

CONTROLLING OFFICER'S REPLY

SB780

(Question Serial No. 6492)

Head: (30) Correctional Services Department

Subhead (No. & title): (000) Operational expenses

Programme: (1) Prison Management

Controlling Officer: Commissioner of Correctional Services (WOO Ying-ming)

Director of Bureau: Secretary for Security

Question:

1. How does the Correctional Services Department classify resistance behaviour of persons in custody (PICs) into different levels? What maximum level of power can correctional officers use to deal with different levels of resistance behaviour of PICs?
2. Please tabulate the different levels of resistance behaviour. What are the specific differences between them? (e.g. Languages? Behaviour?)
3. Are there any guidelines to regulate correctional officers in using a higher level of force? What officers on establishment are responsible for making the final decision?

Asked by: Hon SHIU Ka-chun (LegCo internal reference no.: 278)

Reply:

By virtue of the duties and power conferred by law, the Correctional Services Department (CSD) is committed to ensuring a secure, safe, humane, decent and healthy custodial environment.

Rule 237 of the Prison Rules (Cap. 234A) stipulates that no correctional officer in dealing with persons in custody (PICs) shall use force unnecessarily and, when the application of force to a PIC is necessary, no more force than is necessary shall be used. The appropriate force to be used by correctional officers against PICs should be non-lethal, defensive and minimal to prevent correctional officers themselves, PICs or other persons from being harmed.

The departmental guidelines require that, except in extreme emergency situations, correctional officers shall give a warning to PICs, express the intention to use force, and state clearly the nature and degree of force intended to use. The PICs concerned shall be given every opportunity to obey orders before any use of force.

CSD classifies resistance behaviour of PICs into different levels and clearly defines the maximum degree of force that can be used by correctional officers to deal with each level of resistance behaviour. With regard to verbal disobedience, correctional officers will handle it by way of verbal advice and counselling. If resistance behaviour is encountered, correctional officers will respond with empty-hand control, or use oleoresin capsicum foam whenever circumstances warrant. In case there is a violent attack by PICs, for example, PICs carrying weapons with violent behaviour, correctional officers may consider using oleoresin capsicum foam or extendable truncheons, etc. In deciding the level of force to be used, correctional officers will make a professional judgement and take control measures having regard to the actual circumstances at the scene in that particular time, the level of resistance of PICs, the abilities of the correctional officers themselves and the threats faced. Once the PICs concerned are under control and cannot cause harm to themselves, correctional officers or other PICs, or when the order of the institution is under control, the use of force shall cease immediately. CSD provides training and organises drills for correctional officers from time to time to ensure that they are familiar with the requirements and procedures for the use of necessary force.

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