

MEDIA RELEASE

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Routine restraint of people in custody in Western Australia

There is a lack of records about the practice of routinely applying handcuffs or leg restraints to prisoners. This makes it almost impossible to determine with certainty if restraints are being used appropriately. However, several case studies have highlighted that restraint is not always aligned with the risk the prisoner poses of escape, or harm to themselves or others.

These are the findings of a report released today by the Inspector of Custodial Services, Eamon Ryan. He said:

We accept that the routine use of restraints is a reasonable and understandable strategy to maintain community safety and the security and good order of prisons. We did, however, identify some exceptions to this general rule. The use of restraints should be based on specific risks in circumstances where a prisoner:

- is unconscious
- has a terminal illness
- is elderly or frail
- has significant mobility issues
- is pregnant.

Restraints are usually routinely applied when people leave prison to go to a medical appointment, get hospital treatment, or for compassionate reasons such as attending a funeral. Sometimes people who regularly refuse to follow instructions, or are frequently violent, are also routinely restrained inside a prison.

Mr Ryan noted:

This review on routine restraint use has been a difficult one to undertake and complete because there is no reliable system level data recording instances and frequency of routine restraint use across the prison estate. Without accurate records the Department of Justice is vulnerable to claims of mistreatment. These records are needed to demonstrate that the right balance is being maintained between security and the health and dignity of prisoners.

The review also found ambiguity in existing Departmental policies and procedures. Mr Ryan was complementary of the Department's response to the report:

We were pleased that the Department supported our recommendation around better record keeping and supported in principle our recommendations around restraint use being aligned to individual risks and the use of restraints on pregnant women.

Eamon Ryan
Inspector