



Our Reference: 17-6011

30 June 2017

Laura Drew  
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Dear Laura

**REQUEST FOR INFORMATION**

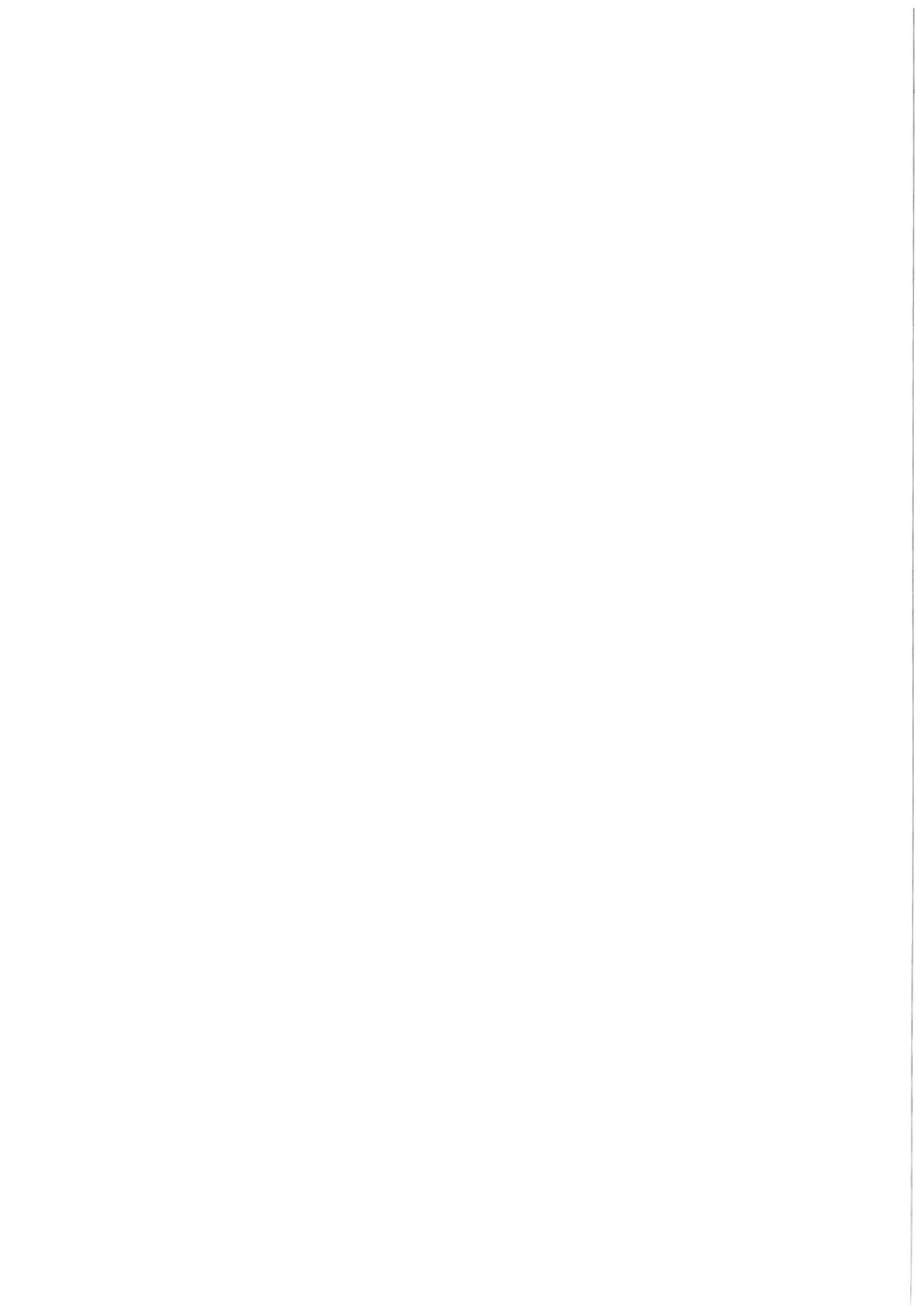
I refer to your online request of 10 June 2017 in which you asked for the "Police Manual - Use of Force".

I have considered your request in accordance with the Official Information Act 1982. I enclose a copy of the requested information.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Chris Scahill".

Chris Scahill  
Superintendent  
National Manager: Response and Operations





## Use of force

**Publication Number:**

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# Use of force

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### Summary

This section contains these topics:

- [Purpose](#)
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- [The police use of force role](#)
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### Purpose

This Use of Force chapter provides instructions to constables on operational use of force, including:

- [definitions](#) related to the use of force
- the [legal authority](#) to use force, including the [limitations](#) of this authority
- the [Tactical Options Framework](#)
- use of force and [operational safety](#)
- [reporting](#) use of force/tactical options use
- national governance of use of force and Tactical Options Reporting (TOR) data, and
- District and Area management of use of force and TOR data.

### Who does the chapter apply to?

The chapter applies to constables, authorised officers (depending on the terms of their employment) and temporary constables.

### The Police use of force role

One of the defining features of Police organisations, which captures their unique role in society, is their lawful authorisation to use force in certain circumstances.

This is not to say that Police routinely use force in the execution of their duties; they do not. The vast majority of Police-public encounters are resolved without recourse to force. However, when necessary, Police are legally authorised to use reasonable force, including lethal force if necessary, to re-establish public order.

### The strategic importance of use of force

Use of force is strategically important to Police for several reasons. First, use of force is a key risk environment for [constables](#) and the public, with more than 1,000 injuries occurring during use of force incidents annually. The lawful authority to use force, which primarily derives from the Crimes Act 1961, also enables constables to use force to safely and effectively resolve incidents that would otherwise endanger public safety.

Second, excessive or perceived excessive use of force has serious implications for members of the public against whom such force is used, for constables using such force, and for public trust and confidence in Police, which is the basis of effective policing. There is a public expectation, expressed through legislation ([s62](#) Crimes Act 1961), that Police administer their use of force role with due diligence and care. This is reinforced through instructions in the Use of Force chapter, and through the Tactical Options Framework (TOF) and [Code of Conduct](#).

Third, the use of force environment offers crucial opportunities for individual and organisational learning in support of strategic goals such as minimising risk and maximising safety. Tactical Options Reporting (TOR) data is crucial to this learning, as it facilitates evidence-based decision making and improved employee and public safety.



## Use of force, Continued...

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### Factors to consider before using force

Police's preferred tactical option for resolving incidents where Police action is necessary in response to uncooperative subjects is tactical communication.

However, while the use of force should be avoided where possible, it is necessary at times, to safely resolve a situation. When necessary to use force, constables must, according to law, use only reasonable force. This includes force that is necessary and proportionate, given all the circumstances known at the time.

While constables are legally authorised to use force, they are also criminally responsible for any excessive use of force, according to the nature and quality of that excessive force (s62 Crimes Act 1961). Excessive force is not reasonable force.

Constables are also liable to civil and/or criminal proceedings, and internal disciplinary action under the Code of Conduct, for any excessive use of force.



## Use of force, Continued...

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### Definitions

Term	Definition
<b>Constables</b>	The term 'constables' is used to describe constabulary employees, authorised officers (depending on the terms of their employment) and temporary constables.
<b>Draw and drawing</b>	'Draw' and 'drawing' means removing an appointment from its method of carriage, e.g. removing a TASER or firearm from its holster.
<b>Excess of force and excessive force</b>	While constables are authorised by law to use force, they are also criminally responsible for any excessive use of force, according to the nature and quality of that excessive force. See section <a href="#">62 Crimes Act 1961</a> and <a href="#">Limitations on the use of force</a> .
<b>Excited delirium</b>	'Excited delirium' means a state of extreme mental and physiological excitement characterised by extreme agitation, hypothermia, euphoria, hostility, and exceptional strength and endurance without apparent fatigue. Although not a universally recognised medical condition, excited delirium is gaining acceptance as a contributor to deaths proximal to TASER use.
<b>Justified</b>	'Justified', in relation to any person, means not guilty of an offence and not liable to any civil proceedings.
<b>National Use of Force Governance Committee</b>	The National Use of Force Governance Committee is accountable for the oversight and management of the use and reporting of force by constables. The Operational Advisory Committee (OAC), chaired by the Assistant Commissioner: Operations, performs this role.
<b>Non-reportable force</b>	'Non-reportable' force is use(s) of force that do not need to be reported in a TOR form. See <a href="#">What force need not be reported in a TOR form</a> in the 'Reporting use of force/tactical options use' section of this chapter.
<b>Pain compliance</b>	'Pain compliance' (e.g. when reporting the use of handcuffs, waist restraint belt, and leg restraint – vehicle, <b>with</b> pain compliance) means the direct and intentional use of force by a constable that causes pain to the subject, usually evidenced by the subject showing and/or verbalising pain.
<b>Perceived cumulative assessment (PCA)</b>	The 'perceived cumulative assessment' (PCA) is a constable's subjective assessment, and continuous reassessment, of an incident using the TENR model, based on information known about the situation and the subject's behaviour. The PCA may escalate and/or de-escalate more than once during an incident. There are five categories in the PCA - cooperative, passive resistant, active resistant, assaultive, GBH/death - which are represented in the TOF. See <a href="#">Perceived Cumulative Assessment (PCA)</a> in the 'Tactical Options Framework' section in this chapter.
<b>Police Integrated Tactical Training (PITT)</b>	As part of their training at the Royal New Zealand Police College (RNZPC), recruits are trained in the appropriate use of approved defensive tactics (including mandatory appointments), TASER and firearms. In districts, the programme provides the means for regularly refreshing constables' knowledge and skill in these areas.



## Use of force, Continued...

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<b>Prepare force</b>	'Prepare' force means carriage of a tactical option.
<b>Present force and presentation of force</b>	See 'show' force.
<b>Protected from criminal responsibility</b>	'Protected from criminal responsibility' means not liable to any proceedings except a civil proceeding.
<b>Reasonable force</b>	New Zealand case law suggests that 'reasonable' force includes force that is necessary and proportionate, given all the circumstances known at the time. Excessive force is <b>not</b> reasonable force. Except in the case of self-defence, reasonableness must be assessed objectively, i.e. <b>by the standards of the person on the street</b> - not (subjectively) by the standards of the person using force. See section <a href="#">39</a> of the Crimes Act 1961.
<b>Reportable force</b>	'Reportable' force is use(s) of force that <b>must</b> be reported in a Tactical Options Reporting (TOR) form. See <a href="#">Reporting use of force/tactical options use</a> .
<b>Self-defence and defence of another</b>	Everyone is justified in using, in the defence of himself, herself or another, such force as, in the circumstances as he or she believes them to be, it is reasonable to use. See section <a href="#">48</a> of the Crimes Act 1961.
<b>Show force</b>	'Show force' means presenting a tactical option at a subject, for example presenting: <ul style="list-style-type: none"><li>• O C spray</li><li>• a baton</li><li>• a weapon of opportunity, e.g. a Police torch</li><li>• a Police dog, i.e. using a dog as a 'show of force'</li><li>• laser painting or arcing a TASER</li><li>• a firearm.</li></ul>
<b>Subject or subjects</b>	'Subject' or 'subjects' means a person(s) who has had, or may likely have, force used against them.
<b>Tactical Options Framework (TOF)</b>	The Tactical Options Framework (TOF) is a training and operational tool that assists constables to appropriately decide when, how, and at what level to use a tactical option(s). The TOF guides constables to use force that is necessary and proportionate, given all the circumstances known at the time. <b>Note:</b> The legal authority to use force is derived from the law, not the TOF. If you use force that is not authorised by law, or is excessive, the fact that you relied on the TOF will not justify or legitimise the use of that force. See <a href="#">Legal authority to use force</a> .
<b>Tactical Options Reporting (TOR) database</b>	The TOR database is an electronic application where constables report use of force/tactical options use(s), in accordance with the <a href="#">reporting requirements</a> in this chapter. <b>Note:</b> The TOR database includes three different reporting forms: the TOR form; the Unintentional/Unauthorised Discharge form; and the Use of Tactical Options on an Animal(s) form. See the <a href="#">Tactical Options Reporting (TOR) Database User Manual</a> .

