

2 June 2022

[REDACTED]

Dear [REDACTED]

Request for information

Thank you for your request of 4 March 2022, in which you requested the following:

On the 2nd March sponge bullets were fired by police officers.

- 1. Can you please provide badge numbers of officers discharging rounds and quantity of rounds discharged by each officer.*
- 2. Can you also provide a copy of the policy (or procedure or similar) for the use of sponge bullets.*

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 website¹ and you will note this scope includes operational execution, equipment, and tactics used.

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:

- 1. Can you please provide badge numbers of officers discharging rounds and quantity of rounds discharged by each officer.*

The badge numbers of officers who discharged sponge rounds at the Protest on 2 March are withheld under section 9(2)(g)(ii) of the OIA, to protect those officers from improper pressure or harassment.

Nine officers discharged a total of 104 sponge rounds on 2 March.

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

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.

Further information on the use of sponge rounds on that day 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.

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

Please see below the answer to your second question:

2. Can you also provide a copy of the policy (or procedure or similar) for the use of sponge 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:

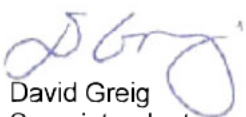
- section 6(c) – release would be likely to prejudice the maintenance of the law
- section 6(d) – release would be likely to endanger the safety of any person.

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 likely 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.

Nāku noa, nā



David Greig
Superintendent
New Zealand Police

The Police Instruction chapter *eXact Impact XM1006* that was originally released with this response has been superseded by a new publicly available version of the same document with fewer redactions. You can access that document here:

<https://www.police.govt.nz/sites/default/files/publications/exact-impact-xm1006-redacted-160223.pdf>

IR-01-22-4550, IR-01-22-4961 and IR-01-22-5028

20 May 2022

[REDACTED]

Dear [REDACTED]

Request for information

Thank you for your requests of 11 February 2022 and 22 February 2022, in which you requested the following:

11 February 2022 –

Meanwhile please could you urgently provide copies of all police strategies, briefing notes, draft and final emails, minutes and other meeting notes and any other information to explain how the NZ police came to engage in such a shameful display yesterday against the public of New Zealand. Please include in this request:

- A) copies of all communications with Trevor Mallard and any of his advisors and assistants and with any other MP and their advisors or assistants*
- B) any police policies, protocols etc for public protests including how to protect minors*
- C) any police policies or advice on the NZ Bill of Rights Act and how to protect fundamental rights and freedoms*
- D) information about the chain of command yesterday*
- E) notes from any debriefing yesterday*
- F) any health and safety plan*
- H) All draft and final police briefing notes for the Prime Minister, Cabinet, Parliamentary Speaker or other elected or paid public representatives and / or for the media and/ or to the Police Complaints Authority.*

22 February 2022 [IR-01-22-4961] –

I request copies of all relevant documentation including all verbal, written and electronic communications with the Prime Minister, Grant Robertson, the Attorney General and any other representative from Crown law, Minister of Police, the DPMC and all instructions you have given to any or all police involved in this matter

22 February 2022 [IR-01-22-5028] –

- 1. a copy of the police strategy [on 22 February], and any policy and protocols for addressing and preventing police violence.*
- 2. Please also advise why NZ police officers do not wear body cameras for these aggressive activities.*
- 3. Please provide a police reference number by reply, and advise of action taken to prevent any further police violence against the public.*

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

Your request for “all police strategies, briefing notes, draft and final emails, minutes and other meeting notes and any other information” and “all relevant documentation including all verbal,

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written and electronic communications” to “any or all police involved” could not be met without substantial collation or research and is refused in accordance with s 18(f) of the OIA. We invite you to refine your requests.

However, please note that 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 website¹ and you will note this scope includes Police engagement at local and national government levels, police planning and preparation, Police command and control, and operational execution.

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

We have also considered the specific information you have itemised in your 11 February 2022 request and your second 22 February 2022 request [IR-01-22-5028] and respond as set out below.

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:

- A) copies of all communications with Trevor Mallard and any of his advisors and assistants and with any other MP and their advisors or assistants*
- D) information about the chain of command yesterday*
- E) notes from any debriefing yesterday*
- F) any health and safety plan*
- H) All draft and final police briefing notes for the Prime Minister, Cabinet, Parliamentary Speaker or other elected or paid public representatives and / or for the media and/ or to the Police Complaints Authority.*

a copy of the police strategy [on 22 February]

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.

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

- B) any police policies, protocols etc for public protests including how to protect minors*
- C) any police policies or advice on the NZ Bill of Rights Act and how to protect fundamental rights and freedoms*

We have enclosed copies of the following Police Instructions which we have identified as relevant to this aspect of your request:

- Part 1 – Introduction to Public Order Management
- Part 2 – Police Support Units
- Part 3 – Public Order Intervention Model
- Part 5 – Out of control gatherings
- Part 7 – Unlawful assembly and riot
- Part 8 – Demonstrations
- Part 10 – Mass Arrest Planning

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

- Part 11 – Public Order Protective Equipment
- New Zealand Bill of Rights Act

You will note that information has been redacted in some cases, where indicated, in accordance with s 6(c) of the OIA as making such information available would likely prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

1.any policy and protocols for addressing and preventing police violence.

I refer you to the Policing Act 2008, which sets out the functions and powers of New Zealand Police and provides for the governance and administration of Police. I also refer you to the Crimes Act 1961, which contains provisions permitting the use of reasonable force where necessary for law enforcement purposes. Both Acts are publicly available at legislation.govt.nz.

Please also find attached a copy of the Police Instructions chapter Use of Force Overview, which includes information on 'reasonable' use of force.

2. Please also advise why NZ police officers do not wear body cameras for these aggressive activities.

Police has not approved use of body worn cameras. Police continues to monitor the technology of body-worn cameras, and any potential benefits for the New Zealand policing environment, but at this time has no plans for their immediate introduction.

We note the IPCA will be considering Police equipment and tactics and we look forward to any observations the IPCA may have regarding the use of body cameras.

3. Please provide a police reference number by reply, and advise of action taken to prevent any further police violence against the public

The Police reference number for your information request is IR-01-22-5028.

The IPCA anticipates the Review will be completed and reported on by 31 March 2023. Police recognise the importance of transparency in these matters and look 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.

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.

Nāku noa, nā



David Greig
Superintendent
New Zealand Police

Part 01 - Introduction to Public Order Management

Released pursuant to Official Information Act 1982

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Executive summary

The over-riding philosophy for Public Order Policing is one of [Prevention First](#). It should be noted, however, that under the disorder model, the public can move between a state of normality, to tension, disorder, serious disorder and riot, in any order and without any prior warning.

Key critical points for staff to note:

- Employees attending public order policing should be sufficiently trained to respond to any aspect of the disorder model, whilst doing so safely and with appropriate safety equipment.

An ongoing [TENR](#) assessment should be made at every public order policing scenario

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Overview

New Zealand Police has a long history of policing significant events that have shaped our communities. Significant events such as Bastion Point, the Springbok Tour of 1981, Motua Gardens, Queen Street in Auckland and the Undie 500 have resulted in large scale civil disorder. Additionally, there have been examples where public order has broken down resulting in tragic outcomes.

There are also many regular planned events that occur annually where public safety, order and peace must be maintained, these include Waitangi day, New Year's Eve celebrations, demonstrations and large scale sporting and music events.

Additionally, there are 'day to day' public order functions and reactionary incidents that require regular, high visibility policing to maintain public safety and keep the peace. This often involves alcohol harm reduction strategies, crowd control and public place violence strategies.

We do not have a history of regular violence at peaceful events, and do not attract the types of followers that English soccer events, for example, do. In addition, New Zealand has a higher level of acceptance of ethnic difference in communities than some other countries, which diminishes the likelihood that ethnic tension and riots on the scale of that seen abroad would occur here.

The risk of mass disorder due to political or ethnic tension, retaliation against Police, or eruption of low level disorder into major confrontation and damage to life and property, is an ongoing one that cannot be entirely eliminated. Even with conscientious planning and preparation, Police can still expect on rare occasions to be taken by surprise as planned events become disruptive or spontaneous disorder flares up.

Other police agencies have examined the indicators and precursors of tension in their jurisdictions. New Zealand Police have learnt from them and incorporated policies, structures, training solutions, resources and equipment into its public order operations. This provides not just national but also international interoperability.

Principled, effective, and efficient policing services are a cornerstone of a free and democratic society under the rule of law. The guiding principles and functions of the Police are set out in the [Policing Act 2008](#) and include:

- keeping the peace
- maintaining public safety
- enforcing the law
- preventing crime
- supporting and reassuring the community
- providing national security
- participating in policing activities outside New Zealand
- managing emergencies.

Public order policing is defined as the strategies, tasks, incidents, operations and events that require the

maintenance of public safety, the maintenance of the peace, crime prevention strategies and enforcement of the law, where, predominantly, crowds are or could be present.

Characteristics of public order policing include:

- deployment of Police operating in teams, with specialist equipment, training and tactics;
- high visibility Police presence;
- tactical deployment (deployment for a purpose) as opposed to patrolling;
- predominantly involves policing of large numbers of the public as opposed to policing of individuals;
- resolution focus that may require the use of negotiation, coercion or other tactical options.

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Public Order Core Principles



Prevention

The overriding philosophy for Public Order Policing is one of Prevention, first and foremost. Whilst there are many tactics and procedures around Public Order Policing that involve force and direct action, the first thought and tactics must always be to prevent any form of confrontation between a gathering of people and Police or indeed between opposing groups.

This can be achieved through many strategies which may include:

- engaging with the holders of a known event before it happens
- providing advice around security, alcohol etc.
- engaging with the organisers of a protest to agree on boundaries and routes
- high visibility patrolling in a targeted area.

Categories of disorder

The vast majority of incidents involving disorder can be placed into four broad categories. Commanders can plan more effectively with an understanding of which tactics, considerations and methods are most suited for managing different types of events. The four categories are:



The Disorder Model

The disorder model helps commanders and operators understand the dynamics of disorder. It also helps advisors, planners and commanders to manage events and incidents where there is a risk to public safety or a potential for disorder.

There are five different stages within the disorder model.

State of normality

This is the day-to-day state of order and provision of policing services within a community. This can vary widely from one area to another and even by time of day. Community information management will provide accurate information as to the current state. Communities are varied entities and may be permanent or transient in nature.

Tension

This is where a level of increased concern or feelings exists within a community. A trigger incident can result in movement from a state of heightening tension to disorder; such incidents can be instigated by Police, the community or a third party.

Disorder

This represents the stage at which mood is supplemented by action, whether isolated or sustained. It manifests itself in disruption, damage or violence. Such disorder may occur following a single or series of trigger incidents. At this level, unchecked or uncontrolled activity may encourage serious disorder.

Serious disorder/riot

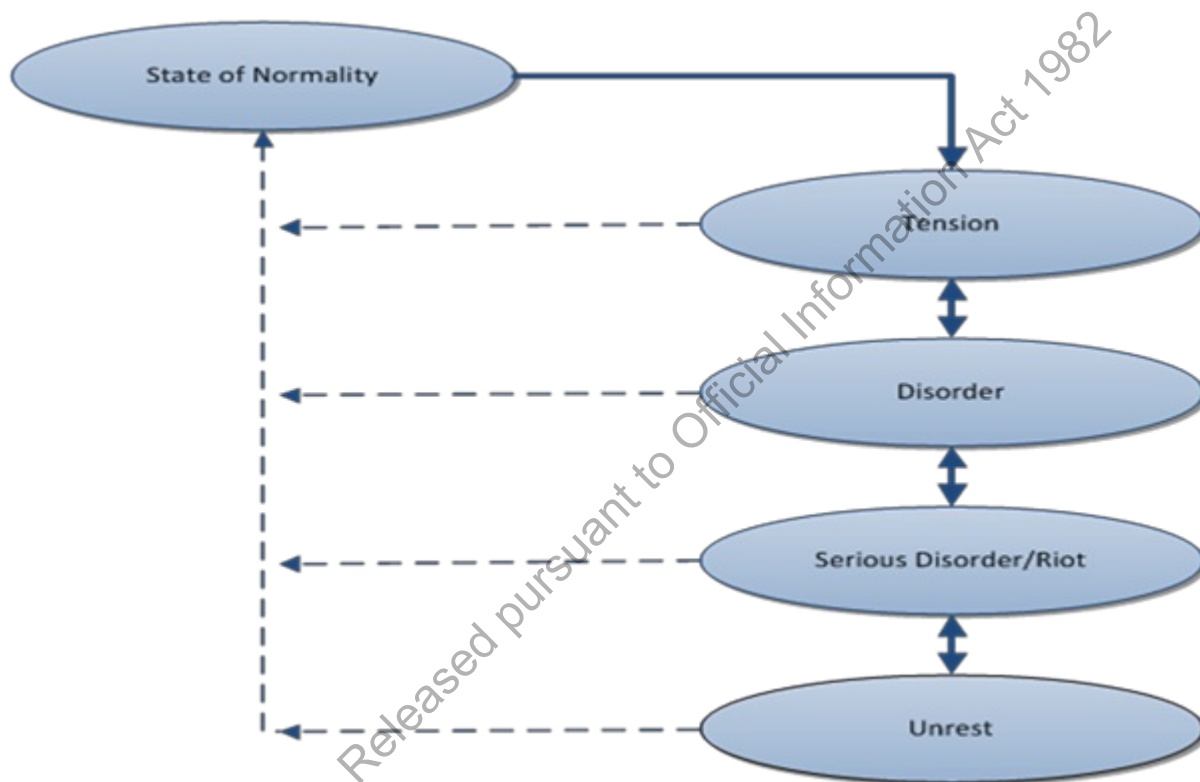
This is the escalation into violent or disruptive behaviour. This stage may be typified by extreme conflict. This could take the form of violent protest, the act of rioting, criminal damage, looting, or the use of weapons.

Unrest

This is the period, sometimes prolonged, when the rebuilding of relationships takes place. Sensitivity and trust are key factors in this process. Police activity must focus on a structured return to a state of normality, and commanders should be aware that it is possible to return or cause a return to disorder or riot by excessive or inappropriate action. By accurately identifying which stage of disorder the community or event is in, a commander can better determine the strategies and tactics that will prevent an escalation to other stages.

Example

Deploying protected officers (Police in full riot gear) to a community in the tension stage is likely to escalate into disorder as the community responds to the show of force. Negotiation, mediation and targeted policing may be more appropriate in avoiding the move into disorder.



As can be seen in the diagram above, progression through all levels is not necessary. In some circumstances it may be possible to return to the state of normality from any level. The stages from state of normality through to serious disorder/riot can be viewed in terms of an increase in tension and conflict. A return to the state of normality from any other stage can be viewed as a decrease.

Disorder model - considerations

- The desired outcome of a police response is the return to a state of normality;
- The state of normality before and after disorder may differ;
- It is possible that Police and the community will have different perceptions of the level of conflict or disorder. Community liaison will assist in reducing this disparity of opinions. See '[Community Impact Assessments](#)';
- The use of intelligence to identify community tensions or 'hotspots' may prevent escalation;

- Rumours or misinformation relating to the activities of the parties to a dispute or disorder may circulate. These may include the actions or response of Police. They should be clarified as quickly as possible. Good liaison and a sound public relations strategy are key factors for success;
- During periods of disorder there is still a need to provide basic policing services to the community;
- **Force used** by Police must be lawful, reasonable and proportionate to the threat.

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Crowd behaviour

There has been considerable research into trends in crowd behaviour. Most of the available information is of little use to Police standing in the public order formations.

However, the following basic concepts are useful to know. When planning, commanding or advising on operations where there is a risk to public safety or a potential for disorder the following behavioural patterns may be present in any crowd:

- Crowds will contain many different attitudes and behaviours. It is likely therefore that there will be different levels of participation in crowd activities. A trigger incident may affect levels of involvement;
- A trigger incident may be a result of actions by crowd participants, Police, or as a result of altered perceptions arising from the interactions between them;
- When crowd members become highly emotional or aggressive their behaviour can spread and become regarded as acceptable by those around them. It can be an opportunity for an anti-social minority to influence and mobilise others around them;
- Anonymity removes the fear of identification and sanction from crowd members and may lead to the breakdown of legal and moral constraints. This also applies to Police, who should ensure that all identification markings are clearly visible;
- During crowd migration or dispersal, non-directed crowds will follow routes of least effort. Highly motivated crowds will attempt to follow the most direct route to achieve their objective;
- If it is desired to apply direction to crowds (i.e. dispersal tactics), exits and escapes must be considered;
- The higher the density of the crowd, the higher the likelihood of interaction within the crowd, and action by the crowd, the more difficult it becomes for crowd members to leave;
- Policing crowds is a dynamic and interactive process. Police, as individuals or groups, may also be subject to influences received from the crowd, or by being party to events generally. It is here that the considerations of planning, communication and leadership are of particular importance.

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Part 02 - Police Support Units

Official Information Act 1982

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Official Information Act 1982

Executive summary

Policing Support Units (PSU) should be considered as the primary response to large scale public order policing activities, riots, protests, and international peacekeeping.

Key critical points for staff to note:

- PSU can be deployed in a wide range of prevention activities, including alcohol harm reduction tactics.
- There is an approved governance structure for PSU teams nationwide and for PSU international deployments

Official Information Act 1982

Overview

Principled, effective, and efficient policing services are a cornerstone of a free and democratic society under the rule of law. The guiding principles and functions of the Police are set out in the [Policing Act 2008](#) and include:

- keeping the peace
- maintaining public safety
- enforcing the law
- preventing crime
- supporting and reassuring the community
- providing national security
- participating in policing activities outside New Zealand
- managing emergencies.

Although it is every Police employee's duty to apply the principles listed above, throughout New Zealand there are groups of Police specifically tasked with maintaining public order. These groups are known as Police Support Units (PSU).

General operating functions for PSU

The operating functions for PSU outline the expected roles of these groups and their uses within the prevention and public order space.

Riots

PSU will be the primary response to riots within their district and, upon requests for assistance, inter district.

International peacekeeping

Permanent PSU (Auckland, Wellington and Christchurch), in conjunction with the International Services Group, will be the primary response to any request for public order policing assistance at an international level.

Protests and demonstrations

PSU will respond to protests and demonstrations within their district and upon request for assistance. Regardless of whether the incident is planned or reactionary, PSU will be available to respond in either a primary or support role depending upon the nature and size of the event.

Prevention

PSU can be tactically deployed to support general duties, road policing and investigative staff throughout their district where high visibility policing tactics are required (e.g. neighbourhood patrolling teams, road policing activities, foot patrols).

High-visibility policing is a tactic whereby 'hotspots' are targeted by flooding the area with a highly visible Police presence that will interrupt the problem causing behaviour.

Events

PSU will be available to police events where large crowds are anticipated and where alcohol is available to large crowds (e.g. sporting events, parades, celebratory events, music concerts etc.).

Police operations

Planned Police operations occur on a regular basis and cover an array of operational topics. Many planned operations are, or have components of, public order policing functions. PSU are able to provide highly trained, experienced and disciplined staff in sufficient numbers to lead or assist in any manner required.

Investigative support

PSU are able to provide a support function to assist investigators. Such assistance may include:

- scene searches
- executing search warrants
- executing arrest warrants
- proactive policing of individual(s).

Alcohol harm reduction

This is an area of complex enforcement that often requires specific public order policing strategies and targeting. Effective licensed premise enforcement, public place high visibility patrolling at identified alcohol harm hot spots, controlled purchase operations and large scale operational alcohol harm reduction and enforcement focus (e.g. large sporting/cultural/music events) are all examples where public order policing tactics can be used to achieve effective and successful policing.

PSU can be used to respond to alcohol harm problems, particularly:

- public place drinking (specifically at large events and other public areas)
- hotel/bar/club liquor licensing enforcement
- private/noisy parties
- grossly intoxicated people with potential to become victims or offenders
- public place violence where alcohol is the driver (i.e.; fighting, disorder) and liquor ban enforcement.

Custodial support

PSU are a group that can provide support to Police custodial services. Custodial support would include:

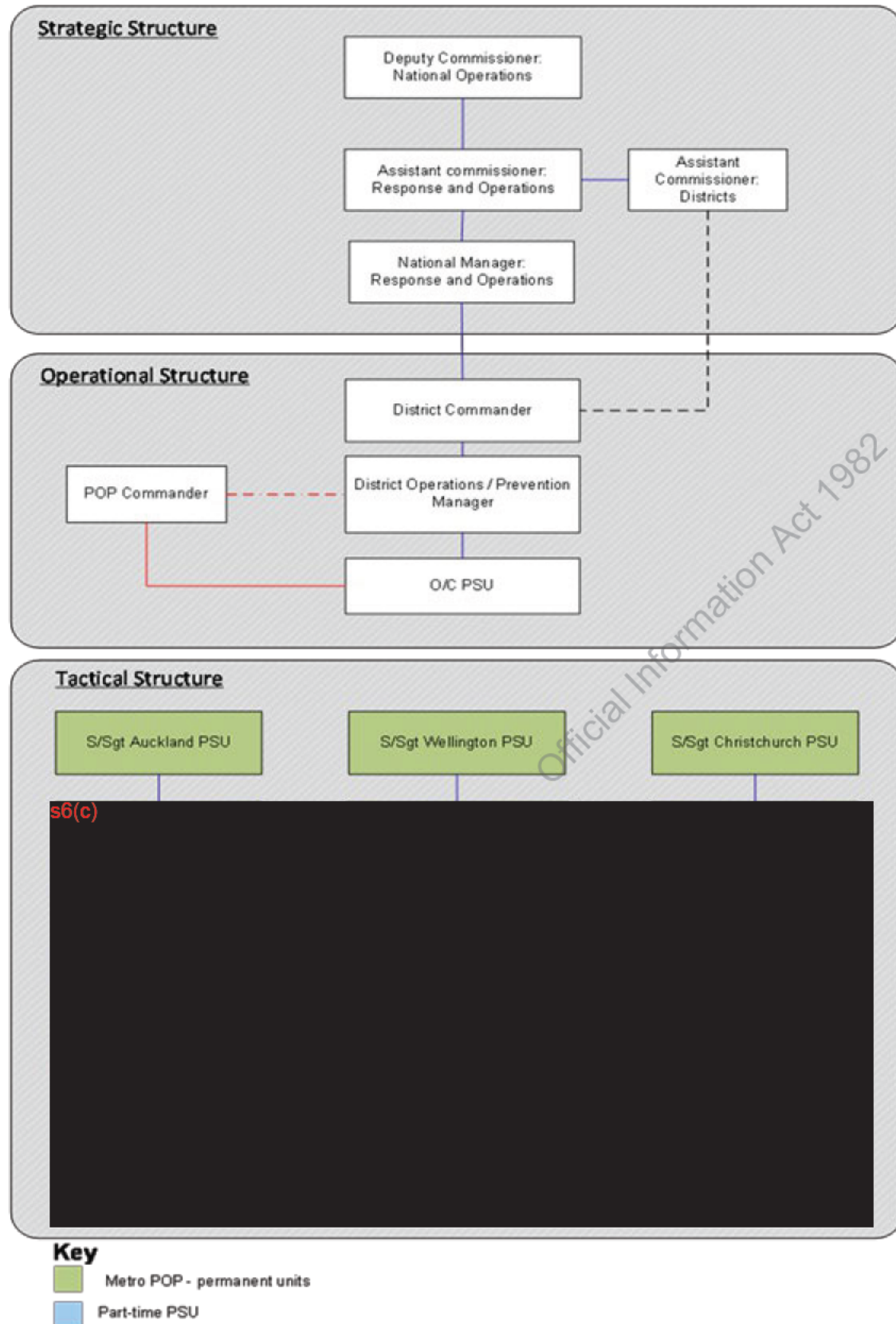
- cell extraction of violent prisoners
- court security (for trials where gangs, organised criminal activity or violence is anticipated)
- [mass arrests and processing](#).

Training

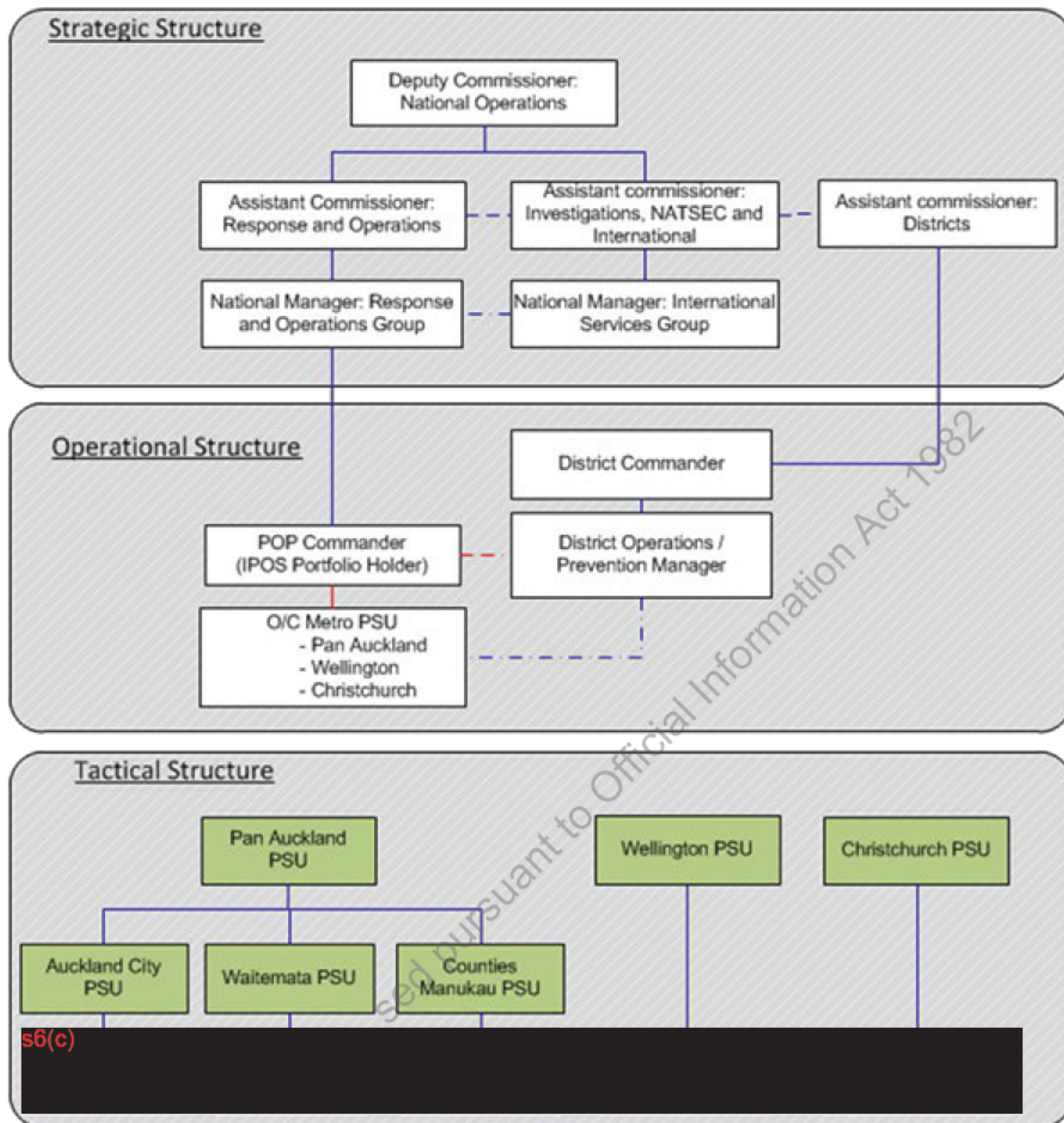
PSU have responsibility for delivering district Public order awareness training to general duties staff, as required.

