



Western Australia Police

Research report prepared for the Corporate Executive Team
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Post Implementation Review of Taser

Professional Development Portfolio

Project team

The Project team was led by Inspector Steve Bradley and included:

- Ms Liz Day
- Senior Sergeant David Hooper
- Senior Sergeant Dave Whitnell
- Sergeant Barbara Brown.

The Project team wish to acknowledge those people who provided assistance and contributed to the Review.

Executive Summary

In late 2009 the Western Australia Police's Corporate Executive Team instigated a review of Taser in the Western Australia Police. The '*Post Implementation Review of Taser*' (the Review) was to examine, analyse and assess the Taser International Inc. Taser X26 electronic control device (Taser) for effectiveness, efficiency and currency.

The Review was guided by the Terms of Reference and examined Taser in the following seven areas:

1. Taser use in the WA Police^{1 2}
2. Training in the use of Taser
3. Effectiveness and risks of Taser as a Use-of-Force option
4. Adequacy of accountable controls and processes in the use of Taser
5. Judicial requirements relative to Taser use
6. Management of Taser data
7. Management of Taser assets.

To ensure the Review methodology was robust and objective, Inspector Andrew Gray, employed by the United Kingdom National Policing Improvement Agency (NPIA), was contracted to provide independent recommendations relative to WA Police use and management of Taser ('Gray Report', Appendix 1).

Inspector Gray's report found the review methodology adopted by the WA Police Review team followed similar processes to those used by the NPIA in licensing United Kingdom Police Firearms and Less Lethal Weapons training and evaluation. Importantly, the report confirmed that the approach undertaken by the Review team was fair, reliable and ethical, covering the areas the NPIA would have considered appropriate for a full review of this nature.

The WA Police Review is divided into four sub-reports, focussing on:

1. Training and operational deployment of Taser.
2. Corporate reporting and Use-of-Force reporting for Taser.
3. Taser Data Management and governance.
4. Taser asset and consumable management.

¹ The Review was not tasked to examine, consider or determine the medical facts surrounding Taser

² WA Police Use-of-Force surrounding Taser was examined through a dip sample of reports and analysis of a number of specific incidents.

Key Findings

Taser use in the Western Australia Police

The Review determined that Taser should only be used where there is an expectation its use is reasonable, appropriate and proportionate to the attendant circumstances, and will prevent injury to any person.

After care

While some guidance was provided in existing policy relating to care to be provided to a subject after application of Taser, it was found this guidance was limited. The current policy needs to be improved to provide greater consistency around the treatment options relating to medical and health issues.

Officers' judgement

The critical judgement in an operational environment is for officers to consider the tactical option most appropriate in each circumstance. A police officer has a tool kit of force options from which to choose in any particular situation; choosing the correct tool is the most important choice. The reality for operational police officers is they will almost always have limited opportunity, often in a pressure situation, to choose the correct tool. Determining the appropriate response depends on the following considerations:

- The officer's skills
- The officer's experience
- Information and intelligence
- Threat assessment, and
- The policies and legislative considerations.

In an effort to enhance this decision-making process, the Review team examined the United Kingdom's Conflict Management Model. This model provides a progressive framework for operational decision-making from immediate action through to reporting. The Review identified these steps were inadequately defined within the WA Police Situational Tactical Options Model, or elsewhere in training or policy documents.

However, the Review team found WA Police Officers' observations of a subject's 'intent', 'means', 'ability', 'opportunity', and the officers' personal 'perception' and 'preclusion', were consistent with the United Kingdom's Conflict Management Model of 'Information Intelligence' and 'Threat

Assessment¹. As such, it is recommended that the WA Police Situational Tactical Options Model, incorporate:

- Information and intelligence
- Appreciation (risk and threat)
- Powers and policies
- Selection of force options
- Action, and
- Reassessment.

By adopting this change, the Review anticipates the benefits to WA Police will include consistency of reporting, analysis and evaluation of the Use-of-Force.

Taser application 2007-2009

Specific incidents of Taser use have arisen over time, whereby the application of Taser in the field has been subject to investigation³. Within these investigations the application of policy and training have been considered by WA Police and resulted in a process of ongoing improvement to policy and training. Aside from these specific incidents, it is notable that between 2007 and 2009, WA Police Officers' application of Taser has been, in general, in line with training and policy⁴.

For the purpose of the Review, Taser application was categorised in two tiers:

1. **Use** – the deployment of the projectile and in the drive-stun mode
2. **Control** – the visual display through obvious drawing of the Taser from its holster, the use of the red dot aiming laser light and the visual arcing of the electrodes.

Following the introduction of Taser in 2007, Taser use (in all modes) increased from 805 applications in 2007 to 1252 in 2008. In 2009, Taser use decreased 20% from 2008 levels to 1013 applications.

The Review found the deployment mode of Taser altered significantly during 2009. The use of Taser fell in both the projectile deployment mode (approximately 25%) and in the drive-stun mode (approximately 40%). However, the control application of Taser increased by approximately 30% during 2009.

³ Western Australia Police Risk Assessment Unit advises that between 2007/09 Taser has been used 3070 times. Complaints of Taser use have been received on 115 occasions, with six of those complaints being sustained (0.2% of all Taser use).

⁴ Taser use includes the discharge of the projectile, drive-stun, visual display through obvious drawing of the Taser from its holster, the use of the red dot aiming laser light, and the visual arcing of the Taser electrodes.

In 2009, Taser was the force option most widely used by WA Police officers⁵. Its use amounted to more than double the total of all other force options including (in order) firearm, OC spray, handcuffs, baton, canine and torch.

Injury resulting from Taser use

While there are many assertions made about the use of Taser and resulting injury, at the time of the writing of this report, no person has been officially recorded as having suffered any long term health issues relating from the use of a Taser in WA.

For example during the course of this Review, the Western Australia Deputy Coroner, Ms Evelyn Vicker, undertook an Inquest to examine the circumstances of the death of Mark Lewis Conway (Conway) at Fremantle, Western Australia on 14 August 2007 and published her Record of Investigation of Death on 22 April 2010⁶.

Conway was subjected to the application of Taser in the drive-stun mode during his arrest. A short time later the Deputy Coroner found that Conway was ‘...in an obviously distressed state’. Resuscitation was commenced and St John Ambulance transported Conway to the Fremantle Hospital. Doctors from the Emergency Department at Fremantle Hospital were advised Conway had been subjected to the application of Taser. He was shortly thereafter declared life extinct.

In making comments on the actions of the police, the Coroner noted ‘In all the circumstances confronting the police officer’s use of the Taser in drive-stun mode was reasonable in bringing the deceased under control enough to remove him from the roadway’. Further, the Coroner found Mr Conway’s death was a result of Acute Methylamphetamine Toxicity and not by the application of Taser.

Complaints

In 2008 there were 286 complaints lodged against police officers at the Police Complaints Administration Centre relating to all Use-of-Force. Of these complaints, Taser was rated third behind physical force and physical restraint. In 2009, physical force, physical restraint and use of handcuffs were all subject to more complaint than Taser use.

⁵ The reference to equipment does not include officers other tactical options such as empty hand tactics, physical presence, tactical communication, professional presence.

⁶ Record of Investigation of Death Ref No: 07/10 a/c Mark Lewis Conway.

Taser Cam

To provide additional oversight on the use of Taser, WA Police piloted the use of Taser Cam to provide visual recording of police officers deploying Taser.

The Review identified that Taser Cam, in a policing environment, cannot provide context of the attendant circumstances, particularly relating to the behaviour of the subject and the officers' actions leading to any application of force. The reasons for this are numerous and are described in detail in the Review Report 1. As a result, the introduction of Taser Cam for use in operational policing is not recommended.

Under reporting

Nationally and internationally, there are concerns of under-reporting in the use of force by police officers⁷. The Review was encouraged to note the WA Police Management Audit Unit conducted a number of audits of Use-of-Force during the latter half of 2009 and early 2010. While some under reporting was identified, there were sufficient Occurrence Book entries and Incident Reports to explain the variance, and as such, the auditors did not raise any significant concerns.

Training in the use of Taser by Western Australia Police

At any one time, approximately 85% of all operational officers are qualified in the carriage and use of Taser, up to and including the rank of the Commissioner.

The training delivered by WA Police is acknowledged by Taser International as being outstanding, exemplary and commendable and above the level of most other law enforcement agencies.

The *Gray Report* also acknowledged WA Police training as exceeding the manufacturer's minimum requirements and includes examples of innovation, development of handling skills, attitude, behaviour and judgement. The *Gray Report* also found that Western Australia and United Kingdom Police had independently developed officer training to the same level and time frames with similar content and emphasis.

The Review team found some issues of inaccuracy in Taser probe deployment. While it is not possible to provide a comprehensive account of all these occasions, a number of reasons are obvious, including the tactical situation and clothing worn by the subject. The Review team has

⁷ Restoring Public Confidence, Restricting the Use of Conducted Energy Weapons in British Columbia, Braidwood Commission on Conducted Energy Weapon Use (Braidwood), June 2009; Royal Canadian Mounted Police Use of the Conducted Energy Weapon, Interim Report, Commission for Public Complaints Against the Royal Canadian Mounted Police, December 2007; Royal Canadian Mounted Police Use of the Conducted Energy Weapon, Final Report, Commission for Public Complaints Against the Royal Canadian Mounted Police, June 2008; 'Less than Lethal?', The use of Stun Weapons in US Law Enforcement, Amnesty International, 2008; Office of Police Integrity, Victoria, Review of the Use of Force by and against Victorian Police, July 2009

recommended Operational Safety and Tactics Training Unit (OSTTU) provide additional training to officers for their accuracy drills.

During the Review it became apparent that there is a perception both internally and externally that officers may become over reliant on Taser to resolve an incident rather than using communication, presence and negotiation as their first resolution options. While this perception cannot be substantiated, it is recommended that Taser training must continue to have a strong emphasis on tactical communication. This emphasis will ensure communication; presence and negotiation will remain the three most utilised tactical options.

Western Australia Police needs to continue to develop new methods of ensuring tactical communication is practised as an integral part of Taser training.

Effectiveness and risks of Taser as a Use-of-Force option

As a measure of the effectiveness of Taser, operational police officers were invited by the Review team to participate in a questionnaire. Based on this research it is clear police officers are more confident in resolving violent situations when assisted by Taser. This assistance does not only refer to the actual deployment of the Taser, but also its visual deterrence factor.

This confidence is backed by anecdotal evidence supporting Taser as a highly effective force option in violent situations. When neuromuscular incapacitation is achieved, the subject is totally incapacitated for a short time, allowing for officers to physically take control of the subject.

There is also increasing anecdotal evidence which suggests that the red dot display on the person of a subject is an increasingly effective mode of use. It is likely that knowledge of Taser in the WA community has spread and subjects faced with officers armed with Taser are more likely to be aware of its effects.

It is further suggested that subjects are more likely to de-escalate their action(s) at the first opportunity Taser is displayed. This has led to less probe deployments by officers to resolve incidents. As knowledge of Taser grows, it is likely the trend of reduced deployments of probes will continue.

The application of the Taser in the drive-stun mode has almost halved over the review period, indicating officers do not consider this mode as effective as other modes of operation. From a WA Police perspective this is a positive result, which would indicate officers are less likely to be involved in physical conflicts where they have a Taser available to them.

Western Australia Police Taser training instructs officers in regard to drive-stun mode. Officers are advised drive-stun mode should only be applied with the cartridge engaged. This permits the officer to achieve neuromuscular incapacitation when the Taser is re-positioned on the subject's body.

The training instruction recommends officers not drive-stun with the cartridge removed, or without re-positioning as it is a less effective option and creates pain rather than neuromuscular incapacitation. Unless circumstances are such the use of drive-stun mode without the cartridge cannot be avoided, officers should only drive-stun with the cartridge engaged. The Review has recommended future policy incorporates this advice.

Adequacy of accountable controls and processes in the use of Taser

It was apparent to the Review, through analysis of Use-of-Force reports, interviews and questionnaires, that supervisors were applying rigour to the reporting process to ensure Use-of-Force reports were completed and submitted in a timely manner.

Through this same process, the Review identified that the priority relating to the supervision in the use of Taser, centred on the bureaucratic management of the Use-of-Force reports more so than the supervision of officers' actual actions.

There were instances where an officer's use of Taser was not being subjected to a satisfactory level of scrutiny by Supervisors. Instances of reported Taser use which did not comply with policy or training were, in some cases, not being identified, clarified or rectified at the frontline. Supervisors need to take a greater 'hands-on' approach to the leadership and supervision of Taser use and reporting aligned to the proposed revised Situational Tactical Options Model.

The Review also found governance around the use and carriage of Taser was less stringent than could be expected by regulatory bodies and the community. Improved protocols to audit the use and carriage of Taser have been recommended for adoption in this report.

The Management Audit Unit, through liaison with the Review team, has created a new Firearms and Equipment Register. This new version of the Register will require enhanced detail to be recorded, including the time of the Taser five-second serviceability spark test. Training directs officers to conduct a spark test each time they remove the Taser from a secure storage facility. Current policy is to be aligned to the requirements of the revised Register. The combination of the Register, policy and training will provide a more effective method of governance of Taser.

The Review examined Taser reports by regulatory bodies, oversight committees and agencies at a national and international level, comparing the recommendations (215) as they could apply to the Western Australia environment. Western Australia Police were consistent with 146 (68%) of the 215 recommendations.

The Review has made comment on, or recommended change to policy and/or procedures, to increase consistency in the non-aligned areas. Many of these non-aligned recommendations relate to corporate reporting, weapon classification and the proposed establishment of a strategic corporate oversight body.

Importantly, when compared to other law enforcement agencies, the guidelines and policies of WA Police are well developed. These guidelines place WA Police in a positive position, internationally and nationally. This assertion is supported by both Taser International and Inspector Andrew Gray.

Management of Taser data

The Review found there were limited and inconsistent guidelines surrounding the downloading and security of data held within the Taser. As such there have been a number of occasions where the time log of data saved to the Taser has been inadvertently corrupted and its accuracy, for judicial proceedings, brought into question. To that end, procedures need to be adopted to ensure all data is consistently downloaded and saved to a secure location. By adopting these procedures, WA Police's capacity to provide reliable and specific information for evidentiary and judicial processes will be increased.

The Review also found the process of downloading Taser data is inconsistent across WA Police and requires corrective action. Presently WA Police Taser Technicians undertake the download process. This is not the most efficient or timely method to achieve regular downloading of data. This situation could be resolved if officers in charge of business units were provided training and information technology to facilitate regular downloading of Taser data on issue to their business unit. Officers in charge should be responsible for regular and consistent downloading and secure storage of Taser data.

Management of Taser assets

The Review established that during the initial roll-out of Taser there was little scrutiny placed around the distribution of operational Taser cartridges. This matter was resolved by Operational Safety and Tactics Training Unit by developing and implementing a tracking system. Due to the

costs surrounding these items, the process of accounting for the cartridges requires closer governance.

Management Audit Unit and the Review are in agreement the current manual tracking system should remain until an electronic tracking method is developed. In addition, it is recommended the Asset Management Directorate commence negotiations with Taser International to overcome this labour intensive manual process.

Taser, as supplied by Taser International to WA Police carries a manufacturer's 12-month warranty and a four year out-of-warranty repair and maintenance contract.

The Review has identified a number of possible risks associated with retaining Tasers beyond the manufacturer's warranty and contract. These include:

- Taser reliability to operate correctly within manufacturer's specifications outside of the contract period
- liability for WA Police should a Taser, out of warranty, be found to have been operating outside manufacturer's specifications and be associated with injury or death
- occupational safety and health issues associated with using equipment not warranted to work
- identifying when a Taser is no longer safe or reliable.

The Review, when considering the above issues recommends WA Police:

- replace the Taser within the five year contract period; or
- contract out independent certification testing; or
- conduct certified electrical output testing internally.

Due to the complexity of this issue, the Review has not undertaken a detailed examination of these options. This is a significant task requiring substantial negotiation, analysis of cost effectiveness and logistical perspective, and is recommended to be undertaken in partnership between the Asset Management Directorate and Operational Safety and Tactics Training Unit.

Judicial requirements relative to Taser use

The Review sought advice from the State Solicitor's Office, Western Australia Coroner and the Magistrate's Court in respect to evidence surrounding Taser use.

The advice received is that there are no special or particular issues with Taser evidence being provided to the judicial process. That evidence, as with any other, will be examined by the Courts at the time it is presented to the court, or other body.

Strategic oversight of Taser

This Review has collected substantial evidence supporting Western Australia Police as being world class in training and policy on the use of Taser. However, Western Australia Police does not currently have a corporate Use-of-Force committee to provide coordinated support and advice for strategic decision-making related to Use-of-Force matters. This issue was also identified by Gray as a gap in the corporate oversight responsibility. To better manage these matters it is the recommendation of the Review that a corporate level committee be established (Recommendation 2.12).

It is suggested that the seven areas of review be subject to ongoing evaluation. By adopting a practice of continual improvement, WA Police will position itself as a 'benchmark' agency in respect to all aspects of Taser at national and international levels.

Contents

Project team	3
Executive Summary	4
Contents	14
List of figures	17
List of tables	17
List of charts	18
Glossary	19
Recommendations	21
Introduction	27
Review scope	29
Background	29
Literature review	31
Methodology	36
Oversight and regulatory bodies	43
Review outcomes	45
Report 1: Training and operational deployment of Taser	47
Introduction	47
1.1 Situational Tactical Options Model	47
Current practice	48
Future	51
1.2: Current Taser deployment policy	54
Background	54
Research	56
Use of Taser	57
Responsibilities	62
Training policy	63
Carriage	64
Warning prior to use	64
Aftercare	64
Safety	66
Security	67
Use of Taser – requirements to report	67
Taser Technicians	68
Post-incident procedures	68
Cartridge management	70
Other Use-of-Force option policies	72
1.3: Training	72
Current	72
Observation of training	73
Review of Taser use for training purposes	75
Interviews	76
Review of other law enforcement jurisdiction Taser training manuals	77
Future	78

1.4: Effectiveness	79
Group interviews of operational officers	79
Survey of operational officers	80
WA Police Taser effectiveness statistics	82
Future	84
1.5: Supervision of Taser deployment	84
Group interviews of supervisors	84
Survey on supervision	85
District/Divisional Officers	86
Review of Use-of-Force report supervision	87
1.6: Taser Cam	88
Review of the Taser Cam Trial conducted by Western Australia Police	88
Review of Taser Cam use in other jurisdictions	91
Review of Taser Cam evaluation by British Home Office Scientific Development Branch	92
Consultation with WA Police Occupational Safety and Health Branch	93
1.7: Western Australia Police Union	94
1.8: Media reporting of Taser use	94
Report 2: Corporate reporting and Use-of-Force reporting for Taser	96
Introduction	96
2.1: Use-of-Force reports	96
History of Use-of-Force reporting	96
Current processes	98
Standard Use-of-Force report form	100
Use-of-Force report guidelines and case studies	102
2.2: Supervision of Use-of-Force reports	106
Officer survey and interviews	106
Dip sample analysis of Use-of-Force reports	107
Gaps in reporting (Supervisor identification)	109
Training in Use-of-Force reporting requirements for Supervisors	110
2.3 Roles and responsibilities in Use-of-Force reporting	111
Improving reporting roles and responsibilities	112
Use-of-Force Coordinator and Use-of-Force Analyst	112
Authority to temporarily suspend and revoke qualification	112
Current roles, responsibilities and gaps	112
2.4: Improving Taser reporting	114
Reporting forms	118
<i>Blue Team</i> Use-of-Force report form	118
Positives	120
Negatives	120
Key findings	121
2.2: Use-of-Force statistics 2007-2009	121
Taser use in comparison with other Use-of-Force options	122
Use of Taser	123
Taser use by districts	124
Taser use on adults	125

Taser-associated risk factors _____	126
Reasons for attendance _____	127
2.3: Corporate reporting _____	128
Use-of-Force and corporate reporting _____	129
Development of a standardised Corporate Reporting framework _____	130
Proposed corporate reporting _____	131
Freedom of Information requests _____	133
Report 3: Taser data management and governance _____	137
3.1: Taser Data Port Downloads _____	137
Background _____	137
Current Taser Data Port Download practice _____	138
Retention schedule _____	143
3.2: Governance _____	144
Background _____	144
BAMR audits conducted by Management Audit Unit _____	144
Future _____	145
3.3: Taser Technicians _____	145
Taser Technicians policy and procedures _____	146
Report 4: Taser asset and consumable management _____	149
4.1: Background _____	149
4.2: Taser Asset management _____	149
4.3: Taser Replacement Program _____	150
4.4: Taser-certified testing _____	150
4.5: Availability of independent certification testing within Western Australia _____	151
4.6: Ability of Western Australia Police to certify Tasers. _____	151
Replacing Tasers out of warranty _____	153
4.7: Future warranty coverage _____	153
4.8: Consumable management _____	153
Bibliography _____	156
Appendix 1: Gray Report _____	160
Appendix 2: Recommended changes to Western Australia Police policy _____	181
Appendix 3: Comparison of other jurisdictional review recommendations _____	181
Appendix 4: Organisational Risk Plan _____	181
Appendix 5: Case studies of WA Police Use-of-Force incidents _____	181

List of figures

Figure 1: The strategic importance of the Situational Tactical Options Model over operational policing _____	48
Figure 2: WA Police version of the general structure of a Situational Tactical Options Model _____	50
Figure 3: Association of Chief Police Officers 'Conflict Management Model' as presented in the X26 Taser User Course, January 2009 PPT revision _____	52
Figure 4: Western Australia Police Manual policy FR-1.6.4 Use of Taser _____	58
Figure 5: Proposed Western Australia Police Manual policy FR-1.6.1 Use of Taser _____	62
Figure 6: Photograph displaying Taser X26 with spare cartridge attached (left) and spare cartridge and Taser Cam (right) _____	88
Figure 7 Standard Use-of-Force Incident Report Form Flowchart _____	111
Figure 8: Proposed Business Intelligence Portal (in relation to Use-of-Force) _____	130

List of tables

Table 1: Glossary of terms _____	19
Table 2: Suggestions of the steps to be considered for inclusion in any future development of a Situational Tactical Options Model _____	53
Table 3: Review of national and international policing jurisdictions Taser policy _____	57
Table 4: Taser Deployment Risk Considerations Comparison with WA Police Policy _____	60
Table 5: Responses to tactical options _____	82
Table 6: Interview responses from District/Divisional Offices _____	86
Table 7: Information captured through the Taser Use-of-Force form _____	98
Table 8: Current interpretation of Taser use in the various modes of operation _____	99
Table 9: Case study 1 - A good example of a current Standard Use-of-Force report form _____	102
Table 10: Case study 2 - A poor example of a current Standard Use-of-Force report form _____	103
Table 11: Case study 3 – Content of Case study 1 re-formatted into the proposed Situational Tactical Options Model reporting format _____	105
Table 12: Dip Sample of Use-of-Force Reports, Taser use _____	108
Table 13: Current roles, responsibilities and gaps identified in Use-of-Force reporting _____	113
Table 14: Proposed two-tiered Taser Use-of-Force reporting protocol _____	116
Table 15: Proposed Risk Assessment Unit Taser reporting format _____	117
Table 16: Taser use by district/portfolio _____	125
Table 17: Comparison of WA Police Use-of-Force with WA Police and United Kingdom Police Use of Taser _____	126
Table 18: Percentage of adults subjected to Taser by ethnicity and gender _____	126
Table 19: Existing reporting outputs from Use-of-Force reports _____	129
Table 20: Options for the future management, storage, security and retrieval of Taser Data Port Download information _____	141
Table 21: Forecast of minimum Taser Data Port Download requirements _____	147
Table 22: Breakdown of the number of Tasers, warranty/contract expiry date _____	150
Table 23: Taser consumables as at December 2009 _____	154

List of charts

Chart 1: Risk Assessment Unit statistical chart of Taser effectiveness for period 2007 – 2009	83
Chart 2: Use-of-Force by type 2007 – 2009	122
Chart 3: Taser Mode Use 2007 – 2009	123

Glossary

Table 1: Glossary of terms

Term	Definition
ACPO	Association of Chief Police Officers United Kingdom.
AFIDS	Anti Felon Identification Discs. These discs are contained within the Taser cartridge and release upon cartridge deployment; they indicate the length of the cartridge wires, the year of manufacture and the cartridge serial number.
Arcing	Sparking a Taser with the cartridge removed.
ASR	Aerosol Subject Restraint. Otherwise known as OC spray and classed as an artificial incapacitation device.
ANZPAA	Australia and New Zealand Policing Advisory Agency.
Baton	An impact weapon for law enforcement.
Blue Team form	Electronic Use-of-Force Reporting form trialled in Central and South East Metropolitan Districts.
Breon	Breon Enterprises Pty Ltd Australian distributor of Taser and consumables.
Brown Out	A brownout is a temporary interruption of power service in which the electric power is reduced rather than being cut as is the case with a blackout. Lights may flicker and dim during a brownout, and the event also often wreaks havoc with electrical appliances such as computers.
CED	Conducted energy device – also referred to as Taser X26, CEW, ECD, EID.
CET	Corporate Executive Team, WA Police is comprised of the Commissioner, Deputy Commissioner and Executive Director.
CEW	Conducted energy weapon – An electrical device (weapon) that discharges a high voltage-low amperage current that causes extreme pain and/or neuromuscular incapacitation. Refer also to CED, ECD, EID.
Commissioner	The Commissioner of WA Police.
Compliance	The act of conforming, acquiescing, or yielding. Cooperation, obedience (with a lawful instruction).
Control	To exercise restraint or direction over; dominate; command.
CS1	First stage of WA Police annual critical skills requalification training, incorporating live-fire Glock pistol training, handcuffing, baton, OC spray, tactical communications.
CS2	Second stage of WA Police annual critical skills requalification training, incorporating Taser, contemporary issues, Interactive Tactical Training Simulator.
Cycle	Automatic five-second cycle delivered by the Taser in a single trigger application.
Display	Taser drawn and no other action taken.
DOMILL	Defence Scientific Advisory Council (DSAC) Sub Committee on the Medical Implications of Less Lethal Weapons.
Drive Stun	Using the Taser with the cartridge attached in direct contact to the body of the subject with a follow up contact on the subjects body to create neuromuscular incapacitation. Drive Stun is prohibited by WAPol with the cartridge removed.
Draw	Removal of Taser from the approved holster as a warning to a subject.
DSAC	Defence Scientific Advisory Council United Kingdom.
ECD	Electronic Control Device – refer also to CED, CEW, EID.

Term	Definition
EID	Electrical Incapacitation Device – refer also to CED, CEW, ECD.
Excited delirium	A controversial term used to describe a person who is highly agitated and often under the influence of stimulants/drugs or suffering from a mental condition. Also known as ED and/or excited delirium syndrome (EDS).
Gray	Inspector Andrew Gray, Independent Reviewer, National Policing Improvement Agency, United Kingdom.
Gray report	Report submitted by Inspector Andrew Gray, Independent Reviewer, National Policing Improvement Agency, United Kingdom. Appendix 1.
Metropolitan Region	Seven districts comprising Central Metropolitan District, Northwest Metropolitan District, West Metropolitan District, South East Metropolitan District, South Metropolitan District, East Metropolitan District, Peel District.
Mission or Policy creep	A gradual shift or creep in the use of a force option outside of approved policy.
Neuromuscular incapacitation	The loss of muscle control caused by involuntary stimulation of the sensory and motor nerves.
NPIA	National Policing Improvement Agency United Kingdom.
OC spray	Oleoresin Capsicum Spray; also known as pepper spray.
Ombudsman (WA)	Parliamentary Ombudsman of Western Australia.
Ombudsman (NSW)	Parliamentary Ombudsman of New South Wales.
OPI	Office of Police Integrity, Victoria.
OSH	Occupational Safety & Health.
OSTTU	Western Australia Police Operational Safety & Tactics Training Unit.
Probe mode / contact	The application of electrical current through two 'hook like' probes that are fired from a conducted energy weapon such as the TASER X26.
RCMP	Royal Canadian Mounted Police.
Red Dot control	Use of the red light laser targeting system integrated within the Taser X26 ECD to control a subject's behaviour.
RMIS	Western Australia Police Resource Management Information System
RWA	Seven Regional Western Australia Policing Districts outside of the Metropolitan Region comprising Goldfields Esperance District, Great Southern District, Kimberley District, Midwest Gascoyne District, Pilbara District, South West District, Wheatbelt District.
Serviceability	Five-second spark test at commencement of shift prior to departing office to ensure Taser is operational.
Standard form	Western Australia Police Standard current Outlook based Use-of-Force Reporting form.
TRG	Western Australia Police Tactical Response Group.
TADIS	Western Australia Police Tasking and Data Information System.
Taser	Brand name for Taser International, Taser® X26 model conducted energy device. Commonly used to refer to a conducted energy weapon.
Taser assets	Refers to the Taser and Taser consumables.
Taser consumables	Refers to the operational cartridges, simulation cartridges, XDPM batteries and Bladetech holsters.
UoF	Use-of-Force.
USB	Universal Serial Bus.
WA	Western Australia.
WA Police	Western Australia Police.
WAPU	Western Australia Police Union of Workers.
XDPM	Taser International Extended Digital Power Magazine for Taser X26.

Recommendations

Review Outcomes

Recommendation 1: Implementation evaluation

Conduct an evaluation of the implementation of this Review in the future and benchmark Western Australia Police in respect to all aspects of Taser at national and international levels.

Report 1: Training and operational deployment of Taser

Recommendation 1.1: Situational Tactical Options Model

- 1.1.1 Operational Safety and Tactics Training Unit and Tactical Response Group liaise to create a Situational Tactical Options Model to incorporate:
- Information and intelligence
 - Appreciation (risk and threat)
 - Powers and policies
 - Selection of force options
 - Action and reassessment.
- 1.1.2 All WA Police Manual Use-of-Force policies, training and guidelines to include reference to the revised Situational Tactical Options Model.
- 1.1.3 Introduce the revised Situational Tactical Options Model into Critical Skills Training (CS1 and CS2).
- 1.1.4 Communicate the revised Situational Tactical Options Model to all WA Police officers via broadcast and dissemination of display charts to all police stations and operational units.
- 1.1.5 Present the revised Situational Tactical Options Model to the Australia and New Zealand Policing Advisory Agency and all member agencies, for consideration of inclusion in the National Guidelines.

Recommendation 1.2: Use of Taser policy

Current WA Police Manual policy relating to Use of Taser is replaced with draft policy FR-1.6.1 - Use of Taser, to incorporate Taser associated risk considerations and the revised Situational Tactical Options Model. Refer Appendix 2.

Recommendation 1.3: Taser responsibilities policy

- 1.3.1 Current WA Police Manual policy relating to the responsibilities of Taser is revised to include reference to new Firearm and Equipment Register (developed by Management Audit Unit - Refer Appendix 2) to record the following information when booking out a Taser for governance purposes:
- Taser serial number
 - Taser cartridge serial number
 - Spark test time (as in the time of the test, not duration)
 - For the operator to indicate if a Use-of-Force form has been submitted following deployment.
- 1.3.2 Current WA Police Manual policy relating to reporting Use-of-Force is revised to clearly articulate roles and responsibilities of those involved in the Use-of-Force reporting process (officers, supervisors, District Officers, District Training Officers, Risk Assessment Unit and Operational Safety and Tactics Training Unit).

Recommendation 1.4: Taser Aftercare

- 1.4.1 Introduction of a Taser Aftercare Kit to WA Police, to include:
- Security Movement Envelope
 - Protective Gloves
 - Sharps Container
 - Alcohol Swabs
 - Adhesive plaster.
- 1.4.2 Current WA Police Manual policy relating to Aftercare be revised to include additional direction around medical care for subjects who are or appear to be:

Report 1: Training and operational deployment of Taser

- Suffering a significant unprotected blow to the head
- Affected by excited delirium
- Subject to positional asphyxia
- Suffering a heart condition
- Subject to mental illness
- Pregnant
- Elderly.

Recommendation 1.5: Post incident procedures

Operational Safety and Tactics Training Unit in consultation with the Detective Training School and Forensic Division develop post incident policy and procedures for gathering and security of Taser related evidence, including the importance of not wrapping the wires, collecting a sample of Anti Felon Identification Discs and, where possible, photographic evidence of the scene.

Recommendation 1.6: Evidentiary value of cartridges

Current WA Police Manual policy relating to cartridges be revised to direct that the used cartridge, probes and wires are:

- Placed inside an appropriate sharps container
- Placed into a WA Police P11A security movement envelope
- Retained for 12 months for evidentiary purposes and
- Any movement of it tracked on the incident management system against the incident number.

Recommendation 1.7: Taser training medical issues

Classroom based Taser training be revised to incorporate reference to WA Police policy relating to the application of Taser to people apparently suffering from mental illness or excited delirium and the treatment thereof.

Recommendation 1.8: Interactive Tactical Training Simulator

Operational Safety and Tactics Training Unit introduce the revised Situational Tactical Options Model into the instructor's debrief during Interactive Tactical Training Simulator training sessions to ensure consistency across policy, reporting and training.

Recommendation 1.9: Overcoming fear of accidental shock

Research is conducted by Operational Safety and Tactics Training Unit to identify a method of exposing trainees to a subject (dummy) suffering the electrical effects of the application of Taser to reduce the fear of accidental shock and encourage trainees to move in to secure subject taking advantage of the five second window of opportunity.

Recommendation 1.10: Accuracy training

- 1.10.1 Operational Safety and Tactics Training Unit develop an Interactive Tactical Training Simulator scenario specifically designed to provide Taser accuracy training during delivery of the Critical Skills 2 module.
- 1.10.2 If the Interactive Tactical Training Simulator training is found not to improve accuracy in operational deployment of probes, consideration be given to alternative training options such as increasing the number of cartridge deployments during Critical Skills 2 training.
- 1.10.3 The number of single probe or missed deployment statistics be reviewed 12 months after introduction of Interactive Tactical Training Simulator accuracy training to assess the results.

Recommendation 1.11: Consistency of Interactive Tactical Training Simulator

Interactive Tactical Training Simulator should be made available to all satellite trainers in Regional Western Australia as is corporately practicable, to ensure consistency in critical skills training delivery, inclusive of tactical communications.

Recommendation 1.12: Substantive equality

Operational Safety and Tactics Training Unit utilise the services of the WA Police Substantive Equality Coordinator when drafting new Use-of-Force policies and training, to ensure issues of Substantive Equality are considered.

Recommendation 1.13: Drive-stun

- 1.13.1 Western Australia Police Taser policy and training is modified to emphasise the reduced effectiveness of drive stun, if the Taser is not re applied to achieve neuromuscular incapacitation.

Report 1: Training and operational deployment of Taser

1.13.2 Statistics relating to the Taser effectiveness and mode of use trends be included in the knowledge session of Critical Skills 2 training.

Recommendation 1.14: Supervision of Taser use

1.14.1 Current WA Police Manual policy relating to reporting Use-of-Force be revised to include reference to the role of supervisors after incidents involving the use of Taser, inclusive of management of post incident procedures and the requirement for supervisors to take action if, and when, the use of Taser is identified as being outside policy or training.

1.14.2 Western Australia Police Critical Skills 2 training knowledge session be revised to include specific advice to ensure all officers are aware of the requirements surrounding supervision of use.

Recommendation 1.15: Taser Cam

Taser Cam not be purchased for operational use due to its inability to fully and accurately record justification of Taser use, actions of the subject and police officers during an incident.

Recommendation 1.16: Taser and the media

Procedures are created and developed to ensure Media and Public Affairs Directorate has timely and accurate information relative to Taser, along with clear processes identifying how the information will be provided and released.

Report 2: Corporate reporting and Use-of-Force reporting for Taser**Recommendation 2.1: Use-of-Force Reporting Guidelines**

2.1.1 Operational Safety and Tactics Training Unit revise the Use-of-Force Reporting Guidelines manual to include all Use-of-Force reporting recommendations and the revised Situational Tactical Options Model.

2.1.2 The Use-of-Force Reporting Guidelines, produced by Operational Safety and Tactics Training Unit, be made available on the WA Police Intranet site and the WA Police Blackboard education portal.

Recommendation 2.2: Reporting requirements aligned to the revised Situational Tactical Options Model

Risk Assessment Unit and Operational Safety and Tactics Training Unit develop changes to the Standard Use-of-Force form to meet corporate reporting requirements:

- Aligned to the revised Situational Tactical Options Model reporting process as demonstrated in Case Study 3 (p.105)
- To include an 'effectiveness' recording field.

Recommendation 2.3: Supervisor Use-of-Force responsibilities

2.3.1 As per Review recommended policy, supervisors are required to assess the circumstances surrounding the Use-of-Force of officers, provided in Use-of-Force reports and determine what further inquiries or responses are required (Recommendation 1.3.2)

2.3.2 Officers and supervisors fulfil the requirement to only use current version of the Standard Use-of-Force form.

Recommendation 2.4: Firearm and Taser Register

Firearm and Taser Register developed by Management Audit Unit be distributed agency wide and inserted into Taser policy to assist with the governance of use of Taser and align to Use-of-Force reporting.

Recommendation 2.5: Use-of-Force Report training

Use-of-Force report training, based on the revised Situational Tactical Options Model, be introduced into:

- The Contemporary Issues component of Critical Skills 1 annual re-qualification
- Supervisor training in UoF reporting, be incorporated into the Advanced Supervision Course.

Recommendation 2.6: Use-of-Force Coordinator and Analyst

2.6.1 Western Australia Police allocate resources to Operational Safety and Tactics Training Unit for a Use-of-Force Coordinator position with subject matter expertise to undertake the function of quality assurance of Use-of-Force reporting and preparation of reports for WA Police to Ministerial inquiries, corporate reporting, media inquiries and the like.

2.6.2 Western Australia Police allocate resources to Operational Safety and Tactics Training Unit for an Analyst to undertake the function of data analysis to inform WA Police on trends of use, training effectiveness and training improvements, in meeting the needs of the WA Police and the operational policing environment.

Report 2: Corporate reporting and Use-of-Force reporting for Taser

Recommendation 2.7: Body part descriptors

The WA Police Standard Use-of-Force form be amended to include body part descriptors as in the United Kingdom Taser Deployment form.

Recommendation 2.8: Two tiered reporting use of Taser

2.8.1 A two-tiered level of reporting for Taser use is developed by Risk Assessment Unit and Operational Safety and Tactics Training Unit:

1. **Control**
short report (one page) for display only, red dot, arc display and unauthorised discharge.
2. **Use**
full report for projectile and drive stun.

2.8.2 Western Australia Police Manual Taser Policy is revised to include definitions of Taser Use and Taser Control for reporting purposes.

Recommendation 2.9: Use-of-Force reporting forms

2.9.1 Risk Assessment Unit withdraw the *Blue Team* Use-of-Force form.

2.9.2 Risk Assessment Unit direct all operational officers within the pilot districts to submit Use-of-Force reports on the Standard Use-of-Force form on Outlook.

2.9.3 Risk Assessment Unit and Operational Safety and Tactics Training Unit enter into discussions with the product owners of *Blue Team* to develop changes to the *Blue Team* Use-of-Force report form to meet corporate reporting requirements and the proposed Situational Tactical Options Model reporting process.

Recommendation 2.10: Use-of-Force reporting responsibilities

The WA Police Manual relating to Use-of-Force reporting is amended to clarify the reasons and owner areas for collection and analysis of Use-of-Force information to:

- Operational Safety and Tactics Training Unit have responsibility to identify training needs for operational safety purposes, and monitor trends in the effectiveness of operational training, tactics, procedures and equipment.
- Risk Assessment Unit have responsibility to ensure appropriate behaviour in the best interests of the public and operational police. Risk Assessment Unit use the information to profile officer's behaviour.
- Business Intelligence Office have responsibility for provision of corporate statistical information on Use-of-Force and is the focal point for the provision of WA Police Use-of-Force statistics for Parliament, media, research bodies, the general public and frontline managers.

