

QPS — CMC

Review of Taser Policy, Training, and Monitoring and Review Practices



July 2009

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EXECUTIVE SUMMARY

On 15 June 2009, the Minister for Police, Corrective Services and Emergency Services and the Commissioner of Police announced that a review of Taser training and operational policy was to be conducted jointly by the Crime and Misconduct Commission (CMC) and the Queensland Police Service (QPS).

The review was announced in direct response to a death proximal to a Taser deployment in Brandon, North Queensland on 12 June 2009 ('the Brandon Incident'). The Queensland Police Service Ethical Standards Command is currently investigating this incident on behalf of the Deputy State Coroner with oversight by the CMC. This review ran alongside these investigations, which are ongoing. Some of the circumstances surrounding the Brandon Incident are now a matter of public record. In particular, that during the Brandon Incident the Taser used recorded 28 cycles. This information raised as a key policy issue the maximum use of a Taser by police during any one incident.

Overall the review found that the current policy and, in particular, current training addressed most of the risks identified during this review. The review report puts forward a range of recommendations designed to improve Taser policy and procedures, training and monitoring processes. In particular, the review also found that QPS Taser Policy should be amended to provide a clearer statement on the general threshold test to be applied for the use of a Taser. The review recommended that the threshold test for deployment should be risk of serious injury to a person. The review also recommended that the link between Conducted Energy Weapons (CEW) use and some deaths should be highlighted in the QPS Taser Policy.

The further roll-out of Tasers across the State was suspended to allow for the review to take place and to allow for the implementation of any revisions to policy and training recommended by the review. Those review recommendations capable of immediate implementation or implementation within a short time frame will be incorporated into Taser policy and training prior to the resumption of the roll-out. However, some of the review recommendations will require further analysis, costing or research; for example, proposals relating to possible design change of the Taser, including video-cam and trigger pull recording enhancements, are not wholly within QPS' control. Other recommendations, such as those directed at continued research on Taser use and the collection and use of data to inform ongoing assessment of matters such as 'mission creep', will require longer-term implementation.

At the outset of the review process the Commissioner of Police and the Chairperson of the CMC agreed that any recommendations made by the review team would be treated as interim recommendations. As a result any changes made to policy, training or monitoring and audit practices will be put in place for a period of 12 months and subject to continuous monitoring by the QPS and the CMC. This report highlights the paramount importance of ongoing collaboration between the CMC and QPS in monitoring both the implementation of the report's recommendations and emerging research on the effective and safe use of CEWs.

RECOMMENDATIONS

1. That the QPS Taser Policy state that a single deployment of a Taser is characterised by a single five second cycle in either probe or drive stun mode (Refer 14.23.3 Use of Tasers).
2. That the QPS Taser Policy prevent officers from using the Taser on persons by application of more than a single five second cycle, unless the officer is satisfied after reassessing the situation, that exceptional circumstances exist (Refer 14.23.3 Use of Tasers).
3. That the QPS Taser Policy place increased emphasis on the risks associated with the use of the Taser, particularly the risks arising from multiple or prolonged use (Refer 14.23.3 Use of Tasers).
4. That the QPS Taser Policy highlight that while each and every use of the Taser will be carefully scrutinised, officers should be aware that multiple or prolonged deployments will be subjected to increased scrutiny (Refer 14.23.3 Use of Tasers).
5. That the QPS Taser Policy state that officers must not use more than one Taser on one person at the same time (Refer 14.23.4 Use of More than One Taser).
6. That the QPS Taser Policy specifically re-state the importance of the general policy regarding the use of force, namely that officers should only use the minimum amount of force necessary to resolve an incident (Refer 14.23.3 Use of Tasers).
7. That the QPS Taser Policy prohibit officers from using Tasers unless it can be established that there is a *risk of serious injury* to a person (Refer 14.23.3 Use of Tasers).
8. That the QPS Taser Policy require officers to continually reassess the circumstances of the incident, particularly before they re-deploy a Taser or decide to deploy a different use of force option (Refer 14.23.3 Use of Tasers).
9. That, in addition to the circumstances identified in the QPS Taser Policy about when a Taser should not be used, the following situations are also included: (i) that the Taser should not be used against persons who are handcuffed, unless exceptional circumstances exist; (ii) that the Taser should not be used against persons of particularly small body mass, except in extreme circumstances; and (iii) that the secondary injuries identified in the policy as a potential consequence of a person falling after being Tasered, include the example of concussive brain injury (Refer 14.23.3 Use of Tasers).

10. That the QPS Taser Policy include a specific statement about Tasers being associated with or linked to deaths (Refer 14.23.3 Use of Tasers).
11. That the QPS Taser Policy include additional requirements for officers who deploy a Taser on a person who is suspected to be mentally ill, namely to ensure that the assistance of the Queensland Ambulance Service is obtained and where possible, discuss options with mental health professionals (Refer new section 14.23.5 Using the Taser on people who are suspected mentally ill).
12. That the QPS Taser Policy prohibit officers from aiming a Taser to purposely strike the head or neck of a subject unless this is unavoidable (Refer new section 14.23.6 Special Precautions to avoid eye and head injuries).
13. That the QPS Taser Policy prohibit the intentional direction of a Taser's laser sight target function at a subject's eyes (Refer new section 14.23.6 Special Precautions to avoid eye and head injuries).
14. QPS Taser training should be updated wherever necessary to incorporate the changes to Taser policy recommended by this review.
15. QPS Taser training should be increased from the current training of 10 hours to a minimum of 14 hours over two full days.
16. QPS Taser training should be enhanced by incorporating more practical scenario-based training that emphasises decision making, the need for continual assessment of a situation and selection of proportionate tactical use of force options.
17. QPS should review its current use of open book testing for officer accreditation relating to Tasers as well as Operational Skills.
18. That the QPS Risk Management Committee should undertake a detailed risk analysis of the circumstances under which voluntary exposure in Taser training currently occurs.
19. That data from the Taser following every drive stun or probe mode deployment of a Taser is downloaded within 72 hours.
20. That a Chief Superintendent assess every drive stun or probe mode deployment of a Taser within 72 hours, including data download.
21. That the QPS develop a control self assessment guide (or checklist) that can be used by Officers in Charge and the Significant Event Review Panels to review Taser deployments.

22. That the QPS continue to examine the design of the Taser and any other CEW devices to ensure that the best and most accountable technology is used. In particular, the ability to record trigger pulls, a limit on the period of deployment and a restriction on the number of times that a CEW can be deployed during an individual incident should be the subject of continued examination.
23. That the QPS audit the use of Tasers by police and also examine testing or auditing of the electrical output of Tasers.
24. That the QPS trial the effectiveness of Tascam or video recording in a discrete location.
25. That once the outcomes of the review of the National Guidelines on the Use of Force are made known, QPS give consideration to the Situational Use of Force Model and the review report's recommendations in the context of these findings and identify any aspects for improvement or change.
26. That the CMC and QPS continue with their collaborative efforts to review, research and evaluate Taser use in Queensland. Specifically, the QPS and CMC should develop a research plan and protocols to manage this process, with a particular focus on:
 - a. The collection and use of data to inform assessment of the Taser and the identification of trends, such as 'mission creep'.
 - b. Continual re-assessment of best practice in terms of Taser policy and procedures, training and monitoring, as informed by the latest available technological and medical evidence.
27. That the QPS adopt the draft policy recommended in this report (Refer Attachment 1).

TERMS OF REFERENCE

Overview

The terms of reference for the review were developed by the Queensland Police Service (QPS) and the Crime and Misconduct Commission (CMC) and approved by Government. The terms of reference were framed on the basis of the known circumstances existing at the time of the Brandon Incident.

The review team comprised officers from the QPS and the CMC. The officers participating in the review had extensive experience in QPS policy on the use of force, operational skills and tactics, risk management, audit and review processes, and education and training.

Terms of Reference

The review focused on four key areas:

1. A policy review on maximum use of a Taser by police and an audit of current policy on operational use of Tasers, having regard to contemporary research from the CMC, nationally and internationally;
2. A review of current training and whether there is a need for changes as a result of the policy review;
3. A review of current monitoring and review processes to provide effective and reasonable safeguards and accountability, as well as the opportunity for continuous improvement; and
4. The Taser Review will be inclusive. Any issue that is identified as a matter that warrants consideration beyond those already identified as a result of the Brandon Incident will be reported on.

Outputs and Reporting

The review team was tasked with providing advice and recommendations to the Chair of the CMC and the Commissioner of Police. Such advice and recommendations were to reflect what the community would reasonably expect after being informed by advice on the law, operational circumstances, national and international best practice and technology.

The Chair of the CMC and the Commissioner of Police were responsible for providing these outcomes to the Minister of Police, who in turn, reported to Cabinet.

INTRODUCTION

Background

The QPS trial of Tasers (a brand or type of Conducted Energy Weapon – CEW) commenced on 1 July 2007 for 12 months to examine the use of the Taser X26 as a less than lethal force option in a general policing environment. At the inquest into the deaths of Senior Sergeants Perry James Irwin and Damien Lawrence Coates the State Coroner (p 17, 2005) observed:

The community expects police officers to undertake dangerous tasks in the pursuit of public safety. Officers are entitled to expect that they will be given all reasonable equipment they need to do that work as safely as possible.

In this vein, the introduction of Conducted Energy Weapons (CEWs) was intended to provide another option within the Service's Use of Force model. The QPS recognised the imperative that appropriate and sufficient use of force options be made available to operational police to enable them to effectively deal with the range of increasingly volatile situations to which they are required to respond. Failure to do so would risk unnecessary injury or death to officers and all other parties involved.

Further observations made by the State Coroner in 2008 reinforced this message. At the inquest into the deaths (by police shooting) of Thomas Dion Waite, Mieng Huynh, James Henry Jacobs and James Michael Gear in March 2008 (p. 157-158) the State Coroner found that the use of CEWs by police may have assisted in preventing their deaths. The State Coroner also advocated the need for evaluation of the use and effectiveness of CEWs.

The current QPS policy on the use of Tasers was informed by the Review of QPS Taser Trial (the Trial Review), which was also undertaken collaboratively with the CMC. A literature review undertaken by the CMC in 2008 informed this body of work. The Trial Review was publicly released on 2 July 2009. This trial indicated that Tasers could provide an important, alternative use of force option for police.

From 1 January 2009 the roll-out of Tasers to operational police across the State commenced.

