



IR-01-22-6084

8 June 2022

[REDACTED]

Dear [REDACTED]

***Request for information***

Thank you for your request of 3 March 2022, in which you requested the following:

1. *Can you provide any documents/information containing any Police Guidelines/Policies about the use of sponge/rubber bullets, including the circumstances and which Police Officers can fire them?*
2. *What training do Police officers receive before firing sponge/rubber bullets?*
3. *What information does the Police have about the dangers of firing and hitting a human being with sponge/rubber bullets?*
4. *Are there any parts of the body that Police are instructed not to fire sponge/rubber bullets at?*
5. *Did the Police advise anyone in the Government, including the Prime Minister, Deputy Prime Minister and Minister of Police that Police were going to use sponge rubber bullets against anti mandate protestors? If there was advice, when was this made?*

Your request has been considered in accordance with the Official Information Act 1982 (OIA), and I can now provide the following response.

As you may be aware, the Independent Police Conduct Authority (IPCA) has commenced an independent investigation and review (Review) of the policing of the occupation on and around Parliament grounds in Wellington during February and March 2022 (Protest).

Details of the scope of the Review are available on the IPCA's website<sup>1</sup> and you will note this scope includes Police planning and preparation, training, operational guidance, equipment, and operational execution (including tactics used). It also includes Police engagement at local and national government levels with those holding decision rights and responsibilities, including public and private sector actors.

Whilst this Review is underway, information relating to the issues under investigation and review is expected to be the subject of examination by the IPCA under its powers of investigation under the IPCA Act 1988. With this Review commenced, there is a strong public interest in allowing these matters to be considered in the round by the IPCA.

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<sup>1</sup> <https://www.ipca.govt.nz/Site/publications-and-media/2022-media-releases/2022-mar-24-investigation-review-occupation-parliament.aspx>

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We consider that the following information requested tends to go to the heart of the matters that are under investigation and review by the IPCA:

5. *Did the Police advise anyone in the Government, including the Prime Minister, Deputy Prime Minister and Minister of Police that Police were going to use sponge rubber bullets against anti mandate protestors? If there was advice, when was this made?*

Having considered the public interest in releasing this information against the public interest in allowing the IPCA Review to be completed without earlier predetermination of the matters it is considering, we have determined that it is appropriate to withhold this information pursuant to section 9(2)(ba)(ii) of the OIA, until such time as the IPCA has reported.

We envisage relevant information will be released following the conclusion of the IPCA's Review.

We consider the following information may be released as indicated following:

1. *Can you provide any documents/information containing any Police Guidelines/Policies about the use of sponge/rubber bullets, including the circumstances and which Police Officers can fire them?*
3. *What information does the Police have about the dangers of firing and hitting a human being with sponge/rubber bullets?*

Please find attached copies of the following Police Instructions chapters:

- *Use of Force Overview*, which includes information on reasonable use of force
- *eXact Impact XM1006*, which includes information on the deployment of sponge rounds.

Please note some information has been withheld from the latter under the following sections of the OIA:

- section 6(c) – release would be likely to prejudice the maintenance of the law
- section 6(d) – release would be likely to endanger the safety of any person.

Prior to deploying any tactical option Police staff are required to apply the threat assessment methodology TENR (Threat, Exposure, Necessity, Response).

TENR is a decision-making process which is used to support a timely and accurate assessment for the safety of police and others. The Police response to any given situation must be considered, timely, proportionate, and appropriate.

2. *What training do Police officers receive before firing sponge/rubber bullets?*

This tactical option can only be deployed by qualified Armed Offenders Squad (AOS) or Special Tactics Group (STG) operators. To qualify, AOS or STG operators are required to attain a qualification at the AOS Qualifying Course and meet ongoing training requirements.

4. *Are there any parts of the body that Police are instructed not to fire sponge/rubber bullets at?*

This information is contained in the "Target zones" section of the "eXact Impact XM1006" chapter of Police Instructions attached.

The IPCA anticipates the Review will be completed and reported on by 31 March 2023. Police recognises the importance of transparency in these matters and looks forward to the release of the IPCA's report, at which time more detailed information regarding the Police response to the Protest will be publicly available.

Please note that as part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at:  
[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Nāku noa, nā



David Greig  
Superintendent  
New Zealand Police

# Use of Force Overview

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*Part of the '[Use of Force](#)' chapter*

# Policy statement and principles

## What

The use of force against a subject is the highest level of intrusion against a person's rights that Police might take. As such, the use of force is governed by statute, and any force used must be necessary, proportionate and reasonable. Anyone authorised by law to use force is criminally responsible for any excess, according to the nature and quality of the act that constitutes that excess.

## Why

The power of Police to fulfil their functions and duties is dependent on public approval of their existence, actions, and behaviour, and on their ability to secure and maintain public respect. One of the cornerstones of maintaining public respect is to ensure that any use of force is reasonable, allowable by law, and accurately reported on. Failure to use force in a reasonable manner will have a detrimental effect on the reputation of Police, and adversely impact on our relationship with the public.

Police must use physical force only when the exercise of persuasion, advice, and warning is found to be insufficient to obtain public co-operation to the extent necessary to maintain law and order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.

## How

Police will ensure that any force used is reasonable by:

- identifying opportunities to prevent harm, where possible, to any person, including victims, police employees, suspects, or other members of the public
- continuously using tactical communication as the preferred option for resolving incidents where action is necessary in response to uncooperative subjects, as this may enable incidents to be resolved without the use of force
- applying the Tactical Options Framework during incidents, thereby assisting employees to appropriately decide when, how, and at what level to use tactical options
- escalating and de-escalating a response based on your continuous perceived cumulative assessment of a situation
- applying the principles of TENR to your PCA
- recognising that:
  - there are risks associated with using force on vulnerable people, which means that police employees have a higher duty of care, when considering use of force against such people, to prevent harm
  - when force is used, Police have a duty of care to minimise the effects of that force used
- empowering staff to make lawful and justifiable decisions on what action to take in order to achieve enhanced outcomes
- accurately reporting use of force through the Tactical Options Reporting portal, and providing rigorous district oversight of all force reported.

# Overview

## Application of this chapter

This chapter contains a mix of mandated requirements and good practice. It links to other reference material which is intended to support and guide staff to achieve enhanced outcomes. Staff are expected to make good and justifiable decisions based on all of the information available to them on how they exercise their powers. In some cases staff may be justified in responding outside the framework and Police instructions, however the action must be lawful and able to be later justified taking into account all of the circumstances that existed at that time. However where an action detailed in Police instructions is mandated, it must be complied with at all times.

## Purpose

This part of the use of force chapter provides instructions and guidance on the operational use of force, and related issues, 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](#)
- empowering staff to make lawful and justifiable decisions on what action to take in order to achieve enhanced outcomes
- [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 all:

- constables
- authorised officers authorised to carry and use approved equipment according to their role and function under section [24](#) of the Policing Act 2008.

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

- [Use of force with Police dogs](#) (dog handlers only)
- [TENR - Operational threat assessment](#)
- [People in Police detention](#)
- [Managing Corrections prisoners](#)
- [People with mental impairments](#)
- [Arrest and detention](#)
- [Demonstrations](#)
- [Family violence policy and procedures](#)
- [Search and surveillance](#) (includes [Searching people](#))
- [Unlawful assembly and riot](#)
- [Off-duty interventions](#)
- [Health and safety](#)
- [Animals](#)
- [Formal warnings](#)
- [Stab Resistant Body Armour \(SRBA\) policy](#)
- [High Visibility Safety Garments](#)
- [Body Armour Systems \(BAS\) policy](#)
- [Public order policing](#)
- [Armed Offenders Squads](#)
- [Special Tactics Groups \(STG\)](#)

- Nomex hoods
- Investigation of critical incidents
- Disciplinary policy.

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

See '[Police Integrated Tactical Training \(PITT\)](#)' policies and procedures.

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

The Tactical Options Reporting (TOR) database manual contains 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)', located in the '[Notifications](#)' section of Ten-One. 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).

## Definitions

### Armed Offenders Squad (AOS) database

The AOS database is an electronic application where AOS supervisors report AOS use of force / tactical options use(s) in accordance with their reporting requirements in this chapter.

### Categorisation

'Categorisation' refers to the categorisation of allegations/complaints by the Human Resources Manager, Integrity and Conduct Manager, and District Commander/Director. This chapter refers to the categorisation of use of force related allegations/complaints only. For further information see '[Disciplinary Policy](#)'.

### Constables

The term 'constables' describes constabulary employees, and Authorised officers authorised to carry and use approved equipment according to their role and function under section [24](#) of the Policing Act 2008.

### Excess of force and excessive force

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 [62](#) Crimes Act 1961 and [Limitations on the use of force](#).

### Excited delirium

'Excited delirium' means a state of extreme mental and physiological excitement characterised by extreme agitation, hyperthermia, euphoria, hostility, and exceptional strength and endurance without apparent fatigue.

### Justified

'Justified', in relation to any person, means not guilty of an offence and not liable to any civil proceedings.

### Operational Advisory Committee

The Operational Advisory Committee (OAC), chaired by the Assistant Commissioner: Frontline Capability, is accountable for the oversight and management of the use and reporting of force by constables.

### Pain compliance

'Pain compliance' (e.g. when reporting the use of handcuffs, waist restraint belt, and leg restraint – vehicle, **with** 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.

### Perceived cumulative assessment (PCA)

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 [Perceived Cumulative Assessment \(PCA\)](#) in the 'Tactical Options Framework' section in this part.

### Police Integrated Tactical Training (PITT)

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, ongoing PITT provides the means for regularly refreshing constables' knowledge and skill in these areas.

### Prepare

'Prepare' means carriage of a tactical option.

## Present force and presentation of force

See '[Show force](#)' below.

## Protected from criminal responsibility

'Protected from criminal responsibility' means not liable to any proceedings except a civil proceeding.

## Reasonable force

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 **not** reasonable force.

Except in the case of self-defence, reasonableness must be assessed objectively, i.e. **by the standards of the person on the street** - not (subjectively) by the standards of the person using force. See section [39](#) of the Crimes Act 1961.

## Reportable force

'Reportable' force is use(s) of force that must be reported in a Tactical Options Reporting (TOR) form, AOS deployment report, and / or Special Tactics Group deployment report. See [Reporting use of force/tactical options use](#)

## Self-defence and defence of another

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 [48](#) of the Crimes Act 1961.

## Show force

'Show force' means presenting a tactical option at a subject, for example presenting:

- O C spray
- a baton
- a weapon of opportunity, e.g. a Police torch
- a Police dog, i.e. using a dog as a 'show of force'
- laser painting or arcing a TASER
- a firearm.

## Subject or subjects

'Subject' or 'subjects' means a person(s) who has had, or may likely have, force used against them.