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<b>Tactical Options Research Team</b>	The Tactical Options Research Team is based in Operations Group at PNHQ. The team undertake research and analysis on, and monitoring and evaluation of, the use of force/tactical options deployment environment, to facilitate evidence-based decision making and improved employee and public safety. The Tactical Options Research Team does <b>not</b> monitor the TOR database for professional standards purposes.
<b>TENR</b>	The Police threat assessment methodology 'TENR' (Threat Exposure Necessity Response) is a decision making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The response to any given situation must be considered, timely, proportionate and appropriate. The overriding principle when applying TENR is that of 'safety is success'. Victim, public and employee safety always take precedence, and every effort must be made to minimise harm and maximise safety. See <a href="#">The relationship between TENR and the Tactical Options Framework (TOF)</a> .
<b>Use force and use of force</b>	'Use force' means the application of force on a subject, for example: <ul style="list-style-type: none"><li>• spraying O C spray</li><li>• striking a person with a baton</li><li>• using a Police dog to bite a person</li><li>• using a TASER by discharge and/or contact stun; and/or</li><li>• firing a firearm.</li></ul> 'Use' force and 'use of force' may also be used as a generic term that includes 'showing' and/or 'using' a tactical option.



### Use of force chapters and training resources

This section contains these topics:

- [Police Manual tactical options chapters](#)
- [Other Police Manual chapters relevant to the use of force](#)
- [Police Integrated Tactical Training \(PITT\) manuals](#)
- [The Tactical Options Reporting \(TOR\) database user manual](#)
- [Tactical Options Reporting \(TOR\) training version](#)

#### Police Manual tactical options chapters

The Police Manual contains chapters on approved tactical options and techniques which must be read alongside this chapter:

- [Mechanical restraints](#)
- [Oleoresin Capsicum \(OC\) Spray](#)
- Empty Hand Techniques (**note:** under development)
- [Baton](#)
- [Use of Force with Police Dogs](#) (dog handlers only)
- [TASER \(Electronic Control Devices\)](#)
- [Police firearms](#).

#### Other Police Manual chapters relevant to the use of force

- [Operational threat assessment \(TENR\)](#)
- [People in Police detention](#)
- [Managing prisoners on behalf of Corrections](#)
- [People with mental impairments](#)
- [Arrest and detention](#)
- [Demonstrations](#)
- [Family violence policy and procedures](#)
- [Search](#) (includes [Searching people](#))
- [Unlawful assembly and/or rioting](#)
- [Positional asphyxia](#)
- [Off-duty interventions](#)
- [Health and safety policy](#)
- [Animals](#)
- [Pre-charge warnings](#)
- [Uniform, dress standards and appearance](#) (wearing stab resistant body armour (SRBA), duty belt and appointments, high visibility garments, and ballistic body armour)
- [Public order protective equipment](#).

#### Police Integrated Tactical Training (PITT) manuals

Police Integrated Tactical Training (PITT) Defensive Tactics training manuals contain instructions on using approved tactical options and techniques, and should be referred to alongside this chapter:

- [Police Integrated Tactical Training \(PITT\)](#)
- [Handcuffing](#)
- [Plastic Handcuffs](#)
- [Redirection](#)
- [Ground Defence](#)
- [Control and Restraint](#)
- [Restraint Belt](#)
- [O C spray](#)
- [Empty Hand Techniques](#)
- [Expandable Baton](#)
- [Police Torch](#)

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## Use of force, Continued...

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- [Positional Asphyxia.](#)

### **The Tactical Options Reporting (TOR) database user manual**

The Tactical Options Reporting (TOR) database manual contains detailed user instructions on how to complete a TOR form. See the [Tactical Options Reporting \(TOR\) Database User Manual.](#)

### **Tactical Options Reporting (TOR) training version**

You can practice using the TOR database in the 'Tactical Options Reporting (training version only)', which is located in the 'Notification...' section of the Bulletin Board. In the training version you can save draft TOR forms and 'send them to your supervisor' (**note:** the TOR form will not actually be sent to your supervisor).



### Legal authority to use force

This section contains these topics:

- [Crimes Act 1961](#)
- [Use of force to execute a process or to arrest](#)
- [Use of force to prevent escape](#)
- [Use of force to prevent suicide or serious injury](#)
- [Use of force to prevent breach of the peace](#)
- [Use of force to defend a person](#)
- [Other Crimes Act 1961 sections authorising the use of force](#)
- [Other statutes authorising use of force](#)

### Crimes Act 1961

[Constables'](#) legal authority to use force in the lawful execution of their duty primarily derives from the Crimes Act 1961. This section of the chapter details those key Crimes Act' provisions.

#### Use of force to execute a process or to arrest

Crimes Act section	Description
<a href="#">39</a>	<p><b>Force used in executing process or in arrest</b></p> <p>Where any person is justified, or protected from criminal responsibility, in executing or assisting to execute any sentence, warrant, or process, or in making or assisting to make any arrest, that justification or protection shall extend and apply to the use by him of such force as may be necessary to overcome any force used in resisting such execution or arrest, unless the sentence, warrant, or process can be executed or the arrest made by reasonable means in a less violent manner.</p> <p>Provided that, except in the case of a constable or a person called upon by a constable to assist him, this section shall not apply where the force used is intended or likely to cause death or grievous bodily harm.</p>
<a href="#">40(1)</a>	<p><b>Preventing escape or rescue</b></p> <p>Where any person is lawfully authorised to arrest or to assist in arresting any other person, or is justified in or protected from criminal responsibility for arresting or assisting to arrest any other person, that authority, justification, or protection, as the case may be, shall extend and apply to the use of such force as may be necessary to prevent:</p> <ul style="list-style-type: none"><li>• the escape of that other person if he takes to flight in order to avoid arrest, or</li><li>• the escape or rescue of that other person after his arrest—unless in any such case, the escape or rescue can be prevented by reasonable means in a less violent manner.</li></ul> <p>Provided that, except in the case of a constable or a person called upon by a constable to assist him, this subsection shall not apply where the force used is intended or likely to cause death or grievous bodily harm.</p>



## Use of force, Continued...

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### Use of force to prevent escape

Crimes Act section	Description
<a href="#">40(2)</a>	<b>Preventing escape or rescue</b> Where any prisoner of a prison is attempting to escape from lawful custody, or is fleeing after having escaped there from, every constable, and every person called upon by a constable to assist him, is justified in using such force as may be necessary to prevent the escape of or to recapture the prisoner, unless in any such case the escape can be prevented or the recapture effected by reasonable means in a less violent manner.

### Use of force to prevent suicide or serious injury

Crimes Act section	Description
<a href="#">41</a>	<b>Prevention of suicide or certain offences</b> Every one is justified in using such force as may be reasonably necessary in order to prevent: <ul style="list-style-type: none"><li>• the commission of suicide, or</li><li>• the commission of an offence which would be likely to cause immediate and serious injury to the person or property of any one, or</li><li>• any act being done which he believes, on reasonable grounds, would, if committed, amount to suicide or to any such offence.</li></ul>

### Use of force to prevent breach of the peace

Crimes Act section	Description
<a href="#">42</a>	<b>Preventing breach of the peace</b> Every one who witnesses a breach of the peace is justified in interfering to prevent its continuance or renewal, and may detain any person committing it, in order to give him into the custody of a constable.  Provided that the person interfering shall use no more force than is reasonably necessary for preventing the continuance or renewal of the breach of the peace, or than is reasonably proportionate to the danger to be apprehended from its continuance or renewal.

### Use of force to defend a person

Crimes Act section	Description
<a href="#">48</a>	<b>Self-defence and defence of another</b> Every one is justified in using, in the defence of himself or another, such force as, in the circumstances as he believes them to be, it is reasonable to use.

### Other Crimes Act 1961 sections authorising the use of force

Constables' legal authority to use force in the lawful execution of their duty is also derived from these sections of the Crimes Act 1961.

Crimes Act section	Description
<a href="#">44</a>	Suppression of riot by Police



## Use of force, Continued...

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Everyone, including police, is authorised to use force under these sections of the Crimes Act 1961.

Crimes Act section	Description
<a href="#">52</a>	Defence of movable property against trespasser
<a href="#">53</a>	Defence of movable property with claim of right
<a href="#">55</a>	Defence of dwellinghouse
<a href="#">56</a>	Defence of land or building
<a href="#">60</a>	Discipline on ship or aircraft

### Other statutes authorising use of force

In addition to the Crimes Act 1961, there are several other statutes authorising Police use of force in certain situations. These statutes are outlined in the [Appendix: Legal authority to use force – other Acts](#) according to the following situations:

- [Use of force – search](#)
- [Use of force – surveillance](#)
- [Use of force to identify a person](#)
- [Use of force to execute a process or to arrest \(non-Crimes Act 1961\)](#)
- [Use of force with warrant or order](#)
- [Use of force without warrant](#)
- [Use of force – surveillance](#)
- [Use of force against people with mental health issues or intellectual disabilities](#)
- [Use of force involving children and/or young people](#)
- [Use of force - Civil Aviation](#)
- [Use of force - Fire Service](#)
- [Use of force - Fisheries](#)
- [Use of force - Coroners](#)
- [Use of force - Corrections](#)
- [Use of force - Customs](#)
- [Use of force - Immigration](#)
- [Use of force - Maritime](#)
- [Use of force - Miscellaneous](#)



### Limitations on the use of force

#### Liability for excess of force/excessive force

Everyone authorised by law to use force is criminally responsible for any excess, according to the nature and quality of the act that constitutes the excess.  
(s<sub>62</sub> Crimes Act 1961)

#### Forbidden use of force techniques - trachea hold/choker hold

The trachea hold/choker hold blocks a person's airway by forearm compression of the airway. Use of the trachea hold/choker is **forbidden** as it has resulted in deaths overseas.