Immediate Context

Following the Brandon Incident on 12 June 2009 the Minister for Police, Corrective Services and Emergency Services announced that a further review of Taser training and operational policy would be undertaken by the CMC and the QPS.

The Brandon Incident is currently the subject of an investigation by the Deputy State Coroner and this review is not intended to presume the outcome of, or influence in any way, that ongoing investigation. The investigation into the incident is being conducted by the QPS, with oversight by the CMC, for the Deputy State Coroner.

Rather, this review has been conducted to ensure that QPS policy, training and procedures reflect best practice. The need for further changes to QPS policy, training and procedures arising from any findings from the coronial investigations will be considered, when the findings become available.

The State-wide roll-out of, and training for, Taser devices was put on hold, pending the outcome of this review.

Review Description

The review team examined additional research into CEWs, with particular attention paid to current work emanating from North America and Canada (refer to Attachment 3 for a reading list of material on CEWs).

An audit of data downloaded from Tasers deployed from January to June 2009 was also conducted to inform an analysis of police self reporting of Taser use and, in particular, of incidents involving multiple or prolonged use.

A range of specific issues or risks were then identified from the audited data and the research. Current QPS Taser policy, procedures and training, including the curriculum and materials used by the QPS during training, were then assessed to determine the extent to which they adequately addressed the issues and risks highlighted during the review. Good practice or areas for improvement were identified and recommendations for change made.

Review Limitations

The Brandon Incident raised questions about the use of Tasers by police and existing safeguards. Following that incident, the public release of the report on the 12 month Taser trial provided an important opportunity to inform public debate. In the interests of public confidence it was considered necessary for this further review to be undertaken as quickly as possible. This time constraint has necessarily impacted upon the scope of this review.

While no member of the review team possesses medical, scientific or technological qualifications, they relied upon information derived from expert research already in the public domain to complement their existing knowledge base specifically relevant to CEWs, accountability and the policing context. This was used to assess existing QPS policy, procedures, and training and monitoring processes.

Secondly, the review builds upon the review team's collective knowledge about CEWs and particularly work already undertaken and published by both agencies in relation to CEWs and their application within the policing environment. As a result this review does not attempt to re-analyse information already presented. Rather, where appropriate new information that was not previously available is presented to supplement the existing body of work.

In this regard the review team found the work of the Braidwood Commission, a Commission of Inquiry on conducted energy weapon use established in British

Columbia, Canada, considerably helpful particularly for informing the priority policy issues as well as other relevant issues concerning the effective and safe use of CEWs within policing contexts. The review team also had the opportunity to consider the Commission's final report of June 2009, *Restoring Public Confidence: Restricting the Use of Conducted Energy Weapons in British Columbia*.

In addition, a contemporary study for the National Institute of Justice, USA, *A Multi-method Evaluation of Police Use of Force Outcomes* (2009) (the '2009 Multi-Method Evaluation'), was also particularly informative both at a strategic level and in respect of the specific areas of policy interest. This study was based on a strong methodological foundation conducted by experienced and respected researchers from several different institutions in the United States and will form part of a larger study funded by the National Institute of Justice due for publication in 2010.

The review team remains cognisant that research and technology, along with the body of medical knowledge, on the use of CEWs can change rapidly.

Finally, in view of the fact that investigations into the Brandon Incident are ongoing, the review team acted only upon information from the investigation that was publicly available. The Deputy State Coroner will ultimately arrive at findings in relation to that incident, which will be considered by the QPS and CMC at that time.

AN AUDIT OF DATA DOWNLOADS – January to June 2009

An audit of the data obtained from Taser weapons used in 64 deployments from 1 January 2009 to 16 June 2009, excluding the Brandon Incident, was completed by the QPS and compared to information contained in the Taser Usage Forms completed by police officers each time they use a Taser.

The Taser uses a five second cycle. For the purpose of the audit multiple cycles was defined as more than one cycle, and prolonged cycling was defined as the continuous cycling of the Taser longer than a normal five second period. This occurs when the trigger of the Taser is held on for longer than five seconds. The moment the finger is off the trigger, the cycle stops. The cycle can be made shorter than five seconds if the operator manually turns the Taser off during the cycle.

The audit found the 64 incidents involved the total use of 95 Taser cycles. Eleven of these cycles lasted longer than five seconds. These 11 cycles were used in 10 of the 64 incidents as one incident involved two prolonged Taser cycles.

It is not possible to determine from the data downloads alone whether the individual Taser cycle(s) attributable to a given incident resulted in contact with a subject.

Table 1 depicts the number of cycles in an incident.

| Cycle | N=Incidents |
|-----------------|--------------------|
| One | 44 |
| Two | 12 |
| Three | 6 |
| Four | 1 |
| Five | 1 |
| >Five | 0 |
| Total | 64 |

For all incidents this represents a total of 95 cycles. Cycles greater than five seconds were recorded on 11 of the 95 cycles.

Table 2 depicts the number of and length of cycles greater than five seconds.

| Seconds | N of occasions |
|----------------|-----------------------|
| Six | 3 |
| Seven | 3 |
| Eight | 2 |
| Nine | 0 |
| Ten | 3 |
| Total | 11 |

In 20 incidents there was more than one cycle (predominately ranging from two to three cycles). A further incident involving four cycles occurred where the first probe cycle was believed to have missed and one of five cycles where two of the cycles were arc demonstrations as a warning (Table 1 refers).

Of the 64 occasions, 54 were probe mode, eight were drive stun and two occasions were probe and drive stun combination.

Of these 64 uses, the CMC or the QPS have received four complaints about the use of the Taser. Two of these complaints involved three cycles in the drive stun mode (one of three one second cycles; one consisting of a combination of a 10, a three and a four second cycle). The other two complaints relate to use of the Taser in probe mode for a single cycle. All of these matters are currently being investigated by the QPS with CMC oversight.

Any further analysis of the 64 incidents audited, beyond the raw data presented above, would have necessitated a subjective assessment of each individual incident. This was beyond the scope of this review.

POLICY AND PROCEDURES ON TASER USE

Current framework

This introductory section outlines the existing policy and procedural framework governing the use of Tasers by police in Queensland.

The use of force by Queensland police is governed by both statute and police operational procedures. The relevant legislation is contained in sections 615 and 616 of the *Police Powers and Responsibilities Act 2000* (PPRA).

Generally, police officers in Queensland can use ‘reasonably necessary force’ in the exercise of any powers under the PPRA or any other Act (s. 615(1)). Officers may also use reasonably necessary force (but not force likely to cause grievous bodily harm or death) against individuals to prevent them from escaping from custody (s. 615(2)). In ‘critical situations’, the power of police extends to the right to use force likely to cause grievous bodily harm or death (s. 616).

Operationalising the PPRA, section 14.3 of the Operational Procedures Manual (OPM) is the principal source of police policies and procedures on the use of force and adopts the Situational Use of Force Model to guide police in their choice of use of force options. The Situational Use of Force Model allows officers to select justified use of force options (e.g. presence, open hand tactics, tactical withdrawal, baton, situational containment, firearm) to escalate or de-escalate force to resolve an incident safely, most effectively and with minimum use of force. For example, officers may choose to use tactical communication, then escalate use of force to presentation of Oleoresin Capsicum (OC) spray if sufficiently threatened, and then choose not to deploy OC spray if a threat diminishes. This part of the OPM emphasises that any use of force must be authorised, justified, reasonable, proportionate, appropriate, legally defensible, and tactically sound and effective. In particular, the OPM reinforces the importance of police using the minimum level of force necessary to resolve an incident.

Tasers are currently described in section 14.23 of the OPM as a less than lethal use of force option that may assist officers resolve incidents involving violent subjects.

Tasers can be used in two ways. The **probe** mode uses wires and a dart to deliver electrical pulses into the body with the aim of rendering the subject incapable of moving until the device is de-activated. Unlike other police accoutrements such as the baton, OC spray, and handcuffs, the probe does not rely on pain alone. Furthermore, it can be effective regardless of the subject’s size, strength and pain threshold. The **drive stun** mode relies on direct contact of the weapon onto the body and causes extreme localised discomfort. It does not immobilise the subject and may not be effective on subjects who are drug or alcohol affected.

The OPM permits officers to use the Taser in either probe mode or drive stun mode to assist officers in resolving incidents involving violent or physically aggressive

persons who attempt or threaten to apply physical force or who physically assault or actively resist an officer in a manner that may result in injuries to the officer or others.

Before deploying a Taser, the OPM requires officers to consider the Taser's capabilities in either mode by reference to the circumstances existing at the time and the Situational Use of Force Model. In other words, officers must consider all available use of force options and the circumstances of an incident when determining the most appropriate use of force option to be used. Where practicable, the OPM also requires officers to warn subjects before deploying a Taser and to consider the area in which the subject may fall. The OPM also sets out the circumstances in which a Taser should not be used.

In addition, the OPM deals with training, probe removal and disposal, aftercare, reporting of Taser use, carriage of a Taser, storage, inspection and maintenance, downloading data from the Taser, recording of Taser equipment and review of Taser incidents. Some of these areas will be considered in subsequent sections of this report. The relevant section of the OPM relating to Tasers is used by police in conjunction with the 'Conducted Energy Device – Taser Good Practice Guide'. The Good Practice Guide provides further detailed instruction, explanation and examples on use of Tasers, covering matters such as technical details, safety considerations, carriage, station procedures, deployment, drive stun backup, removal of probes, aftercare, reporting procedures, cleaning, maintenance and storage.

The relevant extracts of the legislation and policy documents referred to above are included as Attachment 2 to this report.

Multiple and Extended Deployments

Following information that multiple deployments of the Taser were used in the Brandon Incident, key policy issues for consideration by the review team were the issues of maximum use or multiple deployments and extended use. The audit of data downloads conducted for this review showed that multiple deployments occurred in approximately one in three incidents in which a Taser was deployed. As a result, the findings and recommendations made by the review team in relation to these policy issues have been elevated to the priority matters considered in this report. In addition, as per the original Terms of Reference, the review team considered the operational viability of establishing a maximum limit on the number of times or length of time a Taser should be used during any one incident.

