



# **Australian Federal Police – ACT Policing**

**ROLL OUT OF TASERS TO ACT POLICING GENERAL  
DUTIES SERGEANTS**

Report by the Commonwealth Ombudsman,  
Mr Colin Neave, under the *Ombudsman Act 1976*

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## PART 1—BACKGROUND

1.1 In 2011, the Australian Federal Police (AFP) endorsed the provision of 15 electrical incapacitant devices (EIDs), also known as ‘conducted energy weapons’ (CEWs) or ‘Tasers’, to ACT Policing (ACTP) substantive general duties (‘front line’) sergeants for use in serious situations. The Taser represented an alternative use of force (UoF) option for ACTP in serious situations.

1.2 Use of force in the AFP is governed by the *AFP Commissioner’s Order on Use of Force* (CO3), the purpose of which is to ‘ensure the AFP operates to de-escalate potential conflict situations within the use of force continuum’ (CO3, s 1.1(2)). In addition, CO3 states that the ‘AFP stresses the use of minimum force and maintains the preference at all times to resolve incidents without force’.

1.3 Our office maintains an interest in all UoF options available to AFP members and their use, with a view to determining whether the force used by AFP members in particular instances was in accordance with CO3. Accordingly, we requested that AFP Professional Standards (PRS) provide our office with a copy of the UoF report for each incident involving the use of a Taser by ACTP sergeants.

1.4 This report does not cover all incidents where Tasers were used by ACTP officers. Indeed, Tasers have been carried and used by ACTP Specialist Response Teams (SRS teams) since 2004. However, this report focuses specifically on incidents where an SRS team was not present. This allows us to examine the circumstances in which Tasers have been used and reported on by ACTP general duties sergeants during the roll out.

1.5 PRS provided our office with 31 UoF reports for incidents involving Taser use by ACTP sergeants between 1 August 2011 and 30 March 2012.

1.6 In this report, we have focussed on the following:

- the rank of the ACTP officers using the Tasers
- employment of negotiation/de-escalation techniques
- what consideration was given to other UoF options
- type of Taser use and effectiveness
- incident type and whether subjects were armed
- incidents involving subjects displaying mental health issues.

1.7 This report considers only the UoF reports provided by PRS. No interviews were conducted with ACTP officers.

1.8 The purpose of the report is not to comment on the appropriateness or otherwise of the Taser deployments, but rather to put information into the public domain about the circumstances in which this UoF option has been used in the ACT community and the manner in which the ACTP reports these circumstances.

## **PART 2—ANALYSIS OF USE OF FORCE REPORTS**

### ***Rank of ACTP officers using Tasers***

2.1 In August 2011, the AFP approved the issue of Tasers to substantive general duties ‘frontline’ sergeants within ACTP as an alternative use of force option for serious situations.

2.2 Of the 31 UoF reports we viewed, all indicated that the ACTP officers using the Taser held the rank of sergeant. This is in accordance with information the AFP provided to the public at the commencement of the rollout.

2.3 During the period reviewed, there were three incidents during which a Taser was discharged by an ACTP sergeant. These incidents are discussed later in this report.

### ***Negotiation/de-escalation techniques employed during incident***

2.4 Section 2.1(1) of the *AFP Commissioner’s Order on the Use of Force (CO3)*, states that:

‘...the principles of negotiation and conflict de-escalation are always emphasised as alternatives to the use of physical force as the safety of AFP employees and members of the public is of paramount importance’.

2.5 We acknowledge that many of the incidents ACTP deal with involve subjects who may be viewed as a threat to themselves, the public or ACTP officers and who may be armed. However, we also note that effective communication skills can sometimes be the difference between an incident ending in injury to the subject or police and the incident ending relatively peacefully.

2.6 Of the 31 UoF reports viewed, 27 indicated that ACTP officers formed the view that the subject posed a threat to themselves, the public or police. Of these 27 UoF reports, 13 indicated that the subject was armed during the incident.