## 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 does not prescribe the appropriate force to be used, instead it assists constables in deciding what level of force is necessary and proportionate, given all the circumstances known at the time.

**Note:** 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 Reporting (TOR) database

The TOR database is an electronic application where constables report use of force/tactical options use(s), in accordance with the [reporting requirements](#) in this part.

**Note:** The TOR database includes four different reporting forms: the TOR form, the fatalities and shooting injuries form, the Unintentional/Unauthorised Discharge form, and the Use of Tactical Options on an Animal(s) form. See the Tactical Options reporting (TOR) Database User Manual below:

## Response and Operations: Research and Evaluation: (RORE)

The Capability: Research and Evaluation: (RORE) team is based in Frontline Capability 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 RORE team does **not** monitor the TOR database for professional standards purposes.

## TENR

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 are paramount, and every effort must be made to minimise harm and maximise safety. See [The relationship between TENR and the Tactical Options Framework TOF](#).

## Use force and use of force

‘Use force’ means the application of force on a subject, for example:

- spraying OC spray
- striking a person with a baton
- using a Police dog to bite a person
- using a TASER by discharge with probes and/or contact stun; and/or
- discharging a firearm.

# Legal authority to use force

## 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. While the vast majority of Police-public encounters are resolved without the use of force, 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.

## 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<sup>62</sup> 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.

## 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. The use of the trachea hold/choker hold is **forbidden**.

## Legal Authority to use 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

### Section 39 - Force used in executing process or in arrest

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.

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.

### Section 40(1) - Preventing escape or rescue

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:

- the escape of that other person if he takes to flight in order to avoid arrest, or
- 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.

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.

## Use of force to prevent escape

### Section 40(2) - Preventing escape or rescue

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**

### **Section 41 - Prevention of suicide or certain offences**

Every one is justified in using such force as may be reasonably necessary in order to prevent:

- the commission of suicide, or
- the commission of an offence which would be likely to cause immediate and serious injury to the person or property of any one, or
- any act being done which he believes, on reasonable grounds, would, if committed, amount to suicide or to any such offence.

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

### **Section 42 - Preventing breach of the peace**

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**

### **Section 48 - Self-defence and defence of another**

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.

## **Fire Orders**

Fire Orders' are operationally specific instructions on the circumstances in which Police employees may use firearms, including:

- Principles applying when offenders are armed
- Conditions to be satisfied before use
- Making decisions to use

See the '[Police firearms](#)' part of this chapter for full [Fire Orders](#).

## **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.

- Section [44](#) - Suppression of riot by Police

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

- Section [52](#) - Defence of movable property against trespasser
- Section [53](#) - Defence of movable property with claim of right
- Section [55](#) - Defence of dwellinghouse
- Section [56](#) - Defence of land or building
- Section [60](#) - Discipline on ship or aircraft

## **Legal authority to use force - other statutes**

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. The statutes below contain provisions authorising the use of force in certain circumstances:

- 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

## **Use of force - surveillance**

### **Search and Surveillance Act 2012**

- Surveillance device warrant need not be obtained for use of surveillance device in some situations of emergency or urgency (s48(3))
- Form and content of surveillance device warrant (s55(3))

## **Use of force to identify a person**

### **Criminal Investigations (Bodily Samples) Act 1995**

- Procedure for taking bodily sample pursuant to compulsion order or databank compulsion notice (s54(2))
- Procedure for taking bodily sample under part 2B (s54A)

**Note:** 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.

For more information on taking DNA samples by compulsion see ‘Suspect DNA samples (Part 2 samples)’ and ‘Taking samples by compulsion’ in the [‘DNA Sampling’ chapter](#).

## **Policing Act 2008**

- Identifying particulars of person in custody (s32(3))
- Identifying particulars for summons (s33(3))

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

### **Arms Act 1983**

- Seizure of illegally imported firearms or parts of firearms (s19)

### **Armed Forces Discipline Act 1971**

- Reasonable force may be used to arrest or search (s94)

### **Civil Defence Emergency Management Act 2002**

- Removal of aircraft, vessels, vehicles, etc. (s89)

## Gambling Act 2003

- Requirement to remove person who enters gambling venue in breach of exclusion order (s311(2))

## Sale and Supply of Alcohol Act 2012

- Closure of licensed premises by Police (s266)

## Substance Addiction (Compulsory Assessment and Treatment) Act 2017

- Reasonable force may be used to take (to a place where they are required to attend) or retake a person, detain a person, or enter a premises (s109)

## Use of force with warrant or order

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

Act	Description
Animal Welfare Act 1999	<ul style="list-style-type: none"> <li>- Search warrants (s131(4))</li> </ul> <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)</p>
Anti-Money Laundering and Countering Financing of Terrorism Act 2009	<ul style="list-style-type: none"> <li>- Powers under search warrant (s118(1))</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 (s13(2))</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 (s36(3))</li> </ul>
Biosecurity Act 1993	<ul style="list-style-type: none"> <li>- Entry in respect of offences (s111)</li> </ul> <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)</p>
Civil Defence Emergency Management Act 2002	<ul style="list-style-type: none"> <li>- Powers conferred by warrant (s80(1))</li> </ul>
Criminal Proceeds (Recovery) Act 2009	<ul style="list-style-type: none"> <li>- Application of Part 4 of Search and Surveillance Act 2012 (s114)</li> </ul> <p>(Use of force provisions in Part 4 apply)</p>
Domestic Violence Act 1995	<ul style="list-style-type: none"> <li>- Contravention of Police safety order (s124L(2))</li> <li>- Issue of warrant to arrest person who contravenes Police safety order or fails to attend adjourned proceedings (s124O(4))</li> </ul>
Extradition Act 1999	<ul style="list-style-type: none"> <li>- Search warrants (s83(4))</li> </ul> <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)</p>
Films, Videos, and Publications Classification Act 1993	<ul style="list-style-type: none"> <li>- Application of Part 4 of Search and Surveillance Act 2012 (s110)</li> </ul> <p>(Use of force provisions in Part 4 apply, except for section 118)</p>
Gambling Act 2003	<ul style="list-style-type: none"> <li>- Powers conferred by search warrant (s340(3A))</li> </ul> <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)</p>
Misuse of Drugs Amendment Act 1978	<ul style="list-style-type: none"> <li>- Searches associated with detention warrant (s13EA)</li> </ul>
Parole Act 2002	<ul style="list-style-type: none"> <li>- Power to enter premises to arrest (s73A(1))</li> </ul>

Act	Description
Prostitution Reform Act 2003	<ul style="list-style-type: none"> <li>- Warrant for police to enter (<a href="#">s30(2)</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
Radiocommunications Act 1989	<ul style="list-style-type: none"> <li>- Powers to obtain evidence (<a href="#">s120(4)</a>)</li> </ul> <p>(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>)</p>
Resource Management Act 1991	<ul style="list-style-type: none"> <li>- Application for warrant for entry for search (<a href="#">s334(2)</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"> <li>- Constable may apply for search warrant (<a href="#">s270</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
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>)</li> </ul> <p>(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>)</p>

## Use of force without warrant

**Note:** For further information on the use of force when carrying out searches see the '[Search and surveillance](#)' 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>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
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>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
Marine Mammals Protection Act 1978	<ul style="list-style-type: none"> <li>- Powers of search (<a href="#">s13</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
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 surveillance](#)' 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**

<b>Act</b>	<b>Description</b>
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>
Mental Health (Compulsory Assessment and Treatment) Act 1992	<ul style="list-style-type: none"> <li>- Use of force (<a href="#">s122B</a>)</li> </ul> <p>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.</p> <p>(2) The powers are:</p> <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)</a>, <a href="#">(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> <p>(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.</p> <p>(4) If force has been used under this section,—</p> <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>
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>
Oranga Tamariki Act 1989	<ul style="list-style-type: none"> <li>- Place of safety warrants (<a href="#">s39(3)</a>)</li> <li>- Warrant to remove child or young person (<a href="#">s40(4)</a>)</li> <li>- Search without warrant (powers to remove child or young person) (<a href="#">s42(1)</a>)</li> <li>- Unaccompanied children and young persons (<a href="#">s48(1)</a>)</li> <li>- Effect of custody order (<a href="#">s104(3)</a>)</li> <li>- Living arrangements where child or young person placed in custody of iwi social service, etc. (<a href="#">s106(1)</a>)</li> <li>- Power of entry (<a href="#">s123</a>)</li> <li>- Preventing removal of child or young person from New Zealand (<a href="#">s205(2)</a>)</li> <li>- Execution of warrant under section 296c (warrant to have young person arrested and brought before the court) (<a href="#">s296D(3)</a>)</li> <li>- Powers to detain and return, and arrest, young person breaching curfew condition (<a href="#">s296L(2)</a>)</li> <li>- Effect of supervision with residence order (<a href="#">s312(2)</a>)</li> <li>- Search without warrant (absconding by children and young persons) (<a href="#">s318(1)</a>)</li> <li>- Search warrants (absconding by children and young persons) (<a href="#">s386(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 (<a href="#">s80E(5)</a>)</li> <li>- Security areas and security enhanced areas (<a href="#">s84(5)</a>)</li> <li>- Powers of arrest and seizure of items or substances (<a href="#">s85</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 (<a href="#">s28(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 (<a href="#">s205</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	<p>Police are authorised to use force under these sections:</p> <ul style="list-style-type: none"> <li>- Entry and search under warrant under section 122 (<a href="#">s123</a>)</li> <li>- Entry and search under warrant under section 128 (<a href="#">s129</a>)</li> <li>- Power to seize evidence relevant to post-mortem (<a href="#">s131</a>)</li> </ul>

## 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>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</p> <p><b>Note:</b> An authorised person includes a constable.</p>

## 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>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</p>
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>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</p>
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>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</p>
Antarctic Marine Living Resources Act 1981	<ul style="list-style-type: none"> <li>- Powers of search (<a href="#">s9(4)</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</p>
Anti-Personnel Mines Prohibition Act 1998	<ul style="list-style-type: none"> <li>- Search warrants (<a href="#">s22</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</p>
Chemical Weapons (Prohibition) Act 1996	<ul style="list-style-type: none"> <li>- Search warrants (<a href="#">s23(4)</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
Child Support Act 1991	<ul style="list-style-type: none"> <li>- Warrant of distress (<a href="#">s183</a>)</li> </ul> <p><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.</p>
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>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
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="#">s291(2)</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply).</p>
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>

