

Use of Force, Protective Equipment & Instruments of Restraint Policy

Essential Summary

Youth Justice NSW (YJNSW) is committed to achieving an environment that is safe for both young people and employees. Use of force, protective equipment and instruments of restraint may be required to manage a young person in a safe and professional manner when all other forms of interventions are not successful, or appropriate to the situation. A safe and secure environment is always the priority when managing a young person's behaviour.

Each component of this policy requires employees to apply risk-based decision making.

Decisions must be made in an appropriate time frame that prevents escalation of risk to employees and young people. [REDACTED]

Risk-based decisions must also consider the *Work Health and Safety Act (2011)* that requires risks in the workplace to be eliminated or minimised by ensuring employees are given the highest level of protection against harm to their health, safety and welfare.

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1 Scope

This policy applies to all employees that have a role in managing and responding to the challenging behaviour of young people in Youth Justice NSW custodial environments, including:

- YJNSW centre employees
- Court Logistics employees
- employees responsible for the training and professional development of employees.

2 Purpose

The policy provides employees with an understanding of safe responses to challenging behaviour in order to reduce the risk of injury to young people and employees; as well as the requirements for applying use of force, use of instruments of restraint, and use of protective equipment when required.

The key objectives of the policy are to:

- promote the safe use of communication and other non-physical means as the standard for managing young people's behaviour
- provide direction on the approved types and methods of use of force to be used as a last resort
- increase understanding of legislative and operational reporting requirements for use of force, protective equipment and instruments of restraint.
- provide direction on the use, method and approval of instruments of restraint
- provide a framework for understanding the use of protective equipment in the context of Work Health & Safety obligations
- detail requirements for initial and ongoing protective tactics training of employees

3 Definitions

Instruments of restraint refers to any instrument, as defined in clause 62 of the Children (Detention Centres) Regulation 2015, used to restrain a young person for safe and effective management, which include:

- handcuffs
- flexi-cuffs
- restraining belts
- ankle cuffs
- young people's safety helmets and gowns
- hard & soft shields (when used in line with the use of force),

as are declared by the Secretary, by order published in the Gazette, to be instruments of restraint for the purposes of this Regulation.

Handcuffs and flexi-cuff return refers to a record of the use of handcuffs and flexi-cuffs for the movements of young people each month.

Must indicates a mandatory action to be complied with.

Officer in charge (OIC) refers to an employee delegated at the time to lead a response team or a situation.

Planned use of force refers to a situation where there is a prior indicator that force may be necessary and there is time to plan an intervention

Positional or Restraint Asphyxia refers to a situation where the position of a person's body interferes with their ability to breathe.

Protective Equipment refers to any equipment used to eliminate, minimise, or reduce any reasonably foreseeable risk of harm or injury to employees or young people. These items refer to for employees:

- hard and soft shields (when used for employee protection)
- helmets
- coveralls
- boots
- gloves
- vests
- knee and elbow pads

for young people:

- self-harm suicide gowns
- self-harm protective helmet
- restraint Belt

Response team refers to a pre-agreed group of appropriately trained and experienced employees who are selected on a daily basis, at the beginning of each shift, to respond to an incident or identified risk/hazard during the shift.

Risk is the potential that a decision will lead to a loss or an undesirable outcome

Risk based decision making (RBDM) is a process that organises information about the possibility for one or more unwanted outcomes to occur and can assist employees in gathering the information needed to make more informed young person management choices.

Should indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action

Unplanned use of force refers to situation where there is no prior indicator that force may be necessary and there is no time to plan an intervention

Use of force refers to any intentional physical actions used by an employee on a young person to control or move the young person against their will, with or without instruments of restraint. There are two types of force: planned, and un-planned.

Use of force and Instruments of Restraint Return refers to a record of the occasions during each month where force and/or instruments of restraint were used on a young person.

4 Risk Based Decision Making (RBDM)

Risk-based decision making is used to implement risk management strategies. All decisions to use force, protective equipment, and instruments of restraint must be based on the risks presented at the time of an employee's decision-making.

Risk based decisions revolve around the need to make choices, either to do or not to do something, or to select one option from a range of options.

