



JUSTICE BEHIND BARS



Use of Force

Corrective services officers (CSOs) are allowed to use force against prisoners in certain circumstances. Use of force will involve physical contact with CSOs and depending on the circumstances, can also include the use of a gas gun, a chemical agent, riot control equipment, a restraining device or a corrective services dog.

Reasonable Force

CSOs can only use reasonable force when it is reasonably necessary to:

- Make a prisoner follow an order, for example submit to a strip search; or
- Restrain a prisoner who is committing or about to commit an offence or a breach of discipline; or
- Restrain a prisoner who is self-harming or about to self-harm.

There are legal protections in place so that CSOs can only use force when it is necessary and as a last resort. Any use of force against a prisoner must be reasonable and balanced to the individual circumstances being dealt with. This means the amount of force used should be no more than what is needed to control or restrain a prisoner.

Generally, reasonable force can only be used if a CSO:

- Reasonably believes the prisoner's actions cannot be stopped in another way; and
- Gives a clear warning to the prisoner that they will use force if they do not stop; and
- Give enough time for the warning to be understood.

However, a CSO does not have to provide a warning or time for a warning to be understood if doing so would create a risk of injury to the officer themselves, another person or a prisoner who is attempting to harm themselves.

When using force, a CSO must try and do so in a way that is unlikely to cause death or grievous bodily harm.

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A free service providing assistance to prisoners with parole applications, prison law matters and financial counselling



PLS respectfully acknowledges the Aboriginal and Torres Strait Islander peoples as the traditional owners and custodians of this land and acknowledges their Elders, past, present and emerging

Lethal Force

Lethal force is much more serious than reasonable force as it is likely to cause death or grievous bodily harm. A CSO can only use lethal force where they believe the prisoner's actions are likely to cause grievous bodily harm or death of another person and:

- To stop a prisoner from assaulting or trying to assault another person; or
- To stop a prisoner from escaping from secure custody or trying to escape; or
- To stop a prisoner from helping another prisoner escape from secure custody; or
- In an immediate response to a prisoner who has escaped from secure custody.

There are legal protections in place that say CSOs can only use lethal force if they:

- Reasonably believe the act cannot be stopped in another way; and
- Give a clear warning that they will use lethal force if the act does not stop; and
- Give enough time for the warning to be observed; and
- Try to use the lethal force in a way that causes the least injury.

CSOs do not have to give a warning or try and use lethal force in a way that causes the least injury if it would create a risk of injury to themselves or to another person (other than the prisoner involved).

Lethal force cannot be used if there is a foreseeable risk that it will cause grievous bodily harm to, or the death of, another person (other than the prisoner involved).

Complaints

Prisoners may wish to consider making complaints about the use of force if:

1. The force used against them was not allowed because it was not for one of the purposes listed above; or
2. The force used against them was excessive; or
3. The legal protections were not followed (unless an exception in relation to warnings applied).

There are three different agencies prisoners can complain to about unauthorised or excessive use of force by CSOs.

1. The Ethical Standards Unit (ESU)

The ESU is a branch of Queensland Corrective Services that investigates inappropriate conduct by CSOs that is related to the performance of their duties and amounts to a criminal offence or would warrant dismissal. Complaints can be sent to:

Ethical Standards Unit
Queensland Corrective Services
GPO Box 1054
Brisbane QLD 4001.

2. Crime and Corruption Commission (CCC)

The CCC was set up to combat and reduce major crime and corruption in the public sector in Queensland and is independent of Queensland Corrective Services. The CCC will only investigate complaints that involve suspected serious and/or systemic corruption rather than the behaviour of one individual.

Complaints received by the CCC may be referred to the ESU or to the Queensland Police Service to action. Sometimes, the CCC will monitor an investigation of another agency. The CCC can take over an investigation being conducted by another agency if it considers it is not being dealt with appropriately. Prisoners can ring the CCC for free on the prison Arunta telephone system or send a written complaint to:

Crime and Corruption Commission
GPO Box 3123
Brisbane Qld 4001

3. Queensland Police Service (QPS)

In some cases, unauthorised or excessive use of force may amount to a criminal offence and prisoners can contact the QPS if they wish to make a criminal complaint. There are two different ways prisoners can contact Queensland Police if they want to report a crime.

Prisoners can write to the Corrective Services Investigation Unit (CSIU). The CSIU are Queensland Police officers who investigate illegal behaviour and activities within prisons, including the actions of correctional staff. Complaints can be sent to:

Corrective Services Investigation Unit
GPO Box 1054
Brisbane, Qld 4001

Prisoners who do not want to send a letter can also ring the CCC for free on the prison Arunta telephone system. They can ask the CCC to investigate a crime, however the CCC can also make a referral to the Queensland Police to investigate the matter.

Contacting PLS

Prisoners are welcome to contact PLS for specific advice about when force has been used against them.

We can be contacted by letter or on our telephone advice line on Tuesdays and Thursdays from 9am to 1pm. If prisoners write to us, they should try and provide as much information as possible about the use of force against them, including dates, a full description and why they believe the laws relating to the use of force were not followed.