Act	Description
Financial Transactions Reporting Act 1996	<ul style="list-style-type: none"> <li>- Powers conferred by warrant (<a href="#">s44(2)</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
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>
Human Tissue Act 2008	<ul style="list-style-type: none"> <li>- Powers of authorised persons (<a href="#">s68</a>)</li> </ul> <p>(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>)</p>
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>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
International War Crimes Tribunals Act 1995	<ul style="list-style-type: none"> <li>- Issue of search warrants (<a href="#">s48(3)</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
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>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
Mutual Assistance in Criminal Matters Act 1992	<ul style="list-style-type: none"> <li>- Search warrants (<a href="#">s44(3)</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
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>)</li> </ul> <p>(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>)</p>
Ozone Layer Protection Act 1996	<ul style="list-style-type: none"> <li>- Search warrants (<a href="#">s23</a>)</li> </ul> <p>(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>)</p>
Radiation Protection Act 1965	<ul style="list-style-type: none"> <li>- Entry and inspection (<a href="#">s24(3)</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
Trade in Endangered Species Act 1989	<ul style="list-style-type: none"> <li>- Powers of search (<a href="#">s38(4)</a>)</li> </ul> <p>(Use of force provisions in Part <a href="#">4</a> of the Search and Surveillance Act 2012 apply)</p>
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>

<b>Act</b>	<b>Description</b>
Wild Animal Control Act 1977	<ul style="list-style-type: none"> <li>- Keeping of specified wild animals in captivity (<a href="#">s12(13)</a>)</li> </ul> <p>(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>)</p>
Wildlife Act 1953	<ul style="list-style-type: none"> <li>- Power of rangers (<a href="#">s39</a>)</li> </ul> <p>(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>)</p>
Wine Act 2003	<ul style="list-style-type: none"> <li>- Issue of search warrants (<a href="#">s65(2)</a>)</li> </ul> <p>(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>)</p>

## The Tactical Options Framework

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

The Tactical Options Framework (TOF) is a training and operational guidance 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



**THREAT** The subject's intent, capability or opportunity along with the physical environment

**EXPOSURE** Awareness of safety, security or public trust and confidence issues

**NECESSITY** Assessment of the need to intervene (act) now, later, or not at all

**RESPONSE** Proportionate, timely, reasonable, and lawful Police actions using tactics and tactical options

**TENR** requires assessment and constant reassessment, planning and communication to be successful

## Perceived cumulative assessment

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.

There are five categories in the PCA, which are represented in the TOF - cooperative, passive resistance, active resistance, assaultive, GBH or death.

## Engage, disengage or delay?

Your decision to escalate or de-escalate your response, and your choice of tactical option(s), must be continuously reassessed, using the TENR model, so you choose the most reasonable option, given all the circumstances known at the time.

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.

## Presence and tactical communication

Tactical communication is Police's preferred option for resolving incidents. Use tactical communication throughout an incident, alone or in conjunction with any other tactical option used.

## Tactical options and degrees of force

- » officer presence and tactical communication
- » mechanical restraints eg handcuffing
- » empty hand techniques eg physical restraints and strikes
- » OC spray
- » baton - Taser - dogs - weapon(s) of opportunity
- » firearms and other force with serious implications

## Prepare, show and use force

'Prepare' force means carriage of a tactical option.

'Show' force means presenting a tactical option at a subject.

'Use' force means the application of force on a subject.

## Reporting use of force

The Use of Force chapter of the Police Manual outlines which "shows" and "uses" of force you are required to report. Reporting force facilitates evidence-based decision-making to improve employee and public safety.

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.

Reasonable force includes force that is necessary and proportionate, given all the circumstances known at the time.



DF of diagram:

## 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.

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

<b>1 Cooperative</b>	Willingly responds when approached.
<b>2 Passive resistant</b>	Refuses verbally or with physical inactivity.
<b>3 Active resistant</b>	Pulls away, pushes away, or runs away.
<b>4 Assaultive</b>	Intent to cause harm, expressed verbally, through body language/physical action.
<b>5 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 Emergency 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 NIA 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 or knowledge 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.

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 liability for excess of force / excessive 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.

The overriding principle when applying TENR is that of 'safety is success'. Victim, public and employee safety are paramount, 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 complement 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 chapter
- follow the procedures outlined in the Tactical Options Framework (with particular emphasis on ongoing and recurring assessment), and other Police Integrated Tactical Training (PITT) policies and procedures.

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

# Tactical communication

## 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 de-escalated, and resolved without the use of force.

Wherever possible and appropriate, use tactical communication throughout an incident, alone or with any other tactical options. Effective use of tactical communication is also likely to reduce police and public harm, and complaints against Police.

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

AWOCA is 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 an 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 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 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](#)'.

### 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 with a vulnerable person should be at a level and manner that the person understands.

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).

**Note:** See the '[Police negotiators](#)' chapter of the Police Manual for when a Police Negotiation Team (PNT) must be used (unless circumstances or time prevent).

## 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 prior to and throughout an incident.

# Empty hand techniques

## Use of empty hand techniques

Empty hand techniques are a use of force option in the Tactical Options Framework, which can be used to:

- distract the subject
- physically control the subject and/or
- defend yourself or another.

Use TENR when considering using empty hand techniques. See the [TENR – Operational threat assessment](#) chapter.

## Risks

When considering using, or using, empty hand techniques, be aware of the following risks:

- Consider your own abilities versus the potential abilities, size, and strength of the subject
- Reduced distance between the officer and subject, increasing the risk of assault, and staff and subject injury
- The need to focus on the subject at close quarters, making the surrounding environment more difficult to monitor
- Reduced effectiveness of empty hand techniques due to slower subject pain recognition, e.g., due to the subject being under the influence of alcohol or other drugs
- The transfer of contagious disease through subject body fluids and broken skin
- Subject access to your appointments, e.g., a firearm or TASER, carried in a holster on an officer's body, increasing the risk of serious staff assault and injury.

## Reporting requirements

Other than touching, guiding, escorting, lifting, and pushing where a person is not physically forced to the ground, uses of empty hand techniques must be fully reported in a Tactical Options Report (TOR) form.

## Weapons of opportunity

### What is a weapon of opportunity?

A weapon of opportunity includes an object, or substance taken from the immediate environment, for use in self-defence or defence of another, where no other appropriate and approved tactical option is accessible or available.

### Use of weapon of opportunity

Using a weapon or opportunity should be seen as a ‘last resort’ when there is a real risk of injury to yourself or another, and no approved tactical options are available. As with all uses of force, using a weapon or opportunity must be necessary and proportionate, and thereby reasonable. All employees are criminally responsible for any excessive use of force.

A weapon of opportunity can take a variety of forms and may provide a variety of defensive capabilities, including the capability for placing restraining holds on violent or struggling offenders or positively repelling an assault.

If a striking action is required, you should avoid vulnerable areas of the body (head, neck, spine, tail bone and groin), unless you believe it to be absolutely necessary to protect yourself or others from GBH.

### Reporting requirements

A [Tactical Options Report](#) must be submitted where a weapon of opportunity has been used. See also [Reporting Use of Force/tactical options](#).

# Use of force and operational safety

## 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.

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.

## Health and safety

Police as a ‘Person Conducting a Business or Undertaking’ (PCBU) under the [Health and Safety at Work Act 2015](#) is committed to ensuring that the risk of injury to its employees is eliminated, so far as is reasonably practicable, and where it is not possible, minimised so far as is reasonably practical, while maintaining a highly effective level of operational capability.

Under the Health and Safety at Work Act 2015, Police has a responsibility to ensure that employees are appropriately trained, equipped, informed, instructed and supervised so as to protect employees from risks to their health and safety arising from work carried out as part of policing business.

Police’s responsibilities include:

- care and diligence in understanding the contemporary operational environment and hazards and risks associated with that environment;
- the provision and maintenance of safe systems of work (policies, practices, instructions and other operating guidelines and protocols);
- the provision and maintenance of training, instruction and supervision applicable to the operating environment; and
- the provision of sufficient fit for purpose equipment to mitigate risks.

Employees (which includes contractors and volunteers) **must**:

- take care for his or her own health and safety;
- comply, as far as is reasonably able, with any reasonable instruction that is given by Police to allow it to comply with the [Health and Safety at Work Act 2015](#) or regulations;
- co-operate with any reasonable policy or procedure of Police relating to health or safety in the workplace that has been notified to employees; and
- take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons.

## Safety considerations and use of force

As reflected in TENR, victim, public, and employee 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 are risks 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.

## **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 Asperger's 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.

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](#)'.

## Reporting use of force/tactical options use

### 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.

## Employees who use force must report

### Shows of force

#### Shows of:

- a TASER (i.e. presentation, laser painting or arcing)
- a firearm.

To be reported on: **Standard TOR**

**Note: Excluding** Armed Offenders Squad or Special Tactics Group shows of a TASER or a firearm and shows of force during training.

### Uses of force

#### Uses of:

- communication, but **only** when used with one or more of the tactical options below, and **only** the first time it is used
- metal or plastic handcuffs, a waist restraint belt, and a leg restraint – vehicle:
  - **with** pain compliance
  - **without** pain compliance, but **only** when handcuffs, a waist restraint belt, and a leg restraint – vehicle are used with another reportable tactical option
- a spitting hood
- a restraint chair
- **empty hand techniques** **excluding** touching, guiding, escorting, lifting, and pushing where a person is not physically forced to the ground
- O C spray (spraying)
- a baton (striking)
- a weapon of opportunity, e.g. a Police torch
- a Police dog when the subject is bitten and/or otherwise injured
- a TASER by discharge and/or contact stun
- a sponge round
- a firearm (discharge).

To be reported on: **Standard TOR**

#### Notes:

**Excluding** any use of force during training.

Unintentional or unauthorised TASER or firearms discharges must be reported in an Unintentional/Unauthorised Discharge form.

## Uses of force on an animal

Any use of force on an animal

To be reported on: **Animal TOR**

## Unintentional discharges

Unintentional discharge of a firearm or TASER must be reported in an Unintentional discharge form.