Assessing risk is a constant process for YJNSW frontline employees; they are constantly monitoring the environment, unit dynamics and mix of young people. If an incident occurs without warning, a youth officer should consider their personal safety, the safety of their colleagues and all the young people under their supervision, before deciding on the best response.

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4.1 Individual Risk Assessment

A risk based decision to use force, instruments of restraint and/or protective equipment on a young person must be individualised to the young person and the current risks they are displaying based on the specific set of circumstances. [Redacted text]

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4.2 External movement risk assessment

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5 Use of Force

Use of force in YJNSW is defined as, 'any intentional physical actions used by employees on a detainee to control or move the detainee against their will'. Therefore, not all intentional physical contact or use of instruments of restraint with a young person constitutes a use of force.

Use of force is only justified when all other forms of intervention have been unsuccessful or are not appropriate. The force used must be both reasonable and necessary in order to resolve the situation.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

5.1 Types of use of force

5.1.1 Planned use of force

Planned use of force is used when there is time to consult the procedures, other employees and plan for the intervention. The situation, while requiring a reasonable force intervention, is unlikely to escalate rapidly while the planning process is undertaken.

[Redacted]

[Redacted]

5.1.2 Unplanned use of force

Unplanned use of force refers to an event where there is no prior indicator that force may be necessary and there is no time to plan an intervention, where;

- a situation is unfolding that does not pose an immediate or serious risk to employee or young person's health or safety but requires an intervention by employees, such as nonlife-threatening self-harming, fighting, damage to property, and attempts to escape.
- force is used when there is a direct and immediate risk to employees and/or young people's health and safety, such as a young person assaulting an employee or another young. Person, and there is no time to use other strategies first

5.2 Authority to use force

YJNSW centre employees are given authority to use force under Clause 65 of the Children (Detention Centres) Regulation 2015, which states "an officer must not use force against any person in a detention centre except for the following purposes":

- to prevent a young person from injuring himself or herself
- to protect the officer or other persons from attack or harm
- to prevent a young person from inflicting serious damage to property
- to prevent a young person from escaping
- to prevent a person from entering a detention centre by force
- to search a young person in circumstances in which the young person refuses to submit to being searched (All searches of a young person must be conducted in accordance with clause 11A of the *Children (Detention Centres) Act 2015*)
- to seize any dangerous or harmful article or substance that is in the possession of a young person
- to prevent or quell a riot or other disturbance
- to prevent a dog being used to assist in the detection of contraband in a detention centre from attack or harm
- to allow a medical practitioner to carry out necessary medical treatment on a young person in accordance with section 27 of the Act

An employee may also use force to move a young person who from one location to another in accordance with a direction of the employee, but only if the employee first gives a warning to the young person of the consequences of failing to comply with the direction to move.

5.3 Reasonably necessary force

Clause 65(3) of the Children (Detention Centres) Regulations 2015 states that when dealing with a young person, an officer must use no more force than is reasonably necessary in the circumstances, and the infliction of injury on the young person is to be avoided if at all possible.

To achieve this, the amount of force used on a young person must not exceed what is required to minimise or resolve an incident, or for an employee to protect themselves and others. During any use of force, the care and protection of the young person must be considered and maintained.

[REDACTED]

5.4 Restrictions on use force

In addition to the authority to use force, YJNSW has the following restrictions on the use of force:

- Employees must not restrict a young person 's airway in any way during use of force (see section 5.5 *Preventing Positional and Restraint Asphyxia*)
- Employees must not strike a young person during a use of force except in a situation of self-defence
- Employees must not intentionally **restrain** a young person in the head or neck area
- Employees must not apply any pain compliance techniques or holds; that is, a hold when purposefully applied causes pain so the young person complies with a direction)

[REDACTED]

5.5 Techniques for the use of force

[REDACTED]

[REDACTED]

[REDACTED]

5.6 Preventing Positional and Restraint Asphyxia

Positional asphyxia can be defined as obstruction of breathing as a result of a restraint technique. It occurs when the position of a person's body interferes with their ability to breath. If this is not recognised, death can occur from asphyxia or suffocation.

