

Australian Capital Territory

Corrections Management (Use of Force and Restraint) Operating Procedure 2024

Notifiable instrument NI2024-567

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 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 Force and Restraint) Operating Procedure 2022* [NI2022-34].

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



OPERATING PROCEDURE	Use of Force and Restraint
OPERATING PROCEDURE NO.	11.1
SCOPE	ACT Correctional Centres

PURPOSE

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

PROCEDURES

1. General

- 1.1 Uses of force must be conducted consistently with the principles of correctional officer training and must only occur where necessary and reasonable, as per the Use of Force and Restraint Policy.
- 1.2 Officers must verbally communicate with the detainee throughout the incident and continue to provide directions to gain compliance.
- 1.3 Officers must maintain awareness of the detainee's body positioning to ensure breathing is not obstructed.
- 1.4 If a detainee is placed in a prone position during a use of force, the detainee must be moved out of the prone position as soon as practicable once restraints have been applied or removed, and whilst in the prone position officers must not intentionally apply pressure to a detainee's neck, back or head.
- 1.5 Officers must initiate a Code Blue (Medical Emergency) Procedure response if the detainee shows signs and symptoms of a medical emergency.
- 1.6 Any use of force must cease as soon as force is no longer necessary and reasonable to achieve the purpose.

2. Effective communication

- 2.1 As far as practicable, staff should speak slowly, calmly and confidently to explain the purpose or intention of resolving the situation.
- 2.2 When communicating with a detainee, staff should use clear, brief, and direct instructions and attempt to identify reasonable options for resolving a situation.
- 2.3 To minimise communication problems, staff should make all reasonable efforts to use language the detainee is likely to understand and consider any potential communication barriers such as intellectual disability or limited English language comprehension. This may include the use of an interpreter or visual cues where necessary and practicable.
- 2.4 Staff should be aware of their non-verbal behaviour and utilise the techniques taught in training to avoid escalating the situation.

- 2.5 Staff should also maintain situational awareness and position themselves in as safe a location as possible, including to allow for safe retreat, in case of any escalation.

3. Planned use of force

- 3.1 Where the Incident Command Suite has been stood up, the Incident Commander is responsible for the management of that incident, including responsibilities otherwise attributed to the Officer in Charge (OIC) in this procedure.
- 3.2 A planned use of force occurs when use of force might be necessary and there is time to plan, or it is necessary to plan in order to safely conduct the use of force. The OIC must inform and brief the Duty Manager that a planned use of force is required and all details of the situation.
- 3.3 The OIC in consultation with the Duty Manager where possible will assess the situation and approve the required resources. This includes the number of staff members to safely manage the use of force, the number and types of restraints, the required Personal Protective Equipment (PPE) and weapons. The OIC will assign the resources and tasks as appropriate.
- 3.4 The OIC must ensure that all non-essential staff leave the scene prior to commencement of the planned use of force.
- 3.5 The OIC must continue to reassess the situation and utilise the earliest opportunity to safely resolve the incident.
- 3.6 The OIC must inform and brief the Duty Manager as soon as practical after the conclusion of the planned use of force.

4. Video recording

- 4.1 The OIC will try to 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.
- 4.2 Where multiple CCTV cameras have partial or complete coverage of the location of a use of force incident, the footage from each CCTV camera must be maintained.
- 4.3 A hand-held video camera must be used to record all planned uses of force unless a lack of time and/or exceptional circumstances exist:
 - a. use of the video camera must be in accordance with the *Hand-Held Video Cameras Operating Procedure* and this procedure
 - b. when a video camera is not used, the exceptional circumstances must be detailed in the incident report.
- 4.4 A hand-held video camera recording will include details of the situation (date, time, detainee, location and officers involved (including each officer identifying themselves and their helmet number)), briefing by the team leader, local commander, or other person giving instructions, all communication between detainee and staff and an uninterrupted recording until the detainee is secured and/or safety and security has been restored.
- 4.5 If practical, multiple hand-held cameras should be used to capture different views.
- 4.6 Unless an Incident Commander is appointed, the OIC is responsible for liaising with the Security Systems team to ensure that all CCTV and hand-held camera footage of a use of force is downloaded and logged according to the *CCTV Policy (F11.6: Use of Force Checklist)*. The downloaded footage must also include both the lead-up and aftermath of the incident.

