

Australian Capital Territory

Corrections Management (Use of Force and Restraint) Operating Procedure 2020

Notifiable instrument NI2020-565

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Use of Force and Restraint) Operating Procedure 2020*.

2 Commencement

This instrument commences on the day after its notification day.

3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of correctional services.



Jon Peach
Commissioner
ACT Corrective Services
28 August 2020



OPERATING PROCEDURE	Use of Force and Restraint
OPERATING PROCEDURE NO.	D6.1
SCOPE	Alexander Maconochie Centre

PURPOSE

To provide instructions to officers in circumstances when the use of force or restraint is required. Force and restraint are only ever used as a last resort where strictly necessary and with only the minimum amount of force that is reasonable and proportionate according to the circumstances.

PROCEDURES

1. Use of Force

- 1.1 Officers must verbally communicate with the detainee throughout the incident and continue to provide directions to gain compliance.
- 1.2 Officers must maintain awareness of the detainee's body positioning to ensure breathing is not obstructed.
- 1.3 Officers must initiate a *Code Pink (Medical Emergency) Procedure* response via radio communication if the detainee shows signs and symptoms of a medical emergency.
- 1.4 Any use of force must cease as soon as compliance is gained and safety and security has been restored or the detainee/s are secured in a cell or appropriate location.

2. Planned Use of Force

- 2.1 A planned use of force occurs when an immediate response is not required and there is time to plan. The Officer-in-Charge (OIC) must inform and brief the Duty Manager that a planned use of force is required and all details of the situation.
- 2.2 Responding to a serious or major incident or disturbance will be undertaken in accordance with the *Emergency Management Framework* and not this operating procedure.
- 2.3 The distribution and use of batons must be pre-approved by the Duty Manager.
- 2.4 The OIC will assess the situation and determine the required resources. This includes the number of staff members to safely manage the use of force, the number and types of mechanical restraints and the required personal protective equipment. The OIC will assign the resources and tasks as appropriate.
- 2.5 The OIC must continue to reassess the situation and utilise the earliest opportunity to safely resolve the incident.
- 2.6 The OIC will ensure that any CCTV cameras are not obstructed prior to any planned use of force. Where the cameras are obstructed, this must be resolved where safe to do so.
- 2.7 A hand-held video camera must be used to record any planned use of force and will include details of the situation (date, time, detainee and location), briefing by the OIC, all communication between detainee and staff and an uninterrupted recording until the detainee is secured and/or safety and security has been restored.

- 2.8 If practical, multiple hand-held cameras should be used to capture different views.
- 2.9 The OIC must inform and brief the Duty Manager as soon as practical after the conclusion of the planned use of force.

3. Use of Force on Persons Other Than a Detainee

- 3.1 If the OIC authorises the use of force on a person other than a detainee in order to remove them from the Centre, they must inform the Duty Manager as soon as possible.
- 3.2 Following the use of force, the OIC must ask the person if they have an injury or require medical assistance.
- 3.3 If medical assistance is required, the OIC must arrange an ambulance to attend by phoning 000.

4. Staff Injury

- 4.1 If a staff member requires medical attention, the OIC must immediately organise for them to be relieved from their role and transported to a hospital or medical centre.
- 4.2 Any injury must be reported through the RISKMAN function in accordance with the ACT Public Sector Accident/Incident Reporting and Investigation Policy. If a staff member is unable to complete themselves, the OIC must complete on their behalf.
- 4.3 Any injury sustained to a staff member during a use of force must be notified as per the Incident Reporting, Notifications and Debriefs policy.

5. Detainee Health Assessment and Treatment

- 5.1 At the conclusion of a use of force, the OIC will place any detainee involved on a 15 minute observation routine until assessed by health services.
- 5.2 The OIC or delegate will notify health services as soon as practical after a use of force. Notification can be made in person or via telephone 62072772.
- 5.3 The assessor must complete a D6.F2: Use of Force or Restraint Health Assessment Form, generated from the detainee's electronic file. This is to be included in the incident and use of force reporting package.
- 5.4 The OIC will arrange for any injury or alleged injury to a detainee to be photographed. Photographs must be downloaded, attached to the detainee's electronic file and a printed copy attached to the incident and use of force reporting package.
- 5.5 The OIC will document the details of any injury or alleged injury in the D6.F4 Use of Force Summary.
- 5.6 Any injury sustained to a detainee during a use of force must be notified as per the Incident Reporting, Notifications and Debriefs Policy.