To be reported on: **UD TOR**

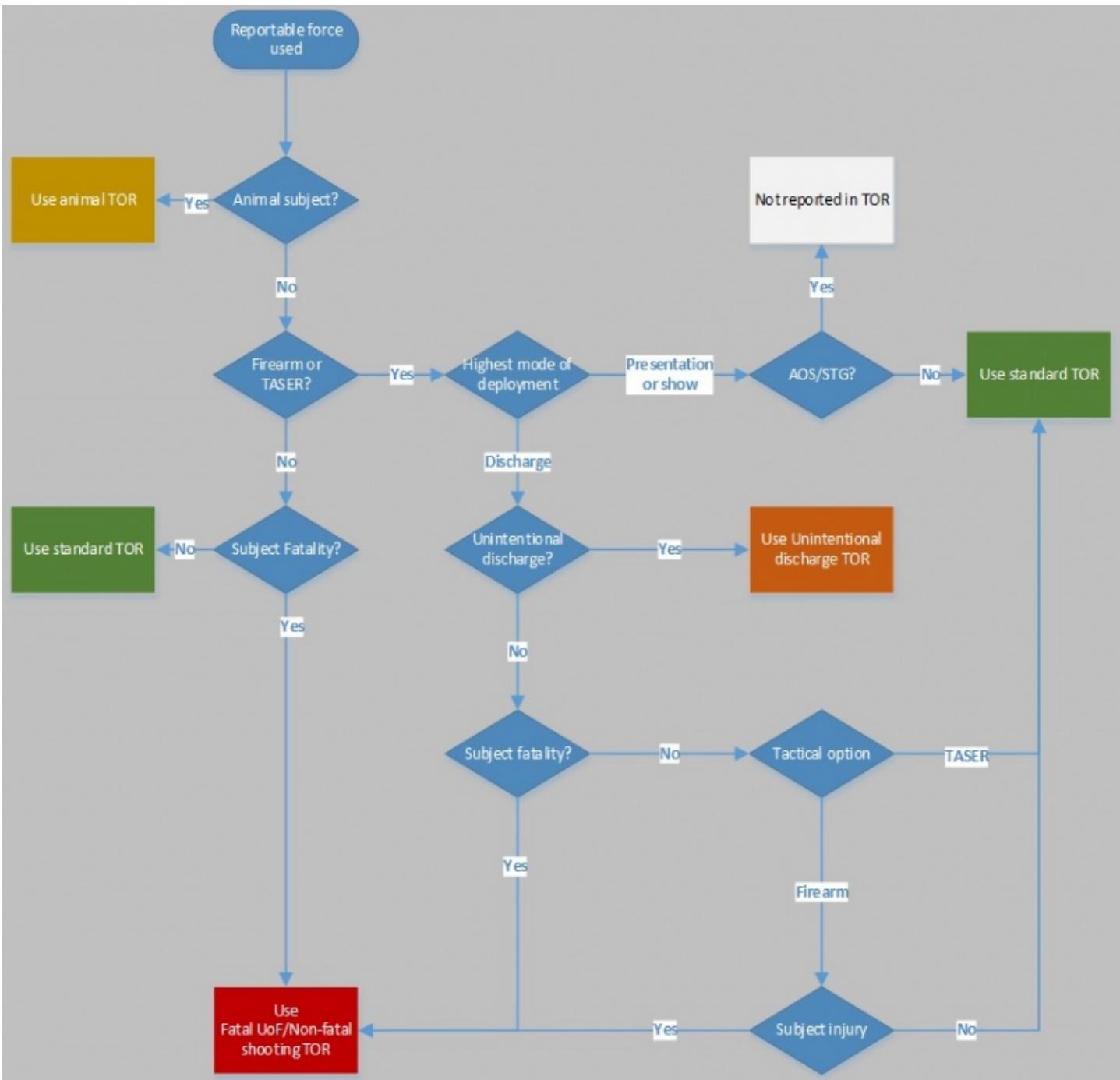
## Supervisors must report

### Uses of force

- that result in a fatality
- Police shootings that result in injury

To be reported on: **Fatalities / shooting injuries TOR**

**Note:** Section [54\(4\)](#) 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 section 54(2), using force to take a bodily sample, 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 [reportable](#) force under this Act.



or information about how the use of force requiring a TOR affects a person's eligibility for formal warnings, see the [Formal warnings](#) chapter of the Police Manual.

## Police shooting incidents and incidents which result in a fatality

When a person is injured by the intentional discharge of a Police firearm or dies after Police used force on them, all reportable uses of force which were used at the incident must be reported in a Fatalities and Shooting Injuries TOR. This information is gathered for research and reporting purposes only and does not identify the staff at the incident. Due to the nature of these incidents, the TOR must be submitted by a supervisor, or by another employee assigned to complete the TOR (not the persons who used force), and is reviewed by the District Operations Manager. One TOR must be completed for each incident, regardless of the number of police staff at the incident. Submitting the Fatalities and Shooting Injuries TOR does not replace any requirement to report a Serious Harm Incident.

## Unintentional or unauthorised discharge of a TASER or firearm

Any unintentional discharge (operator error or mechanical fault) of a TASER or a firearm, including training, must be reported in an 'Unintentional Discharge' form. Intentional discharges that resulted in unintended consequences (e.g. death or injury to a bystander) must be reported in the Fatalities and Shooting Injuries or standard TOR as appropriate.

or more information on the procedure following an unintentional or unauthorised discharge see these parts:

- TASER (Conducted Electrical Weapons)
- 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.

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

## Constables' reporting responsibilities

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

1. Consider whether the force you used in the incident is reportable. Refer to the table above for force that **must** be reported and the Frequently Asked Questions (FAQ's) about TOR. If you are in doubt about whether or not to report a use of force incident, report it.
2. If the force used is **not** reportable, no further action is required, unless the use of non-reportable force:
  - results in a subject's injury and/or health issue - this requires the completion of a POL258
  - 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
3. If the force used **is** 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. **Note:** For incidents which resulted in a fatality, or a Police shooting that resulted in injury, all uses of force at the incident will be reported by a supervisor, and not by the members who used force. **Access TOR forms** through the '[Notifications](#)' section of Ten-One, by selecting '[Tactical Options Report \(post 1 July 2010\)](#)', then 'Create new report', then 'TOR report' etc.
4. Follow the guidance on [completing a TOR form](#) and, if necessary, the FAQs about TOR when completing your report.
5. Submit the report for review to your supervisor within the prescribed [timeframes](#).
6. If, following review, the reviewing supervisor or Inspector requires more detail or changes to the form, your supervisor will send the form back to you to amend and resubmit.

## 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.  A Fatalities and Shooting Injuries TOR must be submitted by a supervisor to the District Operations Manager within 72 hours of the incident.
Resubmitting a TOR form amended	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 following review this period.
Submitting a TOR form for an off-duty incident	Constables who use reportable 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	- reports tactical options you used 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, including your TENR assessment and response - reflects the tactical options reported in the 'tactics you used' section of the form
all other parts of the TOR	- are fully completed.

**Note:** For reporting of use of force resulting in a fatality, and Police shootings that result in injury, the information required will be different, including no identifiable details of Police employees, and no narrative (the form will guide requirements).

## Data and information requests on Police use of force

All internal and external requests for data or information on Police use of force, e.g., Tactical Options Reporting (TOR) data, TOR forms, use of force policies, TASERcam footage, TASER medical reports, must be referred to the Director: Capability upon receipt, for reply. This includes requests made under the Official Information Act 1982, and Privacy Act 2020.

Data or information on Police use of force must not be externally released without the permission of the Director: Capability.

## Frequently asked questions about TOR

### Why do I need to report the use of force?

The lawful authorisation to use force in certain circumstances brings with it individual and organisational accountability for any use of force. The public expect constables and Police to administer their use of force role with due diligence and care, which is crucial to public trust and confidence in Police.

Individual reporting of force is consistent with individual legal accountability for the use of force. Tactical Options Reporting (TOR) is the primary mechanism for providing individual accountability for the use of force. Supervisor and Inspector review of TOR forms provides further accountability for the use and reporting of force.

TOR data enables Police to better understand how use of force incidents escalate and/or de-escalate, to assist evidence-based decision making and improved employee and public safety.

### 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.

A TOR for a use of force resulting in a fatality or a non-fatal police shooting is reviewed by an Inspector only, before the form is completed and stored in the database.

### Do I have to submit a TOR form myself if I use reportable force?

Yes, if you use reportable force you must submit a TOR form yourself, i.e., it must be completed by you, not another constable. The exception here is if the use of force has resulted in a fatality, or a non-fatal Police shooting, then the TOR must be submitted by a supervisor.

### 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). Report all tactical options in the order that you used them.

### Do I report the use of handcuffs, a waist restraint belt, and a leg restraint vehicle, without pain compliance?

Yes, but **only** when handcuffs, a waist restraint belt, and a leg restraint – vehicle are used with another reportable tactical option.

### Do I report carriage of a tactical option that deters a subject?

No.

### Do I submit a TOR when I am at an incident when other constables use reportable force, but I do not use reportable force?

No. Only report reportable force you used at an incident.

### Do I report use of a Police dog that results in an uncontrolled dog bite, or bite to another dog?

Yes (for dog handlers). Such incidents must be reported in a POL258 (not a TOR form).

## **Do I report training or deployment accidents involving dogs?**

Yes (for dog handlers). Such incidents must be reported in a near miss report (not a TOR form) if there are no injuries, or an incident report if someone is injured. Both forms are accessed through My Police/SAP>My services>My safety info>Create an incident.

## **Do I report use of force against property?**

No.

## **Do I report use of force in training?**

No, except for unintentional TASER or firearms discharges, which must be reported in an Unintentional Discharge 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 each 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 OC 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).

2 one burst of OC spray, then empty hand tactics, then another burst of OC spray, report:

- the first burst of OC spray in the 'Tactic 1' section of the TOR form (noting the total duration of the first spray activation), then
- empty hand tactics in the 'Tactic 2' section of the TOR form, and then
- the second burst of OC spray in the 'Tactic 3' section of the TOR form (noting the total duration of the second spray activation).

## **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 must be reported in a TOR form. Discharges of a Police firearm which result in an injury must be reported, by a supervisor, in a Fatalities and Shooting Injuries TOR.

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

Yes. All uses of force which were used at an incident where a person died after force was used on them, must be reported, by a supervisor, in a Fatalities and Shooting Injuries TOR.

## How do I report a discharge of a firearm that had an unintended consequence?

If you unintentionally discharge a firearm (except during training), report this in the Unintentional/Unauthorised Discharge form. However, if you intentionally discharged a firearm but accidentally shoot someone then this must be reported by a supervisor using the Fatalities and Shooting Injuries TOR. If you discharge a firearm at a person but miss and do not hit anyone else, then report this using the standard TOR form.

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

Yes. All reportable use of force incidents must be reported in a TOR form. Discharges of a Police firearm which result in an injury must be reported, by a supervisor, in a Fatalities and Shooting Injuries TOR.

## 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 near miss report if there are no injuries, or an incident report if someone is injured (both forms are accessed through My Police/SAP>My services>My safety info>Create an incident) on the day you received the work related injury/health issue, before the end of shift
- get the near miss report signed off by your supervisor
- submit the near miss report 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	<p>a Tactical Options Reporting (TOR) form, as specified in the form, whether or not any treatment was received.</p> <p><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.</p>
a non-reportable use of force incident  <b>Note:</b> 'Non-reportable' force is use(s) of force that does not need to be reported in a TOR form. A non-reportable subject injury (e.g. a subject initiated injury from wearing handcuffs) must be reported in a POL258.	<p>a POL258 (not a <a href="#">TOR</a> 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.</p> <p>(<b>Note:</b> You should use the initial/existing POL258 on file).</p>

## 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 \(Conducted Electrical Weapons\)](#)).

## 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.

## Who is my Supervisor or Senior Officer reviewer?

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 when you submit your TOR.