Official Information Act 1982

National Governance Structure - Public Order Policing



Governance Structure - IPOS (International Public Order Squad)



To note: The numbers from the tactical structure is the capability to be maintained by the districts, not the minimum that will be required to deploy.

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Part 03 - Public Order Intervention Model

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Executive summary

The Public Order Intervention Model contains four levels:

- Presence and tactical communication
- Increased presence and controls
- Intervention tactics
- Personal Protective Equipment (PPE) response.

Each requires a different response level. This model provides an outline and guidance for each level of response as well as how each level differs. It provides constables with the guidance as well as an expectation that unless absolutely necessary a prevention response must be the first option and a PPE response should not be the 'go to' option.

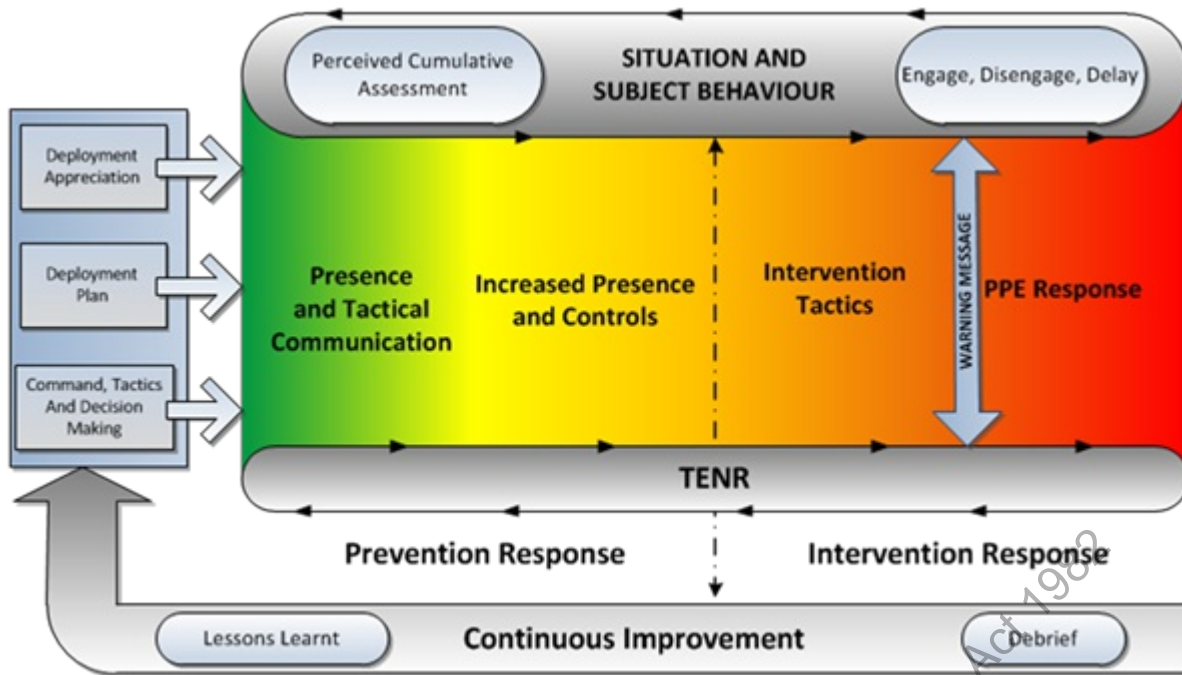
The model also introduces the concept of a Warning Message which is explained more fully in the ['Warning messages'](#) section of this chapter. The critical thing to understand about warning messages is that they have been introduced prior to any deployment of PPE.

Key, critical points for staff to note:

- Movement between each of the above four options must be made following an analysis of the subjects and the situation, together with an ongoing [TENR](#) assessment.
- Communication must accompany each level of intervention.
- A [debrief](#) should be made following any intervention with outcomes fed into the lessons learned work stream.

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Public Order Intervention Model



The model consists of these elements which are explained below in more detail:

- Tactical Options Framework - Situation and Subject Behaviour
- Warning messages
- TENR
- Use of force
- Debrief.

Tactical Options Framework - Situation and Subject Behaviour

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, 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.

1	Cooperative	Willingly responds when approached
2	Passive resistant	Refuses verbally or with physical inactivity
3	Active resistant	Pulls away, pushes away, or runs away
4	Assaultive	Intent to cause harm, expressed verbally, through body language/physical action
5	GBH or death	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 Police involved
- your and the subject's abilities, e.g. physical size, strength, skills
- information about the subject, e.g. results of checks, their emotional state, the influence of drugs or alcohol, the presence of and/or proximity to weapons and/or weapons of opportunity
- similar previous experiences with the subject(s) or location
- environmental conditions, e.g. weather, lighting, physical location.

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

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

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

This is the first level of response and will involve Police assessing the risk and engaging with the owners, occupiers, community or group to assess if any further level of response will be required and to also gain a level of common understanding, while acknowledging the individuals' rights to go about their business.

Tactics could involve holding meetings with party holders prior to the party, providing advice on alcohol and security. It should also involve having conversations with nominated spokespersons to ensure communication and dialogue is open to agree the event does not get out of hand, and if they do, that there is an established point of contact and authority for police to engage with.

This section of the model has a low level of risk with a high level of community engagement. At this level everything needs to be geared to prevention over intervention.

Increased presence and controls

This level acknowledges that there may be some element of escalated risk from the numbers of persons involved, their levels of intoxication or their demeanour. Communication and engagement is still the key factor of this level but with the added ability of having more Police to deal with events should the situation escalate as well as having a visual but passive Police presence to back up the communication.

Tactics could include ensuring that there are taxis in the area for those leaving of their own accord, noise control intervention (consider if this could be more inflammatory than helpful). This level still remains in the prevention side of the model, and every effort should be made to engage with those involved and de-escalate the situation before it has the opportunity to get out of hand.

Intervention tactics

This level involves physical interaction with the crowd to encourage them to move on and disperse. Loud and clear communication is key as well as ensuring that the constables are fully briefed about what they are trying to achieve and what is expected from them. This may involve utilising extended lines but with no added PPE. Tactics in this area of the model could include; dispersal, dog section, noise control etc. The risk here has escalated but not to the point of physical danger to the staff to warrant donning PPE. There is, however, a risk in taking no action. This has moved the model from the prevention side of the response into the intervention side.

PPE response

This is the highest level of response within public order and requires trained constables in protective equipment and set tactics to move on a crowd and restore order. The Incident Controller must assess the risks prior to seeking authorisation for the deployment of any protective equipment.

Notes of the assessment must be recorded in writing by the Incident Controller as soon as practicable. The overriding consideration should be whether Police are likely to incur serious harm if protective equipment is not used in situations of actual or anticipated riot or serious disorder. Consideration also needs to be made of how the crowd will react and if that response will be counter productive to the end result.

An Inspector (or higher rank) must authorise deployment of the 'Arnold' brand public order protective equipment (or PPE), to ensure that the equipment is not routinely used in non-riotous or disorder situations. Inspectors can be contacted at all times by telephone or radio through the Emergency Communications Centres, or consider the on-call duty Inspector.

In the event that an Inspector is unavailable, authorisation must be obtained from a substantive Senior Sergeant or Sergeant on duty in the district.

When engaging this top end of the model, it is imperative that there is a plan in place and all Police are briefed and aware of their roles and responsibilities. The O/C should be very clear on how order is to be regained and the tactics to be used for this. A decision log should be used when engaging in planning these tactics.

Communication

Communication must be utilised at every stage of the process in an attempt to gain positive compliance. Should communication both direct (talking to individuals) and indirect (voice appealing the crowd) not have the desired effect then consideration needs to be given to a warning message (see over for further on this) should the incident have escalated to this point.

Warning messages

Warning messages to the public give a clear indication of the course of action expected of them by Police. The Human Rights principles of necessity, lawfulness and proportionality are prime considerations. They may also highlight public safety issues. In addition to the fairness, justification and legal responsibility aspects of warning messages they also provide an opportunity for those crowd members who do not wish to be involved in physical confrontation with Police to disperse. This reduces crowd numbers and may open up other tactical response options lower on the [Tactical Options Framework](#) as well as the Public Order Intervention Model.

A warning message may expose Police intention to the hostile crowd elements; however, in public order policing this is not the impediment to safety and resolution that it may represent in other aspects of tactical policing.

Where practicable consider a warning message prior to initiating any use of force and in every instance prior to the deployment of PPE

Warning Messages are predominantly expected to be used in public place settings. This does not however, preclude the use of them for situations involving private addresses prior to staff making entry under a lawful authority.

Responsibility for warning messages

At section level

The warning message may be delivered by:

- the Section or Team Leader
- a delegate of the Section or Team Leader

The Section or Team Leader must

- deliver the warning message
- ensure the content of the warning message is appropriate to the circumstance
- ensure the message is delivered in such a manner that it would be reasonable to expect the target audience could receive and understand the message.

At multiple section, team or unit level

The senior officer present on site holds the responsibilities described above

Warning message delivery

Delivery methods may include:

- Verbal - public address system, i.e. loud hailer, vehicle PA system
- Written - banners / handouts
- Electronic notice boards.

- A combination of all methods.

The audience

When giving a warning message consider:

- the size of the group
- non-English speakers
- hearing difficulties within the group
- physically impaired persons within the group
- visually impaired persons within the group
- vulnerable people
- that the audience may seek to obstruct or frustrate the delivery of the message.

Presentation and recording

When giving a warning message the following information must be recorded as soon as is practicable:

- The situation before
- Time, date and place of delivery
- Content of the message
- Method of delivery
- Name and QID of the constable giving the warning
- The situation after.

You should be able to demonstrate that the delivery of the message was genuinely attempted. Consider electronically recording the warning message as well as the crowd's reaction to or acknowledgement of the message.

Specimen warning message

In a situation where Police can justify the use of force or anticipate an interaction with a group that may include an escalation in the use of force including the deployment of PPE warning messages must be given

If a tactic is to be used over a period of time, or a large area, it may be desirable to repeat the warning message(s).

"ATTENTION, ATTENTION, THIS IS A POLICE WARNING. YOU ARE TO DISPERSE IMMEDIATELY OR FORCE MAY BE USED AND YOU MAY BE ARRESTED. YOU HAVE [Give a time period] TO LEAVE THE AREA"

The content of the warning message need not differ materially from this specimen message, but may include references to specific offences, directions or intended actions by Police.

Equipment

Every public order section should have as part of its equipment schedule:

- a portable PA system or loud hailer
- a hard, laminated copy of the specimen warning message attached to the portable PA system/megaphone.

Areas and stations with no full-time public order units, should consider having a loud hailer available as part of station emergency response equipment.

Where warning messages are not appropriate

Warning messages may not be appropriate in some circumstances. Examples of such circumstances are but are not limited to:

- the delivery of a warning message may significantly increase the risk of injury or death to any individual (civilian or Police);
- the delivery of a warning message may significantly increase the risk of damage to property;
- the delivery of a warning message may significantly impact upon the successful completion of the mission;
- the urgency of the situation is such as to make the delivery of a warning message prior to implementing a use of force impracticable

After an incident, section leaders should always record the reason why a warning message was not delivered prior to a use of force response.

Conclusion

Warning messages are a vital component of the Public Order Intervention Model and as such, warning messages should be issued prior to the application of a response option that carries a potential for injury to crowd members, if possible and practicable, and in every instance prior to any deployment of PPE. The decision to issue or not issue such a message lies with the senior constabulary member present.

In those circumstances where the issue of a warning message may significantly impact upon the welfare and/or safety of Police staff and resources, or crowd members, the senior constabulary member present may decide to not issue one. It is then the responsibility of that constabulary member to record why a message was not issued.

TENR

The [TENR Operational threat assessment](#) must be constantly referred to and reassessed throughout the duration of the incident. TENR relates to the threat, exposure, the necessity to act and the available responses.

Assessing the threat

Threat is about how serious the situation is (or could be), and the present or potential danger the subject presents to themselves, other members of the public or Police or property. It includes the subject's intention to resist or avoid arrest. Police must assess the threat posed by the subject/situation based on all available information including what they see and hear, and what is known about the subject/situation.

Assess the exposure

Exposure is about the potential harm to Police employees, Police operations, Police reputation and to others. In all instances, good assessment and planning can mitigate the degree of exposure.

Assess the necessity to act now, later, or not at all

Any response to a situation must first take into account all available information and must be supported by a clear assessment of the known threat and exposure involved.

Response

The response to any incident is based on the assessment and appreciation gained by the previous process. And will include resources and tactics.

Any response must be Proportionate, Reasonable, Lawful, and Necessary.

Use of force

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

However, while the use of force should be avoided where possible, it is necessary at times, to safely resolve a situation. When necessary to use force, Police must, according to law, use only reasonable force. This includes force that is necessary and proportionate, given all the circumstances known at the time. (See chapter '[Use of force](#)')

While Police are legally authorised to use force, they are also criminally responsible for any excessive use of force, according to the nature and quality of that excessive force (section [62](#) of the 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.

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Debrief

Ensure that following any incident of this nature, a debrief is held with all Police who were present.

The debrief provides an opportunity to capture, manage and implement Lessons Learnt in order to promote continuous improvement. Debriefing directly supports the Police Prevention First Strategy by ensuring ongoing improvements to the efficiency and effectiveness of policing.

For further information see '[Debriefs](#)' and '[Lessons Learnt](#)'.

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Part 05 - Out of control gatherings

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Executive summary

Key, critical points for staff to note:

- Early intervention and communication in a prevention role should be the first tactic employed with potentially out of control gatherings.
- Party organisers should be encouraged to manage the supply of alcohol responsibly.
- To enter private premises, Police must either be there with the consent of the owner / occupier, or rely on specific statutory powers.
- The intervention model requires a graduated response through communication, intervention tactics, dispersal, and [Personal Protective Equipment](#) (PPE) response.
- Intervention tactics, and in particular, a PPE response, should follow a structured planning and appreciation process.
- At all times when dealing with an out of control gathering, [TENR](#) threat assessment must be made.
- A [debrief](#) should be made following intervention with any lessons learnt fed into the lessons learned framework.

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Overview

The policing of an out of control gathering falls distinctly into two categories. The first is those disorderly groups or crowds in a public place. The second, and more problematic, is the gathering at a private address that becomes out of control and there is a public expectation on Police to take action.

There is adequate and sufficient legislative power to deal with those instances in a public place. There is however, no one simple mechanism allowing Police to close down a party on private property. The policing of such events is largely done with the occupier's consent or relying upon a narrow scope of legislative authority.

Purpose and scope

This chapter aims to provide Police with guidance and options around the law, tactics and prevention activities in relation to an out of control gathering both in a public place as well as on private property.

This is distinct from organised [demonstrations](#) and marches which will occur in a public place.

This chapter should be read in conjunction with:

- [Prevention First](#)
- [TENR](#)
- [Part 4 - Noise Control](#)
- [Part 3 - Public Order Intervention Model](#).

Definitions

An 'out of control gathering' can be defined as any grouping of people, whether in a public place or private place that has exceeded its intended purpose or size and through excessive numbers and/or anti-social behaviour, the committing of offences or causes, or could cause, alarm or danger to members of the public.

'[Public place](#)' - means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

'[Private place](#)' - means a private dwelling house, a marae, and any other premises that are not within the definition of public place.

Private place gatherings

Police are subject to the same laws of trespass as any other citizen, unless they have a legal authority to enter. Police can enter a property and knock on the door but if the occupier, expressly or by implication, asks them to leave, in the absence of lawful authority to remain, they must do so.

Any Police action on a private address will always require legislative authority to act unless Police are on the property with the express or implied consent of the occupier and they are acting with the occupier's consent. When this authority does not exist, Police must consider maintaining a watching brief, deal with any offences in the public place and only enter the private address if any offences are disclosed that require Police action to ensure the safety of a person or to protect property.

If Police detect any offences such as disorderly behaviour occurring on a private address but is 'within view of a public place', Police must consider a number of factors before taking any action. These will include the result any arrest could have on the demeanour of the crowd, the ability of Police to safely carry out the task due to numbers or equipment, and the necessity to act. The overriding questions that you need to ask are:

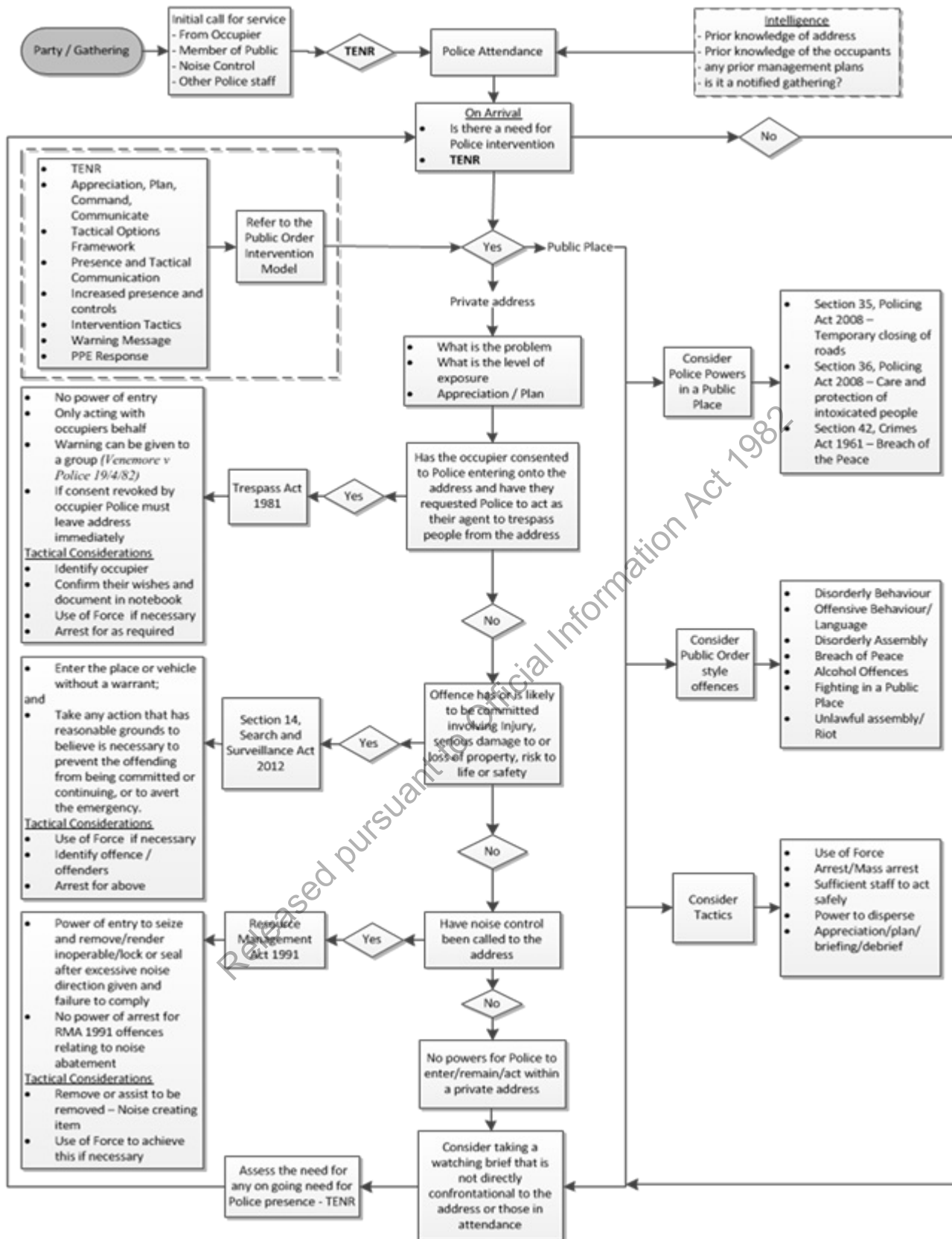
- **Why am I here?**
- **What am I trying to achieve?**
- **Do I have the power / authority to act?**

The table below outlines the most common powers that Police rely upon to lawfully enter a private address.

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Common Law	<p>"The occupier of any dwelling-house gives implied licence to any member of the public coming on his lawful business to come through the gate, up the steps, and knock on the door of the house. This implied licence extends to the driveway of a dwelling-house. However, the licence may be withdrawn by giving notice of its withdrawal. A person who enters or remains on property after the withdrawal of the licence is a trespasser." <i>Robson v Hallett</i> [1967] 2 QB 939.</p> <ul style="list-style-type: none"> - Implied licence to enter property cannot be used for anything other than a direct approach to the occupier to conduct an enquiry.
Consent	<p>Entry with the consent of the owner or occupier. If that consent is withdrawn, then Police must leave.</p>
Section 8, Search and Surveillance Act 2012	<p>Power to enter, search for and arrest a person that the constable suspects has committed an offence that is punishable by imprisonment and they believe that the person is there; and believe that, if entry is not effected immediately, either or both of the following may occur:</p> <ul style="list-style-type: none"> (i) the person will leave there to avoid arrest; (ii) evidential material will be destroyed, concealed, altered, or damaged. <ul style="list-style-type: none"> - Power of search does not go beyond looking for the person to be arrested.
Section 14, Search and Surveillance Act 2012	<p>Power to enter the place or vehicle and take any action that he or she has reasonable grounds to believe is necessary to prevent the offending from being committed or continuing, or to avert the emergency.</p> <ul style="list-style-type: none"> - Power does not extend past the necessary action taken to avert the emergency or imminent offending. Once the emergency situation has been dealt with Police must leave.
Section 328, Resource Management Act 1991	<p>An enforcement officer (accompanied by a constable), or a constable may enter the place without further notice and seize and remove from the place; or render inoperable by the removal of any part from; or lock or seal so as to make unusable, any instrument, appliance, vehicle, aircraft, train, or machine that is producing or contributing to the excessive noise.</p> <ul style="list-style-type: none"> - Power only extends to seizing or otherwise as required not to deal with people or "close a party down"

Out of Control Gathering Management Flow Chart



Legislative considerations

Private place

	Ability to	Limitations
Entry without warrant to avoid loss of offender or evidential material Section 8, Search and Surveillance Act 2012	<p>In the circumstances set out in subsection (2) a constable may:</p> <p>(a) enter a place or vehicle without a warrant; and</p> <p>(b) search for and arrest a person that the constable suspects has committed the offence.</p> <p>(2) The circumstances are that the constable has reasonable grounds-</p> <p>(a) to suspect that the person has committed an offence that is punishable by imprisonment and for which he or she may be arrested without warrant;</p> <p>and</p> <p>(b) to believe that the person is there;</p> <p>and</p> <p>(c) to believe that, if entry is not effected immediately, either or both of the following may occur:</p> <p>(i) the person will leave there to avoid arrest;</p> <p>(ii) evidential material relating to the offence for which the person is to be arrested will be destroyed concealed altered or damaged</p>	<p>- Power of entry is solely for the purpose of locating and arresting an offender for an identified offence</p> <p>- Once offender located staff do not have the power / right to remain</p> <p>- No search for evidential material may be undertaken. If an arrest is made, the power to search for and seize evidential material may be exercised under section 83 or 84.</p>

	Ability to	Limitations
Noise Control Sections 326-328 Resource Management Act 1991 'Part 4 Noise Control'	<p>Where a direction has been issued to a suspect to cease causing the emission of noise and that direction has been contravened, an enforcement officer (accompanied by a constable) or a constable may enter the place without further notice and</p> <ul style="list-style-type: none"> seize and remove from the place; or - render inoperable by the removal of any part from; or lock or seal so as to make unusable <p>any instrument appliance vehicle aircraft train or machine that is producing or contributing to the excessive noise</p> <p>Any constable may, use such force as is reasonable in the circumstances.</p>	<ul style="list-style-type: none"> - Police do not have the power to remove persons from an address or "close a party down" based on a noise complaint or a breach of an abatement notice. - Acting under the abatement notice, all staff are there to do is to assist the noise control officers and ensure that they are able to go about their task safely and without interference. - Police are not Noise Control Officers under the Act and are only to act under the request or authority of an authorised noise control officer.
Warrantless entry to prevent offence or respond to risk to life or safety Section 14 Search and Surveillance Act 2012	<p>A constable who has reasonable grounds to suspect:</p> <p>(a) an offence is being committed or is about to be committed that would be likely to cause injury to any person or serious damage to or serious loss of any property; or</p> <p>(b) there is risk to the life or safety of any person that requires an emergency response,</p> <p>may:</p> <p>(a) enter the place or vehicle without a warrant; and</p> <p>(b) take any action that he or she has reasonable grounds to believe is necessary to prevent the offending from being committed or continuing or to avert the emergency</p>	<p>Under part (a) there must be an offence being committed or about to be committed This does not extend to Breach of the peace This is not an offence</p> <p>- The power under part (b) arises only in respect of risk to life or safety of a person in circumstances of emergency; it does not extend to emergencies involving loss or damage to property.</p> <p>Entry is limited to taking only those actions necessary to prevent the offending from being committed or continuing or to avert the emergency</p> <p>- Must in fact involve imminent threat or actual serious injury or serious loss or damage to property. This must be identifiable and based in fact.</p>

	Ability to	Limitations
Disorderly behaviour on private premises Section 5, Summary Offences Act 1981	Where three or more persons, each of whom has been convicted of a relevant offence within the previous 2 years, conduct themselves on any private premises in such a manner as to cause persons in the neighbourhood of those premises to fear on reasonable grounds that those three or more persons will commit or cause any other person to commit any relevant offence in that neighbourhood or elsewhere.	<ul style="list-style-type: none"> - Section 5 is subject to a number of restrictions which significantly reduce its practical application, especially the requirement that each of the three or more persons whose conduct causes concern has a conviction for a "relevant offence" within the previous 2 years. - Relevant offence means any offence of, or of which an ingredient is: <ul style="list-style-type: none"> assault or threatening or offensive or disorderly behaviour; or possession of offensive weapons; or unlawful assembly or riot
Trespass Trespass Act 1980	Every person commits an offence against the Trespass Act 1980 who trespasses on any place and, after being warned to leave that place by an occupier of that place, neglects or refuses to do so.	<ul style="list-style-type: none"> - Police must have the authority of the occupier to act as an agent on their behalf. No power of entry without consent - When asked to leave by occupier, Police must leave unless statute gives authority to remain, e.g. arrest.