6. Reporting

- 6.1 All staff involved or witness to the incident must complete an A2:F1 Incident Report, generated from the detainee's electronic file, as per the Incident Reporting, Notifications and Debriefs Policy.
- 6.2 All staff who applied force, including restraints, to a detainee must complete a D6.F2: Use of Force Report, generated from the detainee's electronic file. The report requires as much factual detail as possible. This includes the lead up to the force, circumstances, de-escalation

attempts and justification for the use of force. The application of force must be broken down to specifics of involvement, for example; “I placed my right hand on Detainee XX’s left shoulder”.

- 6.3 The OIC must complete a D6.F3 Use of Force Checklist, generated from the detainee’s electronic file.
- 6.4 The OIC must complete a D6.F4 Use of Force Summary, generated from the detainee’s electronic file.
- 6.5 All reports must be completed prior to the end of shift unless the Officer has been approved to leave the Correctional Centre. In this case, the report must be completed as soon as practical.
- 6.6 The OIC will conduct a hot debrief in accordance with the Incident Reporting, Notifications and Debriefs Policy.
- 6.7 The OIC must ensure all CCTV footage, including hand-held camera/s, of a use of force is downloaded and logged according to the CCTV Policy. The downloaded footage must include 10 minutes prior and 10 minutes after the incident as per CCTV Policy.
- 6.8 The OIC will compile all related documents for the incident package and submit to the Compliance Team Leader.
- 6.9 Use of force footage will only be viewed by Night Seniors, Area Managers or above who have a ‘need to know’. The use of force footage is to be treated with the highest possible level of confidentiality and respect.
- 6.10 The Compliance Team Leader will enter any use of force on the Use of Force Register.
- 6.11 The Compliance Team Leader will ensure all use of force data is entered in the D6.F5: General Manager’s Monthly Report each month.

7. Reviews

- 7.1 The General Manager or delegate will chair a weekly use of force review meeting. The reviewing committee will comprise the General Manager and one Senior Director.
- 7.2 CCTV footage and the use of force incident package will be reviewed.
- 7.3 Each use of force will be reviewed by the Use of Force Review Template.
- 7.4 The General Manager will refer any incidents of concern to the Commissioner.
- 7.5 The Compliance Team Leader will enter each use of force and review on the D6.F5: General Manager’s Monthly Report. The Compliance Team Leader will email the completed report to ACTCSOperationalCompliance@act.gov.au and CC the Commissioner and General Manager before close of business on the 7th of each month.
- 7.6 If concerns are identified with the use of force that require review by the Deputy Commissioner Custodial Operations (DCCO) and/or the Commissioner, the CCTV footage will be downloaded onto a disc.
- 7.7 The disc must be placed into a sealed envelope and hand delivered to the DCCO or Commissioner who may provide the footage to an assigned investigator.

RELATED DOCUMENTS AND FORMS

- Use of Force Policy

- Code Pink (Medical Emergency) Procedure
- Incident Reporting, Notifications and Debriefs Policy
- ACT Public Sector Accident/Incident Reporting and Investigation Policy
- CCTV Policy
- Use of Force Register
- A2:F1 Incident Report
- D6.F1: Use of Force Report
- D6.F3: Use of Force Checklist
- D6.F4: Use of Force Summary
- D6.F2: Use of Force or Restraint Health Assessment
- D6.F5: General Manager’s Monthly Report
- Use of Force Review Template

Corinne Justason
 Deputy Commissioner Custodial Operations
 ACT Corrective Services
 28 August 2020

Document details

Criteria	Details
Document title:	Corrections Management (Use of Force and Restraint) Operating Procedure 2020
Document owner/approver:	Deputy Commissioner Custodial Operations, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Operations
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
Version no.	Date	Description	Author
V1	August-20	First Issued	T Rust