The CMC (2008) review of Taser research (available from its website) highlighted that despite limited research about the effects of prolonged CEW applications, scientists suggest that multiple CEW applications increase the chance of an electrical discharge affecting a person's heart during "a vulnerable period" of the heart rhythm, increasing a person's risk of serious injury and/or death (Schlosberg 2005). Repeated applications may also lead to important physiological changes in the heart, increasing the likelihood of ventricular fibrillation and death (Schlosberg 2005). It is thought that prolonged CEW discharges may similarly affect an individual's

respiratory and cardiac functioning (HECOE 2005), offering a plausible theory to hypothesise about a possible connection between deaths, the repeated application of CEWs, and repeated applications on people experiencing excited delirium (CPRC 2005).

In its report on the use of CEWs by the NSW Police Force, the NSW Ombudsman's Office (2008) identified that the more serious risks associated with CEW use, such as death and serious injury, appear to occur more frequently during circumstances where a person has been exposed to a prolonged charge, or multiple charges (p. 22). This research cites Amnesty International's 2006 report which includes a number of deaths proximal to separate and/or prolonged CEW use including:

- a man who was subjected to two CEW applications, with one application lasting 57 seconds;
- a man who was subjected to six CEW applications, with one application lasting two minutes and 49 seconds;
- a man who was subjected to up to 19 CEW applications by two separate weapons; and
- a man who died after he was subjected to simultaneous charges by three separate CEWs, for a period totalling 75 seconds.

The Ombudsman recommended that the NSW Police Force amend its standard operating procedures governing CEW use to provide guidance to officers about when it is (and is not) appropriate to subject a person to multiple or prolonged CEW applications. It also recommended that NSW Police Force emphasise that multiple and/or prolonged CEW usage may increase the risk of injury or death to a person. Similarly, the National Institute of Justice (NIJ) publication *Study of Deaths Following Electro Muscular Disruption: Interim Report of June 2008* (the NIJ 2008 Report) found that while "studies examining the effects of extended exposure in humans to CED are very limited... [a] preliminary review of deaths following CED exposure indicates that many are associated with continuous or repeated discharge of the CED"(p. 4).

As a direct result, the NIJ recommended that law enforcement officers should be made aware of the potential risks of multiple or prolonged exposure and exercise caution when using a CEW in this way. Taser International itself has recognised a risk associated with prolonged or multiple use in its Training Bulletin (12.0 – 04 of June 28 2005), observing that "repeated, prolonged, and/or continuous exposure(s) to the TASER electrical discharge may cause strong muscle contractions that may impair breathing and respiration, particularly when the probes are placed across the chest or diaphragm".

The 2009 Multi-Method evaluation noted that reported deaths involving CEWs often involve the use of more than one weapon at a time or multiple CEW cycles. In particular, the study noted the existence of medical trials demonstrating that using a CEW for continuous periods of 15 seconds is safe for normal healthy adults. On this basis the study recommended that CEW use should be limited to no more than three

standard five second cycles against an individual and that officers should be required to re-assess the situation after each standard cycle.

All use of force options carry a risk of injury or death; however, it is operationally impracticable to artificially specify limits on the number of punches, baton strikes or shots that a police officer might need to use in any given situation. To attempt to do so fails to acknowledge the operational idiosyncrasies associated with each individual incident. Instead a preferred position is to organisationally support officers by providing operationally relevant tools to assist them in competently, carefully and continually assessing the circumstances contributing to the situation which will inform their selection of a use of force option, and to reassess these circumstances following initial deployment and prior to the application of any use of force accoutrement. While avoiding the artificial creation of a maximum use, the QPS does contextualise all use of force options within a paradigm of using the minimum amount force necessary to resolve an incident.

Tasers, representing one use of force option within the Situational Use of Force Model, are also viewed within this context of minimum use of force. The review also considered that setting an upper limit may potentially result in an unintentional consequence of condoning more force than reasonably necessary and certainly fails to acknowledge the individual circumstances associated and/or contributing to the particular situation. This concern being particularly relevant when a volatile situation in which the artificially established upper limit for a specific use of force option is reached, and an officer is faced with no alternative but to escalate their response to the situation.

Officers must also be equipped to assess a situation and make informed decisions within an operational context which enable them to respond appropriately to each case characterised by unique circumstances. An officer may decide following an informed process that repeated applications of a Taser, while acknowledging increased risks, are justified in light of the circumstances and in preference to the use of lethal force.

In summary, on the basis of the examination conducted, the review team found:

- No conclusive medical evidence exists within current research indicating a high risk of serious injury or death to a normal healthy adult from the direct effects of CEW exposure of up to 15 seconds. However, ambiguity surrounding the actual rate or level of risk associated with the use of CEWs within the scientific and medical communities remains, particularly as a significant proportion of individuals in contact with police under such circumstances may also have a poor health status including people with chronic disease, mental illness or who are substance affected.
- Multiple or prolonged use of CEWs on one subject can increase the risk of injury to that subject.

- Best practice indicates that following an application of a use of force option, officers should reassess a situation prior to any secondary application or use of an alternate use of force option.
- Exceptional circumstances may exist within an operational context in which multiple (repeated) exposure is required and justified. In terms of prolonged exposure, the CMC is of the view that prolonged or continuous exposure should not be able to occur by design, without the safeguard of officers having to pull the trigger after each exposure, and with each trigger pull being recorded. The QPS is of the view that there will be exceptional circumstances where officers will be required to prolong exposure (e.g. from five seconds to eight or nine seconds) to safely deal with a situation. In such a scenario officers should be aware of the associated risks with multiple or prolonged use. From an organisational perspective, officers should also be aware that repeated and/or prolonged Taser use during the one incident will result in a higher degree of scrutiny by management.
- Best practice indicates that officers should not use two or more Tasers on one person at the same time.

As will be discussed later in this report the CMC's firm view is that the Taser X26 should be redesigned or modified so that a single deployment or application of the Taser can last no longer than five seconds at a time. Advice from Taser International is that these modifications to the X26 are not possible at this time. The CMC has asked that the QPS examine this issue further, including considering possible alternatives to the Taser X26 in the interests of safe usage. The QPS has agreed to consider all options and opportunities in light of the CMC's concerns.

The review team's specific recommendations for amendment to the QPS Taser Policy are set out in the text-box below. References to the relevant updated sections of the recommended QPS Taser Policy are included in brackets alongside the relevant recommendation.

Recommendations

That the QPS Taser Policy state that a single deployment of a Taser is characterised by a single five second cycle in either probe or drive stun mode (Refer 14.23.3 Use of Tasers).

That the QPS Taser Policy prevent officers from using the Taser on persons by application of more than a single five second cycle, unless the officer is satisfied after reassessing the situation, that exceptional circumstances exist (Refer 14.23.3 Use of Tasers).

That the QPS Taser Policy place increased emphasis on the risks associated with the use of the Taser, particularly the risks arising from multiple or prolonged use (Refer 14.23.3 Use of Tasers).

That the QPS Taser Policy highlight that while each and every use of the Taser will be carefully scrutinised, officers should be aware that multiple or prolonged deployments will be subjected to increased scrutiny (Refer 14.23.3 Use of Tasers).

That the QPS Taser Policy state that officers must not use more than one Taser on one person at the same time (Refer 14.23.4 Use of More than One Taser).

Other Taser Deployment issues

Any deployment of a Taser, as with all use of force options, must be judged according to the circumstances characterising the incident at the specific time. To ensure QPS Taser Policy effectively assists officers in the proportionate deployment of Tasers, a range of issues must be addressed within the articulated policy framework. These include, but are not limited to, the seriousness of the situation; the known risk factors, including subject characteristics; contemporary medical and scientific evidence; available information about optimal practice; and the nature of the Taser as a weapon, including safety considerations, *vis a vis* other options available to police. The *National Minimum Guidelines for Incident Management, Conflict Resolution and Use of Force* developed by the Australian Centre for Police Research (report series 132.1) provides a useful starting point for such specific policy considerations.

The National Guidelines establish the philosophy of applying the minimum use of force necessary to resolve a situation. In other words, this Guideline promotes non-physical resolution in the form of effective communication and conflict resolution tactics as preferred for all situations when possible. The review team did not uncover any new material during its examination of research to contradict this policy paradigm. In addition, representing and integrating the Taser as one of a number of use of force options available to police within the Situational Use of Force Model, is consistent with best practice in other jurisdictions. As a result, the review team agreed that the Taser should remain as one use of force option in terms of the policy statements governing its use.

Following on from this, safety aspects specific to the Taser relative to other use of force options are also a key policy consideration. The findings of the 2009 Multi-Method Evaluation demonstrated a significant reduction in the risk of injury to suspects when CEW or OC spray is used. This conclusion emanated from an examination of 24,000 use of force cases across 12 different police agencies within the US in which the odds of a subject being injured decreased by almost 60 per cent where a CEW was used (refer p.8-3).

However, as discussed in the preceding section on multiple deployments, deaths have occurred proximal to CEW use. Certain experts who provided evidence to the Braidwood Commission concluded that while the risk of cardiac death following CEW use is very low it cannot be ruled out. In particular, the existence of secondary factors such as underlying health conditions, persons with high adrenaline or in a state of excited delirium, and the positioning of the CEW darts in the chest were thought to contribute to the increased risk.

Similarly, the 2009 Multi-Method Evaluation noted that CEWs, as with OC spray, are “neither painless or risk-free”. Citing the earlier 2008 NIJ report, this evaluation reaffirms that while people have died proximal to CEW use, no clear evidence exists to suggest that the weapons themselves have caused death. The 2008 NIJ report indicated that while no medical evidence exists to confirm that exposure to CEW produces abnormal cardiac rhythms in normal healthy adults, the effects of CEW exposure in at-risk populations is not clearly understood and requires more focused study. Accordingly, the 2008 NIJ report recommended that the “use of a CED against these populations (when recognised) should be avoided but may be necessary if the situation excludes other reasonable options” (p. 4).

The heightened risk of harm arising due to the placement of CEW darts was reported in the Canadian Medical Association Journal of March 2009. This article referred to a case of “generalised tonic-clonic disclosure” after an officer was mistakenly shot by two barbed darts to his upper back and occiput (back of the head). The report concluded that a CEW deployed in the head may result in a brain-specific complication such as the one experienced by this officer. In this case the officer experienced no long-term ill effects.