**Note** that a TOR for a use of force resulting in a fatality, or a Police shooting that results in injury, is submitted directly to your District Operations Manager (or other District Inspector level position) for review.

Do not submit TOR forms to:

- supervisors who are on leave and cannot complete the review within the 3 day/72 hour timeframe (instead, choose another supervisor)
- senior officers who are on leave and cannot complete the review within the 7 day timeframe (instead, choose another senior officer reviewer).

## How do I change the Supervisor or Senior Officer reviewer?

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.

## How do Supervisor and Inspector reviewers attach documents to a TOR going through the review process?

To attach a document to a TOR form going through the review process, ensure the document you want to attach is saved in a file, click on 'browse' under 'Upload images and files', add the document(s), and clearly name each document under 'Enter description'.

## How do Supervisor and Inspector reviewers attach documents to a completed TOR form?

To attach a document to a completed TOR form, ensure the document you want to attach is saved in a file, click on 'add attachments' at the top of the TOR form, click on 'browse' under 'Upload images and files', add the document(s), and clearly name each document under 'Enter description'.

## 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, you will need to submit a new TOR form. Once the new TOR has been completed, contact the Response and Operations Research and Evaluation Research Analyst, who will withdraw the incorrect / old TOR form.

## Review and sign off processes for TOR forms

### 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.

A TOR following use of force resulting in a fatality or non-fatal Police shooting, will be submitted by a supervisor directly to an Inspector for review and approval. This will be the District Operations Manager, or another Inspector level position.

Each review provides accountability for the use and reporting of force. Effective supervisor and Inspector review is key to enhancing TOR data quality.

### 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 <u>TOR</u> form	<ul style="list-style-type: none"> <li>- insert a comment outlining their view of the incident based on information in the form, and, if necessary, discussion with the constable</li> <li>- if required, attach any relevant documents to the TOR form. See 'attaching documents to a TOR form'</li> <li>- send the TOR form to an Inspector for further review.</li> </ul>
notes that the <u>TOR</u> 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 <u>TOR</u> form	<ul style="list-style-type: none"> <li>- insert a comment outlining their view of the incident based on information in the form, and, if necessary, discussion with the constable, noting why they do not support the constable's actions</li> <li>- if required, attach any relevant documents to the TOR form</li> <li>- if relevant, note remedial training required.</li> </ul>
if a supervisor receives a <u>TOR</u> 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 <u>TOR</u> 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?

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 and, if necessary, discussion with the constable</li> <li>- if required, attach any relevant documents to the TOR form. See '<a href="#">Attaching documents to a TOR form</a>'</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, including where the supervisor is required to attach any relevant documents. See '<a href="#">Attaching documents to a TOR form</a>'</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>
	<p><b>Note:</b> If the only change required is for the supervisor to attach relevant documents, the supervisor must attach the documents, save the TOR form, and resubmit it to their Inspector again.</p> <ul style="list-style-type: none"> <li>- insert a comment outlining their view of the incident based on information in the TOR form, and, if necessary, discussion with the supervisor and constable, noting why they do not support the constable's actions</li> <li>- if required, attach any relevant documents to the TOR form. See '<a href="#">Attaching documents to a TOR form</a>'</li> <li>- if relevant, note remedial training required</li> <li>- 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>: <ul style="list-style-type: none"> <li>- 1) refer the incident to the appropriate Human Resources Manager, Police Professional Conduct Manager, and District Commander/Director for categorisation as: <ul style="list-style-type: none"> <li>i) no breach of the Code of Conduct, i.e., no further action will be taken</li> <li>ii) performance shortfall</li> <li>iii) misconduct or serious misconduct</li> <li>iv) potential criminal offending.</li> </ul> </li> <li>- 2) record that Police Integrity and Conduct has been notified by recording 'yes' under "If required, have you notified Professional Standards of this incident?" in the TOR form</li> <li>- 3) attach any documents relevant to categorisation to the TOR form. See '<a href="#">Attaching documents to a TOR form</a>'.</li> </ul> </li> </ul> <p>For more information on categorisation, see '<a href="#">Categorisation</a>' in the '<a href="#">Disciplinary Policy</a>' chapter of the Police Manual.</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.

<b>Where the reporting constable is a...</b>	<b>then the supervisor review and sign-off must be completed by a...</b>
Sergeant	- Senior Sergeant or Acting Senior Sergeant, and - followed by the Inspector's (or above) review and sign-off.
Senior Sergeant and above	- Inspector (or above), and - the subsequent review and sign-off must be completed by a different Inspector (or above).

## Attaching documents to a TOR form

During the review process, supervisor and Inspector reviewers may be required to attach relevant documents to a TOR form, including where a TOR event is referred to the appropriate Human Resources Manager, Police Professional Conduct Manager, and District Commander/Director for categorisation. If required, Inspector reviewers can also attach documents to a completed TOR form.

Relevant documents to attach to a TOR form include:

- an officer's statement on the TOR event (not the officer's TOR narrative)
- an officer's notebook entries on the TOR event
- photographs relevant to the TOR event
- documents relating to a complaint about the TOR event
- any other report or document that is relevant to the TOR event being categorised.

**Note:** If attaching any documents to a TOR following use of force resulting in a fatality, or non-fatal Police shooting, ensure that there are no details on the documents that will identify any member present.

## 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, including the constables TENR assessment and response
  - 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.
- any relevant documents are attached.

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.
- ensure that their review follows the supervisor and Inspector review process, as applicable to their reviewer role. See '[How does the Supervisor's review and sign-off process work?](#)' and '[How does the Inspector's review and sign-off process work?](#)'

## Reviewing TOR forms for TASER incidents

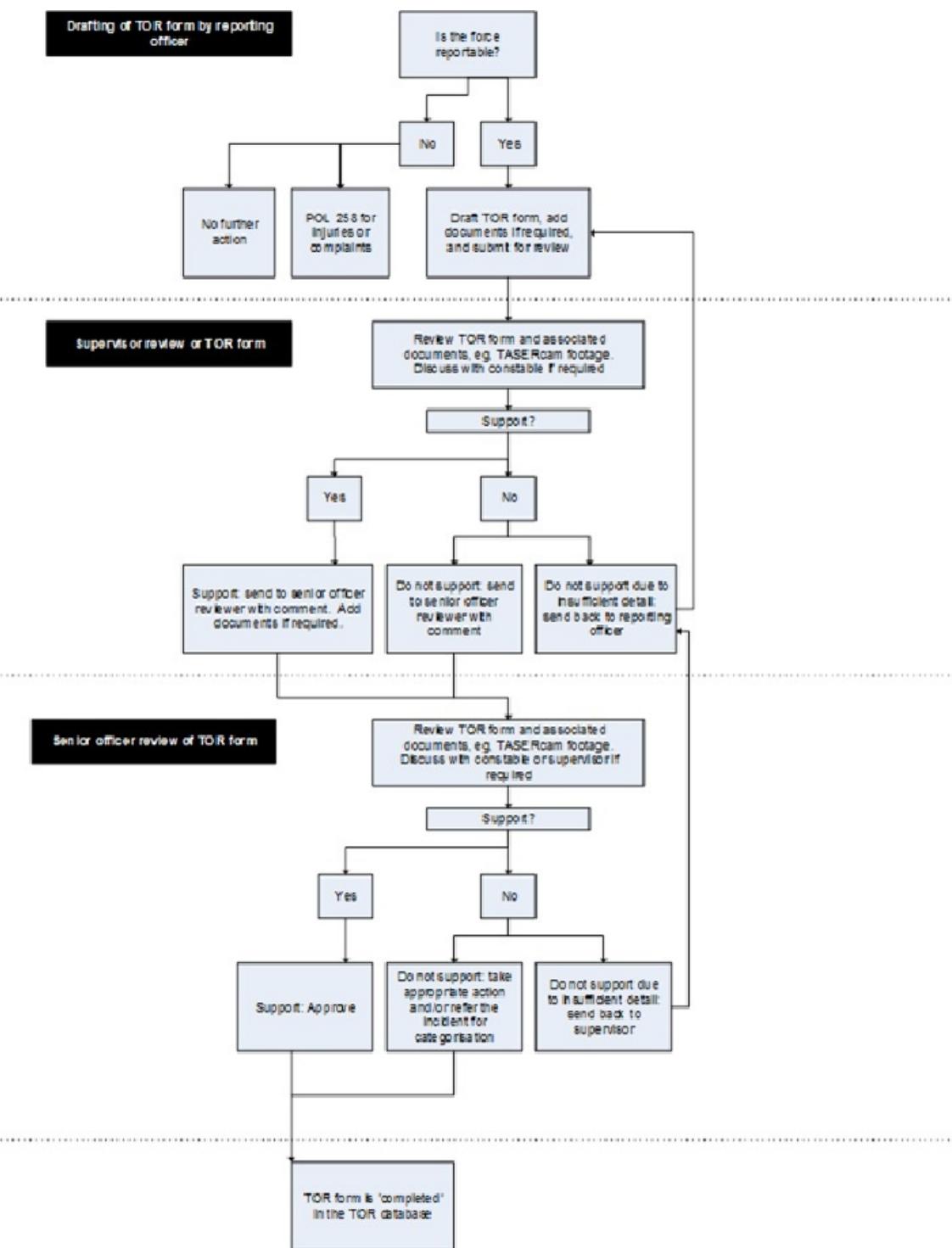
When reviewing a TOR form for an incident in which TASER was used, the supervisor and Inspector must follow instructions found in the '[TASER \(Electronic Control Devices\)](#)' chapter.

## **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.

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

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



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

The Operational Advisory Committee (OAC), chaired by the Assistant Commissioner: Frontline Capability, is accountable for the oversight and management of the use and reporting of force by constables.

OAC's role is to resolve systemic use of force issues brought to its attention by districts and/or national Police stakeholders, via the Director: Capability. Where appropriate, OAC should escalate such systemic issues to the Police Executive for resolution.

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

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

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

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

- ensure that Area Commanders, Operations Managers, Crime Managers, Road Policing Managers, and Directors of Service Centres manage the use of force, and TOR data, in accordance with relevant requirements in this chapter
- where appropriate, escalate systemic district use of force issues to the Director: Capability, for action; who will, where appropriate, escalate them to the Operational Advisory Committee (OAC) for action.

District Operations Managers **must**:

- manage access to the TOR database so that access is only granted to staff that require it, e.g., District Commanders, Area Commanders, and Operations Managers
- ensure that TOR forms are submitted, reviewed, and signed-off in accordance with the TOR processes in this chapter, including the categorisation of TOR events, where appropriate
- monitor district use of force, e.g., training, equipment and policy issues; use of force related complaints and early intervention processes
- resolve use of force issues, and where appropriate, escalate them to the Area Commander and/or District Commander for action.

