

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING : 27 February 2017**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(AE17/060) - Protocol for handcuffing detainees during transfer - Programme 1.5:  
IMA Offshore Management**

Senator McKim, Nick (L&CA 108) asked:

Senator McKIM: I am not sure I can do five, Chair, but I will do my best. Do you have a protocol that relates to the handcuffing of detainees during transfer?

Mr Pezzullo: I might ask the commissioner to speak to detention and transfer arrangements.

Mr Quaedvlieg: Yes, we do. Each detainee and their transfer between centres, or out in the community and back into the centres, are individually risk assessed in terms of their propensity to escape or commit harm. On the basis of that risk assessment, a decision will be made in relation to restraint.

Senator McKIM: Is that a written protocol?

Mr Quaedvlieg: Yes, it is.

Senator McKIM: Is there a problem with providing a copy of that to the committee?

Mr Quaedvlieg: In general principle, no. But I will caveat that as per usual: if there is an operational methodology that I do not think should be in the public domain, I will extract that out. But in general terms, no. I do not have an issue. I will take that on notice.

*Answer:*

Use of restraints is governed by legislation and departmental detention policy:

### **Scheduled travel**

Restraint during escorted visits and scheduled travels only applies to detainees who have a serious or violent criminal history, those who have a history of escape, and those for whom the risk assessment indicates that they potentially pose a high risk. In practice this means that reasonable force and/or restraint will be determined following risk-management procedures.

An instrument of restraint may be used on a detainee who, at any stage of being escorted, exhibits behaviour that could reasonably be viewed as posing a risk to the safety of themselves, others, property or attempt to escape.

If a detainee is restrained an officer must:

- conduct checks at regular intervals
- be aware at all times of the safety of the detainee including whilst travelling in a restrained manner in a motor vehicle
- take special account of the detainee's comfort and dignity, particularly when there is a need to apply restraints to the detainee for a lengthy period.

### **Last resort principles**

All use of force and/or restraint should be proportionate to the situation, objectively justifiable and only used as a measure of last resort. What this means is that the officer reasonably believes that there is no other option other than the use of reasonable force and/or restraint. The level of force must be proportionate to the threat being faced and always at the minimum level to achieve legislative outcomes.

In the first instance, staff should seek to achieve the desired objective, whenever possible, by de-escalation techniques such as discussion, negotiation, or verbal persuasion.