Public place

	Ability to	Limitations
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	Ability to	Limitations
Disorderly assembly Section 5A, Summary Offences Act 1981	<p>An assembly of three or more persons who, in any public place, assemble in such a manner, or so conduct themselves when assembled, as to cause a person in the immediate vicinity of the assembly to fear on reasonable grounds that the persons so assembled will:</p> <ol style="list-style-type: none"> use violence against persons or property; or commit an offence of disorderly behaviour (likely to cause violence), in that vicinity. 	<ul style="list-style-type: none"> - Does not apply to any group of persons who assemble in any public place for the purpose of demonstrating support for, or opposition to, or otherwise publicising, any point of view, cause, or campaign. - Offence is not complete until a warning has been issued by a constable to disperse or otherwise desist from such an assembly, without reasonable excuse, and the behaviour continues.
Care and protection of intoxicated people Section 36, Policing Act 2008	<p>A constable who finds a person intoxicated in a public place, or intoxicated while trespassing on private property, may detain and take the person into custody if:</p> <ol style="list-style-type: none"> the constable reasonably believes that the person is: <ol style="list-style-type: none"> incapable of protecting himself or herself from physical harm; or likely to cause physical harm to another person; or likely to cause significant damage to any property; <p>and</p> <ol style="list-style-type: none"> the constable is satisfied it is not reasonably practicable to provide for the person's care and protection by: <ol style="list-style-type: none"> taking the person to his or her place of residence; or taking the person to a temporary shelter. 	<ul style="list-style-type: none"> - Person must be released as soon as they cease to be intoxicated; and - must not be detained longer than 12 hours after the person is first detained, unless a health practitioner recommends that the person be further detained for a period not exceeding 12 hours. - Intoxicated means observably affected by alcohol, other drugs, or substances to such a degree that speech, balance, co-ordination, or behaviour is clearly impaired - Temporary shelter means a place (other than a place operated by the Police) that is capable of providing for the care and protection of an intoxicated person

	Ability to	Limitations
Disorderly behaviour - Likely to cause violence Section 3, Summary Offences Act 1981	<p>Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000 who, in or within view of any public place, behaves, or incites or encourages any person to behave, in a riotous, offensive, threatening, insulting, or disorderly manner that is likely in the circumstances to cause violence against persons or property to start or continue.</p>	<ul style="list-style-type: none"> - Offence must be in or within view of any public place - No power of entry unless entering under section.8 of the Search and Surveillance Act to arrest the offender - The conduct must be of a nature where it is likely to provoke a violent reaction to the defendant themselves, but not where the only likely response is from police officers seeking to restrain the alleged disorderly behaviour

Any place

	Ability to	Limitations
Breach of the Peace Section 42, Crimes Act 1961	<p>Every constable who witnesses a breach of the peace, and every person lawfully assisting him, is justified in arresting any one whom he finds committing it. Note: Applies to public places</p> <p>Where there is a genuine and reasonable apprehension of a breach of the peace, a Police officer may give reasonable instructions to avoid it to any person directly involved and, if the instructions are not complied with, may arrest that person for obstruction.</p> <p>The essence of the concept of a breach of the peace is violence or the threat of violence</p>	<ul style="list-style-type: none"> - There is no power of entry to private property conferred on section 42 CA 1961. - Breach of the Peace is not an offence. - Cannot rely upon S.8 Search and Surveillance Act for power of entry

Alcohol management

Alcohol remains a key driver of offending, as well as having a significant role in increasing the potential for victimisation. A great deal of Police reactive work and an even greater proportion of public order incidents are caused by the misuse of alcohol. Police have a key role in the prevention of alcohol related harm in New Zealand.

[Host responsibility](#) is about providing a safe and healthy drinking environment and acknowledges the organisers key role in preventing intoxication and creating an environment where intoxication seems out of place.

When discussing with event organisers their responsibilities prior to the event, the management of alcohol, its use and controls need to be at the forefront of the discussion and consideration must be given to creating and agreeing upon an alcohol management plan.

The aim of the management plan should be to:

- prevent [intoxication](#) and be able to identify intoxication indicators
- not allow alcohol to be consumed or purchased by minors
- provide and actively promote low and non-alcoholic drinks
- provide and actively promote substantial food
- arrange or ensure people have safe transport options
- understand other parents / custodians view on alcohol consumption.

Host responsibility acknowledges that the organisers and alcohol server's key role in preventing intoxication and creating an environment where intoxication seems out of place.

Supplying alcohol to minors

Under section [241](#) of the Sale and Supply of Alcohol Act 2012 it is an offence for any person to supply alcohol to a minor.

In relation to a gathering in a private place there is a requirement upon those supplying the alcohol to:

- provide the alcohol in a responsible manner,
- believe on reasonable grounds that they have the express consent of the parent or guardian of the minor.

This needs to be approached in a pragmatic way and the first action taken by Police should be one of education for the supplier and one of welfare for the minor.

When trying to ascertain if the supplier has acted responsibly, take into account the following:

- What were the steps taken by the supplier to supervise the consumption of alcohol?
- Was food provided with the alcohol?
- Was a choice of low-alcohol or non-alcoholic beverages, or both, offered?

- Any arrangements for, or provision of, safe transport.
- The strength and volume of the alcohol supplied.
- The age of the minor.
- Any other matter relevant in the particular circumstances.

You can also refer those holding a party to the New Zealand Police website for further advice: [NZ Police - Hosting a party - safety tips](#).

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Control strategies & tactics

The aim of attending an out of control gathering is to restore order and keep the peace. To do this there are many different strategies that Police can employ and will depend on the many and varied circumstances that face Police at the time. The below options are not exhaustive and are provided as a guide to assist Police prior to as well as when attending these types of incidents.

There is no single tactic for dealing with out of control gathering situations. The attending Police must consider:

- the nature and extent of the gathering
- the persons involved in the gathering
- the safety of persons and property not part of the gathering
- the safety of Police and other emergency services
- legal options for Police
- general tactics to regain control, the effects they will have (will it make things worse?)
- the means and resources required/available to implement those tactics
- the necessity to act ([TENR](#)).

Note: At every stage of deployment and decision making [TENR](#) and the '[Public Order Intervention Model](#)' must be referred to.

Presence and tactical communication

This section within the Public Order Intervention Model has a low level of risk with a high level of community engagement. At this level everything needs to be geared to prevention over intervention.

Tactics could involve holding meetings with party organisers prior to the party, providing advice on alcohol and security and assist in creating an Alcohol Management Plan. It should also involve having conversations with organisers to ensure communication and dialogue is open to agree things do not get out of hand, and if they do, that there is an established point of contact and authority for police to engage with.

Police must engage with the crowd early to not only gauge their mood but to also clearly communicate the Police's expectation of their behaviour. It also enables Police to identify the reasoning behind the gathering and assist in lessening the impact. An example of this would be Police talking to a group and finding out that they had called a taxi but were unable to get one to come to the address. Police could assist in calling taxis to the address. Early communication with the occupiers of an address could limit the impact of any problems by addressing them earlier rather than later.

Purpose	To portray a professional approach and gain compliance through engagement.
Outcome	Compliance by consent without further enforcement intervention.
Limitations	Police must become involved at an early stage in the life of the gathering otherwise it may be too late to effect any change.

Increased presence and tactical communication

This level acknowledges that there may be some element of escalated risk from the numbers of persons involved their levels of intoxication or their demeanour.

Communication and engagement is still the key factor of this level but with the added ability of having more Police to deal with events should the situation escalate as well as having a visual but passive Police presence to back up the communication.

Tactics could include ensuring that there are taxis in the area for those leaving of their own accord, noise control intervention (consider if this could be more inflammatory than helpful), high visibility attendance of more Police in the area. Engaging with the taxi companies to have a pick up point away from the address to encourage people to move on when their night is over.

Where an event is subject to complaints but is not assessed as unlawful, a worthwhile tactic may be to have a constable drive past the event in a marked vehicle at reasonable intervals to assess the situation in case it escalates and requires Police intervention. It may also act as a deterrent to those attending the event.

This level still remains in the prevention side of the model, and every effort should be made to engage with those involved and de-escalate the situation before it has the opportunity to get out of hand.

Purpose	To show that previous warnings about intervention can be backed up while still giving those involved plenty of opportunity to rectify the situation or leave the area without the need for enforcement intervention.
Outcome	Compliance by consent or threat of enforcement without the need for further enforcement intervention.
Limitations	A build-up of Police may be seen as antagonistic. Also need Police to back up what has been communicated to the crowd.

Intervention tactics

Police need to become more engaged with the crowd and actively encourage the reigning in of anti-social and disruptive behaviour. This will still only involve actions that are occurring in a public place.

Police action at a private address requires legislative authority to act. When this authority does not exist,

Police must consider maintaining a watching brief, deal with any offences in the public place and only enter the private address if any offences are disclosed that require Police to ensure the safety of a person or to protect property.

If disorderly behaviour occurs on a private address but is "within view of a public place", Police must consider the result any arrest could have on the demeanour of the crowd before taking any action.

This level could involve some interaction with the crowd to encourage them to move on. Loud and clear communication is key as well as ensuring that Police are fully briefed about what they are trying to achieve and what is expected from them. This may involve utilising extended lines but with no added [Personal Protection Equipment](#) (PPE).

Tactics in this area of the model could include dispersal, use of dog section, noise control action etc. The risk here has escalated but not to the point of physical danger to the community or Police to warrant carriage of [PPE](#). There is, however, a risk in taking no action. This has moved the model from the prevention side of the response into the intervention side.

Purpose	To encourage those involved to comply with directions and impose some level of order and control over the situation.
Outcome	Order restored and the public reassured of the Police response to their concerns.
Limitations	Any level of intervention has the potential to attract negative comment around heavy hand tactics or the need for Police to act or even the lack of action. Take care when planning a course of action and ensure that what is done is done for the right reasons and with lawful authority. Supervisors must ensure all attending Police are aware of what they can and cannot do, what the plan is, and how they are to carry it out.

Dispersal

This involves moving on the crowd in a public place and breaking up the groups that are congregating in the streets around the party or gathering in order to stop the disorder continuing or beginning. This tactic can be utilised at any level, from as low as clear communication to a cordon line of uniformed Police moving on the group, through to Police in [PPE](#) utilising Public Order Policing tactics. The circumstances will dictate what level of response is appropriate. Also see the chapters on '[TENR](#)' and '[Public Order Intervention Model](#)' specifically the section on 'Warning Messages'.

Whenever you employ dispersal as a tactic, you must first understand what power you are relying upon to do so. You must also have a plan as to where you are moving the crowd to and what you are trying to achieve by doing it. All Police involved must be aware of the plan and their lawful authority to carry it out. The decision to use dispersal must be taken by the Incident Controller and should be a measure of last resort.

Section [42](#) of the Crimes Act 1962 provides Police with the power to intervene to prevent a continuance or

renewal of a breach of the peace. The section also infers a use of force but clearly stipulates 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."

When crowds disperse at a reasonable walking pace you do not have the legal right to force them to go faster.

Purpose	To move those involved on and to break larger crowds into smaller groups that are easier to manage. By doing this you will achieve the aim; to restore public order.
Outcome	Order restored and the public reassured of the Police response to their concerns.
Limitations	May displace the problem. Any level of intervention has the potential to attract negative comment around heavy hand tactics or the need for Police to act or even the lack of action. Take care when planning a course of action and ensure that what is done is done for the right reasons and with lawful authority. Supervisors must ensure all attending Police are aware of what they can and cannot do, what the plan is and how they are to carry it out.

Personal Protection Equipment Response

This is the highest level of response within the Public Order Intervention Model and requires trained Police in PPE, and set tactics to move on a crowd and restore order. The Incident Controller must assess the risks prior to seeking authorisation for the deployment of any protective equipment.

In most instances, dispersal will be the primary tactic used within this area of the model.

Any decision to utilise this top end tactic should be decisive but also be able to be justified as to the specific use of force and equipment. All Police involved must be made aware of the plan and the lawful authority to carry it out prior to its implementation.

See '[Part 11 - Public Order Protective Equipment](#)', '[Part 6 - Behaviour Offences](#)', '[Part 3 - Public Order Intervention Model](#)' including the section on 'Warning messages', '[Use of Force](#)' and '[TENR](#)'.

Purpose	To move those involved on in a quick and decisive manner but in a way that is safe to the staff at the scene. To prevent the start of or continuance of public order offending. To break larger crowds into smaller groups that are easier to manage. By doing this you will achieve the main aim; to restore order and control to the community.
Outcome	Order restored and the public reassured of the Police response to their concerns. Police safe and not suffering from any injuries.
Limitations	May displace the problem. Justification for any use of force must be clearly identified and communicated. Requires sufficient trained Police. Requires commissioned officer approval.

Prevention and engagement

Prevention

Prevention has a role to play in public order policing and, while our role in responding to and investigating crime and crashes remains critical, the strategy of [Prevention First](#) puts prevention at the forefront of everything we do including the policing of gatherings. It is a balanced approach which uses intelligence, problem solving, partnerships, enforcement and alternative ways of resolving cases. It also provides a framework so that we are not always simply responding to issues but working in partnership to proactively prevent things before they happen.

In the instance of a party or gathering there are many ways Police can become aware of impending issues well before they materialise and which require a more proactive response. This can be through a number of different methods such as; monitoring social media sites, local officers engaging with their community, liaison with local schools and clubs.

Engagement

When Police become aware of such an event before it starts try to engage with those responsible for the event venue and the attendees This should include people such as the occupiers of the venue the parents of those holding and attending the event local schools social and sporting clubs

The purpose of such engagement will be to prevent a party / gathering becoming out of control. Clearly communicate Police and community expectations in terms of acceptable behaviour at the event as well as control options such as:

- host responsibility (not only with alcohol but overall behaviours and safety), including personal responsibility
- the law regarding issues such as [alcohol](#), [trespass](#) and [noise](#)
- making sure the distribution of invitations is carefully controlled so that only invited guests receive them
- ensure that invitations are not publicised on social media
- controls - gate crashers, designated drivers, taxis and other transport
- engaging security or ensuring that there are sufficient numbers of responsible adults at the venue to manage the gathering
- deciding on a finish time for the party/gathering
- vetting who and how many are invited to the party/gathering
- engaging other parents, neighbours and the community
- developing rules and boundaries and sticking to them.

By engaging with organisers early and clearly outlining the expectations and their responsibilities, and working with Police, there will likely be fewer or no issues as the event unfolds.

Engagement with all parties involved will also give Police the opportunity to gather intelligence. This will be valuable should there be issues at the address and Police need to take action including (but not limited to):

- the approach to the address
- numbers of people present
- the layout of the address
- any dogs at the address
- demographic of those present (e.g. children, elderly, gang members, attitude to Police, adult supervision)
- possible routes for dispersal
- names and contact details for those in positions of responsibility at the event, e.g. organisers.

If there is no prior notice of a gathering, it will usually come to Police attention where there are public concerns, through complaints and usually before it gets to the point where it is out of control and requires more active Police intervention. Generally the initial calls will involve low level public annoyance and then steadily increase as the shift progresses.

Police must take an initial proactive, preventative approach and attempt to gain trust and compliance from the occupiers/organisers of the house or event before things get out of their control, and further or more intrusive Police intervention becomes necessary.

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Planning and appreciations

Appreciation

An appreciation is a tool for problem solving and decision-making. It uses a set pattern so that all factors and alternatives are considered. The appreciation breaks a situation into its smaller component parts examining each part in detail. It is the act of understanding the nature, magnitude or meaning of the situation which you face.

An appreciation allows you to design, plan, execute and adapt actions within the operational environment. The appreciation can be completed by an individual or a planning team.

Consider all courses that will allow the aim to be attained and are within the capacity of Police. Keep them simple. It is better to consider a large number of simple courses than a smaller number of complicated ones.

The Police appreciation format is:

- Aim
- Factors
- Courses of action
- Outline Plan.

This process should lead to the selection of the best course of action, which will provide the basis of the plan.

What is a plan?

A plan is a statement of the means chosen to achieve a desired result. Because it describes an intended course of action, it must answer these questions:

- What is to be done?
- When will it be done?
- How is it to be done?
- Where is it to be done?
- Who will do it?

When deciding on a course of action and formulating a plan, if there is sufficient time it should be written down and a decision log maintained to enable Police to later justify their reasoning for taking a particular course of action. For further information see the '[Control and command](#)' chapters.

Dispersal tactic at any level

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Remember: Any use of force must be justified and reasonable and proportionate in the circumstances. For further information see '[Use of Force](#)', '[TENR](#)' and '[Part 3 - Public Order Intervention Model](#)'.

Debrief and Lessons Learnt

Ensure that following any incident of this nature, a debrief is held with all Police who were present.

The debrief provides an opportunity to capture, manage and implement Lessons Learnt in order to promote continuous improvement. Debriefing directly supports the Police Prevention First Strategy by ensuring ongoing improvements to the efficiency and effectiveness of policing.

What is a debrief?

A debrief is a simple structured process where the participants of an activity examine actions in a non incriminating manner extract learning points and propose improvements through a constructive and participative group discussion. It allows the group to reflect on their activities so that the next time they and others can do better.

A debrief involves at its core, a discussion of an activity focussing on five W's:

- What was supposed to happen?
- What actually happened?
- Why was there a difference?
- What have we learned from this?
- What will we do about it?

A debrief should not judge success or failure, or assign blame. Instead it must compare performance to policy, practice and procedures. While a debrief tends to focus on what went wrong, they must also attempt to identify what went well, so that good performance can be repeated, promulgated to others as good practice and sustained.

For further information see '[Debriefs](#)' chapter and '[Lessons Learnt](#)'

Common scenarios

Below are a list of some of the common scenarios Police may find themselves in when dealing with an out of control gathering. The actions are suggested practice based on the correct application of law and procedure.

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Part 07 - Unlawful assembly and riot

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Executive summary

Violent situations can develop in a variety of ways: from an isolated conflict between two individuals, an industrial dispute, or from racial or religious tension.

In most cases you will receive little warning. You must be aware beforehand of the kind of behaviour you could expect and how you can deal with it. This chapter:

- explains the ingredients of unlawful assembly
- details the offences most commonly associated with it
- describes the powers and procedures you can use.

Riots may develop from peaceful, organised gatherings such as conventions and parties involving large groups of young people. If you have advance notice of a gathering that has the potential to turn violent or get out of control, you should follow, as appropriate, the planning procedures contained in the '[Control and command](#)' chapter of the Police Manual, and '[Part 8 - Demonstrations](#)' in this chapter.

Key, critical points for staff to note:

- There will normally be advanced notice of a potentially riotous situation, however, a riot can also develop from an initially innocuous gathering.
- Riotous behaviour involves force or violence that is likely to cause alarm in a person of reasonable firmness and courage.
- Anyone is justified in using such force as is necessary to suppress a riot, if the force used is not disproportionate to the danger to be apprehended from the continuance of the riot. See: '[Use of force](#)'.
- The tactics used to deal with the riot will be determined by the cause of the riot, the reasons for its continuance, who is involved and what is being done by those involved in the riot.
- [OC Spray](#) and [TASER](#) should generally not be used in crowd situations, unless their use can be justified given the circumstances.

Definitions

This table defines terms relevant to unlawful assembly.

Term	Definition
Public place	<p>Under section 2(1) of the Summary Offences Act 1981, 'public place' means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.</p> <p>Without limiting the definition of the term 'public place' in subsection (1) of the section, for the purposes of this Act, a person is in a public place if he is in any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle, which is in a public place.</p>
Riot	<p>Under section 87(1) of the Crimes Act 1961, a riot is a group of six or more persons who, acting together, are using violence against persons or property to the alarm of persons in the neighbourhood of that group.</p>
Disorderly assembly	<p>Under section 5A of the Summary Offences Act 1981, a disorderly assembly is an assembly of three or more persons who, in any public place, assemble in such a manner, or so conduct themselves when assembled, as to cause a person in the immediate vicinity of the assembly to fear on reasonable grounds that the persons so assembled will:</p> <ul style="list-style-type: none"> - use violence against persons or property; or - commit an offence against section 3 of the Act <p>in that vicinity.</p>
Disorderly behaviour	<p>Under section 3 of the Summary Offences Act 1981, disorderly behaviour is defined as in or within view of any public place, behaves, or incites or encourages any person to behave, in a riotous, offensive, threatening, insulting, or disorderly manner that is likely in the circumstances to cause violence against persons or property to start or continue.</p>

Offences

This section contains the following topics:

- Riotous behaviour
- Riotous damage
- Unlawful assembly

A guide to categories of offences can be found in section [6](#) of the Criminal Procedure Act 2011.

Widely understood definitions for 'offence' and 'crime' were repealed as one consequence of major changes heralded by the introduction of the Criminal Procedure Act 2011. The following informal definition is intended to provide assistance and has been drafted with assistance from legal experts.

'Offence' and 'crime' are words that are used interchangeably in statute, and there is no material difference between them. They may be described as any act or omission that is punishable on conviction under any enactment, and are demarcated into four categories as defined in section 6 of the Criminal Procedure Act 2011.

Offences

- Breach of peace - Section [42](#) Crimes Act 1961
- Disorderly assembly - Section [5A](#) Summary Offences Act 1981
- Disorderly/riotous behaviour - Section [3](#) Summary Offences Act 1981
- Unlawful assembly - Section [86](#) Crimes Act 1961
- Riot - Section [87](#) Crimes Act 1961
- Riotous damage - Section [90](#) Crimes Act 1961

Riotous behaviour

You must prove the identity of the suspect and that they:

- in or within view of any public place
- behaved, or incited or encouraged any person to behave
- in a riotous, offensive, threatening, insulting, or disorderly manner
- that was likely in the circumstances to cause violence against persons or property to start or continue.

What is 'riotous'?

Riotous behaviour involves force or violence that is likely to cause alarm in a person of reasonable firmness and courage - *Scott v Parkinson & Howard* (1912) V L R 389 refers.

Riotous behaviour is more serious than disorderly behaviour, but falls short of the crime of riot. Because it is also disorderly behaviour, it will rarely be filed as a charge.

Riot

You must prove the identity of the suspect and that they:

- were a member of a group of six or more persons who:
 - acting together,
 - were using violence against persons or property
 - to the alarm of persons in the neighbourhood of that group.

What is 'acting together'?

'Acting together' means having a purpose common to all the participants in the group - *R v Ruru* (1989) 4 CRNZ 526 refers.

Riotous damage

You must prove the identity of the suspect and that they:

- being a member of a riot,
- unlawfully damaged any property.



In *Campbell v Police*, it was decided that a person is reckless if he has "a conscious appreciation of the danger or risk of damage if he continues with the course of conduct but proceeds nevertheless" - *Campbell v Police* (unreported, High Court Dunedin, 18 November 1983, M143/83) refers.

Unlawful assembly

You must prove the identity of the suspect and that they were a member of an assembly of three or more people who:

- with intent to carry out any common purpose,
- assembled, or conducted themselves when assembled, so as to cause people in the neighbourhood of the assembly to fear on reasonable grounds that the people assembled would:
 - use violence against persons or property in that neighbourhood or elsewhere, or
 - needlessly and without reasonable cause, provoke others to use violence against persons or property in that neighbourhood.

Note: A person is not considered to have provoked another person needlessly and without reasonable cause by doing or saying anything that they are lawfully entitled to do or say.

The unlawful assembly may take place in public or in private. Where it takes place in a building, it does not matter whether the fear is caused in people inside or outside the building - *Kamara v DPP* (1974) AC104 (1973) 2 All ER 1242 refers.

Common purpose

'Common purpose' denotes a common conscious design *Vujcich & Hall* (unreported Court of Appeal 4 July 1978 CA207/77) refers

The participants must share intent to carry out this common purpose, and they must expect or reasonably anticipate the conduct at the time they form this intent. If conduct arises that causes fear but is incidental to the common purpose, it does not make the assembly unlawful unless it relates to a new, 'supervening' common purpose.

The common purpose need not be unlawful, as long as the conduct of the participants causes the requisite fears.

If both purpose and conduct are lawful, however, the participants do not offend under section [86](#) even if others react unlawfully (*Beatty v Gillbanks* (1882) 9 QBD 308 refers).

The common purpose need not be carried out



Persons lawfully assembled may become an unlawful assembly if, with a common purpose, they conduct themselves in such a manner that their assembling would have been unlawful if they had assembled in that manner for that purpose.

Three or more people

To prove one person's guilt it is not necessary that three or more be convicted *Beach & Morris* (1909) 2 Cr App R 189 refers

Fear of violence

The fear must be actual, and held by people of reasonable firmness and courage, not persons of a timid or nervous disposition - *R v Wolfgramm* [1978] NZLR 184, 180 (CA) refers.

Neighbourhood

'In that neighbourhood' means 'near by' - *Anderson v Police* (unreported, SC Dunedin, June 1974, T6-40/74, White J) refers.

Defence

It is a defence to prove that the people were assembled for the purpose of protecting the house of any one of them against people threatening to break and enter that house in order to commit a crime in it. Refer also to sections [55](#) and [56](#) of the Crimes Act 1961.

Note: Self-defence is **not** a defence to unlawful assembly.

Powers

This section contains the following topics:

- Preventing breach of the peace (section 42 Crimes Act 1961)
- To suppress a riot
- To close roads
- To remove fences, structures and vegetation
- Civil Defence emergency powers

Preventing breach of the peace (section 42 - Crimes Act 1961)

Everyone 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 uses 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.

Every constable:

- who witnesses a breach of the peace and every person lawfully assisting the constable is justified in arresting anyone whom the constable finds committing it
- is justified in receiving into custody any person given into their charge, as having been a party to a breach of the peace, by one who has witnessed it or whom the constable believes on reasonable and probable grounds to have witnessed it.

To suppress a riot

Anyone is justified in using such force as is necessary to suppress a riot, if the force used is not disproportionate to the danger to be apprehended from the continuance of the riot.