Recommendation 2.11: Standardised corporate reports

Operational Safety and Tactics Training Unit, Risk Assessment Unit and Business Intelligence Office develop standardised corporate reports in context to be used for Use-of-Force trend analysis and reporting to Senior Executive, police districts and externally.

Recommendation 2.12: Corporate Use-of-Force Committee

A strategic committee is formed to provide an over-arching focal point for Use-of-Force equipment, training and use thereby providing and directing:

- Oversight of corporate reporting
- Use of taser statistics reporting
- Application in the field
- Training and technical updates
- Ongoing financial costs
- Developments in taser technology
- Medical and equipment research

chaired by, or reporting to, the Deputy Commissioner or Executive Director.

Recommendation 2.13: Freedom of Information

Create new organisational policy regarding protocols for information release relevant to Taser:

FR-1.6.14 Requests for Information Relating to Use of Taser.

It is the policy of the Western Australia Police (WAPOL) to make information relative to Taser use and associated data available as requested within the spirit of, and subject to, Freedom of Information legislative protocols.

Report 3: Taser data management and governance

Recommendation 3.1: Taser Data Port Download process

- 3.1.1 Frequency of Taser Data Port Downloads is to be three monthly as a minimum, linked to the Business Area Management Review process and reflected in WA Police Manual FR-1.6.12.
- 3.1.2 Officers in Charge to undertake the role of conducting the regular Taser Data Port Download.
- 3.1.3 Western Australia Police continue to maintain a contemporary team of Taser Technicians to ensure continuity of business and capacity building.

Recommendation 3.2: Taser clock synchronisation

A clock synchronisation is undertaken every time a Taser Data Port Download is conducted to prevent time drift occurring.

Recommendation 3.3: Taser Data Port Download file path procedures

Operational Safety and Tactics Training Unit further develop Taser Data Port Download procedures to ensure all Taser Technicians and Officers in Charge follow the same file path when saving Taser Data Port Downloads to a computer.

Recommendation 3.4: Taser Data Port Download storage solutions

The Business Improvement Office, Corporate Programs and Development, is tasked to develop a Business Case on the most cost effective and efficient system to store, secure and retrieve Taser Data Port Downloads. Interim options are:

- Short term – store the data on the Officer in Charge secure drive
- Mid term – utilise the records management system, Objective
- Long term – link the Statistical Analysis System to Objective to retrieve data relating to the Taser Data Port Download.

Recommendation 3.5: Taser Data Downloads by Officers in Charge

- 3.5.1 Taser Data Port Downloads for the purpose of Business Area Management Review audits be conducted by station/business unit Officers in Charge to reduce Taser Technicians requirements to travel large distances across districts.
- 3.5.2 Taser Data Port Download USB kits are purchased and distributed to Officers in Charge of all business units issued Tasers.
- 3.5.3 Taser X26 Data Port Download software program be installed on the Officers in Charge /Managers computer at each station or business unit within WA Police, as well as any laptop or computer utilised by a Taser Technician.
- 3.5.4 Western Australia Police Manual be revised to include guidelines around the training of Officers in Charge for governance downloads.
- 3.5.5 Train Officers in Charge via a *Blackboard* information session to conduct Taser Data Port Downloads only, with the pre-requisite that they are a qualified Taser user.

Recommendation 3.6: Taser Data Port Download retention

- 3.6.1 Taser Data Port Downloads be retained by WA Police for a period of four years.
- 3.6.2 Develop and implement Police Manual policy which reflects this retention schedule with in conjunction with the Records Management Centre.

Recommendation 3.7: Recording of Taser deployment in Occurrence Book

Delete the requirement to record deployment of Taser in Occurrence Book from Taser policy.

Recommendation 3.8: Governance and auditing

District governance officers, Business Area Management Review officers and Management Audit Unit regularly conduct random dip samples of Taser Data Port Downloads. Data should be analysed against existing reporting and recording structures, such as Use-of-Force report forms, station Firearm and Equipment Registers and the Incident Management System.

The dip sample be specific to a manageable date range.

Recommendation 3.9: Taser Technicians

- 3.9.1 Increase the number of trained Taser Technicians within WA Police by scheduling and funding the WA Police Senior Master Taser Technician to deliver Taser Technician courses in all Metropolitan and Regional WA districts.

Report 3: Taser data management and governance

- 3.9.2 A certification process be implemented incorporating the need for the Taser Technician to remain contemporary and current in re-certification on an annual basis. The Taser Technician must be able to demonstrate competency in the analysis and reporting of Taser Data Port Downloads.
- 3.9.3 A WA Police Taser Technicians course be implemented by Operational Safety and Tactics Training Unit, independent of the restrictions of Taser International. The course to be developed by the WA Police Senior Master Taser Technician, in consultation with the Officer in Charge, Operational Safety and Tactics Training Unit, and approved by the WA Police Academy Training Management Review Group. This course should include:
- Taser Data Port Download procedures and policies
 - XDPM changes
 - Fault diagnosis
 - Interpretation of Taser Data Port Download.
- 3.9.4 A standardised Taser Data Port Download report be formulated and utilised by all Taser Technicians for court or investigation report purposes.
- 3.9.5 Implement new policy for the guidance of Taser Technicians within WA Police.

Report 4: Taser asset and consumable management

Recommendation 4.1: Taser Certified Testing

- 4.1.1 Operational Safety and Tactics Training Unit and the Asset Management Directorate investigate the options for lengthening the certified life span of Taser, including identifying certification testing options (similar to Traffic Technical Unit).
- 4.1.2 Western Australia Police to make a corporate decision based on cost to replace existing Taser's after five years or take up a certification testing option.

Recommendation 4.2: Cartridge Distribution, Audit and Governance

- 4.2.1 Operational Safety and Tactics Training Unit modify the current Excel spreadsheet recording system to provide greater tracking of operational cartridges in the field. This will provide an accountable process to complete the audit cycle of purchase, distribution, use and write-off.
- 4.2.2 Operational Safety and Tactics Training Unit continue the current practice of utilising an Excel spreadsheet to manage the movement of simulation cartridges and XDPM.
- 4.2.3 Asset Systems Branch provide OSTTU with advice, costing and implementation timeframe on an RMIS solution to provide accountable management of the Taser consumables (operational cartridge).
- 4.2.4 Should an RMIS solution not be available, Corporate Programs and Development be engaged to advise on an alternative systems based solution.
- 4.2.5 Taser policy and guidelines are amended to incorporate the Management Audit Unit developed register for state-wide use.

Introduction

In undertaking this Review, the objective of the Western Australia Police Corporate Executive Team (CET) was to maintain the confidence of the community of Western Australia by demonstrating that accountable practices exist within the organisation, and that controls in place, relative to the use of Taser, are best practice.

Community safety

The WA Police mission is to *enhance the quality of life and wellbeing of all people in WA by contributing to making our State a safe and secure place*. In so doing, WA Police have four primary police outcomes to achieve:

1. Lawful behaviour and community safety
2. Offenders apprehended and dealt with in accordance with the law
3. Lawful road-user behaviour
4. A safer and more secure community.

To achieve these outcomes, WA Police adopted the Frontline First philosophy to improve performance and increase police presence on the streets. This philosophy has been used effectively, with noticeable reductions in volume crime reports and an increased confidence in the performance of police within the community.

The *Report on Government Services (2007)*, released by the Council of Australian Governments (COAG), showed almost 92 per cent of the WA population feel 'safe' or 'very safe' when at home alone during the day, and 81 per cent feel 'safe' or 'very safe' when at home alone after dark. The report also showed public satisfaction with the WA Police had risen 11 percentage points to 73.8 per cent – a relative increase of 18 per cent.

During 2007 a number of officers were assaulted and badly injured, as reported in the WA Police 2008 Annual Report, for the 2007/08 financial year. The Commissioner of Police, Dr Karl O'Callaghan (the Commissioner) was appalled at the frequency of these assaults and the extent of the injuries received by some officers.

Working closely with the State Government, the Commissioner made improvements to the equipment available to WA Police officers. In the first half of 2007, WA Police purchased 1120 Tasers for distribution to frontline police operational areas to supplement the current holdings within specialist operational police units. The purchase was reportedly to afford better protection and easier resolution of violent incidents.

By July 2007, all 1120 Tasers had been allocated to locations across the State. Approximately 85% of all operational officers have since been trained in the use of Taser⁸. This figure has been constantly maintained since the wide-spread introduction of Taser in July 2007. The remaining 15% includes operational officers in non-frontline roles, such as Prosecuting Branch and the Forensic Division and other officers whose qualification may have expired for varied reasons.

Arguably, the Taser has been the single most effective tool introduced to operational policing in Western Australia to assist in resolving incidents without incurring injuries or degrading service delivery.

Taser within the principles of physical force in policing

One of the principles of policing, attributed to Sir Robert Peel in 1829 is:

'To use physical force only when the exercise of persuasion, advice, and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of the law or restore order; and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective'.

To this day, there is continuing worldwide debate by police forces and external oversight bodies as to where Taser fits within a list of policing tactical force options. Taser use, Taser possession and Use-of-Force (UoF) by police officers is subject to WA legislation and WA Police policy.

Legislation such as the *Weapons Regulations 1999*, the *Weapons Act 1999*, the *Police Act 1892*, the *Criminal Code Act Compilation Act 1913* and the *Criminal Investigation Act 2006* provides reference material for Taser and UoF.

Within the existing WA Police Use-of-Force policy framework, the Taser is categorised as an artificial incapacitation device (AID), the same classification as Oleoresin Capsicum Spray (OC spray). On the other hand, the Extendable Baton (baton) is categorised as an impact weapon.

Western Australia Police is a member of the Australia and New Zealand Police Advisory Agency (ANZPAA). This organisation assumed custody of all research reports published by the former Australasian Centre for Policing Research (ACPR). The ACPR published the National Minimum Guidelines for Incident Management, Conflict Resolution and Use of Force: 2004 (National Guidelines). These National Guidelines contain a suggested general structure of a Situational

⁸ RMIS Critical Skills 2 Competency Expiry Report

Tactical Options Model. This structure has been adapted by WA Police and integrated into its tactical training program.

Throughout the course of this Review it became apparent that variations of tactical options were being used by different law enforcement agencies. In keeping with the Scope and Terms of Reference, the Review developed a model which reflects the current policing and social environment in Western Australia.

Review scope

In October 2009 the WA Police Corporate Executive Team requested a review be conducted on the use of Taser to examine if WA Police had:

- Realised the expected benefits of the Taser implementation program
- Developed the highest standard of Taser training
- Developed sound and rigorous policy surrounding the use of Taser
- Introduced governance procedures to ensure the appropriate use of Taser and reporting its use and
- Introduced audit processes providing robust procedures on individual Taser use and the general operation of the device.

Background

Internationally and nationally the use of Taser, in its various modes of use,⁹ has gained significant scrutiny from government, media, human rights organisations, law societies, judicial authorities, integrity commissions and the public. The public debate on Taser has become a high profile community and law enforcement issue.

Tasers were introduced to WA Police specialist areas in a limited capacity in 2000. In July 2007 WA Police purchased 1120 Tasers and Taser consumables (cartridges, batteries and holsters) which were distributed to frontline officers across the State. By August 2009, over 80% of officers were operationally qualified to use Taser.

It is essential WA Police has a clear understanding of Taser use and is satisfied that an inappropriate reliance by police officers on Taser has not developed since its State-wide implementation in 2007.

⁹ Modes of Use includes display only, arc display, red dot control, drive stun, probe deployment.

The Post Implementation Review team was established in November 2009, and comprised agency subject matter experts and an independent international consultant from the NPJA¹⁰. A Project Control Group was established, comprising representatives from relevant internal stakeholder divisions.

The Review examined Taser in the following seven areas:

1. Taser use in the WA Police¹¹¹²
2. Training in the use of Taser
3. Effectiveness and risks of Taser as a use of force option
4. Adequacy of accountable controls and processes in the use of Taser
5. Judicial requirements relative to Taser use
6. The management of Taser data
7. The management of Taser assets.

The Terms of Reference covered four critical areas:

- 1. Training and Operational Deployment of Taser**
 - Relationship between training and application
 - Comparative effectiveness as a force option
 - Organisational risks
 - Policy and instructions
 - Evidentiary requirements
 - Taser Cam.
- 2. Corporate Reporting and UoF Reporting for Taser**
 - UoF reporting process
 - Supervisory accountability
 - Analysis and reporting of Taser use
 - Corporate reporting requirements
 - Freedom of Information request.
- 3. Taser Data Management and Governance**
 - Taser Data management
 - Governance of Taser use, data, evidence and security
 - Corporate requirements
 - Corruption and Crime Commission requirements
 - Taser Technician responsibilities.

¹⁰ The National Policing Improvement Agency 'supports the police service in reducing crime, maintaining order, bringing criminals to justice and protecting and reassuring the public' www.npia.police.uk/en/7401.htm

¹¹ The Review was not tasked to examine, consider or determine the medical facts surrounding Taser

¹² WA Police Use-of-Force surrounding Taser was examined through a dip sample of reports and analysis of a number of specific incidents (Appendix 5).

4. Taser Asset and Consumable Management

- Asset and consumable management
- Certification of output and internal recording devices
- Establishment of procedures for the governance and administration of all Taser assets and consumables.

An additional key aim of the Review is to provide clarity to key terminology surrounding the use of Taser, 'Control versus Compliance'.

Literature review

The Review commenced in November 2009 with a review of literature surrounding the use of Taser by regulatory bodies, oversight committees and agencies at a national and international level. A number of documents, both reports and commentary, were identified and reviewed. The literature review focussed on the training, use and reporting of Taser.

No specific review of the medical reporting was undertaken, as there was no scope for this within the Terms of Reference.

There have been many documents and reports written and published on electronic control devices (ECD), particularly devices such as the Taser International Taser X26 and M26 models. The ECD is also known as a conducted energy weapon (CEW), conducted energy device (CED) and stun gun. Western Australia Police have adopted the term ECD or, more commonly, the generic name Taser.

Most relevant published documents and reports, are primarily focussed on medical issues surrounding the capacity of the Taser to trigger or cause heart failure and death. While there is no evidence, based on human tests, to prove the case for either argument, the weight of evidence at this point would clearly indicate that Taser has not directly caused, or been the proximate cause of, a single Taser related death world-wide. Due to the dearth of any definitive advice, some law enforcement agencies, oversight and regulatory bodies have made cautionary recommendations on the use of Taser.

DOMILL Report

The British Home Office sought independent medical advice from the Defence Scientific Advisory Council (DSAC) Sub Committee on the Medical Implications of Less Lethal Weapons (DOMILL). It is possibly one of the most independent research reports on the medical implications of Taser use that has been conducted in the United Kingdom.

In 2007 DOMILL recommended a quarterly review of Taser Evaluation Forms. In 2008 DOMILL provided an update on their assessment of the quarterly reviews and the continuing review by the Defence Science and Technology Laboratory and DOMILL of the medical research and operational data world-wide.

DOMILL reported, in part, at paragraph 11: *“There were no recorded incidents of serious adverse medical events attributable to Taser current application. Secondary injuries were principally the expected barb wounds or probe contact marks and minor injuries to the head and body from falls”*. Further, at paragraph 14: *“... reinforce the Committee’s view **that the risk of death or serious injury** from use of the M26 and X26 Tasers within ACPO Guidance and Policy **is very low. The risk, however, is not zero**, as evidenced by two reported incidents in the United States in which the subjects sustained fatal head **injuries as a result of Taser-induced falls**. There are also insufficient data from use in the United Kingdom and elsewhere with which to evaluate any potential risks to the fetus in pregnant women”^{13 14}.*

The WA Police Commissioner is on the public record on the safety of Taser and its use by WA Police. On the Channel 9 current affairs program, 60 Minutes, in 2009, the Commissioner said: *“(Taser)...is much better than a loaded gun...at a very short range...this is a very effective weapon. People with knives, people with other forms of weapons can be incapacitated by using this and it won't kill them...We certainly will take action if there is misuse. But they will never kill people”*.

In the same presentation, former WA Police Commissioner, Bob Falconer stated: *“...If there's an alternative to deadly force and in this case there is a new one that works, why cannot the police have that option? It's that simple”¹⁵.*

For the purpose of this Review, the reports (below) were considered closely. These documents were referenced, as they were conducted by Australian law enforcement agencies and regulatory bodies both in Australia and Canada. Each of these reports contained recommendations surrounding the use, policy and training of Taser by policing agencies. The Review Team compared the recommendations across each report and with the current position of the WA Police.

¹³ DASC Sub-committee on the Medical Implications of Less-Lethal Weapons (DOMILL). Statement on the medical implications of M26 and X26 Taser. DTSL/BSC/27/01/07 dated 7 November 2008. <http://police.homeoffice.gov.uk/publications/operational-policing/taser-domill-statement2835.pdf?view=Binary>

¹⁴ Bold emphasis added by PIRT.

¹⁵ <http://sixtyminutes.ninemsn.com.au/stories/764199/lethal-force>

The main reports reviewed were:

- The use of Taser weapons by New South Wales Police Force, as reviewed by the New South Wales Parliamentary Ombudsman, November 2008
- Review of Taser Policy, Training, and Monitoring and Review Practices, as reviewed Queensland Police Service (QPS) and Crime and Misconduct Commission, July 2009
- Review of Taser within the Northern Territory Police, as reviewed by the Northern Territory Police Force, June 2009
- Restoring Public Confidence, Restricting the Use of Conducted Energy Weapons in British Columbia, Braidwood Commission on Conducted Energy Weapon Use (Braidwood), June 2009
- Royal Canadian Mounted Police Use of the Conducted Energy Weapon, Interim Report, Commission for Public Complaints Against the Royal Canadian Mounted Police, December 2007
- Royal Canadian Mounted Police Use of the Conducted Energy Weapon, Final Report, Commission for Public Complaints Against the Royal Canadian Mounted Police, June 2008
- Study of the Conductive Energy Weapon - Taser®, Report of the Standing Committee on Public Safety and National Security, House of Commons, Canada (HoC), June 2008.

In reviewing the recommendations of these reports, the Review created the attached matrix (Appendix 3). The matrix compares the recommendations of each report against all the reports, lists the recommendations which are closely linked or aligned to each other, contrasts the current WA Police position and any Review recommendations. The Review compared the processes, policies and regulations now in place within WA Police and the recommendations arising from the Review with that of the other reviews.

This analysis identified 229 recommendations throughout these oversight and regulatory reviews of law enforcement agencies' use of Taser. A number of these recommendations were replicated across the various reports.

Western Australia Police were not aligned with 69 of these recommendations and a further 14 were specific to the law enforcement agency subject to the particular review and not applicable to WA. Of the 69 non-aligned recommendations, the Review has made comment on or made recommendations to change policy and/or procedures to adopt recommendations in all the non-aligned areas. Many of these non-aligned recommendations related to corporate reporting, weapon classification and a strategic corporate oversight body.

This exhaustive process has provided substantial evidence which supports the WA Police view that it has world-class training and policy around the use of Taser. Where gaps have been identified, the Review has recommended actions to close those gaps. Issues surrounding corporate reporting and strategic leadership have also been commented upon.

When compared to other international and national law enforcement agencies, the WA Police are well developed with regards to their guidelines, policies and training in the use of Taser. This view is supported by the NPIA independent reviewer, Inspector Andrew Gray and Taser International.

The WA Police, as members of Australia and New Zealand Policing Advisory Agency (ANZPAA), continues to support the National Guidelines. The WA Police are assessed annually against the recommendations existing in the National Guidelines and have, in recent years, reported compliance with all guidelines as a minimum position. This Review will make further recommendations on UoF, Taser and other force option policies.

In analysing policy changes to date, the Review found OSTTU acted on several occasions to:

- Make improvements and clarify Taser policy in response to media reports, internal investigations and court reports
- Develop training to maintain continuous improvement
- Ensure operational, Taser trained officers are aware of developments in Taser International guidelines.

In the process of this Review, the following articles were also considered:

- 'Less than Lethal'?, The use of Stun Weapons in US Law Enforcement, Amnesty International, 2008
- Compendium of United Nations standards and norms in crime prevention and criminal justice, United Nations Office on Drugs and Crime, Vienna (UN), November 2006
- Code of Conduct for Law Enforcement Officials, UN, New York, December 1979
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, UN, Cuba 1990.

The United Nations reports were also considered by ANZPAA in preparing the National Guidelines. The United Nations Code of Conduct for Law Enforcement Officials at Article 5 states, "*No law enforcement official may inflict...any act of torture...*". This prohibition derives from the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly resolution 3452 of 9 December 1975. The Declaration defines torture as "*...any act by which severe*

pain...whether physical or mental, is intentionally inflicted by... a public official...for an act he has committed or is suspected of having committed...”.

Clearly this is the form of behaviour the Commissioner referred to during the 60 Minutes interview. WA Police have consistently reviewed policy and guidelines, and modified training in an effort to ensure this type of situation does not occur. In order for WA Police to maintain the confidence of the WA public, as reported in The Report on Government Services 2007 and commented upon earlier in this Report, WA Police officers must use the Taser in an appropriate, proportionate manner.

The issues arising from the Amnesty International reports have been considered. Amnesty International reports that Tasers do kill and have been proximate to “*at least 300 deaths in the USA*”. However, most international reports, and all USA Coroners reports considering those deaths, found Taser not responsible for any deaths. Amnesty International, though, does make several suggestions and comments surrounding police use of Taser and the concerns of the civil rights community. These concerns are not lost to the WA Police. Many of their concerns are held by WA Police and the Review. As a result, the policy and guidelines of WA Police also reflect some of these suggestions, or are recommended by the Review. Examples of these comparative positions are:

- Agencies should have specific guidelines, rigorous training and accountability systems
- Officers should be trained to use force only to the minimum extent necessary and in proportion to the threat posed
- Officers should give a clear warning to the subject prior to activating a Taser
- Strict guidelines to avoid repeated, multiple or prolonged shocks
- Justification of each activation of Taser
- Use of Taser on at-risk subjects should be avoided if possible
- Prohibition of Tasers into the backs of subjects, near flammable substances, in or near water and in control of a vehicle or machinery
- Officers should avoid firing directly into the subject’s chest
- Taser should be deployed primarily in ‘probe’ mode
- Drive-stun should be avoided
- Taser should not be used on handcuffed subjects or those passively resistant
- Subjects who have been Tasered who request medical attention are provided same
- Subjects suffering excited delirium, positional asphyxia, heart conditions are treated as a medical emergency
- Subjects who are struck in eyes, genitals or sensitive areas, must have the probes removed by a medical professional
- Strict reporting of use of force and the use of a Taser

- Arcing as a 'threat' is not encouraged
- Red dot use is subject to reporting protocols
- Annual reporting of use of force generally and force options specifically.

Methodology

The Review's focus was directed at establishing the current benchmarks for all aspects of Taser, identifying any gaps in its use, policy, the audit and governance surrounding its use, management and control of consumables and supervisory responsibility. Having identified if gaps existed, the Review detailed these gaps, working with the stakeholders responsible to manage them, and make recommendations to address the gaps.

In managing all aspects of Taser, WA Police have been cognisant of previous reviews conducted outside of Western Australia. As a result of considering these external reviews, WA Police policies, training and standard operating procedures have been regularly updated.

Advances in training methodology had also been undertaken with implementation of scenarios, both virtual and physical, to maintain a contemporary position in Taser for law enforcement in Australia.

Western Australia Police has been the lead agency nationally in training and operational deployment of Taser since July 2007. In supporting this position, the Review cites the receipt of (and transmission to) requests from New South Wales, Queensland, South Australia, Northern Territory, Victoria and New Zealand Police for copies of the WA Police Taser use policies and training manuals over the preceding two years.

The Review used the following methodology to identify any gaps in the overall Taser 'program'. In so doing, the Review was prepared to make recommendations to:

- Improve policies and procedures
- Implement governance processes
- Improve training
- Improve the UoF reporting processes, and
- Ensure Taser use was maintained at appropriate levels.

Project management

The Review was conducted along project management principles, with oversight by the Project Owner and Delivery Manager. Control of the project was undertaken by a Project Control Group, consisting of staff from stakeholder groups.

Western Australia Police policy

Western Australia Police administrative instructions, guidelines and procedures are published under the authority of the Commissioner as the Police Manual. The purpose of the Police Manual as described in the Commissioner's foreword is, inter alia, to provide guidance to all personnel in the performance of their duties and for the effective management of the WA Police. In his foreword, the Commissioner advises that "...*Conducting police business, will involve personnel in a wide range of tasks and situations call(ing) for a course of action to be decided upon, often in challenging circumstances...We are accountable for our actions and personnel will be judged on whether they have acted responsibly and in good faith*"¹⁶.

The responsibility for Police Manual topics are delegated to the 'owner areas'. In this instance policies relating to UoF and Taser are the responsibility of the OSTTU.

The Review assessed and analysed the Police Manual policies following stakeholder interviews, feedback and researching Taser use policies and guidelines in national and international police jurisdictions. This process enabled a comprehensive evaluation of the current policies to ensure they were contemporary and provide appropriate guidance to officers.

Some aspects of this evaluation resulted in the Review considering the two main modes of Taser use and the appropriateness of these forms of use in 'normal' operational circumstances.

Statistical review and analysis

A number of issues were subjected to statistical review and analysis. This includes the statistical analysis of UoF generally, use of Taser, metropolitan and regional use of Taser as extracted from the UoF reporting forms by the Risk Assessment Unit. It should be noted, and will be commented on in this report, that Risk Assessment Unit were conducting a pilot program of an alternate UoF report form, *Blue Team*, at the time of this Review.

While individual incidents of UoF were outside the scope of the Terms of Reference, the Review conducted analysis of the UoF in terms of 'use' as considered in line with policy and training, supervisory annotation and regional usage.

¹⁶ WA Police Intranet Commissioner's Foreword

Taser training

A thorough review of the Taser training program was conducted. It is to be noted Taser International, in formal correspondence from Rick Guilbault, Vice-President, Training, to Superintendent Kellie Properjohn, Principal, WA Police Academy, on 30 July 2008 stated “...*your current system sounds outstanding...well beyond what many other agencies do...the training offered by the WA Police, both current and proposed, is exemplary and commendable...*”¹⁷

Senior managers and frontline officers supported this position in their belief that the training offered by WA Police was of a high standard and transferred well into the operational environment.

Assets and stock control

To ensure corporate fiscal responsibility, the management of the Taser assets and consumable stock control processes were considered by the Review. With expenditure over the term of the supply contract amounting to several million dollars and large numbers of consumables being received, and on hand, the management process for the purchase, dispatch, tracking, movement, maintenance, repairs and warranty of Tasers was researched.

Use-of-Force reporting

Every time the Taser is drawn from its holster, except during the loading/unloading in the armoury, there is a requirement to submit a UoF report form. While this provides for a wealth of statistical information, it also has the capacity to inflate Taser use statistics when comparisons of other force options are considered.

While reporting every aspect of Taser use was compliant with UoF reporting policy, the definition of ‘force’ was not consistent with that requirement.

Further, the impact on frontline officers’ time in submission of reports was considered.

Input on this matter was sought from Risk Assessment Unit, the Business Intelligence Office and the Professional Development Portfolio. Following this research recommendations have been made on the UoF reporting.

¹⁷ Email letter from Mr Rick Guilbault, Vice President – Training, Taser International Inc. to Principal WA Police Academy, Superintendent Kellie Properjohn, dated 30 July 2008.

Audit and governance of use

Every operational frontline police officer, when appropriately trained, has the authority to draw a Taser from the station/unit armoury and carry the device while on patrol. Like any accoutrement, there are requirements for the registering of the carriage of the Taser.

The Taser has an internal system for recording its use in the probe, drive-stun and arcing modes. This recording system is fully downloadable and the information can be interrogated. The Taser also has an internal clock which, like any time-keeping instrument, can be subject to lagging (or losing time) and, through a number of causes, can 'brown out' or have its time and memory corrupted.

Literature reviews indicate Taser use is subject to under-reporting by officers using the Taser. The Review undertook to establish if this was the situation in WA and the opportunities that exist to ensure this practice, or policy/usage 'creep' does not exist, or commence.

Evidentiary requirements

As time passes, and the use of Taser by WA Police continues, there is likely to be an increase in the requirement for the Taser Data Port Download records to be produced as evidence in a range of judicial forums, including police internal disciplinary hearings.

Clearly the security, accuracy and continuity of this evidence will be critical. The Review researched various methods to undertake downloads. This issue was particularly difficult to address, due to the size of the State of WA and the remoteness of many police locations.

Interviews

In undertaking this Review, input was solicited from key stakeholders, including all senior managers within WA Police, Commissioner's Legal Counsel, Western Australian Police Union of Workers (WAPU), the Corruption and Crime Commission of Western Australia, Ombudsman Western Australia (Ombudsman), members of the judiciary, State Solicitor's Office, Breon Enterprises, Taser International, Australian and international policing jurisdictions and operational frontline officers.

Subsequent to the commencement of this Review, WA Police became aware the Corruption and Crime Commission was undertaking an independent review of Taser use complaints. Officers of the Corruption and Crime Commission have approached, and been supported by WA Police, for

information to assist in the research and preparation of their report into use of Taser by WA Police.

The Review approach to stakeholder interviews were categorised as 'Policy Makers', 'Oversight or Regulatory Bodies' and 'Taser Users'.

Independent expert analysis and recommendations

The Review sought to have training and operational deployment of Taser within WA Police considered by an expert in Taser, independent of WA Police and Taser International. This search extended outside of Australia to the NPIA in the United Kingdom. Inspector Andrew Gray, who has the responsibility for the management and review of the police use of Taser within the NPIA on behalf of the Association of Chief Police Officers (ACPO) Armed Policing, was engaged to conduct an independent external review. The NPIA Management Statement outlines the overall aim for NPIA is to 'support the police service in reducing crime, maintaining order, bringing criminals to justice and protecting and reassuring the public' (www.npia.police.uk/en/7401.htm).

Inspector Gray is the Lead Instructor on the Taser Practitioner group with responsibility for the ACPO Policy and Operational Guidance and national training package formulation, preparation and delivery.

Inspector Gray's report (Gray Report) is at Appendix 1.

Risk assessment workshop and plan

The Review utilised the Organisational Risk Management Program Manual¹⁸, as promulgated by the Organisational Risk Coordination Unit.

A risk management workshop, as part of the Review, was facilitated by Organisational Risk Coordination Unit. It was attended by the Review and key agency stakeholders and held at the WA Police Academy on 20 January 2010.

As a result of the identification of the risks, the Review analysed and evaluated the risks and the adequacy of any existing controls. Following this process the Review determined the consequences and likelihood of the risk and developed a treatment plan consistent with the terms of reference and scoping report (Appendix 4).

¹⁸ Organisational Risk Coordination Unit version September 2008.

The Review, in finalising the Report, has suggested recommendations incorporating the risk treatment plan.

Consultation

Consultation in the form of interviews were categorised as Senior Executive, Oversight/Regulatory Bodies and Taser users. The interview questions were designed around specific areas of the review terms of reference. All respondents in the first two categories were approached personally and independently of each other. The final group, Taser users, were canvassed in groups and individually by electronic survey and in the workplace.

Corporate Executive Team

The Corporate Executive Team requires sustainable, defensible and consistent policies providing clarity to operational officers in the field. Police officers' Use-of-Force is a fundamental public issue and the Corporate Executive Team was keen to benchmark WA Police nationally and internationally with other law enforcement agencies.

The Corporate Executive Team required training in relation to Taser to be balanced with other forms of police action; specifically, oral communication with a subject.

The intent of the CET, in providing officers with Tasers, is not to provide an opportunity for officers to step back from their responsibilities to consider all alternatives in the de-escalation of a situation. Policing is dangerous and no single force option should be seen as lessening the prospect of sustaining injuries in the execution of their duty.

Key principles from CET are police officers need to be accountable in the use of Taser. The use of Taser must be subject to audit and oversight.

The WA Police continued use of Taser is politically and socially contingent on the fact that:

- Tasers are not being used indiscriminately
- Taser use is within policy
- Complaints of Taser use are thoroughly investigated
- Taser policy is well aligned to substantive equality requirements, and
- WA Police monitor Taser use to reduce the potential for under-reporting.

Senior managers

The Review prepared a range of questions to be considered by the WA Police senior managers. The senior managers for the purpose of this Review, were all WA Police Assistant Commissioner's, Commander Metropolitan Region, Superintendents Academy, Crime Directorate and Prosecuting Services Divisional Office, Inspectors (Governance), Director Assets, Assistant Director Business Intelligence Office, Assistant Director Fleet & Equipment Services Branch.

Understanding Taser issues, policies, training and use varied considerably between all participants based on their responsibilities.

All WA Police operational officers are required to be trained in the use of Taser including, and up to, the Commissioner. At the time of this Review all of the Assistant Commissioners were trained in the use of Taser.

The overwhelming response to questioning by the Review was that Taser and critical skills training were of a high standard. All believed training was contemporary and provided opportunity for officers to improve their skills and, therefore, service to the community in responding to tasks.

There were varying views around policy and the terminology used. It was clear from the responses that some of these officers did not believe policy was clear enough and thus allowed for a range of interpretations.

There were concerns with a lack of clarity where the term 'compliance' was included in the considerations of Taser use in the field. There also could be a negative perception in the community surrounding the terminology of 'compliance' and this could be removed.

Most senior managers believed the policy could be improved by providing additional terminology to guide operational officers. They also indicated the policy should clearly assist officers understand their responsibilities when considering the use of a Taser.

Questioning around the downloading of data and governance around the use of Taser provided a consistency of responses. The general position of the respondents was to provide a governance and auditable process which was not onerous on frontline managers. Downloading of Taser on a regular basis was commented upon in a positive light. The data retrieved from the Taser was considered to be of great use in ensuring its appropriate use.

The senior managers believed that UoF reporting should not be onerous. The provision of statistics at the corporate level would be viewed in a positive manner. This reporting would

provide accountability to oversight bodies and increase public confidence in the police. The reporting would provide a level of analysis not currently available.

The Review discussed the role of a supervisor with the senior managers, including whether supervisors were being responsible to and responsible for their officers.

Many of the senior managers interviewed had little knowledge of *'Blue Team'* use of force reporting program being run by Risk Assessment Unit. One responder believes *'Blue Team'* "does not ask the right questions".

The other policy makers (police staff) were interviewed on the issues of statistical reporting and asset management.

Taser users

The Review consulted with frontline officers who were either using Taser, supervising officers who were using Taser, or were responsible for reviewing officers' use of Taser.

The Review utilised:

- Small group interviews of approximately 200 operational officers attending re-qualification training
- Individual interviews of approximately 50 operational officers, including officers from Regional Western Australia (RWA), and governance officers, and
- An electronic survey to 613 operational officers.

The interviews and survey sought the views of officers in relation to the Review *Terms of Reference*, in particular:

- How Taser training transfers to application in the field
- Reliance on Taser as a force option
- Effectiveness of Taser
- Supervision and Governance of Taser use.

Oversight and regulatory bodies

The Review sought input from oversight and regulatory bodies, including the State Ombudsman, State Solicitors Office, Corruption and Crime Commission and members of the Judiciary.

The Corruption and Crime Commission were undertaking an independent review of Taser use by WA Police at the same time as the Post Implementation Review of Taser and WA Police assisted their investigations.

An interview with two Assistant Ombudsmen (Administrative Improvement and Complaint Resolution) from the Ombudsman Western Australia office was undertaken. The Assistant Ombudsmen offered advice to the Review Team to consider the following issues:

- Policy
 - Is the policy acceptable to the Commissioner, and why?
- Training
- Is there a framework for Taser use?
- Is Taser usage being monitored?
- Is Taser use compliant with policy?
- Are supervisors complying with their position requirements?
- How are breaches handled?
- Is there corporate reporting, as this will be important for continuous improvement and the feedback loop?
- Is WA Police 'in sync' with other law enforcement agencies?
- Is refresher training conducted?
- Is there remedial action for officers who are found not to be compliant?
- Has policy been 'operationalised'?
- Are control measures in place?
- Is there an audit process in place relating to UoF and cartridge use? If not, what has been considered?

The State Solicitor's Office was questioned regarding the presentation of evidence surrounding Taser to the courts. The opinion provided by Ms Katie Pope of the State Solicitor's Office is the courts would not accept evidence of an expert in the form of a 'statutory certificate', as no facility exists for that option with respect to Taser. Further, Ms Pope offered advice that data retrieved from a Taser may be produced in court proceedings by the person who downloaded the data, or a person who is familiar with that process. Finally, Ms Pope offered comment on the changing of Taser policy wording. In essence, her advice was that, whatever the wording, the use of Taser is still subject to the requirements of legislation that police officers should not use force when none is needed, more force than is needed and, any force after the necessity for it has ended.

The Commissioner's counsel, John O'Sullivan, discussed general anecdotal concerns surrounding the UoF forms and the validity of the information and offered advice on a number of issues such as:

- The policies on Taser use must reflect the Criminal Code requirements for UoF
- Tactical communications maintain the key to appropriate resolution of incidents and tasks
- Officers need to be held accountable for incidents of misuse
- Training and policy must be aligned
- The Situational Tactical Options Model could provide greater guidance
- While the officers using Taser are held accountable, their supervisors are not being held to account for their actions or inaction
- Time constraints should not dictate how officers respond to tasks
- Officers should take the time to resolve tasks appropriately, and
- Time constraints do not have a place in responsibilities for decision making and resolving situations.

The WA Police Prosecuting Branch provided feedback from the Chief Magistrate that he held no concerns for Taser evidence being produced in his Courts. Any cases would be judged on the facts and evidence presented in a trial.

The WA State Coroner was approached by the State Solicitor's Office for an opinion on the production of evidence in a Coronial Inquest in which a Taser was implicated. The Counsel Assisting the Coroner, Doctor Celia Kemp,¹⁹ responded advising the Coroner would require all information needed to make findings as to the role of Taser in the death including:

- Seizing the Taser
- Any downloads, and
- The training and experience of the officers involved.

Doctor Kemp indicated that where an expert opinion was required, the nature of that evidence, and who should provide it, would be dependent upon the individual case.

Review outcomes

This report will provide relevant information on Taser to this point in time and recommendations on the future direction for the WA Police on all facets of Taser. This future direction will relate to:

- Best practice training that meets the needs of frontline officers
- Accountabilities and supervision requirements relative to the use of Taser on the frontline
- Increased operational effectiveness in terms of availability, serviceability and management of Taser and consumables

¹⁹ Dr Celia Kemp, Counsel Assisting the State Coroner, responding to Ms Dianne Scadden, Senior Solicitor, WA Police on 15 January 2009.

- Improvement of evidence in judicial proceedings with enhanced integrity and continuity of Taser evidence
- Increased public confidence in WA Police through continual improvement in policy, governance and accountability in the use of Taser
- Reduction of corporate risk in relation to asset management of Taser and consumables
- Standard corporate reporting of Taser use, providing consistent and accurate advice to all stakeholders, and
- Policy, governance and administrative procedures to reassure government that WA Police management of Taser will meet principles of best practice.

In considering the process of the Review, the issues and gaps identified and improvements to policy and procedures likely to be achieved as a result, it is recommended a similar process be conducted in future years. This further review will follow up on the implementation of the Review recommendations and highlight the overall position of the WA Police when compared to national and international advances.

Recommendation 1: Implementation evaluation

Conduct an evaluation of the implementation of this Review in the future and benchmark Western Australia Police in respect to all aspects of Taser at national and international levels.

Report 1: Training and operational deployment of Taser

Introduction

WA Police categorise Taser and OC spray as Artificial Incapacitation Devices. The Taser is prescribed as a Prohibited Weapon within Schedule 1 of the *Weapons Regulations 1999*.