In line with findings in relation to comparative risks and benefits of the CEW, it is important to establish an appropriate threshold test to guide the deployment of a CEW. The 2009 Multi-Method Evaluation classified CEWs as less than lethal weapons with death or harm associated with their use being extremely rare. However, given the possibility for CEW overuse, evidenced by the weapon’s ease of use and popularity amongst officers interviewed for the study, the evaluation considered that the subject resistance threshold for CEWs should be “defensive (muscle tensing, struggling to escape physical control, fleeing on foot) or higher levels of suspect resistance” as opposed to inappropriately low levels of suspect resistance without physical force or threat.

The Braidwood Commission recommended a slightly higher threshold of actual or threatened bodily harm to the subject or officer. The NSW Ombudsman recommended CEW application only be authorised where a person is “violently confronting or resisting police and that Taser use by an officer other than in such circumstances be subject to management action” (2008, p. 68).

Other significant issues highlighted by the material accessed by the review team included attaching importance to the continual reassessment of use of force situations by police officers and medical aftercare for persons who have been subject to a CEW.

In summary, the review team found:

- A Taser, as with all other use of force options available to police, carries with it an inherent risk of injury or death. Accordingly, in line with QPS policy,

officers should only use the minimum amount of force necessary to resolve an incident and always exercise due care when using any use of force options.

- Despite ambiguity in the research the risk of a CEW causing the death of a normal healthy adult is small, particularly relative to the use of firearms. It must also be acknowledged that many critics argue that the capacity of a CEW to cause or contribute to the death of a healthy subject is a possibility that cannot be ruled out.
- Research suggests that the risk of injury following the deployment of a CEW may increase if the subject is mentally ill, substance affected, has pre-existing health problems, has been struggling violently for a long period, has been subjected to other use of force options or restraints, or any combination of these factors exists.
- Taser incidents reviewed by the QPS have shown that in a number of situations, had the Taser not been deployed, the deployment of other use of force options may have resulted in more serious or lethal outcomes.
- Evidence supports that the appropriate use of CEWs can considerably reduce the rate of injury to suspects and to officers.

The review team considered that while the existing QPS Taser Policy addressed many of the general risk issues highlighted in the research, improvements were still possible. In particular, the review report's recommendations articulate the need for a clear statement as to the general threshold of risk of serious injury to a person that must be met before a Taser can be deployed.

The review team's specific recommendations for amendment to the QPS Taser Policy about general Taser deployment are provided below. References to the relevant updated sections of the QPS Taser Policy are included with the relevant recommendation.

Recommendations

That QPS Taser Policy specifically re-state the importance of the general policy regarding the use of force, namely that officers should only use the minimum amount of force necessary to resolve an incident (Refer 14.23.3 Use of Tasers).

That QPS Taser Policy prohibit officers from using Tasers unless it can be established that there is a *risk of serious injury* to a person (Refer 14.23.3 Use of Tasers).

That the QPS Taser Policy require officers to continually reassess the circumstances of the incident, particularly before they re-deploy a Taser or decide to deploy a different use of force option (Refer 14.23.3 Use of Tasers).

That, in addition to the circumstances identified in the QPS Taser Policy about when a Taser should not be used, the following situations are also included: (i) that the Taser should not be used against persons who are handcuffed, unless exceptional

circumstances exist; (ii) that the Taser should not be used against persons of particularly small body mass, except in extreme circumstances; and (iii) that the secondary injuries identified in the policy as a potential consequence of a person falling after being Tasered, include the example of concussive brain injury (Refer 14.23.3 Use of Tasers).

That the QPS Taser Policy include a specific statement about Tasers being associated with or linked to deaths (Refer 14.23.3 Use of Tasers).

That the QPS Taser Policy include additional requirements for officers who deploy a Taser on a person who is suspected to be mentally ill, namely to ensure that the assistance of the Queensland Ambulance Service is obtained and where possible, discuss options with mental health professionals (Refer new section 14.23.5 Using the Taser on people who are suspected mentally ill).

That the QPS Taser Policy prohibit officers from aiming a Taser to purposely strike the head or neck of a subject unless this is unavoidable (Refer new section 14.23.6 Special Precautions to avoid eye and head injuries).

That the QPS Taser Policy prohibit the intentional direction of a Taser's laser sight target function at a subject's eyes (Refer new section 14.23.6 Special Precautions to avoid eye and head injuries).

TRAINING ON TASER USE

The QPS Taser Policy prohibits officers from using a Taser unless they have completed the Taser training course as part of broader qualification in the Operational Skills Training (OST) curriculum. Officers are required to re-qualify in OST on an annual basis.

The OST curriculum is consistent across the State and is revised every year to ensure training is current and meets the identified needs of QPS members. The curriculum is influenced by operational needs, changes to national guidelines. QPS policies and procedures, risk management and litigation issues and judicial recommendations including coronial findings.

All operational skills and techniques are researched and validated before being included in the curriculum. Qualification is competency based. Participants who fail to demonstrate the required competency standard of a skill or tactic will be provided with remedial training and then re-assessed. Competency standards reflect what the individual is required to achieve in order to perform the operational skill or tactic safely, efficiently and effectively.

The current OST curriculum is divided into three blocks of training. Block One training provides six hours of training over one day and has been designed to incorporate the revision and enhancement of the core operational skills and tactics including firearms that are essential for general operational policing. Block Two training provides six hours of training over one day and has been designed to incorporate both core and key skills, including firearms, so as to expand the officer's skill base. Block Three training focuses on core and key skills in relation to the theory and operation of the Taser. The current Taser user training consists of 10 hours of training, eight hours of which is face-to-face training. This includes passing an open-book examination covering the core components of the training delivered. Officers must complete each training block in consecutive order before they can move on to the next training block. Requalification for Taser user training will become Block Three. Officers must complete all three blocks of OST on an annual basis in order to qualify for operational service in the next calendar year.

Prior to 1 January 2009 Taser training during the trial period consisted of six hours of training and was delivered by the Special Emergency Response Team over a two-day period.

It is essential that training on Taser use ensure that all officers are capable of efficiently and effectively deploying a Taser within the approved policy framework. Encouragingly the review team found that current training had already been updated to reflect the learnings from the 12 month trial of Tasers. Consequently, in many respects this training already addresses the issues and risks highlighted during this review as requiring treatment in the QPS policy on Taser use.

For example, the review team identified that QPS policy could be enhanced by requiring officers to continually reassess the circumstances of an incident before re-deploying a Taser. In this regard current training materials already advise officers to avoid extended or repeated applications where practicable and apply only the number of cycles reasonably necessary to allow them to safely restrain a subject. Further, officers are instructed to consider each cycle as a “window of opportunity” to attempt to establish control over a situation, but where circumstances require extended duration or repeated discharges, officers are instructed to take care to observe the subject and provide breaks in the Taser stimulation when practicable.

A gap analysis of current training and the policy findings and recommendations of this review indicated that current training was adequate although some changes would be required in order to reflect the policy changes recommended by this review. Overall the review team found:

- That comprehensive Taser training and regular re-training are essential to ensure safe and effective use of Tasers in operational policing.
- That Taser training should continue to adequately address all known risk issues relating to Taser use and continually emphasise the overriding principle that officers should use only the minimum amount of force necessary to resolve an incident as well as the risk of serious injury or death inherent in some use of force options.
- That there was a lack of specific scenario-based training to incorporate theory and decision-making into practical sessions. For example, relating to persons with mental health issues, drug affected persons, team policing situation.
- That there was a lack of specific training addressing vulnerable or at-risk persons and potential risks associated with those members of the community.

From a practical perspective, in order to accommodate the additional scenario based training and training on vulnerable persons the review team recognised that the current training delivered under Block Three of OST would need to be increased to a minimum of 14 hours to be delivered over two full days. The review team also considered that the use of Tasers should be incorporated into the dynamic interactive training scenarios already delivered during Block Two to ensure officers are trained in a fully integrated use-of-force approach to responding to incidents.

More broadly the issue of open book testing¹ for OST has been raised by the CMC as a matter requiring review. While it was beyond the capacity of this review to undertake an examination of the most effective methods for general adult education, this is something that the QPS has agreed to investigate further.

¹ Currently, officers undertaking the final written examination relating to the use of the CEW may refer to QPS policies and other written material in answering questions that are required in order to complete Taser training.

The review team notes that the ability for officers to undertake voluntary exposure to a Taser is also part of current training. Such exposure is limited to one five second cycle and officers are required to sign an appropriate waiver. After preliminary examination of this element, the review team determined that this was not a matter that could be adequately investigated as part of the current review given its time constraints. The issue is a complex one which will require a detailed risk analysis within the broader context of all other police training for operational skills and indeed operational policing activities generally. Accordingly, the recommendation made below is for further consideration to be given to this issue.

The review team's specific recommendations for amendment to QPS Taser training are set out in the box below.

Recommendations

QPS Taser training should be updated wherever necessary to incorporate the changes to Taser policy recommended by this review (refer to Policy and Procedures on Taser Use above).

QPS Taser training should be increased from the current training of 10 hours to a minimum of 14 hours over two full days.

QPS Taser training should be enhanced by incorporating more practical scenario-based training that emphasises decision making, the need for continual assessment of a situation and selection of proportionate tactical use of force options.

QPS should review its current use of open book testing for officer accreditation relating to Tasers as well as Operational Skills.

That the QPS Risk Management Committee should undertake a detailed risk analysis of the circumstances under which voluntary exposure in Taser training currently occurs.

MONITORING, REVIEW AND EVALUATION

Robust and ongoing monitoring, review and evaluation processes are considered essential to ensuring accountability at both operational and strategic levels, with the latter facilitating the early detection of emerging trends in Taser use. Commitment to such processes also ensures that the policy, procedures and training governing Taser use in Queensland will continue to reflect best practice and safeguard against known risk factors in line with developments in associated research, including medical evidence. Accountability also incorporates a focus on the appropriate maintenance and routine inspection of Tasers relied upon within the operational environment to ensure their continued functionality and relevance to operational policing requirements. Ensuring existing policies, procedures and training adequately address the risk in using the CEW is an important part of broader accountability mechanisms associated with use of the weapon.

Effective monitoring and improvement relies on appropriate and accurate information, and the majority of available literature recommends enhancements to agency data to more effectively evaluate CEW usage and consider organisational implications. Comparing these recommendations against Queensland's existing data collection mechanisms, however, identified that adequate information is being collected to meet both operational and strategic imperatives. Through the combination of information collected using the QPS Taser Usage Form and downloaded data from the Taser itself, the QPS and the CMC are able to evaluate use, identify any emerging issues requiring consideration, and inform policy and practice.