2.7 Table 1 overleaf, summarises the types and number of incidents detailed in the UoF reports and whether ACTP employed negotiation/de-escalation techniques during the incident. In assessing whether negotiation/de-escalation techniques were employed, we looked at whether UoF report indicated that a negotiation team was called in for assistance or whether ACTP officers engaged in communication with the subject beyond issuing a lawful direction.

2.8 The UoF reports clearly indicated that ACTP officers employed negotiation/de-escalation techniques during 15 of the 31 incidents reported.

2.9 In four of the incidents, we considered that negotiation/de-escalation techniques were not necessary, so we classified these incidents as ‘not applicable’. For example, one UoF report indicated that the Taser was used against an animal. Two incidents involved compliant subjects where negotiation/de-escalation techniques were not required, while another involved an ACTP sergeant believing he saw a person of interest and had drawn his Taser while clearing the area of concern. The sergeant did not aim the Taser at an individual.

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<b>Table 1: UoF report indicates that ACTP employed negotiation/de-escalation techniques</b>		
<b>Negotiation/de-escalation techniques employed</b>	<b>UoF incident type</b>	<b>No. of incidents</b>
<b>Yes</b>	Arrest - Other than street	4
	Assault - Involving Police	1
	Domestic Dispute	2
	Other	2
	Prevent Self-Harm	3
	Public Disturbance	2
	Siege	1
<b>Yes total</b>		<b>15</b>
<b>No</b>	Arrest - Other than street	1
	Arrest - Street	3
	Assault - Involving Police	1
	Domestic Dispute	1
	Other	1
	Prevent Self-Harm	2
	Public Disturbance	2
	Vehicle Intercept	1
<b>No total</b>		<b>12</b>
<b>NA</b>	Animal - Deter	1
	Arrest - Other than street	1
	Domestic Dispute	1
	Other	1
<b>NA total</b>		<b>4</b>
<b>Total</b>		<b>31</b>

2.10 Twelve of the 31 UoF reports did not clearly indicate that negotiation/de-escalation techniques were employed during the incident. In some of these cases, this does not appear unreasonable given the speed at which these incidents escalated. For example, in one incident two subjects were involved in a physical altercation on the street. ACTP officers attempted to intervene to separate the subjects, and the Taser was drawn and aimed in case the matter escalated further. In another incident ACTP officers entered a residence to find a subject attempting self-harm and his friend trying to stop him. The ACTP sergeant briefly aimed a Taser at the men, who then raised their hands without further incident.

2.11 In other UoF reports it was not apparent that negotiation/de-escalation were employed. We acknowledge that the ACTP officers involved in the incidents may have omitted to include details in their UoF reports of the negotiation/de-escalation techniques they employed.

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2.12 For example, in one case, ACTP received a complaint about a group of intoxicated persons. ACTP officers directed the group to move on, and the majority were compliant. However, the subject produced a length of metal pole from his bag. The UoF report indicates that an ACTP sergeant directed the subject to put the pole in his bag, which the subject refused to do. The ACTP sergeant had within his possession an Oleoresin Capsicum foam canister (OC canister). However, he did not deploy or direct the OC canister at the subject. The subject then handed the pole to a friend, and the group moved on.

2.13 ACTP officers later encountered the group again, and again directed the subject to put the pole in his bag, which he refused to do. At this time, the ACTP sergeant drew his Taser so that the subject could see it, but did not aim it at the subject. Again, the ACTP sergeant directed the subject to put the pole in his bag. On this occasion, the subject complied.

2.14 The UoF report for this incident did not indicate that the ACTP sergeant entered into additional communication with the subject beyond issuing the lawful order, prior to drawing the Taser.

2.15 In our report to the Commonwealth Parliament on the Ombudsman's activities under Part V of the *Australian Federal Police Act 1979* for the period July 2009 – June 2010, we recommended the AFP amend its UoF reports to include a section requiring AFP members to set out details of their attempts to negotiate and de-escalate the situation, or why it was not appropriate in the circumstances.