The Incident Controller acting at the place of any riot is justified in using and ordering the use of, such force as the officer believes, in good faith and on reasonable and probable grounds, to be necessary to suppress the riot; and every constable is justified in using such force.

The force used must not be disproportionate to the danger that the constable believes on reasonable and probable grounds will be apprehended from the continuance of the riot

Note: Such use of force may include dispersing a crowd

Everyone who believes, in good faith and on reasonable and probable grounds, that serious mischief will arise from the riot before there is time to summon Police, is justified in using the same force that Police can use.

Sections [43](#) [44](#) and [46](#) of the Crimes Act 1961 refer

Protection when acting under orders

Anyone who, in good faith, obeys the orders of a senior Police Constable acting under section [44](#) is justified in obeying those orders, unless they are manifestly unlawful; and is protected from criminal responsibility for using such force as they believe, on reasonable and probable grounds, to be necessary for carrying those orders into effect. Whether a particular order is manifestly unlawful is a question of law.

Anyone bound as a member of the New Zealand defence forces to obey the lawful command of a superior officer is justified in obeying any command given to them by such an officer for the suppression of a riot unless the command is manifestly unlawful. Whether a particular command is manifestly unlawful is a question of law.

Sections [45](#) and [47](#) of the Crimes Act 1961 refer.



To close roads

You have the power to temporarily close roads to traffic under section [35](#) of the Policing Act 2008. Consider exercising this power in cases of unlawful assemblies, gang confrontations and other kinds of serious public disorder. Reopen the road as soon as practicable.

Note:

'Road' includes a motorway a public road a private road and a private way

'Temporarily' means for a period that is reasonably necessary in the circumstances.

'Traffic' means all or any specified type of traffic (including pedestrian traffic).

'Road Block' is a notification for Police wishing to close a road if they suspect on reasonable grounds that there is in or on any vehicle any person who:

- has committed an offence punishable by 7 years or more imprisonment or
- is unlawfully at large.

To remove fences, structures and vegetation

Under section [216](#) of the Local Government Act 2002 you can apply to a district court for a removal order requiring the owner or occupier of any property to remove or alter any fence, structure or vegetation. The court can make such an order if it is satisfied that:

- the property is occupied, or regularly used, by people who have been convicted of, or have committed, or are committing, or are likely to commit, offences; and
- the fence, structure or vegetation has facilitated or contributed to, is facilitating or contributing to, or is intended to facilitate or contribute to:
 - the concealment on the property of any unauthorised weapon or any controlled drug or any tainted property or any property that is stolen or obtained by a crime involving dishonesty; or

- the avoidance of detection or arrest of any person believed or reasonably suspected to have committed any offence; or
- the commission of any offence by any person on or from the property;

or

- is intended to injure any person.

What you can do further

If the respondent does not comply with the removal order, you can, without further notice and using such force as is reasonable in the circumstances, enter:

- the place where the fence, structure or vegetation is situated, and
- if reasonably necessary and if authorised by the court in the removal order,

any portion of the adjoining land, to remove or alter the fence, structure or vegetation, or arrange for its removal or alteration in accordance with the terms of the removal order.

Note: Section [220](#) of the Local Government Act 2002 refers

Duty

Under section [221](#) of the Local Government Act 2002 you must:

- enter at reasonable times, and
- carry with you and produce on initial entry, if required to do so, evidence of your authority to enter and of your identity; and
- as soon as practicable after the entry, give the owner and the occupier notice in writing, in the prescribed form and manner, of the entry and the reasons for it.

Civil Defence emergency powers

See the '[Civil Defence and Emergency Management](#)' chapter for your powers under the Civil Defence Emergency Management Act 2002.

Duties and responsibilities

This section contains the following topics:

- Operation Commander
- Initially
- During the operation
- After the operation
- Second in Charge (2 I/C)
- Scene Commander

Operation Commander

The Operation Commander is responsible to the District Commander. If the operation crosses district boundaries, the Operation Commander must liaise with the District Commanders involved. The Operation Commander should:

- direct, co-ordinate and control the operation
- appoint a liaison officer
- appoint an O/C Logistics
- appoint a Deputy Operation Commander, if necessary
- make a full appreciation of the situation
- give regular SITREPs to the District Commander
- establish policy on media releases.

Initially


During the initial stages of the operation, plan:

- the command structure and the expertise needed to make it work
- the format and content of orders groups and briefings (if you appoint a briefing officer you can concentrate on command)
- liaise with the District Command Centres for initial information and staffing resources available
- intelligence gathering and analysis (for major operations, discuss this with the O/C, District Intelligence Section)
- the involvement of the district engineering services technician in communications planning
- a media liaison policy that sets out clearly who is permitted to make statements (consult District Communications Manager or Public Affairs Group, PNHQ)
- the appointment of an Intelligence officer to supervise observation staff - Field Intelligence Officers , CIB or uniformed employees in plain clothes - who will mix with the crowd, noting and or visually recording anything of concern and gathering evidence
- staff deployment boards and plotting tables
- support staff and logistic help (tell the District Commander your requirements as soon as possible so that arrangements can be made)

- staff welfare
- adequate reserves (these do not include incident and enquiry patrol staff, who carry out their normal duties)
- control lines and physical barriers, having regard to likely or known critical points.

During the operation

Follow these steps.

Step	Action
1	Direct, coordinate and control the operation.
2	Identify priorities and critical points as early as possible and re-assess them regularly.
3	Re-deploy personnel as required. 
4	Ensure that your deputy stands in when you are absent from headquarters. The deputy should be fully briefed and have means of communication.
5	Ensure that: <ul style="list-style-type: none"> - a log of all communications sent and received is maintained at Operation Headquarters, utilise RIOD for this purpose - taskings are properly actioned - the District Commander is kept informed.
6	Provide appropriate media releases.

After the operation

Debrief all key personnel as soon as possible, in order to:

- extract lessons from the operation that may be applied to future riots
- recommend to the NM: Response and Operations, PNHQ, any necessary alterations to Police Instructions.

When large numbers are involved, O/C sections and other employees whose attendance is considered unnecessary could use a debrief form prepared in advance. In any event, supervisors should debrief their own personnel. See '[Debriefs](#)' chapter.

Any equipment and vehicles used for the operation must be returned. This is the responsibility of the O/C Logistics.

For details on logistics, see the '[Logistics](#)' chapter.

Second in Charge (2 I/C)

The 2 I/C is responsible to the Operation Commander and should establish the operation headquarters and achieve its objectives.

For more information on a 2 I/C's duties, see the '[Operation Headquarters](#)' chapter.

Scene Commander

The Scene Commander is responsible to the Operation Commander and:

- directs, coordinates and controls Police activities at the scene
- is responsible for briefing group commanders
- ensures that there is a high degree of teamwork.

The Scene Commander must:

- establish an accessible Forward Command Headquarters, preferably overlooking the event (a mobile headquarters with communications may be necessary for mobile demonstrations)
- staff the headquarters adequately - it must be guarded by personnel or Police dogs and have a communicator and log keeper
- ensure that a deputy stands in when the Scene Commander is absent from the headquarters (the deputy must be fully briefed and have means of immediate communication)
- deploy personnel early to ensure that the demonstrators follow the designated route and do not create disorder or commit other offences
- make available equipment such as bins, barricades, ropes, floodlights, loud hailer, binoculars, situation maps, fire extinguishers, and bolt cutters
- establish early communication with other emergency services, such as the Fire and Ambulance Services.

See the '[Multi-agency response to incidents](#)' chapter for further information.

The objectives of Police action in riot situations

This section contains the following topics:

- Evaluation
- Mobilisation
- Tactics
- Security

Evaluation

Proper deployment in the initial stages of a riot may contain or reduce violence, but time is critical. The senior police officer at the scene must think ahead, comparing the time required to mobilise resources with the rate at which the situation is likely to escalate.

Note: For information on making an appreciation, see the '[Planning, control and command](#)' chapter.

Mobilisation

The first Police at the scene should adopt defensive tactics to contain the riot until sufficient resources arrive to suppress it. The scene should be secured as quickly as possible on an area by area, section by section basis, with consideration given to the direction in which the riot is likely to spread. Communications must be established as soon as possible and relayed continuously.

Note: While some riots develop gradually, others may erupt almost instantaneously. For this reason, the necessary procedures must be established before the event, where possible.

Tactics

The tactics used to deal with the riot will be determined by the cause of the riot, the reasons for its continuance, who is involved and what is being done by those involved in the riot.

Security

When the riot has been dealt with, the scene must be adequately patrolled.

Also see the '[Introduction to Public Order Management](#)', '[Public Order Intervention Model](#)', '[Warning Messages](#)' and '[Out of Control Gatherings](#)' parts of this chapter.

Policing a riot

This section contains the following topics:

- Tactics
- Oleoresin capicum spray
- Taser
- Security
- Protective equipment
- Batons
- Police dogs
- Intelligence gathering
- Evidence gathering

When policing a riot, work as a team. No matter how skilled you may be, you will be relatively ineffective if you try to work as an individual. Remember that any wrong decision could dramatically influence the course of events.

Important: Staff safety is paramount.

Tactics

There is no single tactic for dealing with violent situations. The Operation or Scene Commander must consider:

- [TENR](#)
- [Public Order Intervention Model](#)
- the nature and extent of the riot
- the persons involved in the riot
- the safety of persons and property not part of the riot
- the safety of Police and other emergency services
- general tactics to regain control
- the means and resources required/available to implement those tactics.

Negotiation can be useful when the situation involves people from a particular ethnic or social background and is part of an ongoing protest, provided that delay in Police action does not result in death or injury. However, your response will inevitably involve one or more of the following tactics.

Containment

Assemble sufficient trained personnel to hold the demarcation line, and supply them with protective equipment. Where necessary, deploy additional groups so that a leapfrog advance can be made to hold any ground won. All constables used must be trained in using Public Order Protective Equipment and the correct authorisation must be granted to issue and utilise this equipment as per the '[Public Order Protective Equipment](#)' part of the chapter.

Squad or Section Commanders must ensure that units do not become isolated among the rioters, and that constables do not use excessive force.

Control

This involves a show of Police force at the appropriate time within the Public Order Intervention Model. Do **not** attempt any action that is beyond your resources. A concentration of resources at a significant time and place will convince rioters that you are in control, and discipline and formations will display your professionalism.

Note: Do **not** arrest any leaders who are offending until you have completed adequate reconnaissance and are satisfied that it is safe to do so.



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Oleoresin capsicum spray

As a general rule, Oleoresin capsicum (O C) spray should not be used in crowd situations, however, it can be used against more than one person at a time, if circumstances justify this. Its use in crowd situations should be carefully considered against the desired outcome and the ability of being able to provide aftercare to those sprayed. In every instance of O C spray being used in these circumstances constables must be able to show that they have referred to TENR and shown the necessity to adopt this tactical option.

In every instance a warning message must be given prior to O C spray being deployed in a crowd situation.

Constables rostered for duty at demonstrations must not carry it unless specifically authorised by a District Commander.

Note: Do **not** use O C spray against people offering passive resistance.

See also: '[Oleoresin capsicum spray](#)'.

Taser

You must take particular care if you intend to use a Taser in situations of unlawful assembly. Note the specific requirements for **crowd situations** and people offering **passive resistance** in the '[TASER \(Conducted Electrical Weapons\)](#)' chapter.

Security

Ensure that people and property remain safe from further attack. Do not confine the security operation to the riot centre. Include adjacent neighbourhoods and any others in which the riot may be renewed.

Note: Continue the operation until the area is back to normal.

Protective equipment

Wear Personal Protective Equipment (PPE) only when all these conditions are met:

- all the circumstances have been assessed as per TENR and the Public Order Intervention Model
- there is reason to expect violent or unlawful acts with which staff could not otherwise cope
- the Operation Commander has ordered it.

Also see '[Part 11 - Public Order Personal Protective Equipment](#)'

If possible, rioters should initially be supervised by personnel in regular uniform. Staff in PPE should stand by and be ready to replace those in regular uniform if necessary. Deploying PPE at the outset may be regarded by rioters as confrontational and may inflame the situation. However, PPE may be necessary from the outset if there is a real threat of violence. See '[Public Order Protective Equipment](#)' chapter.

Note: Only 'Police issue equipment' is allowed.

Batons

Batons may be used to establish, maintain, re-establish or protect the Police position in the face of a violent or menacing crowd. Long batons may only be carried on the instructions of the Operation Commander. Do **not** draw your baton unless you are told by a supervisor to do so, or unless you need it to defend yourself or to protect a Police position in your supervisor's absence. In such cases tell your supervisor about it as soon as you can. Batons (long baton and side handled baton) can only be used by qualified staff who have formed for specific public order policing activity.

Note: If you use a baton, you must submit a Tactical Options Report (TOR) detailing the circumstances of the incident, including witnesses, their authorisation and any injuries to any party.

Police dogs

As a general rule, use dogs only on the instruction of the Operation Commander. Otherwise, they may be used as guards but should not be unnecessarily displayed. Do not expose them to injury unless you need to. If a rioter is bitten, the Dog Handler with control of the dog must submit a Tactical Options Report (TOR).

See '[Use of force](#)' and '[General information for Police employees about Police dogs](#)'.

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Evidence gathering

Consider using video teams and photographers to:

- provide evidence
- help to identify suspects

- protect against unjustified complaints
- exert a controlling influence on Police behaviour.

They must be positioned so that their presence does not inflame the situation further, and must also be safe from violence and sabotage.

Such evidence gathering must be approved by the operation commander Unless required for training photographs and video film taken at demonstrations should be destroyed when they have served their purpose

Recorders must record all incidents, showing the time, location, numbers involved, identities and descriptions. Collectors of physical evidence must secure and retain exhibits for court use.

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Arrests

This section contains the following topics:

- General considerations
- Mass arrests
- Use and degree of force when arresting

General considerations

Before you arrest you should take into account:

- whether the arrest itself might cause disorder
 - the number of Police available
- where the suspect is
 - the seriousness of the offence
- whether or not the offence will cause further disorder if unchecked.

Follow these steps.

Step	Action
1	Wherever practicable arrest individuals on specific charges and document the evidence. If this is not possible and you arrest for breach of the peace, proceed as soon as possible with any charges for which evidence is available.
2	Promptly document any incidents that cannot be dealt with at the time, stating why no action was taken.
3	You (and all other frontline staff) should record the activities of individuals who may be leading the disorder.

Mass arrests

Mass arrests should only be undertaken with the consent of the Operation Commander if available, or the Scene Commander. There must be:

- no other reasonable solution
- no likelihood of greater disorder as a result
- the means to effect the arrests.

Where practicable, the arrests should be made on individual charges. When large numbers contribute to disorder it may not be possible to establish a common purpose for charges of riot or unlawful assembly except through the activities of many individuals.

For more information, see the '[Arrest and detention](#)' chapter

Use and degree of force when arresting

When using force to make an arrest remember:

- Use only sufficient force to affect the arrest.

Force is necessary only when rioters use or threaten violence and large scale disorder against the Police the public or property

- You have protection at law only if the force used is reasonable in the circumstances and no more than is necessary to overcome any force used against you.

Excessive use of force is unacceptable and may result in prosecution on a disciplinary offence or criminal charge

- In most cases, at least two constables should be used to effect and arrest and to restrain a prisoner.

Excess Police dealing with one rioter weakens the Police lines and may create a poor impression Do not congregate around a struggle

- section 39 and 62 (Crimes Act 1961) requirements.

If force is used, all personnel should be debriefed. Tactical Options Reports to be completed where appropriate.

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

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Incendiary devices

This section contains the following topics:

Planning

- What to do when incendiary devices are thrown

Equipment

Planning

Commanders who anticipate the use of incendiary devices (fireworks flares etc) at a gathering should ensure that they are fully conversant with the '[Improvised explosive devices and bomb threats](#)' chapter

One general warning from that chapter must always be kept in mind: you must **not** assume that all incendiary devices will conform to a recognisable type.

Orders and briefings must explain the arrangements for anticipated incendiary devices, including safety procedures.

Use explosives detector dogs (EDDs) if you suspect that explosives or ammunition are present.

What to do when incendiary devices are thrown

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Equipment

Constables exposed to incendiary devices should be supported by Logistics personnel and/or emergency services (i.e. fire and ambulance) with:

- a dry powder fire extinguisher
 - a B C F chemical extinguisher (these are effective against incendiary devices that generate their own oxygen if you don't know what kind of device has been used try dry powder first)
- asbestos gloves
- clean water for rinsing eyes

- 'Gladiator' and long shields (these are useful against fire and help to deflect incendiary devices).
-

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Part 08 - Demonstrations

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Executive summary

This chapter explains the law and procedures relating to the policing of demonstrations. It relates to all types of demonstrations, including industrial disputes and protests against domestic and foreign dignitaries.

Note: For further information see '[VIP Security Planning and Operations](#)' and '[Part 9 - Policing Parliamentary Precincts](#)'.

A critical aspect of policing demonstrations is planning. The chapter also focuses on the duties and responsibilities of those responsible for managing such operations and the considerations and procedures involved in preparing for them.

Purpose of policing demonstrations

The purpose of policing demonstrations is to preserve law and order and to protect people and property from the actions of demonstrators, and demonstrators from people who are not in sympathy with them.

Riots

Every demonstration has the potential to become violent. Police employees who are policing demonstrations should therefore familiarise themselves with the legislation and procedures for riot.

Balancing the rights of citizens

During demonstrations, Police must balance the need to maintain order against the rights of citizens. Among those rights are:

- freedom of speech
- peaceful demonstration
- security of life and property
- freedom from intimidation or interference.

Key, critical points for staff to note:

- A person breaching the peace may be arrested, however, this is not an offence. Alternative offences will need to be identified if charges are laid.
- A demonstration that is unexpected will be managed by the local Emergency Communication Centre until such time as an Incident Controller is on scene.
- Police response to a demonstration that is known about in advance should be planned and staffed for.
- Early liaison with demonstration leaders may be beneficial to the policing of the event.
- Any arrests at a demonstration should be made after consideration of the effect the arrest itself may

cause, and whether there are sufficient Police staff to effect the arrest safely.

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Demonstration related definitions

This table details definitions of terms that are relevant to demonstrations.

Term	Definition
Strike	A 'strike' is the act of a number of employees discontinuing their employment, failing to resume or return to their employment, breaking their employment agreements, or reducing their normal output. See: Section 81 of the Employment Relations Act 2000.
Lock out	A 'lock out' is the act of an employer closing the place of business or suspending the business or discontinuing the employment of any employees or failing or refusing to engage employees in work for which they are usually employed. This is done with a view to compelling acceptance of employment terms or compliance with the employer demands. See: Section 82 of the Employment Relations Act 2000.
Picket or picketers	<p>A 'picket' is defined in the Concise Oxford Dictionary - Tenth Edition 1999 - as "the act of a number of employees and others who protest outside a workplace for the purpose of trying to persuade others not to enter during a strike".</p> <p>The protesting employees and others involved in the protest are called picketers. The picketers will also protest the grievance for which they have taken the action.</p>
Disorderly assembly	<p>Under section 5A(1) of the Summary Offences Act 1981, a disorderly assembly is an assembly of three or more persons who, in any public place, assemble in such a manner, or so conduct themselves when assembled, as to cause a person in the immediate vicinity of the assembly to fear on reasonable grounds that the persons so assembled:</p> <ul style="list-style-type: none"> - will use violence against persons or property, or - will commit an offence against section 3 of the Act in that vicinity.
Public place	<p>Under section 2(1) of the Summary Offences Act 1981, 'public place' means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.</p> <p>Without limiting the definition of the term 'public place' in subsection (1) of this section, for the purposes of this Act, a person is in a public place if he is in any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle, which is in a public place.</p>

Riotous behaviour	<p>Riotous behaviour involves force or violence that is likely to cause alarm in at least one person of reasonable firmness and courage (<i>Scott v Parkinson & Howard</i> (1912) VLR 389).</p> <p>Riotous behaviour is more serious than disorderly behaviour, but falls short of the crime of riot. Because riotous behaviour is also disorderly behaviour, the charge of riotous behaviour is rarely filed.</p>
Offensive behaviour	<p>Offensive behaviour under section 4(1)(a) Summary Offences Act 1981 must not just cause offence. The offence must be to such an extent or of such a kind that it disturbs or disrupts public order (<i>Morse v Police</i> [2011] NZSC 45).</p>
Threatening behaviour	<p>Threatening behaviour has not been defined by the courts. According to the New Zealand Police Legal Section's commentary on the Act, a threat is "a declaration of an intention to punish or hurt". If the person has the power to carry out the threat, the offence becomes an assault.</p>
Insulting behaviour	<p>Insulting behaviour is behaviour that insults and seriously annoys one or more of those present (<i>O'Connor v Police</i> (1967) NZLR 437).</p>
Disorderly behaviour	<p>Disorderly behaviour under section 4(1)(a) of the Summary Offences Act 1981 is behaviour seriously disruptive of public order. It is not sufficient if the behaviour only annoys others or wounds feelings. A tendency to annoy others, even seriously, is insufficient to constitute the disruption to public order which may make restrictions on freedom of expression necessary.</p> <p>Disorderly behaviour under section 4(1)(a) of the Summary Offences Act 1981 is behaviour in or within view of a public place which substantially disturbs the normal functioning of life in the environs of that place (<i>Brooker v Police</i> [2007] NZSC 30).</p> <p>The behaviour must be more than unmannerly, disturbing, irregular, inconvenient or exhibitionist. (<i>Kinney v Police</i> (1971) NZLR 926).</p>
Public way	<p>Under section 22(2) of the Summary Offences Act 1981, 'public way' means every road, street, path, mall, arcade, or other way over which the public has the right to pass and re-pass.</p>
Obstructs	<p>Under section 22(2) of the Summary Offences Act 1981, 'obstructs', in relation to a public way, means unreasonably impedes normal passage along that way.</p>

Unlawful assembly	<p>In accordance with section 86(1) of the Crimes Act 1961, an unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner, or so conduct themselves when assembled, as to cause persons in the neighbourhood of the assembly to fear, on reasonable grounds, that the persons so assembled:</p> <ul style="list-style-type: none"> - will use violence against persons or property in that neighbourhood or elsewhere, or - will, by that assembly, needlessly and without reasonable cause provoke other persons to use violence against persons or property in that neighbourhood; <p>provided that no one shall be deemed to provoke other persons needlessly and without reasonable cause by doing or saying anything that he is lawfully entitled to do or say.</p>
Road	<p>In accordance with section 35(2) of the Policing Act 2008, the term 'road' has the meaning given in section 315(1) of the Local Government Act 1974 except that it includes:</p> <ul style="list-style-type: none"> - a motorway, within the meaning of section 2 of the Government Roding Powers Act 1989, or - a private road or a private way within the meaning of section 315(1) of the Local Government Act 1974.

Industrial disputes

Introduction

Lawful industrial action is an important aspect of bargaining under the [Employment Relations Act 2000](#). As with other forms of protest, employees have the right to congregate lawfully to protest about their employment conditions.

The guidelines and procedures in this chapter apply to all types of demonstrations, including industrial disputes. However, you must understand who has right of access to the workplace during a [strike](#) or [lock out](#).

Who has access to the workplace during an industrial dispute

During an industrial dispute the Employment Relations Act 2000 (Sections [20 to 25](#)) provides the right of access to the workplace for certain people for example union representatives and during a strike non striking employees

Pickers do not have access to the workplace

[Pickers](#) do not have right of access to the workplace, but they have the right to congregate lawfully in a public place to protest.

No right to prevent others' access

Pickers do not have the right to hinder or prevent others from entering the workplace.

Role of Police in times of industrial disputes and strikes

In times of industrial disputes and strikes Police must:

- ensure that pickers do not forcibly hinder or prevent any person from working at or exercising any lawful trade, business or occupation
- be mindful of the rights of all persons to freedom of expression, association, movement and assembly. These rights must be balanced against the need to preserve law and order
- maintain an attitude of real impartiality and refrain from making comments on the merit of the demonstration, dispute or strike
- take all reasonable steps to avoid the possibility or perception of sanctioning activities that breach the law.

Breach of the peace

Introduction

This section briefly covers information on breach of the peace that is relevant to your role in policing demonstrations. Breach of the peace, when there are demonstrators involved, usually encompasses misbehaviour by demonstrators that disturbs the public or causes public unrest.

Unlawful act, not an offence

Breach of the peace is an unlawful act, **not an offence**.

Preserving the peace

Preservation of the peace is paramount. Subject to that, police should as far as possible allow individuals and groups to exercise their rights.

Preventing a breach of the peace

If circumstances indicate that a spontaneous demonstration is likely to occur, or a managed picket has been reported, you must take all reasonable steps to prevent breaches of the peace, to protect property and to preserve public order.

Under section [42\(1\)](#) of the Crimes Act 1961, if you see a breach of the peace you can interfere to prevent it continuing or restarting. You can use no more force than is reasonably necessary to stop the breach of the peace continuing or restarting, or than is reasonably proportionate to the danger likely to result from its continuing or restarting.

Power of arrest

The two provisions under the Crimes Act 1961 that empower you to arrest someone who has breached the peace are:

- section [42\(2\)](#), and
- section [315\(2\)\(b\)](#).

If you arrest for breach of the peace

If you arrest a person for breach of the peace (remember that breach of the peace is not an offence), you must:

- give them the rights caution and the Bill of Rights
- not obtain their personal details or take photos or fingerprints, unless you are filing other charges (they have not been arrested for an offence, so therefore section [32](#) Policing Act does not apply)
- [release](#) the person as soon as practicable if you file no charges.

Offences

Introduction

A guide to categories of offences can be found in section [6](#) of the Criminal Procedure Act 2011.

Widely understood definitions for 'offence' and 'crime' were repealed as one consequence of major changes introduced by the Criminal Procedure Act 2011. The following informal definition is intended as a guide and has been drafted with assistance from legal experts.

'Offence' and 'crime' are words that are used interchangeably in statute and there is no material difference between them. They may be described as any act or omission that is punishable on conviction under any enactment and are demarcated into four categories as defined in section 6 of the Criminal Procedure Act 2011.

Offences relevant to demonstrations

These are some of the offences under the Summary Offences Act 1981 and the Crimes Act 1961 that are relevant to demonstrations:

- Disorderly assembly
- Disorderly behaviour
- Offensive behaviour
- Forcibly hindering
- Obstructing a public way
- Unlawful assembly.

For further information refer to '[Part 6 - Behaviour offences](#)' which provides more detailed information about these offences.

Arresting and using force

You have the power of arrest for all the offences above.