While recording trigger pulls provides for more accurate assessment of police decision making, the current Taser X26 model does not have an in-built capacity to record trigger pulls. Rather, the downloadable data measures cycles. However, current QPS training requires officers to depress the trigger once, remove their finger, reconsider the situation in line with the Situational Use of Force Model and select the most appropriate use of force option. The training further identifies that where a police officer decides to deploy an additional cycle of the Taser on a person, the trigger must be depressed a second time.

Considerable research evidence also demonstrates a preference for management review of behaviour and/or practice as soon as possible following deployment of a CEW in an operational setting. Currently, panels of senior officers in each police region or command, referred to as Significant Event Review Panels, evaluate Taser use within their respective areas according to agreed processes, including time frames. Initiation of the Significant Event Review Panels also includes the prior notification of senior operational managers within the area in which the Taser deployment occurred. Such a localised approach with oversight, or direct involvement where necessary, by the central Ethical Standards Command conforms with available national and international literature which consistently supports

ongoing evaluation of situations involving the use of force, including a commitment to organisational learning through monitoring of incidents at an aggregate level.

Testing the electrical output of CEWs (number of pulses per second, duration of each pulse, and maximum current during each pulse) has received considerable attention within the literature, most notably in Canada. While no specific international or Australian standard on safety parameters for Conducted Energy Weapons currently exists, it appears that scope exists for such parameters to be established and independently tested. A valid testing or audit regime would enhance confidence levels in the safety of CEWs as use of force options for police.

Tasers are integrated into the existing policy framework surrounding protocols to be adopted where serious injury or death occurs involving police. Ethical Standards Command oversees all investigations into such incidents and in any investigation of that nature, evidence will be seized and examined. For example, any police firearm that has been used will be seized and ballistic examinations will be undertaken as part of the investigative process. Training of operational managers reinforces this procedural obligation.

Also evident in informed discourse about CEWs and more specifically their application and accountability within policing environments is the issue of video recording through the use of an attached camera, referred to as Tascam. NSW and New Zealand integrated Tascam as part of their Taser equipment acquisition. The review team specifically examined Tascam and as part of this process became aware of other suitable technologies delivering a similar if not superior recording capacity. The review team also considered the appropriateness of isolating only one use of force option for video recording without extending this position to other options, or police incidents more broadly.

The following findings were made:

- While it is acknowledged that existing levels of accountability for Taser use would increase if a capability to record every trigger existed, the manufacturer has advised that this is currently not feasible for the Taser X26.
- The CMC's preference is that an in-built limiter be used restricting the Taser use to a specified maximum number of times it can be deployed during an individual incident. However, advice from the manufacturer indicates that such modifications to the Taser X26 are currently not possible. The QPS will examine this issue further in the interests of safe usage, including consideration of possible alternatives to the X26. The CMC is of the view that such a capability is already available in another type of CEW. The QPS examines operational accoutrements to provide police the most effective, safest options and to ensure best use of resources.
- That ongoing and independent evaluation of Tasers is essential to ensuring and maintaining public confidence in police allocation and use of the weapon under the Situational Use of Force Model.

These findings lead the review team to articulate a number of specific recommendations as detailed in the box below. Any associated updated sections of the QPS Taser Policy are also identified with the relevant recommendation.

Recommendations

That data from the Taser following every drive stun or probe mode deployment of a Taser is downloaded within 72 hours and provided to the Significant Event Review Panel (Refer new section 14.23.18 Downloading data from a Taser).

That a Chief Superintendent assess every drive stun or probe mode deployment of a Taser within 72 hours, including data download, with a follow-up review by the Significant Event Review Panel required (Refer new section 14.23.20 Review of Taser incidents).

That the QPS develop a control self assessment guide (or checklist) that can be used by Officers in Charge and the Significant Event Review Panels to review Taser deployments.

That the QPS continue to examine the design of the Taser and any other CEW devices to ensure that the best and most accountable technology is used. In particular, the ability to record trigger pulls, a limit on the period of deployment and a restriction on the number of times that a CEW can be deployed during an individual incident should be the subject of continued examination.

That the QPS audit the use of Tasers by police and also examine testing or auditing of the electrical output of Tasers.

The QPS trial the effectiveness of Tascam or video recording in a discrete location.

That once the outcomes of the review of the National Guidelines on the Use of Force are made known, QPS give consideration to the Situational Use of Force Model and the review report's recommendations in the context of these findings and identify any aspects for improvement or change.

That the CMC and QPS continue with their collaborative efforts to review, research and evaluate Taser use in Queensland. Specifically, the QPS and CMC should develop a research plan and protocols to manage this process, with a particular focus on:

- The collection and use of data to inform assessment of the Taser and the identification of trends, such as 'mission creep'.
- Continual re-assessment of best practice in terms of Taser policy and procedures, training and monitoring, as informed by the latest available technological and medical evidence.

ATTACHMENT 1 – DRAFT TASER POLICY

14.23 Conducted Energy Weapon (Taser)

Taser is a brand name of one of a number of weapons in the general category of 'Conducted Energy Weapons' (CEW). It is a hand held neuro-muscular disruption device capable of temporarily incapacitating a person and causing pain through the application of an electrical current.

The Taser has two main capabilities, probe mode and drive stun mode.

In the probe mode a Taser uses propelled wires/darts, to deliver short duration high voltage electrical pulses into the body which affect the sensory and motor functions of the nervous system. The electrical charge transmitted by a Taser causes the subject person to experience involuntary muscular contractions, rendering the person temporarily incapacitated or unable to perform coordinated action until the device is deactivated. Unlike batons or OC spray, probe mode does not rely on pain compliance alone and is effective regardless of the size, strength, mental condition or pain threshold of the subject person.

The drive stun mode uses direct contact of the Taser to the body or clothing of a person and causes significant discomfort in the area where the Taser is applied. The drive stun mode does not have a significant effect on the central nervous system and does not immobilise a person. As such it may not be effective on people who are highly motivated, mentally disordered or drug/alcohol affected. The drive stun mode can also be used in combination with the probe mode to complete an incapacitation circuit.

Tasers are 'Category R' weapons, as defined in [s. 8\(f\)](#) of the Weapons Categories Regulation 1997.

14.23.1 Issue of Tasers

Tasers will be issued to police stations and establishments for use by officers as part of the performance of their duty. The logistical distribution of Tasers within each region or command is at the discretion of the officer in charge of that region or command.

14.23.2 Taser training

POLICY

Officers are not to use or carry a Taser unless they:

- (i) have successfully completed the relevant Taser training course;

- (ii) are currently qualified in Operational Skills and Tactics (OST) training (see [s. 14.3.1](#): 'Operational Skills and Tactics (OST) training' of this chapter).

Officers who successfully complete the Taser training course will need to requalify in the use of a Taser on an annual basis. This annual re-qualification will be undertaken as part of Block 3 OST training (see [s. 14.3.1](#) of this chapter).

The Chief OST Instructor is responsible for ensuring the necessary systems are in place to provide Taser training to nominated officers.

14.23.3 Use of Tasers

The use of a Taser's capabilities, in either the probe mode or drive stun mode, should be determined by the circumstances existing at the time, bearing in mind the 'Situational Use of Force Model' (see [s. 14.3.2](#): 'Situational Use of Force Model - 2009' of this chapter). Officers are reminded the Service's philosophy of 'Consider all Options and Practise Safety' (COPS) should be embraced when dealing with incidents which may require the use of force.

POLICY

Officers should only use the minimum amount of force necessary to resolve an incident.

There must be a risk of serious injury to a person before an officer can deploy a Taser. The decision to apply force or use a Taser is an individual one for which every officer will be held accountable.

Every decision to use force should be the subject of a continuous assessment prior to the application of another use of force.

Officers should consider all the 'use of force' options available to them and all the circumstances of an incident when determining the most appropriate 'use of force' option(s) to be used.

Prior to using a Taser in either mode, officers should:

- (i) verbally warn the subject person(s) where practicable; and
- (ii) be mindful of the area in which the subject may fall. In probe mode the Taser causes temporary incapacitation which may cause the subject to fall down. Injuries may be sustained by the subject where this occurs.

A Taser should not be used in either mode:

- (i) against persons offering passive resistance (e.g. refusing to move or offering little or no physical resistance and refusing to comply with police instructions. A

- person acting as a dead weight or requiring an officer to lift, pull, drag or push them in order to maintain control);
- (ii) against persons that are handcuffed unless exceptional circumstances exist;
 - (iii) as a crowd control measure (e.g. for crowd dispersal at a demonstration or industrial dispute);
 - (iv) against the occupants of a vehicle or the operator of machinery where there is a danger of the vehicle or machinery going out of control and injuring the occupants or other people;
 - (v) against juveniles or persons of particularly small body mass, except in extreme circumstances where there is no other reasonable option to avoid the imminent risk of serious injury;
 - (vi) against females suspected on reasonable grounds of being pregnant, except in extreme circumstances where there is no other reasonable option to avoid the imminent risk of serious injury;
 - (vii) near explosive materials, flammable liquids or gases due to the possibility of ignition;
 - (viii) punitively for purposes of coercion or as a prod to make a person move;
 - (ix) to rouse unconscious, impaired or intoxicated persons;
 - (x) on persons where there is a likelihood of significant secondary injuries (particularly concussive brain injury) from a fall (e.g. standing on a ladder or other elevated position); or
 - (xi) on elderly persons, except in extreme circumstances where there is no other reasonable option to avoid the imminent risk of serious injury.

Deployment of a Taser

A single deployment of a Taser is characterised by one five second cycle in either probe or drive stun mode. Any deployment of a Taser on an individual beyond this single cycle is considered a multiple or prolonged deployment.

Officers are to use the Taser on persons by application of one five second cycle.

Officers should be aware that there may be technical or physiological reasons why the device is not working as expected on a particular individual. Therefore, if the initial application of the Taser in either the probe or drive stun modes is not effective, officers should reassess the situation and consider other available use of force options.

Officers are not to use the Taser in a prolonged fashion by holding the trigger down for a period greater than five seconds unless exceptional circumstances exist.

Additional cycles (one trigger pull – five seconds) may be applied in exceptional circumstances after the officer has reassessed the situation prior to each additional cycle.

Officers are reminded that a subsequent use of the Taser or any prolonged use (greater than five seconds) will be scrutinised and will need to be justified. While all use of force is scrutinised, officers should be aware that the greater the use (multiple or prolonged) of a Taser, the greater the level of scrutiny that will be applied.