The *Weapons Act 1999*, Section 6, prohibits the carriage of a Prohibited Weapon. Police Officers are exempted from this prohibition by Section 10 of the same Act.

The Commissioner provides his authority for police officers to carry the Taser, as an accoutrement, under Section 9 of the *Police Act 1892*.

The *Criminal Code Act Compilation Act 1913* provides authority for Police Officers to use force in:

- Making an arrest or executing a process, sentence or warrant under Section 231
- Self defence or defence of others under Section 248, and the act is a reasonable response and there are reasonable grounds to act in self defence.

A further reference to the use of force by police is found within the *Criminal Investigation Act 2006*, Section 16 (1), which provides authority to use force in exercising the power within the Act where it is reasonably necessary to do so.

The carriage, use and reporting guidelines and procedures for Taser and UoF are provided within the Police Manual at FR-1.1 and FR-1.6.

Currently, approximately 85% of all operational officers are trained in the use of Taser²⁰. This figure has been constantly maintained since the widespread introduction of Taser in July 2007.

Over the intervening two years, further Tasers have been purchased. At the time of this Review, WA Police had 1649 Tasers in service at 251 locations, with 4510 officers trained in the use of Taser.

1.1 Situational Tactical Options Model

It became apparent during the review of training that a need exists to improve the strategic alignment of policy, training, UoF reporting and the current WA Police Situational Tactical Options Model. The Review identified that a symbiotic relationship should exist between the Situational

²⁰ RMIS Critical Skills 2 Competency Expiry Report

Tactical Options Model (Figure 1) and policy, training, practice, reporting, accountability and oversight of operational task. There is no area which should have primacy over the other. For example, better use should lead to better policy and better policy to better use.

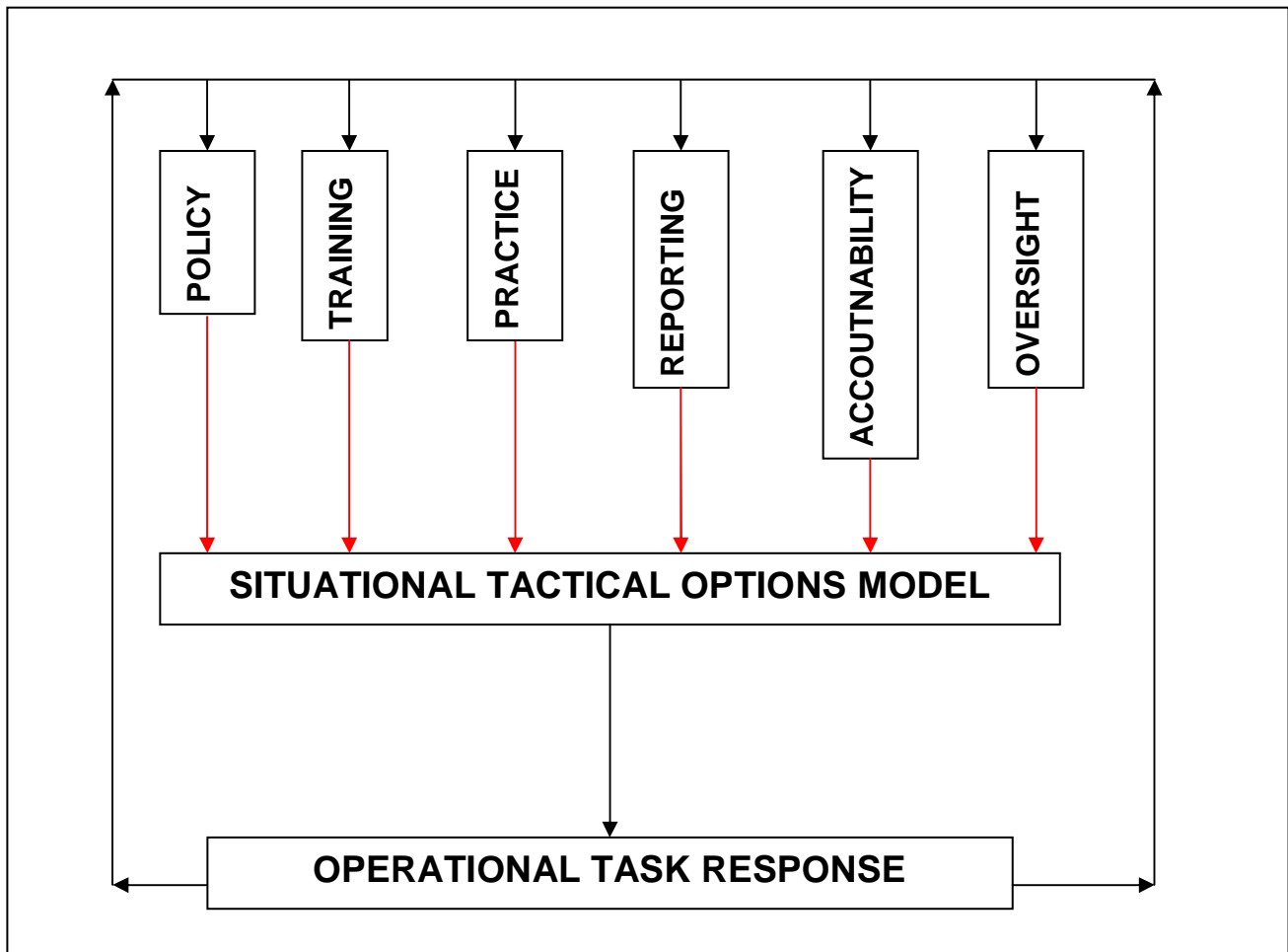


Figure 1: The strategic importance of the Situational Tactical Options Model over operational policing

The Situational Tactical Options Model should be more than a model to choose an appropriate tool or force option. In frontline policing the model should be the framework designed to guide and train officers in their judgement and decision-making skills. The model needs to not only focus on the force options, but on policy, training, practice, reporting and accountability; and to assist in oversight or reviewing that action.

Current practice

Western Australia Police utilise a Situational Tactical Options Model based on the model agreed by all Australian and New Zealand Police force representatives, and published in the National Guidelines²¹. In reviewing that section of the National Guidelines relating to the tactical options

²¹ Australasian Centre for Policing Research, National guidelines for incident management, conflict resolution and use of force: 2004, Report Series No. 132.2

model, the Review Team identified the terms used to determine the need for such a model. These terms are:

- Minimum amount of force appropriate (to be applied by the police officer)
- Level of resistance displayed (by the subject)
- Full range of tactical options
- Emphasises individual accountability
- Safety of officers and members of the public, and
- Tactical communication (by the police officer).

Importantly, the National Guidelines stated, *“the model assists police officers to select the most appropriate option to achieve a safe and effective response to a variety of scenarios”*.

The authors of the National Guidelines were equally cautious in advising police to

“...conceptualise the range of tactical options in a circular format...randomly arranged. Such models are integrated and holistic in that they do not emphasise one option over another...no entry point...no indication of a linear progression...encouraging officers to consider all tactical options...”

Through the literature review it became apparent many variations of a Situational Tactical Options Model are utilised by law enforcement agencies in all Australian States, New Zealand and Canada. Almost all variations have attempted to refrain from creating a model which illustrated a graduated linear or hierarchical application of force. The WA Police model²² (Figure 2) is, and has been, utilised in tactical training manuals for many years and is rigidly aligned to the National Guidelines cautionary statement, as detailed above. The WA model is not published in the WA Police Manual and is not readily available to police officers.

Through the Review it has become apparent the Situational Tactical Options Model utilised by WA Police, and advocated through the National Guidelines, attempts to address several aspects of incident management. Considerations such as available tools, communication, safety of the officer and an assessment and re-assessment (presumably of the safety or threat) are included, albeit this is not abundantly clear.

The Review found the current Situational Tactical Options Model did not provide sufficient guidance to officers in the operational environment or in training in the important aspects of information and intelligence available on a situation; the need for an officer to continuously assess the threat, particularly prior to engaging the subject; and, lacks guidance around the need, subsequent to any action, to assess then re-assess the outcome, prior to any further action. The

²² Adapted from the National Guidelines for Incident Management, Conflict Resolution and Use of Force: 2004, p. 25

model does not provide guidance to supervisors or oversight inquiries of the processes an officer should employ when resolving an operational task.

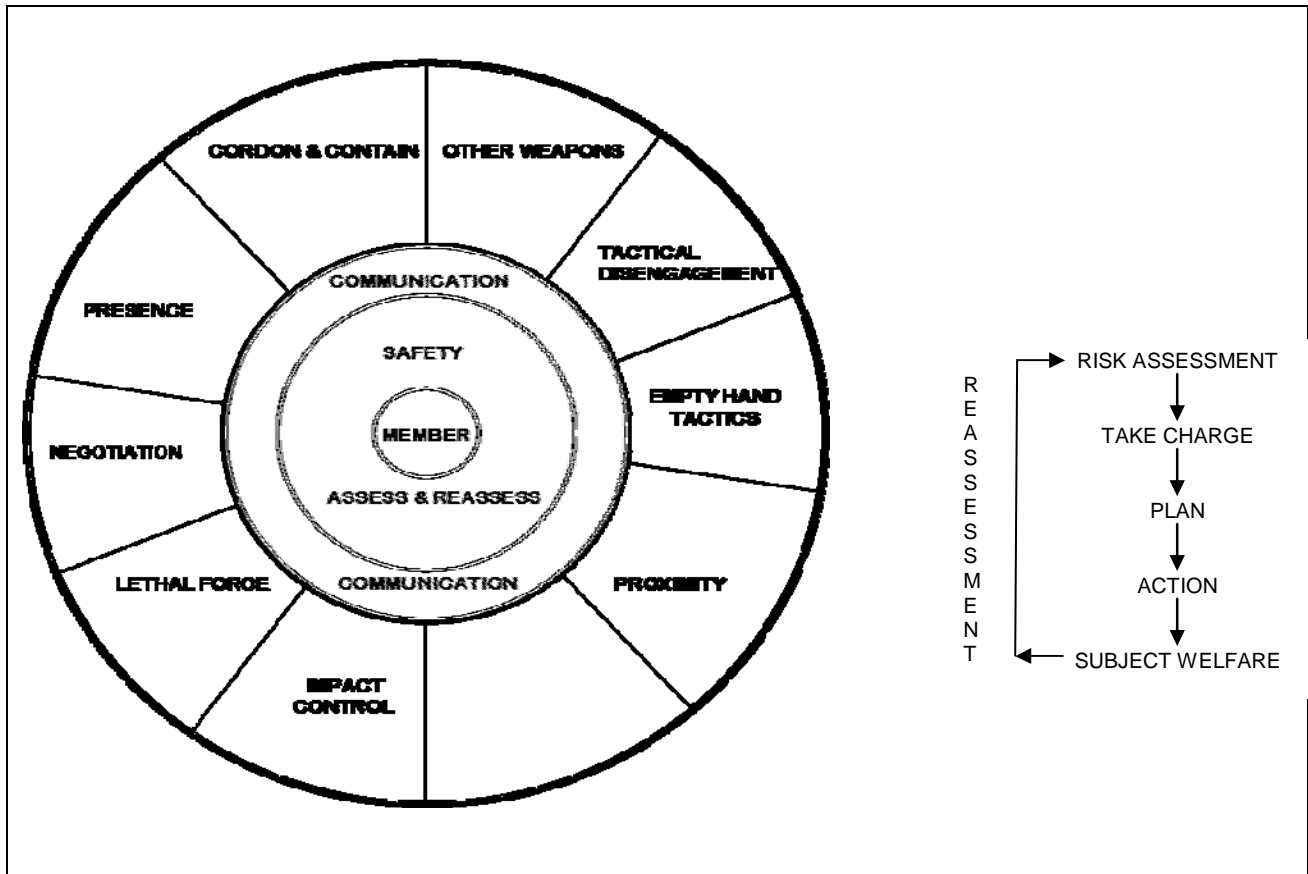


Figure 2: WA Police version of the general structure of a Situational Tactical Options Model

In reporting, subsequent to the application of a force option, police officers are requested to comment upon the subject’s intent at the time, the subject’s ability to carry through on the intent, the subject’s means to complete the actions and the subject’s opportunity to carry out their intent. Further, the officers are required to comment upon their perception of the event and the subject. The officer is also required to comment upon what precluded them from choosing one force option over another. None of this forms part of the WA Police Situational Tactical Options Model.

The Review conducted analysis of current WA Police policy relative to all UoF options. Taser, OC spray, baton and firearms were compared and it was of note that none of the other UoF options include guidelines around use of the Situational Tactical Options Model.

The only other accoutrement that is reported on in a mode other than the actual application is the firearm if it is drawn.

Future

In considering the various models, the Review identified the common themes across a number of models. The common themes are intelligence and information, threat assessment, officer's perceptions and the apparent demeanour of the subject and consideration of appropriate tactical options.

The over-riding consideration in any model is that an officer's response must be reasonable and proportionate. An example of this reasonable and proportionate consideration would be to question the appropriateness of using a firearm against a co-operative or passively resistant subject. Conversely, when confronted with a situation of potential death or grievous bodily harm as an outcome, the use of a firearm should be seriously considered, as well as tactical communications and all other force options if the opportunity to de-escalate exists.

There has been reluctance within police jurisdictions over many years to suggest a hierarchy of force options for police officers to choose from in a progressive form. However, internationally it has been recognised that firearms or lethal force is the ultimate force option. A criterion of assessment has not been established that adequately addresses the comparison between such diverse force options as open hand, OC spray, baton and Taser. This reluctance appears to be due to concerns that officers may consider they need to progress through the range of options in a hierarchical manner.

Operational policing is not theoretical or linear. Officers are trained to consider all force options and make informed judgements on the escalation and de-escalation of force in a dynamic policing environment. WA Police have introduced this type of judgemental, decision-making training through the Interactive Tactical Training Simulator.

The Interactive Tactical Training Simulator has a skills development module and a scenario judgemental training module which utilises all of the WA Police force options in a simulated manner. The Interactive Tactical Training Simulator has been demonstrated at the WA Police Academy to members of parliament, judiciary, oversight organisations, State Solicitors Office and the media.

The critical judgement in an operational task response environment is for officers to consider the tactical option most appropriate in the circumstance. A police officer has a tool kit of force options to choose from in any particular situation. Choosing the right tool is the important decision. The reality for operational police officers is they will almost always have a short window of opportunity to choose the right tool. The choice of tool will result from the following considerations:

- The officer's skills
- The officer's experience
- Information at hand
- Intelligence
- Threat assessment, and
- Policies and legislative considerations.

As an officer operates in a dynamic environment, many of these considerations will be undertaken at a moment's notice. As an employer, WA Police have a duty to provide enough information and training to prepare an employee in attending to the task²³.

The Review therefore considered it was appropriate to re-assess the Situational Tactical Options Model currently used by WA Police. This re-assessment would be premised on the terminology used by the authors of the National Guidelines, analysing the themes of the various identified models and including the views of the WA Police tactical trainers at the Academy.

Various models were reviewed. The Review has considered those in use in every Australian State, New Zealand, Canada and the United Kingdom. Most models are formatted in a similar circular style as suggested by ANZPAA and utilised in WA. The Tasmanian model is depicted in a linear style and the United Kingdom model is depicted as a cycle of decision making groups (Figure 3).

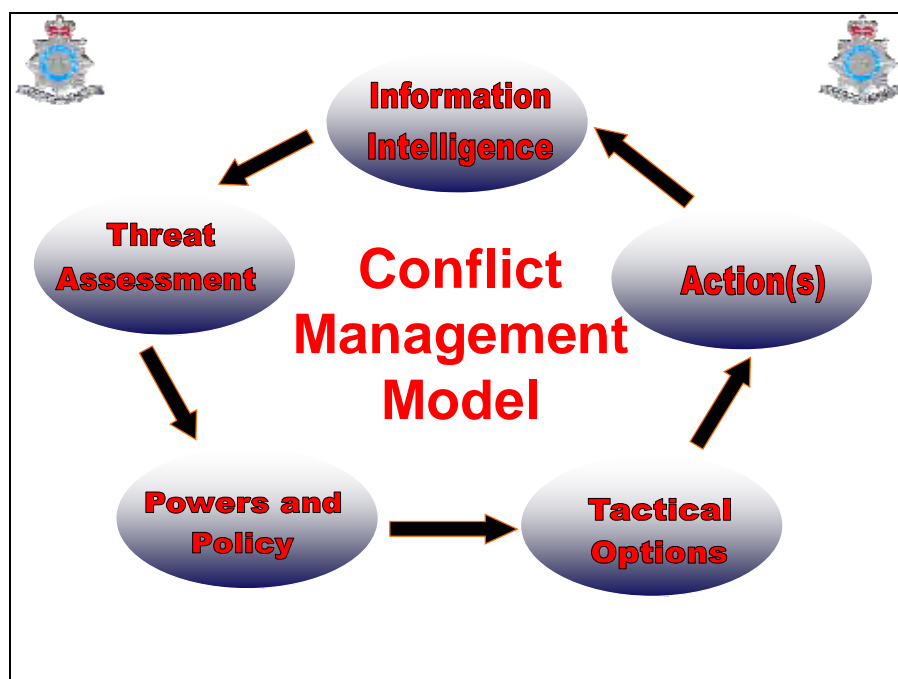


Figure 3: Association of Chief Police Officers 'Conflict Management Model' as presented in the X26 Taser User Course, January 2009 PPT revision

²³ Occupational Safety and Health Act 1984, Section 19.

This United Kingdom model, called the Conflict Management Model, provides a strategic framework for operational decision-making through to reporting. The Review identified these issues were not clear within the WA Police Situational Tactical Options Model, nor elsewhere in training or policy. The Review found the WA Police requirement around intent, means, ability, opportunity, perception and preclusion were synonymous with the United Kingdom Conflict Management Model of 'Information Intelligence' and 'Threat Assessment'.

The Review engaged OSTTU to consider the WA Police Situational Tactical Options Model, in light of the various identified models, and the potential to redefine the model. The Review liaised with WA Police Tactical Response Group and Gray on this subject. The outcome of these discussions has identified the need to further build upon the work already undertaken by OSTTU in building a Situational Tactical Options Model which meets the requirements of operational police officers and is aligned to the model of planning utilised by the TRG.

Suggestions of the steps to be considered for inclusion in any future development of a Situational Tactical Options Model are described in Table 2.

Table 2: Suggestions of the steps to be considered for inclusion in any future development of a Situational Tactical Options Model

Suggested step	Description
1. Gather information / intelligence after getting the task	What has the radio operator or witnesses provided? Is there any info on TADIS, local intelligence or knowledge?
2. Appreciation	Assess risk based on the subjects' demeanour, intent, ability, means, opportunity and the surroundings of the task. Assess threat based on the risk assessment, officer perception and potential preclusions.
3. What powers and policies support the proposed action	
4. Select the most suitable force option	
5. Take action	
6. Re-assess and take further action as required	

Recommendation 1.1: Situational Tactical Options Model

1.1.1 Operational Safety and Tactics Training Unit and Tactical Response Group liaise to create a Situational Tactical Options Model to incorporate:

- Information and intelligence
- Appreciation (risk and threat)
- Powers and policies
- Selection of force options
- action and reassessment.

- 1.1.2 All WA Police Manual Use-of-Force policies, training and guidelines to include reference to the revised Situational Tactical Options Model.
- 1.1.3 Introduce the revised Situational Tactical Options Model into Critical Skills Training (CS1 and CS2).
- 1.1.4 Communicate the revised Situational Tactical Options Model to all WA Police officers via broadcast and dissemination of display charts to all police stations and operational units.
- 1.1.5 Present the revised Situational Tactical Options Model to Australia and New Zealand Policing Advisory Agency, and all member agencies, for future consideration of inclusion in the National Guidelines.

1.2: Current Taser deployment policy

Background

The initial WA Police Taser Policy was implemented in 2001²⁴, AD – 82 Stun Guns (Use of), and comprised the following sub sections:

- AD – 82.1 Responsibilities
- AD – 82.2 Training
- AD – 82.3 Carriage of Stun Guns
- AD – 82.4 Use of Stun Guns
- AD – 82.5 Warning Prior to Use
- AD – 82.6 Cautions
- AD – 82.7 Aftercare
- AD – 82.8 Reporting
- AD – 82.9 Safety of Stun Guns
- AD – 82.10 Security and Storage of Stun Guns and Associated Equipment
- AD – 82.11 Carriage on Aircraft.

At that time Taser was referred throughout WA Police as a Stun Gun. The policy dictated Stun Gun equipment be made available for use by suitably qualified officers of those units approved (in writing) by the Deputy Commissioner (Operations) to carry and use such equipment²⁵.

The policy also stated that the use of Taser was to be *'reasonable and appropriate'* in the circumstances and was to be used to *'prevent injury to any person'*. For the purpose of UoF reporting, Taser use was articulated in policy as, *'when a Stun Gun is deployed operationally'*.

²⁴ Published in the WA Police Gazette 30, 25 July 2001.

²⁵ AD – 82 Stun Guns (Use of).

After using the Taser, officers were required to ensure a supervisor was notified as soon as possible. A UoF report form was to be submitted to the Chief Instructor at the OSTTU as soon as practicable.

Analysis of these original policies, suggest they were developed from an amalgamation of OC spray and Firearm policies.

The Taser was made available throughout the agency to trained frontline officers in 2007. The initial policies were reiterated to officers without any amendments to the original policies²⁶.

In 2008 amendments were made to all of the Taser policies for various reasons such as²⁷:

- Annual review of policy by OSTTU
- The title change of the Taser policy category from AD to FR as a result of a major revamp of the Police Manual cataloguing system agency wide
- Direction from the Commissioner²⁸.

An addition was made to the instruction that Taser should not be used as a compliance tool²⁹. This arose subsequent to an incident at Narrogin where an officers' use of Taser, while within the policy existing at the time, was deemed to be over zealous³⁰.

Any reference to Stun Gun was replaced with Taser. Officers were also directed to issue the verbal warning of, 'Taser! Taser!'³¹ before deploying the probes.

Amendments were made in relation to the retention and disposal of cartridges to ensure the handling of cartridges complied with occupational safety and health procedures and with risk management procedures. Changes included direction to place used cartridges into appropriate sharps containers. Other minor amendments related to the security, storage and transport of Tasers and associated equipment³².

The increase in use of Taser, which was directly related to the roll out to frontline officers, resulted in an agency requirement to conduct Taser Data Port Downloads, in situations where a complaint was received or an investigation was deemed necessary. Initial policy was drafted to define process and protocols associated with Taser Data Port Download³³.

²⁶ WA Police Gazette 14 – 3 April 2007

²⁷ WA Police Gazette 2 – 9 January 2008

²⁸ WA Police Broadcast – All Users 22 February 2007

²⁹ WA Police Manual FR – 1.6.4 Use of Taser

³⁰ Refer to Case Study in Appendix 5

³¹ WA Police Manual FR – 1.6.5 Warning Prior to Use

³² WA Police Manual FR – 1.6.8 Reporting the Use of Taser and Procedures for Retention and Disposal of Cartridges

³³ WA Police Manual FR – 1.6.12 Taser Data Port Downloads

The Operational Safety and Tactics Training Unit policy review in 2009 resulted in more amendments³⁴ with contemporary information included updating the definition of Taser³⁵. To accommodate the introduction of Master Taser Instructors to WA Police, trained by Taser International, changes were made to the training policy³⁶.

Additional changes were introduced to direct officers not to deploy Taser into the back of a subject who was running away, unless to prevent injury to any person at that time. This change occurred following OSTTU review of incidents in Kalgoorlie and Bunbury where the subjects received injuries as a result of being Tasered while running from police³⁷. The revised policy recommended this practice be restricted to reduce the potential for injuries being received.

Provisions were included for the Officer in Charge of OSTTU to revoke or temporarily suspend officers' Taser User/Instructor qualification where any deployment was found to be unauthorised or a training need was identified³⁸.

Amendments were made in relation to unauthorised discharges. Policy was included to ensure that an officer involved in an unauthorised discharge would have their qualification suspended immediately until further retraining was provided³⁹. Procedures were also updated in relation to designated loading bays for Taser loading/unloading and for Taser Data Port Download⁴⁰.

In reviewing these amendments, which have occurred annually since the roll out to frontline officers in 2007, it is clear that both WA Police and OSTTU, the owner area of Taser policy, have attempted to ensure that the agency remain contemporary in relation to the use and management of Taser.

Research

The Review researched policies from various national and international policing jurisdictions. These policies were compared with the policies of WA Police current at the time of the Review. The following police jurisdictions and the WA Department of Corrective Services⁴¹ were reviewed:

³⁴ WA Police Gazette 4 – 28 January 2009

³⁵ WA Police Manual Policy FR – Taser (Use of)

³⁶ WA Police Manual Policy FR – 1.6.2 Training

³⁷ Refer to Case Study in Appendix 5

³⁸ WA Police Manual Policy FR – 1.6.4 Use of Taser

³⁹ WA Police Manual Policy FR – 1.6.8 Reporting and Procedures for Retention and Disposal of Cartridges

⁴⁰ WA Police Manual Policy FR – 1.6.9 Safety of Taser

⁴¹ Superintendent's Official Instruction – A19 Deployment of Taser

Table 3: Review of national and international policing jurisdictions Taser policy

National	International
New Zealand Police ⁴²	Association of Chief Police Officers (ACPO) United Kingdom ⁴³
Northern Territory Police ⁴⁴	Omaha Police Department ⁴⁵
Queensland Police Service ⁴⁶	Royal Canadian Mounted Police ⁴⁷
South Australian Police ⁴⁸	
Tasmania Police ⁴⁹	
Victoria Police ⁵⁰	

The review of these agencies policies was conducted across various issues associated with Taser and its use with the following results.

Use of Taser

A critical aspect identified for consideration by the Review related to Taser policy, in particular, the policy directly relating to the use of Taser.

The CET, senior managers and the Review were desirous of dealing with the continuing concern surrounding the language used in the current policy, confusion over the terms ‘*compliance*’ and ‘*control*’ and a lack of specific guidance around the risks of Taser use.

The current policy was also not positioned in the appropriate order within Taser policies. The current policy is:

FR-1.6.4 Use of Taser

The Taser is an alternate, less than lethal option designed to incapacitate a person from a safe distance. The use of Taser should be reasonable and appropriate in the circumstances and members will be accountable for any excessive use of force.

THE TASER SHALL ONLY BE USED TO PREVENT INJURY TO ANY PERSON AND SHALL NOT BE USED AS A COMPLIANCE TOOL.

Consideration must be given to the nature of the incident, the location of the subject and any overt susceptibilities of the subject.

Taser will cause incapacitation to the subject of interest that is best described as causing all the muscles within the body to engage violently and immediately. Consequently the body will stiffen and the subject of interest if standing may fall to the ground. Accordingly an appreciation of the surrounds should be made prior to deployment to minimise the potential for injury to subject of interest when incapacitation occurs.

⁴² Taser X-26 Instructions Reviewed 21 August 2009

⁴³ Taser Policy and Operational Guidance Version 4 December 2008

⁴⁴ Electro-Muscular Control Device (ECD) Good Practice Guide

⁴⁵ Force – Use of Deadly Force and Non Deadly Force SOP Reference Vol II 25 August 2008

⁴⁶ Commissioner’s Circular No.15/2009

⁴⁷ Alberta Solicitor General and Public Security Provincial Guidelines for the Use of Conducted Energy Weapons July 2009

⁴⁸ Operational Safety PCO 2006/4410 SAPG 278/08

⁴⁹ Tasmania Police Manual 10.8 and Letter from Commander Donna Adams to Inspector Bradley dated 11 November 2009

⁵⁰ Policy 4.15 Use of Electronic Control Devices – Taser X26 Version 23 19 October 2009

Specific risks emerge from the use of Taser and operators are reminded:

- *Not to deploy the weapon to the face and/or genital groin region of the subject.*
- *Not to deploy into the back of a subject who is running away from members, unless it is to prevent injury to any person at that time;*
- *Not to deploy in the near vicinity of flammable liquids or fumes; and*
- *To deploy additional members within a safe distance with a view to supporting the subject at the earliest opportunity.*

The Officer in Charge of Operational Safety and Tactics Training Unit (OSTTU) has the discretion to revoke or temporarily suspend a members Taser User/ Instructor qualification where a deployment is subsequently found to be unauthorised or identifies a training need for operational safety purposes.

Figure 4: Western Australia Police Manual policy FR-1.6.4 Use of Taser

The Review consulted widely on the terminology to be included in a revised policy. It was deemed as important to remove compliance from the policy. The continued use of this term provided confusion for police supervisors when considering the actions of their staff. There is no reference to the Tactical Options Model which, in its current format, would provide some limited guidance on the application of policy.

Further, the current policy did not provide sufficient guidance on specific risks to the subjects and the officer using the Taser.

Finally, the current policy did not provide sufficient advice on how and when the Taser should be used. Most other agencies outline both when Taser should and should not be used.

Queensland Police policies state there should exist a serious risk of injury to a person before deployment and the incident should be subject to continuous assessment of the circumstances at the time and the Tactical Options Model.

Victoria Police state the criteria for the use of Taser are situations of violent and serious physical confrontation, or the officer must believe on reasonable grounds a violent or serious physical confrontation is imminent, or where a person is involved in violent or other physical conduct, they are likely to seriously injure themselves or result in suicide.

New South Wales Police Taser deployment must be reasonable and proportionate in the circumstances, and this links to their UoF legislation and accountability.

Within New Zealand Police, either the probe or drive-stun mode are determined by the circumstances existing at the time, bearing in mind the 'Situational Use of Force Model'. The policy discusses the need for a 'perceived cumulative assessment' which is an honest belief that the subject by age, size, behaviour exhibited, apparent physical ability, threats made, or a combination of these, is capable of carrying out the threat posed.

Northern Territory Police policy dictates Taser can only be used by officers to defend themselves or others if they fear physical injury to themselves or others. They must be able to demonstrate they could not have reasonably protected themselves or others less forcefully.

Royal Canadian Mounted Police (RCMP) discusses the appropriate use of a Taser requiring a balance between the safety of the officers concerned, of the subjects they face and bystanders. They must also include in the assessment the public's expectations of acceptable police behaviour. Before deployment of a Taser an officer must consider the availability of other reasonable force options and make a determination that Taser is the appropriate level of force required.

Omaha Police, USA, state the Taser may be used to control a potentially dangerous or violent subject when the subject through words or actions communicates that he/she may soon resist, oppose or attempt to flee from an officer making a lawful arrest or detention.

The above policies were considered along with analysis of WA Police Use-of-Force incidents pertaining to identified specific risks associated to Taser, such as persons operating equipment/vehicles and flammable liquids⁵¹.

Within that context, the Review constructed a list of circumstances of specific risk considerations associated with the use of Taser and compared them with WA Police policy on use of Taser. It was found that currently WA Police policy is silent on a majority of the risk considerations as depicted in the following table.

⁵¹ Refer to Case Study in Appendix 5 (Geraldton, Warburton, Forrestfield).

Table 4: Taser Deployment Risk Considerations Comparison with WA Police Policy

Other jurisdiction Taser-specific risk considerations	WA Police policy	Review specific risk recommendations
Children or persons of particularly small body mass	x	✓
Handcuffed persons	x	✓
Not to hold trigger down unless exceptional circumstances	x	x
Not to use two or more Tasers on one person at the same time	x	x
Persons offering passive resistance	x	✓
Females reasonably suspected of being pregnant	x	✓
Near explosive materials, flammable liquids or gases	✓	✓
Punitively for the purposes of coercion or as a prod to make a person move	x	x
To rouse unconscious, impaired or intoxicated persons	x	x
Crowd control	x	x
Against occupants of vehicle or the operator of machinery	x	✓
Where the application of Taser may result in a fall that could result in death or serious injury to the subject	✓	✓
Against infirmed people (elderly frail etc)	x	✓
Against people who are known to be suffering from serious medical conditions such as cardiac arrest	x	✓
Water deep enough to drown	x	✓
As a compliance tool	✓	x
To the face and or genital/groin region	✓	✓

The language around directing officers in the consideration of these Taser-associated risks differed across agencies. Some are restrictive and precise in their direction, utilising the words 'must not', 'shall not' or 'will not'. Others are written in a more positive tone and advise of the risks and possibilities of secondary injuries occurring in these circumstances. In these more positive policies, officers are reminded to balance the elevated risk of these secondary injuries with the need to use the Taser as the appropriate force option.

An observation made by Gray to the Review was that WA Police policy could be worded more positively.

WA Police Taser policy does not currently define the term 'use' in the context of Taser. However, UoF reporting policy outlines the need to report the use of Taser once it is drawn from the holster and used in either one or all of the following modes, draw, arc display or display only.

The use of Taser is required to be reasonable and appropriate in the circumstances. Officers will be accountable for any excessive use of force and shall only use the Taser to prevent injury to

any person. The policy is clear in its direction that the Taser is not to be used as a compliance tool.

Current policy does not reflect the improvements made to officer training with regards to the Taser drive-stun mode. Police officers are currently instructed in training that the correct application of the Taser drive-stun mode is with the cartridge attached, thus ensuring neuromuscular incapacitation.

In addition, officers are also instructed that the use of Taser in the drive-stun mode, without the cartridge attached, is not a sound tactical option and will only work on the sensory nervous system, potentially inducing pain. As a result of analysis of an incident at the Perth Watch House⁵², the Review recommends instruction on drive-stun mode be included in policy to inform all officers to use the drive-stun mode with the cartridge attached, unless an exceptional circumstance exists.

Although the policy dictates that consideration must be given to the nature of the incident, the location and any overt susceptibilities of the subject, it is silent around use of the Situational Tactical Options Model in the decision making process of choosing Taser as a force option. There is no mention of thresholds below which Taser cannot be justified.

As a result, the Review has developed the following policy to be positioned at FR – 1.6.1. The full list of policy changes recommended in this Review is at Appendix 2.

FR-1.6.1 Use of Taser

Western Australia Police class the Taser as an Artificial Incapacitation Device (A.I.D.). It is an alternate less than lethal option designed to incapacitate a person from a safe distance.

The Taser shall only be used where there is a reasonable expectation that its use will prevent injury to any person.

When choosing Taser as a force option, officers should ensure that the decision is made in accordance with the Situational Tactical Options Model. Use of Taser should be reasonable, appropriate and proportionate to the circumstances and members will be accountable for any use of force. Refer FR 1.1 Use of Force – Generally.

When using Taser, members should be aware neuromuscular incapacitation will cause the subject, if standing, to fall to the ground in an uncontrolled manner potentially causing an unprotected blow to the head. Where practicable, they should have additional members available to assist in supporting and restraining the subject at the earliest opportunity.

Other specific risks emerge from the use of Taser. These risks include:

- *The chest, face and/or genital region of the subject*
- *The back of a subject who is running away from members*

⁵² Refer to Case Study in Appendix 5

- *The near vicinity of flammable liquids or fumes*
- *Handcuffed subjects*
- *Subjects displaying passive resistance*
- *Subjects situated in, or adjacent to, water due to the risk of drowning*
- *Subjects situated in elevated positions due to the risk of falling from a height*
- *Subjects operating a vehicle or machinery*
- *Subjects displaying signs of excited delirium*
- *Subjects displaying signs of positional asphyxia*
- *Subjects with known heart conditions*
- *Elderly subjects*
- *Obvious or known pregnant women;*
- *Children.*

Where a subject appears to have suffered a unprotected blow to the head, appears to be affected by Excited Delirium, Positional Asphyxia, heart condition, mental illness, is pregnant or elderly, members are to Refer FR – 1.6.7 Aftercare.

Should a member use a Taser where one or more of the above risks is evident, the member must be prepared to explain the circumstances.

*Where practicable, the Taser should be used in the **probe deployment** mode in order to achieve neuromuscular incapacitation.*

*Members shall only use Taser in the **drive-stun mode** with the cartridge attached and the Taser re-applied in another location on the subject's body in order to create neuromuscular incapacitation. Unless exceptional circumstances exist, the Taser shall not be used in the drive-stun mode **with the cartridge removed**.*

Members should not 'arc' the Taser in an effort to gain control of a subject. The 'arcing' of the Taser, in most circumstances, is not considered to be tactically sound as the Taser cartridge must first be removed from the firing bay.

Figure 5: Proposed Western Australia Police Manual policy FR-1.6.1 Use of Taser

Recommendation 1.2: Use of Taser policy replacement

Current WA Police Manual policy relating to use of Taser is replaced with draft policy FR-1.6.1 Use of Taser, to incorporate Taser associated risk considerations and the revised Situational Tactical Options Model. Refer Appendix 2.

Responsibilities

Western Australia Police Police Manual policy relating to the responsibilities associated with Taser will require amendment in relation to the replacement of the Firearm and Equipment Register with the Firearm and Taser Register.

In line with this proposed amendment, a new document has been compiled by Management Audit Unit, in consultation with the Review. This document includes recording of:

- Taser serial number
- Taser cartridge serial number
- Spark test time (as in the time of the test, not duration)
- For the operator to indicate if a UoF form has been submitted following deployment.

The Review investigated the option of electronically booking out Firearm and Taser daily utilising the agencies corporate Tasking and Data Information System (TADIS). While investigations by the Review found this option not to be viable due to requirements for design changes and planned future developments of the TADIS system.

As stated in other areas of this report, local policy does not mention responsibilities in relation to District Officers.

The Review recommends quarterly downloads to be conducted by Officers' in Charge and is implemented this will require inclusion in policy.

Recommendation 1.3: Taser responsibilities policy

1.3.1 Current WA Police Manual policy relating to the responsibilities of Taser is revised to include reference to new Firearm and Equipment Register (developed by Management Audit Unit - Refer Appendix 2) to record the following information when booking out a Taser for governance purposes:

- Taser serial number
- Taser cartridge serial number
- Spark test time (as in the time of the test, not duration)
- For the operator to indicate if a Use-of-Force form has been submitted following deployment.

1.3.2 Current WA Police Manual policy relating to reporting Use-of-Force is revised to clearly articulate roles and responsibilities of those involved in the Use-of-Force reporting process (officers, supervisors, District Officers, District Training Officers, Risk Assessment Unit and Operational Safety and Tactics Training Unit).

Training policy

Policy in relation to training was generally the same across all agencies reviewed. Guidelines were outlined for training, certification and re-certification of Taser instructors and operators. The minimum duration for user re-certification in other agencies was identified at four hours on an annual basis and the maximum was an annual proficiency exam and biannual practical testing. WA Police requires officers to undertake an annual re-qualification of Taser, which includes theory sessions, a knowledge checker, practical drills and both physical and simulated Taser deployments over eight hours.

The Taser policy does not deal with the requirement to conduct a serviceability spark test when drawing a Taser from the secure storage facility at the commencement of each shift.

Carriage

Of those agencies that carried Taser on the person, all wore the Taser in a holster placed on the support side of the body in a cross-draw configuration.

Warning prior to use

All agencies utilise a verbal warning prior to discharge unless impractical to do so. The warnings generally consisted of variations including the words, 'Taser, Taser'.

Aftercare

Policies across agencies differed greatly in terms of Aftercare.

Queensland Police direct that probes that have entered sensitive areas of the body must be removed by a medical practitioner. Officers in Charge are to ensure that protective gloves, sharps container, alcohol wipes/swabs and adhesive plasters are made available in all operational vehicles under their control.

Victoria Police policy dictates that after a person has been subjected to Taser, the subject must be assessed by qualified medical personnel (ambulance, doctor, nurse), as soon as practicable.

In the Northern Territory Police any deployment of the Taser resulting in a direct application through the firing of probes or the drive-stun mode, upon a human subject, will require an immediate medical assessment of the person by medical staff.