Under section [39](#) of the Crimes Act 1961, when making, or helping to make, an arrest, a person is justified in using such force as is necessary to overcome any force used in resisting, unless the arrest can be made by reasonable means in a less violent manner. However, except in the case of a constable or a person called on by a constable to help them, this does not apply where the force used is intended or likely to cause death or grievous bodily harm.

Under section [41](#) of the Crimes Act 1961 you are justified in using such force as is reasonably necessary to prevent the commission of an offence that would be likely to cause immediate and serious injury to anyone's person or property.

Demonstration command structure

Planning

A critical requirement for managing a demonstration is planning. Where Police have advance notice of a demonstration, the District Commander appoints a Planning Officer, who may become the Operation Commander. This officer is responsible for investigating the scope and nature of the proposed demonstration and making adequate arrangements for dealing with it.

Liaison

Liaison is another essential ingredient for effectively policing demonstrations. In general, Police should try to establish friendly dialogue with groups that demonstrate frequently, in order to build mutual understanding and break down prejudice.

The Planning Officer must appoint a Liaison Officer at an early stage, to establish good communications between Police and the demonstration leaders. The Planning Officer or Operation Commander should meet the people [against whom the demonstration is directed](#).

Who takes command of a demonstration?

This table details who takes command of a demonstration;

If. . .	then. . .
the demonstration is unexpected and there is no advance notice	the Emergency Communications Centre takes initial command and control in accordance with the provisions of this manual until local command and control is established. The Emergency Communications Centre supervisor immediately informs senior district field supervisors of the demonstration. Note: most demonstrations are first reported to a Emergency Communications Centre
Police receive advance notice of a demonstration	the District Commander appoints a Planning Officer.

Demonstrations that cross district boundaries or are of National Significance

If a demonstration crosses district boundaries (e.g. a hiko) or is a demonstration of national significance (high level event), the District Commander of the district where the demonstration starts will generally lead the command structure throughout the operation. If the event is a high level event, the Director: Capability must be notified and may assume responsibility (see '[Inter-district operations](#)'). That District Commander will consult with the District Commanders whose districts will be affected by the demonstration to seek their agreement to the command structure. The Planning Officer, Operation Commander and other key

roles will also generally maintain their roles throughout the demonstration.

Planning Officer and Operation Commander

The Planning Officer is responsible to the District Commander, and, following the planning stage, may become the [Operation Commander](#).

The Planning Officer is responsible for investigating the scope and nature of the proposed demonstration and making adequate arrangements for dealing with it. Their duties and responsibilities are listed with those of the Operation Commander.

Liaison Officer

A [Liaison Officer](#) is appointed by the Planning Officer and is responsible to the Planning Officer and/or Operation Commander.

Other key appointments

Planning will dictate what type of organisation is necessary, but most demonstrations require these appointments:

- 2 I/C: responsible to the Operation Commander
- [Scene Commander](#): responsible to the Operation Commander
- [Group Commanders](#): responsible to the Scene Commander
- [O/C Sections](#): responsible to Group Commanders
- [Safety Officer](#): responsible to the Operation Commander.

Major demonstrations / Operations of national significance

For major demonstrations, the Operation Commander should establish:

- a [Complaints Group](#) under the command of an Inspector (or higher position)
- an [Enquiries Group](#) under the command of a senior CIB employee.

Duties of the 2I/C

The 2I/C establishes the Operation Headquarters and achieves the Headquarters Group's objectives.

Operation Commander

Chain of command

The Operation Commander is appointed by, and responsible to, the District Commander.

General duties

The Operation Commander should:

- direct, co-ordinate and control the operation
- appoint a Liaison Officer
- appoint a 2 I/C, if necessary
- appoint a Safety Officer
- assess the situation
- give regular SITREPS to the District Commander (or District Commanders if the demonstration crosses district boundaries) and to the National Operation Commander, where one is appointed
- establish policy on [news releases](#).

Examining the route of the demonstration

Discuss the route of the demonstration with the local authority, having regard to public inconvenience, likely target premises and the availability of exits in the event of dispersal. Once the route is approved, contact public transport operators and the occupiers of premises.

Planning for the demonstration

Take these issues into account when planning for policing a demonstration:

- Be familiar with sections within this chapter relating to '[Rights of citizens](#)', '[Maintaining order and respecting the rights of citizens](#)', and '[Maintaining discipline and exercising restraint](#)'. Mention of these sections must be made at any Orders Group
- Be familiar with policing demonstrations against visiting VIPs in the '[VIP Security Planning and Operations](#)' chapter - searches and checks/demonstrations against visiting VIPs. In particular protecting the dignity of VIPs, barriers, and obstructing demonstrators view
- The command structure and the expertise needed to make it work
- The format and content of orders groups and briefings. Forward a copy of the Operation Order to the Supervisor of the appropriate Communications Centre
- Intelligence gathering and analysis. For major operations, discuss this with the District Manager: Intelligence
- The appointment of an Intel Officer to supervise observers - Field Intelligence Officers (FIOs) or uniformed employees in plain clothes - who will mix with the crowd, noting anything of concern and gathering evidence
- The involvement of ICT employees in communications planning
- A media liaison policy that sets out clearly who is permitted to make statements
- Assistance from Workforce management

- Personnel deployment boards and plotting tables
- Support employees and logistic help. Tell the District Commander your requirements as soon as possible so that arrangements can be made
- Employee welfare and safety
- Adequate contingency planning and reserves. These do not include incident and enquiry patrols who carry out their normal duties
- Control lines and physical barriers, having regard to likely or known critical points
- Training in the use of pressure point control techniques (PPCT) for any employees who may carry out mass arrests
- Use of RIOD ([Real-time Intelligence for Operational Deployment](#))

Meeting with those demonstrated against

The Planning Officer and/or Operation Commander should meet the people against whom the demonstration is directed and:

- obtain details of any threats against them or their premises
- tell them what the demonstrators are likely to do and, if it seems appropriate to divulge the information, what Police plan to do about it
- find out anything that could facilitate effective Police planning.

Allowing Police photographers at demonstrations

Police photographers using still or video cameras should be deployed only on the authority of the Operation Commander and where the prevailing circumstances indicate a probability of disorder.

Other than for training purposes, photographs or video taken at demonstrations should be destroyed once the reasons for which they were taken ends. For procedures and timeframes for the destruction of photo and video records see NZ Police '[Disposal and Retention Schedule](#)'.

Tasks during the operation

During the operation, carry out these tasks.

Step	Action
1	Direct, co-ordinate and control the operation.
2	Identify priorities and critical points as early as possible and re-assess them regularly.
3	Re-deploy personnel as required.
4	Take up a position from which you can best command and influence the conduct of the operation.
5	Ensure that your 2 I/C stands in when you are absent from headquarters. The 2 I/C should be fully briefed and have means of communication.
6	Ensure that: <ul style="list-style-type: none"> - a log of all messages sent and received is maintained at Operation Headquarters utilising RIOD - those messages are properly actioned - the District Commander is kept informed.
7	Provide regular media releases.

Tasks after the operation

[Debrief](#) all key personnel as soon as possible, in order to:

- extract lessons from the operation that may be applied to future demonstrations
- recommend to the Director: Capability any necessary alterations to Police policy.

When large numbers are involved, O/C Sections and other employees whose attendance at the debrief is considered unnecessary could use a debrief form prepared in advance. In any event, supervisors should debrief their own employees. See: '[Debriefs](#)' chapter.

Liaison Officer

Chain of command

The Liaison Officer is responsible to the Planning Officer and Operation Commander.

Meeting with demonstration leaders

The Liaison Officer should meet with the demonstration leaders and:

- let them know that Police recognise and respect their right to demonstrate, but have to consider the rights of the community and ensure that the demonstration remains within the law
- explain the Police:
 - policy on demonstrations
 - role during the demonstration
 - expectations of the demonstrators
- encourage the leaders to enforce discipline themselves; for example, by appointing marshals
- arrange and clarify the demonstration's duration, assembly points, routes, dispersal points and procedures for deputations (ensure the demonstrators apply for a permit)
- document all conversations, particularly when agreements are reached or restrictions are placed on the demonstrators
- try not to change any agreements made with the demonstrators. If an agreement must be changed, tell them why as soon as possible.

Note: The Planning Officer or Operation Commander meets with the people against whom the demonstration is directed.

Obtaining and evaluating intelligence

Evaluate the degree of organisation, discipline and hostility among the demonstration leaders and their followers. Find out anything that could facilitate effective Police planning. See: '[Gathering intelligence](#)'.

Making regular reports

Regularly report information to the Planning Officer and Operation Commander.

Scene Commander

Chain of command

The Scene Commander is responsible to the Operation Commander.

General duties

The Scene Commander:

- directs, co-ordinates and controls Police activities at the scene
- is responsible for briefing Group Commanders
- ensures that there is a high degree of teamwork.

Establishing the 'Forward Command'

The Scene Commander must:

- establish an accessible 'Forward Command' Headquarters, preferably overlooking the event. If the demonstration is mobile, the headquarters may also need to be mobile and must have communications
- staff the headquarters adequately. It must be guarded by personnel or Police dogs and have a communicator and log keeper
- ensure that a 2 I/C stands in when they are absent from the headquarters. The 2 I/C must be fully briefed and have means of immediate communication
- ensure that effective communication is maintained between the Command Post, Group Commanders and Operation Commander
- supply the Operation Commander with accurate information on the progress of events and likely developments.

Communicating with demonstrators and media

The Scene Commander must:

- meet the demonstration leaders or co-ordinators when they first assemble, if appropriate, and maintain friendly contact during the demonstration. It is helpful to have the Liaison Officer present when you do this
- establish good relations with media representatives. Do not restrict their movements, unless they are likely to hinder the operation or are seeking access to 'secure areas'. [News releases](#) must be made in accordance with the Operation Commander's policy.

Deploying employees and equipment

The Scene Commander must:

- deploy employees early to ensure that the demonstrators follow the designated route and do not create disorder or commit other offences
- make equipment available; for example, bins, barricades, ropes, floodlights, loud-hailers, binoculars, situation maps, fire extinguishers and bolt cutters

- identify priorities and critical points and reassess them regularly
- re-deploy personnel allocated to Group Commanders as required. Reserves should be constantly ready
- except in exceptional circumstances, deploy personnel with protective equipment only in accordance with policies and procedures and at the direction of the Operation Commander. The deployment of personnel with protective equipment must be in accordance with '[Part 11 - Public Order Protective Equipment](#)'.
- avoid becoming physically involved in arresting or restraining suspects
- after consulting the Operation Commander, ensure that section personnel are given breaks as required. Rotate static personnel regularly during long operations
- ensure that video operators and Police photographers act (see: [Allowing Police photographers at demonstrations](#)).

Making a report

Report in writing (utilising RIOD) to the Operation Commander as soon as possible after the operation, detailing:

- the number of demonstrators and their activities
- the Police action taken, number of arrests and nature of offences
- any problems encountered.

Group Commanders

Chain of command

Group Commanders are responsible to the Scene Commander.

General duties

Group Commanders are in charge of the different aspects of the operation, such as:

- demonstrators
- crowd control
- traffic control
- criminal intelligence and investigation.

Initial briefings and consultation

Each Group Commander must:

- brief O/C Sections on procedures and tactics and, where time permits, begin training in the use of those tactics
- direct the sections, each of which should comprise no more than five constables under the supervision of a Sergeant or Senior Sergeant
- consult the Scene Commander in deploying the sections and assigning responsibilities to each.

Tasks during the operation

Each Group Commander must:

- ensure that the directions given to section leaders are clear, concise and strictly obeyed. This also applies to the officers in charge of reserves
- ensure that all uniformed constables are wearing their issued register numbers or name plates in the appropriate place on their uniform (see: [Uniform, dress standards and appearance](#))
- ensure that the sections concentrate on the major disorder and are not dissipated by minor disturbances. Be alert to developing situations and try to anticipate likely problems. Advise the Scene Commander of the situation
- be in a position to closely supervise the activities of the sections
- avoid becoming physically involved in arresting or restraining suspects
- ensure that constables making arrests are protected and not encircled by the crowd.

Controlling the demonstrators

Each Group Commander must:

- be familiar with sections within this chapter relating to '[Rights of citizens](#)', '[Maintaining order and respecting the rights of citizens](#)', and '[Maintaining discipline and exercising restraint](#)' (mention of these sections must be made at any Orders Group)
- be familiar with policing demonstrations against visiting VIPs in the '[VIP Security Planning and Operations](#)' chapter - searches and checks/demonstrations against visiting VIPs (in particular

protecting the dignity of VIPs, barriers, and obstructing demonstrators view)

- position uniformed constables around moving demonstrators when necessary. Such personnel should indicate whether Police instructions can be heard. Mobile reserves can move parallel to the march and converge on trouble spots

- keep demonstrators out of restricted areas with barricades or skirmish lines, or re-direct their movement. Backup personnel should support the forward line and deal with demonstrators that break through it. Access to a public place should be denied only when it is believed on reasonable grounds to be necessary to:

 - prevent immediate or serious danger to people or damage to property or a serious breach of the peace or

 - maintain a reasonable passage for vehicles and pedestrians

ensure that demonstrators are able to exit or avoid a restricted area

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OC Sections

Chain of command

The O/C Sections are responsible to the Group Commanders.

Briefing

As an O/C Section you must brief personnel about demonstration policies, procedures and tactics.

Maintaining watch of the section

As an O/C Section you must:

- maintain a position that allows maximum control over the section. When controlling demonstrators, stand immediately behind your section
 - remain with the section to ensure its discipline and unity
- ensure that all uniformed constables are wearing their issued register numbers
 - keep constables facing the demonstrators
- avoid becoming physically involved in arresting or restraining prisoners
 - advise the Group Commander if further help is needed
- ensure that each constable of the section complies with demonstration policies and procedures. Counsel, or order from the scene, any constables who contravene those principles or lose emotional control. Major lapses must be reported in writing.

Completing the documentation

Make sure that Constables who have made arrests report at the station as soon as possible to complete the Scene and Station Process Form (POL 127) or sign the Custody/Charge Sheet (POL 173).

Commendations

Provide a written report to the Group Commander on any section Constable who has shown extraordinary ability in preventing disorder and coping with problems.

Safety Officer

Chain of command

The Safety Officer is responsible to the Operation Commander.

Identifying risks

Monitor all aspects of the operation and identify safety risks ([hazards](#)) that must be addressed to ensure the operation meets the requirements placed on Police under relevant Health and Safety legislation.

Preparing risk assessments

Prepare formal risk assessments on safety issues to form part of the operation plan and orders. Inform the Operation Commander and relevant group, squad and section O/Cs of all risks and possible solutions so the risks identified can be eliminated, isolated or minimised.

Establishing a hazard management plan

Establish a [hazard management plan](#) for the operation. It must allow a means for operational employees who identify hazards to bring these to formal notice and have them addressed.

Monitoring the operation

Actively monitor operational activities to identify any hazards not originally detected and ensure that they are managed.

Complaints Group and Enquiries Group

Chain of command

Complaints Group	The Complaints Group is under the command of an Inspector (or higher position)
Enquiries Group	The Enquiries Group is under the command of a senior CIB employee.

Complaints Group duties

The Complaints Group;

- observes the demonstration and takes prompt action on any complaint against Police
is separate from the constables who are policing the demonstration Its commander must be fully briefed on the operation and have a copy of the outline plan and Operation Orders

Enquiries Group duties

The Enquiries Group;

- investigates any offences committed by the demonstrators or people opposed to the demonstrators, so that the constables policing the demonstration are not taken away from their specific tasks
should not investigate minor behaviour offences but should concentrate instead on the more serious offences such as assault and criminal damage
- must be separate from the Complaints Group and the constables who are policing the demonstration.

Preparing for a demonstration

Being prepared

Being prepared is essential to policing a demonstration effectively. All available intelligence must be gathered and suitable employees and equipment deployed well before the demonstration begins.

Adopt a flexible, non-confrontational strategy and, if possible, establish constructive communication with the demonstration organisers.

Key preparation areas

These are the key areas of preparation:

- gathering intelligence
 - selecting and deploying personnel
- setting up communications
 - using physical barriers
- closing roads.

tion Act 198

Gathering intelligence

Preparation

To manage a demonstration effectively, you must be prepared. Gather and analyse all the relevant information before the demonstration.

Information about the demonstrators

Find out;

- who the members of the demonstrating group are, and their:
 - ages
 - how many in the group
 - temperament
 - affiliations (such as to gangs or groups known to incite violence)
- details and travel plans of any demonstrators travelling in from outside the local area and of any opposing groups
- who the organisers, leaders and speakers are
 - the aim of the demonstration
- its assembly point, route, time and probable duration
 - what activities and tactics are planned and the degree of organisation

Information about possible problems

Find out:

- if disorder or other offending is likely in the light of any previous experience with the same group
 - the nature of the venue including the location of buildings or facilities that may be attacked such as embassies or Police stations; and how easily they could fall under the demonstrators' control
- the possibility of routes being cut off, preventing Police access to the scene
 - the availability of potential weapons
- what other factors will be involved, such as pedestrian and motor traffic, and crowds.

National intelligence for major or violent demonstrations

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Briefings

Intelligence briefings are important. In order to take appropriate action, personnel must have information about the demonstrators':

- number
- demeanour
- activities
- tactics.

Where Police are protecting VIPs, the Operation Commander should ensure that those constables receive separate briefings.

tion Act 198

Selecting and deploying personnel

Planning must be flexible

Personnel requirements will differ from one demonstration to another. Planning must be flexible enough to meet any realistic contingency. Unforeseen circumstances may mean that employees have to be called back.

Requirement to have sufficient staff

When a demonstration occurs Police should provide sufficient personnel to effectively monitor the activity and provide regular assessment reports to the officer in charge.

Selecting personnel

Personnel selection must take into account individual abilities and skills and not be based on availability alone

Those in command should be able to exercise firm control and show initiative in assessing priorities. They should know to tell the Operation Commander when personnel allocated to them become surplus to requirements.

Group Commanders should have someone to record orders and directions, so that they can concentrate on commanding the operation.

Orders groups and briefings

Always include 'Use of Tactical Options' in orders and briefings and indicate that only reasonable force may be used. Remind employees of the **Tactical Options** (see PDF below) and refer them especially to the policies and procedures around:

-

 [Tactical options framework \(PDF\)](#)

147.26 KB

- [use of force](#) and tactical options
[trachea holds](#) (forbidden)
- [handcuffs and other restraints](#)
use of [OC spray](#)
- use of [Taser](#).

Final written orders should be prepared as late as possible to ensure that they are up to date, but they must be delivered in time for other commanders to prepare their briefings.

After an Orders Group, Scene Commanders and Group Commanders must make their own plans and give their orders and briefings.

When support personnel arrive from other regions or districts the Operation Commander should direct the

2 I/C to fully brief these personnel. This allows the Operation Commander to concentrate on [planning and command](#). In some cases, a Logistics Officer may be able to carry out this role.

Deploying uniformed personnel

The facts will indicate the type of coverage required. A minor, passive demonstration may require only a token force or none at all.

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Reserves

Unneeded personnel should be withdrawn, but reserves should always be close by. The success of the operation may depend on the ability of the Operation Commander or Scene Commander to rapidly deploy reserves. If Group Commanders are overstaffed, they must tell the Operation Commander so that redeployment can take place. Generally, the principle of minimum deployment and maximum reserve applies. Reserves may be static or mobile, but should always be mobile for a mobile demonstration.

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Deployment of Police Dog Sections

See 'Demonstrations' in the '[General information for Police employees about Police dogs](#)' chapter.

Setting up communications

Maintaining communication with demonstration leaders

Good communications are essential to effectively managing a demonstration. The liaison officer maintains communication and liaison with the demonstration leaders. For details about what should be communicated to the demonstrators, see [Liaison Officer](#).

Radios

Technical Services staff should be involved in planning, and should test the radios before the operation. Portable radios, where available, should be issued to:

- Group and Scene Commanders and their 2 I/Cs
- O/C Sections
- Sergeants/Senior Sergeants in charge at static positions
- Constables.

Colour coding

Colour-code equipment for large operations.

Loud-hailers

Consider using loud hailers both by hand and on car roofs at the front and rear of the march. Mounting loud hailers on the roofs of Police vehicles increases their range which is important for large demonstrations.

Choosing communicators

Base the selection of headquarters and field command communicators on their ability to communicate orders clearly and work under pressure.

Using physical barriers

Effective barriers

Barriers must be secured to each other and to the ground in order to contain the demonstrators. If they are not secured, they will probably be ineffective against aggressive demonstrators and may be used as a weapon against Police. Water-filled barriers are especially effective as a barrier.

Visiting the scene to assess requirements

Operation and Scene Commanders should visit the scene well in advance to assess barricade requirements. The position of barriers should be shown on plans and stated at orders groups and briefings.

Putting the barriers in place

Physical barriers should be in place well before the demonstration and continuously staffed thereafter. This allows Police to retain the initiative.

Sterile areas

Physical barriers should create a sterile area around any place to which the demonstrators will be denied access.

Visiting dignitaries

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Note: For more information on policing a demonstration against a visiting dignitary see the 'Crowd control' section in the '[VIP Security Planning and Operations](#)' chapter of the Police Manual, and '[Part 9 - Policing parliamentary precincts](#)' of this chapter

Ceremonies and functions

Keep demonstrators away from the general public at ceremonies or functions. This should be considered in the pre-planning stage and the demonstration leaders informed.

Cordons

For information on cordons, see the '[Perimeter control](#)' chapter of the Police Manual.

tion Act 198

Closing roads and working with councils

Power to close roads

Where a constable has reason to believe that, at or near that place:

- there is existing or imminent public disorder or
- there is, or may reasonably be expected to be, danger to any member of the public, or an offence punishable by 10 or more years imprisonment has been committed or discovered at or near that place

the Constable can;

- close for as long as reasonably necessary
 - any road at, or leading to or from, or in the vicinity of, that place, or
 - any part of such a road
- to all traffic or specific type of traffic (including pedestrian traffic)

See: Section [35](#) of the Policing Act 2008.

The route of the demonstration

Discuss the route of the demonstration with the local authority, having regard to public inconvenience, likely target premises and the availability of exits in the event of dispersal. Once the route is approved, contact public transport operators and the occupiers of premises. Consider contacting the media to inform the public of any potential traffic delays.

Procedures at a demonstration

Maintaining order and respecting the rights of citizens

Police's paramount duty is to preserve the peace. Subject to that, Constables should as far as possible allow individuals and groups to exercise their rights.

Maintaining discipline and exercising restraint

In policing demonstrations, Constables must:

- maintain team work and discipline
- exercise tact, tolerance and restraint
- remain impartial
- use their powers reasonably and properly.

Arresting

Constables should look at each offence in context and be flexible. They should decide whether or not the offence will cause further disorder if unchecked. Prosecution by summons may be preferable to immediate arrest.

Arrests must be conducted at the discretion of the Operation Commander or Scene Commander

Staff safety

Constables must advise the Safety Officer of any safety risks beyond those they have already been briefed on and ensure that these risks are managed in an appropriate manner.

Key points

These are the key points:

General procedures

- Arrests.

General procedures

Guidelines

When policing demonstrations you must always:

- recognise people's right to demonstrate peacefully
- be tactful, tolerant and restrained. Do not respond to any tactics designed to draw you into hasty or imprudent remarks or actions
- be and be seen to be impartial Do not comment on the merits or otherwise of the demonstration
- wear your uniform register number or name plate at all times (see [Uniform, dress standards and appearance](#))
- work with the team demonstration duty requires teamwork and no matter how skilled you may be you will be relatively ineffective if you try to work alone
- be aware of your own safety and the safety of staff around you. Remember the maxim "**Maximise Safety, Minimise Risk**".

Directing demonstrators

Follow these steps to give directions to demonstrators.

Step	Action
1	Make sure that the directions are clear and courteous
2	Avoid using words that may be construed as threatening.
3	Give directions in whatever way is appropriate.
4	Communicate through the demonstration leaders if you can, but if not, address the group yourself.
5	Repeat the directions several times if necessary and allow a reasonable time for the demonstrators to comply
6	Make sure that those at the back can hear. Use a loud-hailer if you need to.
7	<p>If demonstrators do not respond, tell them the consequences, such as arrest or dispersal.</p> <p>Note: Demonstrators often claim not to have heard the directions and use this as a reason for non-compliance. Police placed behind and beside the demonstrators can signal that they have heard the directions themselves, and so negate this claim.</p>

Delays to traffic

If traffic is being delayed by the demonstration use the media to inform the public of the delays

Unlawful road blockages

When a demonstration occurs, you:

- should ensure there is no unlawful blockage of any public way or road as a consequence of any protest
- ensure that road traffic cannot enter the area unless controlled
- arrange for public media notification of blockages to reroute traffic for the duration required
- ensure any vehicles being driven nearby are directed as to route and speed
- assess whether the demonstrators' activities reasonably impede normal passage
- ensure activity that amounts to deliberate and persistent obstruction of the roadway is occurring, before taking action to unblock a roadway
- warn demonstrator leaders of the implications of their activities, and that their right to protest must be balanced with the public's use of the thoroughfare.

Pickers entering their workplace

While on strike, picketers have no right to enter their workplace. If they proceed to enter or are found in their workplace, the employer or representative should trespass the picketers in the first instance.

The status of workers during such situations may not always be apparent and if you become involved in policing the picket, they should keep the picketers' advocates informed. Should an employer prefer not to encounter picketers who are trespassing, and provide written authority for Police to act on their behalf, you must inform the advocates of this authority.

See: '[Trespass](#)' chapter.

If probability of harm increases

Where there is an escalation of activity among picketers or protesters that indicates an increased probability of harm occurring, or harm has occurred to any protester or any member of the public, consider taking all reasonable steps in consultation with picket managers and organisers to dissolve or disperse some or all of the picketers or protesters from the immediate area.

Dispersing a demonstration

When making the decision to disperse a demonstration, first apply [TENR](#). Ensure that there is a necessity to take action and that the action is lawful and proportionate. When the decision is made to disperse a demonstration, the Scene Commander should follow these steps.

Step	Action
1	Ask the picket managers or demonstration leaders to disperse the protesters.
2	If they refuse, or their attempts to disperse the protesters are unsuccessful, inform the demonstrators in a clear manner that they are required to disperse.
3	If this is unsuccessful, give directions to Group Commanders to disperse the demonstrators, and ensure appropriate equipment is made available to the sections engaged on demonstration duty.

The Group Commanders must then brief the O/C Sections on procedures and tactics.

See also: '[Scene Commander](#)' and '[Group Commanders](#)'.

