

CONTROLLING OFFICER'S REPLY

SB178

(Question Serial No. 3438)

Head: (30) Correctional Services Department

Subhead (No. & title): ()

Programme: (1) Prison Management

Controlling Officer: Commissioner of Correctional Services (WONG Kwok-hing)

Director of Bureau: Secretary for Security

Question:

Are frontline officers provided with training and guidelines on the use of necessary force on persons in custody (PICs) at "B Hall" of Pik Uk Correctional Institution (PUCI)? In what circumstances will force be used on young offenders? If correctional officers consider necessary force should be used, how can they ensure that no excess injury will be caused to the subdued PICs? What types of auxiliary equipment or weapons are provided to frontline officers at "B Hall" of PUCI to prevent PICs from committing indiscipline acts? What are the specific contents of the guidelines on the use of necessary force on PICs for frontline officers? How can the Correctional Services Department (CSD) ensure that correctional officers will not abuse their power? Are PICs informed of the possibility of being applied necessary force by staff members of CSD when they are admitted into prisons? And are they informed of their rights concerned? What is the average cost of each use of necessary force to subdue PICs?

Asked by: Hon TIK Chi-yeun (LegCo internal reference no.: 291)

Reply:

By virtue of the duties and powers 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 reasons for correctional officers using necessary force on PICs include stopping PICs from self-harm or resistance behaviour, fighting among themselves and attacking others, etc.

Every correctional officer is required to receive professional tactics, self-defense and scenario training to learn how to use different types of equipment and how to respond in emergency

situations. CSD also 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. Correctional officers are generally equipped with oleoresin capsicum foam and extendable truncheons during supervision of PICs.

The departmental guidelines stipulate 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 be used before the application of force. The PICs concerned shall be given every opportunity to obey orders before any use of force. In most cases, the situations at the scene should allow correctional officers to handle resistance of PICs first by verbal advice and counselling. If the resistance persists or is even raised to a higher level, correctional officers may use appropriate force after making a professional judgement based on 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.

All PICs newly admitted into correctional institutions will be arranged to undergo an induction programme, during which the staff will explain to them their rights. In addition, through the Information Booklet for Persons in Custody issued to them and the electronic kiosks located at different places in the institutions, they can obtain detailed information about their rights. PICs who feel aggrieved may lodge complaints or air their grievances through various internal and external channels.

As maintaining institutional order and handling emergencies are part of the daily duties of correctional officers, CSD does not maintain a breakdown of the expenditure incurred.

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