

Australian Capital Territory

Corrections Management (Use of Chemical Agents – AMC) Operating Procedure 2021

Notifiable instrument NI2021-704

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 – AMC) 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



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| OPERATING PROCEDURE | Use of Chemical Agents - AMC |
| OPERATING PROCEDURE NO. | D7.1 |
| SCOPE | Alexander Maconochie Centre |

PURPOSE

To provide instruction to staff on the use of chemical agents within Alexander Maconochie Centre (AMC) in a humane, safe and legal manner.

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 from the AMC Armoury to appropriately trained officers on the posts identified to carry that chemical agent in the Chemical Agents – Authorised Posts Register.
- 1.2. The Armoury Officer must reference the register of staff who have current training to ensure chemical agents are only issued to officers who are trained in the safe and appropriate use of Chemical Agents and Use of Force in accordance with the Use of Chemical Agents Policy and Controlled Items Policy.
- 1.3. All trained Night Seniors and night shift officers will be issued chemical agents.
- 1.4. If officers are to respond to an area affected by chemical agents, appropriate PPE must be considered prior to entry.
- 1.5. 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.
- 1.6. 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.

2. Planned Use of Chemical Agents

- 2.1 The OIC must determine whether a planned use of chemical agents is a reasonable and proportionate response to resolving the situation.
- 2.2 Where the Incident Command Suite has been stood up, the Incident Commander is responsible for the management of that incident, including authorising the use of chemical agents where appropriate.

- 2.3 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.
- 2.4 The OIC must consider whether PPE is appropriate for officers' use, and ensure all officers issued with chemical agents are trained.
- 2.5 The OIC must inform Justice Health Services prior to a planned use of chemical agents. Where possible, medical staff are to be available to assist with health assessments immediately following a use of chemical agents.
- 2.6 Prior to the planned use of chemical agents, the assigned Team Leader (TL) or, where applicable assigned Squad Leader, instigating a use of chemical agents must ensure a warning proclamation is read to the detainee(s). This warning proclamation contains a lawful direction. The timeframes set must be achievable by detainee(s). Making a proclamation is not required in urgent circumstances where the officer believes, on reasonable grounds, that doing so would create a risk of injury to the detainee or anyone else.
- 2.7 The OIC must establish a decontamination area prior to the planned use of chemical agents. Any detainee who is affected by chemical agents must be seen by medical staff as soon as practicable once it is safe to do so. Officers must commence decontamination in accordance with the Use of Chemical Agents Decontamination Operating Procedure. Continuing significant symptoms or medical emergencies must be managed in accordance with the Use of Chemical Agents Policy and Code Pink (Medical Emergency) Operating Procedure.
- 2.8 Where chemical agents are used indoors, the OIC must, where possible, ensure facilities management staff turn off air-condition and air movement systems to prevent chemical agent circulating into other areas.

3. Planned Use of Chemical Agents – Crowd Control

In addition to section 2:

- 3.1 For large scale events, the OIC must determine an area in which the chemical agent will not be used so that non-participating detainees can be directed to move there.
- 3.2 Where the OIC has authorised a planned use of chemical agents and a team is broken into squads, either the Team Leader (TL) or Squad Leader/s (SL) may initiate use of chemical agents.

4. Planned Use of Chemical Agents in Cell Extraction

- 4.1 Where the OIC has authorised the use of chemical agents in a cell extraction, 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.
- 4.2 If the proclamation is complied with, then the TL must manage the situation as per standard cell extraction protocols.
- 4.3 Where the detainee does not comply with the proclamations, the TL will direct chemical agents to be used.
- 4.4 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.

- 4.5 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.
- 4.6 Officers must provide decontamination aftercare and arrange for all affected detainees to be seen by medical staff as soon as possible as per the *Use of Chemical Agents Decontamination Procedure*.

5. Unplanned Use of Chemical Agents

- 5.1 The unplanned use of a chemical agent 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.
- 5.2 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.
- 5.3 All detainees that have not been exposed to chemical agents must be secured in a safe area.
- 5.4 officers must provide decontamination care and arrange for all affected detainees to be seen by medical staff as soon as possible in accordance with the *Use of Chemical Agent Decontamination Operating Procedure*.

6. Use of Chemical Agents outside of a Correctional Facility

- 6.1 Chemical agents will be issued to all escorting officers who are appropriately trained.
- 6.2 Officers must not use chemical agents in hospitals or medical facilities external to a correctional centre.
- 6.3 Chemical agents must not be used in a moving escort vehicle. Chemical agents may be used in a stationary vehicle.
- 6.4 Where chemical agents are used outside of a correctional facility the officers must immediately radio the Main Control Room (MCR) to report the incident. The MCR officers will report the incident to the OIC.
- 6.5 Officers must also complete an Incident Report in accordance with the *Incident Reporting, Notifications and Debriefs Policy*.
- 6.6 If chemical agents have been deployed outside of a correctional facility, 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.

7. Medical Care and Considerations

- 7.1 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.
- 7.2 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 – Use of Force and Restraints Operating Procedure
- D – Controlled Items Policy
- E - Chemical Agents – Authorised Posts Register
- F - Use of Chemical Agents Decontamination Operating Procedure
- G – Use of Chemical Agents – Court Transport Unit Operating Procedure
- H – Incident Reporting, Notifications and Debriefs Policy
- I – Code Pink (Medical Emergency) Operating Procedure

Corinne Justason

Deputy Commissioner Custodial Operations

ACT Corrective Services

24 November 2021

Document details

| Criteria | Details |
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| Document title: | <i>Corrections Management (Use of Chemical Agents - AMC) Operating Procedure 2021</i> |
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| Version Control | | | |
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| V1 | October -2021 | First Issued | S Leedham |