5. Use of force on persons other than a detainee

- 5.1 Officers must only use force on a person other than a detainee in accordance with section 15 the *Use of Force and Restraint Policy*.
- 5.2 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.
- 5.3 Following the use of force, the OIC must ask the person if they have an injury or require medical assistance.
- 5.4 If medical assistance is required, the OIC must arrange an ambulance to attend by phoning 000.

6. Staff injury

- 6.1 Following an incident, any injured staff member must be assessed by a medical professional as soon as practicable. All injuries must be reported and responded to as per the *Code Black (Personal Threat) Operating Procedure*, and according to the medical advice. If a staff member requires medical attention, the OIC must immediately organise for them to be relieved from their role and arrange for an ambulance or transport as appropriate to a health facility.
- 6.2 If an ambulance or transport to a health facility is required, a support person may accompany if requested or reasonable.
- 6.3 Justice Health will provide Basic Life Support to a staff member who has sustained a life-threatening injury or requires urgent medical assistance.
- 6.4 Any injury must be reported to the Injury Prevention Team through the Safety Portal function in accordance with the *ACT Public Sector Accident/Incident Reporting and Investigation Policy*. If a staff member is unable to complete themselves, the Forward Commander (FC), or if the FC is unavailable the OIC, must complete on their behalf.
- 6.5 Any injury sustained to a staff member during a use of force must be notified as per the *Incident Reporting, Notifications and Debriefs policy*.
- 6.6 The Assistant Commissioner, Custodial Operations or delegate will ensure that all staff who witnessed or participated in a use of force incident are offered support through the Staff Peer Support Program (*Staff Peer Support Policy*), Wellbeing Team actcswellbeing@act.gov.au and the Employee Assistance Program (EAP).

7. Detainee health assessment and treatment

- 7.1 At the conclusion of a use of force, the OIC will place any detainee involved on a 15-minute observation routine until assessed by Justice Health Services.
- 7.2 The OIC or delegate will notify Justice Health Services as soon as practical after a use of force. Notification can be made in person or via telephone 6207 2772.
- 7.3 The assessor must complete a *F11.5: 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.
- 7.4 A detainee subject to a planned use of force should be examined by a Justice Health Doctor or Registered Nurse within two (2) hours of a use of force, or as soon as practicable.
- 7.5 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. The OIC must notify JHS of any detainee injury or claim of injury.

- 7.6 The OIC will document the details of any injury or alleged injury in the CORIS Incident Summary Report.
- 7.7 Any injury sustained by a detainee during a use of force must be notified as per the Incident Reporting, Notifications and Debriefs Policy.

8. Exposure to chemical agents

- 8.1 The Senior Director, Organisational Capability must ensure that staff training in the safe and appropriate use of chemical agents includes appropriate first aid techniques (Use of Chemical Agents First Aid and Cleaning Operating Procedure).
- 8.2 Officers must ensure persons exposed to chemical agents are provided with appropriate first aid, advice, assistance and opportunities immediately after exposure, or as soon as safe to do so.
- 8.3 Any exposed person must be placed on constant observations by ACTCS staff for medical signs/symptoms that indicate extraordinary effects from exposure to a chemical agent until first aid and cleaning processes commence, and then on regular observations.
- Signs/symptoms that indicate extraordinary effects may include:
- a. rapid breathing rate (more than 20 breaths per minute)
 - b. shallow, restrained or difficult breathing lasting more than 2 to 3 minutes
 - c. audible wheezing or noisy breathing
 - d. blue discolouration of lips and tongue (cyanosis)
 - e. deteriorating consciousness
 - f. chest or neck pain
 - g. profuse sweating, and
 - h. vomiting or severe dry retching.
- 8.4 If an exposed person exhibits, complains of or, in the officer's opinion, appears to be suffering from any of the signs or symptoms listed above, staff must immediately initiate a 'Code Blue' (Medical Emergency), continue first aid if safe to do so and assess the risk to any person in the location prior to releasing the detainee from any restraint.
- 8.5 In circumstances where it is not safe to begin the first aid and recovery of an exposed detainee, that detainee must be placed on constant observations until cleaning and recovery can be safely commenced.
- 8.6 All detainees who have been exposed or may have reasonably likely been exposed to a chemical agent must be placed on regular observations for a period of two (2) hour after cleaning and recovery has commenced, or, if seen by a Justice Health Doctor or Registered Nurse, such a period as directed by the Doctor or Nurse.
- 8.7 Staff who have been affected by a chemical agent are to be assisted to undertake cleaning and recovery and then be on regular observations for a period of two (2) hour after cleaning commenced.
- 8.8 Where a staff member who has been exposed to a chemical agent continues to experience symptoms after cleaning and recovery, their supervisor should consider temporarily changing their duties.
- 8.9 Any exposed person who is still experiencing significant symptoms arising from the use of chemical agents (e.g., unable to open eyes) 45 minutes or more after first aid and cleaning processes have commenced, must be referred for medical assessment.