New Zealand Police policy is detailed in relation to Aftercare and directs officers to apply appropriate levels of aftercare. First Aid and medical attention is discussed around dealing with persons most likely at risk from any harmful effects of Taser such as:

- drug or alcohol intoxicated subjects
- mental health patients
- subjects with pre existing cardio vascular disease and pacemakers
- subjects whom have received multiple Taser exposures
- subjects with low BMI, obstetrics patients
- subjects who have been struggling violently or exhibiting bizarre behaviour (e.g., excited delirium).

Medical attention must be provided if the subject does not recover within reasonable time; complains of a medical condition; asks for medical attention; the operator is informed or believes the subject has a cardiac pacemaker or other implanted medical device such as a cochlear implant; or, in the operator's opinion the subject appears to have a medical condition, pre-existing or otherwise.

Restraint, reassurance and probe removal is to be conducted at the earliest opportunity. New Zealand Police provide post-incident information packs containing aftercare equipment such as:

- Small bio hazard bag (for recovered probes)
- Surgical gloves (for use in removing probes)
- Antiseptic wipes (for use on subject)
- Adhesive dressings (for use on subject)
- Information leaflet (for subject)
- Information leaflet (for medical personnel).

In the United Kingdom, ACPO have developed a handout to be given to persons subjected to Taser. This information sheet advises them they have been subjected to the effects of Taser and what to expect in terms of some of the symptoms they may be experiencing. An information sheet for GPs and hospital clinicians is also available⁵³.

WA Police policy dictates that first aid should be administered as soon as is practically possible after a Taser is deployed, and that medical assistance shall be provided by a medical practitioner in circumstances where the subject:

- Does not recover within a reasonable time
- Asks for medical attention
- Is reasonably suspected of suffering from a medical condition, or
- Has the probes embedded in their genitals, breasts, eyes, ears tongue, lips or any other sensitive body part.

Officers are advised that where removal of the probes is appropriate (not embedded in the above mentioned sensitive body parts), and it is practicable to do so, the wounds should be treated at the scene, with the use of an antiseptic wipe and a sticking plaster. However, there is no Taser Aftercare kit containing the items required, whereas, an Aftercare kit is supplied for OC spray.

Western Australia Police Taser training advises the effects of the Taser end the moment it is turned off or the cycle is complete. However, the psychological state of a subject may take time to return to normal. Officers are told the subject should be informed of what has taken place and be

⁵³ Association of Chief Police Officers Operational Use of Taser by Authorised Firearms Officers

reassured that they have come to no permanent harm⁵⁴. WA Police do not have an information leaflet to give to the subject, or any medical staff that may be treating the subject. It is anticipated a police officer, having provided medical assistance, would advise the medical attendant of the circumstances of the injury and it resulting from the application of Taser.

As commented on previously in this Report, DOMILL, reported the risk of the incidence of serious adverse medical events attributable to Taser current application was negligible. However, they reported concerns of fatal head injuries attributable to falls directly related to the application of Taser, although they considered this risk as being low⁵⁵. Subsequently, the Review has considered (in addition to the inclusion of the previously specified risks in the above matrix) that where an officer notes the subject has fallen and suffered a significantly forceful contact of the head with a hard surface, the officer will seek medical care as a priority.

Recommendation 1.4: Taser Aftercare

1.4.1 Introduction of a corporate Taser Aftercare Kit to WA Police, to include:

- Security Movement Envelope
- Protective Gloves
- Sharps Container
- Alcohol Swabs
- Adhesive plaster

1.4.2 Current WA Police Manual policy relating to Aftercare be revised to include additional direction around medical care for subjects who are or appear to be:

- suffering a significant unprotected blow to the head
- affected by excited delirium
- subject to positional asphyxia
- suffering a heart condition
- subject to mental illness
- pregnant
- elderly.

Safety

Queensland Police policy dictates that officers must treat every Taser as armed and ready to deploy. They outline safety procedures including, keeping hands away from the front firing bay, ensuring the safety switch is in the safe position prior to handing it to someone else or upon receiving it from someone else.

⁵⁴ Western Australia Police Academy - Operational Safety & Tactics Training Unit – Taser Manual version 3.1

⁵⁵ WA Police Gazette 14 – 3 April 2007

Officers are directed to ground themselves before handling. They are to load or unload in a designated safe-weapon clearing area, never to aim a Taser at a person's eyes or face and to never throw or attempt to catch a Taser.

Northern Territory Police advises keeping hands away from the front of the cartridge when loading and then discusses safety issues around the subject. Officers are required to be cognisant of the fact that multiple, repeated or continuous deployment should be avoided where possible. Any loading or unloading of the Taser is to be carried out in the administrative loading area at stations.

WA Police policies around safety of Taser dictate loading and unloading should be conducted at a designated loading bay and in a safe direction.

There are no particular directions in relation to the safety of Tasers although training covers the following issues:

- The four international rules of firearms safety apply equally to Taser
- Taser should not be fired at the face or head in order to reduce possible eye injury
- Taser safety is to be in the 'safe' position whenever the Taser is loaded and not intended for immediate use
- Taser is to be kept secure in protective holster. When not in use do not store in pockets without holster.

Security

The review of jurisdictional policies in relation to the security of Taser did not identify any major differences with WA Police policies.

WA Police policy is comprehensive and instructs that Taser must be stored in the unloaded condition with no cartridges attached to the firing bay or Extended Digital Power Magazine (XDPM). The Taser cartridges are to be stored separately from the Taser.

This policy outlines guidelines for the security of Taser when travelling involving an overnight stay and transportation of Taser's and cartridges.

Use of Taser – requirements to report

All law enforcement agencies carry a requirement to report any application of force by a police officer on a subject.

In terms of reporting Taser use in current WA Police policy, the Taser use is reported when used in the draw, drive-stun, probe deploy, arc display or display only and unauthorised discharge modes. This is discussed in depth in Report 2 of the Review and recommendations made for future reporting.

Current WA Police policies are silent on responsibilities for District Governance Officers and more clarity is required around the roles of OSTTU and Risk Assessment Unit. This is discussed in *Report 2: Corporate reporting and Use-of-Force Reporting for Taser*.

Taser Technicians

WA Police do not currently have any policy or guidelines for Taser Technicians to outline their roles and responsibilities. Recommendations regarding this are made by the Review in Report 3 (Recommendation 3.9.5).

Post-incident procedures

Queensland Police review all incidents involving the use of a Taser by the relevant Chief Superintendent, who is to consider any deployment in drive-stun or probe mode within 72 hours of the event.

Victoria Police subject all operational deployments of Taser to a review panel. The Panel is convened within two days of the deployment.

New Zealand Police have in-depth post-incident procedures and dictate that a supervisor attends the scene to ensure proper Aftercare. The scene is required to be photographed where it is believed to be necessary. All evidence including the cartridges, wires, probes and Anti-Felon Identification Discs (AFID) are to be recovered from the scene. The serial number of the corresponding cartridge is printed on every AFID.

As previously discussed, New Zealand Police supply post-incident information packs, which include the following items for assistance in post-incident procedures:

- guide for supervisors
- police exhibit form
- large exhibit zip lock bag
- exhibit labels
- three evidence security bags.

In the Northern Territory Police policy informs officers that an enormous amount of information can be gained from the following areas:

- Wires
- Probes
- AFIDs
- Blast doors
- Wound site
- Evidence in-situ.

Policy directs that in serious matters, where an investigation is expected to occur, the cartridge wires should not be wrapped around the cartridge and secured in gloves. Northern Territory Police advise that the examination of the wires can give an investigator a considerable amount of information, such as whether or not the circuit was completed, broken, interrupted or an extended duration.

In the United Kingdom, in situations where the Taser is discharged, appropriate post-implementation procedures are to be implemented, depending on the nature of the injury or harm sustained. The minimum standard required includes collecting the wires and probes. The United Kingdom also directs not to spool the wires for evidential purposes. The Policy also suggests at least two or three AFIDs are collected and photographs of the incident in detail be taken to show scene, weapons involved, AFIDs, officer and suspect location, injuries to police and suspect, along with barbs' location. The intention of this is to gather as much photographic evidence as possible.

United Kingdom Police also complete a Taser Evaluation Form, UoF report and print out of the Taser Data Port Download to assist with post-incident evidence recovery.

WA Police currently have no Taser designated post-incident procedures, other than FR-1.6.12 Taser Data Port Downloads in relation to the Taser Data Port Download process following an incident requiring investigation. This policy is not adequate to deal with Taser Data Port Download or post-incident investigation procedures.

The Review held meetings with the Detective Training School and Gray, to discuss the requirement to introduce post-incident procedures into WA Police policy. It was determined the current process of wrapping the wires around the cartridge should cease. The value of the forensic evidence that can be obtained from the wires if they are not compromised is high. It was also discussed that depending on the nature of the injury or harm sustained in most situations the

ability to have access to a camera would be high and that photographs be taken of the scene to assist with any possible future investigations.

WA Police do not currently collect any of the AFIDs. To ensure the collection of all possible evidence, the collection of the AFIDs should be introduced into post-incident procedures. As the AFID bears the same serial number as the cartridge, the collection of these may assist later investigation of the Taser cartridge batch, its age and the issue of it over the course of its useful life.

The roles for supervisors would require clear articulation around the management of developed post-incident policies and procedures. Refer recommendation 1.14.1 – Supervision of Taser use.

Recommendation 1.5: Post-incident procedures

Operational Safety and Tactics Training Unit, in consultation with the Detective Training School and Forensic Division, develop post-incident policy and procedures for gathering and security of Taser related evidence including the importance of not wrapping the wires, collecting a sample of Anti Felon Identification Discs and, where possible, photographic evidence of the scene.

Cartridge management

Cartridge management was not discussed in policy in many jurisdictions.

Northern Territory Police used cartridges must be returned to the Police Armoury for disposal, as cartridges are considered highly accountable and are only issued on a one-for-one basis.

WA Police policy outlines procedures for retention and disposal of cartridges. The policy states that when a Taser is used against a subject and a cartridge has been deployed the Taser cartridges, together with the probes, should be stored in the 'approved manner'.

Currently, the 'approved manner' outlined in training is to place the used probes into the used cartridge to prevent needle-stick injury. The officer is directed to wrap the wires around the cartridge and then roll the entire package into the gloves used by the officer to protect themselves from contamination. This has been determined by the Review to be inappropriate and detrimental to any possible investigation. This is discussed below in Post-incident Procedures.

It is directed that the used cartridge will be placed into a sharps container, carried in a police vehicle or at a station, and retained for a minimum of four weeks.

The current policy relating to the sharps container was adopted by OSTTU in late 2007, when it was established the handling of the probes should be treated in the same manner as contaminated needles. To comply with the *Occupational Safety and Health Act 1984*, Section 19 Duties of Employers:

An employer shall, so far as is practicable, provide and maintain a working environment in which the employees of the employer (the employees) are not exposed to hazards.

The recommended purchase of suitable sharps containers, to date, has not occurred (Refer recommendation 1.4.1 Taser Aftercare).

Some areas within WA Police are purchasing the sharps containers from within the station budget, while others are relying on just placing the discharged probes into the side wire pocket container of the used cartridge.

In consultation with WA Police Detective Training School and Gray, it has been determined four weeks is not sufficient time to retain a cartridge. If a death was to occur and it was determined that the person had been subjected to a Taser application sometime in the recent past, the cartridge and wires would be required for evidence.

It was also determined that the cartridge, probes and wires inside the sharps container should be subject to integrity in terms of its use as evidence. It was determined by Detective Training School and Gray, these items should be placed into a WA Police *P11A Security Movement Envelope* and any movement of it tracked on Incident Management System against the incident number.

The asset management of the Taser cartridge as a corporate consumable is discussed in Report 4 of the review report.

Recommendation 1.6: Evidentiary value of cartridges

Current WA Police Manual policy relating to cartridges be revised to direct that the used cartridge, probes and wires are:

- placed inside an appropriate sharps container
- placed into a WA Police P11A Security Movement Envelope
- retained for 12 months for evidentiary purposes and
- any movement of it tracked on the Incident Management System against the incident number.

Other Use-of-Force option policies

WA Police Manual policy FR – 1.1.1 Reporting Use of Force – Guidelines and Procedures has been subject to consideration and comment by the Review within Report 2 – Corporate Reporting and Use-of-Force Reporting for Taser.

1.3: Training

Current

Taser training in the metropolitan area is conducted by OSTTU at the WA Police Academy. The training is conducted over an eight-hour shift and is broken into three stages:

- Theory and knowledge check
- Participation in the Interactive Tactical Training Simulator scenario training
- Participation in live scenario training utilising Taser suits.

The theory and knowledge check session adequately covers policy and legislation. It also incorporates many of the lessons learnt since the introduction of Taser to WA Police and is updated regularly to represent best practice⁵⁶.

Taser training in RWA is conducted by District Training Officers and Satellite Training Officers. The Taser training is considered by the Review to be of a high standard but is not consistent between Districts. OSTTU conduct annual trainer audits across the state in an effort to maintain consistency. Much of the inconsistency is due to the varied availability of suitable training facilities, resources and personnel.

As a whole regional Taser training lacks access to resources such as Interactive Tactical Training Simulator scenario training and, in some instances, a Taser suit to facilitate live practical exercises.

The Review of current training is based on:

- Observation of Taser training sessions
- Review of the Taser training manual
- Review of Taser use
- Review of other jurisdictions' Taser training manuals and
- Interviews of frontline officers, supervisors and governance officers.

⁵⁶ Based on submitted Use of Force report forms and investigations as analysed and assessed by OSTTU.

Observation of training

The Review observed a number of theory and knowledge test sessions. It is clear the instructors are aware of contemporary issues relating to Taser use and incorporate those issues into their presentations. For example, during sessions observed by the Review, emphasis was placed on issues such as:

- Taser only to be used to prevent injury
- Taser not to be used as a compliance tool
- The inherent dangers associated with applying Taser to a person running away or while high off the ground or operating a vehicle or machinery etc
- The danger associated with using Taser when volatile fuels are nearby or on the subject.

During the session, instructors also encourage participants to discuss the contentious issues associated with Taser use. These discussions are used as a catalyst to reinforce WA Police policy regarding the contentious issues.

The Review noted the theory and knowledge test session made no formal reference to the risks associated with applying Taser to subjects displaying symptoms of mental illness or excited delirium. Reference is made to the symptoms of the condition the person is suffering and how to recognise those issues. Where the training is deficient is in providing advice to the treatment of the specific risks. It is recommended that while the particular issue is subject to practical exercises, later in the training session formal reference should be made to WA Police policy FR-1.6.4 and FR-1.6.7. These policies are specific in relation to the application of Taser on people apparently suffering from mental illness or excited delirium and their aftercare.

Recommendation 1.7: Taser training medical issues

Classroom-based Taser training be revised to incorporate reference to WA Police policy relating to the application of Taser to people apparently suffering from mental illness or excited delirium and the treatment thereof.

The Review also participated in, and observed, the practical sessions involving Interactive Tactical Training Simulator training and scenario training incorporating the Taser suit.

The Interactive Tactical Training Simulator training program in relation to Taser training provided multiple video scenarios. These judgemental, decision-making scenarios place trainees into realistic situations requiring them to utilise verbal communications skills and consider various force options, including Taser. The Interactive Tactical Training Simulator program emphasised the ability for officers to have a positive influence on the de-escalation of volatile incidents through

the use of verbal communication and tactics. The trainee actions were recorded and reviewed by all participants, with peer review playing a major part of the learning process. Trainees were questioned regarding their memory of what had occurred and were required to justify their actions.

While this is seen as a useful exercise, it was noted by the Review that the review process was unstructured and did not follow any particular format or process. The Review considers a more formal structure would be beneficial to the training process and would reinforce the Situational Tactical Options Model.

Recommendation 1.8: Interactive Tactical Training Simulator

Operational Safety and Tactics Training Unit introduce the revised Situational Tactical Options Model into the instructor's debrief during Interactive Tactical Training Simulator training sessions to ensure consistency across policy, reporting and training.

The Review also noted that one of the Interactive Tactical Training Simulator scenarios involves a subject displaying symptoms of mental illness. This aspect of the scenario was heavily emphasised by the instructors. During peer review, the issue of dealing with subjects apparently suffering from mental illness was discussed in depth.

It is the opinion of the Review that the Interactive Tactical Training Simulator training program in its current format adequately addresses the issues of perception, preclusion and justification in Taser use required during the training process. It also adequately addresses the issue of officers de-escalating volatile situations through verbal communication and tactics.

The practical scenario training involved a protagonist dressed in a Taser suit. It provided trainees with realistic live scenarios. Trainees were confronted with a highly aggravated actor whose demeanour and actions were determined by the trainees' initial response to the scenario and their subsequent actions. The current practical scenario training is designed to result in the use of the Taser to ensure all trainees did eventually deploy the probes into the actor wearing the Taser suit.

This outcome is required as part of the Taser user re-qualification process. It is the view of the Review this training scenario is appropriate as it tests the trainees' ability to:

- Handle a live, moving subject
- Attempt to de-escalate the situation and
- Deploy probes effectively into a moving subject, as opposed to firing probes into a stationary paper target.

One observation made during the conduct of training related to the reluctance of trainees to approach, touch and deal with a person that had been subjected to Taser deployment and was suffering the effects of neuromuscular incapacitation.

This reluctance may develop into a contributing factor to repeated and/or excessive use of Taser in the operational environment. A subject not being physically controlled at the earliest opportunity during the application of the Taser may continue to resist or act aggressively towards the officer, or the object of their aggression, as soon as the five-second Taser application is completed.

It appeared from the Review observations that trainees have a misconception relating to the conduct of electrical energy between the deployed probes. There also appears to be an uninformed fear that to touch a person who was subject to neuromuscular incapacitation would in turn result in the officer also suffering similar effects, or at least an 'electric shock'. This is not the case and contradicts the spirit of Taser development to utilise a 'window of opportunity' to deal with, and manage, a subject during the Taser's incapacitation phase.

It is not recommended to address this with the re-introduction of trainees being subjected to the effects of neuromuscular incapacitation. It is proposed that during training, a demonstration-type scenario be developed that incorporates a life-sized, three-dimensional human figurine that has an electrically-conductive target area.

A Taser cartridge with conductive wires would be attached to the target area of the figurine and an instructor would activate the Taser device to provide a visible and audible electrical arc between the two probe placements. Students would then be invited to touch the figurine at various points away from the active probes, in order to gain confidence and remove any fear of accidental electric shock. The training aid could be easily replicated for consistency of training associated with demographical isolation throughout the state of WA.

Recommendation 1.9: Overcoming fear of Accidental Shock

Research is conducted by OSTTU to identify a method of exposing trainees to a subject (dummy) suffering the electrical effects of the application of Taser to reduce the fear of accidental shock and encourage trainees to move in to secure subject taking advantage of the five second window of opportunity.

Review of Taser use for training purposes

The Review looked at UoF reports and spoke to officers from Risk Assessment Unit to identify any use issues related to training. One recurring issue is accuracy of probe deployment. Risk Assessment Unit identified that 12% of probe deployments failed to cause neuromuscular

incapacitation due to only one probe or no probes striking the subject. OSTTU has responded to this statistic by introducing multiple Taser probe deployments utilising Interactive Tactical Training Simulator in static mode. It is also the intention of OSTTU to develop a Taser-specific scenario on the Interactive Tactical Training Simulator that will allow trainees to deploy virtual Taser probes at two, three and four metres, with probe spread being accurate and relevant to the distance at which the officer deploys.

Recommendation 1.10: Accuracy training

- 1.10.1 Operational Safety and Tactics Training Unit develop an Interactive Tactical Training Simulator scenario specifically designed to provide Taser accuracy training during delivery of the Critical Skills 2 module.
- 1.10.2 If Interactive Tactical Training Simulator training is found not to improve accuracy in operational deployment of probes consideration be given to alternative training options such as increasing the number of cartridge deployments during Critical Skills 2 training.
- 1.10.3 The number of single-probe or missed deployment statistics be reviewed 12 months after introduction of Interactive Tactical Training Simulator accuracy training to assess the results.

Interviews

More than 500 frontline officers were surveyed in relation to the effectiveness of current Taser training. Most survey responses indicated satisfaction with the current training.

Officers surveyed believed that training in the use of Taser should continue to focus on tactical communication.

The review was cognisant that perceptions exist internally, that with the introduction of Taser, officers may become over reliant on Taser to resolve an incident. This over reliance could result from officers failing to use tactical communication to de-escalate matters.

The Review found, through the survey that the perception that officers were not using their communication skills is not accurate. The reality is that officers, in response to the survey questions, report they are communicating with subjects.

Regardless of perception or reality, the Review believes that Taser training must continue to have a strong emphasis on tactical communication. Operational Safety and Tactics Training Unit need to continue to develop new methods of ensuring tactical communications is contemporary and practiced in Taser training.

The Interactive Tactical Training Simulator training heavily emphasises de-escalation of incidents through tactical communication. In the opinion of the Review, Taser training that includes Interactive Tactical Training Simulator training adequately covers tactical communications; however this can always be improved.

The Interactive Tactical Training Simulator training is not universally available to officers stationed in RWA. However, a portable version of the Interactive Tactical Training Simulator is currently being trialled in the Mid West-Gascoyne District.

Recommendation 1.11: Consistency of Interactive Tactical Training Simulator

Interactive Tactical Training Simulator should be made available to all satellite trainers in Regional WA as is corporately practicable, to ensure consistency in critical skills training delivery, inclusive of tactical communications.

Review of other law enforcement jurisdiction Taser training manuals

A review of other national and international jurisdiction guidelines and external agency reviews uniformly identified the training issue of dealing with people suffering from mental illness, excited delirium or people affected by drugs.

Officers responding to a task must consider the demeanour of the subject, as well as any information or intelligence on the subject prior to responding, in order to provide the appropriate type and level of response. In doing so, the officers can achieve a satisfactory outcome, while not treating the subject 'the same as everyone else'. The WA Police Substantive Equality Coordinator can assist OSTTU in preparing policies and training to respond to these issues.

Recommendation 1.12: Substantive equality

Operational Safety and Tactics Training Unit utilise the services of the WA Police Substantive Equality Coordinator when drafting new Use-of-Force policies and training, to ensure issues of Substantive Equality are considered.

The New South Wales Ombudsman specifically recommends⁵⁷:

"The New South Wales Police Force ensure that officers authorised to use Tasers have received training about mental health issues, including being provided with information about:

⁵⁷ NSW Ombudsman, The Use of Taser Weapons by New South Wales Police Force, Recommendation 4, p 71. November 2008

- (a) *the most effective ways to communicate with people thought to be experiencing mental illness,*
- (b) *the most effective ways to de-escalate situations involving mentally ill people who are behaving in an aggressive or violent manner,*
- (c) *the circumstances when it may be appropriate to subject a person thought to be suffering from mental illness, to a Taser application, and*
- (d) *the most appropriate ways to deal with people thought to be experiencing excited delirium or psychosis.”*

The Queensland Corruption and Misconduct Commission recommends⁵⁸:

“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).”

In Canada, the Braidwood Commission on Conducted Energy Weapon Use recommends⁵⁹:

“That officers of provincially regulated law enforcement agencies, when dealing with emotionally disturbed people, be required to use de-escalation and/or crisis intervention techniques before deploying a conducted energy weapon, unless they are satisfied, on reasonable grounds, that such techniques will not be effective in eliminating the risk of bodily harm.”

The Interactive Tactical Training Simulator scenario training covers subjects suffering from mental illness. However, WA Police training does not adequately cover the aftercare treatment of subjects apparently suffering from mental illness or excited delirium. Refer to recommendation 1.8.

Future

Members of OSTTU are regularly researching and testing new training packages and training aids to improve Taser training. Examples include:

- The trial of Taser Cam
- The trial of the portable Interactive Tactical Training Simulator in RWA

⁵⁸ QPS-CMC Review of Taser Policy, Training, and Monitoring and Review Practices, Recommendation 11, p 3, July 2009

⁵⁹ Restoring Public Confidence, Restricting the Use of Conducted Energy Weapons in British Columbia, Braidwood Commission on Conducted Energy Weapon Use, Recommendation 5, June 2009

- The adaptation of the Interactive Tactical Training Simulator training to allow more opportunity for trainees to improve accuracy of probe deployment.

1.4: Effectiveness

The Review of Taser effectiveness is based on:

- Group interviews of operational officers
- Survey of operational officers
- Review of Use-of-Force reports and
- Review of WA Police Taser statistics

Group interviews of operational officers

The Review consulted a wide range of operational officers across the state in group interviews and through survey questionnaires using Survey Monkey™. The results were determined using an interpretative and qualitative process in terms of themes, motifs and key words by the Review⁶⁰.

In the group interviews officers were asked set questions regarding Taser which generated further discussion and views stated were recorded. Approximately 250 operational officers participated in the group interviews.

The specific question asked in relation to effectiveness of the Taser as a force option was “How effective have you found Taser as a force option?” The anecdotal responses were:

- Red dot display is highly effective in gaining control of a subject threatening violence. Not as effective against a subject already fighting because it is hard to get his/her attention.
- The presence of the yellow handle of the Taser worn on the belt has an effect on calming violent or potentially violent situations. People know it is a Taser and they do not want to be Tasered.
- Drawing and displaying the Taser and also giving the verbal warning helps de-escalate potentially violent situations.
- Drive-stun not as effective as probe deployment because it relies on pain rather than incapacitation.
- Probe deployment is effective in incapacitating subject. It is rare for a subject to continue violent behaviour after one cycle of a probe deployment.

⁶⁰ As only one police organisation was researched, the results may be best generalised by readers in their own situation and environment. This is appropriate when it is considered that every organisation is unique and that an understanding of organisational practices must be considered within that uniqueness. However, it has been established that the problems of policing in Western Australia are not novel or significantly different from those encountered in other States (Kennedy, 2003). Kennedy, G. A. (2003). *Western Australian Police Service Internal Investigations and Disciplinary Processes: Discussion Paper* (No. Vol 2). Perth: Royal Commission Into Whether There Has Been Any Corrupt Or Criminal Conduct By Western Australian Police Officers.

- Probe deployment is not successful if both probes do not attach to the subject.
- As a force option, Taser is better than OC spray because there is no cross contamination and Taser normally does not have the aftercare issues of OC spray.
- As a force option, Taser is better than the ASP baton because it is not an impact weapon and does not cause injury.
- Taser gave officers the greatest opportunity to maintain a safe distance from a violent subject, while still controlling an incident.
- Taser is the only force option that totally incapacitates the subject.

A number of officers pointed out that Taser is not always deployed successfully and recounted numerous incidents where the Taser probes had failed to make contact with the subject for reasons such as thickness of clothing or inaccuracy of probe deployment.

As outlined previously, the group interview sessions identified a strong reluctance among officers to lay hands on a subject while they were being Tasered.

Survey of operational officers

A total of 613 frontline officers were requested to respond to the survey questionnaire in relation to the effectiveness of Taser utilising Survey Monkey™. Responses were received from 295 officers.

The first question regarding effectiveness asked “How effective have you found Taser as a force option?” Of the 237 who responded:

- 69.2% (164) found it effective.
- 4.2% (10) found it not effective.
- 26.6% (63) had never used a Taser or seen a Taser used.

When asked to identify reasons why Taser was their most effective force option, examples of the responses are:

- Taser is the only force option (apart from firearms) that totally incapacitates the subject
- There is little or no Aftercare with Taser compared to OC spray, where a subject may need considerable aftercare while recovering from the effect of the spray
- Taser does not cause injury where impact weapons such as the baton are more likely to
- Taser does not have the cross contamination issue of OC spray.

In relation to effectiveness of Taser, officers stated when deployed successfully, was the most effective, less than lethal, force option.

A number of officers also recounted incidents where drive-stun deployment, without the cartridge attached, had not been as effective due to the absence of neuromuscular incapacitation. Officers also recounted many incidents where the violent subject had de-escalated their violence when the Taser had been displayed. Officers agreed that displaying the Taser had become a highly effective method of de-escalating violent behaviour.

The third question asked officers to grade how reliant they were on Taser and all other tactical options as currently displayed in the tactical options model. The responses are listed at Table 5.

To provide context to this question, senior managers questioned whether the art of communication was being neglected and other options not being considered closely enough since the introduction of Taser. The CET questioned this populist theory which implies that simply because officers had access to Taser, no other options (including communication) would be used by operational officers.

In comparing the group interviews with supervisors (p. 84) to the 237 responses received from the operational officer survey, the Review found that generally there is a belief and perception among the supervisors that officers currently on the frontline have lost the art of talking to people. These officers believed the emphasis appeared to be to end an incident quickly, rather than taking more time to attempt to de-escalate potentially violent incidents through tactical communication. The Review found that the perception operational officers were lacking in their communication skills, is not accurate.

The Review established that operational officers are communicating with subjects when examining the results of the questionnaire in relation to reliance on Taser as a force option. Of the three tactical options on which officers were **always reliant**, communication was the first choice (74.2% of responses), presence (49.6%) and negotiation (37.0%).

Further, operational officers were **often reliant** on empty-hand tactics (31.3%).

Of the force option equipment available to operational officers, those surveyed said they were **reliant** on Taser (34.1%) and **sometimes reliant** on OC spray (45.9%) and baton (41.2%), and the tactical options of cordon and contain and tactical disengagement.

When asked how reliant they were on Taser as a tactical option, officers identified communication, presence and negotiation as a 'tool' on which they were **always reliant**, while they were **reliant** on Taser as a third level of response.

Table 5: Responses to tactical options

How reliant are you on the following tactical options?						
Of the 237 respondents who completed the survey, 58 skipped this question.						
	Never reliant	Sometimes reliant	Reliant	Often reliant	Always reliant	Response Count
Cordon and contain	6.1% (14)	32.9% (76)	29.9% (69)	19.0% (44)	12.1% (28)	231
Presence	1.7% (4)	6.0% (14)	15.8% (37)	26.9% (63)	49.6% (116)	234
Tactical Disengagement	13.5% (31)	43.0% (99)	23.0% (53)	13.5% (31)	7.0% (16)	230
Negotiation	1.7% (4)	8.9% (21)	20.4% (48)	31.9% (75)	37.0% (87)	235
Lethal Force	51.3% (119)	30.2% (70)	11.6% (27)	2.2% (5)	4.7% (11)	232
Baton	33.0% (77)	41.2% (96)	20.2% (47)	2.1% (5)	3.4% (8)	233
OC Spray	27.9% (65)	45.9% (107)	21.5% (50)	2.6% (6)	2.1% (5)	233
Taser	11.6% (27)	33.6% (78)	34.1% (79)	15.9% (37)	4.7% (11)	232
Proximity	1.3% (3)	14.2% (33)	36.2% (84)	25.0% (58)	23.3% (54)	232
Empty Hand Tactics	2.6% (6)	21.9% (51)	26.6% (62)	31.3% (73)	17.6% (41)	233
Other Weapons	37.6% (86)	37.1% (85)	19.2% (44)	4.4% (10)	1.7% (4)	229
Communication	0.8% (2)	3.0% (7)	7.6% (18)	14.4% (34)	74.2% (175)	236

WA Police Taser effectiveness statistics

A review of UoF reports by Risk Assessment Unit for 2007, 2008 and 2009 produced the following statistical graph chart 1 relating to effectiveness.

Risk Assessment Unit identified that 12% of probe deployments failed to cause neuromuscular incapacitation due to only one probe or no probes striking the subject. The Unit also noted on a few occasions when both probes had been successfully deployed, neuromuscular incapacitation was still not achieved due to the thickness of the subject's clothing preventing the charge to penetrate to the body.

There are no recorded instances where the subject was not affected due to a natural immunity.

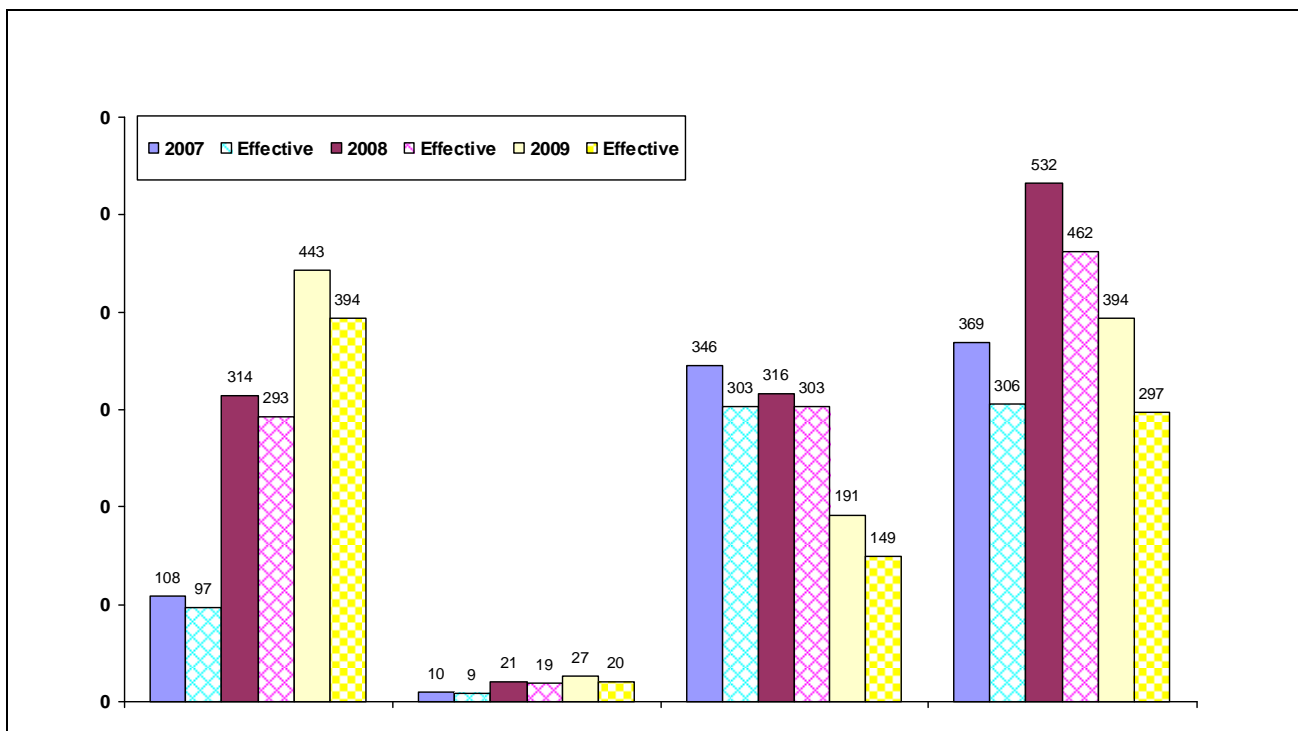


Chart 1: Risk Assessment Unit statistical chart of Taser effectiveness for period 2007 – 2009

These statistics indicate that during the past three years there has been a steady increase in the effective resolution of violent situations through the display of Taser. This mode of use currently also includes red-dot control. In the same period there has been a corresponding reduction in probe deployments. This would indicate subjects are de-escalating their violent behaviour when they see the Taser being displayed. The outcome is that officers are not required to deploy probes as often to successfully conclude violent incidents.

During the same period, the number of drive-stuns has nearly halved. Group interviews suggest this may be due to officers identifying drive-stun as being less effective than probe deployment, as it relies on pain and not neuromuscular incapacitation.

The statistics also show that between 2008 and 2009 the total number of Taser uses decreased.

At this stage it should be noted there are some minor anomalies between different statistical data sources regarding the total number of Taser uses each year. The anomalies are due to different collection methods. The difference between the data sets is less than 0.5% in reported numbers of Taser use and does not affect the statistical trends.

Future

Evidence indicates that Taser is a highly effective force option in violent situations. When neuromuscular incapacitation is achieved, the subject is totally incapacitated for a short time, allowing officers to physically take control of the subject.

Similarly, it is also apparent red-dot display is an increasingly effective mode of use. It is likely that knowledge of Taser in the WA community has spread and subjects faced with officers armed with Taser are more likely to be aware of its effects.

Statistics suggest subjects are more likely to de-escalate their actions when Taser is displayed. This has led to less probe deployments by officers to resolve incidents. As knowledge of Taser spreads further through society, it is likely that deployments of probes will continue to decrease.

Recommendation 1.13: Drive-stun

1.13.1 Western Australia Police Taser policy and training is modified to emphasise the reduced effectiveness of drive-stun, if the Taser is not reapplied to achieve neuromuscular incapacitation.

1.13.2 Statistics relating to the Taser effectiveness and mode of use trends be included in the knowledge session of Critical Skills 2 training.

1.5: Supervision of Taser deployment

Throughout the interview process with the senior management, it has been clearly articulated that supervisors were not providing sufficient supervision and leadership on UoF issues⁶¹.

The matter of supervision, leadership and management is considered by the Review in this section. The review of supervision of Taser deployment is based on:

- Group interviews of supervisors
- Survey of supervisors
- Interviews of District/Divisional Officers
- Review of UoF Reports

Group interviews of supervisors

The Review conducted group interviews of supervisors attending various in-service training at the Police Academy and in the workplace in RWA. The groups were asked set questions regarding

⁶¹ Interviews with 'policy makers' refer Introduction section of this report.

Taser, which generated further discussion. Views were recorded. The results were determined using an interpretative and qualitative process in terms of themes, motifs and key words.

The Review notes most responses centred on the bureaucratic management of the UoF report, with few identifying supervision of the officers' actions as a priority. There was a limited response to the requirement to take managerial action if an officer's actions were outside policy, or unlawful.

The first question in relation to supervision of Taser use was *"What do you see as the role of supervisors to assess use of Taser:..."*

- *At the scene; and*
- *Checking Use of Force Forms?"*

The common themes noted by the Review were:

- Many supervisors did not see a role at the scene of a Taser incident, unless there was an identified issue. Supervisors pointed out that regularly they were the only sergeant on duty for the entire District and were performing the role of On Road Supervisor for the District.
- Large sub districts, such as Perth, had more supervisors on the road and had a geographically smaller area to cover. These supervisors attended most Taser incidents. They saw their role to check on the welfare of the officer and the subject and view the area the incident occurred to increase their comprehension of the incident when assessing the actions of the officers.

Survey on supervision

The Review consulted a wide range of operational officers across the State through survey questionnaires using Survey Monkey™. The results were determined using an interpretative and qualitative process in terms of themes, motifs and key words by the Review⁶².

A total of 613 frontline officers were invited to respond to the survey in relation to supervision of Taser use, with 223 responses received – a 36% response rate. The question regarding supervision of UoF reports was *"What are supervisors responsible for when checking Use of Force reports after a Taser has been used?"*

⁶² As only one police organisation was researched, the results may be best generalised by readers in their own situation and environment. This is appropriate when it is considered that every organisation is unique and that an understanding of organisational practices must be considered within that uniqueness. However, it has been established that the problems of policing in Western Australia are not novel or significantly different from those encountered in other States (Kennedy, 2003). Kennedy, G. A. (2003). *Western Australian Police Service Internal Investigations and Disciplinary Processes: Discussion Paper* (No. Vol 2). Perth: Royal Commission Into Whether There Has Been Any Corrupt Or Criminal Conduct By Western Australian Police Officers.

The responses were categorised by the Review as:

- Justification of use
- Check that the UoF form has been completed fully
- Check that all procedures had been followed correctly
- Check whether other force options have been considered
- Check that the use was in accordance with policy
- Check content, clarity and spelling mistakes
- Check for preclusion of other options, perception of the incident and IAMO of the subject.

Recommendation 1.14: Supervision of Taser use

1.14.1 Current WA Police Manual policy relating to reporting Use-of-Force be revised to include reference to the role of supervisors after incidents involving the use of Taser, inclusive of management of post-incident procedures and the requirement for supervisors to take action if, and when, the use of Taser is identified as being outside policy or training.

1.14.2 Western Australia Police Critical Skills 2 training knowledge session be revised to include specific advice to ensure all officers are aware of the requirements surrounding supervision of use.