Area Commanders **must**:

- ensure that Area TOR forms are submitted, reviewed, and signed-off in accordance with the TOR form process in this chapter
- resolve use of force issues, and where appropriate, escalate them to the Area Commander and/or District Commander for action.

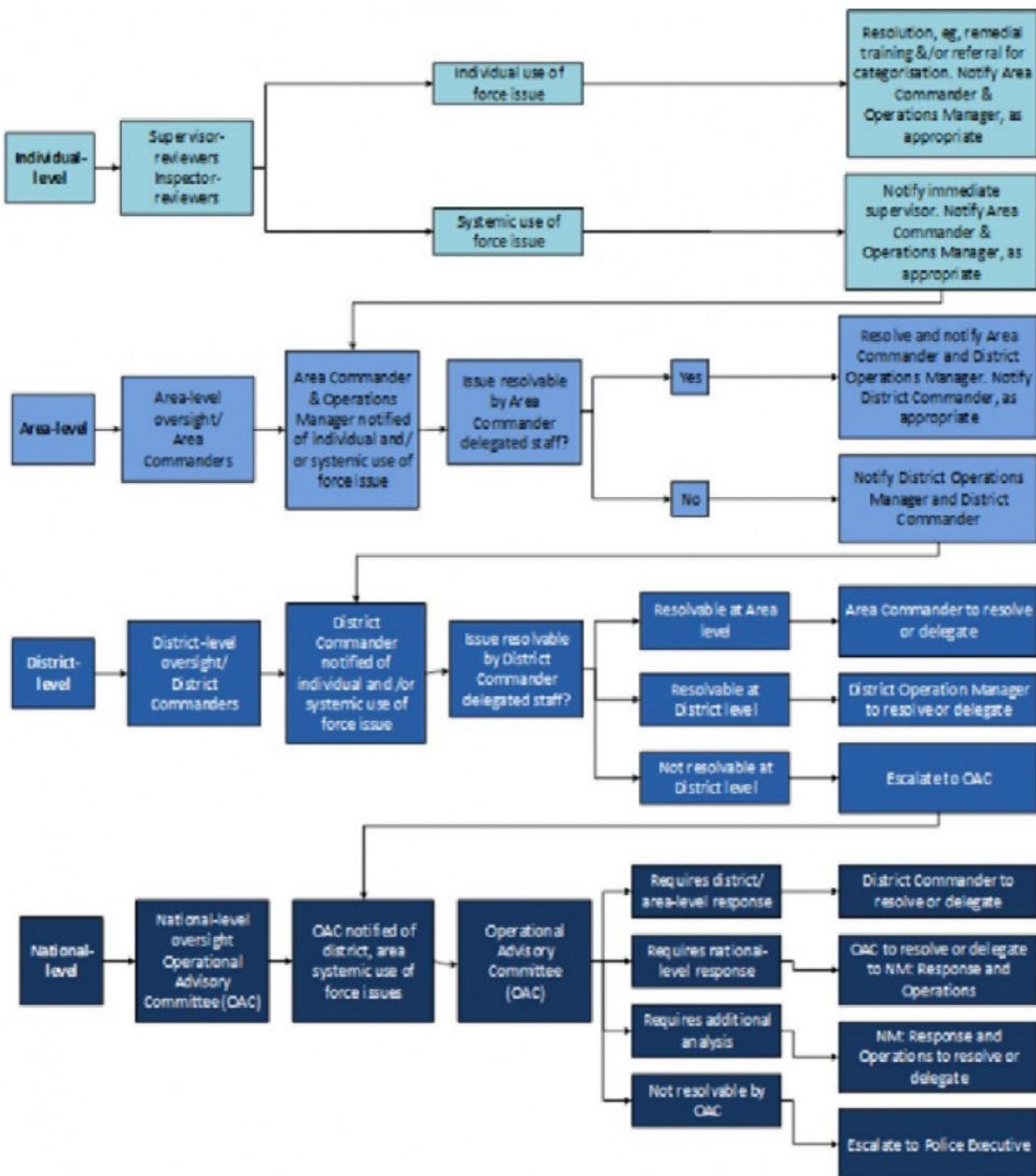
## Categorisation of TOR events by Inspector reviewers of TOR events

Where an Inspector reviews a TOR form and does not support the constable's actions as outlined in the TOR form, the Inspector reviewer must, if not satisfied with the constable's explanation, refer the TOR event to the appropriate Human Resources Manager, Police Professional Conduct Manager, and District Commander/Director for categorisation. See '[How does the Inspector's review and sign-off process work?](#)'

## Diagram: Management of use and reporting of force

Diagram - Management\_of\_use\_and\_reporting\_of\_force.doc

99 KB



## eXact Impact XM1006

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***Part of the 'Use of Force' chapter***

**IMPORTANT NOTE:** The Tactical Response Model trial is currently in progress. In reference to the members who can deploy with the eXact Impact XM1006 tactical option, for the duration of this trial, the description "Armed Offender Squads (AOS)" includes **ALL AOS qualified members** whilst operating as part of an Armed Offender Squad team, a Tactical Dog Team (TDT) or a Tactical Prevention Team (TPT).

# Policy statement and principles

## What

The New Zealand Police's mid-range less lethal tactical option is a 40mm sponge round projectile deployed by a 40mm launcher, the eXact iMpact XM1006. It is one of a number of tactical options available for use by Police under the [Tactical Options Framework](#).

The eXact iMpact 40mm sponge round (XM1006) is a point of aim, point of impact, direct fire less lethal round. It is only used by Armed Offenders Squads (AOS) and the Special Tactics Group (STG) in situations where maximum deliverable energy is desired for the incapacitation of an assaultive non-compliant subject.

## Why

A key function of Police is to maintain public safety. At times this requires Police to use force, the degree of which is determined depending on the circumstances, from a wide range of tactical options available to them.

Police use of the eXact iMpact XM1006 is governed by sections [39](#), [40](#), [41](#), [42](#), [48](#), and [62](#) Crime Act 1961 - they set out the circumstances in which this tactical option or any use of force may be used.

During current tactical operations (STG and AOS), Police deploy with eXact iMpact XM1006, more commonly referred to as a 40mm launcher. These are used in situations where it is too dangerous for Police to get close to a violent and assaultive individual using other tactical options.

A less lethal sponge round is a mid-range tactical option that is beyond the range of a Taser. Taser provides a less lethal option out to 4.5m with OC Spray and baton being used at closer ranges. The 40mm sponge round can be used effectively against persons who are armed and violent out to and over 30m.

## How

- The only sponge round approved for use by New Zealand Police is the eXact iMpact XM1006 40mm sponge round.
- The XM1006 less lethal round is able to be fired from either the H&K 69A1 40mm Launcher or the B&T GL06 40mm Launcher, both are current weapons deployed by the Armed Offenders Squad and Special Tactics Group.
- Under no circumstances must the device be applied to an uncooperative but otherwise non-assaultive person to induce compliance.
- An overriding principle guiding the employment of XM1006 is that it can only be applied in situations within and beyond the assaultive range, as outlined in the [Tactical Options Framework](#).
- AOS/STG operators have a variety of tactical options available to them during callouts. The XM1006 round provides a mid-range less lethal option and supplements other options such as the use of dogs, OC Spray and TASER.
- No single less lethal option is always fully effective. These options when combined or used in a tiered response are more likely to be successful so when time and circumstances permit Police should

ensure all tactical options are available to them including lethal force.

# Overview

## Introduction

This chapter details:

- the devices approved for use by Police
- groups authorised to use the device
- in what circumstances they can be used
- under what conditions and rules, and
- what aftercare must be provided to the subject.

## Approved device

Currently the NZ Police use the eXact iMpact 40mm sponge round (XM1006) and Heckler & Koch69A1 40mm Launcher. However, these are being phased out of service in 2022 and will be replaced by the Brügger & Thomet (B&T) GL06 40mm Launcher.

Due to the time it will take to transition and embed the new rounds into service, there will be a period of time when the XM1006 round will remain operationally deployable with the B&T GL06 Launcher. Therefore during this transition period both launchers are authorised for operational deployment by NZ Police as detailed in this document.

Despite the change in launcher, the principles, tactical options guidelines and method of deployment remain unchanged.

The only sponge round approved for use by New Zealand Police is the eXact iMpact XM1006 40mm sponge round.

The projectile is made up of a high density sponge nose that is aerodynamic in flight. The nose provides the largest impact surface available from a standard bore munition assuring non penetrating impact. In addition, the nose acts as a dampening material which allows the XM1006 to be shot at extremely close range with no greater risk of injury to the subject. This is what an XM1006 round looks like:



eXact iMpact 40mm sponge round (XM1006)

## Application

The XM1006 less lethal round is designed for and can be fired from either the H&K 69A1 or the B&T GL06 40mm Launcher. Both are weapons deployed by the Armed Offenders Squad and Special Tactics Group.

## Effects

XM1006 is intended to incapacitate an assaultive non compliant person and will commonly cause bruising rather than significant or long lasting injury. There are no known long term after effects to exposure.

# Possession and legal implications

## Possession

Both the B&T GL06 and the H&K 69A1 40mm launchers are used to deploy the eXact iMpact 40mm Out of Scope Both are firearms as defined in the Arms Act 1983.

Police have a statutory authority to carry firearms and restricted weapons pursuant to section 3 of the Arms Act 1983. This power exempts Police from liability against prosecution and use of firearms provided such carriage and use is reasonable, necessary and proportionate.

## Use of firearms by Police (H&K 69A1 & B&T GL06 40mm)

Police employees must be aware of their personal responsibilities when using firearms regardless of whether a lethal or less lethal projectile is being deployed

Under section [62](#) of the Crimes Act 1961 an employee is criminally liable for any excess force used. An overriding requirement in law is that minimum force must be applied to effect the purpose.

Where practical, Police should not use a firearm unless it can be done without endangering other persons.

In addition to legal provisions, the deployment of the eXact iMpact 40mm less lethal sponge round must be in accordance with the Less Lethal 40mm eXact iMpact XM1006 Manual of Operating Procedures (MOPs), Tactical Options Framework and training.

When considering the use of an eXact iMpact 40mm less lethal sponge round you must have an honest belief that the subject by age size apparent physical ability threats made or a combination of these is capable of carrying out the threat posed (perceived cumulative assessment)

Purpose	<b>Police may use a less lethal munition to ...</b>
Defend themselves or others	defend yourself or others if you fear physical injury to yourself or others, and you cannot reasonably protect yourself or others less forcefully.
Arresting an offender	arrest an offender if you believe on reasonable grounds that the offender poses a threat of physical injury and the arrest cannot be effected less forcefully
Preventing escape	prevent the escape of an offender if you believe on reasonable grounds that the offender poses a threat of physical injury to any person, and the escape cannot be prevented less forcefully.
Resolve an incident	resolve an incident where a person is acting in a manner likely to physically injure themselves and the incident cannot be resolved less forcefully
Deter animal attacks	deter attacking animals to defend yourself or others.