### The Tactical Options Framework

This section contains these topics:

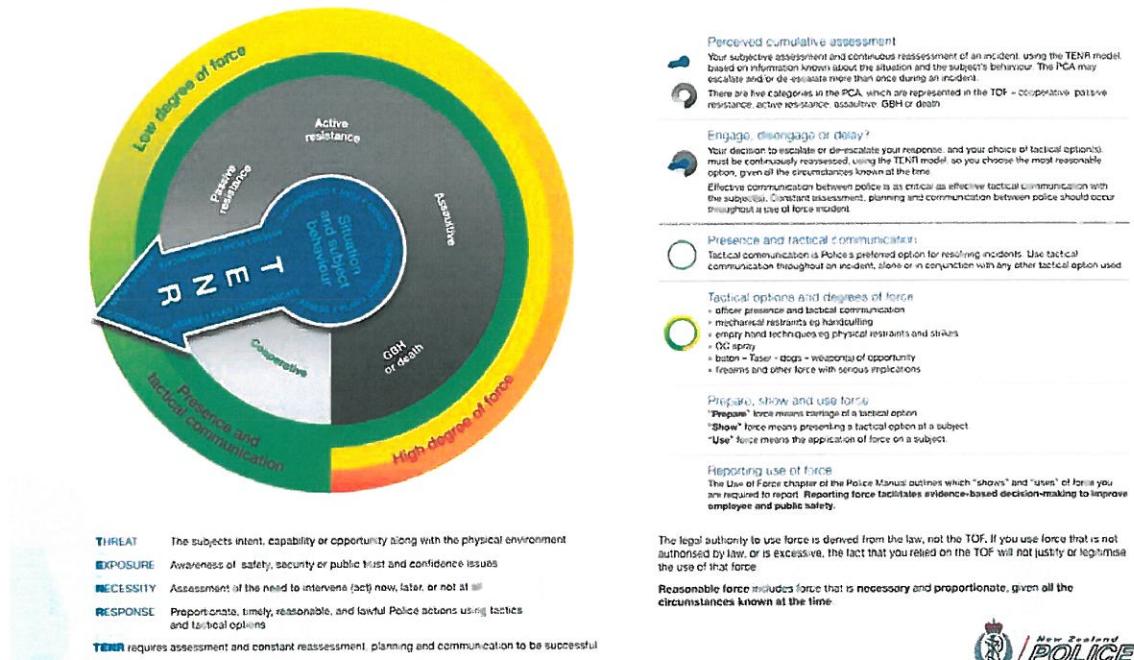
- [The purpose of the Tactical Options Framework \(TOF\)](#)
- [The Perceived Cumulative Assessment \(PCA\)](#)
- [Relationship between the law, Use of Force chapter and Tactical Options Framework \(TOF\)](#)
- [Relationship between TENR and the Tactical Options Framework \(TOF\)](#)

#### The purpose of the Tactical Options Framework (TOF)

The Tactical Options Framework (TOF) is a training and operational tool that assists constables to appropriately decide when, how, and at what level to use a tactical option(s). The TOF guides constables to use force that is necessary and proportionate, given all the circumstances known at the time.

However, the legal authority to use force is derived from the law, not the TOF. If you use force that is not authorised by law, or is excessive, the fact that you relied on the TOF will not justify or legitimise the use of that force. See [Legal authority to use force](#).

## Tactical Options Framework



([Link](#) to diagram above)

#### The Perceived Cumulative Assessment (PCA)

The PCA is your subjective assessment, and continuous reassessment, of an incident, using the [TENR](#) model, based on information known about the situation and the subject's behaviour.

The PCA may escalate and/or de-escalate more than once during an incident. Your decision to escalate or de-escalate your response, and your choice of tactical options(s), must be continuously reassessed, using the [TENR](#) model, so you choose the most reasonable option, given all the circumstances known at the time.

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## Use of force, Continued...

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There are five categories in the PCA, which are represented in the TOF.

1	<b>Cooperative</b>	Willingly responds when approached.
2	<b>Passive resistant</b>	Refuses verbally or with physical inactivity.
3	<b>Active resistant</b>	Pulls away, pushes away, or runs away.
4	<b>Assaultive</b>	Intent to cause harm, expressed verbally, through body language/physical action.
5	<b>GBH or death</b>	Shows action intended to or likely to cause grievous bodily harm or death to any person.

In determining your PCA, you must also consider background information about the situation, which assists your assessment of the level of risk and threat an incident presents. It may include information on:

- the incident, supplied by the Communications Centre, e.g. the incident type, location, time and distance to the incident
- the number of subjects and constables involved
- your and the subject's abilities, e.g. physical size, strength, skills
- information about the subject, e.g. results of QP and QPR checks, their emotional state, the influence of drugs or alcohol, the presence of and/or proximity to weapons and/or weapons of opportunity
- similar previous experiences with the subject(s) or location, and/or environmental conditions, e.g. weather, lighting, physical location.

The TOF and the perceived cumulative assessment (PCA) within it, assists you to:

- assess the level of threat a situation and subject poses
- use reasonable force, given all the circumstances known at the time, through showing and/or using tactical options
- explain the incident where force was used, e.g. the incident background, subject(s) behaviour, the PCA, reason(s) for using the tactic(s) chosen, and the incident outcomes, when reporting force in a TOR form
- explain the decision to use a particular tactical option(s) in a particular circumstance, when reporting force in a TOR form.

For more information on the TOF and the subject and situation PCAs, see the [Relationship between TENR and the Tactical Options Framework \(TOF\)](#).

### Relationship between the law, Use of Force chapter and Tactical Options Framework (TOF)

A constable's legal authority to use force is derived from the law (Crimes Act, 1961), not from this Use of Force chapter or the TOF. Thus, the law will be used to assess any allegations of excessive force. See the [legal authority to use force](#) and [limitations on the use of force](#).

**Note:** As outlined in [Wallace v Abbott](#), reliance on Police Instructions, as the Instructions themselves note, is not in itself an answer to criminal responsibility. Such instructions are, however, properly put forward because they are part of the background against which the reasonableness of police conduct falls to be assessed.

### Relationship between TENR and the Tactical Options Framework (TOF)

The Police threat assessment methodology 'TENR' (Threat Exposure Necessity Response) is a decision making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The response to any given situation must be considered, timely, proportionate and appropriate.



## Use of force, Continued...

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The overriding principle when applying TENR is that of 'safety is success'. Victim, public and employee safety always take precedence, and every effort must be made to minimise harm and maximise safety. As such, TENR is crucial to the use of force environment, which is characterised by considerable risk and threat, both to constables and the public.

You should determine your PCA by considering the TENR model, given the situation and subject behaviour. TENR is designed to compliment and better inform your PCA and your response.

Having considered TENR and determined the PCA, if this assessment requires you to act, including using force, you **must**:

- act in accordance with the law (see [Legal authority to use force](#))
- act in accordance with this Use of Force chapter
- follow the procedures outlined in the [Tactical Options Framework](#) (with particular emphasis on ongoing and recurring assessment), and other [staff safety tactical training](#) policies and procedures.

For more information on TENR see [Operational threat assessment \(TENR\)](#).



## Use of force, Continued...

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### Use of force and operational safety

This section contains these topics:

- [Maximise safety and minimise risk](#)
- [Tactical communication with subjects](#)
- [Communication between Police](#)
- [Safety considerations and use of force](#)
- [People who may be more vulnerable to the use of force](#)

#### Maximise safety and minimise risk

Operational policing is dynamic and unpredictable, and can pose significant risks to Police and the public. Maximising safety and minimising risk is a core responsibility of Police and its employees. Police is committed to and responsible (under the Health and Safety in Employment Act 1992) for taking all practicable steps to provide a safe and healthy work environment for its employees and the public.

This section provides high-level guidance on Police and public safety when considering or using force.

See [Use of force chapters and training resources](#) listed in this chapter for further information relevant to operational safety in the use of force environment.

#### Tactical communication with subjects

Tactical communication is Police's preferred option for resolving incidents where police action is necessary in response to uncooperative subjects, as it may enable such incidents to be resolved without the use of force. Use tactical communication throughout an incident, alone or in conjunction with any other tactical option used. Effective use of tactical communication is also likely to reduce police and public harm, and complaints against Police.

#### Ask Why Options Confirm Action (AWOCA)

AWOCA is the acronym for 'Ask Why Options Confirm Action', the five-step tactical communications process that underpins the Tactical Options Framework (TOF). Tactical communication is represented by the green 'officer presence and communication' ring in the TOF. This ring encircles all tactical options in the TOF, emphasising the importance of using tactical communication throughout a use of force incident, where possible. See the [Tactical Options Framework](#).

Stage	Description
Ask	Greet and identify.
Why	The reason I am here is..., e.g. what conduct has resulted in the Police's presence, what law has allegedly been broken.
Options	We can work this out if you..., e.g. create and present options for the subject and tell them what they can expect to gain or lose by their actions.
Confirm	Do you understand? Confirm that the subject understands the situation and the options available to them to resolve it.
Action	Action, i.e. tactical options choices. If necessary, this is where you use a tactical option due to a subject's continued and/or escalating resistance.

The scope of tactical communication is wide, including, for example, passing on information, making a simple request, commanding immediate responses, and ordering lawful directives.

Where possible, you should progress through the five-step tactical communication process sequentially. However, the situation and/or subject behaviours may make this



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impractical and/or unsafe; for example, you may go directly from 'Ask' to 'Action' if immediate action is required.

Tactical communication is crucial to safely de-escalating an incident with uncooperative subjects. Tactical communication should be attempted in every incident where police action is necessary in response to uncooperative subjects, including those that may require force to be used.

For reasons of Police and/or public safety, some incidents require the immediate use of force, as the option to delay and engage in tactical communication, or to disengage, is impractical and unsafe. In these instances, tactical communication should be used as and when possible, alone or in conjunction with any other tactical option used.

For more information on tactical communication see [TENR - Operational threat assessment](#).

### Communication between Police

Effective communication between Police is as critical as effective tactical communication with the subject(s). Constant assessment, planning and communication between Police should occur throughout a use of force incident.

### Safety considerations and use of force

Police and public safety is paramount when considering and using force. You should consider personal factors and situation and subject characteristics that may affect safety including:

- use of tactical communication to safely de-escalate an incident
- subject response to your communication
- the number of subjects
- your and the subject's age, sex, size, and physical ability (including any parity or disparity between yourself and the subject)
- your training and skill level
- your and/or the subject's injury or exhaustion
- the availability of Police back-up or specialist squads
- subject intent
- whether the subject:
  - has any relevant criminal history
  - is under the influence of alcohol and/or other drugs/medication
  - may have mental health issues
  - has, or may have, a weapon(s) and/or is near a weapon(s) of opportunity
  - may be more vulnerable to any use of force
- the situational environment, e.g. a confined area, darkness, uneven surface, crowds and other dangers not directly associated with the incident
- the seriousness of the offence.

### People who may be more vulnerable to the use of force

There is growing research-based evidence on and awareness of the risks that can be associated with the use of force on potentially vulnerable people. The greater the degree of force used and the more vulnerable the subject is, the greater the risks.

**Note:** You will not necessarily be aware that a person on whom force may be used, is potentially more vulnerable to the use of force. If safe and practicable to do so, you should listen to any relevant information provided by a subject, and/or seek information from them and/or their associates to ascertain whether the subject may be more vulnerable to the use of force.



## Use of force, Continued...

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### Factors affecting subject vulnerability

Exercise judgement as to the degree of vulnerability (and threat) a subject(s) poses when considering whether to use force and what force to use. People who may be more vulnerable to the use of force include:

- people under the influence of alcohol and/or other drugs/medication
- people with:
  - mental health issues, e.g. depression, anxiety disorders, bipolar disorder, attention deficit hyperactivity disorder (ADHD), autism spectrum disorder (including Aspergers disorder), schizophrenia, and personality disorders
  - intellectual disabilities
  - brain injuries
  - excited delirium
  - a hearing or visual impairment
  - asthma or other respiratory illnesses (risks associated with OC spray)
  - epilepsy
  - implanted defibrillators and pacemakers (risks associated with TASER discharge)
- children and young people, especially those of small stature
- elderly people
- overweight people (risks associated with positional asphyxiation)
- underweight people and people of small stature (risks associated with TASER discharge)
- pregnant women
- refugees, who often come from backgrounds characterised by extreme violence and trauma of war, and who may be vulnerable, traumatised, and speak little English.

### Tactical communication with potentially vulnerable people

Tactical communication is crucial to safely de-escalate an incident with uncooperative subjects who may be more vulnerable to the use of force. Tactical communication should be used, as and when practicable, alone or in conjunction with any other tactical option used.

When tactical communication is ineffective (e.g. when dealing with people under the influence of alcohol and/or other drugs/medication) use of force may be required to ensure Police and/or public safety. In these cases, you should consider the risks that can be associated with use of force on a potentially vulnerable person, and when safe and practicable to do so, minimise these risks. (Also see [Tactical communications with subjects](#) above).