District/Divisional Officers

District and Divisional officers, along with governance officers, were interviewed in relation to management and governance of Taser use. The following table describes the questions asked and a selection of responses.

Table 6: Interview responses from District/Divisional Offices

“What do you see as your role as Governance Officers in relation to UoF reports sent to the District Office?”
<ul style="list-style-type: none"> • Oversight. • Confirm the Officer in Charge /Supervisor has identified all the issues. • Forward UoF to Risk Assessment Unit. • Call for a report if issues are identified.
“What role does the District play in managing its people’s performance in using Taser, and supervisors’ performance in supervising people using Taser?”
<ul style="list-style-type: none"> • Most District management agreed they needed to submit complaint advice notices to Professional Standards when they identified issues requiring investigation. • Opinions were not consistent regarding who should issue ‘not to carry’ orders to staff under investigation regarding Taser use. Some Districts felt the order should not be issued until the investigation was completed (This topic is subject to further comment in Report 2).
“There is apparent confusion surrounding the use and understanding of the terminology ‘control, compliance’ in respect to Taser. What is your position or understanding on this matter?”
<ul style="list-style-type: none"> • Compliance is the wrong word to use. It is too broad in what different groups understand or interpret it to mean.

<p>“According to the Police Manual, the Taser is to be used to prevent injury to any person. In the current environment, in your opinion, does this provide sufficient guidance?”</p> <ul style="list-style-type: none"> Interviewees gave quite diverse answers, with some saying the current terminology allowed for too much interpretation, and others saying it was straight forward and did not confuse officers.
<p>“Do you have concerns around our management of the data downloaded from the Taser?”</p> <ul style="list-style-type: none"> Most interviewees were happy with data download and storing it within the District. However, there was no consistency regarding where it was stored, who should have access to it, or what security regimes should be placed upon it. Many interviewees expressed concern regarding the possibility of time discrepancies between officers’ accounts and the data download due to unreliability of the internal clock of the Taser.
<p>“What are the benefits to Use-of-Force reporting with the implementation of Blue Team?”</p> <ul style="list-style-type: none"> Most District Officers were silent on the benefits of the Blue Team form, as the database has not been trialled in their District. Those officers exposed to the Blue Team form felt it had no benefit for them. They pointed out its fields did not cover all the information required for a UoF report. As it was an off-the-shelf product, those issues could not be solved easily. Officers also highlighted the Blue Team form could not be sent to SMAIL, only to individual officers.
<p>“Do you have any concerns surrounding the reporting of ‘UoF’?”⁶³</p> <ul style="list-style-type: none"> Officers identified a number of administrative issues with reporting UoF. Issues such as time for officers to complete form before the end of shift as required in policy, overtime associated with that requirement, and availability of supervisors to review the UoF report in a timely manner. Officers asked for guidance regarding who had precedence in reviewing the UoF reports. Currently, the UoF report is reviewed by the supervisor, the District Training Officer, Risk Assessment Unit, District Office and OSTTU. Policy on this issue is deficient, resulting in duplication of work. The interviews with different District managers exposed varied views in relation to review of UoF reports regarding Taser use. Each District has a procedure in place for reviewing UoF reports prior to forwarding to Risk Assessment Unit but there is no consistency between the Districts. Governance officers recounted incidents where there had been confusion regarding who was responsible for suspending an officer’s Taser qualification if use was outside policy and guidelines.

Review of Use-of-Force report supervision

The Review considered a dip sample of UoF report forms (Refer Report 2.2) and subjectively assessed supervisor’s comments on the reports.

The outcome of this analysis was that approximately 85% of the supervisors provided a satisfactory comment around the content of the report, identifying the use of Taser was within policy, training and guidelines. The process of recording a comment and forwarding the UoF report form through the system is acknowledged by the Review as being well in hand.

However, the Review team analysis of the reports found Taser use did not comply with policy, training or guidelines in approximately 14% of the total dip sample. This being the case, there were very few instances where supervisor’s comments reflected upon the officer’s application of the Taser, which may have required advice or guidance. This did not engender confidence within the Review team that supervisors were providing a sufficient level of supervision or leadership in the field.

⁶³ Review Report 2, Corporate Reporting and Use of Force Reporting for Taser.

1.6: Taser Cam

The Review of Taser Cam is based on:

- Review of the Taser Cam trial conducted by OSTTU
- Review of Taser Cam use in other jurisdictions
- Review of Taser Cam Evaluation by British Home Office Scientific Development Branch
- Consultation with Occupational Safety and Health Branch
- Review of Report of Senior Sergeant Hussey regarding the WA Police trial of the Cylon Head Camera System, and
- Research of other alternative camera systems.

Review of the Taser Cam Trial conducted by Western Australia Police

Taser Cam is a post-market video/audio recording system produced by Taser International. It is attached to the base of the Taser X26 pistol grip and when attached becomes an integrated part of the Taser. Taser Cam records vision and sound like any video camera in black and white and records in all light conditions. Whenever the Taser is activated by switching the safety from 'safe' to 'fire' the Taser and the camera are armed. The Taser Cam commences recording 1.5 seconds after that activation. A Taser Cam unit costs approximately \$700, is rechargeable and acts as the Taser power source.

The shape of the Taser Cam is hook like and the camera housing protrudes towards the subject from the bottom of the hand grip. In standard WA Police format, the spare Taser cartridge is attached to the bottom of the camera housing and extends the hand grip of the Taser by approximately 35 mm.



Figure 6: Photograph displaying Taser X26 with spare cartridge attached (left) and spare cartridge and Taser Cam (right)

Western Australia Police conducted a trial of the Taser Cam between 18 September 2009 and 1 March 2010. Approval was gained initially for the purchase of 10 units, with two more units later purchased. The Taser Cam was trialled by frontline officers at various locations within WA Police and was managed by OSTTU. While the pilot has been conducted for six months, having commenced operational deployment in mid-September 2009, at the time of writing this report a Taser fitted with Taser Cam had not been used operationally on a subject in WA. There have been other outcomes to the trial around training and OSH issues.

Taser Cam was trialled by WA Police to test its ability to accurately record:

- How effective the equipment is in the collection of physical evidence (not verbal), and was this evidence used as part of the prosecution or defence case?
- Was Taser used in accordance with WA Police policy and guidelines?
- What is the most effective way to download and store Taser Cam data and what were the problems associated with this process?
- What is a suitable way to transfer data utilising WA Police computer systems?
- Are there any identified trends in relation to complaints against police when a Taser fitted with the camera was used?
- Identify battery life.

The Taser Cam trial has concluded and a detailed trial report on the outcomes is forthcoming. Three interim issues have been identified:

1. Ability to record justification of Taser use

The Taser Cam is limited in its ability to accurately record the factors that lead to the officer concluding the use of Taser is justified. This is due to WA Police policy and training where officers need to reach the decision to draw the Taser before the Taser safety switch is activated from 'safe' to 'fire'. Taser Cam is automatically activated 1.5 seconds after the Taser is activated.

Unless an officer makes the decision to draw the Taser, pre-emptively activating the safety, which will also charge the cartridge and activates the light and red dot laser, the Taser Cam will not be operating or recording the incident. The critical footage, which the officer would rely upon to justify the use of Taser, is not recorded.

Any vision recorded by the Taser will primarily show the outcome of the subject in neuromuscular incapacitation and possibly any additional applications of Taser.

2. Actions of subject and police officer

Once the Taser Cam is operating, its ability to record the actions of the subject, and police officers, is limited to the time between the Taser Cam commencing recording and the weapon's probes being deployed. This results because the Taser is only pointed at the subject once the safety is switched to 'fire' and during the initial deployment of probes.

Western Australia Police training directs officers that as soon as the Taser has been fired it is pointed to the ground. This practice ensures the wires attached to the probes run along the ground and are not broken by officers approaching to secure the subject or by the subject falling to the ground. The Taser Cam would still record the audio of the incident but the vision will be of the ground.

Critically, the practice of lowering the Taser after deployment is operationally-sound and should not be changed to suit the use of Taser Cam.

The ability of Taser Cam to record the incident during this time can also be hampered by the officer's grip on the weapon covering the camera lens. Officers are taught to utilise the same grip on the Taser as used on firearms which is the standard two-handed grip. This grip is adopted instead of the one-handed grip because it is believed to be more accurate when using aimed weapons. It also is a more stable grip.

The Review observed Taser training where Tasers were fitted with Taser Cam and identified that in most deployments the Taser Cam was covered by the second hand. In this state the Taser Cam will record audio but not video. The Review believes that using a two-handed grip on the Taser is a sound operational and tactical practice, and the current grip affords the most accurate use of the weapon and should not be changed.

3. Carriage of Taser X26 when fitted with Taser Cam

A number of officers participating in the trial nominated negative aspects regarding the carriage of the Taser fitted with Taser Cam. Currently, the Taser is carried in its holster on the accoutrement belt on the opposite side to the officer's firearm. In this configuration the grip of the Taser faces forward to allow the officer to cross draw the weapon using the master (strongest) hand. The attachment of the Taser Cam to the base of the Taser grip increases the length of the grip.

Officer's trialling the Taser Cam have nominated the following negative aspects, due to the length of the Taser/Taser Cam handle:

- The extended length to the Taser grip allows more leverage for offenders trying to forcibly remove the Taser from the officer's belt (while concern has been raised there are no recorded incidents of this occurring during the trial).
- Officers have difficulty reaching the second pistol magazine from the magazine pouch because the Taser Cam is physically obstructs that action.
- Officers' hold on the Taser is altered by the protruding camera lens of the Taser Cam.
- The extended length of the grip will catch on seatbelts when exiting the police vehicle. However, there are no recorded incidents of this during the trial.

Review of Taser Cam use in other jurisdictions

The Review consulted with other jurisdictions using Taser Cam, particularly the New South Wales Police and the New Zealand Police. Both these jurisdictions have fitted Taser Cam to all Tasers.

Queensland Police are evaluating effectiveness of Taser Cam in a trial being conducted in two of their police Districts. The trial is not scheduled to be completed until June 2010. Preliminary advice from them reveals the trial is evaluating issues such as:

- Unintended consequences are being observed due to the Taser Cam role. Queensland Police are considering whether there is premature disengagement of the Taser Cam safety to arm the weapon and activate the Taser Cam, which may affect the recording of audio and video evidence of both police and offender behaviour during incidents. The evaluation will consider whether officers are deploying Taser Cam earlier than they would deploy Taser in normal circumstances in order to activate the recording mechanisms of the Taser Cam. In other words, are officers utilising Taser Cam as a recording device, rather than purely a use of force option?
- The effect of Taser Cam's audio and video capability on Officer behaviour. How is the Taser Cam recording capability influencing officer reaction to incidents, subjects and others? Has officer behaviour changed? Are changes in their behaviour affecting officer safety?
- Changes to subject behaviour. Is awareness of the recording capabilities of the device altering subjects' reaction to police? Are subjects even aware that their actions are being recorded?
- Is the audio and video evidence collected through the use of the Taser Cam of sufficient quality to be presented in court?
- Are there alternative methods of police recording audio and video evidence and what are their implications?

Both New South Wales Police and New Zealand Police train their officers to use the Taser single-handed to facilitate the recording of the Taser Cam. As such, they have not encountered the issue of the non-master hand covering the lens of the Taser Cam.

However, both jurisdictions have nominated issues in relation to Taser Cam capturing the entire incident involving the Taser use. These include:

2. Taser Cam not recording the incident until 1.5 seconds after the red dot is turned on.
3. If a reload of the Taser is required, the Taser has to be turned off to prevent the officer receiving a shock when handling the cartridge. The Taser Cam is not recording the incident from the moment it is turned off to change the cartridge until 1.5 seconds after the cartridge reload has been completed and the Taser turned back on.
4. A positive issue with Taser Cam is that it starts recording automatically when the Taser is turned on. It is not reliant on the officer commencing recording.

Review of Taser Cam evaluation by British Home Office Scientific Development Branch

The British Home Office concluded:

- Over the course of their trial, Tasers fitted with the Taser Cam had similar accuracy to Tasers without Taser Cam.
- Trial personnel found no increased difficulty handling the Taser fitted with Taser Cam.
- To record video footage the Taser had to be armed and pointed at the target. Cartridge reloads were not recorded.
- Most trial personnel identified the camera would not capture sufficient evidence, as recording only commenced when the safety was switched off. Personnel aired concerns that the footage may not reflect the entire incident.
- The 1.5 second delay in recording after the safety was turned off, meant some probe deployments were not recorded.

It should be noted British police officers are trained to use the Taser single-handed, as are officers in New South Wales Police and New Zealand Police.

The Review has consulted with OSTTU and evaluated the benefits of using the Taser single-handed versus using the Taser two-handed. The Review and OSTTU agree that WA Police should continue to train its officers to use the Taser two-handed. This is because of the identified benefits of muscle memory training for officers using Taser and handguns.

While each weapon has a different purpose, all share a similar design – two-handed aimed use. This provides the best platform for accurate deployment of probes from a Taser and the best

platform for accurate shooting of a handgun. OSTTU train WA Police officers to use both weapons two-handed to develop a complementary muscle memory, i.e., Taser training reinforces firearms training and firearms training reinforces Taser training.

The Review does not support any suggestion WA Police adopt a single-handed grip when using Taser.

Consultation with WA Police Occupational Safety and Health Branch

The WA Police Occupational Safety and Health (OSH) Branch stated potential issues associated with the use of Taser Cam⁶⁴ include:

- The Taser Cam system and a second cartridge present a significant increase in grip length and present a catch/snag point for vehicle seatbelts impeding ingress and egress from vehicles.
- The Taser Cam ability to record data is impeded when a two-handed grip is used to enhance weapon retention. The two-handed grip is the current in service method of using the Taser and Glock pistol.
- The Taser Cam has a lag time of approximately 1.5 seconds from activation of the Taser to capturing camera footage. This lag is likely to impact on the precursors of the event and use being captured
- The system may impede magazine draw due to the extended length of the system and location on the service belt and holster configuration.
- The OSH Branch is awaiting the report of the Taser Cam trial to assess any further issues identified during the trial as OSH issues. The OSH Branch has no evidence at this stage of any OSH issues being reported during the Taser Cam trial.

Recommendation 1.15: Taser Cam

Taser Cam not be purchased for operational use due to its inability to fully and accurately record justification of Taser use, actions of the subject and police officers during an incident.

⁶⁴ Draft report from OSTTU on the Taser Cam trial.

1.7: Western Australia Police Union

The President of the Western Australia Police Union (WAPU), Mr Russell Armstrong, and Field Officer, Mr David Lampard, were consulted for the Union perspective on use of Taser. Both Mr Armstrong and Mr Lampard expressed a view that Taser was becoming the police officer's first choice of tactical options. The WAPU are supportive of WA Police officers continuing to carry the Taser.

Based on feedback from the Union membership, the WAPU have formed the view the Taser training program was excellent.

The Union expressed concerns with respect to the Taser policy, which they believed required clarification. When responding to a confrontational incident, police officers get into difficulty when they have to weigh up 'compliance' vs 'threat of injury', when justifying UoF. Policy should be consistent for all UoF options and should clearly guide officers on what option to use and how to use it.

From a governance perspective, Mr Armstrong supported a thorough governance process for UoF.

1.8: Media reporting of Taser use

The WA Police Media and Public Affairs Directorate are responsible for providing timely and accurate information on Taser matters to the public through the media. The Media and Public Affairs Directorate play an important role in informing the public on police activities involving UoF.

The use of Taser rates highly in the public interest and there are many examples of Taser incidents being portrayed in the media. Investigative journalism and the increasing prevalence of opportunistic raw video footage of incidents obtained by media outlets and personal mobile telephone recordings have focused the Media and Public Affairs Directorate on ensuring accurate information is conveyed to the public.

The risks in the release of inaccurate information by police officers on Taser use can result in intense public criticism and loss of public confidence in the police use of Tasers. The Review has identified this risk can be mitigated by accurately informing the public on the circumstances of Taser use.

While there have been some instances where Taser use has been questioned through the media, there are many more instances where, but for the availability of the Taser and the appropriate use

by officers, the outcome of the police action may have resulted in a far more serious, potentially lethal resolution. Examples of this were readily identified in the small dip sample of UoF reports analysed by the Review, where officers were regularly confronted with offenders armed with knives, machetes, a cross-bow, an axe, a fence picket, shovels, etc. These instances have never been reported to or seen by the media.

To assist in providing consistent basic information about Tasers to the media and interest groups, the Media and Public Affairs Directorate have produced a document titled 'Talking Points – Tasers in the WA Police'. This document, which is located on the WA Police intranet, provides information such as how Tasers work, training and safeguards⁶⁵. The Talking Points document can be used to frame consistent information for police to provide to the media and other interested parties.

It has been recognised by the Media and Public Affairs Directorate the Talking Points is a document which should be regularly updated with relevant and useful information.

The continued use of Talking Points and reporting to the media of successful resolution of violent incidents will ensure the information being provided to the media and the public is contemporary and balanced.

Recommendation 1.16: Taser and the Media

Procedures are created and developed to ensure Media and Public Affairs Directorate has timely and accurate information relative to Taser, along with clear processes identifying how the information will be provided and released.

⁶⁵ Talking Points, Tasers in the WA Police, 4 September 2009, Version 3

Report 2: Corporate reporting and Use-of-Force reporting for Taser

Introduction

Report 2 is directed at 'Use-of-Force' and 'Corporate' reporting. In preparing this report, the Review determined there were three distinct areas to examine:

1. Use-of-Force reporting
2. Use-of-Force statistics
3. Corporate reporting.

Although the overall focus of the Review was to consider Taser use, issues regarding general use of force reporting had to be examined. Where gaps have been identified they are subject to comment and recommendation within this Report.

All law enforcement agencies considered by the Review carry a requirement to report any UoF.

2.1: Use-of-Force reports

History of Use-of-Force reporting

Prior to 2006 the process for submission of UoF reports involved the Officer in Charge of a station/business unit assessing the UoF report form. The form was filed at the immediate work place on completion of any actions arising from the assessment and a copy was forwarded to OSTTU.

Use-of-force reports were managed by OSTTU. Forms were perused on a daily basis and reviewed for investigation of issues and recommendations for changes to training. Depending upon results of the review, reports were returned to stations for clarification or further action.

Information from UoF reports was entered on an OSTTU database but not collated, analysed or used statistically. Police Complaints Administration Centre (formerly Internal Investigations Branch) received copies of the UoF reports and operated a stand-alone database used to monitor UoF incidents and build a profile of individual officers.

Risk Assessment Unit approached OSTTU in August 2006 regarding the introduction of a new UoF form. The form was to be managed by Risk Assessment Unit as the main receiving point for use and input into a corporate program managed by the Professional Standards Portfolio, *IAPro*.

This would enable more accurate individual profiling of officers. The process of analysis was to remain with OSTTU.

With the broad introduction of Taser to WA Police in 2007, Risk Assessment Unit and OSTTU worked cooperatively making changes to both the UoF form and policy. A rigorous regime of reporting was introduced to provide confidence to government and the community on the reasonable and justifiable use of Tasers by police officers. As a risk mitigation strategy the data collection was comprehensive to monitor Taser use and effectiveness. Comparatively, other less-than-lethal force options, such as OC spray and baton, only require a report when they are 'used' as a force option, i.e., sprayed on a person, or baton strike on a person.

In 2009 OSTTU introduced the UoF Reporting Guidelines. These guidelines were formulated for the assistance of supervisors and governance officers and distributed to all District and Divisional Office Governance Inspectors, District Training Officers and Risk Assessment Unit⁶⁶.

The Guidelines included examples of acceptable and unacceptable UoF reports, a checklist and a copy of the OSTTU UoF Manual. These Guidelines made reference to the current Tactical Options Model. In the current model the various tactics, actions and tools available to a member during a UoF incident are identified.

The Review identified, as discussed earlier in Report 1, that the current Tactical Options Model does not provide sufficient clarity to the pertinent issues an officer should be aware of, or must encounter when formulating a response or a course of action to successfully resolve an incident. It is for this purpose the Review recommends a revised and updated Situational Tactical Options Model, the details of which, in addition to the wide circulation to all officers, must be included in the UoF reporting Guidelines.

Recommendation 2. 1: Use-of-Force Report guidelines

- 2.1.1 Operational Safety and Tactics Training Unit revise the Use-of-Force Reporting Guidelines manual to include all UoF reporting recommendations and the revised Situational Tactical Options Model.
- 2.1.2 The Use-of-Force Reporting Guidelines, produced by Operational Safety and Tactics Training Unit, be available on the WA Police Intranet site and the WA Police *Blackboard* education portal.

⁶⁶ WA Police Use of Force Reporting Guidelines version 1.1, 27 May 2009.

Current processes

The collection of quantitative and qualitative data on force option use is obtained through the submission of UoF report forms.

The following tables detail the type of information collected through the UoF report form and the current interpretation of Taser mode of operation. Later in this Report, the Review discusses the revision of the interpretation and specific data collection.

Table 7: Information captured through the Taser Use-of-Force form

Type of information	Form field
Technical	Serial number of Taser
	Cartridge number(s)
	Number of cartridges used
	Number of cycles
	Total number of probes fired
	Distance at which deployed
	Number of drive-stuns
Mode of Operation	Accidental discharge (Unauthorised)
	Displayed only
	Was this an Arc Display?
	Was this a Red Dot Control?
	Drive-stun contact
	Was this a probe contact?
	Did Taser cause injury?
Post-incident analysis	Did probe/s penetrate skin?
	Subject wearing heavy clothing
	Area of probes contact 1
	Area of probes contact 2
	Area drive-stun applied
	Did Taser cause injury?
	Did probe/s penetrate skin?
Post-incident analysis	Subject wearing heavy clothing
	Area of probes contact 1
	Area of probes contact 2
	Area drive-stun applied
	Summary of Incident
	Supervisor comments
	Summary

Table 8: Current interpretation of Taser use in the various modes of operation⁶⁷

Mode of operation	Interpretation
Taser Reports	The figure represents the total number of reports received at Risk Assessment Unit involving Taser (in any mode) being Drawn or Discharged.
Taser Drawn	This figure represents the total number of Taser's that have been Drawn and reported to Risk Assessment Unit.
Taser Display only	This figure represents the total number of Taser's that were drawn (and reported to Risk Assessment Unit) and no other action was taken. (Includes Red Dot Control. Red Dot Control reported separately from October 2009).
Taser Arc Display	The total number of times when a Taser was discharged in the 'Arc Display' mode only.
Taser Drive-stun	The total number of times where the Taser was drawn and discharged in the 'Drive-stun' mode only.
Taser Projectile	This figure represents the total number of times when a Taser was discharged and the probes were projected.
Taser Accidental Discharge	This figure represents the total number of times when a Taser was discharged by accident.

The purpose of reporting, managed by OSTTU, and stated in the WA Police Manual, FR 1.1.1 *Reporting Use-of-Force – Guidelines and Procedures* is for:

- Identification of training needs for operational safety purposes
- Monitoring the effectiveness of operational training, tactics, procedures and equipment to ensure appropriate behaviour, and
- Monitoring the Use-of-Force trends in the best interests of the public and operational police.

Currently, a 'UoF Incident' is summarised as follows:

- Drawing or discharging a firearm or Taser
- Use or discharge a baton or OC spray
- Use handcuffs and cause injury
- Use of any instrument or implement as a force option
- Use of empty hand tactics and causes injury
- Use of a motor vehicle, police dog or horse as a force option.

While it is expected assessment of UoF is conducted at each level of supervision. Prior to the implementation of the Review, gaps were identified in this process as:

- Risk Assessment Unit were undertaking the final quality assurance
- Risk Assessment Unit are not subject matter managers of UoF and do not possess the training, knowledge or expertise to do this
- Only Taser and not all UoF reports were being reviewed by OSTTU.

⁶⁷ Extract from Risk Assessment Unit report dated 18 November 2009.

As a result, since inception of the Review, strategies have been implemented that require Risk Assessment Unit to send copies of all UoF reports directly to OSTTU. All UoF report reviews conducted are documented on a UoF Report Review Form and, where issues are identified or remedial action is required, OSTTU liaise with the officer's line manager to resolve the matter. This communication is documented and filed at OSTTU. This issue is subject to further comment in the section 'Current roles, responsibilities and gaps'.

Standard Use-of-Force report form

The Standard form was developed by OSTTU and Risk Assessment Unit specifically to meet reporting requirements. The form advises officers to detail effectiveness of the application of force within the summary of the incident.

The Standard form is a Microsoft Word document accessed available to Taser users through 'Public Folders' in Microsoft Outlook. There have been several amendments to the form since its inception in 2006, with the current version (1.4) being approved and published in June 2009.

Risk Assessment Unit receives the Standard form, via email, subsequent to its assessment and passage through various levels of supervision. The major shortfall of the Standard form is the requirement for it to be manually uploaded into *IAPro* by staff of Risk Assessment Unit.

To overcome the issue relative to *IAPro* Risk Assessment Unit have been piloting the 'Blue Team' Use-of-Force Report (p. 118).

The Standard form commences with a direct extract from the WA Police Manual FR-1.1.1 *Reporting Use-of-Force Guidelines and Procedures*. It is followed by 'fill in a form' sections, requiring some 'free text' form fields to be entered and some where a selection can be made from 'drop down' lists. At the completion of this section of the form, the officer is required to type a summary of the incident from their perspective.

When completing the summary, the form directs the officer to provide a comprehensive account of the circumstances surrounding the UoF incident. The form reminds officers to enter comments on lighting, wind, rain and effectiveness of any force used (disabling/minimal effect etc).

The instructions also remind those completing the summary field to include:

- Force options considered and used
- Introduction and confirmation of why there was engagement with the subject
- Details around asking for personal particulars
- Confirmation and whether or not the caution was used.

The officer is asked to explain their UoF selection accompanied by appropriate comment, including:

- Why the subject was requested to comply
- Explanation of the consequences
- Arrest
- Tactical engagement
- Negotiation
- Proximity
- Communication
- Aftercare
- Medical treatment, and
- Duty of care⁶⁸.

The headings *Perception and Preclusion* were added to the Standard form by OSTTU in late 2009, after advice from Risk Assessment Unit that officers were not making reference in the summary field to these considerations. It was deemed necessary to include both to assist the reviewer to determine if the UoF complied with policy, legislation, training and guidelines.

Introduction of the revised Situational Tactical Options Model would provide a substantial reference point for officers and supervisors to self-assess the content of the form. By including the information prescribed within the Situational Tactical Options Model (information and intelligence, appreciation of risk and threat, powers and policies, tactical force option choice and review) within the Guidelines, the UoF report forms would contain significantly improved information.

Operational Safety and Tactics Training Unit and Risk Assessment Unit should integrate the required changes to the summary section of the Standard form, in line with the new Situational Tactical Options Model (Refer Recommendation 2.2.1). In so doing, the Review expect supervisors will ensure the content of the incident summary is aligned to the requisite headings within the Situational Tactical Options Model and officers submitting the standard form would do so in a consistent manner.

⁶⁸ WA Police Use of Force Report version 1.4

Use-of-Force report guidelines and case studies⁶⁹

In June 2009 OSTTU introduced the UoF Reporting Guidelines. These guidelines were formulated after a review was conducted of the submission of UoF forms. The Review considered:

- Quality of the details supplied in the UoF report forms
- Thoroughness of the incident detail
- Compliance with Police Manual Policy, and
- Adherence to OSTTU UoF Training Manuals.

The broad details provided in the UoF reports, generally, and the detail of the summary of the incident were lacking. Without inclusion of the necessary detail, the role of supervisors and governance officers becomes more difficult to assess the reporting officer's actions in respect to training and policy. The guidelines were compiled to assist supervisors and governance officers and included examples of good UoF reports, a checklist and a copy of the OSTTU UoF Manual. These were distributed throughout the agency to supervisors and governance officers, with the intention of providing updated copies when relevant changes occurred.

The Review was concerned to note from surveys that few Supervisors knew about the OSTTU UoF Reporting Guidelines. It became apparent the distributed copies of the Guidelines, referred to previously, had not been utilised effectively in the Districts. Case study 1 is the example of a UoF report 'Summary of Incident' included in the UoF Reporting Guidelines⁷⁰.

Table 9: Case study 1 - A good example of a current Standard Use-of-Force report form

Case study 1
Summary of incident
At 2135 hrs on Monday, April 13 2009, Police responded to a job at 8 Smith Street, Northbridge for a violent domestic. Initial call stated that son Michael was fighting with his mother and that he had a knife. The attend address was approximately 600m from the Perth Police Station, both units tasked to attend were just leaving the station.
Perception (Individual member event interpretation based on situation factors such as age, environment, experience, gender, weapons, multiple subjects etc)
JV10 arrived at the attend address first and observed the offender Michael JONES walking in a Southerly direction from 8 Smith Street, Constable CITIZEN observed JONES to have a large knife in his left hand. Due to the size and the demeanour of JONES Constable CITIZEN felt in fear of death or grievous bodily harm.
Preclusion (why other force options were passed over)
Constable CITIZEN got out of the police vehicle and immediately drew his service firearm and approached JONES from behind. Constable CITIZEN challenged JONES by yelling, "Police, don't move, throw down the knife!". Due to the possibility of lethal force, Constable CITIZEN precluded the use any other force options and chose to match lethal force with lethal force. JONES continued to walk away from Constable CITIZEN who again said "Police STOP, throw down the

⁶⁹ Names, dates and times have been changed for anonymity.

⁷⁰ WA Police Operational Safety and Tactics Training Unit, Western Australia Police Academy – Use of Force Reporting Guidelines Version 1.0

Case study 1

knife!" 1/C SEIKO approached JONES from the left at a tactical 90 degree position with his Taser drawn and red light on JONES.

JV11 arrived simultaneously; Constable BROWN drew her Taser pointing it at the ground and approached JONES behind 1/C SEIKO as support. Constable WHITE drew his service firearm from his holster but when he observed that another Firearm was already drawn he immediately re-holstered.

JONES continued to walk away from police and was unresponsive to police demands to stop and drop the knife. Constable CITIZEN Called "Taser Taser" and SEIKO fired his Taser, 1 barb striking on his left arm but was ineffective due to baggy clothing. Constable BROWN moved in to support Constable SEIKO, and when his Taser was ineffective Constable BROWN fired her Taser, causing JONES to drop the knife and fall to the ground on his right side with the effects of the Taser.

As soon as the Taser was observed to be effective Constable CITIZEN reholstered his firearm and moved in to handcuff JONES with the assistance of Constable WHITE.

Intent – JONES had already threatened others with the weapon before police attended.

Ability – JONES appeared physically fit but possibly affected by drugs or alcohol.

Means – Unrestrained and carrying a large meat cleaver.

Opportunity – JONES was carrying a weapon, was non-responsive to instructions and had already made threats to harm others.

Use-of-Force Options

- Professional Presence: Ineffective and non responsive to instructions.
- Verbal: Verbal commands not complied with.
- Empty-Hand Tactics: Not an option due to possession of a weapon.
- OC: Not considered viable due to weapon.
- Impact: Not considered viable due to weapon.
- Lethal: Considered but only as last resort if attacked and Taser not effective.

JONES received minor first aid at the scene and refused further first aid at the station. JONES was charged with Aggravated Common Assault, Threats to Kill and Going Armed in Public as to Cause Fear. JONES was refused bail and conveyed to Rangeview to appear in Perth Children's Court on 3/06/09. Custody #123456. Brief #876543.

Case study 1 from the OSTTU UoF Reporting Guidelines is a good example of a UoF report form as it provided the necessary information by the officer in justifying use of that particular force option in that incident. The following example, Case study 2⁷¹, is an example of an actual UoF report which demonstrates the poor quality of some reports currently being received.

Table 10: Case study 2 - A poor example of a current Standard Use-of-Force report form

Case study 2**Summary of incident**

Complainant called the Police Station and stated her grandson was going off in the house and wanted him out. Police attended and met with the accused.

The accused was standing in the kitchen and became immediately aggressive to Police when questioned. The accused squared up to officer 1 and then nudged him with a shoulder. The accused was pushed back from officer 1 and was told to leave the house by officer 2. As officer 2 asked the accused to leave the house, accused started shouting abuse language at the Complainant.

Officer 2 placed his hand lightly on the accused shoulder to escort him out of the house, the accused swung his arm across hitting officer 2 in the eye and nose, with some minor force.

Officer 1 went to grab the accused arms and the accused started to wrestle with him, both the accused and officer 1 fell across the kitchen floor in the struggle. The accused continued to swing his elbows and struggle with officer 1. Due to the struggle Officer 1 and the accused were both forced to the ground.

Officer 1 managed to break himself free from the accused and pull his Stun Gun out shouted at the accused

⁷¹ Use of Force Report Form 1 of 95, PIRT Dip Sample of UoF reports.

Case study 2
to comply. The accused on seeing the Stun Gun gave up struggling and complied there after. The accused was arrested and conveyed to Police Station.
Perception (Individual member event interpretation based on situation factors such as age, environment, experience, gender, weapons, multiple subjects etc)
Preclusion (why other force options were passed over)
Use-of-Force Options

Case study 2 was chosen to highlight four concerns, that the officer:

1. Failed to articulate the justification of why the Taser was chosen over other available force options
2. Made no comments of their individual perception of the situation
3. Referred to the Taser as a stun gun
4. Discussed compliance, rather than the situation being controlled.

The Review formed the opinion the reason for the lack of consistency and detail being entered in to reports is a result of confusion of officers surrounding the correct method of reporting UoF.

Officers are taught UoF reporting in initial recruit UoF training and through the OSTTU UoF Manual. Officers are required to report in the Standard form and/or the Blue Team form. Officers are also provided feedback at Critical Skills Training on UoF scenarios. However, there is no consistency in the advice and direction provided to officers.

The revised Situational Tactical Options Model would assist officers UoF decision making in the field. It would provide a consistent approach to UoF based on training, application in the field and reporting. This approach would greatly assist the supervision and accountability around the detail provided in the UoF report form

Using the proposed Situational Tactical Options Model as a guide, Case Study 1 has been re-formatted and appear in Table 11 as Case Study 3. The Review finds the UoF report, utilising the revised Situational Tactical Options Model format, provides a clearer analysis of the circumstances of task and the officer’s response.

Table 11: Case study 3 – Content of Case study 1 re-formatted into the proposed Situational Tactical Options Model reporting format

Case study 3
Information/Intelligence
At about 2135 hrs on Monday, April 13 2009, Police responded to a job at 8 Smith Street, Northbridge for a violent domestic. Initial call stated that son Michael was fighting with his mother and that he had a knife. The attend address was approximately 600m from the Perth Police Station, both units tasked to attend were just leaving the station. (Officers could provide comment of source of further information from TARDIS, local knowledge, etc.).
Appreciation (risk and threat)
JV10 arrived at the attend address first and observed the offender Michael JONES walking in a Southerly direction from 8 Smith Street, Constable CITIZEN observed JONES to have a large knife in his left hand. Due to the size and the demeanour of JONES, Constable CITIZEN felt in fear of death or grievous bodily harm. JONES had already threatened others with the weapon before police attended. JONES appeared physically fit but possibly affected by drugs or alcohol. JONES was unrestrained and carrying a large meat cleaver, was non-responsive to instructions and had already made threats to harm others.
Powers and policy
Due to the possibility of lethal force Constable CITIZEN precluded the use any other force options and chose to match lethal force with lethal force.
Selection of force options
Professional presence was ineffective and JONES was non-responsive to instructions. The verbal commands of police were not complied with. Empty Hand Tactics was not an option due to possession of a weapon. OC was not considered viable due to presence of a weapon. ASP baton was not considered viable due to weapon. Lethal force was considered but only as last resort, if attacked and Taser not effective.
Actions and reassessment
Constable CITIZEN got out of the police vehicle and immediately drew his service firearm and approached JONES from behind. Constable CITIZEN challenged JONES by yelling, "Police don't move, throw down the knife!" JONES continued to walk away from Constable CITIZEN who again said "Police STOP, throw down the knife!" 1/C SEIKO approached JONES from the left at a tactical 90 degree position with his Taser drawn and red light on JONES. JV11 arrived simultaneously; Constable BROWN drew her Taser pointing it at the ground and approached JONES behind 1/C SEIKO as support. Constable WHITE drew his service firearm from his holster but when he observed that another Firearm was already drawn he immediately re-holstered. JONES continued to walk away from police and was unresponsive to police demands to stop and drop the knife. Constable CITIZEN Called "Taser Taser" and SEIKO fired his Taser, 1 barb striking on his left arm but was ineffective due to baggy clothing. Constable BROWN moved in to support Constable SEIKO, and when his Taser was ineffective Constable BROWN fired her Taser, causing JONES to drop the knife and fall to the ground on his right side with the effects of the Taser. As soon as the Taser was observed to be effective Constable CITIZEN reholstered his firearm and moved in to handcuff JONES with the assistance of Constable WHITE. JONES received minor first aid at the scene and refused further first aid at the station. JONES was charged with Aggravated Common Assault, Threats to Kill and Going Armed in Public as to Cause Fear. JONES was refused bail and conveyed to Rangeview to appear in Perth Children's Court on 3/06/09. Custody #123456. Brief #876543.

Recommendation 2.2: Reporting requirements aligned to the revised Situational Tactical Options Model

Risk Assessment Unit and Operational Safety and Tactics Training Unit develop changes to the Standard form to meet corporate reporting requirements:

- aligned to the revised Situational Tactical Options Model reporting process as demonstrated in Case Study 3, and
- to include an 'effectiveness' recording field.

2.2: Supervision of Use-of-Force reports

Within WA Police, the roles of the shift supervisor/sergeant position and key relationships are generically⁷² described as:

- Motivating staff
- Providing assistance and advice on matters which may include matters of law and station operation procedures
- Efficient management of subordinate staff
- Strong leadership skills in the general management of staff
- Personal development of personnel
- Monitoring the training needs of personnel
- Accompanying subordinate staff on patrol inquiries
- Requirement to oversee the general administrative practices performed by the staff
- Provide guidance to subordinate staff.

Officer survey and interviews

Officers were surveyed to identify the expected roles of supervisors in UoF and subsequent reporting. The Review encountered responses which clearly identified the expectations being directed at leadership and accountability.

Responses of frontline officers were that supervisors should be ensuring:

- Justification of use
- Procedures were followed
- Other force options were considered
- Use was in accordance with policy
- The officer had considered and commented on preclusion and perception.

⁷² Western Australia Police position description number 273 'Shift Supervisor'.

Responses of supervisors (in group interviews) were that they were required to be the first level of review of an officer's actions. However, some saw the supervisor role duplicated by the governance officer or the Assistant District Officer.

Responses from supervisors (in group interviews) were framed around the managerial process of:

- Checking the UoF report for correctness in answering all questions
- Providing guidance to the submitting officer on completeness
- Timeliness of reporting
- Identifying whether the Use-of-Force was within policy and guidelines
- Identifying whether the Use-of-Force was lawful.

It is noted by the Review the majority of responses from supervisors (in group interviews) centred on the accountable reporting of the UoF with fewer responders identifying supervision of the officers actions as a priority.

Responses of senior officers were that the role of the supervisor was one of oversight, identifying all the issues, calling for a report if issues are identified and submitting complaint advice notices to Professional Standards when required, they also supported the officer view, that these roles were being duplicated.

Dip sample analysis of Use-of-Force reports

Taser UoF reports were received from Risk Assessment Unit and analysed by the Review for a period commencing 17 November 2009 to 4 January 2010. Reports were received in both the Standard and *Blue Team* formats (p. 118).

The Review found the administration and processing of submitted UoF report forms to be heavily supervised but not well co-ordinated. This had led to duplication of work and sometimes conflict in who has precedent to deal with identified issues. Clear delineation of roles is needed to reduce duplication (Recommendation 2.3). Further, analysis of the Standard forms identified a significant percentage being submitted on incorrect and out-dated versions.

Blue Team Incident Summary forms were not being routinely utilised (p. 118).