Officers should be aware that multiple or prolonged uses of a Taser have been linked to deaths, particularly where:

- (i) use of the Taser was accompanied by the use of restraints or chemical incapacitant sprays (e.g. OC spray);
- (ii) subjects had underlying health problems such as heart conditions or mental illness;
- (iii) subjects were under the influence of drugs and/or alcohol;
- (iv) subjects were struggling violently for a sustained period; or
- (v) a combination of these factors existed.

There are cases where such persons exposed to the effects of Taser have died some time after being exposed. It is however, recognised that there are circumstances where the only alternative may be the use of a potentially lethal firearm or where the activation of the Taser irrespective of the additional risk is absolutely necessary to protect life.

14.23.4 Use of more than one Taser

POLICY

Officers must not use two or more Tasers on the one person at the same time.

14.23.5 Using the Taser on people who are suspected mentally ill

POLICY

Occasions will arise where it is necessary to use the Taser on a person who is exhibiting violent behaviour and who is also suspected suffering from a mental disorder or illness. When responding to a mental health incident officers are to ensure the assistance of the QAS is requested and where possible, discuss options with mental health professionals (refer to section 6.6, Mental Health Intervention of the OPM).

14.23.6 Special precautions to avoid eye and head injuries

There is a specific risk of injury to the eye through penetration of a barb. Barb penetration in the neck or head may also increase the level of injury.

POLICY

Tasers should not be aimed so as to strike the head or neck of a subject unless this is unavoidable.

The laser sight should not intentionally be aimed at the eyes of the subject.

14.23.7 Voluntary exposures to Taser

POLICY

Voluntary exposures are only to be undertaken as part of Taser training by a qualified Taser instructor.

Exposure is to be limited to one five second cycle and is not to occur unless the officer being exposed has read a QPS approved facts/information sheet and signed the appropriate waiver prior to the exposure. Members of the QPS are not to undertake voluntary exposures for members of the public. Members of the QPS are not to undertake voluntary exposures at police stations/establishments unless the exposure is part of Taser training by a qualified Taser instructor.

14.23.8 Probe removal and disposal

POLICY

Probe removal and disposal is to be conducted in accordance with the procedures outlined in the Conducted Energy Weapon - [Taser Good Practice Guide](#).

Where probes are imbedded in sensitive tissue areas (e.g. neck/throat, face, breast or groin) medical aid should be sought to remove the probes.

Officers in charge of stations or establishments should ensure suitable probe removal and disposal equipment (i.e. protective gloves, sharps container, alcohol wipes/swabs and band aids) is available in all operational vehicles under their control.

14.23.9 Aftercare

A person who has been Tasered:

- (i) should recover quickly. The incapacitating effect of the Taser ends when the trigger is released and the unit is deactivated;
- (ii) may feel dazed for several seconds;
- (iii) may experience tingling sensations for a short period afterwards; and
- (iv) may exhibit minor skin irritation, temporary blisters or redness at the site of application.

The application of a Taser should not affect or damage a pacemaker, or cause permanent damage or long term effects to the subject person's muscles, nerves or other body functions. However, it should be recognised that the subject person may have pre-existing injuries or medical conditions and/or secondary injuries from falling down when incapacitated by the Taser.

POLICY

If required, the officer who deployed the Taser is to ensure first aid and/or medical attention is provided to the subject person, as necessary.

See [s. 16.13.1](#): 'Assessment of prisoners' and [Appendix 16.1](#): 'The assessment of prisoners and persons in custody' of this Manual.

PROCEDURE

When medical attention or treatment is required, the deploying officer should notify the Duty Officer, Police Communications Centre (PCC) Brisbane, or in areas outside of those covered by PCC Brisbane, the communications coordinator of the relevant PCC, and request the attendance of the Queensland Ambulance Service (QAS). Where it is impractical to obtain the attendance of the QAS, the officer should arrange to have the subject person taken to the nearest facility providing medical attention.

14.23.10 Reporting the use of a Taser

For the purpose of this section, the term 'use' includes:

- (i) deploying or firing the probes against a person or animal, or in the direction of a person or animal;
- (ii) pointing a Taser in the direction of a person without deploying or firing the probes;
- (iii) using the drive stun mode against a person or animal; or
- (iv) holding/pressing a Taser against a person without activating it.

POLICY

After an incident involving the use of a Taser, the officer who used the Taser should:

- (i) notify as soon as practicable:

- (a) the Duty Officer, Police Communications Centre (PCC) Brisbane to ensure the incident is recorded on the CAD system; or
 - (b) in areas outside those covered by PCC Brisbane, the communications coordinator of the relevant PCC to note on the CAD system or their Running Log as the case may be; or
 - (c) in areas where no police communications centre exists, the officer in charge for the time being of the station responsible for policing the area where the incident has occurred; and
- (ii) prior to the end of the shift:
- (a) complete and submit a 'Taser Usage Report', which is available on the Operations Support Command, 'Taser Implementation' webpage on the QPS Intranet (Bulletin Board); and
 - (b) ensure a significant event message is submitted outlining the circumstances of the deployment (see [s. 1.6.10](#): 'Significant Event Messaging System' of this Manual). When completing the significant event message, the drop down menu in the subject field must be used and 'Taser Deployment' selected as the subject. Within the significant event message a summary of the incident should be provided including:
 - the subject's behaviour and actions;
 - the weapon(s) used or available to the subject;
 - whether the subject was affected by alcohol and/or drugs;
 - the perceived degree of threat to police and/or others;
 - other persons involved;
 - the officer's actions;
 - whether the probes were deployed, drive stun used, or was the Taser pointed towards or held against the subject without activation;
 - whether a verbal warning was given and if not, why not?; and
 - whether any injuries were sustained and/or medical treatment required/provided by any person.

The Duty Officer, communications coordinator or officer in charge notified of an incident involving a Taser is to advise the appropriate regional duty officer (RDO) or district duty officer (DDO).

The officer in charge where the police officer using a Taser is stationed, is to:

- (i) ensure that a 'Taser Usage Report' and significant event message has been submitted in relation to the incident; and
- (ii) overview the incident to determine whether the use of the Taser was in accordance with Service policy and procedures.

Where practicable, the overview should include a face-to-face meeting between the officer in charge (or supervisor) and the officer who deployed the Taser.

If an officer deploys a Conducted Energy Weapon accidentally, or other than in accordance with OPM 14.23.8 Safety issues, the deploying officer is to:

- (i) submit a Taser Usage Report outlining the circumstances of the incident;
- (ii) notify the Shift Supervisor and OIC of the incident (and/or District Duty Officer /Regional Duty Officer per local SOPs);
- (iii) in the case where any person was the subject of an unintentional Taser deployment in either probe or drive stun mode, or significant damage to property was caused by the deployment, a significant event message is to be generated. Data from this device will be downloaded within 72 hours per section 14.23.18 of the OPM;
- (iv) the Shift Supervisor (or OIC, District Duty Officer or Regional Duty Officer) will then make inquiries with a view to establishing the cause of the incident (e.g. memory lapse, lack of proficiency of Taser user, mechanical failure, operational issues, deliberate disregard of established policies or protocols, deliberate misuse of CEW);
- (v) the Shift Supervisor (or OIC, District Duty Officer or Regional Duty Officer) will make a recommendation on how the matter will be dealt with (e.g. officer not permitted to use a Taser until further training undertaken, managerial guidance, sent for formal investigation re: misuse).

If the use of the Taser was inappropriate or not in accordance with Service policy, see [s. 7.2](#): 'Duty concerning misconduct or breaches of discipline' of the Police Service Administration Act 1990 and [Chapter 18](#): 'Complaint Management' of the Human Resource Management Manual.

14.23.11 Carriage of a Taser

POLICY

Qualified officers performing operational duties should, where appropriate, carry a Taser, if one is available.

When removing a Taser from a gun safe or other approved safe provided by the Service at their respective station or establishment, members are to inspect and load the weapon in compliance with the procedures outlined in Chapter 6: 'Station procedures' of the Conducted Energy Weapon - [Taser Good Practice Guide](#).

The Taser should be loaded with an air cartridge, ready for use, and carried on a utility belt in the holster provided for that purpose. A spare cartridge should be carried in the bottom of the 'extended digital power magazine' (XDPM).

Taser holsters should be carried securely fitted on a utility belt, on the side opposite the dominant hand, and worn in a 'crossdraw' manner (i.e. with the handle of the device facing forward).

Members are not to leave a Service Taser unattended in a vehicle or other place without good and sufficient reason. This may include:

- (i) members having to attend a situation where the carriage of a Taser poses a risk to security or safety, e.g. riot, serious street disturbance or authorised assembly;
- (ii) where the Taser restricts operational activity, e.g. members being involved in a rescue operation; or
- (iii) where it is necessary for special operational situations or circumstances, e.g. hostage or suicide negotiations.

Carriage of Taser by plain clothes officers

POLICY

Qualified officers performing plain clothes duties may carry a Taser, if it is appropriate to the duties they are performing.

Tasers should only be carried by plain clothes officers:

- (i) in the Service issued holster provided for that purpose; and
- (ii) securely fitted on a dress belt (or utility belt if available), on the side opposite the dominant hand, and worn in a 'crossdraw' manner (i.e. with the handle of the device facing forward). Plain clothes officers are not to carry Tasers in Service issued bumbags, or in other locations or positions.

If carrying a Service Taser exposed to view, plain clothes officers should carry their identification badge in such a position that it is also visible to members of the public.

Carriage of Tasers on aircraft and at airports

POLICY

Officers who intend to carry conducted energy weapons (Tasers):

- (i) on commercial passenger airlines/prescribed aircraft, are to comply with the relevant provisions of [s. 14.11.1](#): 'Weapons and prohibited items on Commercial Passenger Airlines/Prescribed aircraft' of this chapter;
- (ii) at airports, are to comply with [s. 14.11.4](#): 'Carriage of weapons and prohibited items at airports' of this chapter; or
- (iii) on Police Air Wing aircraft, are to consult with the relevant Air Wing Operations Coordinator for advice and direction regarding the carriage or storage requirements.

Carriage of Tasers in court

POLICY

Officers should not wear or carry a Service Taser, other than an exhibit, in court unless:

- (i) authorised by the presiding magistrate or judge. This includes an officer performing duty as a court orderly; or
- (ii) they are responding to an incident within those premises.

