

MEDIA RELEASE

EMBARGOED UNTIL 12 NOON ON 22 June 2021

Use of force on prisoners in Western Australia

It is important and reassuring that the use of force on people in custody is heavily scrutinized in Western Australia, both internally by the Department of Justice, and by external oversight agencies including the Inspector of Custodial Services.

In a report released today by the Inspector, Eamon Ryan said that using force is sometimes a necessary response in prisons. It is a significant authority, and therefore an area of great risk given the chance of physical injury and psychological trauma for both prisoners and staff when force is used. Unreasonable or inappropriate force also brings potential legal and reputational risks.

Mr Ryan explained that it was critical then that prison staff know what force is and when it can be lawfully used. The Department of Justice introduced a new policy governing use of force in May 2020. The review found that the new policy clarified some elements that had previously caused confusion. However, the review concluded that there were still aspects within the new policy that were ambiguous and meant it was not yet fully understood nor implemented by staff.

Mr Ryan said training was needed to ensure new practices and processes could be embedded in day to day operations as available data shows that force was used on average about six times per day across the prison system. This figure was relatively small in the context of an average 6,692 prisoners in custody on any one day between 2016 and 2020. Mr Ryan explained that the Department disputed these figures, citing the difference between use of force and use of restraints.

We examined every use of force and restraint over the five years. This equated to 11,440 incidences of which 96 per cent was handcuff use. The difficulty we faced was the inability to differentiate between when force, including handcuffing, was used in response to an incident and when it was used as a precaution. This was compounded by poor record keeping practices and a reporting system that perpetuated those practices.

Mr Ryan said one concerning finding from the review was that some prisoner cohorts, particularly those who were more vulnerable or minorities, were more likely to be involved in use of force incidences. He explained that prisoners with cognitive impairments, prisoners who self-harm, Aboriginal prisoners, and people on remand were overrepresented within the data. But he also said the results had to be viewed with a little caution.

It was beyond the scope of this review to conduct a deep dive into the circumstances of every incident. However, I have urged the Department to conduct its own detailed research and data analysis to understand the drivers and determine any learnings that could be gained from a broader systemic analysis of this data.

The review also found that the Department's internal oversight mechanism for use of force incidents was sound, but more work was required to ensure they were operating effectively in every prison.

Mr Ryan welcomed the Department's response to the recommendations, particularly to clarifying the use of force and restraints policy to remove doubt and ensure accurate and reliable reporting.

Eamon Ryan
Inspector

For Further Media Information

The Inspector, Eamon Ryan, will be available for comment from 12 noon on 22 June 2021 and can be contacted on 0421 480 925.