

Media Release



Federation of
Community Legal Centres
VICTORIA

17 August 2011

Failing, not protecting the community – Armed PSOs apprehending people who “appear to be mentally ill”



Mental Health Legal Centre

Giving armed Protective Services Officers (PSOs) on Melbourne trains powers to apprehend, by person who hasn't committed a crime, but whom the PSO believes is mentally unwell, is an ill-conceived measure that will not address crime or safety. Rather, it will create fear in the community and a greater risk of fatal shootings.

The *Justice Legislation Amendment (Protective Services Officers) Bill 2011* being debated today in Parliament aims to give PSOs broad police-like powers to combat crime, violence and antisocial behaviour on the rail network. Whilst the Government maintains it has a mandate to address these apparent risks in the community, there is no evidence to justify extending mental health-specific powers, currently limited to only police under the *Mental Health Act 1986* (Vic).

“We know that people with psychiatric disability are more likely than the general public to suffer adverse – even fatal consequences – at the hands of police, particularly when they are in acute crisis,” said Catherine Leslie lawyer and policy worker at the Mental Health Legal Centre (MHLC). “Giving these new powers to PSOs who have even less training, supervision and support than police will only result in an escalation of critical incidents, and tragedy occurring.”

“The amendments also imply that people with mental illness are all violent, dangerous and engage in criminal behaviour, whereas the evidence indicates quite the opposite,” says Michelle McDonnell, policy officer at the Federation of Community Legal Centres “Most people with mental illness do not commit crimes and are more at risk of being a victim than a perpetrator of violence.”

These mental health-specific powers are less about addressing crime than they are about facilitating timely access to assessment and treatment, but they have serious consequences nonetheless. “We have very real concerns that giving PSOs these powers will result in people being detained for longer and handcuffed, restrained, sprayed with capsicum spray, without access to amenities, and in full view of the public,” says Ms Leslie.

It appears the amendments have been drafted without any consultation with the Department of Health, which is responsible for the care and treatment of people with psychiatric disability. Further, they undermine rather than inspire public confidence in safety and perceptions of safety on train stations.

“These amendments are clearly at odds with a mandate to address crime and commuter safety and will not achieve that aim,” says Ms McDonnell. “Consequently, they should be withdrawn.”

Further information:

Catherine Leslie, Mental Health Legal Centre: (03) 9629 4422

Michelle McDonnell, Federation of Community Legal Centres: (03) 9652 1507

www.communitylaw.org.au