Carriage of Tasers in watchhouses

POLICY

Officers may carry Tasers in watchhouses. As with batons, oleoresin capsicum spray and handcuffs, there is no requirement for an officer to remove and store a Taser prior to entering a watchhouse.

Carriage of Tasers in correctional centres and detention centres

ORDER

Unless authorised or approved by the Chief Executive, Queensland Corrective Services, to take weapons into a correctional centre or detention centre, officers are to hand all Tasers to the correctional officer on duty at the entrance to a correctional centre or detention centre for safe keeping (see [s. 128](#): 'Taking prohibited thing into corrective services facility or giving prohibited thing to prisoner' of the Corrective Services Act 2006).

Officers are to inspect all Tasers returned prior to leaving a correctional centre or detention centre to ensure they are undamaged.

See also [s. 14.14.1](#): 'Carriage of firearms and ammunition in correctional centres and detention centres' of this chapter.

Carriage of Tasers in hospitals

POLICY

Officers should exercise their discretion in regard to the carriage of conducted energy weapons (Tasers) within the confines of an authorised mental health high security unit, or medium security unit (see [s. 14.13](#): 'Carriage of firearms in hospitals' of this chapter). Officers should also consider the policy outlined in [s. 14.6.2](#): 'Security of weapons' of this chapter.

14.23.12 Safety issues

POLICY

Members are to:

- (i) treat every Taser as if it is armed and ready to deploy;
- (ii) keep hands away from the front of the Taser at all times particularly when loading or unloading an air cartridge;
- (iii) ensure the safety switch is activated and the Taser is in safe mode:
 - (a) before handing it to someone else;
 - (b) upon receiving it from someone else;
 - (c) before loading or removing an air cartridge from a Taser;
 - (d) when replacing the extended digital power magazine in the Taser; and
 - (e) whenever the Taser is not intended for immediate use;
- (iv) perform a static electricity earthing drill before handling live Taser air cartridges.

A build up of naturally occurring static electricity in a person's body may, in extreme cases, cause the air cartridge to malfunction when handled.

Accordingly, members should:

- (i) ground themselves before handling, loading or unloading Taser air cartridges;
- (ii) where practicable, load and unload Taser air cartridges in a designated safe weapon clearing area (see [s. 14.2](#) Definitions and references to legislation in this chapter);
- (iii) never aim the Taser at the eyes or face of a person;
- (iv) never throw a Taser to someone else or attempt to catch a Taser;
- (v) never point a Taser at any person, or in any direction where a person is likely to be, unless it is actually intended to use the Taser against that person;
- (vi) observe security precautions consistent with the Weapons Act 1990 and Service policies; and
- (vii) not use, deploy or discharge a Taser unless in the performance of operational duties or Service approved training.

14.23.13 Storage

POLICY

Prior to ceasing duty, or where a Service Taser is not required for duty, members are to:

- (i) unload any Service Taser in their possession in compliance with the procedures outlined in Chapter 6: 'Station procedures' of the Conducted Energy Weapon - [Taser Good Practice Guide](#);
- (ii) place the Taser in a gun safe or other approved safe provided at their respective station or establishment for the purpose (see [Chapter 20](#): 'Minimum Storage Standards For Weapons Held in Police Facilities' of the Administration Manual);
- (iii) store the Taser with the extended digital power magazine (XDPM) inserted at all times. The XDPM must not be removed from the Taser when stored. If the XDPM requires replacement it should be carried out prior to storage (see [s. 14.23.12](#): 'Replacing the Extended Digital Power Magazine (XDPM) of this chapter'); and
- (iv) store any air cartridges, at their respective station or establishment, in a cool, dry and secure location, elsewhere to the Taser, with the blast doors of the air cartridges facing down.

Each member accessing a safe provided by the Service for the storage of Tasers is to ensure the safe is securely locked immediately after use.

Officers taking out or returning Taser equipment to its storage facilities are to complete the registers provided by the station or establishment for that purpose.

14.23.14 Inspection and maintenance

POLICY

When obtaining a Taser, air cartridges and holster at the commencement of a shift, officers should:

- (i) inspect all equipment for visible signs of damage;
- (ii) check the energy or battery level of the extended digital power magazine. If the energy level is less than 20%, see [s. 14.23.12](#): 'Replacing the Extended Digital Power Magazine (XDPM)' of this chapter;
- (iii) conduct a spark test for one second visually ensuring there is an arc between the electrodes;
- (iv) check the expiration date of the air cartridges. If an air cartridge has expired see [s. 14.23.11](#): 'Used, damaged or expired air cartridges' of this chapter; and

- (v) before loading an air cartridge in the Taser, ensure the safety is 'on', inspect and if necessary wipe out the air cartridge firing bay with a dry cloth.

Officers are to immediately report to their officer in charge any damage, defect or unsatisfactory condition relating to, or the loss of a Taser, air cartridge, XDPM or holster.

A Taser should not be exposed to significant moisture or water. If the Taser unit becomes wet, officers are to comply with the procedures outlined in Chapter 13: 'Cleaning and maintenance' of the Conducted Energy Weapon - [Taser Good Practice Guide](#).

Officers in charge of stations and establishments are to:

- (i) ensure an inspection of Tasers, air cartridges and other ancillary equipment under their control, is carried out on a monthly basis. Particulars of these inspections are to be recorded in a register kept for this purpose. (see [s. 14.23.15](#): 'Recording of Taser equipment' of this chapter). Officers in charge of regions and commands may authorise that inspections of Tasers and ancillary equipment are undertaken at other specified time intervals in conjunction with local risk management practices; and
- (ii) immediately report to the district officer or other supervising commissioned officer the loss of, any damage or defect to, or any unsatisfactory condition relating to Service Taser equipment and comply with the provisions of the Financial Management Practice Manual in relation to any losses and, where appropriate, the recovery of debts resulting from the loss or destruction or damage to property while in the care of members.

See also [s. 14.23.13](#): 'Taser repairs and replacement' of this chapter.

14.23.15 Used, damaged or expired air cartridges

POLICY

Used or expended air cartridges may be disposed of as general refuse. However, prior to disposing of a used air cartridge, the serial number label is to be removed from the cartridge.

Air cartridges are to be forwarded to the Regional (or Command) Education and Training Coordinator, for training purposes if:

- (i) they have passed their expiration date; or
- (ii) the air cartridge has not been deployed but the blast doors have fallen off the cartridge. In such circumstances, although the cartridge may still fire, it may not do so reliably.

14.23.16 Replacing the Extended Digital Power Magazine (XDPM)

POLICY

When the XDPM energy level is less than 20%, a replacement should be obtained and inserted into the Taser.

The expended XDPM should then be forwarded to the Regional (or Command) Education and Training Coordinator, for training purposes.

When the XDPM energy level reads 1%, it is to be disposed of. Continued use beyond this energy level may cause potential data corruption in the Taser recording microprocessor.

To replace the XDPM in a Taser, officers are to comply with the relevant procedures outlined in the Conducted Energy Weapon - [Taser Good Practice Guide](#).

14.23.17 Taser repairs and replacement

POLICY

Tasers which are damaged, defective or otherwise require servicing are to be forwarded to the Armoury Section, Logistics Branch.

PROCEDURE

Officers in charge of stations or establishments that require the repair or replacement of a damaged or defective Taser are to:

- (i) contact the Armoury Section, Logistics Branch for advice concerning the necessary arrangements; and
- (ii) where a replacement Taser is required, complete a QP413: 'Requisition for Weapons/Restricted Item' form and forward to the Armoury Section, Logistics Branch.

POLICY

If possible, the information recorded on a Taser is to be downloaded prior to forwarding the device to the Armoury Section, Logistics Branch (see [s. 14.23.14](#): 'Downloading data from a Taser' of this chapter).

When a Taser is forwarded to the Armoury Section, Logistics Branch, any costs involved in the inspection, testing, repair or replacement of the equipment are to be met by the requesting region or command.

If a Taser is replaced or disposed of, the Manager, West End Supply Centre is to send a report outlining the description and serial number of the item and advising of its

destruction to the Officer in Charge, Weapons Licensing Branch, who is responsible for maintaining the QPS Weapons System.

14.23.18 Downloading data from a Taser

The Taser has an inbuilt system which can record the time, date, duration, battery status and the internal operating temperature at the time the Taser was used for its last 1500 activations.

POLICY

Where a Taser is deployed in either drive stun or probe mode, the relevant District Officer or Manager is to ensure that as soon as practicable but within 72 hours, the data from the Taser used is downloaded by a person qualified to do so. The data downloaded is to be provided to the Regional or Command Significant Event Review Panel as a priority.

Firearms Training Officers or Taser Training Officers will generally be the person qualified to download this data.

Where the Ethical Standards Command (ESC) or the Crime and Misconduct Commission assumes responsibility for investigation of a matter involving a Taser, the data download is not to be conducted without the approval of the Superintendent, Internal Investigations Branch, ESC.

PROCEDURE

If required for court or other purposes, or where a Taser is being returned to the Armoury Section, Logistics Branch for repair or replacement, officers in charge of stations or establishments should contact the Officer in Charge, Operational Research and Advisory Unit, and make arrangements for the information recorded on the Taser to be extracted.

POLICY

The Officer in Charge, Operational Research and Advisory Unit may arrange on a periodic basis the downloading of data from Tasers within the Service.

14.23.19 Recording of Taser equipment

POLICY

The Manager, West End Supply Centre, is responsible for ensuring that the following information is recorded on the Weapons Asset Control System:

- (i) the district, or other organisational unit within the Service, each Taser and air cartridge is issued to;
- (ii) the serial number of each Taser and air cartridge; and
- (iii) the date of issue.

District officers or other organisational units are to maintain a local register of Taser equipment within their area of responsibility. Particulars to be recorded include:

- (i) the date of receipt of each item;
- (ii) the station or establishment each Taser and air cartridge is issued to;
- (iii) the serial number of each Taser and air cartridge; and
- (iv) the date, reason and method of disposal for each item.
- (v) Officers in charge of stations or establishments are to maintain a local register of all Taser equipment issued to their station or establishment. Particulars to be recorded include:
 - (a) the date of receipt of each item;
 - (b) the serial number of each Taser and air cartridge;
 - (c) the expiry date of each air cartridge;
 - (d) the date each Taser and air cartridge was last inspected; and
 - (e) the date, reason and method of disposal for each item.

