

Use of Force

Policy Determination 2.5

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1.0	11/01/2018	Operational Policy	New Youth Justice Policy Determination approved by Deputy Chief Executive Officer Operations.
1.01	24/01/2018	Operational Policy	Update to position titles and policy determination references.
1.1	19/09/2018	Operational Policy	Update to position titles and legislation changes.
1.2	4/04/2019	Operational Policy	Legislative amendments commenced.
1.3	19/12/2023	Operational Policy	Alignment with NT WorkSafe Improvement Notice (sections 3.8, 3.9, 4.5, 4.6).

Acronyms	Full form
The Department	Department of Territory Families, Housing and Communities
DSI	Deputy Superintendent
SYJO	Senior Youth Justice Officer
TL	Team Leader
YDC	Youth Detention Centre
YJ Act	Youth Justice Act 2005
YJO	Youth Justice Officer
YJ Regulations	Youth Justice Regulations 2006

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1. Policy Purpose

- 1.1. The purpose of this policy is to provide guidelines for the use of force on a young person in a detention centre.

2. Authority / Responsibility

- 2.1. The authority for this Policy Determination is contained within Regulation 30 of the [Youth Justice Regulations 2006](#) (YJ Regulations).
- 2.2. The authority for the use of force on young people in a detention centre is contained in sections 10 and 154 of the [Youth Justice Act 2005](#) (YJ Act).
- 2.3. This policy applies to:
 - (1). All delegates of the Superintendent's powers under section 154 of the [Youth Justice Act](#) which includes Youth Justice Officers (YJOs), Senior Youth Justice Officers (SYJOs), Team Leaders (TLs), the Assistant Manager Youth Justice Operations—Deputy Superintendent, and Manager Youth Justice Operations—Superintendent; and
 - (2). All persons authorised by the Superintendent pursuant to section 154 of the [Youth Justice Act](#).
- 2.4. The Superintendent is responsible for the management of this policy.

3. Policy Statement

- 3.1. Use of force is the application of physical force by the Superintendent (or delegate) or an authorised person at a detention centre in relation to a young person.
- 3.2. The use of force to discipline a young person is prohibited.
- 3.3. The application of force is a measure that should be used as a last resort.
- 3.4. No more force than is necessary and reasonable in the circumstances should be used. The person using force may consider the age, gender, physical and mental health or background of the person in relation to whom the force is being used to help determine what is necessary and reasonable in the circumstances.
- 3.5. The use of any form of physical, verbal or emotional abuse is also prohibited, including:
 - (1). The administering of corporal punishment, that is any action which inflicts or is intended to inflict, physical pain or discomfort on a young person;
 - (2). Any act or omission intended to degrade or humiliate a young person; or
 - (3). Excessive and unreasonable control over a young person's access to basic human needs, including toilet facilities, food and clean drinking water.
- 3.6. The use of any form of psychological pressure intended to intimidate or humiliate the young person is also prohibited.
- 3.7. Nothing in this Policy Determination affects the right of an individual (including staff, contractors and visitors) to defend themselves against harm.
- 3.8. YJOs, SYJOs and TLs must hold a current qualification in physical intervention techniques on young people as part of the Department of Territory Families Housing and Communities (the Department's) standard training program. De-escalation and physical intervention techniques may include attending training approved by the relevant Executive Director.
- 3.9. YJO's, SYJO's and TL's are responsible for being proactive to ensure they attend appropriate approved training courses and hold the required qualification relating to physical intervention

techniques used on young people prior to their qualification lapsing by following up with the Deputy Superintendent (DSI) – Risk and Security.

4. Use of force

- 4.1. Force may only be used by:
 - (1). The Manager Youth Justice Operations—Superintendent (or delegate); or
 - (2). A person authorised by the Superintendent (or delegate).
- 4.2. Force may only be used where the person using the force believes on reasonable grounds that the force is necessary to:
 - (1). Prevent an imminent risk of a young person inflicting self-harm, harming another person or seriously damaging property; or
 - (2). Prevent a young person from engaging in conduct that would:
 - (a) Endanger the safety of any person within a detention centre, including the young person; or
 - (b) Seriously threaten the security of a detention centre.
- 4.3. Unless an emergency situation exists, the person using force must:
 - (1). Ensure that all practicable measures to resolve the situation have been attempted and those measures have failed to resolve the situation (guidance on both proactive and reactive behaviour support techniques is provided in [Policy Determination 4.8: Positive Behaviour Support](#));
 - (2). Give the young person a clear warning that force will be used; and
 - (3). Allow a reasonable time for the young person to consider the warning and possibly change their behaviour.
- 4.4. An 'emergency situation' includes a situation in which there is an imminent risk of a young person:
 - (1). Inflicting self-harm; or
 - (2). Harming another person; or
 - (3). Seriously damaging property.
- 4.5. In all cases, the person using force must:
 - (1). Use no more force than is reasonable and necessary in the circumstances. In determining what is reasonable and necessary in the circumstances, the person may have regard to the age, gender, physical and mental health or background on the young person; and
 - (2). Hold a current qualification in physical intervention techniques on young people.
- 4.6. The officer must notify the DSI Risk and Security before their qualification has lapsed and request to attend the next training opportunity available.
- 4.7. In cases where a YJO, SYJO or TL does not hold a current qualification in physical intervention techniques on young people:
 - (1). The officer will be prohibited from undertaking certain operational duties within a Youth Detention Centre (YDC) which involve contact with a young person;
 - (2). The officer will be offered an alternative role or restricted duties in the YDC or be employed across the agency in an alternative suitable position; and

- (3). Depending on circumstance, performance management processes may commence if an operational officer fails to attend and qualify in de-escalation and physical intervention training after being provided with a reasonable opportunity.

5. Planned use of force

- 5.1. Decision making for the planned use of force must be clearly documented and be based on the specific circumstances of the incident, including documenting the response options that have been used—and that have failed—to de-escalate the situation. The risks and the behaviour of the young person or other people involved must also be documented to inform decision making in these circumstances.
- 5.2. The implementation of a planned use of force must be electronically recorded and staff may be tasked with video recording the planned use of force.
- 5.3. A health care professional should be present to monitor the use of force where practicable, and safe to do so.

6. Use of force on a pregnant Young Person

- 6.1. The use of force on a young person who is pregnant is governed by considerations for the health and safety of the young person and her unborn child.

7. Post Incident Response

- 7.1. As soon as practicable after force has been used, a young person must be given the opportunity to have a medical assessment and treatment.
- 7.2. A debrief with staff must occur immediately after any use of force.

8. Recording incidents involving the use of force

- 8.1. Incident reporting must comply with [Policy Determination 2.3: Incident Recording and Reporting](#).

9. Legislative Basis and Related Documents

Youth Justice Act

Youth Justice Regulations

Policy Determination 2.3: Incident Recording and Reporting

Policy Determination 4.8: Positive Behaviour Support