After a demonstration has been dispersed

When the demonstration has been dispersed, the O/C Section must, where possible, liaise with picket managers and organisers to outline issues arising from the protest and to determine the picketers' intentions in respect of any planned future activity.

Documenting incidents and complaints

Incidents seen but not dealt with, and complaints, should be documented as soon as possible after the event.

Arrests

Considerations

Before you arrest, you should take into account:

- whether the arrest itself might cause disorder
- the number of Constables available
- location of suspect(s)
- the seriousness of the offence
- whether or not the offence will cause further disorder if unchecked.
- Consider the use of Photography section to video the actual arrest.

Look at each offence in context and be flexible. Prosecution by summons may be preferable to immediate arrest. Do not arrest for language offences or disorderly behaviour, unless a breach of the peace is likely to result. Slowness in obeying orders does not constitute obstruction. Do not single out a demonstration leader for arrest simply because that person is a leader.

Tell the person you will arrest them if they do not leave, and allow them to do so. Often, a person has been misled by others about the consequences of actions, or does not realise the implications of arrest.

When arresting

When arresting:

- tell people why they are being arrested
- if demonstrators are female, when practicable, try to have them arrested by, or in the presence of, a female constable (subsequent search must be by a female constable or AO)
- Ensure you work in pairs for any arrests made

Caution: It may be unwise to enter the demonstrating group to effect an arrest.

Using force when arresting

When using force to make an arrest, remember these points:

- Use only sufficient force to make the arrest
- Work in pairs or three's. In most cases, use of three constables are needed to make an arrest - two for restraint purposes, one to ensure safety of the arresting officers; more tend to be a hindrance
- Do not congregate around a struggle. Excess numbers of constables dealing with one demonstrator weakens the Police lines

Note: If force is used, all personnel should be debriefed and Tactical Options Reports are required.

After the arrest

After the arrest you must:

- be prepared to prove who was arrested where and when, and to give full details of the offence
- make written notes as soon as possible after each arrest so that you can give accurate evidence in court
- tell your supervisor about identified suspects who have not been arrested. They will decide whether to initiate summons procedures.

Mass arrests

Mass arrests should be made only with the consent of the Operation Commander or, in their absence, the Scene Commander. There must be:

- no other reasonable solution
- no likelihood of greater disorder as a result
- the means to make the arrests.

Where practicable, arrests should be for individual offending. When large numbers contribute to disorder it may not be possible to establish a common purpose for charges of riot or unlawful assembly except through the activities of many individuals. All constables should record the activities of individuals who may be leading the disorder.

See also: '[Part 10 - Mass arrest planning](#)' in this chapter and the '[Arrest and detention](#)' chapter in the Police Manual.

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Part 10 - Mass Arrest Planning

Released pursuant to Official Information Act 1982

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Introduction

This section contains the following topics:

- Mass arrest procedure
- Further information

Mass arrest is the process of handling large numbers of prisoners. This chapter outlines the considerations around equipment and staffing in respect of mass arrest processing.

The method of mass arrest can be modified by the Operation Commander and/or the O/C Scene Processing depending on the nature of the venue available resources or size of the mass arrest so long as prisoner and staff safety are not compromised

Mass arrest procedure

Suspects are arrested on charges appropriate to each individual, and are then individually identified and processed at the scene.

It is important that scene processing roles are adequately staffed. The number of personnel required will be determined by available resources, size and nature of the operation or event being policed, and any intelligence indicating crowd behaviour.

Authorised officers who are Police jailers, escorts or guards may be used for roles within the scene and station processing groups. Scene Processing O/Cs should conduct some processing tuition to staff prior to deployment.

The use of handcuffs (plastic and metal) and restraint belts on prisoners who are arrested as a result of these procedures are appropriate only to restrain them in accordance with [instructions on their use](#)

Further information

This chapter should be read in conjunction with the Police Manual chapters on:

- '[Part 8 - Demonstrations](#)' in this chapter
- '[Arrest and detention](#)'
- '[Part 7 - Unlawful Assembly and/or Riot](#)' in this chapter
- '[People in Police detention](#)' regarding 'Transporting of prisoners'

Resources

This section contains the following topics:

- Personnel requirements for the scene processing group
- Personnel requirements for the station processing group
- Equipment

Prior to policing any planned event where mass arrests are envisaged to occur, planning will need to be done around the staffing and equipment to ensure that there are sufficient resources to undertake the tasks required.

Personnel requirements for the scene processing group

These personnel are required:

- O/C (who should be a Sergeant or Senior Sergeant).
- Scene Processing Clerk (Constable / authorised officer).
- Scene Processing Guards (Constables / authorised officer).
- Scene Processing Guards (prisoner transport vehicle) (Constable / authorised officer).
- Prisoners' transport crew (Constables / authorised officer).

Remember: More crew and guards (Constables or authorised officers) will be needed if you use buses rather than vans. If necessary, form a transport section under a Sergeant or Senior Sergeant. Constables may need to fulfill multiple roles depending on staffing available for support roles.

Personnel requirements for the station processing group

These personnel are required:

- O/C (who should be a Sergeant or Senior Sergeant).
- Watchhouse keeper / Watchhouse assistant
- Jailer (Constable / authorised officer).

Equipment

This equipment list (not exhaustive) but is an indication as to what may be required at a scene processing venue:

- Transportation for the prisoners
- Camera for the taking of prisoner photographs
- Mobility device for identity checks (QP, QVR etc)
- Collapsible table or clipboard
- Sufficient paper charge sheets and related processing forms (should the system fail),
- plastic handcuffs and cutters
- Pencils and pens

- Exhibit bags, forms (POL268) and labels
 - Prisoner property bags and labels
 - Notebooks
 - First aid kits.
-

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Part 11 - Public Order Protective Equipment

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Executive summary

This chapter provides instruction and guidance to constabulary staff using public order personal protective equipment (PPE), predominantly by specialised Police units involved in situations of anticipated or actual riot or serious disorder. Existing 'non-Arnold Frontline' public order protective equipment remains approved for use but only the new Arnold brand 'Frontline' equipment must be purchased to replace or replenish equipment.

Key critical points for staff to note:

- The Arnold brand 'Frontline' protective equipment is now the only approved option for purchase. This must be worn with BAS/SRBA.

Existing non Arnold brand public order protective equipment and 'Pacific P6' protective helmets may continue to be used

- As deployment in PPE is a significant show of force, the authorising officer must ensure sufficient justification for its use exists.

Justification includes a situation of riot or serious disorder exists where PPE is required to protect staff from injury

- Authorisation to deploy with PPE must be made at Inspector level or above (unless unavailable and a situation of urgency)

A TOR must be submitted by the authorising officer following deployment with PPE

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Equipment

Approved equipment

The only personal protection equipment (PPE) approved for purchase by New Zealand Police is the Arnold brand 'Frontline' public order protective equipment. It must be worn together as a set and includes;

- foot protectors
- shin/knee protectors
- thigh protectors
- forearm/elbow protectors
- shoulder protectors
- groin protectors.

NOTE: The Arnold brand chest protectors are **not** an approved item and must not be purchased or worn.

Further to the approved equipment is the 'Argus 017T' Protective helmet, to be worn in conjunction with the 'Frontline' public order protective equipment.

Body Armour System (BAS) / Stab Resistant Body Armour (SRBA)

As Police-issued BAS or SRBA serves the same function but to a greater degree as public order protective equipment, it must be worn when any public order protective equipment is issued and worn. The use of public order protective equipment must comply with the requirements of either the [BAS Policy](#) or the [SRBA Policy](#).

Protective helmets must be worn

The 'Argus 017T' helmet, where available, must be worn at all times when any public order protective equipment is deployed. This is the approved protective helmet for public order situations.

Using existing equipment

Existing non-Arnold brand public order protective equipment and 'Pacific P6' protective helmets may continue to be used. Where replacement or additional equipment is required, the Arnold 'Frontline' brand equipment and the 'Argus 017T' helmet **must** be purchased to ensure national consistency.

Carriage and storage

Public order protective equipment must be stored by full or part time public order policing units in a secure area of their home station in accordance with the manufacturer's instructions. During periods of duty, the protective equipment must be carried on board public order policing vehicles in a manner which makes them easily accessible to staff in quickly escalating situations.

Procurement

Where a District Commander wishes to purchase public order protective equipment, they must first consult with the Director: Capability, PNHQ, to ensure national consistency and interoperability. Only a District Commander can authorise the purchase of this protective equipment within normal delegations and funding is at District cost.

Maintenance

District Commanders must ensure that all personal protective equipment is maintained in a clean and operable condition.

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Deployment

Certifications

Constables deployed in the protective equipment must have current PITT certification.

Training

All constables deploying or likely to be deployed in public order protective equipment must be trained in its use, maintenance, deployment, and storage. Training must be provided by the O/C of local Police Support Units in accordance with the standards mandated by the Director: RNZPC.

Risk assessment prior to seeking deployment authorisation

The Incident Controller on scene must assess the risks prior to seeking authorisation for the deployment of any protective equipment. When conducting the risk assessment or any reassessment reference must be made to the Public Order - Graduated Response Model and the TENR - risk assessment model.

Notes of the assessment must be recorded in writing by the Incident Controller on scene in the form of an appreciation and TENR assessment as soon as practicable. The overriding consideration should be whether staff are likely to incur serious harm if protective equipment is not used in situations of actual or anticipated riot or serious disorder.

The effect that staff putting on protective equipment will have on the situation must also be considered.

Examples of escalation points that might trigger the level of protection required are:

- staff being actively attacked by groups of persons (assaultive), particularly when objects are being thrown at Police
- situations of rioting or serious disorder at large public events
- situations where shields and helmets would otherwise be deployed
- tactical cell extractions requested by the Officer in Charge of the Watchhouse or Custody Unit where possession of weapons by a prisoner is suspected
- tactical entry into a premises for the purpose of executing a high risk warrant or dealing with a known violent threat.

Deployment authorisation - Public Order protection equipment

An inspector (or above) must authorise deployment of public order protective equipment, to ensure that the equipment is not routinely used in non-riotous or disorder situations. Inspectors can be contacted at all times by telephone or radio through the local Communications Centre or consider the on-call duty inspector.

In the event that an inspector is unavailable and the situation is one of urgency, authorisation must be obtained from the most senior, substantive senior sergeant or sergeant on duty in the district.

Constables who deploy public order protective equipment at their own discretion need to show that there have been attempts to gain authorisation or that the necessity to deploy urgently precluded the ability to

gain sufficient authorisation

Where constables have deployed at their own discretion, they must advise the most senior, substantive sergeant or senior sergeant on duty or supervising at the time. That must happen at the first reasonable opportunity after action has been taken and before completing the particular period of duty. The staff deploying PPE are responsible for the reporting of the use of public order protective equipment by submitting a Tactical Options Report.

Authorising officer's considerations

Before authorising the use of any public order protective equipment, an authorising officer must be satisfied that:

- a riot or incident of serious disorder exists or a real and serious threat that a riot or incident of serious disorder is likely to occur
- immediate action must be taken at the scene
 - there are no trained PSU staff available to deal with the situation
- the protective equipment is necessary to protect constables from injury
 - the use of protective equipment is not going to inflame the situation
- a warning message has been issued (for warning messages see '[Part 3 Public Order Intervention Model](#)').

The authorising officer must make a determination based upon **all** of the available information and taking into account the situational factors and [TENR](#).

Demonstrations

Public order protective equipment must not be deployed at peaceful demonstrations. The principles in '[Part 8 - Demonstrations](#)' of this chapter must be adhered to at all times.

Reporting requirements

On every occasion where public order protective equipment (including helmets and shields) are deployed, the officer (inspector or above) who authorised the deployment of the equipment **must:**

submit a Tactical Options Report listing all constables at the scene who were deployed in the equipment under the tab 'List of Police who were Present' They must also select the box marked 'Protective Equipment' in the final field of the 'Incident Overview' page of the TOR

The reporting of the use of protective equipment by way of TOR does not remove the requirement for individual constables to submit reports where they have used force at the same incident

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New Zealand Bill of Rights

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Policy statement and principles

What

The [New Zealand Bill of Rights Act 1990](#) (NZBORA) is designed to affirm, protect and promote human rights and fundamental freedoms in New Zealand. NZBORA provides that individuals have the right to:

- be secure against unreasonable search and seizure
- not be deprived of life
- not be subjected to torture or cruel treatment
- not be arbitrarily arrested or detained
- freedom of expression peaceful assembly and movement
- freedom from discrimination.

NZBORA applies to many policing activities. It imposes specific obligations on police officers. For example, section 23 of NZBORA sets out the rights of persons who are arrested or detained and requires, for example, that such persons be informed of the reason for the arrest or detention.

This chapter summarises the rights protected by NZBORA and outlines Police obligations under NZBORA.

Why

Police officers are entrusted by law to exercise very significant powers such as the power of arrest and detention and without warrant entry to private premises. NZBORA is a statement of legal principles that limits the powers that the state may bring to bear on individuals. NZBORA applies to acts done by executive branches of the government (such as Police) and to persons performing a public function power or duty at law (such as constables).

NZBORA requires agencies such as police to exercise their powers in a manner that is consistent with the rights and freedoms guaranteed under NZBORA. Exercise of police powers in a Bill of Rights consistent manner:

- is required by law
- fosters trust and confidence in police decision making and therefore in New Zealand Police
-

limits claims against police by persons who feel aggrieved by police actions.

Failure to act consistently with NZBORA may lead to exclusion of evidence and failure of prosecutions, and successful civil claims against Police.

How

To ensure its obligations under the NZBORA are met Police will:

- include the rights and freedoms granted under the Act in the training of frontline staff
- appropriately reflect the rights and freedoms provided by the Act in its policies and procedures, particularly those relating to arrest and detention, questioning, investigation of offences, searching people, use of force and managing demonstrations
- comply with the 'Chief Justice's Practice Note on Police Questioning' and provide advice about rights to people who are arrested or detained, or where police want to question a person where there is sufficient evidence to charge them with an offence
- treat potential breaches of the NZBORA by its employees seriously and investigate and respond to them appropriately.

Summary of the Act and its application to policing

Purpose of this chapter

This chapter contains:

- a brief [summary](#) of the [New Zealand Bill of Rights Act 1990](#) (NZBORA)
- detailed discussion of Police obligations under sections 21 to 25 of the Act.

Section [23](#) relates to the procedures Police must follow when arresting and detaining suspects. It must be considered alongside the '[Chief Justice's Practice Note on Police Questioning](#)'. It is the section of the Act with the most potential to impact on frontline Police. (See '[Rights of people arrested or detained](#)' in this chapter)

Key rules for Police arising from the Act

These are some of the most important rules associated with the NZBORA.

	Rule
1	When you are investigating an offence and you locate suspects or other people you think may provide useful information, you may ask questions but must not suggest that it is compulsory for the person to answer.
2	If you want to question someone and you have sufficient evidence to charge that person with an offence, you must caution the person before inviting them to make a statement or answer questions about that offence.
3	If you have arrested or detained a person pursuant to any enactment, you must caution them, even if you had already given the caution before the suspect was arrested or detained.
4	There is no power to detain a person for questioning or to pursue enquiries, although a person can assist voluntarily with enquiries.

Summary of the Act

The NZBORA applies only to:

- acts done by the legislative, executive or judicial branches of the government (the actions of a trading company, such as TVNZ Ltd, even though a State enterprise under the State Owned Enterprises Act 1986, are not done in the performance of a public power and hence the NZBORA does not apply).
- the performance of any public function, power or duty pursuant to law.

The NZBORA is primarily intended to affirm, protect and promote human rights and fundamental freedoms. It provides:

- protection against the powers of government agencies
- minimum standards for public decision-making
- protection for human rights and basic freedoms.

The Act:

- gives statutory authority to many rights that have always existed but have done so only in common law (examples include the right not to be deprived of life and the right not to be subjected to torture or cruel treatment)
- requires that any limits on the rights and freedoms contained in NZBORA are to be reasonable such that they are capable of being "demonstrably justified in a free and democratic society".

The Act applies to almost every aspect of policing. For example, policing demonstrations may impact on the rights to freedom of expression, manifestation of religion and belief, or peaceful assembly (ss [14](#), [15](#), [16](#)). Intelligence and prevention activities may impact on the protection against discrimination on the basis of race (s [19](#)). A killing by police or death in custody impacts on the right to life (s [8](#)).

The New Zealand Bill of Rights Act also imposes some specific obligations on Police:

- s [21](#) - protection against unreasonable search and seizure
- s [22](#) - protection against arbitrary arrest and detention
- s [23](#) - rights of persons arrested or detained
- s [24](#) - rights of persons charged with an offence
- s [25](#) - minimum standards of criminal procedure

Summary table

This table gives a broad outline of the sections in the Act and identifies matters relevant to Police.

Part	Content
Part 1 sections 2-7	General provisions of the Act relating to interpretation and application of the Act and other NZ law
Part 2 , sections 8-20	Relate to the life and security of the person, democratic and civil rights, and minority rights. These sections affirm existing rights not previously included in statute.
Part 2, sections 21-22	Relate to actions Police might take while conducting investigations, e.g. searching, seizing, arresting and detaining. (Prior to the Act, these sections were not regulated by statute but by cases such as <i>Entick v Carrington</i> (1765) 19 State Tr 1029 and <i>Blundell v Attorney-General</i> [1968] NZLR 341).
Part 2, section 23	Relates to the rights of people when they have been arrested or detained.
Part 2, section 24	Sets out the rights of persons charged with an offence. Applies to defendants appearing before the courts and prisoners detained in Police cells after being arrested for an offence.
Part 2 sections 25-27	Relate to the administration of justice
Part 3 , sections 28-29	Have no direct effect on Police.

Further information

For further information about the application of the NZBORA in specific situations refer to these Police Manual chapters:

- [Arrest and detention](#)
 - [People in Police detention](#)
- [Investigative interviewing suspect guide](#)
 - [Chief Justice's Practice Note on Police Questioning](#)
- [Youth justice](#)
 - [Search](#)
- [Searching people](#)
 - [Use of force](#)
- [Behaviour offences](#)

- Unlawful assembly and/or rioting
- Demonstrations
- People with mental impairments
- Sudden death
- Police involvement in deaths and serious injuries.

Right not to be deprived of life

Rights under section 8

Under section [8](#) no one shall be deprived of life except on such grounds as are established by law and are consistent with the principles of fundamental justice.

Deaths involving Police

Police officers are occasionally required to use force in self defence or defence of another, and in keeping the peace and apprehending offenders. Section 8 of the Act applies where a person dies as a result of Police actions. Such actions must be lawful and justifiable, for example in self defence or defence of another.

For more information see:

- [Use of force](#)
[Police firearms](#)
- [Homicide and Serious Crime Investigations](#)
[Police involvement in deaths and serious injuries](#)

Deaths in Police custody

There is no general obligation on Police to prevent deaths. However, there is a positive obligation towards vulnerable people under Police control, such as prisoners and people in Police detention. See these chapters for the applicable procedures:

- [People in Police detention](#)
[People with mental impairments](#)
- [Youth justice](#)
'Care and suicide prevention' in [Arrest and detention](#)

Right not to be subjected to torture or cruel treatment

Rights under section 9

Everyone has the right not to be subjected to torture, or to cruel, degrading, or disproportionately severe treatment or punishment. The purpose of section 9 is to ensure that all persons are treated with respect for their inherent dignity and worth.

Section 9 is particularly relevant to the treatment of prisoners. For example, deliberately strip searching a prisoner in a public area in order to humiliate or subdue them, may breach section 9.

Section 9 and the 'UN Convention Against Torture' include an obligation to investigate credible claims of torture and cruel degrading and disproportionately severe treatment. Police will often be involved in such investigations. The IPCA is the National Preventative Mechanism for torture and cruel treatment and oversees investigations into complaints of torture and cruel treatment by Police. (See 'Independent Police Conduct Authority (IPCA)' in the '[Police investigations of complaints and notifiable incidents](#)' chapter

Breach of section 9 may lead to a substantial award of compensation by the courts (see [Taunoa v Attorney-General](#) [2008] 1 NZLR 429).

Torture

'Torture' is defined under the Crimes of Torture Act 1989 as any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as:

- obtaining information or a confession
punishment for any act or omission
- intimidation or coercion; or
for any reason based on discrimination of any kind

Cruel, degrading or disproportionately severe treatment

'Cruel, degrading or disproportionately severe treatment' covers a range of treatment which deliberately inflicts severe suffering, gravely humiliates and debases the person, would shock the conscience of the community, or is grossly disproportionate to the circumstances. The circumstances and the nature of the treatment are relevant:

- state of mind of the victim and whether he/she is especially vulnerable e.g. suffers a mental health condition
- motive of the perpetrator and whether the treatment was deliberate
the duration of the treatment
- the severity of harm.

Freedom of expression and peaceful assembly

Freedom of expression under section 14

Everyone has the right to freedom of expression, including the freedom to seek, receive and impart information and opinions of any kind and in any form.

'Expression' covers manifestations of ideas and information of any kind and in any form, including behaviour bordering on the offensive or disorderly. This right is particularly relevant to policing demonstrations, offences of disorderly and offensive behaviour and breach of the peace.

The right is limited by the criminal and civil law, for example 'offensive' and 'disorderly' behaviour, insulting language, breach of the peace, hate speech, contempt of court, and censorship laws. The limit must be reasonable in the circumstances of the behaviour - an issue which will be decided by the court in each case.

Freedom of peaceful assembly under section 16

Everyone has the right to freedom of peaceful assembly.

An 'assembly' is two or more people meeting with a common goal. Assemblies must be 'peaceful' to be protected by the right. An assembly which inconveniences members of the public may still be peaceful, and one non-peaceful person does not extinguish the right for the rest of the assembly. For an assembly to be found non-peaceful requires a serious and aggressive effect on people or property.

Demonstrations, behaviour offences and breach of the peace

The rights to freedom of expression, association and peaceful assembly underpin public protests, demonstrations and occupation of public spaces. When policing protests and demonstrations, cognisance must be taken of:

- the rights to freedom of expression and peaceful assembly
- the extent to which the expression/demonstration is impinging on the rights of others to use the public space, and
- whether the behaviour warrants the intervention of the criminal law.

The courts take a liberal approach to expressive behaviour by demonstrators. The level of behaviour required for 'disorderly' and 'offensive' behaviour or 'insulting language' is much higher for demonstrators conveying an opinion on a matter of public interest, than for other types of behaviour. In order to reach the threshold of offensive or disorderly, protestors' behaviour must either:

- substantially inhibit other people from enjoying their right to use the public amenity, and/or
- cause greater offence than those affected can reasonably be expected to tolerate, to the extent that it is seriously disruptive of public order.

(Refer [R v Morse](#) [2009] NZCA 623, [Brooker v Police](#) [2007] 3 NZLR 91, [Wakim v Police](#) [2011] 9 HRNZ 318, [Thompson v Police](#) [2012] NZHC 2234, [Pointon v Police](#) [2012] NZHC 3208).

Breach of the peace is not an offence, but carries a power of arrest ([s42 Crimes Act](#)). The rights to freedom

of expression and peaceful assembly will impact on the validity of a decision to arrest to prevent a breach of the peace (refer [Police v Beggs](#) [1999 3 NZLR 615]).

The legal tests for disorderly and offensive behaviour and insulting language and breach of the peace are likely to evolve further in the protest context. Generally, Police employees should consider:

- Does the behaviour express a view on a matter of public interest?
- Does the behaviour intrude on the rights of others in a public space?
- Does this intrusion go beyond what a reasonable person, respectful of the rights to freedom of expression and assembly, could be expected to tolerate?
- Does the behaviour pose an actual risk of public disorder (e.g. is it intimidation, victimisation, bullying or is there a real risk of violence occurring)?
- Does the behaviour warrant the intervention of the criminal law?

Protesters have a right to protest in government spaces (e.g. the entrance foyer of a building), subject to limitations that are reasonable and demonstrably justifiable. Before police become involved with a protester who has been asked to leave a government space, you should do your own assessment of the reasons why the official says that the protester has to be moved on. You should ask yourself, does the official's reasoning make sense and does it justify police action, given an individual's right to peaceful protest. If the protester is causing a hazard, or disrupting business, one option is to see if the protest action can be modified. (*Routhen v Police* [2016] NZHC 1495)

For more information see these parts of the 'Public Order Policing' chapter:

- [Behaviour offences](#)
- [Unlawful assembly and-or riot](#)
- [Demonstrations](#)
- [Mass arrest planning](#).

Non-publication orders and contempt of court

Generally, judicial proceedings should be published to ensure transparency of the justice system. However, in criminal cases the defendant's right to a fair trial may overcome the right to freedom of expression, and may justify a non-publication order. Breach of a non-publication order, or other expression which interferes with the administration of justice may lead to conviction for contempt of court and imprisonment. See the '[Sub-judice](#)' 'Media' chapter.

Freedom of movement

Rights under section 18

- Everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand.
- Every New Zealand citizen has the right to enter New Zealand.
- Everyone has the right to leave New Zealand.
- No one who is not a New Zealand citizen and who is lawfully in New Zealand shall be required to leave New Zealand except under a decision taken on grounds prescribed by law.

There are many prescribed limits on the right to freedom of movement, such as immigration decisions, extradition, bail conditions, imprisonment and home detention.

Police often curtail individuals' freedom of movement within New Zealand. Police actions in detaining and arresting people are generally covered by section 22 [arbitrary arrest and detention](#). However, [bail conditions](#), road closures (see 'Powers>To close roads' in the '[Unlawful assembly and-or riot](#)' chapter) and other short-term curtailments may impinge on the right and must be reasonable.

Freedom from discrimination

Rights under section 19

Everyone has the right to freedom from discrimination on the grounds of sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status and sexual orientation. Affirmative action to advance a particular group does not amount to discrimination.

Discrimination means treating someone detrimentally because of one of the prohibited grounds (such as race). A policy may also be discriminatory where it has the effect of treating a group of people differently, even if this is not the intention. However many government policies and social programmes target specific groups, and are not discriminatory. Policing operations or prevention programmes which target a particular harm are unlikely to be discriminatory.

Police employees interact with people from all walks of life with all characteristics, and should ensure conduct does not discriminate on any of the prohibited grounds. Respect for people and avoiding discrimination is one of the principles of the Police 'Code of Conduct':

-

 [Code of Conduct Ngā Tikanga Whakahaere \(2022\)](#)

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Examples of Police policies outlining affirmative actions for certain groups of people or procedures to ensure that discrimination does not occur in certain situations include:

- [Identifying drivers with face coverings](#) (see the section 'Process to follow for religious or cultural face coverings')
- [Police cultural groups](#)
- [Neighbourhood Policing Team \(NPT\) guidelines](#)
- [Deploying Iwi, Pacific and Ethnic Liaison Officers](#)
- [People with mental impairments](#)
- [Youth justice.](#)

For discrimination in the workplace, see the '[Discrimination and harassment policy](#)'.