- 8.10 Where the exposed person is a detainee, the request will be submitted to and triaged by Justice Health Services.
- 8.11 If a detainee is required to be transported to a medical facility, they should be provided with a change of clothes.

9. Reporting

- 9.1 All staff who applied force, including restraints to a non-compliant detainee, must complete a CORIS Incident Report generated from the detainee's electronic file, as per the Incident Reporting, Notifications and Debriefs Policy.
- 9.2 The report requires as much factual detail as possible, including the lead up to the use of force, circumstances, de-escalation attempts and justification for the use of force, including why the use of force was considered reasonable and necessary for the situation. The application of force must be broken down into specifics of involvement, for example; *"I placed my right hand on Detainee XX's left shoulder"*.
- 9.3 All other staff involved or witness to the incident must also complete a CORIS Incident Report, generated from the detainee's electronic file, as per the Incident Reporting, Notifications and Debriefs Policy.
- 9.4 The OIC must complete a F11.6 Use of Force Checklist, generated from the detainee's electronic file.
- 9.5 The OIC must complete a CORIS Incident Summary Report, generated from the detainee's electronic file.
- 9.6 All reports must be completed prior to the end of shift unless the officers involved have been approved to leave the correctional centre. In this case, the report must be completed as soon as practical.
- 9.7 For incidents involving young detainees, the OIC must ensure that they notify Bimberi staff as soon as possible and provide them copies of all reports related to the incident.
- 9.8 The OIC or most senior staff member directly involved with the incident will conduct a hot debrief in accordance with the Incident Reporting, Notifications and Debriefs Policy and the Debriefs Guidance.
- 9.9 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 the CCTV Policy.
- 9.10 The OIC will compile all related documents for the incident package and submit to the Compliance Team Leader.
- 9.11 The use of force footage is to be treated with the highest level of confidentiality and respect. Use of force footage will only be viewed by approved staff who have a 'need to know' and this process will be managed by the ACTCS Security Systems Team as per the requirements of the CCTV Policy.
- 9.12 The Compliance Team Leader will enter any use of force on the Use of Force Register.
- 9.13 The Compliance Team Leader will ensure all use of force data is entered in the F11.7: Assistant Commissioner's Monthly Report each month.

10. Reviews

- 10.1 The Assistant Commissioner, Custodial Operations (ACCO) or delegate will chair the weekly Use of Force Review Committee meeting.
- 10.2 The ACCO should ensure that all uses of force involving chemical agents are reviewed within two (2) business days of the incident.
- 10.3 CCTV footage and the use of force incident package will be reviewed.
- 10.4 Each use of force will be reviewed by the Use of Force Review Template.
- 10.5 The ACCO will refer any incidents of concern to the Commissioner.
- 10.6 The Compliance Team Leader will enter each use of force and review on the F11.7: Assistant Commissioner's Monthly Report. The Compliance Team Leader will email the completed report to the ACCO and the Commissioner and cc to ACTCSQualityandRisk@act.gov.au before close of business on the 7th of each month.
- 10.7 If concerns are identified with the use of force that require review by the Commissioner, the ACTCS Security Systems Team will ensure CCTV footage is provided to the Commissioner in a secure manner, who may then provide the footage to an assigned investigator.

RELATED DOCUMENTS AND FORMS

- ACT Public Sector Accident/Incident Reporting and Investigation Policy
- Assistant Commissioner's Monthly Report
- CCTV Policy
- Code Blue (Medical Emergency) Procedure
- Incident Reporting, Notifications and Debriefs Policy
- Use of Chemical Agents First Aid and Cleaning Operating Procedure
- Use of Force Checklist
- Use of Force or Restraint Health Assessment
- Use of Force or Restraint Policy
- Use of Force Register
- Use of Force Review Template

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ACT Corrective Services
20 August 2024

Document details

Criteria	Details
Document title:	<i>Corrections Management (Use of Force and Restraint) Operating Procedure 2024</i>

Criteria	Details
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 Operations
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	August 2020	First Issued	T Rust
V1.2	Dec 2021	Minor amendments	S Viereck
V2	August 2024	Reviewed and updated	E Gregor