## Conditions to be satisfied before firing

The XM1006 must not be deployed until **all** these conditions have been satisfied:

s.6(c) OIA

- [REDACTED]

[REDACTED]

## Legal implications (use of force)

The deployment of the XM1006 is a use of force and as such must be reasonable proportionate and necessary in the circumstances. The relevant sections of the Crimes Act 1961 relating to Police use of force are:

- s39 (force used in executing process or arrest)
- s40 (preventing escape or rescue)
- s41 (prevention of suicide in certain cases)
- s48 (self defence and defence of another)
- s62 (excess of force).

See: '[Use of force overview](#)' chapter.

## Accountability

Police employees are personally and criminally responsible, by virtue of section [62](#) of the Crimes Act 1961, for the use of any excess force during the course of their duties. They may also be subject to internal

disciplinary action for any excess use of force.

# Deployment of eXact iMpact XM1006

## Tactical Options Framework

The XM1006 is an intermediate option in relation to the [Tactical Options Framework](#). As such, the XM1006 is one of a number of tactical options available when your ‘perceived cumulative assessment’ (defined below) of a situation is that the subject’s behaviour is within or beyond the assaultive range or has the potential to escalate to within or beyond the assaultive range.

**Caution: Under no circumstances must the XM1006 be deployed on an uncooperative but otherwise non-assaultive person to induce compliance.**

## Definitions

In accordance with the Tactical Options Framework, this table defines terms that relate to XM1006 round.

Term	Definition
To prepare	'To prepare' means carriage.
To show	'To show' means deployment in the form of presentation of the loaded H&K 69A1 gas launcher.
To use	'To use' means deployment in the form of application through discharge.

**Important:** You must only deploy the XM1006 in accordance with:

- the Tactical Options Framework
- these instructions
- approved training.

## General guidelines

These principles underpin the use of less lethal eXact iMpact rounds:

- The safety of the public and Police is paramount.
- eXact iMpact munitions should only be used by qualified operators.
- XM1006 rounds are designed to be used from §.6(c) OIA
- §.6(c) OIA
- These munitions can only be delivered with the H&K 69A1 or B&T GL06 40mm launchers.
- Correct ammunition selection is critical, and operators must ensure only XM1006 rounds are used

against persons.

**Note:** Out of Scope



XM1006 Out of Scope

- Operators must be aware that there are variances in point of aim between gas deployment and XM1006 rounds.
- The location of the offender should be carefully considered before deployment of the XM1006, taking into account where the offender may fall if knocked over by the round. Consider any risk to their safety.
- The Tactical Options Framework must be applied to all incidents and operations.
- Any use of force must be reasonable, proportionate, and necessary. In determining the extent of the threat members should be guided by the principles of **TENR** and consider intent, capability, opportunity and the physical environment.
- AOS/STG operators have a variety of tactical options available to them during callouts. The XM1006 round provides a mid-range less lethal option and supplements other options such as the use of dogs, OC Spray and TASER.
- No single less lethal option is always fully effective. These options when combined or used in a tiered response are more likely to be successful so when time and circumstances permit members should ensure all tactical options are available to them including lethal force.
- The actions and behaviour of the offender may dictate that this less lethal option is not appropriate and there is a need to escalate the response to a higher tactical option.

# Restrictions on deploying XM1006

**Caution:** under no circumstances must the device be applied to an uncooperative but otherwise non-assaultive person to induce compliance.

## Passive resistance

Always deploy the XM1006 in a manner consistent with the [Tactical Options Framework](#) and **never** against people offering only passive resistance.

## Demonstrations

The XM1006 must **not** be carried by constables rostered for duty at demonstrations unless authorised by AOS/STG Commanders.

## Crowd situations

s.6(d) OIA



## Pregnant females

Except as a last resort, you must **not** use a XM1006 on females who are known to be, or believed to be, pregnant.

# Target zones

## General Warning

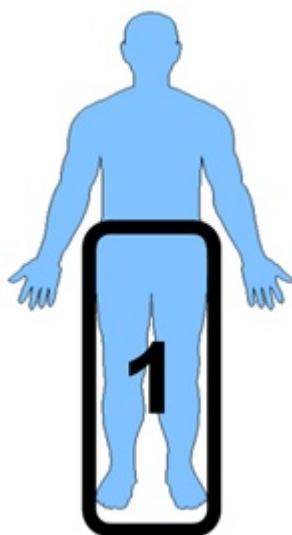
When challenging the subject, they should be advised that they may be shot with a sponge round and that it will hurt.

This warning will be relative to the circumstances and should be delivered unless impractical or unsafe in the circumstances.

## Zone 1 is safest and preferred target area

Operators using XM1006 rounds must balance the need for immediate incapacitation with the potential for causing injury.

The target zone selection is critically important when using XM1006 rounds because in stressful situations operators may focus on the centre of mass due to prior firearms training. The large muscle groups of the buttocks, thigh and calf in Zone 1 are the safest target areas for this munition and should be considered first (see diagram below). Due to the absence of vital organs in Zone 1, the likely injuries are bruising and abrasions.

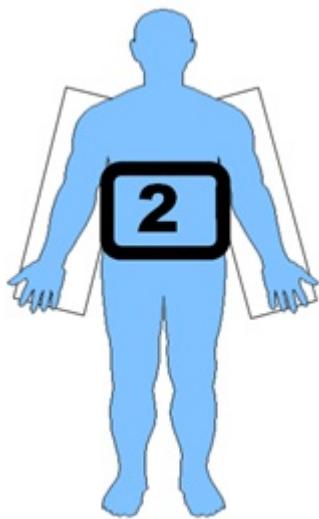


Zone 1 is a difficult target zone. However, it is an acceptable compromise between minimising injury and maximising accuracy. It needs to be acknowledged that using XM1006 rounds regardless of whether it hits the offender or not may be sufficient to get compliance. As it is a less lethal option the circumstances will generally allow for another use or other options.

**Note:** The groin area should not be intentionally targeted and the selection of Zone 1 as the preferred target area for the eXact iMpact round does **not** in any way imply that this zone should be used for other firearms ammunition.

If Zone 1 cannot be targeted, the muscle groups in Zone 2 are the next option as outlined below.

## Zone 2



Zone 2 includes muscle groups in the abdominal area including the lower part of the centre of mass and the shoulders and arms.

### Abdominal area

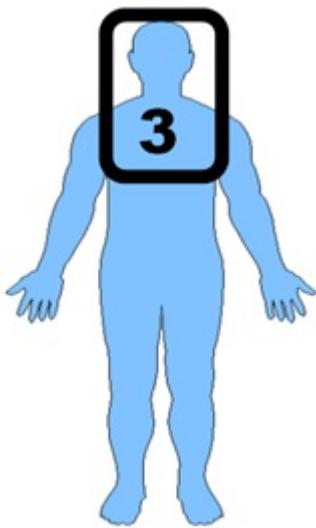
Shots to the lower part of the centre of mass have the highest chance of causing immediate incapacitation but can cause serious injury or death and so should not be targeted unless unavoidable. Most of this area lacks the muscle density found in Zone 1 which tends to minimise injury because muscle density absorbs much of the kinetic energy. The lack of density in this area results in the impact energy being transferred more easily into the body thus increasing painful stimuli as well as the potential for injury.

### Shoulders and arms

This is primarily a skeletal area. Targeting should be avoided because the mobility of the arms makes it more difficult to hit and may result in an unintentional strike to another zone.

In addition to bruising and abrasions, a strike in Zone 2 may result in laceration or fracture.

## Zone 3



Zone 3 includes the head, neck, spinal cord, kidney area and the upper part of the centre of mass which carries the greatest potential for serious or fatal injury and must not be targeted unless there is a need to escalate the response to a higher tactical option.

# Post incident procedures

## Operator actions

Whenever a XM1006 round is used against a person the operator must follow these steps.

Step	Action
1	<p>Arrest or ensure the safe custody of the person if circumstances allow.</p> <p>Rights caution should be delivered to the subject immediately following arrest and repeated once the subject has recovered from the effects of the sponge round.</p>
2	<p>Once the suspect has been arrested or detained and controlled. When it is safe to do so, first aid should be performed where appropriate, as per your training.</p> <p>Look for injuries and assess and deal with them appropriately.</p> <p><b>Caution:</b> Seek immediate medical assistance if the subject's safety appears to be at risk at any stage.</p> <p>Ensure that the suspect is provided with an appropriate level of aftercare and is constantly monitored by a qualified AOS/STG medic, until examined by a registered Medical Practitioner.</p>
3	Whenever an eXact iMPact 40mm less lethal sponge round is deployed at another person you must ensure your supervisor is notified as soon as possible.
4	If it is necessary to hand the suspect over to a non AOS/STG member (e.g. enquiry officer) it is the operator's responsibility to ensure that the officer now responsible is fully briefed on the circumstances to ensure appropriate after care is provided and that the offender is seen by a doctor.

## Supervisor's actions

When notified of an operational deployment of the XM1006 round, the AOS/STG supervisor or team leader must follow these steps once the area is safe and secure.

Step	Action
1	Attend the scene as soon as possible and ensure proper aftercare and any appropriate medical attention has been provided. The responsibility of post incident supervisor may be handed to another supervisor, AOS/STG or non AOS/STG, if circumstances dictate. In these circumstances the sergeant / senior sergeant now responsible must be fully briefed and the handover formally noted.
2	If serious bodily harm or death is caused, follow procedures outlined in the ' <a href="#">Investigation of Critical Incidents</a> ' chapter of the Police Manual.
3	Preserve and photograph the scene when it is believed that this may be necessary or relevant for subsequent enquiries.
4	Determine whether the use of the XM1006 round was in accordance with this chapter and the 'XM1006 Manual of Operating Procedures'.
5	Ensure that the operator completes a Tactical Options Report.
6	Ensure the AOS callout report is linked to the TOR report.

## Medical after-care and reporting

[Operator actions](#), step 2 above refers.

Medical attention must be provided immediately if:

- the subject asks for medical attention
- in your opinion, the subject appears to be suffering from a medical condition pre-existing or otherwise (e.g. exhibiting symptoms associated with excited delirium, or symptoms associated with a mental health issue).

A medical report (eXact iMpact XM1006 Medical Examination) and photos of the injuries must be obtained and copies forwarded to the STG National Training and Development Officer, PNHQ.

## Monitoring whilst in Police custody

Where a person is detained in custody after being shot with XM1006 the arresting officer must endorse the charge sheet to indicate that the prisoner must be:

- subject to a Health and Safety Management Plan for a Person in Custody (POL705)
- constantly monitored until examined by a Registered Medical Doctor
- monitored according to the Registered Medical Doctor's advice.

## Notification to Independent Police Complaints Authority

Consideration must be given to notifying the IPCA pursuant to section [13](#) of the Independent Police Conduct Act 1988.