Right to be secure against unreasonable search and seizure

Rights under section 21

Under section [21](#), everyone has the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence, or otherwise.

The basis of the right is the need to protect an individual's reasonable expectation of privacy from intrusion by the government. This will vary depending on the nature, place and extent of the intrusion on the privacy interest ([R v Grayson & Taylor](#) [1997] 1 NZLR 399 (CA), [Hamed v R](#) [2012] 2 NZLR 305 (SC), [R v Alsford](#) [2017] NZSC 42).

Generally, a search or seizure will be reasonable if it is conducted under a statutory power and the public interest in administering criminal justice outweighs the individual's privacy interest ([R v Thomas](#) (2001) 19 CRNZ 392 (CA)). Police have extensive search and seizure powers, with and without warrant, provided in statute. (See the '[Search](#)' Police Manual chapter).

The protection against unreasonable seizure does not amount to a right to property ([P F Sugrue Ltd v Attorney-General](#) [2006] 3 NZLR 464 (PC)).

What is a 'search'?

There is no set definition of a 'search', either in statute or case law. Recent case law suggests a 'search' requires a conscious act of state intrusion into an individual's reasonable expectation of privacy, as opposed to a mere observation ([Pollard v R](#) [2010] NZCA 294; [Lorigan v R](#) [2012] NZCA 294 applying [Hamed v R](#) per Blanchard J).

A search is not:

- kneeling and using a torch to observe an article secreted inside a car headlight ([R v Dodgson](#) (1995) 2 HRNZ 300 (CA))
- asking a person to hold up a bicycle so the serial number can be checked ([Everitt v A-G](#) [2002] 1 NZLR 82 (CA))
- asking a person to hold out their hands for inspection ([R v Yeung](#) HC Akl 22 May 2009)
- a voluntary request to a power company for aggregated monthly power usage data ([R v Alsford](#) [2017] NZSC 42 and [R v Gul](#) [2017] NZCA 317).

What is a 'seizure'?

There is no statutory definition of 'seizure'. Seizure is 'removing something from the possession of someone else' ([Hamed v R](#)). An item generated by exercising a search or surveillance power (e.g. a photograph) is not a 'seizure' (s3 Search & Surveillance Act).

Unreasonable searches and seizures

A search is unreasonable if the circumstances giving rise to it make the search itself unreasonable or if the

search is carried out in an unreasonable manner. ([R v Grayson & Taylor](#) [1997] 1 NZLR 399). The principles of reasonable search by Police are set out in the chapter on 'Search' (see 'General principles applying to searches' in the '[Search introduction](#)' chapter).

Unlawful searches and seizures

Unlawful searches will almost always be unreasonable and breach s 21. However, a search undertaken in good faith where the searcher was mistaken about their power of search may not be unreasonable ([R v Jefferies](#) [1994] 1 NZLR 290). For example, a search may be reasonable where the wrong search power was used, but the search could have lawfully been conducted under other powers ([R v Abraham](#) 30/8/05, CA253/05, [R v Timutimu](#) [2006] DCR 38, [Haliday v R](#) [2017] NZCA 108).

Minor irregularities during search

A search that is unlawful because of a minor irregularity may, depending on the circumstances, not be unreasonable. In such a case, the evidence obtained in the search may be admissible - see [R v Faasipa](#) (1995) 2 HRNZ 50 (CA). However, even where a breach is minor or technical, a search or seizure will not normally be held to be reasonable if the police realised the error before the search or seizure was undertaken. ([R v Williams](#) [2007] 3 NZLR 207, para [21]).

Searches carried out in an unreasonable manner

A search that would otherwise be reasonable is unreasonable if it is carried out in an unreasonable manner (e.g. a strip search conducted in the street where there are no law enforcement considerations necessitating that approach and when the search could have easily been carried out in private). ([R v Pratt](#) [1994] 3 NZLR 21; [R v S](#) (10 May 2001, High Court Auckland, Paterson J, T001794), [R v Williams; Van Essen v A-G](#) [2013] NZHC 917.

Rub-down and strip searching a person

Unwarranted strip or rub-down searches may breach section [21](#) or [s23\(5\)](#) (see '[Rights of people arrested or detained](#)'). Deliberate degrading and repeated strip searching to punish a detainee may breach section [9](#) (see [Right not to be subjected to torture or cruel treatment](#)). (Refer [Forrest v A-G](#) [2012] NZAR 798 (CA), [Reekie v A-G](#) [2012] NZHC 1867, [Taunoa v A-G](#) (CA)). The remedy for unjustified rub-down and strip searches is usually compensation, although this may be limited by the [Prisoners and Victims Claims Act 2005](#).

Electronic surveillance

Searching includes electronic surveillance. Again, there is no set definition whether surveillance without special capabilities (such as night vision) will be a 'search' ([Lorigan v R](#), [Hamed v R](#)).

Powers and duties regarding surveillance activities are set out in the [Search and Surveillance Act 2012](#) and the '[Search](#)' chapter.

Remedies for unreasonable search

The usual remedy for a breach of section 21 is exclusion of evidence under section [30](#) Evidence Act ([Hamed](#)

[v R](#)).

Some unreasonable searches may also warrant compensation ([Baigent's Case](#) [1994] 3 NZLR 667; [Forrest v A-G](#) [2012] NZAR 798 (CA)). However, for prisoners in Police custody, compensation may be limited by the [Prisoners and Victims Claims Act 2005](#).

Right to not be arbitrarily arrested or detained

Rights under section 22

Under section [22](#) everyone has the right not to be arbitrarily arrested or detained.

Police employees have powers to arrest and detain under various statutes (see '[Arrest and detention](#)').

'Arrest'

The term 'arrest' has been thoroughly discussed by the Court of Appeal in *R v Goodwin*:

"...arrest must have its Crimes Act meaning of **a communicated intention** on the part of the police officer to hold the person under lawful authority." ([R v Goodwin](#) (No 1) [1993] 2 NZLR 153; (1992) 9 CRNZ 1)

'Detention'

A person will be regarded as 'detained' if:

- there is physical deprivation of a person's liberty, or
- there are statutory restraints on a person's movement, or
- they have a reasonably held belief induced by police conduct (or other official conduct) that they are not free to leave.

([R v M](#) [1995] 1 NZLR 242 (per Blanchard J); ([Police v Smith and Herewini](#) [1994] 2 NZLR 306).

Where a deprivation or restraint is only temporary, detention is less likely to have occurred.

Examples of arrest or detention include when a person has been:

- formally arrested
- handcuffed ([R v Royal](#) (1992) 8 CRNZ 342)
- locked in a room or building, or put in a place that they cannot leave voluntarily
- placed in a police vehicle against their will.

Each of these acts can be described as a positive act of physical detention that communicates an intention to hold a person under lawful authority. In such a situation, the suspect is under arrest within the meaning of the Crimes Act and Police must inform the suspect of their rights under section [23](#) by giving the caution:

Powers to arrest and detain are discretionary, and a Police employee must determine whether to arrest or detain in the circumstances of each case. (See 'Deciding whether to arrest' in '[Arrest and detention](#)'). An arrest or detention will be 'arbitrary' if it is capricious or without reasonable cause. Also if the arrest/detention was unlawful or proper procedures were not followed.

Before an arrest is made, the arresting officer must be clear in their own mind that the arrest is justified and reasonable, and that alternative action, such as a summons, is not appropriate. ([Neilsen v Attorney General](#) [2001] 3 NZLR 433; (2001) 5 HRNZ 334 (CA)). A failure to consider the discretion to arrest will be arbitrary. ([Attorney-General v H](#) [2000] NZAR 148).

Holding in custody while making enquiries

A reasonable arrest/detention may also become arbitrary if it lasts longer than necessary, for example longer than required to bring an offender before the Court. (See 'Releasing arrested or detained people' in '[Arrest and detention](#)').

A suspect arrested on one offence cannot be kept in custody for "mere convenience sake" while enquiries are made into another offence for which he or she may later be interviewed. If the suspect is eligible for bail you must give it as soon as practicable

([R v Rogers](#) (1993) 1 HRNZ 282)

Stopping vehicles to arrest

You cannot stop a vehicle to undertake general enquiries ([R v Bailey](#) [2017] NZCA 211, [Ghent v Police](#) [2014] NZHC 3282). It may be classed as an arbitrary detention. You can stop a vehicle to enforce any of the provisions of the Land Transport Act or Traffic Regulations under section [114](#) of the Land Transport Act 1998.

You are entitled to stop a vehicle under section [9](#) of the Search and Surveillance Act 2012 for the purpose of arresting any person in the vehicle, if you have good cause to suspect that person of having committed an imprisonable offence or of being unlawfully at large (e.g. a person for whose arrest a warrant (other than a warrant issued under Part 3 of the Summary Proceedings Act 1957 in relation to fines enforcement) is in force). Any deviation from the above procedure will be viewed as an arbitrary detention, and any evidence seized as a result is likely to be ruled inadmissible. ([R v P & F](#) (31 July 1996, Court of Appeal, CA219/96 CA270/96))

Note: The powers incidental to stopping a vehicle under section [9](#) are set out in section [10](#)

Remedies

An arbitrary arrest or detention may lead to exclusion of evidence, release from detention, or compensation. For further information see [Arrest and detention](#), [Youth Justice](#), [People with mental impairments](#).

Rights of people arrested or detained

Rights under section 23

Section [23](#) codifies Police duties during arrest and detention, so that basic human rights and freedoms are protected. Under the section, people who are arrested or detained under an enactment have the rights to:

- be informed of the reason for arrest or detention at the time of the arrest or detention
- consult and instruct a lawyer without delay and to be told of that right
- have the arrest or detention's validity determined by the Court by way of habeas corpus and to be released if it is not lawful
- after arrest, to be charged promptly or released
- if not released after arrest to be brought before a court or tribunal as soon as possible
- refrain from making any statement and to be informed of that right
- be treated with humanity and respect

'Arrest' and 'detention'

See '[Right to not be arbitrarily arrested or detained](#)' (s22) for determining whether a person has been arrested or detained. See also the '[Arrest and detention](#)' chapter

Giving the caution

The [Chief Justice's Practice Note on Police Questioning](#) issued under section [30](#)(6) of the Evidence Act 2006, provides guidance on police questioning. It includes a caution, containing the advice requirements of section [23](#).

The wording of this [caution](#) for adults and young persons is detailed on an insert card in constable's notebooks.

A caution must be given to:

- adults who are arrested or detained, or where Police want to question an adult where there is sufficient evidence to charge that person with an offence
- children or young persons when detained or arrested and, in accordance with section 215 of the Children's and Young People's Well-being Act, before questioning a child or young person when there are reasonable grounds to suspect them of having committed an offence, or before asking any child or young person any question intended to obtain an admission of an offence. (See the '[Youth Justice](#)' chapter.

Failure to give the caution may result in a finding that evidence was improperly obtained and the evidence excluded under section [30](#) of the Evidence Act.

Questions about statements or other evidence

Whenever a person is questioned about statements made by others or about other evidence the substance of the statements or the nature of the evidence must be fairly explained ([Chief Justice's Practice Note on Police Questioning](#))

Guidance on detention

Not every restraint will amount to a detention for the purposes of section 23(1). The courts have recognised particular circumstances in which a short delay in affording rights may be necessary to preserve evidence or to ensure personal safety. In such cases, there is no detention under an enactment for the purposes of section 23(1)(b)(right to consult and instruct a lawyer without delay and to be informed of that right) - examples include:

- When a motorist is stopped at the roadside to undergo a breath-alcohol screening test ([Temese v Police](#) (1992) 9 CRNZ 425 (CA))
- When a motorist is stopped at the roadside and asked to supply his or her particulars as permitted by the land transport legislation
- When a motorist is taken to hospital following an accident and a doctor is requested to take a blood sample for alcohol testing ([Police v Smith and Herewini](#) [1994] 2 NZLR 306 (CA))
- When undertaking the execution of a search warrant reasonable directions may be given to persons whom there are reasonable grounds to believe will obstruct or hinder the search, e.g. persons may be excluded from the house or instructed that if they remain in the house, they are to stay in a specified room ([Powerbeat International Ltd v Attorney-General](#) (1999) 16 CRNZ 562 (HC), section 116 Search and Surveillance Act 2012).

Treatment with humanity and respect

There is a positive obligation on Police to ensure that all people who are arrested, detained or deprived of their liberty are treated with humanity and respect for the inherent dignity of the person. Serious deliberate or reckless ill-treatment of a detainee may breach section 9.

Treatment in breach of section 23(5) includes:

- excessive use of force against a detainee ([Archbold v A-G](#), [Falwasser v A-G](#))
failure to provide medical treatment when requested
- unlawful restraint to prevent self-harm ([Reekie v A-G](#))
failure to comply with regulations or policies which provide minimum entitlements such as food clothing exercise time ([Taunoa v A G](#) [Reekie v A G](#))
- routine or deliberate unnecessary strip searching ([Taunoa v A-G](#), [Reekie v A-G](#))
failure to ensure the detainee's safety and protect them from other detainees

Remedies for breach of section 23(5) typically include compensation (\$30 000 in [Falwasser](#) excessive use of O/C spray against a detainee in Police cells; \$35 000 in [Taunoa](#) long term policy of reduction in minimum entitlements in prison designed to reduce prisoner's resistance; \$4 000 in [A G v Udompun](#) [2005] 3 NZLR 204 failure to provide sanitary products or allow a shower) However the [Prisoners and Victims Claims Act 2005](#) may impact on compensation for prisoners

Further information

Refer to the '[Arrest and detention](#)' chapter for information about what constitutes arrest and detention.

Notifying rights

Ensuring rights are understood

"Unless there is an evidential basis justifying a contrary conclusion, proof that the Police advised the suspect of the section [23](#)(1)(b) rights should lead to the inference that the suspect understood the position." ([R v Mallinson](#) [1993] 1 NZLR 528; (1992) 8 CRNZ 707)

However:

- "...it is the detainer's obligation to ensure the whole right is conveyed and understood...or at least in a manner open to understanding." [R v Hina](#) (24 June 1992, High Court Wanganui, Greg J, T7/92), and
- "It may be necessary to inform an arrested or detained person more than once of his rights...it may not be in compliance with the Act for a person to be told 'perfunctorily' of the stipulated right..." ([R v Tunui](#) (1992) 8 CRNZ 294), ([R v Dobler](#) [1993] 1 NZLR 431).

This extended obligation would apply, for example, where the suspect:

- is stressed, confused or fatigued at the time of the arrest
- has a poor command of the English language
- has a passive nature, or limited intelligence
- may have difficulty hearing because of background noise
- needs an interpreter (e.g. of sign language or a foreign language).

However, over a period of time, re-advising a suspect may be necessary, depending on how long the interview has lasted. If a serious offence is uncovered in the interview, the best practice would be to re-advise.

Note there are particular requirements relating to explanations of rights to be given to children or young persons. These must be given in a manner and in language that the child or young person can understand (section [218](#) Children's, and Young People's Well-being Act 1989, [R v Z](#) [2008] 3 NZLR 342; (2008) 24 CRNZ 1 (CA)) (See the '[Youth Justice](#)' Police Manual chapter).

Written notifications

If the suspect is given the caution (see PDF below) in approved written form, the Act has been complied with. "There is nothing in the Act which requires that an arrested person be advised of his/her rights verbally rather than in writing." ([R v Grant](#) (1992) 8 CRNZ 483).

Timing of the notification

The admissibility of a confession will be jeopardised if the person was not informed of their rights at the proper time

Exceptions

There are exceptions:

"Police officers cannot be expected to be concerned with uttering warnings while their safety is threatened. However, once control is established by Police the suspect should be informed of his/her rights." ([R v Butcher & Burgess](#) [1992] 2 NZLR 257; (1991) 7 CRNZ 407)

Where time is of the essence (e.g. where delay will cause danger to others, or an ongoing and real danger that evidence will be lost) then efforts to contact a lawyer will be considered in the light of those dangers.

"The expression 'without delay' is not synonymous with 'instantly' or 'immediately'...was the delay reasonable in all circumstances, having regard to the purpose of the right." ([R v Mallinson](#) [1993] 1 NZLR 528; (1992) 8 CRL 707)

See also '[Detaining while searching](#)'.

Lawyers

Police Detention Legal Assistance Scheme

When cautioning someone who is arrested or detained, or someone against whom there is sufficient evidence to charge with an offence, the person must be told:

- of their right to consult and instruct a lawyer without delay and in private and
- that the right may be exercised without charge under the Police Detention Legal Assistance Scheme.

When are rights requested

If the suspect indicates a desire to exercise their rights, the interview must be stopped until they have contacted a lawyer.

Once the suspect has invoked the lawyer access right, Police are under a duty to refrain from attempting to elicit evidence from that person until they have had a reasonable opportunity to consult a lawyer ([R v Taylor](#) [1993] 1 NZLR 647 (CA)).

"The detainer is required to refrain from attempting to gain evidence from the detainee until the detainee has had a reasonable opportunity to consult and instruct a lawyer "

[MOT v Noort](#); Police v Curran [1992] 3 NZLR 260 280 (CA) quoted in Butler & Butler The New Zealand Bill of Rights Act: A Commentary p463

However, in [R v Ormsby](#) (8/4/05, CA493/04), the Court of Appeal concluded that there is no absolute prohibition on Police questioning a suspect who has received legal advice and has told Police that the burden of that advice is that the suspect should remain silent but despite this the suspect continues to answer questions.

In *R v Perry* [2015] NZCA 530 the Court of Appeal considered the authorities on what encouragement or persuasion may be applied to encourage a suspect to answer questions when they have asserted a right to silence:

In *R v Perry* [2015] NZCA 530 the Court of Appeal considered the authorities on what encouragement or persuasion may be applied to encourage a suspect to answer questions when they have asserted a right to silence:

“[32] The authorities establish the following principles:

(a) There is no absolute prohibition on further questioning by the police after the right to silence has been asserted.

(b) Rights earlier asserted may be waived, provided the waiver is an informed and voluntary one.

(c) In determining whether there has been an informed and voluntary waiver of the rights earlier asserted, an evaluative approach is applied.

[33] In applying the evaluative approach, we consider that the following points emerge from the authorities. First, if the police take “positive or deliberate step[s] to elicit incriminating evidence” once the right to consult a lawyer is asserted but before the consultation has taken place, the suspect is not regarded as having given a voluntary waiver in respect of any statements that are made in response to those steps

[34] Secondly, where the police have agreed with the lawyer that there will be no further discussion with an accused without the lawyer being present (that being the accused’s instructions to his or her lawyer), an informed voluntary waiver must be given if the discussion is to continue. A waiver will be informed and voluntary where the police inform the accused of the arrangement that has been made with the lawyer and ask whether he or she wishes to change the instructions to the lawyer or waive the need for compliance with them....

[35] Thirdly, where the suspect has received advice to assert the right to silence, the police may not take steps to “undermine the value of the legal advice” that has been given....

[36] Fourthly, where a suspect has exercised his or her right to silence but is then further questioned, the suspect’s rights are not necessarily subverted or eroded. Notwithstanding, an initial reliance on advice from a lawyer, matters can evolve. Where there has been no cajoling by the police to change the suspect’s mind, a valid waiver can be given even though the lawyer is not further consulted....

[38] Finally, there are the cases where a person has exercised their right to silence but subsequently makes incriminating statements not knowing that they are talking to the police. In that context the Supreme Court has adopted the “active elicitation” test ”

The interviewing officer can continue the interview once the suspect has consulted and instructed a lawyer. However, the court will decide whether any evidence elicited before the lawyer's arrival will be admissible. If the lawyer is on their way, best practice would be to suspend the interview until they arrive ([R v Aspinall](#) (13 March 1992, High Court, Christchurch, Holland J, T8/92))

Right to privacy

The [Chief Justice's Practice Note](#) states that a suspect is entitled to consult a lawyer in private. However, Butler & Butler, *The New Zealand Bill of Rights: A Commentary*, p 681, consider that advice as to privacy must be given on detention as this is part of the right to a lawyer guaranteed by section [23\(1\)\(b\)](#).

Police cannot deny privacy on the grounds that no private room is available.

However in some circumstances the right to privacy may be overridden by other considerations. In [R v Piper](#) [1995] 3 NZLR 540; (1995) 13 CRNZ 334 the Court of Appeal stated that Police may be justified in not offering privacy where it would not be safe to leave the accused alone or because there was a risk that the appellant would try to dispose of evidence and warn others

Privacy may not be necessary where the suspect has indicated that they do not require it.

Reasonable assistance

In some situations contacting a lawyer will require considerable time and effort on the part of the interviewing officer

You must make a reasonable, honest and determined effort to contact a lawyer. ([R v Himiona & Anor](#) (10 February 1992, High Court Rotorua, Doogue J, T69/91)). However, police are under no obligation to find for the suspect their lawyer of choice when the contact phone number cannot be found. (*R v Tallentire* [2012] NZHC 1546)

The time and effort given to contacting a lawyer before the interview is continued need only be 'reasonable'. If Police can convince the courts that an honest and determined effort was made to contact a lawyer, the failure of this effort will not automatically exclude an admission made after the suspect has asked for a lawyer.

Other phone calls

The right to consult a lawyer is not a right to consult any other person or organisation. The person can do this for the purpose of obtaining a lawyer, but not for the purposes of obtaining advice that a lawyer might give if contacted directly. [Ellis v Police](#) (AP 93/94) and [Chisholm v Police](#) (AP 92/94, 12 October 1994, High Court, Dunedin).

There is no legal requirement for police to offer a suspect the opportunity to phone multiple lawyers if they are not satisfied with the legal advice they have obtained when their rights have been properly facilitated ([Police v Hendy](#) [2011] DCR 263)

Waivers

A suspect is not obliged to have a lawyer present during the interview. However, the waiver of the right to a lawyer under section [24](#)(c) must be established in an unequivocal manner (Butler and Butler, *The New Zealand Bill of Rights: A Commentary*, p 762).

"The right conferred by section [23](#)(1)(b) to consult a lawyer is clearly a right which the arrested person is able to waive, provided that this is done clearly and with full knowledge of that right." ([R v Biddle](#) (1992) 8 CRNZ 488)

"A valid waiver requires a conscious choice that is both informed and voluntary, and it cannot be implied from silence or failure to request rights." ([Police v Kohler](#) [1993] 3 NZLR 129)

Questioning a person in custody

Recording statements

Where a person in custody or in respect of whom there is sufficient evidence to charge makes a statement, that statement should preferably be recorded on video or DVD. If not, the statement must be recorded permanently on audiotape or in writing. The person making the statement must be given the opportunity to review the tape or written statement or to have the written statement read over, and must be given the opportunity to make corrections and or add anything further.

Where the statement is recorded in writing the person must be asked if they wish to confirm the record as correct by signing it ([Chief Justice's Practice Note on Police Questioning](#)).

Interactions between police officers and detainees which are closely connected to a statement which the suspect is or is contemplating making and which are likely to be material to what the suspect says or does should where practicable be recorded (*R v Perry* [2016] NZSC 102)

Further information

For further information about recording suspect's statements refer to the 'Account: statements and notes' section in the '[Investigative interviewing suspect guide](#)'.

Questioning must not amount to cross-examination

Any questions you put to a person in custody or in respect of whom there is sufficient evidence to file a charge must not amount to cross examination ([Chief Justice's Practice Note on Police Questioning](#))

Breach of rights and admissibility

"Once a breach of section [23](#)(1)(b) has been established, the trial judge acts rightly in ruling out a consequent admission unless there are circumstances in the particular case satisfying him or her that it is fair and right to allow the admission into evidence."

([R v Kirifi](#) [1992] 2 NZLR 8; (1991) 7 CRNZ 427)

Breaches of other people's rights cannot be relied upon by third parties to secure a personal remedy of evidentiary exclusion: [R v Williams](#) [2007] 3 NZLR 207; (2007) 23 CRNZ 1; [R v Wilson](#) [1994] 3 NZLR 257 (CA).

Court appearances

An arrested person must be charged promptly or be released whether without charge or on police bail following charge (see information on police bail in the '[Bail](#)' chapter> Deciding whether to grant or oppose bail) There is an urgency about this requirement but matters such as reasonable time for processing obtaining legal advice and other police emergencies are 'justified limitations' on it ([R v Rogers](#) (1993) 1 HRNZ 282)

A person charged must appear at the next available court sitting. They cannot be held while enquiries are conducted into separate offences. ([R v T](#) (1994) 11 CRNZ 380)

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Use of Force Overview

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

Released pursuant to the Official Information Act (OIA)

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. (s62 Crimes Act 1961).

Excessive force is not reasonable force.