For more information on:

- dealing with people with mental health issues see [People with mental impairments](#) and the [Memorandum of Understanding between Police and Health](#)
- the reporting and treatment of constable and subject injuries that occur during use of force incidents, see [Reporting use of force/tactical option use](#) in this chapter.



### Reporting use of force/tactical options use

This section contains these topics:

- [Introduction](#)
- [What use of force/tactical options use must be reported in a TOR form?](#)
- [What use of force/tactical options use do not need to be reported in a TOR form?](#)
- [Unintentional or unauthorised discharge of a TASER or firearm](#)
- [Use of a tactical option on an animal\(s\)](#)
- [Constables' reporting responsibilities](#)
- [Timeframes for submitting and reviewing TOR forms](#)
- [Timeframes for submitting a POL258 for non-reportable incidents](#)
- [Guidance on completing a TOR form](#)

#### Introduction

The lawful authorisation to use force in certain circumstances brings with it individual and organisational accountability for any use of force, as the public expect Police to administer their use of force role with due diligence and care.

Tactical Options Reporting (TOR) is the primary mechanism for providing individual accountability for the use of force, which is pivotal to public trust and confidence in Police. Individual reporting of force is also consistent with individual legal accountability for the use of force. In addition, supervisor and Inspector review of TOR forms provides accountability for the use and reporting of force. TOR data is also crucial to facilitating evidence-based decision making and improved employee and public safety.

#### What use of force/tactical options use must be reported in a TOR form?

These shows or uses of a tactical option(s) **must** be fully reported in a Tactical Options Reporting (TOR) form

- whether or not:
  - the subject has been arrested and/or is in Police custody
  - a complaint is expected, and/or
- whether the constable is on-duty or off-duty.

<b>Constables must report:</b>	
<b>Shows of force</b>	<p><b>Shows of:</b></p> <ul style="list-style-type: none"><li>• a TASER (i.e. presentation, laser painting or arcing)</li><li>• a firearm.</li></ul> <p><b>Note: excluding</b> Armed Offenders Squad or Special Tactics Group shows of a TASER or a firearm and shows of force during training.</p>



## Use of force, Continued...

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<b>Uses of force</b>	<p><u>Uses of:</u></p> <ul style="list-style-type: none"><li>• communication, but <b>only</b> when used with one or more of the tactical options below, and <b>only</b> the first time it is used</li><li>• metal or plastic handcuffs, a waist restraint belt, and a leg restraint – vehicle:<ul style="list-style-type: none"><li>- <b>with pain compliance</b></li><li>- <b>without</b> pain compliance, but <b>only</b> when handcuffs, a waist restraint belt, and a leg restraint – vehicle are used with another reportable tactical option</li></ul></li><li>• a spitting hood</li><li>• a combination of a rear wrist and leg restraint, whether linked by plastic ties or not</li><li>• a combination of a waist restraint belt and leg restraint, whether linked by plastic ties or not</li><li>• a restraint board</li><li>• <b>empty hand techniques excluding</b> touching, guiding, escorting, lifting, and pushing where a person does not fall to the ground</li><li>• O C spray (spraying)</li><li>• a baton (striking)</li><li>• a weapon of opportunity, e.g. a Police torch</li><li>• a Police dog when the subject is bitten and/or otherwise injured</li><li>• a TASER by discharge and/or contact stun</li><li>• a firearm (firing)</li></ul> <p><b>Note:</b> <b>excluding</b> any use of force that results in a fatality and use of force during training.</p> <p><b>Note:</b> unintentional or unauthorised TASER or firearms discharges must be reported in an Unintentional/Unauthorised Discharge form.</p> <p><b>Note:</b> s54(2) of the Criminal Investigations (Bodily Samples) Act 1995 (Procedure for taking bodily sample pursuant to compulsion order or databank compulsion notice), requires that if you exercise the power conferred by s54(2), you must, not later than 3 days after exercising that power, furnish to the Commissioner a written report of the exercise of that power. In accordance with this reporting requirement, and the reporting requirements in this chapter, a TOR must be submitted if you use <u>reportable</u> force under this Act.</p>
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Access further information about reporting use of force/tactical options use in specific situations (e.g. when O C spray is used), through the [Police Manual tactical options chapters](#) listed in this chapter.

For information about how the use of force requiring a TOR affects a person's eligibility for pre-charge warnings, see the [Pre-charge warnings](#) chapter of the Police Manual.



## Use of force, Continued...

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### What use of force/tactical options use do not need to be reported in a TOR form?

These shows or uses of force do not need to be reported in a TOR form:

	<b>Constables do not need to report:</b>
Shows of force	<ul style="list-style-type: none"><li>• when you are present when other constables show force, but you do not yourself show <u>reportable</u> force</li><li>• carriage of a tactical option that deters a subject</li><li>• shows of O C spray, empty hand tactics, a baton, a weapon of opportunity, and/or a dog</li><li>• Armed Offenders Squad or Special Tactics Group shows of force, i.e. shows of O C spray; drawing, presenting, laser painting, and/or arcing a TASER; and/or, drawing or showing a firearm</li><li>• any <u>non-reportable</u> show of force:<ul style="list-style-type: none"><li>- where a complaint or investigation is expected. Report these incidents to your supervisor, who will direct whether or not the incident must be reported in a POL258</li><li>- that results in a subject injury/health issue(s). Report these incidents in a POL258, not a TOR form</li></ul></li><li>• shows of force during training.</li></ul>
Uses of force	<ul style="list-style-type: none"><li>• when you are present when other constables use force, but you do not yourself use <u>reportable</u> force</li><li>• use of metal or plastic handcuffs, a waist restraint belt, and a leg restraint – vehicle, <b>without pain compliance, excluding</b> when they are used with another reportable tactical option</li><li>• use of a Police dog that results in an 'uncontrolled' dog bite(s) where no use of force was intended, and/or 'other' bites (e.g. biting a non-Police dog), both of which must be reported in a POL258</li><li>• training or deployment accidents involving dogs, both of which must be reported in a POL645</li><li>• use of force that results in a fatality</li><li>• any <u>non-reportable</u> use of force:<ul style="list-style-type: none"><li>- where a complaint or investigation is expected. Report these incidents to your supervisor, who will direct whether or not the incident must be reported in a POL258</li><li>- that results in a subject injury/health issue(s). These must be reported in a POL258, not a TOR form</li></ul></li><li>• use of force against property</li><li>• use of force during training.</li></ul>

### Unintentional or unauthorised discharge of a TASER or firearm

Any unintentional (mechanical failure) or unauthorised discharge (operator error) of a TASER or a firearm, other than in training, must be reported in an 'Unintentional/Unauthorised Discharge' form.

For more information on the procedure following an unintentional or unauthorised discharge see these Police Manual chapters:

- [TASER \(Electronic Control Devices\)](#)
- [Police firearms.](#)

### Use of a tactical option on an animal(s)

Use of a tactical option on an animal(s) **must** be reported in a 'Use of Tactical Options on an Animal(s)' form.

For more information on using tactical options on animals see '[Animals](#)'.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



## Use of force, Continued...

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### Constables' reporting responsibilities

This table outlines the reporting responsibilities for constables who showed and/or used force during a use of force incident.

Step	Constables' actions
1	<p>Consider whether the force you used in the incident is reportable. Refer to the tables above for force that <a href="#">must</a> be reported and force that <a href="#">need not</a> be reported.</p> <p>If you are in doubt about whether or not to report a use of force incident, report it.</p>
2	<p>If the force used is <b>not</b> reportable, no further action is required, unless the use of non-reportable force:</p> <ul style="list-style-type: none"><li>• results in a subject's injury and/or health issue - this requires the completion of a POL258</li><li>• a complaint or investigation is expected - these incidents must be reported to your supervisor, who will direct whether or not the incident must be reported in a POL258</li></ul>
3	<p>If the force used <b>is</b> reportable, complete a 'Tactical Options Reporting' (TOR) form, or if applicable, an 'Unintentional/Unauthorised Discharge Report' or 'Use of Tactical Options on an Animal(s)' form.</p> <p><b>Access TOR forms</b> through the 'Notification...' section of the Bulletin Board, by selecting 'Tactical Options Report (post 1 July 2010)', then 'Create new report', then 'TOR report' etc.</p>
4	<p>Follow the guidance on <a href="#">completing a TOR form</a> and, if necessary, the information in the answers to <a href="#">frequently asked questions</a> below when completing your report. For detailed user instructions on the TOR database see the <a href="#">Tactical Options Reporting (TOR) database use manual</a>.</p>
5	<p>Submit the report for review to your supervisor within the prescribed <a href="#">timeframes</a>.</p> <p><b>Note:</b> Your supervisor is your immediate supervisor (Sergeant or Acting Sergeant), or in their absence, the O/C station (Senior Sergeant or Acting Senior Sergeant). Ensure you select the correct supervisor reviewer.</p>
6	<p>If the form is incomplete, or if following review, the reviewing supervisor or Inspector requires changes to the form, your supervisor will send the form back to you to amend and resubmit the form.</p>

### Timeframes for submitting and reviewing TOR forms

This table sets out the timeframes for submitting, reviewing and signing off TOR forms.

Situation	Timeframe
Initial submission of TOR form	A constable must submit the TOR form or Unintentional/Unauthorised Discharge form, or Use of Tactical Options on an Animal(s) form to their supervisor before the end of the shift in which they used force, or with their supervisor's approval, within 3 days/72 hours of this shift and prior to any rostered days off or leave during this period.
Resubmitting a TOR form amended following review	If, following the supervisor or Inspector review, a TOR form is sent back to the reporting constable for amendment, the constable must resubmit the form to their supervisor before the end of the shift in which they received it back, or with their supervisor's approval, within 3 days/72 hours of this shift and prior to any rostered days off or leave during this period.



## Use of force, Continued...

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Submitting a TOR form for an off-duty incident	Constables who use <a href="#">reportable</a> force off-duty must submit a TOR form to their supervisor before the end of the day in which they used force, or with the incident supervisor's approval, within 3 days/72 hours of this day. See <a href="#">Off-duty interventions</a> .
Supervisor's review and sign-off process	Supervisors must complete their review (and sign-off, if applicable) before the end of the shift in which they receive the TOR from the reporting constable, or with their supervisor's approval, within 3 days/72 hours after the end of this shift and prior to any rostered days off or leave during this period.
Inspector's review and sign-off process	Inspectors must complete their review (and sign-off, if applicable) within 7 days of receiving the TOR form from the supervisor and prior to any rostered days off or leave during this period.

### Timeframes for submitting a POL258 for non-reportable incidents

If...	then you must submit the POL258 to your supervisor ...
you are required by a supervisor to submit a POL258 following an incident where a complaint or investigation is expected	<b>before</b> the end of the shift in which the incident that may result in a complaint or investigation occurred, or with your supervisor's approval, within 3 days/72 hours of this shift and prior to any rostered days off or leave during this period.
you must submit a POL258 following an incident where a subject was injured	<b>before</b> the end of the shift in which the subject injury/health issue occurred, or with your supervisor's approval, within 3 days/72 hours of this shift and prior to any rostered days off or leave during this period.

**Note:** these timeframes also apply to supervisors submitting these forms to Inspectors.

### Guidance on completing a TOR form

When completing a TOR form, ensure that:

- the 'tactics you used' section of the form:
  - reports tactical options used chronologically, i.e. in the order you used them
  - reflects the tactical options reported in the 'incident description' narrative section of the form
- the 'incident description' narrative:
  - is fully detailed, and explains the incident in the order that things happened
  - reflects the tactical options reported in the 'tactics you used' section of the form
- the 'incident overview', 'list of Police at incident', 'list of subjects at incident', 'subject injury/health issue', 'incident resolution', 'staff injury/health issue', and 'staff safety equipment' sections of the TOR form are fully completed.



