy on restraint which provides clear guidance to officers of the NSW Police Force about the risks of prone restraint, the ways in which to mitigate those risks, and the importance of moving a person from the prone position as soon as possible, particularly in cases where there has been acute behavioural disturbance and emergency sedation; and b) providing specific mandatory training to NSW Police Force officers on the above.	(a) Not supported Policies are most effective when they are specifically applicable to the circumstances. In operational contexts, the variability of restraint is limitless, there is no "safe" duration for restraint, and resources can be inconsistent and often limited. Therefore, any policy is likely to be too generic that it offers minimal practical guidance to police. (b) Supported The NSWPF is developing a training program to address the risks associated with sudden death during an arrest. The program will include a theoretical best practice response incorporating early recognition and the use of appropriate resources before resorting to restraint.
2. That the NSWPF Commissioner consider: a) providing further guidance material in the NSW Police Force Handbook, on the importance of having regard to information provided, and concerns expressed by, family members or others close to the person about the person's behaviour, including changes in that behaviour, in determining whether a person appears to be mentally ill or disturbed for the purposes of section 22 of the Mental Health Act 2007; and b) providing additional training to NSW Police Force officers in the above.	Supported The grounds for apprehension under a s.22 are based on the officer's subjective belief of whether a person, appears to be mentally ill or disturbed at the time. Although it is important to obtain information from family members and consider their concerns, detainment under section 22 must follow the provisions in the *Mental Health Act 2007* (MHA). As well as appearing mentally ill or disturbed, the detention can only be justified if the officer believes on reasonable grounds the criteria in (a) and (b) are also met. The NSWPF is developing Mental Health Standard Operating Procedures (SOPs) to provide guidance in responding to mental health incidents and the application of s.22 of the MHA. Consideration will be given to including guidance around information from third parties in the assessment of s.22 of the MHA. The NSWPF is also developing training on the criteria, assessment, and application of s.22 of the MHA. The training will focus on the assessment of s.22 of the MHA, the principles of least restrictive practice, and the provisions for detainment under s.22 of the MHA, including consideration of all relevant information to assist in determining whether to detain a person under s.22 of the MHA.

3. That NSW Ambulance and NSW Police Force consider carrying out interagency training and/or development of guidance material, which would focus on the respective roles of the two agencies and the need for communication, where both agencies attend a scene involving acute behavioural disturbance, prone restraint and emergency sedation.	Supported There is an MoU between the NSWPF and NSW Health, which sets out the principles to guide how agencies work together when delivering services to people with mental health problems, including patients in police custody and the management of public safety issues in health settings.