



INJURY TO PRISONER ENTIRELY AVOIDABLE

The shackling of a prisoner over four days in the Emergency Department of the Royal Adelaide Hospital has led to an investigation and adverse findings against the Department for Correctional Services (DCS) by SA Ombudsman Wayne Lines.

The investigation report was released to the public on 21 April 2016. The Ombudsman found that some aspects of DCS's use and monitoring of restraint practices to detain 'Prisoner A' had been contrary to law. The prisoner had been transferred to the Royal Adelaide Hospital (RAH) for a mental health assessment and was held there for four days because of a lack of beds in the mental health system.

Whilst there were some technical matters related to policy and the exercise of discretion as to what force was 'reasonably necessary' to use - the main issue was the length of time the prisoner was restrained in hard shackles (handcuffs) and the injury which resulted from their use.

The Ombudsman investigation followed a notification from the Principal Community Visitor in December 2014. The investigation report makes eight recommendations, including:

- that the DCS policy 'Use of Restraint Equipment' be immediately revised to incorporate a clear statement that the procedure applies to hospital watch situations as well as to prison situations
- that DCS, in consultation with the SA Prison Health Service, Forensic Mental Health Services and the RAH, develop and implement a policy in relation to the transfer of prisoners detained under the *Mental Health Act 2009* for psychiatric assessment and placement in a psychiatric institution. The policy should stipulate, with reasonable exceptions, that no prisoner will be transferred to the RAH or other hospital for a period longer than 24-hours in circumstances where restraints are necessary to prevent escape
- that the DCS Hospital Compliance Checklist for Hospital Watches be immediately revised to include a requirement for Compliance Officers to report any apparent injury to the General Manager and to liaise immediately with the nursing/medical team to ensure any injuries are treated
- that when circumstances justify the use of restraints, a soft form of restraint should be used.

These are important recommendations, which if implemented will reduce the likelihood of harm and injury. This is the most recent of several Ombudsman investigations where DCS has been found to be in error over the shackling of prisoners in hospital.

DCS has advised that it will revise Hospital Watch procedures and is working hard to develop a soft form of restraint, in association with NSW Corrections. DCS has more recently advised the Ombudsman that it is developing an Action Plan to respond to all eight recommendations from the report.

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