## Use of force, Continued...

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### Frequently asked questions about TOR

#### What happens to the TOR form that I submit?

Each TOR form submitted by a reporting constable is reviewed by their supervisor and an Inspector. Once signed off, the TOR form is 'completed' and stored in the TOR database for research and analysis purposes.

#### Do I report communication used during a use of force incident?

Only report communication if it is used during a use of force incident **with** one or more reportable tactical options. In these instances, only report communication the first time it was used during the incident.

Do **not** report communication if it is the only tactical option you used at an incident.

#### Do I report all tactical options I used during a use of force incident?

Yes. When the reporting threshold for one tactical option is reached, **all** tactical options that you used at that incident must be reported, even if these other tactical options are non-reportable when used alone (e.g. communication and handcuffs without pain compliance).

Reporting all tactical options used enables Police to better understand how use of force incidents escalate and/or de-escalate, to facilitate evidence-based decision making and improved employee and public safety.

#### Do I report all tactical options used in the order I used them?

Yes. Report all tactical options used in the order that you used them, both in the 'Tactics you used' section, and the 'incident description' narrative section of the TOR form.

#### Do I report all subjects present at a use of force incident?

Not necessarily. Only report subjects who had reportable force used against them by you. Do **not** report subjects who were at a use of force incident but against whom you did not use reportable force.

#### If two or more constables use reportable force at the same incident, do we both submit a TOR form?

Yes.

#### Can I copy another constable's TOR form if we both used force at the same incident?

No. Where two or more constables use reportable force at the same use of force incident, each constable must submit a TOR form outlining the tactical option(s) that they used themselves, from their own perspective and in their own words.

#### How do I report more than one use of the same tactical option?

There are two ways to report more than one use of the same tactical option in the same use of force incident, depending on when during the incident you used the tactical option.

	If, for example, you used ...
1	two bursts of O C spray in quick succession, report this as one tactic used, i.e. in the 'Tactic 1' section of the TOR form, noting the total duration of spray activation (in seconds).



## Use of force, Continued...

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2	one burst of O C spray, then empty hand tactics, then another burst of O C spray, report: <ul style="list-style-type: none"><li>• the first burst of O C spray in the 'Tactic 1' section of the TOR form (noting the total duration of the first spray activation), then</li><li>• empty hand tactics in the 'Tactic 2' section of the TOR form, and then</li><li>• the second burst of O C spray in the 'Tactic 3' section of the TOR form (noting the total duration of the second spray activation).</li></ul>
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### Can I use expressions such as 'reasonable' and 'necessary' force?

Yes. However, if you use such expressions in the 'incident description' narrative section of the TOR form, their meaning must be fully explained. Detail the tactical option used, the degree of force used, and the consequences of this use of force, including reporting any subject injuries/health issues in the 'subject injury/health issue' section of the TOR form.

### Do I report use of a dog if I am not a dog handler?

No. Only dog handlers report the use of a dog. If you use force at an incident where a dog handler also uses force, only report the (reportable) force you used.

### Do I report use of force incidents that result in serious injury?

Yes. All reportable use of force incidents that result in serious injury must be reported in a TOR form. This includes non-fatal shootings.

### Do I report use of force incidents that result in a fatality?

No. Uses of force that result in a fatality are not reported in the TOR database. See the ['Police involvement in deaths and serious injuries'](#) chapter in the Police Manual.

### How do I report an injury I received in a use of force incident?

If you are injured and/or sustain a health issue during a use of force incident, you must:

- complete a POL645 Work Related Accident/Incident Form on the day you received the work related injury/health issue, before the end of shift
- get the POL645 signed off by your supervisor
- submit the POL645 to their District Human Resources Department for further action, and
- if the force used was [reportable](#), detail your injury/health issue in the TOR form, as specified in the form, whether or not any treatment was received.

### Do I have to receive medical treatment for any injury I received?

If the injury/health issue is more than minor (i.e. professional medical assessment and/or treatment is required) you must be medically examined by a qualified medical practitioner as soon as practicable.

### Do I report use of force incidents resulting in subject injuries?

If a subject injury/health issue(s) occurs during...	then all injury/health issue details must be reported in...
a <a href="#">reportable</a> use of force incident	a Tactical Options Reporting (TOR) form, as specified in the form, whether or not any treatment was received. <b>Note:</b> only report subject injuries that resulted from force you used; do not report subject injuries that resulted from force used by other officers.



## Use of force, Continued...

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a <a href="#">non-reportable</a> use of force incident	a POL258 (not a TOR form), whether or not any treatment was received. This must be sent to your supervisor within the prescribed <a href="#">timeframe</a> , who must forward it through the appropriate chain of command to an Inspector.  <b>(Note:</b> You should use the initial/existing POL258 on file).
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### Do subjects have to receive medical treatment for any injury received?

If a subject injury/health issue that occurs during a use of force incident is more than minor (i.e. professional medical assessment and/or treatment is required) the injured subject must be medically examined by a qualified medical practitioner as soon as practicable, providing it is safe to do so.

**Note:** All TASER discharge subjects must be medically examined by a registered medical **doctor** as soon as practicable. (For further information on medical treatment for TASER subjects see [TASER \(Electronic Control Devices\)](#) Police Manual chapter).

### How do I report a use of force incident that may result in a complaint?

If a complaint or investigation is expected and the force you used is:

- [reportable](#), report the incident in a TOR form
- [non-reportable](#), do not report the incident in a TOR form. Instead, these instances must be reported to your supervisor, who will direct whether or not the incident must be reported in a POL258.

If a POL258 is required:

- use the initial/existing POL258 on file
- submit it to your supervisor within the prescribed [timeframes](#)
- the supervisor then forwards it through the appropriate chain of command to an Inspector.

### Can I make changes to a completed TOR form?

No. Once a TOR form has been completed (i.e. signed off by an Inspector) it cannot be changed. If you need to change a TOR form that has been completed, instead, you need to submit a new TOR form, and contact the Tactical Options Research Team Research Analyst, who will withdraw the incorrect completed TOR form.



## Use of force, Continued...

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### Review and sign off processes for TOR forms

This section contains these topics:

- [Two staged review process for TOR forms](#)
  - [How does the supervisor's review and sign-off process work?](#)
  - [How does the Inspector's review and sign-off process work?](#)
  - [What is the review and sign-off process for sergeants and above?](#)
- [Responsibilities when reviewing TOR forms](#)
  - [Reviewing TOR forms for TASER incidents](#)
  - [Monitoring and learning from TOR forms](#)
- [Incorrect selection of supervisors or Inspectors](#)

#### Two staged review process for TOR forms

There are two stages to the TOR form review and sign-off process:

- supervisor review and sign-off, and then,
- Inspector review and sign-off.

**Note:** The supervisor who reviews your TOR is your immediate supervisor (Sergeant or Acting Sergeant), or in their absence, the O/C station (Senior Sergeant or Acting Senior Sergeant). The Inspector who reviews your TOR may be an Acting or substantive Inspector (or above). Senior Sergeants can apply for Area or District access to the TOR database, as appropriate, via their TOR District Approver.

Each review provides accountability for the use and reporting of force. Effective supervisor and Inspector review is key to enhancing TOR data quality. Quality TOR data is crucial as it provides the evidence base to better inform decision making to improve employee and public safety.

#### How does the supervisor's review and sign-off process work?

If the supervisor...	they must...
supports the constable's actions, as outlined in the TOR form	<ul style="list-style-type: none"><li>• insert a comment outlining their view of the incident based on information in the form</li><li>• send the TOR form to an Inspector for further review.</li></ul>
notes that the TOR form is incomplete and/or that changes to it are required	<ul style="list-style-type: none"><li>• if necessary, discuss the changes required with the reporting constable</li><li>• insert a comment outlining the additional information and/or changes required</li><li>• send it back to the reporting constable to amend and resubmit to their supervisor again.</li></ul>
does not support the constable's actions, as outlined in the TOR form	<ul style="list-style-type: none"><li>• insert a comment outlining their view of the incident based on information in the form, noting why they do not support the constable's actions</li><li>• if relevant, note remedial training required.</li></ul>
if a supervisor receives a TOR form back from an Inspector because additional information and/or changes are required	<ul style="list-style-type: none"><li>• send the TOR form back to the reporting constable to amend as requested and resubmit to their supervisor again.</li></ul>
<b>Once the supervisor has signed-off a TOR form, they must send it to a designated Inspector (or above) for further review and sign-off.</b>	

#### How does the Inspector's review and sign-off process work?

In some districts the Operations Manager undertakes the Inspector's review role; in others more than one Inspector (often including the Operations Manager), undertakes this role.

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## Use of force, Continued...

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When an Inspector receives a TOR form from a supervisor and...	they must...
supports the constable's actions, as outlined in the TOR form	<ul style="list-style-type: none"><li>insert a comment outlining their view of the incident based on information in the form</li><li>approve the TOR form, completing the review and sign-off process.</li></ul>
notes that the TOR form is incomplete and/or that changes to it are required	<ul style="list-style-type: none"><li>if necessary, discuss the changes required with the supervisor</li><li>insert a comment outlining the additional information and/or changes required</li><li>send it back to the supervisor they received it from.</li></ul> <p>In turn, the supervisor sends the TOR form back to the reporting constable to amend and resubmit to their supervisor again.</p>
does not support the constable's actions, as outlined in the TOR form	<ul style="list-style-type: none"><li>insert a comment outlining their view of the incident based on information in the TOR form, noting why they do not support the constable's actions</li><li>if relevant, note remedial training required.</li></ul> <p><b>Note:</b> If the matter concerns possible use of excessive force, deliberate misrepresentation of the incident, and/or other perceived inappropriate action, the Inspector <b>must</b> notify Professional Standards Group of the incident and record this action in the TOR form.</p>

### What is the review and sign-off process for sergeants and above?

While most TOR forms are submitted by those holding the rank of constable, constables of higher rank also submit TOR forms.

Where the reporting constable is a...	then the supervisor review and sign-off must be completed by a...
Sergeant	<ul style="list-style-type: none"><li>Senior Sergeant or Acting Senior Sergeant, and</li><li>followed by the Inspector's (or above) review and sign-off.</li></ul>
Senior Sergeant and above	<ul style="list-style-type: none"><li>Inspector (or above), and</li><li>the subsequent review and sign-off must be completed by a different Inspector (or above).</li></ul>

### Responsibilities when reviewing TOR forms

When reviewing a TOR form, the supervisor and Inspector must have confidence that the force used was reasonable (and thus lawful), given all the circumstances known at the time.

They must ensure:

- the 'tactics you used' section of the form:
  - reports tactical options used in the order the constable used them
  - reflects the tactical options reported in the 'incident description' narrative section of the form
- the 'incident description' narrative:
  - is fully detailed, and explains the incident in the order that things happened
  - reflects the tactical options reported in the 'tactics you used' section of the form

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## Use of force, Continued...

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- the 'incident overview', 'list of Police at incident', 'list of subjects at incident', 'subject injury/health issue', 'incident resolution', 'staff injury/health issue', and 'staff safety equipment' sections of the TOR form are fully completed.

Supervisors and reviewing Inspectors:

- must, if necessary, discuss the information provided in the TOR form with the reporting constable and supervisor
- must **not** accept a TOR form that is identical to another constable's form.