Physical restraint must only be used when the situation clearly justifies the restraint and there is no other option available to prevent physical harm to the young person or others, and for the shortest possible time with the least amount of reasonable force. A body restraint position that interferes with breathing, causing asphyxia or suffocation, can lead to cardiac arrest and death.

5.6.1 Identifying the symptoms and signs of asphyxia or suffocation

The first step in prevention is for employees to recognise the risks. This will not eliminate the need to physically control some young people during a violent or dangerous incident but recognising the signs of danger and taking appropriate preventative action may help to reduce the occurrence of bad outcomes.

Employees must understand and be able to recognise the symptoms and signs of asphyxia or suffocation, these can include:

- A young person stating that he/she cannot breathe
- gurgling/gasping sounds indicating blockage of the airway
- lips, hands, face discoloured blue due to lack of oxygen
- increasing panic, prolonged resistance
- sudden tranquillity (an active, loud, threatening, violent, abusive detainee suddenly becoming quiet and not moving)

Employees should also be aware that the following factors could increase the risk of Positional Asphyxia whilst a young person is in the prone position:

- **Obesity**- If a young person with a large abdomen is placed in a prone position, the contents of their abdomen can be forced under the diaphragm restricting breathing.
- **Intoxication** – A recent history (i.e. previous 24 hours) of drug taking or alcohol consumption can produce potentially fatal disturbances in a young person’s cardiac rhythm. Any difficulty in breathing during these periods can result in sudden deterioration in condition.
- **Pre-existing physical conditions** - Any condition that impairs breathing under normal circumstances
- **Pressure on the abdomen**- even a thin person will have difficulty breathing when there is pressure placed on their abdomen. The greater the number of officers involved in restraining the young person, the higher the risk that they will have with difficulty breathing.
- **Confined spaces** – A young person restrained in a confined space increases the risk of breathing difficulties.
- **Fatigue** – A young person who has previously been through a violent activity (e.g. resisting restraint; fighting) may suffer from respiratory fatigue due to the increased physical energy.

5.6.2 Prevention Strategies

Physical restraint must only be used when the situation clearly justifies it and there is no other option available to prevent physical harm to the detainee or others, and for the shortest possible time with the least amount of reasonable force.

The following actions will reduce the likelihood of positional asphyxia occurring:

- identify the young person’s risk (knowledge of the young person’s risk factors)
- avoid a prone restraint unless absolutely necessary (a young person must be repositioned from the face down/prone position as soon as possible)
- do not sit or lean on the abdomen
- knowledge of symptoms and signs (as above)
- constant monitoring of the young person (where possible utilise another employee not involved in the restraint to monitor the restrained young person’s condition)
- seek medical attention (immediate medical attention must be obtained where there is any concern over the health of a young person who has been actively restrained)

5.7 Use of force and pregnant young women

There may be circumstances when it is necessary to use force on a pregnant young woman. Supervising managers must always be called to provide assistance and guidance in these circumstances.



- [REDACTED]
- [REDACTED]
- [REDACTED]

5.8 Use of force in double rooms, rooms with bunk beds or transport vehicles

[REDACTED]

[REDACTED]

[REDACTED]

5.9 Seeking medical assistance

Following a use of force:

- All young people must be offered medical assistance following a use of force.
- the Justice Health and Forensic Mental Health Network (JH&FMHN) centre clinical employees must be notified of all uses of force on young people, whether planned or unplanned.

[REDACTED]

[REDACTED]

5.10 Notifying the young person's parent, carer or significant other

The parent, carer or an approved appropriate adult must be notified following a use of force, if a young person is either injured or there is a related criminal investigation into the use of force.

[REDACTED]

[REDACTED]

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5.13 Reporting Use of Force

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5.13.1 Report Content

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6 Instruments of Restraint

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6.1 Use of handcuffs

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6.5 [Redacted]

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6.8 Security and storage of instruments of restraint

Handcuffs and other instruments of restraint are considered prohibited weapons by law and must be kept in a secure location and accounted for at all times.