Officers in charge of stations or establishments are to also maintain a local register for the purpose of recording the issue and return of Taser equipment each shift. At a minimum such registers should record:

- (i) the time and date of signing the equipment in and out;
- (ii) the serial number of each Taser and air cartridge taken/returned;
- (iii) officer details including signature;
- (iv) brief details of any 'spark tests' or activations during the shift. However, in the case of Tasers used for training purposes under the control of Taser training officers, details of spark tests or activations during the shift are not required to be recorded; and
- (v) a comment section to record the condition of the Taser and air cartridges when returned and any damage, defect or unsatisfactory condition identified.

(The 'Taser Issue and Return Register' (QPB 70) has been developed for this purpose and is available from the West End Supply Centre, Logistics Branch).

All registers are to be accurately maintained and updated to reflect the acquisition, transfer or disposal of Tasers and air cartridges within the Service.

14.23.20 Review of Taser incidents

All incidents involving the use of a Service Taser will be reviewed by the relevant Chief Superintendent who is to consider any deployment in drive stun or probe mode of a Taser within 72 hours of the event. [Section 14.3.18](#) re: data download of Tasers refers. Significant Event Review Panels may also review any Taser incident.

ATTACHMENT 2 - LEGISLATION AND QPS POLICY

The *Police Powers and Responsibilities Act 2000* provides:

615 Power to use force against individuals

- (1) It is lawful for a police officer exercising or attempting to exercise a power under this or any other Act against an individual, and anyone helping the police officer, to use reasonably necessary force to exercise the power.

Example—

A police officer may use reasonable force to prevent a person evading arrest.

- (2) Also, it is lawful for a police officer to use reasonably necessary force to prevent a person from escaping from lawful custody.
- (3) The force a police officer may use under this section does not include force likely to cause grievous bodily harm to a person or the person's death.

616 Power to use force against individuals in critical situations

- (1) This section applies if a police officer reasonably suspects a person—
- (a) has committed, is committing, or is about to commit an offence punishable by life imprisonment; or
 - (b) has committed an offence punishable by life imprisonment and is attempting to escape arrest or has escaped from arrest or custody.
- (2) This section also applies if—
- (a) a police officer reasonably suspects a person is doing, or is about to do, something likely to cause grievous bodily harm to, or the death of, another person; and
 - (b) the police officer reasonably suspects he or she can not prevent the grievous bodily harm or death other than in the way authorised under this section.
- (3) It is lawful for the police officer to use the force reasonably necessary—
- (a) to prevent the continuation or repetition of the offence or the commission of another offence punishable by life imprisonment; or
 - (b) to apprehend the person; or
 - (c) to prevent the escape of a person from arrest or custody; or
 - (d) to prevent the commission of an act mentioned in subsection (2).
- (4) The force a police officer may use under this section includes force likely to cause grievous bodily harm to a person or the person's death.

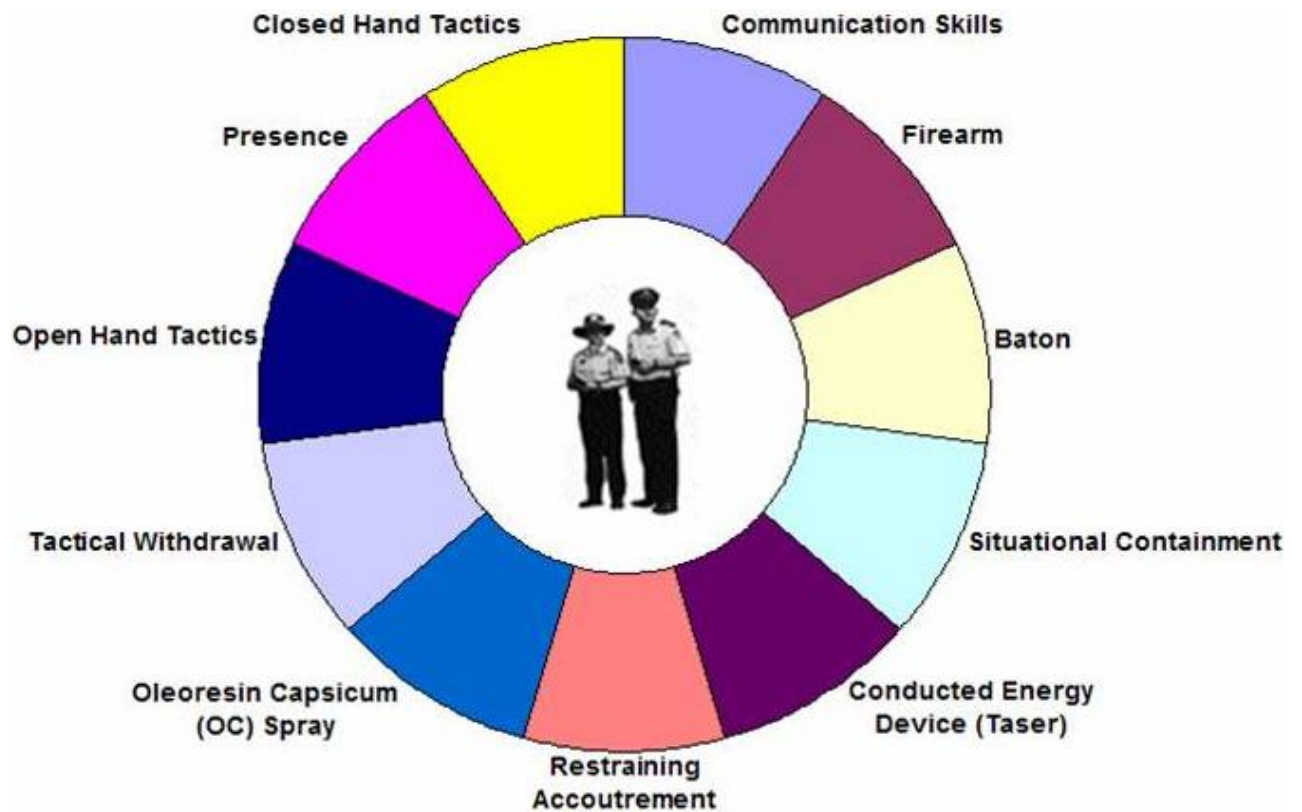
- (5) If the police officer reasonably believes it is necessary to use force likely to cause grievous bodily harm to a person or the person's death, the police officer must, if practicable, first call on the person to stop doing the act.

The QPS Operational Procedures Manual currently provides policy on the use of force generally, and on specific use of force options.

Section 14.3.2 of the QPS Operational Procedures Manual - Situational Use of Force Model - 2009

The Service has adopted a 'Situational Use of Force Model' as a guide to assist police officers and watchhouse officers when dealing with 'use of force' incidents.

The 'Situational Use of Force Model' visually represents a police officer surrounded by the 'use of force' options available to police officers. This model assists the police officer to select the most appropriate option(s) to resolve an incident. The 'Situational Use of Force Model' is not restrictive. Police officers may select other 'use of force' options to escalate or de-escalate the 'use of force', as necessary. With respect to watchhouse officers, the 'Situational Use of Force Model', except for 'firearm', 'conducted energy device' and 'baton' use of force options, is available to assist watchhouse officers resolve an incident.



SITUATIONAL USE OF FORCE MODEL - 2009

The functions of the Service are contained in [s. 2.3](#) of the *Police Service Administration Act*. Briefly, these are as follows:

- (i) the preservation of peace and good order;
- (ii) the protection of all communities in the State;
- (iii) the prevention of crime;
- (iv) the detection of offences and bringing of offenders to justice;
- (v) the upholding of the law generally;
- (vi) the administration, in a responsible, fair and efficient manner and subject to due process of law and directions of the Commissioner; and
- (vii) the provision of services, and the rendering of help reasonably sought, in situations of emergency or otherwise.

The Service has adopted the philosophy of 'Consider all Options and Practise Safety' (COPS). Police officers and watchhouse officers should embrace this philosophy when dealing with incidents which may require the use of force.

Police officers and watchhouse officers should consider all the 'use of force' options available to them and all the circumstances of an incident when determining the most appropriate 'use of force' option(s) to be used.

Police officers and watchhouse officers should bear in mind that all 'use of force' applications must be:

- (i) authorised;
- (ii) justified;
- (iii) reasonable / proportionate / appropriate;
- (iv) legally defensible; and
- (v) tactically sound and effective.

In this regard:

- (i) police officers should consider the provisions of [ss. 615](#): 'Power to use force against individuals' and [616](#): 'Power to use force against individuals in critical situations' of the *Police Powers and Responsibilities Act* and [s. 283](#): 'Excessive force' of the Criminal Code; and

(ii) watchhouse officers should consider the provisions of [ss. 652](#): 'Power to use force against individual at watchhouse'; [653](#): 'Power to use force - transfer etc. of person in custody to or from court cell or other place' and [612](#): 'Assistance in exercising powers' of the *Police Powers and Responsibilities Act* and [s. 283](#): 'Excessive force' of the Criminal Code.

Police officers and watchhouse officers should also consider the following factors when selecting a 'use of force' option:

- (i) the physical attributes of the person concerned as opposed to the police officer or watchhouse officer;
- (ii) the circumstances and location of the incident;
- (iii) the possibility that the police officer or watchhouse officer may be required to increase or decrease the initial 'use of force' option as the situation changes;
- (iv) the possibility of injury to the police officer or watchhouse officer;
- (v) the possibility of injury to the person concerned;
- (vi) the possibility of injury to other persons;
- (vii) in the case of police officers, the requirement to act quickly and professionally (having made the decision to make an arrest) to prevent an escalation of an incident; and
- (viii) the requirement for decisions made by police officers and watchhouse officers to satisfy the 'SELF Test' (see the 'SELF Test' decision making model on the QPS Bulletin Board).

There is a danger of causing injury or death to a person by the application of some 'use of force' options. Therefore, police officers and watchhouse officers should exercise due care at all times when using any of these options.

ATTACHMENT 3 – READING LIST²

ACPR *see*, Australasian Centre for Policing Research

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² Limitations specific to each document will exist and the reader should therefore familiarise themselves with each document before placing any weight on any particular statement, finding, conclusion or recommendation. The Review noted that some material was developed by Taser International or persons with an association with Taser International. For example, Dr Jeffrey Ho, an emergency medicine physician, academic/medical researcher is also a consultant to and a personal shareholder of Taser International.

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