

Australian Capital Territory

Corrections Management (Use of Chemical Agents – Court Transport Unit) Operating Procedure 2021

Notifiable instrument NI2021-703

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 Chemical Agents – Court Transport Unit) Operating Procedure 2021*.

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.

Ray Johnson APM
Commissioner
ACT Corrective Services
25 November 2021



OPERATING PROCEDURE	Use of Chemical Agents – Court Transport Unit
OPERATING PROCEDURE NO.	D7.2
SCOPE	Court Transport Unit

PURPOSE

To provide instruction to staff on the use of chemical agents within the Court Transport Unit (CTU) in a humane, safe and legal manner.

DEFINITIONS

Young Detainee

A person who is under the care of Bimberi Youth Justice Centre. In accordance with the Children and Young People ACT 2008 a young person can be held in Bimberi up to the age of 21.

PROCEDURES

1. General

- 1.1. At the commencement of each shift, the officer assigned the duty of Armoury Officer for the shift will issue chemical agents to appropriately trained officers on the posts identified to carry that chemical agent in the Chemical Agents – Authorised Posts Register and in accordance with the Controlled Items – Access to Court Transport Unit Armoury Operating Procedure.
- 1.2. Chemical agents must not be used on a young detainee from Bimberi Youth Justice Centre, or a young person whose age has been disclosed as being under the age of 18, who is in the custody of CTU.
- 1.3. If officers are to respond to an area affected by chemical agents, appropriate PPE must be considered prior to entry.
- 1.4. Chemical agents must only be used as a compliance control and/or defensive tactical elective as per the Use of Force and Restraints Operating Procedure. Chemical agents must never be used for punishment or any unauthorised or unlawful purpose.
- 1.5. Chemical agents must only be used on a person other than a detainee in exceptional circumstances in which the officer believes on reasonable grounds that the circumstances are sufficiently serious to justify the use of chemical agents, and that the purpose of the use of force cannot be achieved in another way. Any Use of force on a person other than a detainee must be in accordance with the Use of Force and Restraint Policy.

- 1.6. Chemical agents must not be worn or used in court rooms. Chemical agents must not be used in any areas of the court precinct other than custodial controlled areas. This includes courtrooms and any area accessed by the general public.
- 1.7. The Officer-in-Charge (OIC) must notify the courts and building management of the use of chemical agents. Building management will not be permitted to access the area until authorised by the OIC.

2. **Planned Use of Chemical Agents in Cell Extraction**

- 2.1. The OIC must ensure all planned use of chemical agents events are filmed with a handheld video camera in accordance with the *Use of Force and Restraint Operating Procedure*.
- 2.2. The OIC must determine whether a planned use of chemical agents is a reasonable and proportionate response to resolving the situation. Where appropriate, the OIC will authorise the assigned Team Leader (TL) to proceed with a planned use of chemical agents.
- 2.3. The TL must read the proclamation and give the detainee time to comply. If the detainee does not comply, the TL will read the second proclamation and give the detainee time to comply.
- 2.4. If the proclamation is complied with, then the TL will manage the situation as per standard cell extraction protocols.
- 2.5. Where the detainee does not comply with the proclamations, the TL will direct chemical agents to be used.
- 2.6. The TL will continue to observe and talk to the detainee via the cell window. Where required, chemical agents may be deployed into the cell a second time.
- 2.7. Where the detainee becomes compliant, TL will direct the detainee to either put their hands through their cell hatch and apply handcuffs or direct the detainee to assume a safe position on the cell floor or rear wall prior to the team's entry.
- 2.8. Officers must provide decontamination aftercare in the first instance with an ambulance to be contacted in cases of continuing significant symptoms or medical emergencies as per the *Use of Chemical Agents Decontamination Procedure*.

3. **Unplanned Use of Chemical Agents**

- 3.1. The unplanned use of a chemical agents by an officer may be appropriate where the officer believes there is an imminent risk of harm or injury to a person (e.g. an assault of a person) or to prevent an escape. Refusal to follow a direction is not in itself sufficient to justify an unplanned use of a chemical agent.
- 3.2. Where possible, officers must monitor and control entry and exit from the room or building during an unplanned use of chemical agents so that the detainee(s) can be appropriately contained and controlled.
- 3.3. All detainees that have not been exposed to chemical agents must be secured in a safe area.
- 3.4. The OIC must notify the courts and building maintenance of the use of chemical agents.
- 3.5. The Officer must provide decontamination care in accordance with the *Use of Chemical Agent Decontamination Operating Procedure* with an ambulance to be contacted in cases of continuing significant symptoms or medical emergencies.

4. **Use of Chemical Agents outside of a Correctional Facility**

- 4.1. Chemical agents will be issued to all escorting officers who are appropriately trained.
- 4.2. Officers must not use chemical agents in hospitals or medical facilities external to a correctional centre.
- 4.3. Chemical agents must not be used in a moving escort vehicle. Chemical agents may be used in a stationary vehicle.
- 4.4. Where chemical agents are used outside of a correctional facility, the officers must radio Main Control Room (MCR) to report the incident. The MCR officers will report the incident to the OIC.
- 4.5. Officers must also complete an Incident Report in accordance with the *Incident Reporting, Notifications and Debriefs Policy*.
- 4.6. If chemical agents have been deployed outside of a correctional facility, the officers may arrange for alternative transport of the detainee. The detainee must remain under continued observation during the transport process. Officers who transfer custody of a detainee who has been exposed to chemical agents must inform the receiving officer:
 - a. That the detainee has been exposed to the chemical agent
 - b. Time of the exposure
 - c. Where relevant, the approximate amount of chemical agent used (i.e. how many bursts of spray and duration)
 - d. Normal effects observed following the exposure to chemical agent
 - e. Abnormal effects observed following the exposure to chemical agent
 - f. If the detainee advises they are or are not an asthmatic
 - g. What restraint techniques were used following the spray and the duration of use
 - h. What decontamination procedures have been used
 - i. Any other relevant information which will assist the person/s taking custody of the detainee

This information is to be recorded in an appropriate manner so that current and subsequent officers who are or may become responsible for the custody and management of the detainee can easily refer to it.

5. **Medical Care and Considerations**

- 5.1. Prior to a planned use of chemical agents, officers must take reasonable steps to identify whether a detainee has a medical condition or other vulnerability (e.g. age or disability) that places them at greater risk of a medical emergency.
- 5.2. Officers must be alert to the signs and symptoms of distress or potential medical emergency in accordance with the *Use of Chemical Agents Policy* and *Use of Force and Restraint Policy* when using chemical agents.

RELATED DOCUMENTS AND FORMS

- A – Use of Chemical Agents Policy
- B – Use of Force and Restraint Policy
- C – The Children and Young People ACT 2008
- D – Controlled Items Policy
- E – Controlled Items – Access to Court Transport Unit Armoury Operating Procedure
- F – Chemical Agents – Authorised Posts Register
- G – Use of Chemical Agents Decontamination Operating Procedure
- H – Use of Chemical Agents – AMC Operating Procedure
- I – Incident Reporting, Notifications and Debriefs Policy

Corinne Justason
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ACT Corrective Services
25 November 2021

Document details

Criteria	Details
Document title:	<i>Corrections Management (Use of Chemical Agents - Court Transport Unit) Operating Procedure 2021</i>
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:	Director Court Transport Unit
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	October 2021	First issue	S Leedham