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- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

6.9 Documentation and recording instruments of restraint

[REDACTED]

7 Use of Protective Equipment

The use of protective equipment is sometimes necessary to ensure employees are able to conduct safe and effective young person management. Employees will also use protective equipment to eliminate, minimise, or reduce the reasonably foreseeable risk of harm to self or other employees.

The equipment may be used separately, as assessed to be suitable for managing the hazard. For example, a shield may be used while conducting initial negotiations with a noncompliant young person with a history of spitting on employees or throwing items.

7.1 Legislative requirement for protective equipment

Youth Justice has a responsibility to provide a safe workplace for employees under the *Work Health and Safety Act (2011)*. The sections of this Act that specifically pertain to protective equipment are Section 3(1) (a) and Section 3(2).

Section 3(1)(a) requires employees to be protected “against harm to their health, safety, and welfare through the elimination or minimisation of risks arising from work”.

Section 3(2) states that “workers should be given the highest level of protection against harm to their health, safety and welfare from hazards and risks arising from work or from specified types of substances or plant that is reasonably practicable”.

7.2 Situations for use of protective equipment

Protective equipment must be used in accordance with YJNSW procedures and utilised by experienced and appropriately trained employees. All YJNSW custodial employees who are working in the role of ‘youth officer’, are fully trained in the use of protective equipment before commencing work in a centre.

[REDACTED]

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- █ [Redacted]
- █ [Redacted]

█ [Redacted]

[Redacted]

[Redacted]	[Redacted]
█ [Redacted]	█ [Redacted]

7.4 Storing and recording of use of protective equipment

All protective equipment must be stored in an area where only employees who use the equipment have access. [Redacted]

[Redacted]

[Redacted]

[Redacted]

8 Training

All centre operational employees must undertake initial training in Protective Tactics. Employees are also required to participate in refresher training and regular scenario drills.

8.1 Protective Tactics Training

Protective tactics training must instruct YJNSW officers on the:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8.2 Prevention Strategies

YJNSW is continually working towards minimising incidents where force is used and to ensuring employees are well trained in using methods that are safe and effective when use of force cannot be reasonable avoided.

8.2.1 Lessons Learnt

[REDACTED]

8.2.2 Reliable and purposeful equipment

Regular checks must be conducted on personal protective equipment to ensure, when required, the equipment is easily accessible and can be correctly used and fitted to each employee responding to an incident were force may or is planned to be used. A variety of sizes of equipment is required to provide all employees with thorough protection.

8.3 Utilising Instruments of Restraint and Protective Equipment for Training Purposes

Organisational Development and Training Officers and centre employees are permitted to use instruments of restraint and protective equipment for scheduled training purposes. [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

9 References

9.1 Legislation

Children (Detention Centres) Act 1987

Children (Detention Centres) Regulation 2015

Work Health and Safety Act (2011)

Functional Retention and Disposal Authority DA170/DA222

9.2 Policy

Detainee Behaviour Intervention Framework

Incident Reporting Policy

Self-Harm and Attempted Suicide Policy

Electronic Records Management Policy

Closed Circuit Television and Radio Communication Policy

9.3 Procedure

Use of Force Procedure

Use of Protective Equipment Procedure

Use of Instruments of Restraint Procedure

Safe Operating Procedure: Risk Management

Incident Reporting Procedure

Self-Harm and Attempted Suicide and Suicide Procedure

Closed Circuit Television and Radio Communication Procedure

9.4 Forms

Report on Use of Force (CIMS)

Incident Report (CIMS)

Misbehaviour Report (CIMS)

9.5 Resources

Contacting the After-Hours Justice Health Nurse Flowchart

Detainee Behaviour Intervention Framework Chart

Operational memorandums:

- *D16/17393 Risk of Positional Asphyxia when using force to restrain a young person*
- *D15/03258 Handcuffing of detainees attending court including via audio visual link*

10 Document Information

Title:	Use of Force, Protective Equipment and Instruments of Restraint Policy
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11 Document History

Version	Date	Reason for Amendment
1	April 2016	New policy.
2	October 2017	Provision of authority to direct filming of use of force and rules for secure storage of hand held video footage
3	S16 September 2020	Review and update in line with Shearer report recommendations and legislative use of instruments of restraint based on risk assessment,