The following table identifies the manner of Taser use in the dip sample UoF forms:

Table 12: Dip Sample of Use-of-Force Reports, Taser use

Type of Taser use	%
Draw	6.3
Arc Display	2.1
Display Only	37.9
Drive-stun with Cartridge	2.1
Drive-stun without Cartridge	8.4
Cartridge Deployment	35.8
Unauthorised discharge	7.4
Total	100

In providing a subjective analysis to the summary contained in the UoF report forms, the Review found the reported use complied with agency policy in most instances. Other than a small number of unauthorised Taser discharges during the load and unloading procedures, there was a minimal number where the subjective analysis of the summary by the Review required further investigation to clarify the circumstances.

The Review identified a small number of supervisors were not fulfilling their job requirements in assessing the UoF form as would be expected of a supervisor. In some instances, there was little comment on behalf of the supervisor, where there was, or appeared to be actions by an officer which were not well aligned to policy, procedures or training.

The Review noted the continuation of the term 'stun gun' in a small number of UoF reports, despite WA Police Gazette policy instructing officers the Taser device not be referred to as a 'stun gun'⁷³.

The Review analysed the narrative component of the dip sampled UoF reports and being aware of the requirement for comprehensive and detailed information, observed submitting officers failed to thoroughly articulate their:

- Justification behind their choice of Taser as the force option
- Perception of the incident and likelihood of injury to any person, and
- Preclusion of other force options⁷⁴.

These results raised concerns that some supervisors were not providing a suitable level of governance over the substance of the report. Western Australia Police expect frontline supervisors to be able to identify and rectify incomplete and ill-articulated Use-of-Force reports, at the earliest opportunity.

⁷³ WA Police Gazette 2 – 9 January 2008.

⁷⁴ Current WA Police policy FR – 1.6.4. Use of Taser.

The Review found there was inconsistency in assessing UoF forms by supervisors. Incorrect analysis of officer actions, no supervisor comments or lack of attention to correct or validate information submitted by the officers, were identified as gaps in the supervision. There was limited referral for further or remedial training, whereas intervention and remedial training should be implemented at the earliest opportunity to ensure the appropriate use of Taser.

Recommendation 2.3: Supervisor Use-of-Force responsibilities

2.3.1 As per Review recommended policy, supervisors assess the circumstances surrounding the Use-of-Force of officers, provided in Use-of-Force reports and determine what further inquiries or responses are required (Recommendation 1.3.2).

2.3.2 Officers and supervisors fulfil the requirement to only use current version of the Standard Use-of-Force form.

Gaps in reporting (Supervisor identification)

Anecdotal evidence from discussions with senior management⁷⁵ revealed concerns that, in some instances, Taser is being drawn but not reported. No evidence was provided to support this assertion nor has any been identified to any great extent by the Review or Management Audit Unit.

Management Audit Unit conducted a number of BAMR audits of UoF reporting across several locations through the latter half of 2009 and early 2010. These audits identified a small amount of under reporting in terms of UoF report form submission. However, there were sufficient station occurrence book entries and Incident Reports which captured these uses and the absences were so minimal as to not raise any serious concerns for the auditors.

Management Audit Unit have also, in consultation with OSTTU developed a Firearm and Taser Register to record the following details for governance purposes:

- Taser serial number
- Taser cartridge serial number
- Spark test time (as in the time of the test, not duration).

This register has been distributed on a trial basis by Management Audit Unit.

⁷⁵ Meeting notes with Geraldton Police Assistant District Officers 15 February 2009.

Recommendation 2.4: Firearm and Taser Register

Firearm and Taser Register developed by Management Audit Unit be distributed agency wide and inserted into Taser policy to assist with the governance of use of Taser and align to Use-of-Force reporting.

Training in Use-of-Force reporting requirements for Supervisors

The OSTTU UoF Manual covers WA legislation, WA Police policy, along with causal, personal, situational and organisational factors connected to UoF. The manual and training discusses the levels of resistance encountered by police, the force options available to control these levels of resistance and factors affecting force including perception and preclusion. The manual discusses the current Situational Tactical Options Model.

It is evident anomalies and a lack of consistency exists in the quality of both the officer narrative and the supervisor review in UoF reporting. The Review concluded supervisors should be aware of the requirements of UoF reporting as there is sufficient material readily available to supervisors to ensure the submission of detail on forms is to a suitable standard.

Operational Safety and Tactical Training Unit created the UoF Reporting Guidelines, as previously discussed, to provide an elevated level of information and advice on the submission and completion of UoF report forms. It is apparent the Guidelines are not being used for their intended purpose.

The Review also found that while there is sufficient material available, its distribution and availability could be enhanced through more effective use of the WA Police intranet and the WA Police *Blackboard* education portal.

When comparing the OSTTU UoF Manual, WA Police policy, the Standard form and the *Blue Team* form, each directs officers to complete the process in varying ways. For consistency to exist there needs to be a fundamentally consistent process for applying, reporting and supervisor analysis of UoF. This approach would be aligned with previous recommendations to create a Situational Tactical Options Model that could be adopted into UoF reporting across the board.

Recommendation 2. 5: Use-of-Force report training

Use-of-Force report training, based on the revised Situational Tactical Options Model, be introduced into:

- Contemporary Issues component of Critical Skills 1 annual re-qualification
- supervisor training in Use-of-Force reporting, be incorporated into the Advanced Supervision Course.

2.3 Roles and responsibilities in Use-of-Force reporting

Figure 7 tracks the current flow of the Standard UoF report form submitted by an officer through the Officer in Charge, Manager/Supervisor to Risk Assessment Unit, District Office, District Training Officer and OSTTU.

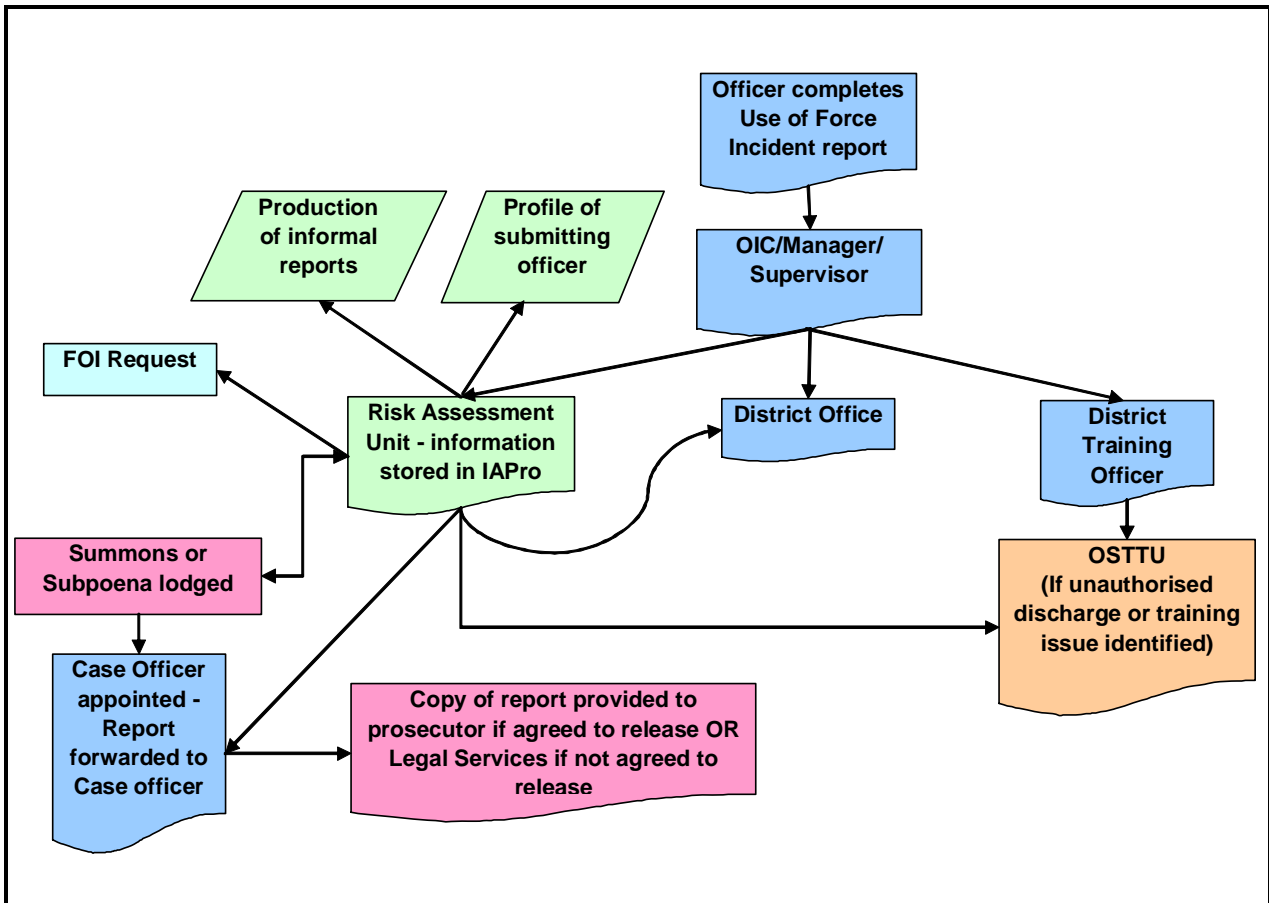


Figure 7 Standard Use-of-Force Incident Report Form Flowchart

Improving reporting roles and responsibilities

According to current policy⁷⁶ and guidelines, there are a number of responsibilities identified surrounding the UoF report form generally, and to Taser specifically. Equally, the Review found there are a number of specific and important responsibilities which are not identified. The responsibilities and gaps are commented on later in this section.

Use-of-Force Coordinator and Use-of-Force Analyst

In examining the issues of UoF reporting, it became apparent to the Review a significant gap exists in the coordination and analysis of the UoF report form. Current resource allocation at OSTTU does not lend itself to this UoF review process and is proving labour intensive. Issues have also been identified with the tracking of remedial action being returned to line managers. At present both these procedures are undertaken in an ad-hoc manner.

As Operational Safety and Tactics Training Unit manage State-wide training and policy surrounding UoF and examine every UoF report form for policy and training alignment, it is a logical conclusion that a position of UoF Coordinator and UoF Analyst be appointed to OSTTU. Similar findings have been identified in the literature examined by the Review. The identified gaps in the process are detailed below under the OSTTU heading. Further work would be required to closely examine and detail all of the roles and responsibilities of these positions.

Authority to temporarily suspend and revoke qualification

A major recurring gap is the absence of clear advice to various levels of supervision surrounding the authority to suspend an officer's qualification and authority to continue to carry a UoF option, subsequent to the early identification of improper or unsafe use.

Current roles, responsibilities and gaps

The responsibilities and gaps identified by the Review are listed in Table 13.

⁷⁶ WA Police Manual FR-1.1.1 – Reporting Use of Force – Guidelines and Procedures; FR-1.2.5 Critical Skills (Weapons) Training and Re-qualification; FR-1.6.1 Responsibilities; FR-1.6.4 Use of Taser; FR-1.6.8 Reporting the use of Taser and procedures for retention and disposal of cartridges.

Table 13: Current roles, responsibilities and gaps identified in Use-of-Force reporting

Responsibilities	Identified gap
Submitting police officer <ul style="list-style-type: none"> • Accurately completes the UoF report • Notify supervisor as soon as possible • Submit the form to their Officer in Charge /Manager/Supervisor • Ensure they are qualified 	No gap was identified in the Review.
Officer in Charge, Manager/Supervisor <ul style="list-style-type: none"> • Assesses the circumstances • Determines further inquiries or responses required • Where practical attend the scene • Respond to welfare and aftercare concerns immediately • Determine if used in accordance with OSTTU guidelines • Check the form • Submits report to Risk Assessment Unit, District Office and District Training Officer • Responsible for retention and disposal protocols for Taser cartridges and OC spray canisters • For unauthorised discharge instances, comment on remedial issues • Ensure staff are qualified 	The current policy is silent on: <ul style="list-style-type: none"> • The responsibility of the Officer in Charge, manager or supervisor to make an immediate assessment to withdraw an officer's qualification to carry and use a force option • The recommendation to implement remedial action, if required. • Direct advice to ensure sufficient detail, accuracy, completeness and comment aligned to the Situational Tactical Options Model.
Risk Assessment Unit <p>No responsibilities identified</p>	<ul style="list-style-type: none"> • There is a lack of transparency in advising the UoF form is uploaded into the IAPro data base by Risk Assessment Unit. This is required for operational officers to understand the UoF form is utilised by Professional Standards to further assist the development of a 'personal profile'. Transparency will create further confidence and understanding of the professional standards system of officer evaluation. • Officers are to be advised of a pre-determined statistical 'tolerance' threshold. For the overall governance of UoF officers should be aware when the threshold is reached, Risk Assessment Unit will advise the officer's District Officer, in order to pro-actively develop the officer's performance. This process is supported by the Review in developing officer's performance in accordance with the WA Police performance management model '4me2Achieve'.
District Office <ul style="list-style-type: none"> • Investigate and take corrective action in reported incidents, as necessary • Advise OSTTU of the result of any investigation • Audit procedures are conducted regularly 	<ul style="list-style-type: none"> • Inconsistencies across Districts in the management of the UoF process • District Officers require clear guidelines in support of their decision in making an immediate assessment to withdraw an officer's qualification to carry and use a force option • Implement remedial action, as required.

Responsibilities	Identified gap
District Training Office	
<ul style="list-style-type: none"> Assess report for any training issues Forward report to OSTTU if training issues identified For unauthorised discharge instances, record the suspension of an officer's qualification (RWA) or advise OSTTU (Metropolitan Region). 	No gap was identified in the Review.
Operational Safety and Tactics Training Unit	
<ul style="list-style-type: none"> Revoke or temporarily suspend an officer's qualification Record officer's non competency on RMIS for unauthorised discharge (Metropolitan Region) Check for compliance within policy Identify training needs Monitor effectiveness of operational training, tactics, procedures and equipment to ensure appropriate behaviour. 	<ul style="list-style-type: none"> Assess UoF form for developing environmental trends Resources for a UoF Co-ordinator, possessing subject expertise appointed to OSTTU to Quality assure UoF reports for the agency Recommend and track remedial action An Analyst appointed to OSTTU to Interpret the data and identify training needs and operational trends Assist OSTTU to further develop training to meet the contemporary environment Liaise with the Business Intelligence Office of WA Police Strategy & Performance on the analysis of data and the production of reports which inform the agency on trends of UoF and training effectiveness

Recommendation 2.6 – Use-of-Force Coordinator and Analyst

2.6.1 Western Australia Police allocate resources to Operational Safety and Tactics Training Unit for a Use-of-Force Coordinator position with subject matter expertise to undertake the function of quality assurance of Use-of-Force reporting and preparation of reports for WA Police to Ministerial inquiries, corporate reporting, media inquiries and the like.

2.6.2 Western Australia Police allocate resources to Operational Safety and Tactics Training Unit for an Analyst to undertake the function of data analysis to inform WA Police on trends of use, training effectiveness and training improvements, in meeting the needs of the WA Police and the operational policing environment.

2.4: Improving Taser reporting

The Review has identified that the reporting of Taser use can be made more efficient, while maintaining the principles of openness, accountability and maintenance of government and community confidence.

Taser use should be reported in a similar context as baton and OC spray use, which is when force is applied to a person. Instances of Taser projectile and drive-stun modes should be reported fully as **Use**. It is useful to collect data on display only, red dot, and arc display as this

data can confirm that many incidents are resolved without further force being applied and should be reported as **Control**.

Queensland Police, for the purposes of reporting use of Taser, determine use as pointing a Taser in the direction of a person without deploying or firing the probes, both probe and drive-stun deployment and holding or pressing a Taser against a person without activating it. Officers are required to submit a UoF report prior to the end of shift

The definition of Taser use in the New Zealand Police means deployment in the form of application through probe or drive-stun. Presentation, laser painting and arcing are referred to as shows. A Tactical Options Report must be completed in all the cases above.

In the Victoria Police when an operational deployment of Taser occurs, the relevant officer must submit a UoF form.

In the Northern Territory Police, every deployment of a Taser requires a UoF Form to be completed. The use of Taser is defined as pointing it at individuals, laser painting of a subject, arcing of the Taser to obtain compliance, drive-stun application and firing the cartridge.

In the United Kingdom, use of the Taser includes drawing, in circumstances where any person perceives the action as a UoF, arcing of the Taser, aiming or placing the red dot on to a subject, drive-stun and probe deployment. For each of these uses a Taser Evaluation Form and a UoF Report must be submitted.

The United Kingdom UoF report for Taser is a hard copy form referred to as a Taser Deployment Form and consists of six pages. The NPIA advise in the UK 55 police agencies use a shortened UoF report where important information relating to Taser across a range applications by a police officer is reported. If the use of the Taser is in either the drawn, aimed, red dot or arced mode, the officer is only required to complete the first page of the form.

Should the UoF relate to the actual deployment of Taser, more detailed information is reported. If the use was in the drive-stun or probe deployment mode, the entire form requires completion. Another interesting component of the form is the inclusion of front and rear view body diagrams. The diagrams are broken down into body zones that an officer can use to indicate the exact location barbs entered a body or the Taser made contact in drive-stun mode.

Recommendation 2.7: Body-part descriptors

The WA Police Standard Use-of-Force form be amended to include body part descriptors as in the United Kingdom Taser Deployment form.

The concept of two reporting levels provides important information for police with demographic data and with statistics which provide an insight into the contemporary policing environment. The Review recommends the two levels of reporting be supported with the one-page report for display only and the full report for drive-stun or projectile deployment as detailed below. It is a more efficient method of reporting Taser use for WA Police.

The Review discussed this recording method with Risk Assessment Unit and agreed the interpretation applied to Taser use by Risk Assessment Unit in this revised modes of operation could be recorded as follows, if the Review recommendations are accepted:

Table 14: Proposed two-tiered Taser Use-of-Force reporting protocol

	Report type	Description
USE	Taser projectile	This figure represents the total number of times when a Taser was discharged and the probes projected.
	Taser Drive-stun	The total number of times where the Taser was drawn and discharged in the 'Drive-stun' mode ONLY.
CONTROL	Display only	This figure represents the total number of Taser's that were removed from the holster and obviously displayed to the subject ONLY.
	Red Dot	The total number of times the subject was 'painted' with the red aiming dot of the Taser ONLY.
	Arc Display	The total number of times the Taser was 'Arced" in the presence of a subject without a cartridge attached ONLY.
	Unauthorised Discharge	This figure represents the total number of times when a Taser was discharged by accident.

In the proposed two-tiered reporting format (p. 117), Risk Assessment Unit advise it would be possible to report in this manner using both Standard and *Blue Team* forms. (p. 118).

Table 15: Proposed Risk Assessment Unit Taser reporting format

Example of statistical data collection		USE		CONTROL			U/D	Total
		Projectile	Drive-stun	Display	Red Dot	Arc Display	Unauthorised discharge	
Gender	Male Female Animals n/s*							
Age	0 – 10 11 – 20 21 – 30 31 – 40 41 – 50 51 – 60 61 – 70 70+							
<=17yrs	11yrs 12yrs 13yrs 14yrs 15yrs 16yrs 17yrs							
Ethnicity	Indigenous Non-Indigenous Other diversity groups							
Violence	Armed Possibly Armed Physical Threats Verbal Threats							
TOTAL								

Recommendation 2.8: Two-tiered reporting use of Taser

2.8.1 A two-tiered level of reporting for Taser use is developed by Risk Assessment Unit and Operational Safety and Tactics Training Unit:

1. **Control**

Short report (one page) for display only, red dot, arc display and unauthorised discharge.

2. **Use**

Full report for projectile and drive-stun.

2.8.2 WA Police Manual Taser Policy is revised to include definitions of Taser Use and Taser Control for reporting purposes.

Reporting forms

At the time of the Review, WA Police were operating with two styles of UoF reports, the Standard and *Blue Team* form. As the recording point for all UoF report forms, Risk Assessment Unit upload the information into the WA Police corporate professional standards program *IAPro*.

Risk Assessment Unit can create ad-hoc reports from information submitted in both the Standard and *Blue Team* formats.

The *Blue Team* form has a specific check box to be completed to indicate the effectiveness or otherwise of each force option employed. The availability of this check box is a useful method of recording effectiveness from the officer's perspective.

The Review examined UoF reports and interviewed officers from Risk Assessment Unit to identify any use issues related to effectiveness.

***Blue Team* Use-of-Force report form**

Blue Team is an off-the-shelf program subsidiary program to the WA Police corporate professional standards database program *IAPro*. *Blue Team*, designed primarily for the American policing environment has been purchased by WA Police Professional Standards Portfolio.

Blue Team program has an option which can capture generic UoF information. Unlike the Standard form, the *Blue Team* form does not meet the full reporting requirements of WA Police, or have the capacity to meet the organisational needs around UoF reporting. It should be noted *Blue Team* has the additional capability to manage other important information, such as the recording of complaints, secondary employment, police crash reports and positive correspondence.

The summary section of the *Blue Team* form has no facility to be modified to include any prompts for the reporting officer. In order to capture information to meet WA Police requirements, Risk Assessment Unit created an additional Word document, *Blue Team - Incident Summary* (Incident Summary) which is independent of the *Blue Team* program. The Incident Summary was marketed to trainees at the *Blue Team* training events. A hard copy was handed to each participant and an electronic copy forwarded to each course participant at the conclusion of training⁷⁷.

The Incident Summary form reminds officers that UoF reports may be disclosed in court and requests a comprehensive account of the circumstances of the incident resulting in the UoF. Risk Assessment Unit recommends to officers that they use the Incident Summary attachment by saving it to their own drive, and completing the summary of incident on this separate document. The officer then transfers this into the summary section of the *Blue Team* form.

The headings included by Risk Assessment Unit in the Incident Summary, for inclusion in the *Blue Team* form are:

- Initial observations/synopsis
- Offenders IAMO (Intent, Ability, Means and Opportunity)
- Perception
- Preclusion
- Actions Taken
- Outcome
- Injuries/medical/aftercare
- Taser/cartridge/OC serial numbers
- Other (relevant) information.

The *Blue Team* form has been trialled at Central Metropolitan and South East Metropolitan Districts with mixed success. District Officers, senior managers and frontline officers were canvassed on the benefits of the *Blue Team* form but were generally unable to provide comment as the system had not been trialled in all Districts. The Review also conducted a dip sample of UoF forms, including the *Blue Team* form. Following the analysis of the *Blue Team* form, broad canvassing of police officers at all levels and discussions with staff of Risk Assessment Unit, the Review found the following:

⁷⁷ WA Police Blue Team – Incident Summary

Positives

The *Blue Team* form offers Risk Assessment Unit the ability to view and audit the chain of supervisor routing through 'real time' access to the *Blue Team* form immediately it is created.

The *Blue Team* form has an effective audit trail, forwarding a prompt through the WA Police Intranet email system, advising the submitting officer's supervisor of a pending report. However, it also carries significant negatives.

The *Blue Team* form offered the ability for the addition of attachments to the summary section of the form, such as photos of any injuries etc., which could value add to the report.

Negatives

Analysis by the Review determined the *Blue Team* Incident Summary form was not being routinely utilised. This has resulted in the information provided in the *Blue Team* form failing to meet agency requirements, with pertinent detail being omitted.

The *Blue Team* audit system only permits the form to be forwarded to one supervisor at a time. If this supervisor is on leave, the *Blue Team* form can remain dormant for a period of time. If the situation is identified, Risk Assessment Unit can override the audit trail and the *Blue Team* form can be retrieved and forwarded to another supervisor. This practice is not routinely applied and does have limitations.

Frontline officers who had been exposed to the *Blue Team* form felt it had no benefit for them. They identified issues such as its fields not covering all the information required for a UoF report and it could not be forwarded through the email system to a station, section or unit but only to individual officers.

The Review acknowledges WA Police have made a substantial investment in developing *Blue Team* for use by Frontline Officers. To shape the *Blue Team* form to meet WA Police requirements of UoF reporting would entail further substantial cost and agreement between law enforcement jurisdictions world wide. This is a significant concern to the Review when considering the opportunity for accurate reporting of UoF, future direction in training and policies, corporate reporting and the collection of accurate statistical data.

While *Blue Team* has several other uses, the system currently does not have the capacity to meet the organisational needs around UoF reporting as evidenced by the creation of a *Blue Team* Incident Summary form. Risk Assessment Unit suggest it is unlikely the developers of *Blue Team*

will accept recommendations to change the *Blue Team* form to meet WA Police requirements. This is primarily due to the wide spread of end-users, internationally and, particularly, USA based.

Recommendation 2.9: Use-of-Force reporting forms

- 2.9.1 Risk Assessment Unit withdraw the *Blue Team* Use-of-Force form.
- 2.9.2 Risk Assessment Unit direct all operational officers within the pilot districts to submit Use-of-Force reports on the Standard Use-of-Force form on Outlook.
- 2.9.3 Risk Assessment Unit and Operational Safety and Tactics Training Unit enter into discussions with the product owners of *Blue Team* to develop changes to the *Blue Team* Use-of-Force report form to meet corporate reporting requirements and the proposed Situational Tactical Options Model reporting process.

Key findings

Frontline officers identified a number of administrative issues which arise due to the requirements of reporting UoF. Issues such as completion of the UoF form before the end of shift; potential for overtime incurred through policy compliance; and, the availability of supervisors to review the UoF report in a timely manner. There was little evidence identified through the Review to support these concerns.

As reported, there is a lack of guidance regarding precedence in reviewing UoF reports. The Review understands that while there is a lack of clarity on this issue, it is a shared responsibility whereby all levels of supervision play a significant role in the supervision of submitted UoF forms. It is important for all stakeholders to be aware of this and that no one level of supervision should have precedence. At the final analysis by OSTTU any actions and reactions will be considered before being filed.

This same position exists with respect to the suspension of an officer's qualification to carry a particular force option. There should not be precedence on which level of supervision can temporarily suspend a qualification. However, the decision to revoke or continue the temporary suspension will always be subject to final review by OSTTU as the WA Police experts in Use-of-Force.

2.2: Use-of-Force statistics 2007-2009

Analysis of Taser UoF throughout WA Police was conducted using the following methodologies:

- Analysis of dip sample of UoF reports
- Analysis of statistics supplied by Risk Assessment Unit from 2007 through to, and inclusive of, 2009.

Taser use in comparison with other Use-of-Force options

When reviewing the Taser UoF statistics, it is important to note Taser was rolled out to frontline police, mid-2007. Risk Assessment Unit advise that as Taser use did not incorporate a full calendar year for 2007, statistics are unreliable for comparison and are referred to in this section as indicators.

Across WA Police at the conclusion of 2007, Taser made up 48.5% of the agencies UoF. This may be attributed to the strict reporting guidelines and procedures in which the Taser is reported, in the same manner as the firearm (when it is drawn). Other force options are subject to report when they are actually used, or an injury sustained.

Since the roll out of Taser, Risk Assessment Unit has monitored and commented that a significant decrease in the use of OC spray has occurred, with a 58% decrease between 2007 and 2008⁷⁸.

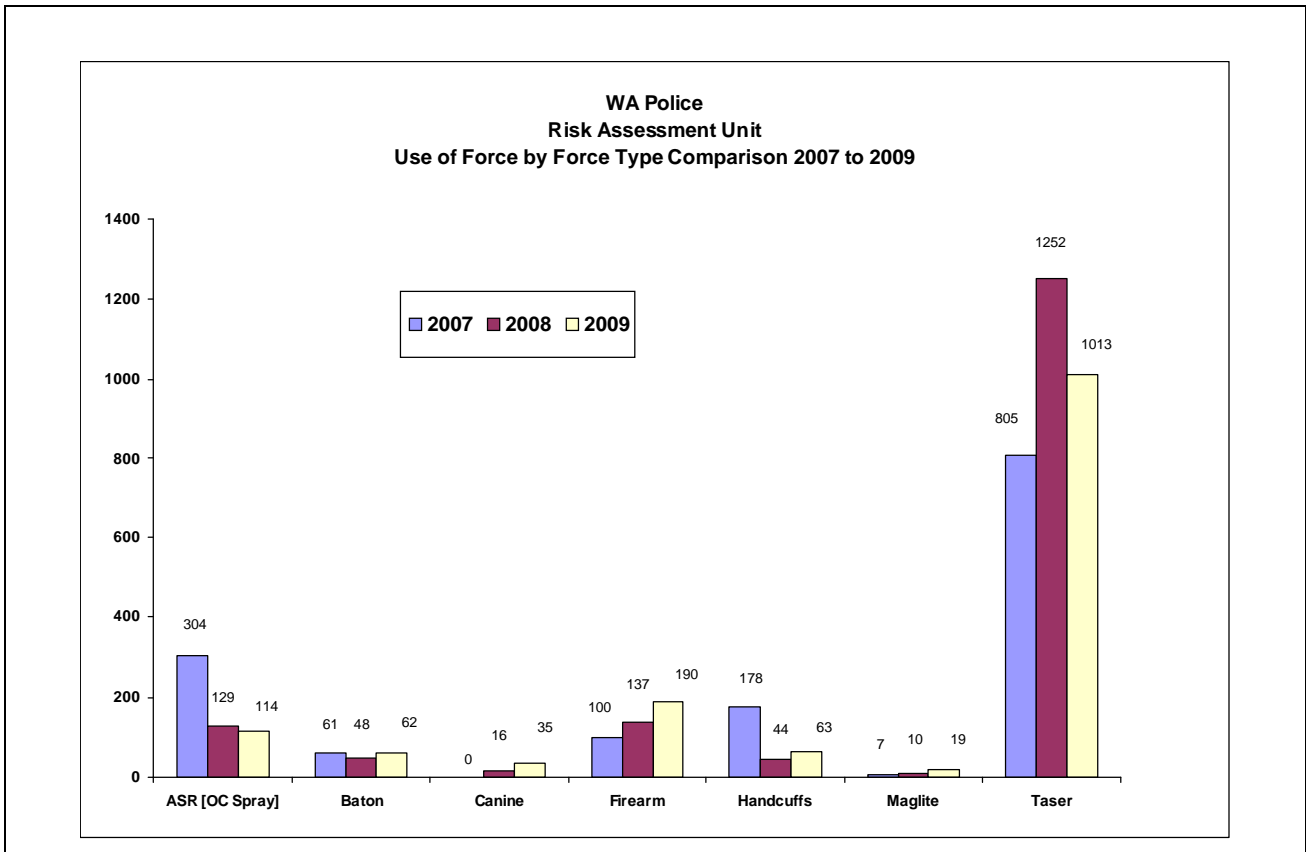


Chart 2: Use-of-Force by type 2007 – 2009

In 2008, Police Complaints Administration Centre recorded 286 complaint allegations relating to all UoF. Taser was recorded as the third highest force option employed. 45 complaints were lodged with two being sustained. The two highest complaint allegations were listed as physical force (153) and restraint application (61). In 2009, of 378 complaints received, allegations relating

⁷⁸ Western Australia Police Overview of Reported Use of Force 2008 Compiled by Risk Assessment Unit

to Taser fell slightly from the previous year to 37 complaints, with one being sustained. Handcuff use (46), restraint application (99) and physical force (191) all recorded higher numbers of complaint⁷⁹.

Use of Taser

As 2008 was the first full calendar year that Taser could be assessed, extensive recorded information was gathered by Risk Assessment Unit on the use of Taser by WA Police. This established formal benchmarks to enable future tracking and comparative analysis.

Overall comparisons in the use of Taser from 2007 to 2009 indicate an increase in the arc display mode across all three years. Display only mode rose in 2008 and then again in 2009. This mode can include having the Taser drawn and pointed at a subject, or with the Taser activated and the red laser aiming light pointed. At this time a police warning is usually issued.

In 2008, when most of the agency had been trained in the use of Taser, the overall use rose significantly. This also coincided with a spike in recruitment and the initial roll out of Taser training to recruits. The use of Taser as a UoF option fell in 2009.

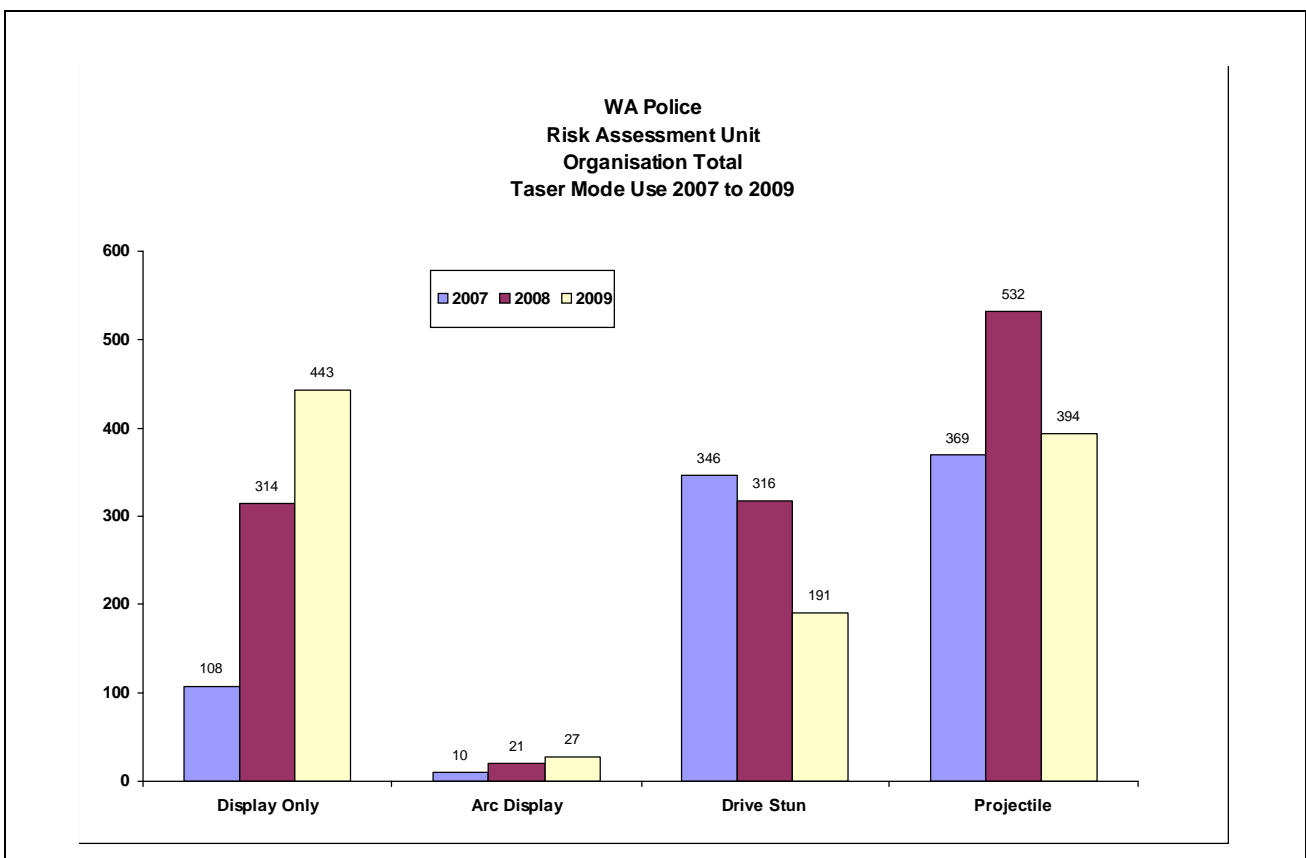


Chart 3: Taser Mode Use 2007 – 2009

⁷⁹ Western Australia Police UoF complaint findings 2007, 2008, 2009. Compiled by Risk Assessment Unit.

Factors contributing to the decrease in usage of Taser may include⁸⁰:

- Public awareness of the effectiveness of the device, reducing the necessity for actual deployment
- Modifications to OSTTU Training
- The regular re-enforcement of policy
- The selection of other force options by officers.

Comparison of the use of Taser indicates a decrease in the reported use of this force option in the drive-stun and projectile modes from 848 in 2008 to 585 in 2009. Of interest, is the corresponding increase in the number of resolved incidents (314 to 443) in which the force option has been drawn and displayed but not deployed.

The data relating to Taser 'frequency of use' and 'alleged complaints' is showing a downward trend. Use and effectiveness of the display only mode has increased.

Taser use by districts

Table 16 has been formulated utilising the statistics⁸¹ of the use of Taser across districts since 2007. As discussed above, the overall use of Taser has risen from 2007 to 2008 and fallen from 2008 to 2009. The majority of districts have followed this corporate trend.

⁸⁰ Audit and Risk Management Committee Report, February 2010

⁸¹ Source: Risk Assessment Unit

Table 16: Taser use by district/portfolio⁸²

Taser use by district and portfolio	2007		2008		2009
Western Australia	805	↑	1252	↓	1013
Metropolitan Regions and Portfolios					
Central Metropolitan District	86	↑	149	↓	122
Counter Terrorism & State Protection	3	↑	11	↓	10
East Metropolitan District	49	↑	67	↓	59
North West Metropolitan District	46	↑	90	↓	61
Organised Crime	4	↑	6	↓	0
Police Academy	3	↑	6	↓	4
South East Metropolitan District	61	↑	142	↓	97
South Metropolitan District	73	↑	122	↓	117
State Traffic Co-ordination & Enforcement	7	—	7	↓	1
State Traffic Operations	11	↓	0	↑	6
West Metropolitan District	49	↑	88	↓	74
Regional WA					
Goldfields Esperance District	46	↑	71	↑	84
Great Southern District	42	↑	45	↑	49
Kimberley District	45	↑	50	↓	44
Mid West Gasgoyne District	40	↑	89	↓	52
Office of the Regional Co-ordinator	13	↑	57	↓	41
South West District	57	↑	67	↓	36
Wheatbelt District	13	↑	32	↓	21

Taser use on adults

The general UoF on adults across WA Police increased from 2007 to 2008 before reducing in 2009. When conducting a comparison of all three years, the trends of the age groups represented were repeated throughout. The ages were grouped into six categories and the statistics can be viewed in the graph below. Consistently the highest age group to be represented was the 25 - 34 year olds, and the next group was 18 – 24 year olds, followed by 35 – 44 year olds.

When comparing the use of Taser with the general UoF statistics, the age groups are categorised slightly differently. It is interesting to note the trend changed to the age group 21 – 30 year olds ranking highest, 31 – 40 year olds second, followed by 11 – 20 year olds⁸³.

A comparison was then conducted with the figures from the United Kingdom on Taser use. The same ranking pattern occurred as demonstrated in Table 17.

⁸² Table 16 does not include all divisions and sections within Western Australia Police but focuses on operational Districts.

⁸³ The use of the age '11 years' is included for completeness

Table 17: Comparison of WA Police Use-of-Force with WA Police and United Kingdom Police Use of Taser

Use-of-Force⁸⁴					Use of Taser⁸⁵				Use of Taser⁸⁶		
Western Australia					Western Australia				United Kingdom		
Age	2007	2008	2009	Rank	Age	2008	2009	Rank	Age	2008	Rank
18-24	338	391	311	2	11-20	227	168	3	11-20	102	3
25-34	354	445	382	1	21-30	434	308	1	21-30	175	1
35-44	191	232	205	3	31-40	287	204	2	31-40	118	2
45-54	55	59	82	4	41-50	80	85	4	41-50	78	4
55-64	6	10	6	5	51-60	19	15	5	51-60	9	5
65+	2	0	1	6	61-70	0	1	6	61-70	3	6
Total	944	1137	986		Total	1047	781		Total	485	

Gender and indigenous ethnicity reporting analysis for use of Taser on adults during 2008 and 2009 has consistently shown non-indigenous males as being represented in Taser use on an approximate 3:1 ratio when compared to indigenous males, followed by non-indigenous females and indigenous females.