## Reporting and investigating unintentional discharges of firearms

See the Police Manual chapter '[Police firearms](#)' (Reporting and investigating unintentional discharge of firearm).

## Tactical Options Report and AOS Deployment Report

A tactical options report must be completed by the Operator before they finish duty in all cases where the XM1006 round has been used

(See '[Reporting use of force/tactical options use](#)' in the 'Use of force overview' chapter)

## Privacy Act and Official Information Act requests

If a request is made for exact impact data under the Privacy Act 2020 or Official Information Act, forward the request to the Commander National Tactical Groups PNHQ to action.

## Death or serious injury

If death or serious injury occurs following the use of XM1006, an investigation must be commenced in compliance with the '[Investigation of Critical Incidents](#)' chapter.

In the case of a death after the deployment of the XM1006 the investigation must include a forensic pathologist capable of carrying out a post mortem according to the latest edition of the Complex Cases Section of the Code of Practice and Performance Standards for Forensic and Coronial Pathologists

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IR-01-22-10391

21 June 2022

[REDACTED]

Tēnā koe [REDACTED]

***Request for information***

Thank you for your request of 11 April 2022, in which you requested the following:

*In respect of actions against protesters outside Parliament on 10 February 2022 and 2 March 2022:*

1. *How many officers were involved on each date; ii) uniformed, ii) undercover*
2. *How many were Wellington-based and how many were from outside the Wellington region.*
3. *In which hotels or other establishments were those from outside the Wellington region accommodated.*
4. *What bonuses and allowances were offered and paid to officers who participated.*
5. *What non-standard equipment and weapons were issued, and how many of each type*
6. *How many of the officers had received training in the use of these items of equipment and weapons.*
7. *What, if any, rules of engagement with protesters were given to both undercover and uniformed officers.*
8. *How many helicopters were used to track protesters on 2 March and subsequent days, and how many hours were flown by them.*

*In respect of semi-automatic firearms made illegal by the government in 2019:*

9. *How many such guns were used in crimes committed in each of the three calendar years 2016, 2017, 2018*
10. *How many were injured or killed in crimes where such guns were discharged*
11. *The same information in [9] and [10] in respect of the calendar years 2019, 2020, 2021, excluding the incidents at two Christchurch mosques on 15 March 2019.*

Your request has been considered in accordance with the Official Information Act 1982 (OIA), and I can now provide the following response.

As you may be aware, the Independent Police Conduct Authority (IPCA) has commenced an independent investigation and review (Review) of the policing of the occupation on and around Parliament grounds in Wellington during February and March 2022 (Protest).

Details of the scope of the Review are available on the IPCA's website<sup>1</sup> and you will note this scope includes Police planning and preparation of its response to the Protest. This includes staff selection, training, operational guidance, equipment, and technology provided to officers who policed the Protest.

<sup>1</sup> <https://www.ipca.govt.nz/Site/publications-and-media/2022-media-releases/2022-mar-24-investigation-review-occupation-parliament.aspx>

**Police National Headquarters**

180 Molesworth Street, PO Box 3017, Wellington 6140, New Zealand  
Telephone: 04 474 9499. [www.police.govt.nz](http://www.police.govt.nz)

Whilst this Review is underway, information relating to the issues under investigation and review is expected to be the subject of examination by the IPCA under its powers of investigation under the IPCA Act 1988. With this Review commenced, there is a strong public interest in allowing these matters to be considered in the round by the IPCA.

We consider that the following information requested tends to go to the heart of the matters that are under investigation and review by the IPCA:

*7. What, if any, rules of engagement with protesters were given to both undercover and uniformed officers.*

Where such information is available, it is withheld in reliance upon section 9(2)(ba)(ii) of the OIA. It is in the public interest for the Review to be completed without earlier predetermination of the matters it is considering.

However, please note there were no undercover officers involved in the Police response to the Protest.

The IPCA anticipates the Review will be completed and reported on by 31 March 2023. Police recognises the importance of transparency in these matters and looks forward to the release of the IPCA's report, at which time more detailed information regarding the Police response to the Protest is likely to be publicly available.

We consider the following information requested can be made available and is released as indicated following:

- 1. How many officers were involved on each date; ii) uniformed, ii) undercover*
- 2. How many were Wellington-based and how many were from outside the Wellington region.*

As noted above, Police did not use any undercover officers to respond to the Protest.

Approximately 155 officers were deployed to Parliament or the surrounding area on 10 February 2022. Approximately 50 of these officers were deployed from within the Wellington District, with the remaining 105 deployed from outside of Wellington.

Approximately 620 officers were deployed to Parliament or the surrounding area on 2 March 2022. Approximately 60 of these officers were deployed from within the Wellington District, with the remaining 560 deployed from outside of Wellington.

*3. In which hotels or other establishments were those from outside the Wellington region accommodated.*

Police staff used the following venues for accommodation:

- James Cook Hotel
- Palms Nelson
- Quest Wellington
- Rydges Wellington
- IBIS
- Novotel
- Bolton
- Quest
- Inter-continental

*4. What bonuses and allowances were offered and paid to officers who participated.*

Police staff are not entitled to bonuses. Allowances that were paid were in accordance with the officers' existing employment contracts, for example meal and incidental allowances.

*5. What non-standard equipment and weapons were issued, and how many of each type*

*6. How many of the officers had received training in the use of these items of equipment and weapons.*

Police does not issue "non-standard" equipment or weapons; officers are provided with standardised equipment, with the equipment issued varying depending on the requirements of the situation and the capabilities of the unit being deployed.

Officers receive equipment training prior to being deployed with that equipment.

*8. How many helicopters were used to track protesters on 2 March and subsequent days, and how many hours were flown by them.*

One Police helicopter was used to support the Police operation on 2 March for a total of 12.6 flight hours. This was not specifically used to track protestors, but to provide broader visibility of the Protest for Police staff and respond to any requests from Police commanders.

*In respect of semi-automatic firearms made illegal by the government in 2019:*

*9. How many such guns were used in crimes committed in each of the three calendar years 2016, 2017, 2018*

*10. How many were injured or killed in crimes where such guns were discharged*

*11. The same information in [9] and [10] in respect of the calendar years 2019, 2020, 2021, excluding the incidents at two Christchurch mosques on 15 March 2019.*

Police does not record the number of firearms used in an offence in structured fields, but rather number of occurrences where a firearm was used. Outlined below are the number of occurrences where a military-style semi-automatic firearm (MSSA) was recorded as being used. This data is drawn from a dynamic operational database and is subject to change as new information is recorded or updated. This excludes the Christchurch Mosque occurrences as you requested.

The Police system to record the type of firearm used in an offence employing structured fields enabling the ready identification of the type of firearm (for example, rifle or shotgun) was introduced in 2017. Identifying the type of firearms used and the number of occurrences prior to 2017 would require a manual review of each individual case. Your requests as they relate to 2016 are therefore refused under section 18(f) of the OIA as the information cannot be made available without substantial collation and research.

Occurrence Year	Occurrences involving MSSAs
2017	34
2018	45
2019	69
2020	67
2021	65

When a person is shot with a firearm and dies, Police can record this as several offence codes, such as murder, manslaughter, and infanticide, all under sections of the Crimes Act 1962. Additionally, s53(1) of the Arms Act 1983 provides for offences where accidental discharge of a firearm causes death or injury, and homicide is not applicable.

Police records information on injury sustained in offences, such as none, minor, or serious. The computer field to collect this information has been available since 2017.

Between 1 January 2017 and 31 December 2021, there were 20 people recorded as victims of offences where the victims were injured, or the offence was injury, murder or manslaughter, and an MSSA was recorded as being used. This excludes the Christchurch Mosque victims as you requested.

Occurrence Year	Victims recorded as injured or killed with MSSAs
2017	2
2018	1
2019	7
2020	6
2021	4

Police does not hold information about causes of death where there is no offence, such as suicide or accidental self-inflicted gunshot wound; however, Ministry of Health holds information on cause of death from coronial investigations<sup>[1]</sup>, and publishes data on suicide deaths<sup>[2]</sup>.

Please note that as part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Nāku noa, nā



David Greig  
Superintendent  
New Zealand Police

[1] <https://www.health.govt.nz/nz-health-statistics/national-collections-and-surveys/collections/mortality-collection>

[2] <https://www.health.govt.nz/publication/suicide-facts-data-tables-19962016>

IR-01-22-16188

17 June 2022

[REDACTED]

Tēnā koe [REDACTED]

***Request for information***

Thank you for your request of 2 June 2022, in which you requested the following:

*Can I submit a follow up request for target assessment and impact reports for all 104 shots fired.*

Your request has been considered in accordance with the Official Information Act 1982 (OIA), and I can now provide the following response.

As previously advised, the Independent Police Conduct Authority (IPCA) has commenced an independent investigation and review (Review) of the policing of the occupation on and around Parliament grounds in Wellington during February and March 2022 (Protest).

Details of the scope of the Review are available on the IPCA's website<sup>1</sup> and you will note this scope includes equipment, decision-making processes, and operational execution (including tactics used and timeliness of tactics). It also includes the powers used, and the tactical exercise of those powers.

Whilst this Review is underway, information relating to the issues under investigation and review is expected to be the subject of examination by the IPCA under its powers of investigation under the IPCA Act 1988. With this Review commenced, there is a strong public interest in allowing these matters to be considered in the round by the IPCA.

We consider that the information requested tends to go to the heart of the matters that are under investigation and review by the IPCA. Where such information is available, it is withheld in reliance upon section 9(2)(ba)(ii) of the OIA. It is in the public interest for the Review to be completed without earlier predetermination of the matters it is considering.

However, as previously advised, prior to deploying any tactical option Police staff use the threat assessment methodology TENR (Threat, Exposure, Necessity, Response). TENR is a decision-making process which is used to support a timely and accurate assessment for the safety of police and others. The Police response to any given situation must be considered, timely, proportionate, and appropriate.

Please also note that Police do not prepare documents called 'target assessment and impact reports' when sponge rounds are used. Instead, where a sponge round is used, Police officers must report that use of force in a Tactical Options Report (TOR).

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<sup>1</sup> <https://www.ipca.govt.nz/Site/publications-and-media/2022-media-releases/2022-mar-24-investigation-review-occupation-parliament.aspx>

A TOR includes information on the use of force including the background and context, the reporting officer's ongoing TENR assessment, the tactical option used, the legal justification, and any outcomes. TORs are then reviewed by supervisors and uploaded into a national Police database.

The IPCA anticipates the Review will be completed and reported on by 31 March 2023. Police recognises the importance of transparency in these matters and looks forward to the release of the IPCA's report, at which time more detailed information regarding the Police response to the Protest is likely to be publicly available.

Please note that as part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

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Nāku noa, nā



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