### Reviewing TOR forms for TASER incidents

When reviewing a TOR form for an incident in which TASER was used, the supervisor and Inspector must:

- obtain access to the TASERCAM footage from the District or Area TASER Coordinator and view the footage
- ensure that the 'tactics you used' section and 'incident description' narrative of the form accurately reflects the TASERCAM footage
- ensure that the operator is currently certified as a TASER operator.

If information in the TOR form is inconsistent with the footage, the reviewing supervisor must insert a comment to this effect in the TOR form, for the Inspector's attention. The reviewing Inspector must then comment, explaining any perceived inconsistency, and take appropriate action, including requiring the form to be amended and resubmitted.

### Monitoring and learning from TOR forms

As well as reviewing and signing-off individual TOR forms, supervisors and Inspectors are responsible for:

- monitoring TOR trends and issues across all TOR forms they view, and
- informing supervisors and other senior employees in their area of TOR trends and issues, and any 'lessons learnt' regarding them.

### Incorrect selection of supervisors or Inspectors

If an incorrect supervisor or Inspector is selected, the person receiving the TOR form must select the correct reviewer in the TOR form via the 'change supervisor' or 'change senior officer' (i.e. Inspector or above) function to ensure that the form is submitted to the correct reviewer.

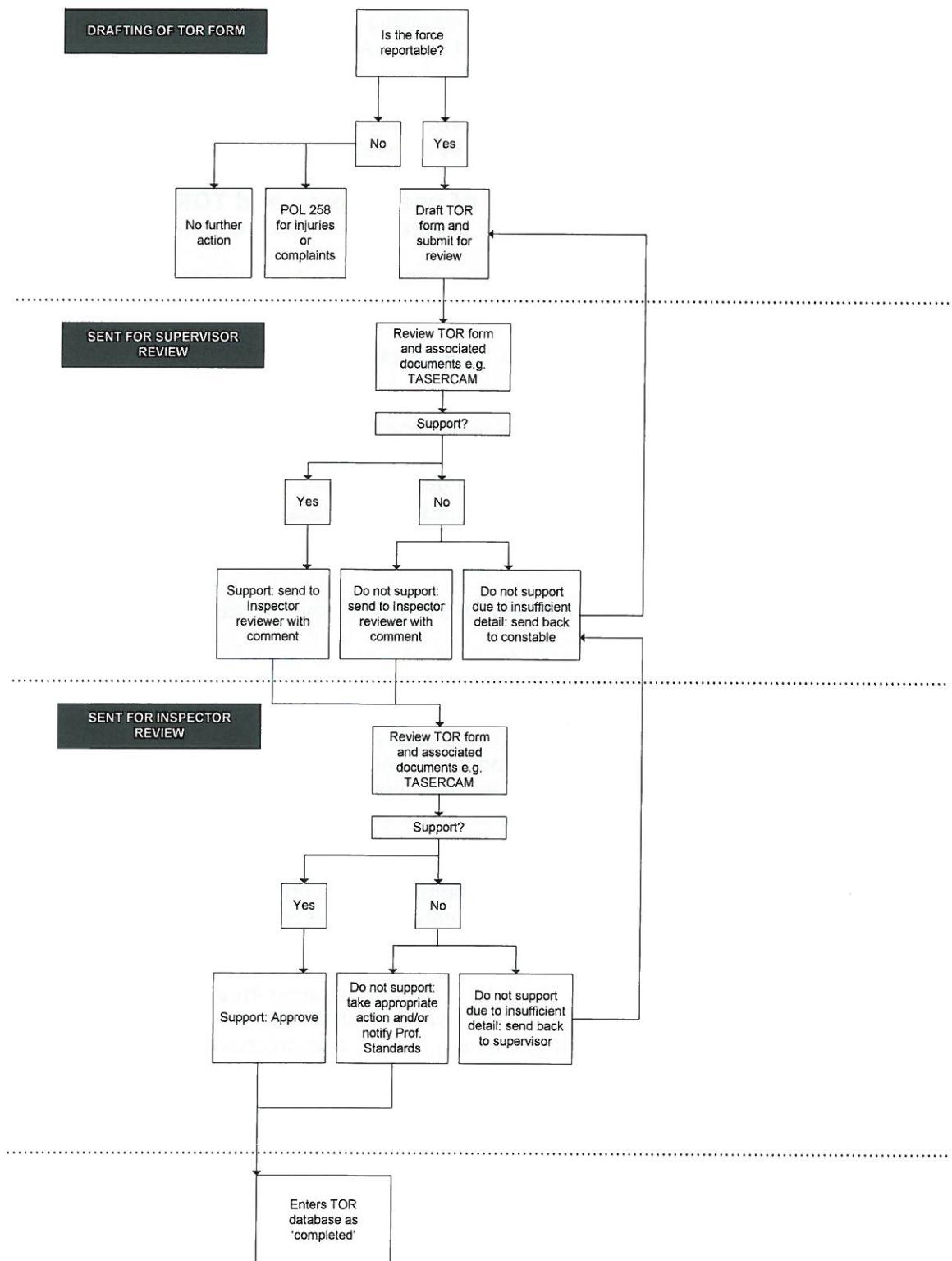


## Use of force, Continued...

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### Diagram: TOR form completion and sign-off process

This diagram outlines the TOR form completion, review and sign off process.





## Use of force, Continued...

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### National governance of use of force and TOR data

Use of force is strategically important to police and public safety, and public trust and confidence in Police. The [National Use of Force Governance Committee](#) is accountable for the oversight and management of the use and reporting of force by constables. The Operational Advisory Committee (OAC), chaired by the Assistant Commissioner: Operations, performs this role.

The instructions below provide structures and processes for national oversight and management of the use and reporting of force by constables.

### National instructions for governance of use of force and TOR data

These instructions will assist the National Use of Force Governance Committee (OAC) to:

- comply with good practice
- ensure national oversight of the use and reporting of force by constables
- provide an appropriate forum for the escalation, discussion, and actioning of use of force and TOR trends and issues
- enhance TOR data, to facilitate evidence-based decision making and improved police and public safety.

The National Use of Force Governance Committee (OAC) **must**:

- integrate use of force and TOR as a standing agenda item at National Use of Force Governance Committee (OAC) meetings and other relevant operational forums
- ensure the effective operation of [district and area structures and processes](#) for managing use of force and TOR data, and that they provide:
  - individual and organisational accountability and assurance for the use and reporting of force
  - the escalation of issues to the National Use of Force Governance Committee (OAC), as appropriate
  - the ability to resolve identified trends and issues
  - an enhanced evidence-base to facilitate an improved understanding of the use of force environment
- ensure there is a clear, comprehensive, up to date and operationally relevant Use of Force chapter, to enhance constables' understanding of the use of force environment and reporting requirements, and underpin the governance of this environment
- discuss, resolve, and/or escalate use of force and TOR trends and issues brought to the committee's attention by districts, national stakeholders, and other internal or external stakeholders
- task districts and other stakeholders with additional work on use of force and TOR to enhance the committee's understanding of relevant trends and issues, enable evidence-based decision-making, and provide confidence in tactical options usage and reporting practices
- use the Tactical Options Research Team to enhance the committee's understanding of tactical options usage and reporting, to improve organisational accountability and assurance, strategic decision making, training, policy, and practice in the use of force environment.



# District, Area and Service Centre management of use of force and TOR data

This section contains these topics:

- [Introduction](#)
- [District and Service Centre-level instructions for managing use of force and TOR data](#)
- [Use of Force Coordinator responsibilities](#)
- [Area instructions for managing use of force and TOR data](#)

### Introduction

District and Area Commanders, and National Managers of Service Centres are accountable for the use and reporting of force in their district, area and Service Centre.

This section outlines structures and processes for district, area and Service Centre oversight and management of the use and reporting of force by constables. They will assist District and Area Commanders and National Managers of Service Centres to:

- comply with good practice
- be accountable for the use and reporting of force in their district or service centre
- enhance TOR data, to facilitate evidence-based decision making and improved police and public safety.

### District and Service Centre-level instructions for managing use of force and TOR data

District Commanders and National Managers of Service Centres (where applicable to Service Centres) **must**:

- ensure that Area Commanders, Operations Managers, Crime Managers, Road Policing Managers, and National Managers of Service Centres meet their accountabilities regarding managing use of force and TOR data. See [Area-level instructions for managing use of force and TOR data](#)
- champion the strategic and operational importance of:
  - TOR, as an evidence base for understanding and improving use of force training, policy and practice, constable and public safety, and accountability to the public for the use of force
  - comprehensive, timely and accurate reporting
- assign the role of 'Use of Force Coordinator' to the Operations Manager and ensure that they fulfil the [responsibilities](#) of this role
- ensure that area TOR issues are reported through:
  - the Operations Manager/Use of Force Coordinator, to Area Commanders and District Commanders, as appropriate, for discussion at district level
  - National Managers of Service Centres, as appropriate, for discussion
- integrate use of force and TOR as a standing agenda item at district management meetings and other relevant operational forums
- ensure that district use of force and TOR discussions inform the identification and management of issues to achieve strategic priorities, e.g. the minimisation of risk and maximisation of constabulary and public safety
- actively manage, resolve, and/or escalate district TOR issues, as appropriate, to the National Use of Force Governance Committee (OAC).

### Use of Force Coordinator responsibilities

In their Use of Force Coordinator role, district Operations Managers **must**:

- manage TOR data with due diligence and care, ensuring that district and area access to the data is limited to those whose role legitimately requires access. Typically, area-level access should include Area Commanders; district-level access should include the District Commander, Operations Manager/Use of Force Coordinator, Professional



## Use of force, Continued...

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Standards Manager, Crime Managers, Road Policing Managers, and National Managers of Service Centres

- ensure that TOR forms are completed, reviewed and signed-off in accordance with the requirements in this chapter
- be the district point of contact regarding use of force and TOR issues
- monitor district use of force and TOR, and bring issues to the attention of the District Management Team, as appropriate.

In monitoring use of force and TOR, it is expected that district Operations Managers/Use of Force Coordinators and functional Managers of Service Centres would, for example, identify and act on use of force training, policy and equipment issues; identify and act on under-reporting of use of force; monitor and act on use of force issues in TOR data; and report on the number of use of force related complaints received and early intervention processes actioned.

### **Investigations relating to an individual's use of force**

Issues pertaining to an individual's use of force that results in an employment investigation, criminal investigation and/or early intervention process should be resolved at area and/or district level, in compliance with relevant Police Manual chapters. Such issues should, however, be escalated to the National Use of Force Governance Committee (OAC) if they are indicative of a systemic issue, e.g. training or policy gap, or equipment issue.

### **Area instructions for managing use of force and TOR data**

Area Commanders and National Managers of Service Centres must:

- ensure that all constables in their area understand the 'Use of Force' chapter and fully comply with its requirements
- ensure that all area supervisors and Inspectors understand and fully comply with their responsibilities when reviewing and signing-off TOR forms
- integrate use of force and TOR as a standing agenda item at area management meetings and other relevant operational forums
- champion the strategic and operational importance of TOR, as an evidence base for understanding and improving use of force training, policy and practice, constable and public safety, and accountability to the public for the use of force
- ensure that area use of force and TOR discussions inform the identification and management of issues to achieve strategic priorities, e.g. the minimisation of risk and maximisation of constabulary and public safety
- encourage the active reporting and management of tactical options use issues by supervisors and Inspectors, including their escalation to senior officers and the Area Commander as appropriate
- actively manage, resolve, and/or escalate area TOR issues, as appropriate, to relevant district stakeholders.



## Use of force, Continued...

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### Diagram: Management of use and reporting of force

Download the [Diagram: Management of use and reporting of force](#).



## Use of force, Continued...

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### Appendix: Legal authority to use force (non-Crimes Act)

#### Introduction

While constables' legal authority to use force in the lawful execution of their duty primarily derives from the Crimes Act 1961, it is also found in several other Acts.