By monitoring these trends, the WA Police Substantive Equality Coordinator will be able to identify and analyse Substantive Equality outcomes. Through this analysis, WA Police should respond and adapt to meet the ever-changing community needs and demands.

The table identifies indigenous and non-indigenous adults subjected to Taser during 2008 and 2009 and ranked by percentage.

Table 18: Percentage of adults subjected to Taser by ethnicity and gender

Ethnicity and gender	2008 (%)	2009 (%)
Non-Indigenous Males	65	68
Indigenous Males	26	24
Non-Indigenous Females	5.5	4.5
Indigenous Females	3.5	3.5
Total	100	100

Taser-associated risk factors

In the review of UoF conducted by Risk Assessment Unit in 2008, it is noted no reports were received in relation to pregnant women being Tasered. Five reports detailed the subject had recently suffered or had a medical condition (cardiovascular) and four did not advise the officers until after the deployment of Taser.

⁸⁴ Statistics gathered from 2007, 2008, 2009 Use of Force Adult Victim Report – Force Type

⁸⁵ Statistics gathered from 2008 -2009 Taser Mode Use Identified in Single Incidents

⁸⁶ Statistics gathered from Home Office Scientific Development Branch Taser Trial Evaluation Final Data. Date Range 1 September 2007 – 31 August 2008.

All of these subjects were examined by medical practitioners, either at hospital or by paramedics. At the time of the writing of this report, no person has been officially recorded as having suffered any long-term health issues relating from the use of a Taser in WA.

During the course of this Review, the Western Australia Deputy Coroner, Ms Evelyn Vicker, undertook an Inquest to examine the circumstances of the death of Mark Lewis Conway (Conway) at Fremantle, Western Australia on 14 August 2007 and published her Record of Investigation of Death on 22 April 2010⁸⁷.

Conway was subjected to the application of Taser in the 'drive-stun' mode during his arrest.

The circumstances of Conway's death was that he had been pursued by police officers on foot through Fremantle and when arrested engaged in a physical struggle with police officers. During the pursuit, and immediately prior to the physical engagement, the Coroner found Conway ingested a quantity of Methylamphetamine in an effort to dispose of the drugs in his possession. The attending police officers were unaware Conway had ingested the drugs.

Subsequent to his arrest, Conway was conveyed to the Fremantle Police Station lock-up. A short time later the Coroner found that Conway was "...in an obviously distressed state". Resuscitation was commenced, St John Ambulance were called for an urgent response. Conway was transported to the Fremantle Hospital, where he was declared life extinct.

The Review, in assessing the Coroner's findings, noted the doctors from the Emergency Department at Fremantle Hospital were advised Conway had been subjected to the application of Taser. The pathologist, Dr GA Cadden, identified several marks on Conway's skin which were consistent with the application of Taser.

The Coroner, in making comments on the actions of the police, noted 'In all the circumstances confronting the police officers, use of the Taser in drive-stun mode was reasonable in bringing the deceased under control enough to remove him from the roadway'.

Reasons for attendance

In 2007, based on UoF reports received, officers indicated 1658 reasons for their initial attendance at the UoF incident. This can be broken down into 214 (12.90%) incidents involving brawls, situations of domestic violence or where self harm had been threatened. In this same

⁸⁷ Record of Investigation of Death Ref No: 07/10 a/c Mark Lewis Conway

year, 336 officers were recorded as receiving injuries of some description ranging in severity from minor injuries, not requiring medical attention, to serious injuries requiring hospitalisation.

In 2008, the number of violent incidents rose to 438 (25.9%) with a total of 489 officers receiving injuries.

In 2009, the number of violent incidents fell to 401 (25.5%), however, the number of officers who sustained injuries in this year rose to 518.

In analysing these statistics, the Review has noted the propensity for officers to be called to violent incidents has continued. This will no doubt have an affect on police officers' perception of tasks. Further, the number of injuries officers have received has continued to increase. It is reasonable to assume each of these incidents has the potential for risk of injury to members of the public as well.

2.3: Corporate reporting

During consultation with WA Police senior executives, it was evident there was a gap in the information provided to Assistant Commissioners and Districts on all UoF options, and in the context of this Review, Taser usage. As previously identified the current policy⁸⁸ is unclear on the roles of Risk Assessment Unit and OSTTU, as it combines the requirement to monitor effectiveness of training with monitoring behaviour.

To overcome these gaps, the Review supports a policy that is specific on the collection of information via the UoF Incident report and identifies the responsible areas as:

- **Identify training needs for operational safety purposes, and monitor trends in the effectiveness of operational training, tactics, procedures and equipment**

Operational Safety and Tactics Training Unit have the technical expertise for trend analysis of force options in regards to compliance with training guidelines and subsequent training modifications.

- **Ensure appropriate behaviour in the best interests of the public and operational police**

Risk Assessment Unit have the responsibility to risk manage individual officer behaviour and recommend remedial intervention and performance management.

⁸⁸ WA Police Manual FR-1.1.1 – Reporting Use of Force – Guidelines and Procedures

- **Provision of corporate statistical information**

Business Intelligence Office is the provider of standardised corporate statistical information for WA Police to collect and distribute data.

Use-of-Force and corporate reporting

Risk Assessment Unit record, and are the custodians of, UoF information. They have built a suite of reports which can be used or modified when a specific request for information is received. However, until there is corporate and district level direction determining the required information, Risk Assessment Unit are not in a position to provide regular standard reports. The following table describes how Information from the UoF incident form is used.

Table 19: Existing reporting outputs from Use-of-Force reports

Information collected/provided	How it is used
Risk management of the behaviour of individual officers	The UoF data is uploaded into <i>IAPro</i> managed by Risk Assessment Unit. The information collected by Risk Assessment Unit and held within <i>IAPro</i> is used to risk manage the behaviour of individual officers on all UoF incidents. Risk Assessment Unit have applied a matrix across all policing districts to identify a level of UoF as a threshold to measure all officers operating within a particular district.
Providing ad-hoc statistical reports	<i>IAPro</i> can produce detailed statistical reports and Risk Assessment Unit provides reports and analysis of the UoF incidents on an ad-hoc basis. There is currently no defined approach to regular corporate reporting on UoF incidents. The following list the types of report senior management may find useful: <ul style="list-style-type: none"> • Number of UoF incidents • Whether use is in accordance to policy • Indigenous ethnicity • Age groups • Use v control • Armed / possibly armed subjects • Number of complaints and findings • Resource availability • Effectiveness of training.
Annual reporting	UoF incident statistics, in the context of complaint management and internal investigation outcomes, are published in the Statistical Summary, Corruption Prevention and Investigation (now known as Professional Standards Portfolio) section of the WA Police Annual Report. The Business Intelligence Office of WA Police Strategy and Performance Portfolio produce the WA Police Annual Report. This office is working with Professional Standards to improve the statistical information published in annual reports.
Identification of training gap and development issues	Prior to the review, the process was that only Taser UoF reports were forwarded from Risk Assessment Unit to OSTTU for the identification of training issues. During the Review this practice was changed so that all UoF incident reports are forwarded to OSTTU to assess UoF against training and policy. This process provides an opportunity for OSTTU to analyse the contemporary environment for the relevance to training practices,

Information collected/provided	How it is used
Taser Data Port Download	<p>procedures and manuals.</p> <p>When there is a complaint lodged or internal investigation commenced subsequent to Taser deployment, information from the Taser Data Port Download is obtained.</p> <p>As the download process is not conducted on a regular basis, there is a risk to the agency of the misinterpretation of this data due to technical corruption by 'brown out'.</p> <p>The Taser Data Port Download information is retrieved through OSTTU who will provide interpretation. Management of Taser Data Port Download is dealt with in Report 3 Taser Data Management and Governance.</p>

Development of a standardised Corporate Reporting framework

The Business Intelligence Office is the focal point for the provision of WA Police statistics for parliament, media, research bodies, general public and frontline managers. Currently, the section is developing a Business Intelligence Portal which, among other uses, will provide access to data required for corporate reporting of UoF, including Taser. It is intended that the portal will provide linkages to other corporate systems such as RMIS, CAD and the Incident Management System, eliminating duplication of data collection from the UoF forms.

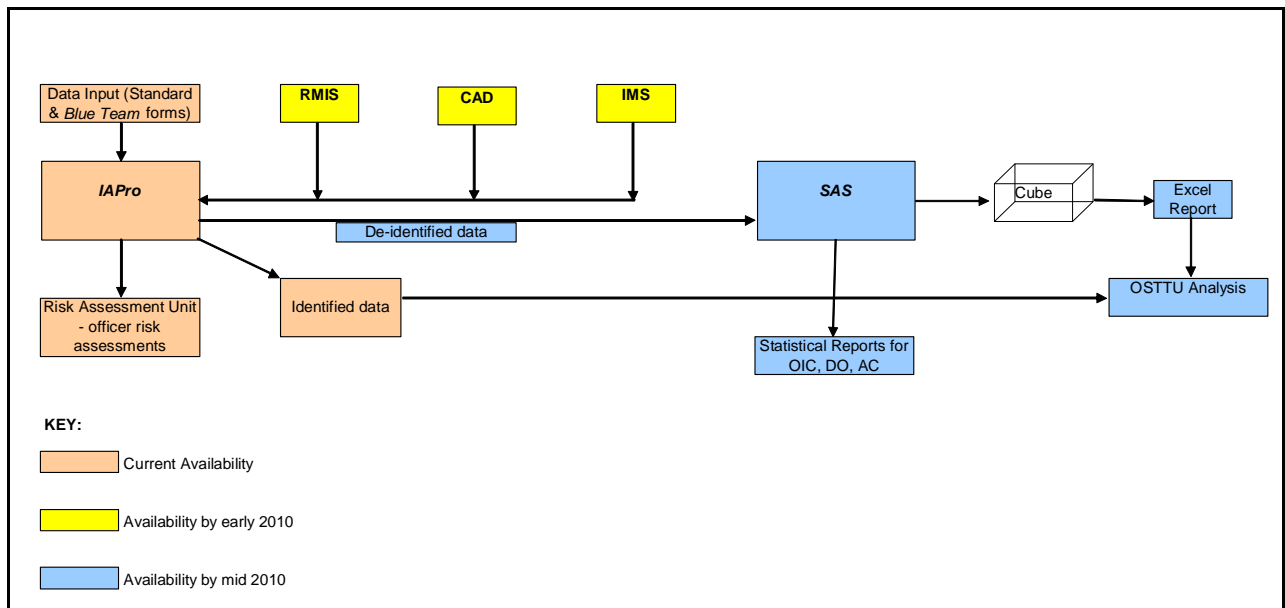


Figure 8: Proposed Business Intelligence Portal (in relation to Use-of-Force)

The above figure reflects how the proposed business intelligence portal will transfer and transform information from the UoF reports into various reporting formats such as corporate reports, training reports and trend analysis.

Recommendation 2.10: Use-of-Force reporting responsibilities

The WA Police Manual relating to Use-of-Force reporting is amended to clarify the reasons and owner areas for collection and analysis of Use-of-Force information to:

- Operational Safety and Tactics Training Unit have responsibility to identify training needs for operational safety purposes, and monitor trends in the effectiveness of operational training, tactics, procedures and equipment.
- Risk Assessment Unit have responsibility to ensure appropriate behaviour in the best interests of the public and operational police. Risk Assessment Unit use the information to profile officers' behaviour.
- Business Intelligence Office have responsibility for provision of corporate statistical information on Use-of-Force and is the focal point for the provision of WA Police Use-of-Force statistics for Parliament, media, research bodies, the general public and frontline managers.

Proposed corporate reporting

The risk to the agency from non-standardised Taser statistical reports is there can be a mis-interpretation of Taser data received from the Taser Data Port Download and the UoF reports. The following points outline how the Review anticipates future UoF reporting to be provided:

- **Reporting for training purposes**

The proposed business intelligence portal will provide OSTTU with statistical reports. In depth examination of individual situations by the proposed OSTTU Analyst will be possible via accessing individual officer's Use-of-Force reports from IAPro.

For example, effectiveness of probe deployment in resolving the situation and the level of accuracy of the probe deployment. This information could be utilised by OSTTU and the Training Management Review Group, chaired by the Academy Principal to assess course duration, the number of probe deployment sessions to achieve maximum accuracy levels, and the number of cartridges used in training which impacts on costs.

- **Trend analysis**

Operational Safety and Tactics Training Unit will be responsible for the analysis of statistical data to assess trends in UoF incidents, including Taser. The type of statistical data required will need to be determined in consultation with OSTTU and the Business Intelligence Office. For example, the demographic analysis of subjects Tasered.

- **Corporate reporting**

Once the business intelligence portal is operational, it will be possible to provide WA Police Executive and District Officers access to standard corporate statistical reports on all UoF incidents, including Taser use. The framework for the corporate report will require development by the Business Intelligence Office in consultation with the Executive and District Officers as to the type of information required.

The provision of UoF data to external bodies, including the Annual Report should be provided through the Business Intelligence Office, in consultation with Risk Assessment Unit, Freedom of Information Office and OSTTU to provide adequate context to the data, thus avoiding misinterpretation or misrepresentation.

The type of reports available at a corporate level should include:

- Complaints and findings
- Analysis of the offender and the incident; such as gender, race, age, district of incident, and armed or unarmed offender.

At a District level, the type of reports should inform on local policing initiatives and include:

- UoF trends for the District
- Officer behaviour
- Hot spots
- Offender demographics
- District complaint and findings.

Recommendation 2.11: Standardised corporate reports

Operational Safety and Tactics Training Unit, Risk Assessment Unit and Business Intelligence Office develop standardised corporate reports in context to be used for Use-of-Force trend analysis and reporting to Senior Executive, police districts and externally.

Previously, a strategic decision-making body, the Vehicle and Operational Equipment Review Committee (VOERC), existed to monitor, assess, research and review developments in vehicles and operational equipment. The VOERC was chaired by the Deputy Commissioner.

The Review consider a body, formed at or reporting to a similar level, should be created to consider the issues of Use-of-Force, with particular emphasis on Taser. The focus is directed at equipment, training and use. In so doing, WA Police can create an over-arching coordination point to consider all issues of UoF, such as corporate reporting, deployment reporting, ongoing financial costs, developments in Taser technology and areas of media, regulatory and oversight interest.

This was also identified by the NPIA as a gap in the corporate oversight responsibility and was documented in the Gray Report. This requirement was also identified within the literature review.

Recommendation 2.12: Corporate Use-of-Force Committee

A strategic committee is formed to provide an over-arching focal point for Use-of-Force equipment, training and use thereby providing and directing:

- Oversight of corporate reporting
- Use of Taser statistics reporting
- Application in the field
- Training and technical updates
- Ongoing financial costs
- Developments in Taser technology
- Medical and equipment research
- Chaired by, or reporting to, the Deputy Commissioner or Executive Director.

Freedom of Information requests

Under Section 10 of the *Freedom of Information Act (the Act)*, anyone has the right to apply for information from any agency unless that agency is an 'exempt agency'.

'Exempt agencies' are defined in Schedule 2 of the Act; Western Australia Police 'exempt agencies' are:

- Bureau of Criminal Intelligence
- Protective Services Unit
- Witness Security Unit, and
- Internal Affairs Unit.

Additionally, any contractual arrangements between WA Police and a vendor regarding the non disclosure of information would be exempt from disclosure if this requirement is stipulated in the vendor's contract. There are no such contractual arrangements between WA Police and Taser International or Breon.

The WA Police Freedom of Information Office is the business area with the responsibility of managing Freedom of Information requests. Historically the two distinct types of information requests received by this unit relevant to Taser issues are statistical data and complaint files with regard to litigation, discovery and legal matters.

Advice received from the Freedom of Information Office, indicates that documentation such as a UoF report may be considered an exempt document, based on the premise that it originates from an exempt agency. It may not be exempt based on various contributing factors, i.e. if information has been entered onto the document from a non exempt agency. This may render the entire document non exempt and available for release⁸⁹. A decision of this type would need to be made by the Freedom of Information Office on a case by case basis.

In each instance, information requests should be initially managed by relevant stakeholders, OSTTU or Risk Assessment Unit as the case may dictate. Should the applicant be dissatisfied with the outcome of the initial request, they can progress the matter to the Freedom of Information Office by way of an 'access application' in accordance with the Act⁹⁰.

Access procedures do not apply to documents that are already available, such as available for purchase or free for distribution to the public under police release policies/procedures. Each request is handled on a specific case-by-case basis. The Freedom of Information Office does not specifically release documentation but rather have the role of determining access to certain documents.

The release may be full, edited or refused. Documents accessed by the Freedom of Information Office are indicative of what is contained in the applicant's ambit of application and it is the role of the Freedom of Information Office to determine if any exemptions apply under the Act. Often, only specific 'chunks' of information are released as opposed to complete files.

Operationally sensitive materials with regard to internal investigations, Coronial Inquests and the like may be exempt from release, but this is taking into account the authority that the applicant has to access the information. Someone who is a nearest relative or next of kin to a deceased person will have authority to access an entire Coroner's file. An internal investigation may be about the applicant, who may be the complainant or other party to the complaint; subsequently they may be able to access the internal investigation file in its entirety. This is determined through consultation with the Freedom of Information Office.

Where parts of a file may be exempt due to the origin of the content, other parts may not be exempt and, in some instances, the non-exempt documentation may be released. Alternatively, exempt matter may be blanked out throughout the released documentation. The Freedom of Information Office will usually consult with relevant stakeholders prior to the release of any information, however this will be determined by the Freedom of Information Coordinator or

⁸⁹ The UoF report form is an exempt document as it is 'owned' by RAU, as a section of Internal Affairs Unit. The added content is not 'owned' by RAU and MAY not be exempt under FOI.

⁹⁰ WA Police Manual AD-31.3 Access Applications

Executive Manager of the Freedom of Information Office and will be based on the level of contention.

The Freedom of Information decision maker for WA Police is the Commissioner. This authority is delegated to the Executive Manager of the WA Police Information Release Centre.

Exemptions relating to the supply of information that may lead to identifying third parties are found in Clause 3 of the Act.

Exempt matter (Schedule 1 - Clause 3)

3. Personal information

Exemption

- (1) *Matter is exempt matter if its disclosure would reveal personal information about an individual (whether living or dead).*

Personal information means information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead—

- (a) *whose identity is apparent or can reasonably be ascertained from the information or opinion; or*
- (b) *who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample;*

Accordingly, information identifying or relating to persons other than the applicant may not be disclosed to the applicant. Electronic media type files such as Taser Cam product or other related documentation would be exempt from release, unless the product was specific to the individual who has submitted the request.

Information such as UoF reports, statistical data, training packages, etc. that is accessible elsewhere may not warrant the involvement of the Freedom of Information Office. Initial disclosure will usually be managed by the relevant stakeholders and is only progressed to the Freedom of Information Office, if required. However, this situation can lead to inconsistencies in process. This situation would be rectified should the UoF Coordinator and Analyst positions be installed at OSTTU, thereby providing the Freedom of Information Office a point of contact.

Another procedural gap relates to accountability and transparency issues. There is a need to identify and create protocols for information release relevant to Taser (UoF, Taser Data Port Download, etc.) and embed these protocols into organisational policy. There is currently no policy relevant to protocols for information release surrounding Taser use.

Recommendation 2.13: Freedom of Information

Create new organisational policy regarding protocols for information release relevant to Taser:

FR-1.6.14 Requests for Information Relating to Use of Taser.

It is the policy of the Western Australia Police (WAPOL) to make information relative to Taser use and associated data available as requested within the spirit of, and subject to, Freedom of Information legislative protocols.

Report 3: Taser data management and governance

3.1: Taser Data Port Downloads

Background

Currently there are 75 WA Police officers or staff trained by Taser International who are authorised to conduct Taser Data Port Download and are qualified Taser Technicians. As part of the Taser Technicians training package, officers are provided with a Universal Serial Bus (USB) Taser Data Port Download kit by Taser International. This kit is required to conduct the download and secure the Taser firing log from individual Tasers as an encrypted file.

The Taser Data Port Download provides a firing log of individual Taser activations in the probe, drive-stun and arcing mode of up to 2000 firing sequences before overwriting the data by sequence. The Taser Data Port Download file is encrypted and contains the following information:

- sequential number of recorded firing data
- Greenwich Mean Time
- local time
- cycle duration
- internal temperature of the Taser unit
- battery percentage.

The encrypted file is surrounded by unencrypted metadata fields that can be subjected to software search requirements. This information comprises of:

- Taser Technician details
- Taser Technician rank
- Taser Technician location
- Date and time of download
- Taser unit serial number
- Taser Model
- Taser Data Port Download software version.

The download can only be obtained through the use of the USB kit, if the Taser Data Port Download software (currently Version 16) has been installed on the associated computer. The Taser-specific software application has to be remotely installed onto a computer the Taser Technician has access to through a 'helpdesk' request from Information Communication

Technology. Appropriate software drivers must also be installed during this process. Drivers associated with the USB interface of the Taser Data Port Download kit are port-specific.

The encrypted file obtained from the Taser Data Port Download can only be read, and hard copies produced, with the application of the software programme. The software programme is not password-protected in terms of retrieving or deleting new or previously saved files.

Current Taser Data Port Download practice

The Review has identified issues associated with Taser Data Port Download regarding security, continuity, validity and integrity of these downloaded data files, which may be subpoenaed and subject to judicial scrutiny.

Currently during the download process, the Taser Technician saves an application specific, encrypted file onto the computer hard drive associated with the station/unit/section where the Taser Data Port Download is being conducted.

Current policy outlines procedures to follow when a Taser Data Port Download is required for investigative purposes, however, do not stipulate any particular timeframe or other circumstances when a Taser Data Port Download should be conducted⁹¹. Taser International advise Tasers should be downloaded every three months.

Contact with current Taser Technicians indicates processes across WA Police for Taser Data Port Download are not consistent. There are many different approaches to the process such as conducting downloads each time a Taser is fired, when the XDPM is changed, each time officers attend training sessions and others while Tasers are being repaired.

Taser Technicians were asked for feedback on any issues both currently and if mandatory quarterly governance Taser Data Port Download were to be introduced. Issues which were identified included significant logistical issues such as remoteness of some localities, distances to be travelled, lack of easy access to technicians and inadequate equipment.

⁹¹ WA Police Manual Police FR – 1.6.12 Taser Data Port Downloads

Recommendation 3.1: Taser Data Port Download process

- 3.1.1 Frequency of Taser Data Port Download is to be three monthly as a minimum, linked to the Business Area Management Review process and reflected in WA Police Manual FR-1.6.12.
- 3.1.2 Officers' in Charge to undertake the role of conducting the regular Taser Data Port Download.
- 3.1.3 Western Australia Police continue to maintain a contemporary team of Taser Technicians to ensure continuity of business and capacity building.

During this project, the Review conducted research with national and international police jurisdictions relevant to their process of managing Taser Data Port Download information and associated organisational policies. In conducting this research the Review established that no Taser Data Port Download processes were consistent across agencies. All conduct Taser Data Port Download over different time frames. Each agency did share a common thread, in that all conduct Taser Data Port Download with some regularity.

New Zealand Police appoint District Taser Coordinators who are responsible for effecting the download of data from district Tasers on a monthly basis. These downloads are of video recordings from Taser Cam and records of activations from Taser Data Port Download. They maintain a secure data base, updating records of individual Tasers, while also ensuring the internal time settings are synchronised.

The co-ordinator audits records by comparison of Taser Data Port Download with the respective Taser register. Any discrepancies between the Taser Data Port Download and the Taser register must be investigated. The co-ordinator must also ensure that any discrepancies that remain after investigation are reported to Professional Standards. The content of the evidential download is reconciled with the detail contained in the Tactical Options Report in respect of the incident.

The benefits to an agency of regular Taser Data Port Download is in the value of the evidence that can be gained from the Taser Data Port Download as detailed above. As a Taser is an item of electronic equipment containing a micro processor and a time-keeping function, it can be subject to malfunction, such as time drift and brown out:

- **Time drift** of the internal micro processor clock can vary between one to four minutes positive or negative per month. The time drift can cause inaccurate data associated with Taser Data Port Download information and may affect the integrity and validity of the information. When downloading a Taser, the program will only flag the need for a time re-

synchronisation if the time discrepancy is more than 10 minutes between the computer and the Taser.

- **Brown out** refers to the corruption of data within the Taser micro processor following an extended disconnection from the power source. Tasers within WA Police have been identified as having been affected by brown out with the clock defaulting to dates of either 1999 or 2000 from the period post brown out. The Taser will continue to record all information of the firings in a sequential manner; however the time and date are incorrect.

The impact of time drift and/or brown out has been encountered in previous investigations where the recorded time within separate Tasers was inconsistent (the time purported to be used differed from alternate evidence and the date of use showed a default date). While it is possible to reconstruct the date and time of use of a Taser, if a unit were to suffer more than one brown out, without correction, this process would be infinitely more difficult to conduct. Introducing a regular Taser Data Port Download process will enable early identification of any brown outs and synchronisation of the Taser unit to occur.

Recommendation 3.2: Taser clock synchronisation

A clock synchronisation is undertaken every time a Taser Data Port Download is conducted to prevent time drift occurring.

Also highlighted in the Review were issues relating to methods of Taser Data Port Download storage, security and retrieval of the encrypted files throughout WA Police. Currently, the Taser Data Port Download is stored in varying methods.

Current technology being utilised to conduct Taser Data Port Download is a Taser-specific software application supplied by Taser International. It has been identified since the inception of Taser Data Port Download in WA Police there are two limitations in the application of the Version 16 software:

1. The software is port-specific for the USB download cable and has to be installed on each port that is intended to be used.
2. The file path is limited for the retrieval of stored data. The Taser Data Port Download are stored as encrypted files that may be required for evidence. The Taser Data Port Download files are required to be stored in a manner ensuring continuity and integrity, as well as retrieval capabilities.

Further significant issues have recently been identified whereby the files currently being stored on local drives are unable to be opened or read. The District Training Officers or Taser Technicians, in creating the file path containing the Taser Data Port Download, use a method which creates an

elongated filing process. This makes it difficult for the Taser Data Port Download program to retrieve the file. Through liaison with the Executive Manager of Information Communication Technology, a solution has been identified which will be provided to all Taser Technicians by OSTTU.

Recommendation 3.3: Taser Data Port Download file path procedures

Operational Safety and Tactics Training Unit further develop Taser Data Port Download procedures to ensure all Taser Technicians and Officers' in Charge follow the same file path when saving Taser Data Port Downloads to a computer.

The Review conducted research relevant to possible future management, storage, security and retrieval of Taser Data Port Download information. The following table outlines the research findings.

Table 20: Options for the future management, storage, security and retrieval of Taser Data Port Download information

Option	Description
Central networked computer drive	Discussions with Information Communication Technology centred around the development of a central networked computer drive that could perform the function of storing all Taser Data Port Download information within the WA Police at one location. This solution is viable but was described as being slow and labour intensive. It would create specific bandwidth problems throughout RWA and would not have the ability to retrieve information through the searching of associated metadata ⁹² .
District drives	Discussions with Information Communication Technology also identified issues associated with the use of District drives, particularly in RWA. In discussions with District Offices it was identified most have access to a central drive, however advice was that these drives do not work efficiently. Anecdotal evidence suggests these drives have a tendency to be unreliable, too slow and will not move large pieces of information ⁹³ .
Objective (records management system)	Objective is an electronic records storage and management software solution utilised by WA Police. Lengthy discussions with Office of Information Management executives and staff indicated that this solution is capable of managing the complexities associated with organisational Taser Data Port Download issues. Preliminary testing has shown that there are some compatibility issues associated with the Taser specific Taser Data Port Download and Objective software applications. To overcome these issues and to ensure systems support and enhanced operational capability, there would be further work required with regard to front and rear end programming. Initial and ongoing user training and support could be provided within current resources at Office of Information Management. Objective has the ability to search metadata fields. Advice indicates that Objective would be the best solution for centralised Taser Data Port Download management. Research has demonstrated it could cater for information security, audit, retrieval and evidentiary

⁹² Meeting Notes from Discussions held with Inspector Medhurst – Business Systems Manager – ICT Division 16 November 2009

⁹³ Meeting with Geraldton Assistant District Officers - 15 February 2010

Option	Description
Statistical Analysis System (SAS)	<p>requirements associated with the electronic data with modifications at an undetermined cost to the WA Police⁹⁴.</p> <p>The Review met with the management of Strategy and Performance, Business Information and Statistics Branch. During these discussions, it was determined that Statistical Analysis System is a corporate storage, analysis and information reporting software solution available through the intranet.</p> <p>It was determined to adopt this solution would require the development of a business process and associated Information Communication Technology support around the transfer of the Taser Data Port Download information into Statistical Analysis System. However, research suggests work would be required to import the Taser Data Port Download information into any corporate system.</p> <p>Statistical Analysis System is primarily an organisational statistical reporting system. Preliminary discussions with the Assistant Director of Strategy and Performance indicate that with some back end work, this may become a feasible long term solution to manage the information associated with Taser Data Port Download⁹⁵.</p>
EVIDENCE.COM™	<p>EVIDENCE.COM™ is a virtual evidence warehouse, offering digital storage in a highly secure, easily accessible but off-site environment, outside WA Police ownership. It is a software solution that is manufactured, marketed and sold by Taser International⁹⁶.</p> <p>This solution would provide a professionally developed and customised option for the management of Taser Data Port Download information. Data storage is managed off site with ongoing costs associated with the purchase and support of this software package. Additionally, there may be evidentiary issues surrounding the corruption and continuity of information managed by a third party external to the WA Police⁹⁷.</p>
Station/Business unit solution	<p>When conducting field interviews with Officers' in Charge during the course of the Review, it was established that a solution could be implemented by station and business unit Officers' in Charge conducting the governance and or evidentiary Taser Data Port Download. This solution would overcome the issues of remoteness in RWA relating to Taser Data Port Download. The Officer in Charge would be required to save the Taser Data Port Download data on the secure Officer in Charge drive. This would address issues of security of the Taser Data Port Download, however it would not address central storage and retrieval.</p>

Recommendation 3.4: Taser Data Port Download storage solutions

The Business Improvement Office, Corporate Programs and Development, is tasked to develop a Business Case on the most cost effective and efficient system to store, secure and retrieve Taser Data Port Downloads. Interim options are:

- Short term – store the data on the Officer in Charge secure drive
- Mid term – utilise the records management system, Objective
- Long term – link the Statistical Analysis System to Objective to retrieve data relating to the Taser Data Port Download.

⁹⁴ Meeting with John Layton -Executive Manager – Office of Information Management – 25 January 2010

⁹⁵ Meeting with Stuart Gibbon Assistant Director Strategy and Performance – January 25 2010

⁹⁶ Also refer Report 1 – Taser Cam.

⁹⁷ www.taser.com

In this instance the Taser Technician would remain responsible for the interpretation of the Taser Data Port Download should it be required for evidentiary purposes at a later stage.

With this solution in mind, the Review obtained a quote for the purchase of 250 Taser X26 Taser Data Port Download USB cables for use of the Officers' in Charge of the 251 WA Police business units currently issued Tasers. At an individual unit cost of approximately \$300, the total cost would amount to \$75,000. The Review believes the Officer in Charge download solution to be the best measure for the actual Taser Data Port Download procedure.

Recommendation 3.5: Taser Data Downloads by Officers in Charge

- 3.5.1 Business Area Management Review downloads be conducted by station/business unit Officers in Charge to reduce Taser Technicians requirements to travel large distances across districts.
- 3.5.2 Taser Data Port Download USB kits are purchased and distributed to Officers in Charge of all business units issued Tasers.
- 3.5.3 Taser X26 Data Port Download software program be installed on the Officers in Charge /Managers computer at each station or business unit within WA Police, as well as any laptop or computer utilised by a Taser Technician.
- 3.5.4 WA Police Manual be revised to include guidelines around the training of Officers in Charge for governance downloads.
- 3.5.5 Train Officers in Charge via a *Blackboard* information session to conduct Taser Data Port Downloads only, with the pre-requisite that they are a qualified Taser user.

Retention schedule

Inquiries made with WA Police Legislative and Legal Services in relation to the length of time that WA Police would need to retain Taser Data Port Download. Advice was received WA Police would need to comply with State Records Act 2000. It has been determined that the investigative Taser Data Port Download records would need to be kept until the completion of any court proceedings, including any appeal periods and other associated reasons such as the Corruption and Crime Commission final resolution of any complaint against Police. A suitable period of time to retain records for this eventuality would be four years. Other downloads such as BAMR and during repairs may need to be kept for a period of four years in case it has some bearing on investigative matters.

Recommendation 3.6: Taser Data Port Download retention

- 3.6.1 Taser Data Port Downloads be retained by WA Police for a period of four years.
- 3.6.2 Develop and implement Police Manual policy which reflects this retention scheduled, in conjunction with the Records Management Centre.

3.2: Governance

Background

Governance of use of Taser in WA Police is currently controlled in the following ways:

- Use-of-Force reporting process and the governance by supervisors which is commented on with recommendations in Report 2 of the Review
- Firearm and Equipment Register currently used to sign a Taser in and out at the commencement and end of an officers shift. The purpose is to identify which officer was in possession of a particular Taser at a determined time.

BAMR audits conducted by Management Audit Unit

The current method requires a dip sample of Taser Data Port Download from within a business unit. MAU then make a comparison between the Taser Data Port Download and entries in the Occurrence Book. This process identified nine uses of Taser throughout WA Police in 2009, where a UoF had not been submitted⁹⁸. The requirement to record the deployment of Taser in the Occurrence Book is duplicitous as a UoF report is also required to be submitted.

Recommendation 3.7: Recording of Taser deployment in Occurrence Book

Delete the requirement to record deployment of Taser in Occurrence Book from Taser policy.

Currently, an officer's use of Taser may be difficult to identify if the officer was to:

- Draw a Taser without recording it in the station Firearm and Equipment Register
- Not submit a UoF report form after using Taser.

This provides a gap in the governance processes surrounding the use of Taser by a police officer and a potential concern to oversight and regulatory agencies.

⁹⁸ Management Audit Unit Audit Reports for Forrestfield, Halls Creek, Kununurra Police Stations and Traffic Enforcement Group 2009

Future

In keeping with the previously discussed recommendations surrounding the issue of brown out and time lag, to overcome this governance gap, the Review recommends the introduction of quarterly Taser Data Port Download. The benefit to WA Police will be the provision of valuable data useful for the governance of Taser.

Further information from the Taser Data Port Download will be:

- Identification of Taser discharge being recorded on the Taser Data Port Download where the Taser has not been signed out on the Firearm and Equipment Register
- Spark tests not being conducted at the commencement of a shift in accordance with policy.

As a means to ensure the use of Taser is appropriate and officers are accountable, it is further recommended MAU conduct random dip samples of Taser Data Port Download. This practise should be maintained on a continuous basis thereby increasing public and regulatory agencies confidence in the WA Police use of Taser and the accountability of its use.

Recommendation 3.8: Governance and auditing

District governance officers, Business Area Management Review officers and Management Audit Unit regularly conduct random dip samples of Taser Data Port Downloads. Data should be analysed against existing reporting and recording structures, such as Use-of-Force report forms, station Firearm and Equipment Registers and the Incident Management System.

The dip sample be specific to a manageable date range.

3.3: Taser Technicians

As Tasers become more prevalent in policing agencies the requirement for Taser Technicians to be trained increases.

As an example the New Zealand Police appoint District Taser Coordinators who are responsible for effecting the download of data from district Tasers on a monthly basis. These downloads are of video recordings from Taser Cam and records of activations from Taser Data Port Downloads. They maintain a secure data base, updating records of individual Tasers while also ensuring the internal time settings are synchronised.

The co-ordinator audits records by comparison of Taser Data Port Downloads with the respective Taser register. Any discrepancies between the Taser Data Port Downloads and the Taser register

must be investigated. The co-ordinator must also ensure that any discrepancies that remain after investigation are reported to Professional Standards. The content of the evidential download is reconciled with the detail contained in the Tactical Options Report in respect of the incident.

In November 2007, WA Police coordinated a Taser Technician Course delivered by Taser International. The course was attended by WA Police officers, most of whom were from RWA and OSTTU.

At the conclusion of this course the number of WA Police qualified Taser Technicians increased to 35. Technicians were advised to download Tasers as the result of any complaints or inquiries received and policy was implemented to reflect this⁹⁹. Prior to the introduction of this policy none existed relating to Taser Technicians or Taser Data Port Download.

In April 2009, Taser International re-attended WA and facilitated another Taser Technician Course at the WA Police Academy. This was attended by officers from throughout WA, with the majority being District Training Officer's and officers who were currently performing a Quarter Master role at their station or business unit. Taser Technician training involves understanding:

- The specifications, features and physical dimensions and maintenance of Taser
- The specifications, features and physical dimensions of the Taser cartridge
- The XDPM, cautions, troubleshooting and replacement of the Taser batteries
- The nomenclature, requirements, cautions, installation of software, process, troubleshooting of the Taser Taser Data Port Download.

After completing the course, technicians gained the knowledge and have been provided the equipment to maintain, fault diagnose and enable the download of the Taser and to complete the Taser Data Port Download.

Taser Technicians policy and procedures

The current responsibilities of the Taser Technician are:

- Conducting Taser Data Port Download for inquiry matters (incident, complaint, internal investigation, etc.)
- Repair faults identified within the Taser and change the XDPM battery

Once qualified as a Taser Technician by Taser International, there is no requirement to requalify or be re-certified¹⁰⁰.

⁹⁹ WA Police Manual Policy FR – 1.6.12 Taser Data Port Downloads. Police Gazette 9 January 2008.

¹⁰⁰ WA Police Manual Policy FR – 1.6.12 Taser Data Port Downloads

With the introduction of the quarterly Taser Data Port Download, as recommended by the Review, there will be an increase in the number of Tasers subject to Taser Data Port Download in both RWA and Metropolitan areas. Concerns are identified by the Review that there are not sufficient numbers of Taser Technicians within WA Police to manage the outcome of the recommendations. Recommendation 3.5 will assist the overall management of the Taser Data Port Download.

The below table indicates the number of Taser Technicians, Taser and projected minimum Taser Data Port Download requirements, should quarterly Taser Data Port Downloads be implemented.

Table 21: Forecast of minimum Taser Data Port Download requirements

District/Unit	Technicians	Tasers	Minimum downloads required
Metropolitan Region/Portfolios			
OSTTU	8	122	488
Police Academy	2	6	24
North West Metropolitan	3	76	304
East Metropolitan	2	63	252
West Metropolitan	2	87	348
South Metropolitan	3	116	464
South East Metropolitan	2	131	524
Central Metropolitan	4	133	536
Traffic Enforcement Group	1	28	112
Perth Rail Unit	1	16	64
Southern Rail Unit	1	18	72
State Intelligence Division	3	67	268
Tactical Response Group	2	28	112
Regional Operations Group	3	31	124
Gang Crime	1	20	80
Internal Covert	1	8	32
Witness Security	1	2	8
Dog Squad	1	20	80
Peel	4	53	212
Other	0	98	392
Regional WA			
Wheatbelt	3	69	276
Pilbara	4	58	232
Kimberley	4	57	228
Goldfields-Esperance	4	78	312
South West	2	61	244
Mid West Gascoyne	4	83	332
Great Southern	2	78	312

Recommendation 3.9: Taser Technicians

- 3.9.1 Increase the number of trained Taser Technicians within WA Police by scheduling and funding the WA Police Senior Master Taser Technician to deliver Taser Technician courses in all Metropolitan and Regional WA districts.
- 3.9.2 A certification process be implemented incorporating the need for the Taser Technician to remain contemporary and current in re-certification on an annual basis. The Taser Technician must be able to demonstrate competency in the analysis and reporting of Taser Data Port Downloads.
- 3.9.3 A WA Police Taser Technicians course be implemented by Operational Safety and Tactics Training Unit, independent of the restrictions of Taser International. The course to be developed by the WA Police Senior Master Taser Technician, in consultation with the Officer in Charge, Operational Safety and Tactics Training Unit, and approved by the WA Police Academy Training Management Review Group. This course should include:
- Taser Data Port Download procedures and policies
 - XDPM changes
 - Fault diagnosis
 - Interpretation of Taser Data Port Download.
- 3.9.4 A standardised Taser Data Port Download report be formulated and utilised by all Taser Technicians for court or investigation report purposes.
- 3.9.5 Implement new policy for the guidance of Taser Technicians within WA Police.