2.16 While the AFP accepted this recommendation in principle, it stated that it would not be possible to amend the UoF report format due to the time and cost associated with amending the PRS PROMIS systems. However, the AFP stated that it would continue to emphasise the importance of negotiation and de-escalation techniques during the UoF training for AFP members.

### ***Consideration given to other UoF options***

2.17 Section 2.1(7) of CO3 requires AFP members to draw on '...the range of use of force and negotiation options as well as the decision making skills developed through AFP training'. We were interested in how ACTP officers recorded what consideration they gave, if any, to other UoF options during the incidents reviewed.

2.18 Of the 31 UoF reports considered, 16 clearly indicated that consideration had been given to other UoF options. We note that UoF reports are required to 'set out full details of the force used and circumstances in which that force was applied' (CO3, s 2.2(1)). We acknowledge that the decision as to the appropriate UoF option is often made under stressful conditions. However, as it is a requirement that AFP members consider UoF options, it is our view that it would be appropriate that this consideration be officially recorded.

### ***Type of Taser use and effectiveness***

2.19 CO3 defines 'use' of Tasers as including drawing, aiming or discharging the device. Table 2 overleaf, details the different types of Taser use by ACTP. There were three incidents where a Taser was discharged, 12 where a Taser was drawn and 16 where a Taser was aimed at a subject (but not discharged).

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<b>Table 2: Type of Taser use by ACTP</b>	
<b>Type of Taser use</b>	<b>No. of incidents</b>
Discharge	3
Drawing	12
Drawing & Aiming	16
<b>Total</b>	<b>31</b>

2.20 The UoF reports indicate that in the three incidents where a Taser was discharged, the ACTP sergeant issued a verbal warning to the subject prior to discharging the device.

2.21 In each of the three incidents, a single charge was fired at the subject and the duration of the charge was a full, five second burst. In all incidents, the use of the Taser was effective in that the subject ceased the behaviour that led the ACTP sergeant to discharge the Taser in the first instance.

2.22 In one incident where the Taser was discharged, the subject required hospital treatment to remove the Taser barbs. In the two other incidents, ACTP officers removed the Taser barbs at the scene of the incident.

***Incident type and whether subject was armed***

2.23 Table 3 overleaf details the incident types where Tasers have been used, and whether or not the subject was armed during the incident. In 14 incidents, the subject was armed and in 17 incidents, the subject was unarmed.

2.24 Of the three incidents where a Taser was discharged, one involved a subject who was armed with a knife and running toward ACTP officers. The second incident involved the Taser being discharged after the subject had allegedly assaulted an ACTP officer. In the third incident, the subject was unarmed, but he was running toward the ACTP sergeant in a threatening manner when the Taser was discharged. A subsequent search of the subject's bag revealed he was in possession of a folding knife.

2.25 An example of where a Taser was used where the subject was unarmed is the incident where ACTP received a call from a woman stating that her husband had a knife and was threatening to kill her and her children. ACTP officers entered the house in order to search for the subject. An ACTP sergeant had his Taser drawn while searching the house. ACTP officers found the subject in bed and unarmed and he complied with ACTP directions.

2.26 Another example of an incident where the subject was not armed but a Taser was used included where two men were wrestling on a city street. The ACTP sergeant attempted to negotiate with the men to calm them down. This did not work, so the ACTP sergeant unclipped the Taser and warned that if they did not move on they may be 'Tasered'. The men moved on.

2.27 Another incident involved ACTP being called to attend a disturbance at Canberra Hospital where the subject had assaulted his father who was in a coma in the intensive care unit. The report stated that ACTP officers located the subject walking toward the emergency department, and attempted to engage with the subject but were not successful. The ACTP sergeant initially deployed an OC canister on the

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subject but this was not effective. The sergeant then aimed a Taser at the subject and directed the subject to stop. The subject complied with the direction.