This section lists statutes containing provisions authorising the use of force in certain situations.

#### Use of force - search

Act	Description
Search and Surveillance Act 2012	<ul style="list-style-type: none"><li>Form and content of search warrant (<a href="#">s103(4)(e)</a>)</li><li>Search powers (<a href="#">s110(c)</a>)</li><li>Limitation on exercise of powers (<a href="#">s115</a>)</li><li>Powers of detention incidental to powers to search places and vehicles (<a href="#">s118(4)</a>)</li><li>Special rules about searching persons (<a href="#">s125(1)(e)</a>)</li><li>Identification and notice requirements for person exercising search power (other than remote access search) (<a href="#">s131(3)</a>)</li></ul>

#### Use of force - surveillance

Act	Description
Search and Surveillance Act 2012	<ul style="list-style-type: none"><li>Surveillance device warrant need not be obtained for use of surveillance device in some situations of emergency or urgency (<a href="#">s48(3)</a>)</li><li>Form and content of surveillance device warrant (<a href="#">s55(3)</a>)</li></ul>

#### Use of force to identify a person

Act	Description
Criminal Investigations (Bodily Samples) Act 1995	<ul style="list-style-type: none"><li>Procedure for taking bodily sample pursuant to compulsion order or databank compulsion notice (<a href="#">s54(2)</a>)</li><li>Procedure for taking bodily sample under part 2B (<a href="#">s54A</a>)</li></ul> <p><b>Note:</b> If you exercise the power conferred by section 54(2), you must, not later than 3 days after exercising that power, furnish to the Commissioner a written report of the exercise of that power.</p> <p>For more information on taking DNA samples by compulsion see 'Suspect DNA samples (Part 2 samples)' and 'Taking samples by compulsion' in the '<a href="#">DNA sampling</a>' chapter.</p>
Policing Act 2008	<ul style="list-style-type: none"><li>Identifying particulars of person in custody (<a href="#">s32(3)</a>)</li><li>Identifying particulars for summons (<a href="#">s33(3)</a>)</li></ul>

#### Use of force to execute a process or to arrest (non-Crimes Act 1961)

Act	Description
Arms Act 1983	<ul style="list-style-type: none"><li>Seizure of illegally imported firearms or parts of firearms (<a href="#">s19</a>)</li></ul>
Armed Forces Discipline Act 1971	<ul style="list-style-type: none"><li>Reasonable force may be used to arrest or search (<a href="#">s94</a>)</li></ul>
Civil Defence Emergency Management Act 2002	<ul style="list-style-type: none"><li>Removal of aircraft, vessels, vehicles, etc (<a href="#">s89</a>)</li></ul>



## Use of force, Continued...

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Act	Description
Gambling Act 2003	<ul style="list-style-type: none"><li>Requirement to remove person who enters gambling venue in breach of exclusion order (<a href="#">s311(2)</a>)</li></ul>
Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"><li>Closure of licensed premises by Police (<a href="#">s266</a>)</li></ul>

### Use of force with warrant or order

**Note:** For further information on the use of force when carrying out searches see the '[Search](#)' chapter of the Police Manual.

Act	Description
Animal Welfare Act 1999	<ul style="list-style-type: none"><li>Search warrants (<a href="#">s131(4)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Anti-Money Laundering and Countering Financing of Terrorism Act 2009	<ul style="list-style-type: none"><li>Powers under search warrant (<a href="#">s118(1)</a>)</li></ul>
Arms Act 1983	<ul style="list-style-type: none"><li>Seizure of firearms, ammunition, airguns, pistols, and restricted weapons held by licensed dealers (<a href="#">s13(2)</a>)</li></ul>
Bail Act 2000	<ul style="list-style-type: none"><li>Issue of warrant to arrest defendant absconding or breaching bail condition who fails to answer bail (<a href="#">s36(3)</a>)</li></ul>
Biosecurity Act 1993	<ul style="list-style-type: none"><li>Entry in respect of offences (<a href="#">s111</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply, except for section <a href="#">118</a>)</li></ul>
Civil Defence Emergency Management Act 2002	<ul style="list-style-type: none"><li>Powers conferred by warrant (<a href="#">s80(1)</a>)</li></ul>
Criminal Proceeds (Recovery) Act 2009	<ul style="list-style-type: none"><li>Application of Part <a href="#">4</a> of Search and Surveillance Act 2012 (<a href="#">s114</a>) (Use of force provisions in Part <a href="#">4</a> apply)</li></ul>
Domestic Violence Act 1995	<ul style="list-style-type: none"><li>Contravention of Police safety order (<a href="#">s124L(2)</a>)</li><li>Issue of warrant to arrest person who contravenes Police safety order or fails to attend adjourned proceedings (<a href="#">s124O(4)</a>)</li></ul>
Extradition Act 1999	<ul style="list-style-type: none"><li>Search warrants (<a href="#">s83(4)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Films, Videos, and Publications Classification Act 1993	<ul style="list-style-type: none"><li>Application of Part <a href="#">4</a> of Search and Surveillance Act 2012 (<a href="#">s110</a>) (Use of force provisions in Part <a href="#">4</a> apply, except for section <a href="#">118</a>)</li></ul>
Gambling Act 2003	<ul style="list-style-type: none"><li>Powers conferred by search warrant (<a href="#">s340(3A)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Misuse of Drugs Amendment Act 1978	<ul style="list-style-type: none"><li>Searches associated with detention warrant (<a href="#">s13EA</a>)</li></ul>
Parole Act 2002	<ul style="list-style-type: none"><li>Power to enter premises to arrest (<a href="#">s73A(1)</a>)</li></ul>
Prostitution Reform Act 2003	<ul style="list-style-type: none"><li>Warrant for police to enter (<a href="#">s30(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Radiocommunications Act 1989	<ul style="list-style-type: none"><li>Powers to obtain evidence (<a href="#">s120(4)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply, except for section <a href="#">118</a>)</li></ul>



## Use of force, Continued...

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Act	Description
Resource Management Act 1991	<ul style="list-style-type: none"><li>Application for warrant for entry for search (<a href="#">s334(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"><li>Constable may apply for search warrant (<a href="#">s270</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Sentencing Act 2002	<ul style="list-style-type: none"><li>Enforcement of confiscation order (<a href="#">s132(3)</a>)</li><li>Failure to comply with condition to dismantle and destroy (<a href="#">s137B(3)</a>)</li></ul>
Serious Fraud Office Act 1990	<ul style="list-style-type: none"><li>Effect of warrant (<a href="#">s12(1)</a>)</li></ul>
Summary Proceedings Act 1957	<ul style="list-style-type: none"><li>Seizure of property (<a href="#">s99(1)</a>)</li></ul>
Unsolicited Electronic Messages Act 2007	<ul style="list-style-type: none"><li>Powers conferred by search warrant (<a href="#">s51(5)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply, except for section <a href="#">118</a>)</li></ul>

### Use of force without warrant

**Note:** For further information on the use of force when carrying out searches see the '[Search](#)' chapter of the Police manual.

Act	Description
Animal Welfare Act 1999	<ul style="list-style-type: none"><li>Power to inspect land, premises, and places and stationary vehicles, aircraft, and ships (<a href="#">s127(5)</a>)</li></ul>
Biosecurity Act 1993	<ul style="list-style-type: none"><li>Disembarkation (<a href="#">s34</a>)</li></ul>
Hazardous Substances and New Organisms Act 1996	<ul style="list-style-type: none"><li>Search warrants (<a href="#">s119(3)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
International Terrorism (Emergency Powers) Act 1987	<ul style="list-style-type: none"><li>Emergency powers (<a href="#">s10(2)</a>)</li></ul>
Land Transport Act 1998	<ul style="list-style-type: none"><li>Powers of entry (<a href="#">s119</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Marine Mammals Protection Act 1978	<ul style="list-style-type: none"><li>Powers of search (<a href="#">s13</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Resource Management Act 1991	<ul style="list-style-type: none"><li>Compliance with excessive noise direction (<a href="#">s328(7)</a>) not repealed</li></ul>

### For more information on:

- Police search powers and procedures see '[Search](#)' and '[Arrest and detention](#)'
- Police powers when searching for drugs see '[Drugs](#)'
- Police powers when searching for firearms see '[Arms](#)'

### Use of force against people with mental health issues or intellectual disabilities

Act	Description
Crimes Act 1961	<ul style="list-style-type: none"><li>Prevention of suicide or certain offences (<a href="#">s41</a>)</li></ul>
Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003	<ul style="list-style-type: none"><li>Warrant to enter and search places to retake escaped care recipients (<a href="#">s112(4)</a>)</li><li>Entry of place without warrant (<a href="#">s113(3)</a>)</li></ul>



## Use of force, Continued...

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Act	Description
Mental Health (Compulsory Assessment and Treatment) Act 1992	<ul style="list-style-type: none"><li>• Use of force (<a href="#">s122B</a>) A person exercising a power specified in subsection (2) may, if they are exercising the power in an emergency, use such force as is reasonably necessary in the circumstances.</li><li>(2) The powers are:<ul style="list-style-type: none"><li>(a) a power to take or retake a person, proposed patient, or patient in any of sections <a href="#">32(1)</a>, <a href="#">38(4)(d)</a>, <a href="#">40(2)</a>, <a href="#">41(4)</a>, <a href="#">41(5)</a>, <a href="#">41(6)</a>, <a href="#">50(4)</a>, <a href="#">51(3)</a>, <a href="#">53</a>, <a href="#">109(1)</a>, <a href="#">109(4)</a>, <a href="#">110C(2)</a>, <a href="#">111(2)</a>, or <a href="#">113A</a>:</li><li>(b) a power to detain a person, proposed patient, or patient in any of sections <a href="#">41(3)</a>, <a href="#">41(4)</a>, <a href="#">41(5)</a>, <a href="#">109(4)</a>, <a href="#">110C(2)</a>, <a href="#">111(2)</a>, or <a href="#">113</a>:</li><li>(c) a power to enter premises in either of sections <a href="#">41(2)</a> or <a href="#">110C(1)</a>.</li></ul></li><li>(3) A person treating a patient to whom section <a href="#">58</a> or <a href="#">59</a> applies may use such force as is reasonably necessary in the circumstances.</li><li>(4) If force has been used under this section,—<ul style="list-style-type: none"><li>(a) the circumstances in which the force was used must be recorded as soon as practicable; and</li><li>(b) a copy of the record must be given to the Director of Area Mental Health Services as soon as practicable.</li></ul></li></ul>
Mental Health (Compulsory Assessment and Treatment) Act 1992	<ul style="list-style-type: none"><li>• Absence without leave (<a href="#">s32</a>)</li><li>• Police assistance (i.e. powers to assist a Duly Authorised Officer) (<a href="#">s41</a>)</li><li>• Leave of special patients (<a href="#">s50</a>)</li><li>• Power to direct temporary return to hospital of special patients (<a href="#">s51</a>)</li><li>• Escape and absence without leave (<a href="#">s53</a>)</li><li>• Police may apprehend person appearing to be mentally disordered in public place (<a href="#">s109</a>)</li><li>• Powers of police when urgent assistance required (i.e. powers to assist a medical practitioner) (<a href="#">s110C</a>)</li></ul>

For more information on dealing with people with mental health issues see:

- [People with mental impairments](#) and the [Memorandum of Understanding between Police and Health](#)
- [People who may be more vulnerable to the use of force](#) in this chapter.