Report 4: Taser asset and consumable management

4.1: Background

Following the initial procurement by the WA Police Asset Management Directorate of Taser assets and consumables, OSTTU are responsible for their continuing purchase, distribution, repair, replacement and disposal.

From mid 2007, WA Police provided access to Tasers for all operational police officers trained in its use. In 2009, with the increase in workload associated with the wider distribution of Tasers, the Academy successfully negotiated with the Asset Management Directorate for the provision of additional police staff to manage the Taser asset and associated consumables. The role of the additional police staff encompasses:

- Warehousing
- Distribution across the state, managing the couriering into and out of OSTTU to internal and external customers
- Recording into RMIS records management
- Provision of auditable processes to meet BAMR requirements
- Conducting fault diagnosis
- Maintenance and repairs to Tasers from around the state
- Undertaking the management and coordination of Taser Data Port Download
- Quartermaster duties at OSTTU to manage business unit Taser and consumable holdings
- Monitoring all UoF reports pertaining to Taser across the state
- Maintaining supply of the asset as required
- Providing advice on trends and future budgetary considerations.

4.2: Taser Asset management

Within WA Police, RMIS is utilised to record assets their locations and movements across the state. Operational Safety and Tactics Training Unit utilise this system to record and track the asset from the time of purchase until its final disposal from operational use. The management of the Taser for warehousing, fault management, maintenance and repairs is also tracked through RMIS. The Review, in discussing this process with the OSTTU asset managers, the managers of RMIS and the Assets Management Directorate, found this process to be effective in managing the movement of Tasers. As a process driven solution, there has been no negative outcomes with few issues noted.

Operational Safety and Tactics Training Unit have equipment capable of undertaking minor repairs and maintenance. This process is efficient and has been responsible for a reduction in costs around the maintenance and repairs budget. The RMIS has ensured an auditable and comprehensive system of maintaining the Taser assets across WA Police.

4.3: Taser Replacement Program

Since 2007, OSTTU have regularly provided reports detailing future agency requirements for both the Taser and consumables. The most recent report has provided a five-year plan for the ongoing purchase and replacement of Taser. The costing strategy has been comprehensive and provides effective advice for the ongoing Taser program to the Finance and Asset Management Directorates.

Taser International and Breon offered a 12-month manufacturers warranty, and a four-year out-of-warranty, increasing cost, repair and manufacturer's contract. This program was such that at the end of five years the costs exceeded the purchase price of a new Taser. As a new asset, WA Police planned the replacement of the Taser on the premise that at the end of the five-year period it would be replaced (Table 22). However, following input from Gray and Breon, this position has been re-considered by the Review.

Table 22: Breakdown of the number of Tasers, warranty/contract expiry date

Expiry date	Number of Tasers
2010/11	0
2011/12	1080
2012/13	196
2013/14	210
2014/15	124
Total	1610

4.4: Taser-certified testing

Taser, as supplied by Taser International to WA Police carries a manufacturer's 12-month warranty and a four year out of warranty repair and manufacturer's contract.

The Review has identified a number of possible risks associated with retaining the Taser beyond the manufacturer's warranty and contract. These include:

- Taser's reliability to operate correctly within manufacturer's specifications outside of the contract period
- Identifying when a Taser is no longer safe or reliable
- Liability for WA Police should a Taser, out of warranty, be found to have been operating outside manufacturer's specifications and be associated with injury or death

- OSH issues associated with using equipment not warranted to work.

There are three options available to WA Police:

1. Replace the Taser within the five year contract period and thereby avoid any questions surrounding the electrical output.
2. Choose not to test the Taser post the expiration of the five year contract period and continue to use the Taser until such time it ceases to operate. Should the electrical output be questioned, this option has the potential to expose WA Police to the risk of defending criticism.
3. WA Police contract out Independent Certification Testing, or conduct its own certified electrical output testing.

4.5: Availability of independent certification testing within Western Australia

Taser International Certified Test Laboratories are qualified and authorised to carry out certified testing of Taser. Taser International, as the manufacturer of the Taser, and as an *ISO 9001:2000* certified business, is qualified and authorised to certify the standards required for testing Taser products.

Inquiries have been made with Taser International regarding any existing Taser Certified Test Laboratories in WA and they advise there is currently none.

Similarly, across Australia there is also no Taser Certified Test Laboratories. However, the Royal Prince Alfred Hospital in Sydney, New South Wales, has tested Tasers on behalf of Breon. This was a one-off testing and the Royal Prince Alfred Hospital is not available for commercial testing.

4.6: Ability of Western Australia Police to certify Tasers.

Inquiries revealed that WA Police currently conducts its own certification testing on a number of electronic devices. Staff at Traffic Technical Unit has been certified by the National Association of Testing Authorities to test eight specific electronic items including breath equipment, lasers and speed measuring equipment to ensure they operate within manufacturer's specifications.

The National Association of Testing Authorities is responsible for the accreditation of laboratories, inspection bodies, calibration services, producers of certified reference materials and proficiency testing scheme providers throughout Australia. It provides independent assurance of technical competence and formally recognises that these facilities produce reliable technical results. The Association is a not-for-profit company owned and governed by its members and representatives

from industry, government and professional bodies. It is largely self-funded and has memoranda of understanding with the Australian Government and various state and territory governments that recognise its key role in Australia's technical infrastructure¹⁰¹.

A further inquiry with Taser International has established that no specific qualification is needed to conduct testing on Tasers, other than the qualification to operate the testing equipment. Taser International requires that laboratories testing their equipment have been assessed and certified by Taser International.

In correspondence from Taser International, they advise that they promote the concept of independent electrical laboratories (not individual agencies/policing jurisdictions) participating in a program that outlines the requirements for a formal Taser International Certification protocol, which follows the same test standards and utilises the same test setup as performed in-house at Taser International¹⁰². The Review understands other international law enforcement agencies are considering the formation of Taser testing protocols.

The National Association of Testing Authorities however expects staff will have an electronics background and qualifications, including a Diploma of Electronics and/or Bachelor of Applied Science to fulfil this requirement.

Taser International has provided the certification instructions for testing Tasers. Taser International identified the required equipment at a cost of about \$15,000.

The total resource requirements for a self-testing capability are unknown as there are many factors to be determined. It would be dependent on decisions regarding the number of personnel required, the number of testing stations required and the physical location of the testing. Additional costs could include training of personnel and establishment of work areas and the National Association of Testing Authorities accreditation costs.

The process of the National Association of Testing Authorities and Taser International accreditation can take extended time to achieve.

¹⁰¹ www.nata.asn.au/index.php/aboutnata

¹⁰² Taser International response to WAPol RFI 12 22 2009, email received 22 December 2009

Replacing Tasers out of warranty

Western Australia Police have 1610 Tasers. The replacement cost over a five-year period could amount to in excess of \$2.6M.

With 1080 scheduled to be replaced in the financial year 2011/12 due to contract expiry, this replacement cost alone is in excess of \$1.75M.

4.7: Future warranty coverage

The warranty coverage for Tasers owned by WA Police is progressively diminishing and will cease for current stock between 2011 and 2015. However, the lack of warranty for Tasers does not equate to Tasers reaching a disposal date.

As with any other electronic device, with regular servicing and testing there is no use by date for Tasers. Tasers should only be removed from service when they are found to be operating outside the manufacturer's specification. Taser International advice on life expectancy of a Taser was:

This question poses many variables: storage conditions, weather, amount of uses, general care. – To answer this question it would be difficult without knowing these details. As you know our X26 units come standard with a 12 month warranty and also the option to purchase an extended warranty¹⁰³.

Recommendation 4.1: Taser-certified testing

- 4.1.1 Operational Safety and Tactics Training Unit and the Asset Management Directorate investigate the options for lengthening the certified life span of Taser, including identifying certification testing options. (Similar to Traffic Technical Unit).
- 4.1.2 Western Australia Police to make a corporate decision based on cost to replace existing Taser's after five years or take up a certification testing option.

4.8: Consumable management

Taser consumables include operational cartridges, simulated cartridges, XDPM and Bladetech holsters.

To the end of calendar year 2009, the Asset Management Directorate advised WA Police had purchased the following number of Taser operational cartridges and the Review identified this as an area of risk in the asset management of the cartridges.

¹⁰³ Email advice from Taser International, 2 March 2010.

Table 23: Taser consumables as at December 2009

Description	Information source	Cartridges in to OSTTU	Cartridges out OSTTU
Purchased by Assets	RMIS	39,482	
Swapped for Sim	Adjustment ¹⁰⁴		10,184
Used in training	Estimated ¹⁰⁵		18,745
Used in field	Based on UoF forms		1,143
Damaged	Damage/malfunction		642
On hand	In storage ¹⁰⁶		12,984
Total cartridge consumption/on hand			43,698
Variance			4,216

In the original roll out of Tasers in 2007, the distribution was not managed effectively, primarily due to the time constraints around the requirement to have all operational officers trained within a short period of time. The task of distribution was delegated to OSTTU, which is a training area with little or no understanding or appreciation of the issues of consumable distribution and management.

Sufficient consumables were distributed with the Tasers to all points of the state in order to sustain the training. The resultant outcome was a dearth of information surrounding the numbers of operational cartridges initially distributed and the inability to maintain a system based audit trail. As can be seen from the above table, this has resulted in discrepancies surrounding the numbers purchased, the numbers on hand, and the numbers used in the field and in training.

While OSTTU have since been provided additional staff to manage the consumable warehousing and distribution, this continues to be undertaken with little proactive input from the Asset Directorate on the appropriate technology to manage the consumables.

In late 2007, OSTTU implemented a manual recording system using an Excel spreadsheet to minimise the risk surrounding the lack of accountability for the consumable asset. The Review in discussing the process with OSTTU identified a gap in the manual recording process as the staff utilise a bar code reader and a separate spreadsheet. This spreadsheet is not linked to any corporate system and becomes a paper based system when the consumables are distributed from OSTTU to areas around the state.

There are also inconsistencies in how the consumables are recorded at a police-station level. The MAU identified instances of good recording procedures and some instances of gaps in recording

¹⁰⁴ Asset Management Directorate over-purchased operational cartridges in first instance, leading to an oversupply. Operational Safety and Tactics Training Unit arranged swap of operational cartridges for simulation cartridges and XDPM batteries to better meet WA Police requirements.

¹⁰⁵ Numbers estimated on 'best advice' from District Training Officer's and OSTTU based on two cartridges per officer RWA and one and two cartridges per officer Metropolitan Region.

¹⁰⁶ Figures of cartridges in storage and held across state are based on information supplied by OSTTU and District Training Officer's.

process. To overcome the inconsistent recording methods, MAU have developed a manual template which includes essential information for maintaining an audit trail of the consumables. From late 2009, the template has been available on Outlook and is being incorporated into the Review recommendations for improvements to policy and guidelines.

The distribution of simulation cartridges and XDPM are currently managed by OSTTU in the same manner as operational cartridges using an Excel spreadsheet.

Baldetech holsters are currently issued with each Taser. The current practice in managing the simulation cartridges and XDPM appears to be satisfactory. However, the audit tracking of these items in the same manner as the operational cartridges may be unnecessary as they are only distributed to District Training Officer's and Taser Technicians.

The Review consulted with the Assets Systems Branch who has advised that a solution to the recording of the consumable asset may be available through RMIS. Further discussion on this option is pending the development of a blueprint and estimates of costing from Assets Systems Branch.

Recommendation 4.2: Cartridge distribution and governance

- 4.2.1 Operational Safety and Tactics Training Unit modify the current Excel spreadsheet recording system to provide greater tracking of operational cartridges in the field. This will provide an accountable process to complete the audit cycle of purchase, distribution, use and write-off.
- 4.2.2 Operational Safety and Tactics Training Unit continue the current practice of utilising an Excel spreadsheet to manage the movement of simulation cartridges and XDPM.
- 4.2.3 Asset Systems Branch provide Operational Safety and Tactics Training Unit with advice, costing and implementation timeframe on an RMIS solution to provide accountable management of the Taser consumables (operational cartridge).
- 4.2.4 Should an RMIS solution not be available, Corporate Programs and Development be engaged to advise on an alternative systems based solution.
- 4.2.5 Taser policy and guidelines are amended to incorporate the Management Audit Unit developed register for state-wide use.

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Appendix 1: Gray Report



National Policing Improvement Agency

Index

Introduction..... 1

Executive Summary 2-3

Training & Operational Deployment..... 3-5

Corporate Reporting 5-7

Taser Data Management & Governance 7-8

Taser Assets & Consumables Management..... 8

Supporting Information (Appendix A)..... 9-18

Appendix B – Home Office Codes of Practice on the Police Use of Firearms
& Less Lethal Weapons

Appendix C – UK Taser Policy

National Policing Improvement Agency

Introduction

The Western Australia Police have been conducting a review of the effects of the introduction of Taser to frontline officers across the force in 2007. The review commenced in November 2009 by Inspector Andrew Gray, who is the author of this report, a Firearms Advisor and National lead for Police use of Taser. He is attached to Uniformed Operational Support – Firearms NPJA.

The review has been structured to cover four main areas:

- Training and Operational Deployment
- Corporate reporting and Use of Force Reporting
- Taser Data management and Governance
- Taser Asset and Consumables Management

During my two weeks in Western Australia I examined the scope and processes being used, mainly in comparison with the UK review and licensing process for Firearms and Less Lethal Weapons training, but also educational evaluation of training standards, and other international trends and issues.

The report is a snap-shot evaluation of the review process and a brief independent view.

I have not examined or considered any medical evaluation as I am not qualified to do so, and the Scientific Advisory Committee on the Medical Implications of Less Lethal Weapons (SACMILL and previously DOMILL) have already produced several independent reports.

By way of comparison the introduction of Taser into the UK was initially agreed by the Home Secretary to Police Firearms Officers only in September 2004, and after several stages of trials, in November 2008, the then Home Secretary (Jacqui Smith MP) announced plans to widen the use of Tasers to front line police, providing they had successfully completed the agreed training.

(See attached Home Office Codes of Practice on the Police Use of Firearms and Less Lethal Weapons: Appendix B)

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Executive Summary

I will summarise on elements within each of the four main areas of the review. The review process, as outlined in the planning and reporting schedule, follows the main streams of the licensing process for UK Police Firearms and Less Lethal Weapons training and evaluation.

The work being completed by the Post Implementation Review Team is fair, valid, reliable and ethical, and covered all the areas I would have hoped to have covered if completing the full review process. I have not attempted to repeat the review team's extensive work here.

All officers and staff of the Western Australia Police (WA Police) came across as professional and caring. They were open with all information requested, very receptive and offered suggestions to considerations for change.

The following recommendations from the review are offered:

Recommendation 1: Page 4

Although WA Police have developed their training no formal protocol exists to establish ownership of the training, through to Chief Officer level. I would therefore encourage the introduction of a protocol or service level agreement, and that Taser International product use recommendations are considered in the same light as those of any commercial manufacturer, as just one of the sources of information that modify future training (to also include use of force reporting, medical reviews, complaints etc) and that changes to training and operations should be made on the direction of a WA Police strategic overview body, thereby linking training, equipment purchase, policy and operational use.

Recommendation 2: Page 4

That the rationale for an officer's use of Taser must be measured within the law. The Conflict Management Model (see 2. Corporate Reporting) provides a structure to answer that question. It is not possible for policy to cover every possible instance when a Taser should, or should not, be used.

Recommendation 3: Page 5

*Replace with positive language as an example:
'There is a specific risk of injury to the eye through penetration of a barb. Barb penetration in the neck, head or groin may also increase the level of injury. For this reason the Taser should be aimed so as to strike the main muscle mass areas of the body'.*

Recommendation 4: Page 5

*That the 'Police Use of Force Policy' should provide an overarching policy for **all** force options, based on a standardised model so that all current and any future options fit into a legally compliant standard, but the specific capabilities and considerations for each are individually provided.*

National Policing Improvement Agency

Recommendation 5: Page 5

The adoption of a formal model for training feedback, use of force reporting and supervision would provide reinforcement and standardisation, and ensure inclusion of all elements particularly policing powers. This could be achieved by the restructuring of information an example would be the Conflict Management Model.

Recommendation 6: Page 6

That a recognised education evaluation model be used on an annual basis to identify future training needs, and in line with the 'National Use of Force Reporting Guidelines 2002' and analysis of complaints, use of force reports and incidents, is used to allow strategic identification of trends and threats while enabling:

- *Identification of training needs for operational safety purposes*
- *Monitoring of the effectiveness of operational training, tactics, procedures and equipment to ensure appropriate behaviour*
- *Monitoring of use of force trends in the best interests of the public and operational police*

The use of force report should cover all police use of force and officer injuries. Having a one-page report for the 'threat' (red dot) of use may reduce the level of bureaucracy, with full reporting for discharges.

Recommendation 7: Page 7

The cost / risk benefit should be weighed up as to the purchase of dataport download cables. Staff can be trained solely in dataport downloading. The download can still be assessed by a technician and remedial action taken where necessary in addition to the current inventory and data checking.

Recommendation 8: Page 8

That the Use of Force reports, Complaints, Western Australia Corruption and Crime Commission recommendations, medical reviews, trainers or practitioners recommendations, WA Police union and Taser International updates are regularly provided (at least annually) to a strategic overview body or included in the terms of reference of an existing strategic group, for consideration and control of weapons, equipment, training, and policy.

Training and Operational Deployment¹

The initial Taser training delivered to Western Australia Police is conducted by Western Australia staff, trained as police trainers and in addition they have received training directly from Taser International.

¹ supporting data, appendix A, page 12

National Policing Improvement Agency

There are three principle domains of learning; Cognitive, Psychomotor and Affective.

The training manual, learning outcomes and performance criteria all exceeded the manufacturer's minimum requirement regarding product information and physical handling skills, and fulfil the Cognitive and Psychomotor elements. The provision of inert Tasers and cartridges to develop handling skills is an example of innovative practice.

The WA Police training goes on to cover the attitude and behaviour of officer's judgement regarding the use of force, thereby providing learning in the affective domain. This aspect is not adequately covered solely by the Taser International training as they do not cover individual force policy or law. Training has, however, been disproportionately affected by Taser International; an example of this would be the recent change in the suggested point of aim.

Recommendation 1:

Although WA Police have developed their training no formal protocol exists to establish ownership of the training, through to Chief Officer level. I would therefore encourage the introduction of a protocol or service level agreement, and that Taser International product use recommendations are considered in the same light as those of any commercial manufacturer, as just one of the sources of information that modify future training (to also include use of force reporting, medical reviews, complaints etc.); and that changes to training and operations should be made on the direction of a WA Police strategic overview body, thereby linking training, equipment purchase, policy and operational use.

The training covers the officers accounting for their use of force, but the policy and guidance appears to cause some confusion about when Taser should be used and whether this is 'compliance'. The use of Taser should not be for compliance where this would not lawfully justify a use of force.

Recommendation 2:

That the rationale for an officer's use of Taser must be measured within the law. The Conflict Management Model (see Corporate Reporting) provides a structure to answer that question. It is not possible for policy to cover every possible instance when a Taser should, or should not, be used.

POLICY

Part of the review process has been to examine the WA Police Taser Policy, to avoid it becoming a negative list of what not to do. I suggest that it is written in positive language. Current wording states: 'Specific risks emerge from the use of Taser and operators are reminded not to deploy the weapon to the face and/or genital groin region of the subject'

National Policing Improvement Agency

Recommendation 3:

Replace with positive language as an example:

'There is a specific risk of injury to the eye through penetration of a barb. Barb penetration in the neck, head or groin may also increase the level of injury. For this reason the Taser should be aimed so as to strike the main muscle mass areas of the body'

NPIA are able to assist with a review of the policy when a final draft is prepared.

Recommendation 4:

*That the 'Police Use of Force Policy' should provide an overarching policy for **all** force options, based on a standardised model so that all current and any future options fit into a legally compliant standard, but the specific capabilities and considerations for each are individually provided.*

Corporate Reporting and Use of Force Reporting²

The assessment of students is completed against set competencies; this is recorded by way of exam and practical handling skills. Competency is also tested in scenario based training on a video training system. The feedback in training and operational assessment is both informally based around a process which can be seen in the templates for Use of Force reporting and Blue Team.

The below headings can be utilised:

- Initial Observations/Synopsis
- IAMO (brief explanation of perceived offender's Intent, Ability, Means & Opportunity)
- Perception (an officer's individual factors re use of force i.e. injury, size, drug affected, fatigue, weapons, multiple offenders, gender, etc)
- Preclusion (brief explanation why force options were passed over)
- Actions Taken
- Outcome
- Injuries/Medical/Aftercare
- Taser/Cartridge/OC Serial Numbers (Blue Team template)

Recommendation 5:

The adoption of a formal model for training feedback, use of force reporting and supervision would provide reinforcement and standardisation, and ensure inclusion of all elements particularly policing powers. This could be achieved by the restructuring of the above information, an example would be the Conflict Management Model:

² Supporting data, Appendix A, page 13 - 17



This model, or a similar structure, provides a consistent approach and, therefore, allows assessment of competency against a measured standard; it allows review, by supervisors and subsequent audit process, of officer's reports in training and operationally against the same criteria. The current Tactical Options Model fits only within the fourth section 'Tactical Options'. This model exceeds the ANZPAA, Guidelines for Incident Management, Conflict Resolution and Use of Force, Guideline 13 requirements.

Evaluation

TRAINING.

The review team has extensively covered the evaluation of training, by conducting a survey of hundreds of WA Police Officers, and follows Kirkpatrick's model; this is a valid and reliable level 3 method.

OPERATIONS.

The review team have examined use of force reporting, complaints and public satisfaction survey, again this is a robust and valid method of evaluation. I have dip sampled this work by talking to frontline officers and trainers within the metropolitan and regional areas. The view held unanimously was that the introduction of Taser was a positive decision for the Western Australia Police. Officers felt that sickness levels were reduced, officers' confidence and ability to work effectively in protecting the public were improved and that the training was proportionate and operationally relevant.

Recommendation 6:

That a recognised education evaluation model be used on an annual basis to identify future training needs, and in line with the 'National Use of Force Reporting Guidelines 2002' and analysis of complaints, use of force

National Policing Improvement Agency

reports and incidents, is used to allow strategic identification of trends and threats while enabling:

- *Identification of training needs for operational safety purposes*
- *Monitoring of the effectiveness of operational training, tactics, procedures and equipment to ensure appropriate behaviour*
- *Monitoring of use of force trends in the best interests of the public and operational police*

The use of force report should cover all police use of force and officer injuries. Having a one-page report for the 'threat' (red dot) of use may reduce the level of bureaucracy, with full reporting for discharges.

Taser Data management and Governance³

DATA MANAGEMENT.

The Taser X26 dataport downloading process across the force area appeared to be being inconsistently applied. Understandably the urban areas with more staff in one location had the best resources to regularly download. In other areas, lack of equipment or suitably trained staff has led to some less frequent downloading. One suggested reason for this is the Taser International requirement for downloading to be completed by qualified technicians only.

Recommendation7:

The cost / risk benefit should be weighed up as to the purchase of dataport download cables. Staff can be trained solely in dataport downloading. The download can still be assessed by a technician and remedial action taken where necessary in addition to the current inventory and data checking.

GOVERNANCE.

The introduction of Taser was to meet an operational need to protect the public and officers; this is in balance with the operational threat. The uses reported follow the trend of introduction in areas of the world that have followed a similar structure, in that the monitoring of use directly impacts on future training and supervision of officers to prevent misuse, and results in Taser being used at the type of incident it was introduced to address. There will be incidents which require greater scrutiny, which when examined, again against a structure, will hopefully show that officers have acted within the law in very difficult and violent situations.

The review, and other specific requests, had generated information regarding training, operational uses, reporting and complaints, some specific to Taser others more generally around the use of force.

³ supporting data, appendix A, page 17

National Policing Improvement Agency

There does not seem to be an ongoing mechanism to produce and analyse this information for ongoing consideration at a strategic level.

Recommendation 8:

That the Use of Force reports, Complaints, Western Australia Corruption and Crime Commission recommendations, medical reviews, trainers or practitioners recommendations, WA Police union and Taser International updates are regularly provided (at least annually) to a strategic overview body or included in the terms of reference of an existing strategic group, for consideration and control of weapons, equipment, training, and policy.

Taser Assets and Consumables Management

This is a financial matter for the WA Police, my only view would be that while the cartridges have a five-year shelf life but the Taser X26 has a five year warranty, and may very well still be serviceable after that five-year period. I would suggest a rolling replacement schedule which allows the increase in availability of devices, as there were reported occasions where officers at major events did not all have access to devices

National Policing Improvement Agency**Appendix A**
Supporting Information**REVIEWER PROFILE.**

I am a serving Police Inspector with the Lincolnshire Police currently seconded to the National Policing Improvement Agency (NPIA) as a Firearms and Less Lethal Weapons Adviser. The last twenty eight years have provided a broad range of experience in city and urban policing, crime investigation, uniform patrol and firearms response. The last 10 years (Jan 2000) as lead for UK Taser training. Taser is available to 170,000 UK officers with approximately 14,000 devices available. My current role also involves licensing police training across England, Wales, Scotland and Northern Ireland, to meet the requirements of the Home Office Codes of Practice on the Police Use of Firearms and Less Lethal Weapons, and management of the National Police Firearms Training Curriculum. I do not have, nor have ever had, any shares or personal financial links to Taser International, or associated distributors.

PREPARATION.

Prior to my arrival in Australia, I initially examined the following associated documents;

- Western Australia (WA) Police Taser Training Manual
- Use of Force report forms and guidelines, hard copy and Blue Team,
- Commissioner's Policy on Taser and Use of Force
- Amnesty International 'Less Than Lethal' The use of stun weapons in US law enforcement
- Scoping Document, Planning and Reporting Schedule and Terms of Reference
- RCMP Use of the Conducted Energy Weapon
- Other associated Australian reviews of the use of Taser

I have had regular email contact with the review team, in particular Inspector Steve Bradley. I was aware of the context and terms of reference for the review.

National Policing Improvement Agency

Schedule

Monday Feb-08	Tuesday Feb-09	Wednesday Feb-10	Thursday Feb-11	Friday Feb-12	Saturday Feb-13	Sunday Feb-14
PIRT Administration	Meeting with COP, ED, DC	CS2	Review work with PIRT Team	1800 - 0200 AFL NAB briefing, match Subiaco Oval and Northbridge	Admin	Day travel with Water Police / Rottneest Police re Taser use.
Meeting with A/C Dreierbergs and Superintendent Properjohn						
Meal	Meal	Meal	Meal			
Review work with Training Team	Review work with PIRT Team	Taser Training	Review work with PIRT Team			

Monday Feb-15	Tuesday Feb-16	Wednesday Feb-17	Thursday Feb-18	Friday Feb-19
Regional WA Mid West Gascoyne District - Geraldton DO, DTO, Satellite trainers.	Meekathara, area over view, meeting with OIC, Satellite trainers and training session.	Evidentiary requirements work with PIRT Team	Policy work with PIRT Team	Meeting with A/C and Superintendent
		Meal	Meal	Meal
		Review work with PIRT Team	Review work with PIRT Team	Final review work with Review Team

National Policing Improvement Agency

WA Police PIRT Terms of Reference

The purpose of the Review is to examine:

- Training in the use of Taser
- Taser use in the WA Police
- Effectiveness and risks of Taser as a use of force option
- Adequacy of accountable controls and processes in the use of Taser
- Judicial requirements relative to Taser use
- The management of Taser data
- The management of Taser assets

The Terms of Reference for the Review team will focus on a report covering four critical areas:

Training and Operational Deployment of Taser

- Relationship between training and application
- Comparative effectiveness as a force option
- Organisational risks
- Policy and instructions
- Evidentiary requirements
- TaserCam

Corporate Reporting and Use of Force Reporting for Taser

- Use of Force reporting process
- Supervisory accountability
- Analysis, and reporting, of Taser use
- Corporate reporting requirements
- Freedom of Information (FOI) request

Taser Data Management and Governance

- Taser Data management
- Governance of Taser use, data, evidence and security
- Corporate requirements
- Corruption & Crime Commission requirements
- Taser Technician responsibilities

Taser Asset and Consumable Management

- Asset and consumable management
- Certification of output and internal recording devices
- Establishment of procedures for the governance and administration of all Taser assets and consumables

National Policing Improvement Agency

Training and Operational Deployment

From reviewing documents provided by the Western Australia Police, Taser International training material and speaking with Instructors and supervisors it can be seen that the training provided to recruits and all other Taser users covers the Knowledge, Psychomotor Skills and Attitude areas examined.

Knowledge elements are based on the Taser International V15.2 training materials in relation to the equipment and WA Police policy in relation to use of force. PowerPoint presentations were all clearly marked as WA Police. Training documents and exams were correctly version controlled and trainers were working from a standardised pack.

The Psychomotor Skills element can also be linked to Taser International but can be seen to have been developed by WA Police to include discharge against moving targets and within a judgmental video training environment. This enables learning, improves accuracy and develops attitudes and beliefs in a controlled way. This is currently being developed to increase the availability of opportunity to demonstrate accuracy.

Ownership of training in the UK from the outset was produced to Association of Chief Police Officers (ACPO) standards which required a UK Police training package not a commercial company's training package. This obviously had to take into account the Taser International training materials, based on factual information about the device. The medical information was referred to the Defence Committee on the Medical Implications of Less Lethal Weapons (DOMILL now Scientific Advisory Committee, SACMILL.) None of the medical or physical effects stated by the company were directly accepted without DOMILL independent advice. Many of the PowerPoint slides and video originate from Taser International and further video and research was obtained from Royal Canadian Mounted Police. SACMILL continue to review, based on UK and international uses, the use of Taser and regularly report, the latest being 7th November 2008. This report suggested that unsupported falls leading to head injury were their main concern for injury potential.

The WA Police and the UK training packages, although developed independently have reached the same eighteen hour minimum mandatory training scheme, with very similar content and emphasis.

National Policing Improvement Agency

Corporate Reporting and Use of Force Reporting

Reporting and use of force reporting are being completed using 'Blue Team' or a Use of Force report. The thread that runs through several of these issues, including supervision, media reporting and feedback to students, is that there is no standardised model to follow. The Conflict Management Model is set out in further detail below. When used as a standard model it provides structure which can provide an account of an officer's actions based on a consistent process.

The Blue Team report and the Use of Force both require the same sorts of information, as do the other stakeholders. It can be seen that the report already follows the information within the model but does not provide a recognisable structure.

Recommended minimum content for a summary of incidents:

Please ensure a **comprehensive** account of the circumstances surrounding the incident is provided, including officer's initial observations and an outline of events leading up to the requirement to use force. Officers should provide an explanation of why their force option was chosen using the standard '**preclusion**' process.

To assist in capturing required data and for continuity/professionalism and **potential Court disclosure**, the below headings can be utilised:

- Initial Observations/Synopsis
- IAMO (brief explanation of perceived offender's Intent, Ability, Means & Opportunity)
- Perception (an officer's individual factors re use of force i.e. injury, size, drug affected, fatigue, weapons, multiple offenders, gender, etc)
- Preclusion (brief explanation why force options were passed over)
- Actions Taken
- Outcome
- Injuries/Medical/Aftercare
- Taser/Cartridge/OC Serial Numbers

Putting the same information, in each area of business, into a standard model increases professionalism, provides an easy use check sheet, and demonstrates that a valid process is followed each time force is considered or used.

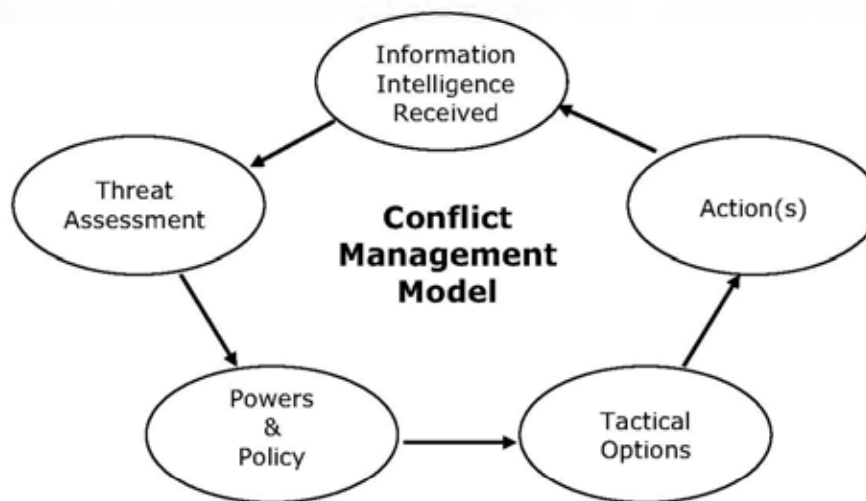
Note: Use of Force Reports are disclosable in Court.

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CONFLICT MANAGEMENT

Below is the description of the Model. Comparatively it can be seen that much of what is already being achieved in WA Police fits into the model.

Reference should be made to the Conflict Management Model (UK-ACPO Personal Safety Manual of Guidance)



CONFLICT MANAGEMENT MODEL

The Conflict Management Model sets out the process by which a measured and appropriate response can be made to any situation involving conflict. In any conflict situation a decision-making process is necessary to ensure that the conflict is dealt with in a logical and progressive manner. The conflict management model is one way of providing such a logical progression. None of the stages of the model should be seen as the sole responsibility of the police.

Information and intelligence received leads to a threat assessment then, following consideration of the relevant powers and policy, the appropriate tactical option(s) chosen to manage the threat and resolve the conflict. The cyclic nature of the model allows for constant re-assessment of the situation and for appropriate action to be taken on the basis of the most up-to-date information available.

INFORMATION/INTELLIGENCE RECEIVED

A correct and defensible decision is more likely to result from consideration of all relevant information and intelligence. This may come from what the individual officer sees, hears or even feels, or from what

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they are told by another person. Information from force-wide indexes and experience from previous encounters may also be relevant. Communication staff will be able to support this aspect by obtaining as much information as possible from persons requesting police attendance, or other available sources.

Whilst hearsay evidence may only be admissible in court in certain circumstances, it is likely to be very relevant if an officer has to explain, or assist another person to understand, why a particular course of action was actually taken. Officers should, depending on time constraints, consider things such as; the source of information, is it fact or assumption, is it accurate, can it be confirmed or verified.

THREAT ASSESSMENT

On the basis of the information/intelligence, an officer will be able to make an assessment of the threat they face. The threat to the public or officer is most likely to emanate from the behaviour of the subject or subjects they are dealing with, any objects that may be present or the place where the encounter occurs. This can be simplified as follows although the issues shown are by no means exhaustive.

Profiled subject behaviour:

- Compliance
- Verbal resistance and gestures
- Passive resistance
- Active resistance
- Aggressive resistance
- Serious resistance

Impact factors:

- Subject(s) Capability
- Subjects Intent
- Alcohol or drug consumption by subject
- Prior training / Skill level of subject
- Exhaustion or injury to subject
- Number of subjects
- Subject's mental state
- Special knowledge of subject
- Subject's physiology
- Subject's perception of imminent danger
- Subject's being in a position of perceived disadvantage
- Subject's perception of the officer's level of force.
- Crowds or venues within the immediate vicinity
- Other dangers not directly associated with the incident

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Reasonable officer response options:

- Communication skills
- Officer's presence, including a heightened level if a weapon is drawn as part of a challenge
- Primary control skills – empty hand skills, arm locks, wristlocks, handcuffs
- Defensive tactics – any action where minor to moderate injury may occur this includes takedown to prone, any strikes, incapacitant spray and the discharge of Taser
- Deadly force – Any action likely to cause serious injury or death

Impact factors:

- Officers own view of the impact of their capability
- Strength of officer
- Skill level of officer
- Injury or exhaustion to officer
- Number of officers, or other resources
- Special knowledge of officer
- Officer's physiology
- Officer's perception of the non-verbal behaviour of the subject
- Officer's perception of imminent danger
- Officer's perception of being in a position of disadvantage
- Officer's perception of the subject's level of resistance
- Having considered all of the above aspects, an officer is more likely to make an accurate assessment of threat

POWERS AND POLICY

Officers must act within the law, a sound knowledge of available legislation is therefore essential. In addition, local, force or national policies may determine what or how action should be taken. This is particularly relevant for Taser where the policy is designed to ensure a corporate approach to the use, maintenance and aftercare.

The police use of force in the UK is governed by:

- Common Law
- Section 3 Criminal Law Act 1967
- Section 117 Police and Criminal Evidence Act 1984
- The Human Rights Act 1998
- Article 2 of the UN Basic Principles on the use of Force and Firearms which states that:

'Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms.'

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TACTICAL OPTIONS

It is not possible to list all the options available to deal with conflict; for example in certain circumstances no physical action may be an option. However each piece of equipment or skill available represents a tactical option. It is vital that officers understand the medical implications of each option, as this is likely to be very relevant in making the appropriate choice. An option that carries a high risk of serious injury is less likely to be justified in circumstances where the threat posed carries a limited risk to others. The tactical option chosen must be proportionate to the threat faced in all the circumstances. There should also be consideration of community impact, other resources available, political sensitivity, contingencies and the likelihood of success.

ACTION

Any action taken or strategy set will impact on the model as a cyclical process, and itself become information that has to be acted on to initiate going through the process again. So that if the level of threat increases or reduces the response can likewise be escalated or removed.

Taser Data management and Governance

The thread of the Conflict Management Model follows through into data management and governance. The strategic and operational control of the use of force, in particular Taser can be achieved more easily when a comparable model can be used to measure like with like. The concern publicly voiced regarding 'mission creep' and over reliance on the device can be accounted for when each incident is reviewed on the same basis. Any external examination of use of force should also be against the CMM criteria.

Taser Asset and Consumables Management

As previously stated this area is a financial matter for the WA Police.

Other Issues

There are a number of classifications of the Taser device, Taser's own of 'Electronic Control Device', I don't believe accurately reflects what the police intend to achieve, that being; incapacitation in violent situations. If the Taser needs a separate label, and I question whether it does, then one such as Conducted Energy Device should be considered.

The method of carriage being weak sided was very strongly enforced and all the officers I met over all the areas visited were carrying the Taser in the correct manner.

The Post-Incident recovery standards were well documented but I did not have the opportunity to see this being carried out operationally. I believe

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the Canadian Police and here in the UK we have set a common minimum forensic recovery standard, the standard needs to be effectively communicated to users and supervisors. (UK Policy Appendix C)

The visit was of mutual benefit, providing a fresh perspective on many aspects and I hope that the UK and Australia will maintain contact on Use of Force issues to continue to provide the best possible protection for the public and our officers.

Andrew Gray
Inspector – Specialist Operations (Firearms)
National Policing Improvement Agency (UK)

Appendix B

Home Office Codes of Practice on the Police Use of Firearms & Less Lethal Weapons



UK Home Office
Codes of Practice... (

Appendix C

UK Taser Policy



UK Taser Policy
(PDF)

Appendix 2: Recommended changes to Western Australia Police policy



Appendix 2:
Recommended chang

Appendix 3: Comparison of other jurisdictional review recommendations



Appendix 3:
Comparison of other j

Appendix 4: Organisational Risk Plan



Appendix 4:
Organisational Risk Pl

Appendix 5: Case studies of WA Police Use-of-Force incidents



Appendix 5: Case
studies of WA Police l