<b>Table 3: Subject armed during incident involving Taser use</b>			
<b>Subject armed</b>	<b>UoF incident type</b>	<b>No. of incidents</b>	
<b>Yes - striking weapon</b>	Assault - Involving Police	1	
	Public Disturbance	1	
<b>Yes - striking weapon total</b>		<b>2</b>	
<b>Yes - other</b>	Public Disturbance	1	
<b>Yes - other total</b>		<b>1</b>	
<b>Yes - knife/sword/edged weapon</b>	Arrest - Other than street	2	
	Domestic Dispute	1	
	Other	1	
	Prevent Self-Harm	5	
	Public Disturbance	1	
	Siege	1	
	<b>Yes - knife/sword/edged weapon total</b>		<b>11</b>
<b>No</b>	Animal - Deter	1	
	Arrest - Other than street	4	
	Arrest - Street	3	
	Assault - Involving Police	1	
	Domestic Dispute	3	
	Other	3	
	Public Disturbance	1	
	Vehicle Intercept	1	
	<b>No total</b>		<b>17</b>
	<b>Total</b>		<b>31</b>

2.28 A further incident of Taser use occurred after a police pursuit ended. The ACTP officer opened the passenger door of the subject's vehicle and ordered him to remain where he was. The subject attempted to exit the vehicle, and then reached toward a bag he had on the back seat of the car. The UoF report indicates that the ACTP officer had formed the view that the subject was attempting to arm himself. The ACTP officer ordered the subject to drop his bag or he would be 'Tasered' and also ordered him to remain seated in the vehicle. The subject then exited the vehicle and ran toward the ACTP officer who discharged the Taser. A search of the bag revealed that the subject had a knife in his possession.

***Taser use and subject mental health issues***

2.29 Table 4 overleaf, indicates that 12 of the UoF reports indicated that the subject displayed mental health issues and in seven of those incidents, the subject was armed. The UoF reports indicate that ACTP officers employed negotiation/de-escalation techniques in seven of the 12 incidents where the subjects displayed mental health issues.

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<b>Table 4: Subject displayed mental health issues and was armed</b>		
<b>Mental health issues raised</b>	<b>Subject armed</b>	<b>No. of incidents</b>
<b>Yes</b>	No	5
	Yes - knife/sword/edged weapon	7
<b>Total</b>		<b>12</b>

2.30 Of the incidents where the subject displayed mental health issues, a Taser was drawn in five of the incidents. In the remaining seven incidents, a Taser was aimed at the subject.

2.31 An example of where a Taser was used where the subject displayed mental health issues but was not armed, involved a subject who had self-harmed by stabbing himself in the abdomen. The knife was still lodged in the subject's abdomen when ACTP arrived. During negotiations, the subject became aggressive, and given his history of violence, an ACTP officer drew his Taser in case the situation escalated. However, the report indicates that the ACTP officer kept the Taser out of view of the subject so as not to inflame the situation.

2.32 In another incident, the subject had experienced a psychotic episode and was reported to be self-harming and throwing furniture and other objects around his house. ACTP officers entered the house to locate him. During the search of the subject's home, an ACTP sergeant had his Taser drawn. ACTP officers located the subject in the bathroom as he was getting into the bath. The subject had a number of superficial cuts on his forearms. The subject did not respond when ACTP officers spoke to him. The ACTP sergeant holstered the Taser as the situation was under control. ACTP officers attempted to speak with the subject again but he did not respond. ACTP officers then removed the subject from the bath, bandaged his wounds and wrapped him in towels to keep him warm while waiting for the ambulance to arrive.

## **PART 3—CONCLUSION**

3.1 Overall, the UoF reports viewed were comprehensive. In the majority of cases where it was relevant, detail was provided about whether or not the ACTP members employed negotiation or de-escalation techniques. In a number of cases, details were also provided about what other UoF options were considered. We encourage the ACTP members to include this information as a matter of course in future reports.