

Corrections Management (Use of Chemical Agents – Court Transport Unit) Operating Procedure 2024

Notifiable instrument NI2024-564

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 2024*.

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.

4 Revocation

This operating procedure revokes the *Corrections Management (Use of Chemical Agents – Court Transport Unit) Operating Procedure 2021* [NI2021-703].

Bruno Aloisi
A/g Commissioner
ACT Corrective Services
18 September 2024



OPERATING PROCEDURE	Use of Chemical Agents – Court Transport Unit
OPERATING PROCEDURE NO.	11.3
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 under the age of 18 or between the ages of 18 and 21 who is required to be held in the custody of the Director General responsible for the *Children and Young People Act 2008*, and who may be in custody at a Youth Justice Centre.

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 within the Bimberi Youth Justice Centre, on a young detainee from Bimberi Youth Justice Centre, or on 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 Personal Protective Equipment (PPE) must be considered, and used if required, prior to entry.
- 1.4. Chemical agents must only be used in a manner consistent with correctional officer training on the use of chemical agents.
- 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 may be carried and used by officers within any areas of the court precinct. This includes courtrooms and any area accessed by the general public. Officers should at all

times remain mindful of the risks associated to the public in carrying and using chemical agents in court rooms and areas of the court precinct 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 agent events are filmed with a hand-held 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 necessary and reasonable 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. Prior to the planned use of chemical agents, a warning proclamation must be given 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 a detainee, an officer or anyone else.
- 2.4. 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.
- 2.5. If the proclamation is complied with, then the TL will manage the situation as per standard cell extraction protocols.
- 2.6. Where the detainee does not comply with the proclamations, the TL will direct chemical agents to be used.
- 2.7. The TL will continue to observe and talk to the detainee to encourage voluntary compliance via the cell window. Where required, chemical agents may be deployed into the cell a second time.
- 2.8. Where the detainee becomes compliant, TL will direct the detainee to either put their hands through their cell hatch to apply handcuffs or direct the detainee to assume a safe position prior to the team's entry.
- 2.9. Officers must provide first aid and cleaning 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 First Aid and Cleaning 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 first aid and cleaning care in accordance with the Use of Chemical Agent First Aid and Cleaning Operating Procedure with an ambulance to be contacted in cases of continuing significant symptoms or medical emergencies.
- 3.6. If an unplanned use of chemical agents occurs in an area of the ACT Courts precinct accessible by members of the public, responding officers should try and coordinate with ACT Court Security and the ACT Sheriffs Office to move/keep members of the public away from the area, to avoid risk of contamination.

4. Use of chemical agents outside of a correctional centre

- 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. Where chemical agents are used outside of a correctional centre, the officers must radio the Master Control Room (MCR) to report the incident. The MCR officers will report the incident to the OIC.
- 4.4. Officers must complete an Incident Report in accordance with the Incident Reporting, Notifications and Debriefs Policy.
- 4.5. If chemical agents have been deployed outside of a correctional centre, the officers may arrange for alternative transport of the detainee. The detainee must remain under continued observation during the transport process. Officers that 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. the 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 first aid and cleaning procedures have been used
 - i. any other relevant information which will assist the person/s taking custody of the detainee.
- 4.7. 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 Force and Restraint Operating Procedure* when using chemical agents.

RELATED DOCUMENTS AND FORMS

- Chemical Agents – Authorised Posts Register
- Children and Young People ACT 2008
- Controlled Items – Access to Court Transport Unit Armoury Operating Procedure
- Controlled Items Policy
- Incident Reporting, Notifications and Debriefs Policy
- Use of Chemical Agents First Aid and Cleaning Operating Procedure
- Use of Force and Restraint Policy
- Use and Storage of Chemical Agents – AMC Operating Procedure

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ACT Corrective Services

20 August 2024

Document details

Criteria	Details
Document title:	<i>Corrections Management (Use of Chemical Agents – Court Transport Unit) Operating Procedure 2024</i>
Document owner/approver:	Assistant Commissioner Custodial Operations, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	Five (5) years after the notification date
Responsible Officer:	Senior Director, Court Transport Unit
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2024</i>

Version Control			
Version no.	Date	Description	Author
V1	October 2021	First issue	S Leedham
V2	August 2024	Reviewed and updated	E Gregor