### Use of force involving children and/or young people

Act	Description
Care of Children Act 2004	<ul style="list-style-type: none"><li>• Preventing removal of child or young person from New Zealand (<a href="#">s77(3)</a>)</li><li>• Warrant to enforce role of providing day-to-day care for child (<a href="#">s72(2)</a>)</li><li>• Warrant to enforce order for contact with child (<a href="#">s73(2)</a>)</li><li>• Execution of warrants (<a href="#">s75(1)</a>)</li></ul>

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## Use of force, Continued...

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Act	Description
Children, Young Persons, and their Families Act 1989	<ul style="list-style-type: none"><li>Place of safety warrants (s<a href="#">39(3)</a>)</li><li>Warrant to remove child or young person (s<a href="#">40(4)</a>)</li><li>Search without warrant (powers to remove child or young person) (s<a href="#">42(1)</a>)</li><li>Unaccompanied children and young persons (s<a href="#">48(1)</a>)</li><li>Effect of custody order (s<a href="#">104(3)</a>)</li><li>Living arrangements where child or young person placed in custody of iwi social service, etc (s<a href="#">106(1)</a>)</li><li>Power of entry (s<a href="#">123</a>)</li><li>Preventing removal of child or young person from New Zealand (s<a href="#">205(2)</a>)</li><li>Execution of warrant under section 296c (warrant to have young person arrested and brought before the court) (s<a href="#">296D(3)</a>)</li><li>Powers to detain and return, and arrest, young person breaching curfew condition (s<a href="#">296L(2)</a>)</li><li>Effect of supervision with residence order (s<a href="#">312(2)</a>)</li><li>Search without warrant (absconding by children and young persons) (s<a href="#">318(1)</a>)</li><li>Search warrants (absconding by children and young persons) (s<a href="#">386(1)</a>)</li></ul>

### Use of force - Civil Aviation

Act	Description
Civil Aviation Act 1990	<ul style="list-style-type: none"><li>Persons who refuse to be screened or searched (s<a href="#">80E(5)</a>)</li><li>Security areas and security enhanced areas (s<a href="#">84(5)</a>)</li><li>Powers of arrest and seizure of items or substances (s<a href="#">85</a>)</li></ul> <p><b>Note:</b> Under section <a href="#">87</a>, every constable shall have and may exercise all or any of the powers conferred on an aviation security officer under this Act or regulations or rules made under this Act.</p>

### Use of force - Fire Service

Act	Description
Fire Service Act 1975	<ul style="list-style-type: none"><li>Functions, duties and powers of Chief Fire Officer (s<a href="#">28(4)</a>)</li></ul> <p><b>Note:</b> Under section <a href="#">32</a>, Police to assist person in charge of fire brigade.</p>

### Use of force - Fisheries

Act	Description
Fisheries Act 1996	<ul style="list-style-type: none"><li>Power to use reasonable force in exercise of certain powers (s<a href="#">205</a>)</li></ul> <p><b>Note:</b> Under section <a href="#">196(2)</a>, every constable is a fisheries officer.</p>

### Use of force - Coroners

Act	Description
Coroners Act 2006	Police are authorised to use force under these sections: <ul style="list-style-type: none"><li>Entry and search under warrant under section 122 (s<a href="#">123</a>)</li><li>Entry and search under warrant under section 128 (s<a href="#">129</a>)</li><li>Power to seize evidence relevant to post-mortem (s<a href="#">131</a>)</li></ul>

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## Use of force, Continued...

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### Use of force - Corrections

Act	Description
Corrections Act 2004	<p><b>Note:</b> Under section <a href="#">3(1)</a>, an 'officer' includes any person appointed or engaged by the Commissioner of Police (or, by delegated authority, a District Commander) under section <a href="#">11</a> to provide custodial services in respect of a police jail. Under section <a href="#">32</a> of the Corrections Act 2004, a prison includes a Police jail.</p> <ul style="list-style-type: none"><li>• Photographing and measuring of prisoner (<a href="#">s41(4)</a>)</li><li>• Use of force (<a href="#">s83</a>)</li><li>• Use of non-lethal weapons (<a href="#">s85</a>)</li><li>• Authority to search property (<a href="#">s96(6)</a>)</li><li>• Search of persons other than prisoners (<a href="#">s99</a>)</li><li>• Search of vehicles (<a href="#">s101(3)</a>)</li></ul>

### Use of force - Customs

Act	Description
Customs and Excise Act 1996	<p><b>Note:</b> Police are authorised to use force under these sections:</p> <ul style="list-style-type: none"><li>• Searching vehicles (<a href="#">s144</a>)*</li><li>• Detention of persons committing or about to commit certain offences (<a href="#">s148B</a>)</li><li>• Searching of persons if reasonable cause to suspect items hidden (<a href="#">s149B</a>)*</li><li>• Searching of persons for dangerous items (<a href="#">s149BA</a>)*</li><li>• Search warrants (<a href="#">s167(2)</a>)*</li><li>• Procedure for seizure (<a href="#">s226(5)</a>)</li></ul> <p>(For those sections marked with * above, use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</p>

### Use of force - Immigration

Act	Description
Immigration Act 2009	<p><b>Note:</b> A constable has all the powers of an immigration officer under sections <a href="#">276</a> to <a href="#">292</a> (see section <a href="#">293</a>).</p> <ul style="list-style-type: none"><li>• Power of entry and search of craft (<a href="#">s284(2)</a>)</li><li>• Power of entry and search at border place (<a href="#">s285(2)</a>)</li><li>• Powers of entry and search relating to deportation (<a href="#">s286</a>)</li></ul>

### Use of force - Maritime

Act	Description
Maritime Security Act 2004	<ul style="list-style-type: none"><li>• Restrictions with respect to port security areas (<a href="#">s46</a>)</li><li>• Persons who refuse to consent to be screened or searched (<a href="#">s54(2)</a>)</li><li>• No person, craft, or vessel may enter or leave exclusion zones without authorisation (<a href="#">s61(3)</a>)</li></ul>
Maritime Transport Act 1994	<ul style="list-style-type: none"><li>• Entry in respect of offences (<a href="#">s455</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</li></ul> <p><b>Note:</b> An authorised person includes a constable.</p>



## Use of force, Continued...

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### Use of force - Miscellaneous

Act	Description
Agricultural Compounds and Veterinary Medicines Act 1997	<ul style="list-style-type: none"><li>Issue of search warrants (<a href="#">s69(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</li></ul>
Animal Products Act 1999	<ul style="list-style-type: none"><li>Powers of Police and animal product officers under warrant (<a href="#">s94(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</li></ul>
Antarctica (Environmental Protection) Act 1994	<ul style="list-style-type: none"><li>Search and seizure by special inspectors with warrant (<a href="#">s42(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</li></ul>
Antarctic Marine Living Resources Act 1981	<ul style="list-style-type: none"><li>Powers of search (<a href="#">s9(4)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</li></ul>
Anti-Personnel Mines Prohibition Act 1998	<ul style="list-style-type: none"><li>Search warrants (<a href="#">s22</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</li></ul>
Chemical Weapons (Prohibition) Act 1996	<ul style="list-style-type: none"><li>Search warrants (<a href="#">s23(4)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Child Support Act 1991	<ul style="list-style-type: none"><li>Warrant of distress (<a href="#">s183</a>) <b>Note:</b> The constable must first have been appointed as a bailiff under section <a href="#">15</a> of the District Courts Act 1947.</li></ul>
Climate Change Response Act 2002	<ul style="list-style-type: none"><li>Applications for warrants (<a href="#">s40</a>)</li></ul>
Commodity Levies Act 1990	<ul style="list-style-type: none"><li>Power of search (<a href="#">s19(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Court Martial Act 2007	<ul style="list-style-type: none"><li>Issue of warrant to arrest person absconding or breaching bail condition (<a href="#">s53</a>)</li></ul>
Court Martial Appeals Act 1953	<ul style="list-style-type: none"><li>Issue of warrant to arrest appellant absconding or breaching bail condition (<a href="#">s20B</a>)</li></ul>
Dairy Industry Restructuring Act 2001	<ul style="list-style-type: none"><li>Issue of search warrant (<a href="#">s29I(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</li></ul>
District Courts Act 1947	<ul style="list-style-type: none"><li>Warrant for recovery of land (<a href="#">s99(1)</a>)</li></ul>
Energy (Fuels, Levies and References Act) 1989	<ul style="list-style-type: none"><li>Powers conferred by warrant (<a href="#">s37B</a>)</li></ul>
Financial Transactions Reporting Act 1996	<ul style="list-style-type: none"><li>Powers conferred by warrant (<a href="#">s44(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Habeas Corpus Act 2001	<ul style="list-style-type: none"><li>Power of arrest of absconder etc (<a href="#">s12</a>)</li></ul>
Health Act 1956	<ul style="list-style-type: none"><li>Power of members of police to assist Medical Officer of Health in relation to infectious diseases (<a href="#">s71A</a>)</li></ul>
Human Assisted Reproductive Technology Act 2004	<ul style="list-style-type: none"><li>Powers of authorised persons (<a href="#">s68</a>)</li></ul>

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## Use of force, Continued...

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Act	Description
Human Tissue Act 2008	<ul style="list-style-type: none"><li>Powers of authorised persons (<a href="#">s68</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply, except for section <a href="#">118</a>)</li></ul>
Insolvency Act 2006	<ul style="list-style-type: none"><li>Warrant to search for and seize bankrupt's property (<a href="#">s150</a>)</li></ul>
International Crimes and International Criminal Court Act 2000	<ul style="list-style-type: none"><li>Issue of search warrant (<a href="#">s102(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
International War Crimes Tribunals Act 1995	<ul style="list-style-type: none"><li>Issue of search warrants (<a href="#">s48(3)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Lawyers and Conveyancers Act 2006	<ul style="list-style-type: none"><li>Warrant to search premises (<a href="#">s172</a>)</li></ul>
Motor Vehicle Sales Act 2003	<ul style="list-style-type: none"><li>Issue of warrant (<a href="#">s130(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Mutual Assistance in Criminal Matters Act 1992	<ul style="list-style-type: none"><li>Search warrants (<a href="#">s44(3)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Nuclear-Test-Ban Act 1999	<ul style="list-style-type: none"><li>Search warrants (<a href="#">s17</a>)</li></ul>
Overseas Investment Act 2005	<ul style="list-style-type: none"><li>Search warrant (<a href="#">s56(5)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply, except for section <a href="#">118</a>)</li></ul>
Ozone Layer Protection Act 1996	<ul style="list-style-type: none"><li>Search warrants (<a href="#">s23</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply, except for section <a href="#">118</a>)</li></ul>
Radiation Protection Act 1965	<ul style="list-style-type: none"><li>Entry and inspection (<a href="#">s24(3)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Trade in Endangered Species Act 1989	<ul style="list-style-type: none"><li>Powers of search (<a href="#">s38(4)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</li></ul>
Trade Marks Act 2002	<ul style="list-style-type: none"><li>Form and content of search warrant (<a href="#">s134I</a>)</li></ul>
Tuberculosis Act 1948	<ul style="list-style-type: none"><li>Provision for isolation, in certain cases, of persons likely to spread infection (<a href="#">s16</a>)</li></ul>
Wild Animal Control Act 1977	<ul style="list-style-type: none"><li>Keeping of specified wild animals in captivity (<a href="#">s12(13)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply, except for section <a href="#">118</a>)</li></ul>
Wildlife Act 1953	<ul style="list-style-type: none"><li>Power of rangers (<a href="#">s39(3)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply, except for section <a href="#">118</a>)</li></ul>
Wine Act 2003	<ul style="list-style-type: none"><li>Issue of search warrants (<a href="#">s65(2)</a>) (Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply, except for section <a href="#">118</a>)</li></ul>