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

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

Act	Description
Prostitution Reform Act 2003	- Warrant for police to enter (s30(2)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Radiocommunications Act 1989	- Powers to obtain evidence (s120(4)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)
Resource Management Act 1991	- Application for warrant for entry for search (s334(2)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Sale and Supply of Alcohol Act 2012	- Constable may apply for search warrant (s270) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Sentencing Act 2002	- Enforcement of confiscation order (s132(3)) - Failure to comply with condition to dismantle and destroy (s137B(3))
Serious Fraud Office Act 1990	- Effect of warrant (s12(1))
Summary Proceedings Act 1957	- Seizure of property (s99(1))
Unsolicited Electronic Messages Act 2007	- Powers conferred by search warrant (s51(5)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)

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	- Power to inspect land, premises, and places and stationary vehicles, aircraft, and ships (s127(5))
Biosecurity Act 1993	- Disembarkation (s34)
Hazardous Substances and New Organisms Act 1996	- Search warrants (s119(3)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
International Terrorism (Emergency Powers) Act 1987	- Emergency powers (s10(2))
Land Transport Act 1998	- Powers of entry (s119) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Marine Mammals Protection Act 1978	- Powers of search (s13) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Resource Management Act 1991	- Compliance with excessive noise direction (s328(7)) not repealed

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

Act	Description
Crimes Act 1961	- Prevention of suicide or certain offences (s41)
Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003	- Warrant to enter and search places to retake escaped care recipients (s112(4)) - Entry of place without warrant (s113(3))
Mental Health (Compulsory Assessment and Treatment) Act 1992	- Use of force (s122B) 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. (2) The powers are: (a) a power to take or retake a person, proposed patient, or patient in any of sections 32(1) , 38(4)(d) , 40(2) , 41(4) , 41(5) , 41(6) , 50(4) , 51(3) , 53 , 109(1) , 109(4) , 110C(2) , 111(2) , or 113A : (b) a power to detain a person, proposed patient, or patient in any of sections 41(3) , 41(4) , 41(5) , 109(4) , 110C(2) , 111(2) , or 113 : (c) a power to enter premises in either of sections 41(2) or 110C(1) . (3) A person treating a patient to whom section 58 or 59 applies may use such force as is reasonably necessary in the circumstances. (4) If force has been used under this section,— (a) the circumstances in which the force was used must be recorded as soon as practicable; and (b) a copy of the record must be given to the Director of Area Mental Health Services as soon as practicable.
Mental Health (Compulsory Assessment and Treatment) Act 1992	- Absence without leave (s32) - Police assistance (i.e. powers to assist a Duly Authorised Officer) (s41) - Leave of special patients (s50) - Power to direct temporary return to hospital of special patients (s51) - Escape and absence without leave (s53) - Police may apprehend person appearing to be mentally disordered in public place (s109) - Powers of police when urgent assistance required (i.e. powers to assist a medical practitioner) (s110C)

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"> - Preventing removal of child or young person from New Zealand (s77(3)) - Warrant to enforce role of providing day-to-day care for child (s72(2)) - Warrant to enforce order for contact with child (s73(2)) - Execution of warrants (s75(1))
Oranga Tamariki Act 1989	<ul style="list-style-type: none"> - Place of safety warrants (s39(3)) - Warrant to remove child or young person (s40(4)) - Search without warrant (powers to remove child or young person) (s42(1)) - Unaccompanied children and young persons (s48(1)) - Effect of custody order (s104(3)) - Living arrangements where child or young person placed in custody of iwi social service, etc. (s106(1)) - Power of entry (s123) - Preventing removal of child or young person from New Zealand (s205(2)) - Execution of warrant under section 296c (warrant to have young person arrested and brought before the court) (s296D(3)) - Powers to detain and return, and arrest, young person breaching curfew condition (s296L(2)) - Effect of supervision with residence order (s312(2)) - Search without warrant (absconding by children and young persons) (s318(1)) - Search warrants (absconding by children and young persons) (s386(1))

Use of force - Civil Aviation

Act	Description
Civil Aviation Act 1990	<ul style="list-style-type: none"> - Persons who refuse to be screened or searched (s80E(5)) - Security areas and security enhanced areas (s84(5)) - Powers of arrest and seizure of items or substances (s85) <p>Note: Under section 87, 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"> - Functions, duties and powers of Chief Fire Officer (s28(4)) <p>Note: Under section 32, 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"> - Power to use reasonable force in exercise of certain powers (s205) <p>Note: Under section 196(2), 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"> - Entry and search under warrant under section 122 (s123) - Entry and search under warrant under section 128 (s129) - Power to seize evidence relevant to post-mortem (s131)

Use of force - Corrections

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

Use of force - Customs

Act	Description
Customs and Excise Act 1996	<p>Note: Police are authorised to use force under these sections:</p> <ul style="list-style-type: none"> - Searching vehicles (s144)* - Detention of persons committing or about to commit certain offences (s148B) - Searching of persons if reasonable cause to suspect items hidden (s149B)* - Searching of persons for dangerous items (s149BA)* - Search warrants s167(2))* - Procedure for seizure (s226(5)) <p>(For those sections marked with * above, use of force provisions in Part4 of the Search and Surveillance Act 2012 apply).</p>

Use of force - Immigration

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

Use of force - Maritime

Act	Description
Maritime Security Act 2004	<ul style="list-style-type: none"> - Restrictions with respect to port security areas (s46) - Persons who refuse to consent to be screened or searched (s54(2)) - No person, craft, or vessel may enter or leave exclusion zones without authorisation (s61(3))
Maritime Transport Act 1994	<ul style="list-style-type: none"> - Entry in respect of offences (s455) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p> <p>Note: 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"> - Issue of search warrants (s69(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
Animal Products Act 1999	<ul style="list-style-type: none"> - Powers of Police and animal product officers under warrant (s94(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
Antarctica (Environmental Protection) Act 1994	<ul style="list-style-type: none"> - Search and seizure by special inspectors with warrant (s42(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
Antarctic Marine Living Resources Act 1981	<ul style="list-style-type: none"> - Powers of search (s9(4)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
Anti-Personnel Mines Prohibition Act 1998	<ul style="list-style-type: none"> - Search warrants (s22) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
Chemical Weapons (Prohibition) Act 1996	<ul style="list-style-type: none"> - Search warrants (s23(4)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)</p>
Child Support Act 1991	<ul style="list-style-type: none"> - Warrant of distress (s183) <p>Note: The constable must first have been appointed as a bailiff under section 15 of the District Courts Act 1947.</p>
Climate Change Response Act 2002	<ul style="list-style-type: none"> - Applications for warrants (s40)
Commodity Levies Act 1990	<ul style="list-style-type: none"> - Power of search (s19(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)</p>
Court Martial Act 2007	<ul style="list-style-type: none"> - Issue of warrant to arrest person absconding or breaching bail condition (s53)
Court Martial Appeals Act 1953	<ul style="list-style-type: none"> - Issue of warrant to arrest appellant absconding or breaching bail condition (s20B)
Dairy Industry Restructuring Act 2001	<ul style="list-style-type: none"> - Issue of search warrant (s29(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
District Courts Act 1947	<ul style="list-style-type: none"> - Warrant for recovery of land (s99(1))
Energy (Fuels, Levies and References Act) 1989	<ul style="list-style-type: none"> - Powers conferred by warrant (s37B)

Act	Description
Financial Transactions Reporting Act 1996	- Powers conferred by warrant (s44(2)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Habeas Corpus Act 2001	- Power of arrest of absconder etc (s12)
Health Act 1956	- Power of members of police to assist Medical Officer of Health in relation to infectious diseases (s71A)
Human Assisted Reproductive Technology Act 2004	- Powers of authorised persons (s68)
Human Tissue Act 2008	- Powers of authorised persons (s68) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)
Insolvency Act 2006	- Warrant to search for and seize bankrupt's property (s150)
International Crimes and International Criminal Court Act 2000	- Issue of search warrant (s102(2)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
International War Crimes Tribunals Act 1995	- Issue of search warrants (s48(3)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Lawyers and Conveyancers Act 2006	- Warrant to search premises (s172)
Motor Vehicle Sales Act 2003	- Issue of warrant (s130(2)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Mutual Assistance in Criminal Matters Act 1992	- Search warrants (s44(3)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Nuclear-Test-Ban Act 1999	- Search warrants (s17)
Overseas Investment Act 2005	- Search warrant (s56(5)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)
Ozone Layer Protection Act 1996	- Search warrants (s23) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)
Radiation Protection Act 1965	- Entry and inspection (s24(3)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Trade in Endangered Species Act 1989	- Powers of search (s38(4)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Trade Marks Act 2002	- Form and content of search warrant (s134I)
Tuberculosis Act 1948	- Provision for isolation, in certain cases, of persons likely to spread infection (s16)

Act	Description
Wild Animal Control Act 1977	<ul style="list-style-type: none">- Keeping of specified wild animals in captivity (s12(13)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)</p>
Wildlife Act 1953	<ul style="list-style-type: none">- Power of rangers (s39) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)</p>
Wine Act 2003	<ul style="list-style-type: none">- Issue of search warrants (s65(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)</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](#).

Released pursuant to the Official Information Act (2000)

Tactical Options Framework



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.

- THREAT** The subjects 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

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.

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

Released pursuant to the Official Information Act (2017)

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**

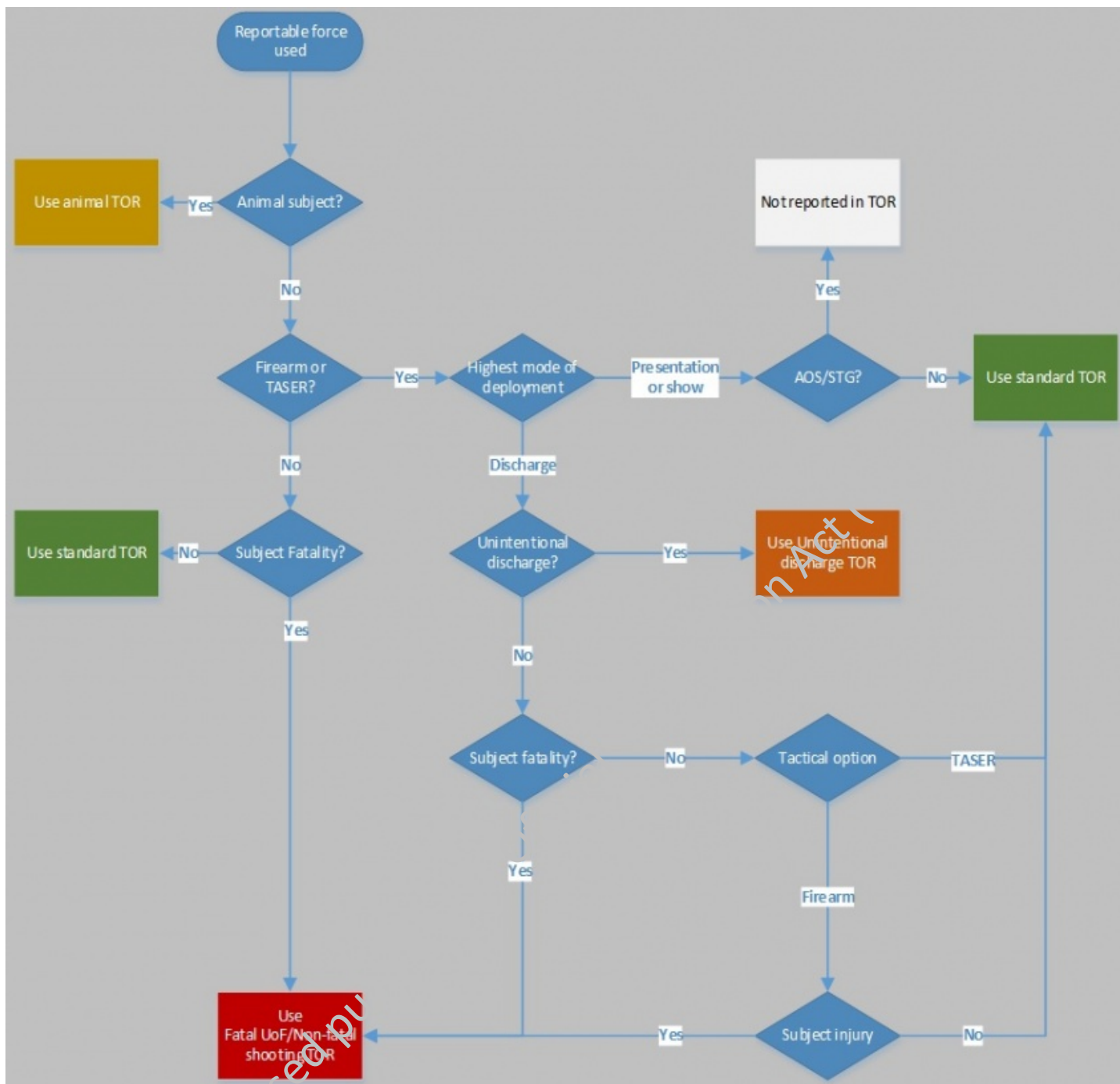
Supervisors must report

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	<p>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.</p> <p>A Fatalities and Shooting Injuries TOR must be submitted by a supervisor to the District Operations Manager within 72 hours of the incident.</p>
Resubmitting a TOR form amended following review	If, following the supervisor or Inspector review, a TOR form is sent back to the reporting constable for amendment, the constable must resubmit the form to their supervisor before the end of the shift in which they received it back, or with their supervisor's approval, within 3 days/72 hours of this shift and prior to any rostered days off or leave during this period.
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 Off-duty interventions .
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	before 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	before 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	<ul style="list-style-type: none">- 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	<ul style="list-style-type: none">- 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	<ul style="list-style-type: none">- 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.

Released pursuant to the Official Information Act 1982

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: <ul style="list-style-type: none"> - 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 reportable use of force incident	a Tactical Options Reporting (TOR) form, as specified in the form, whether or not any treatment was received. Note: only report subject injuries that resulted from force you used; do not report subject injuries that resulted from force used by other officers.
a non-reportable use of force incident Note: '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.	a POL258 (not a TOR form), whether or not any treatment was received. This must be sent to your supervisor within the prescribed timeframe , who must forward it through the appropriate chain of command to an Inspector. (Note: You should use the initial/existing POL258 on file).

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

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"> - insert a comment outlining their view of the incident based on information in the form and, if necessary, discussion with the constable - if required, attach any relevant documents to the TOR form. See 'Attaching documents to a TOR form' - approve the TOR form, completing the review and sign-off process.
notes that the TOR form is incomplete and/or that changes to it are required	<ul style="list-style-type: none"> - if necessary, discuss the changes required with the supervisor - insert a comment outlining the additional information and/or changes required, including where the supervisor is required to attach any relevant documents. See 'Attaching documents to a TOR form' - send it back to the supervisor they received it from. <p>In turn, the supervisor sends the TOR form back to the reporting constable to amend and resubmit to their supervisor again.</p> <p>Note: 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>
does not support the constable's actions, as outlined in the TOR form	<ul style="list-style-type: none"> - 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 - if required, attach any relevant documents to the TOR form. See 'Attaching documents to a TOR form' - if relevant, note remedial training required - if the matter concerns possible use of excessive force, deliberate misrepresentation of the incident, and/or other perceived inappropriate action, the Inspector must: <ul style="list-style-type: none"> - 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"> i) no breach of the Code of Conduct, i.e., no further action will be taken ii) performance shortfall iii) misconduct or serious misconduct iv) potential criminal offending. - 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 - 3) attach any documents relevant to categorisation to the TOR form. See 'Attaching documents to a TOR form'. <p>For more information on categorisation, see 'Categorisation' in the 'Disciplinary Policy' 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.

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

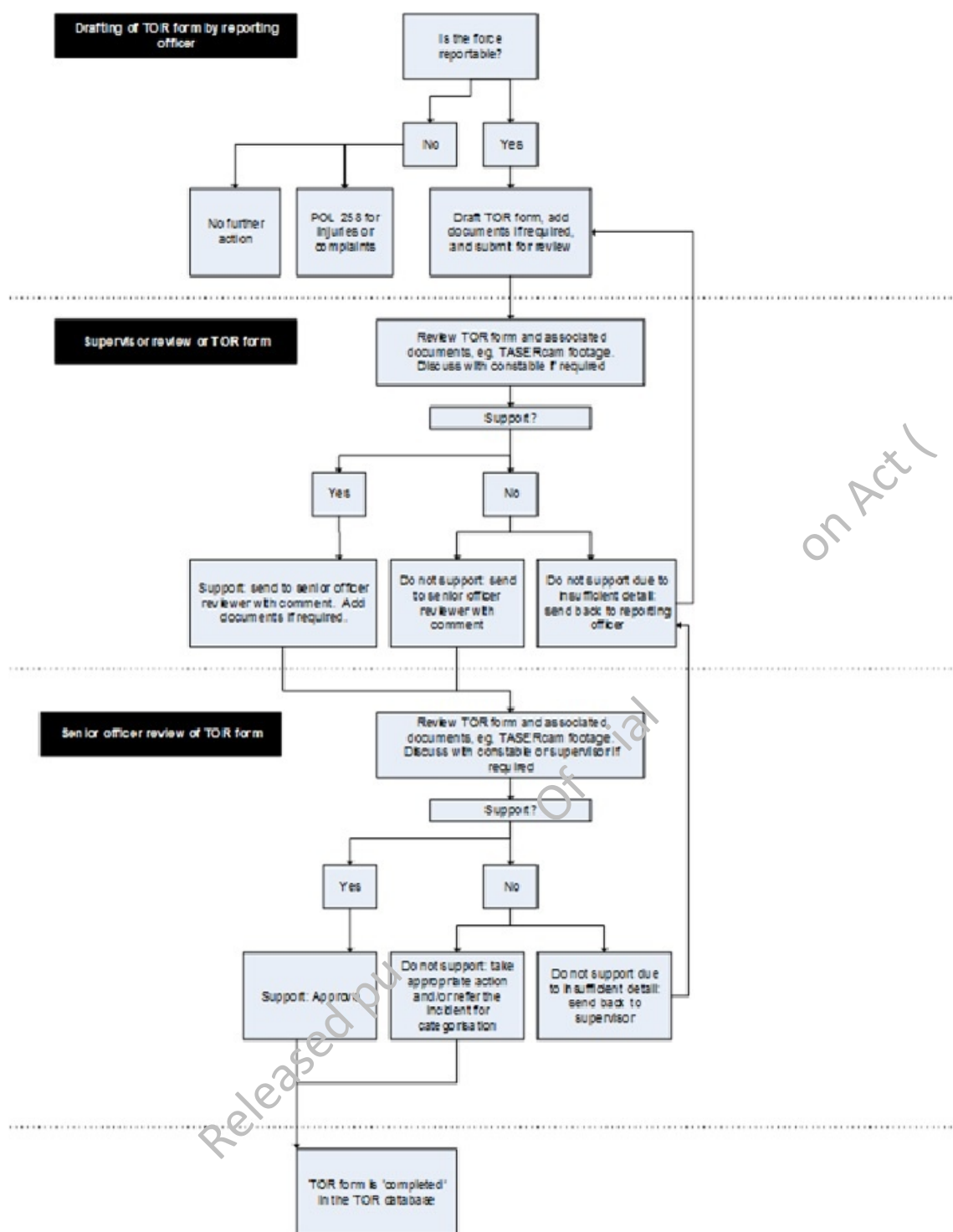
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Diagram: TOR form completion and sign-off process

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.

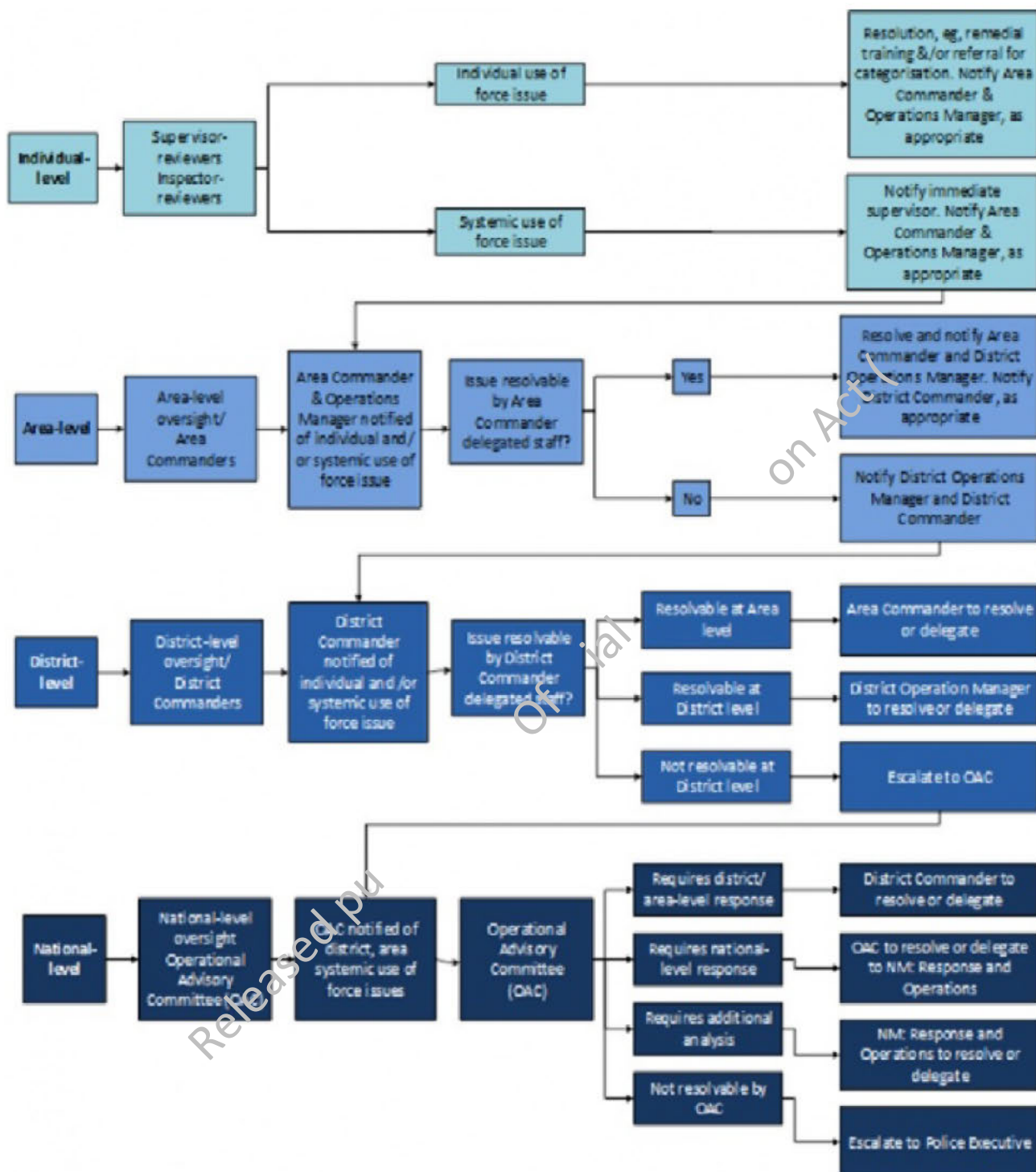
Categorisation of TOR events by Inspector reviewers of TOR events

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

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31 May 2022

[REDACTED]

Dear [REDACTED]

Request for information

Thank you for your request of 23 February 2022, in which you requested the following:

- 1. Please advise the police policies and procedures and health and safety protocols for the use of pepper spray and other chemicals against individuals and crowds*
- 2. Please advise if it was pepper spray or some other chemical that was used by police yesterday in the crowd (as videoed by many) and what steps were taken to protect individuals who were lawfully protesting and other police officers who were present*
- 3. Please also provide copies of any evidence you have that someone in the crowd threw a chemical and that the injury to the police was not from the pepper (or other harmful) spray deployed by their police colleagues.*
- 4. Please also provide copies of all health and safety incident reports made that relate to this parliament protest, including from chemical or radiation harm.*

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

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 website¹ and you will note this scope includes equipment provided, decision-making processes, and operational execution including tactics used. It also includes the powers Police used, including how Police balanced the rights of protesters with the rights of other people throughout the course of the Protest.

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:

- 4. Please also provide copies of all health and safety incident reports made that relate to this parliament protest, including from chemical or radiation harm*

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

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.

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

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

1. *Please advise the police policies and procedures and health and safety protocols for the use of pepper spray and other chemicals against individuals and crowds*
2. *Please advise if it was pepper spray or some other chemical that was used by police yesterday in the crowd (as videoed by many) and what steps were taken to protect individuals who were lawfully protesting and other police officers who were present.*

I can confirm that Police employed Oleoresin Capsicum (OC) Spray at the Protest on 22 February 2022.

On 1 March 2022, as Director Capability I issued changes to the Police Instructions regarding the use of OC Spray. For your information, I have attached a copy of the previous Police Instructions which were in place directly prior to 1 March 2022, and a copy of the current Police Instructions which were in effect from 1 March 2022. The Instructions set out "aftercare" arrangements for those exposed to OC spray and information on when further medical attention may be required.

Please also find attached a copy of the Police Instructions chapter Use of Force Overview, which includes information on 'reasonable' use of force.

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.

In addition to OC Spray, Chlorobenzalmalononitrile (CS) gas is another tactical option police have. CS gas was not deployed as a tactical option during the protest. A copy of the CS Gas police instruction is attached.

3. *Please also provide copies of any evidence you have that someone in the crowd threw a chemical and that the injury to the police was not from the pepper (or other harmful) spray deployed by their police colleagues*

I understand you are referring to an incident on 22 February 2022 in which three police officers deployed to the protest at Parliament were sprayed with a "stinging substance."

I can confirm that on 22 February 2022, three officers involved in policing the Parliament protest activity on Molesworth Street were treated at the scene by paramedics and later in hospital after a liquid substance that caused a burning sensation was thrown at them. On 15 March Police published a statement advising that results from the analysis of material sprayed at Police officers on 22 February have been returned as inconclusive. You can find the full statement here: <https://www.police.govt.nz/news/release/parliamentary-protest-update-tests-prove-inconclusive>

The officers' Glo Vests were taken and sent for analysis. Two separate labs analysed material, with the preliminary results showing no positive results for any form of chemical substance that is hazardous to health. I have attached the final reports Police received. Please note some information has been withheld from these reports in order to protect privacy, pursuant to section 9(2)(a) of the OIA.

At the scene, all members were heavily washed down with a water and baking soda solution which likely washed away any evidence or form of a chemical substance.

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 likely 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.

Nāku noa, nā



David Greig
Superintendent
New Zealand Police

Oleoresin Capsicum spray.doc

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

Policy statement and principles

What

OC spray or gel are one of a number of tactical options available for use by Police within the [Tactical Options Framework](#).

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 OC spray / gel is governed by sections [39](#), [40](#), [41](#), [42](#), [48](#), and [62](#) Crime Act 1961 - they set out the circumstances in which OC spray / gel or any use of force may be used.

How

Employees issued with O C spray must have a current:

- PITT defensive tactics certification;
- First aid certificate.

All OC spray use must be lawful and reasonable, i.e. necessary, proportionate to the situation and with minimum risk to the public, Police and the subject.

Employees should only use OC spray when exercising any of their statutory powers and/or carrying out their lawful duties. See '[Legal authority to use force](#)' in the 'Use of force overview' chapter.

Before using OC spray, employees will consider communication and other less serious tactical options (e.g. control and restraint techniques or empty handed tactics not needing equipment) for resolving and controlling an incident.

They will be satisfied when using OC spray that the person is resisting (by more than passive resistance) or attempting to prevent police from lawfully controlling or arresting them.

Overview

What is OC spray?

Oleoresin Capsicum spray (OC spray) is an intermediate tactical tool available to Police employees. For the purposes of this policy, OC spray includes a spray and a gel product.

OC spray is a naturally occurring biodegradable product consisting of oleoresin oil suspended in an alcohol and water based carrier. The solution is packaged in an aerosol canister with a propellant and a dye for identification purposes.

Note: In this chapter, Police employees include employees with constabulary powers and Police Integrated Tactical Training (PITT) instructors without constabulary powers that are authorised by the Commissioner to provide training to Police employees.

Approved OC spray

There are currently two types of approved OC Spray:

- **Sabre Red Crossfire stream** (new spray) - for use in general policing situations outside of custody areas.



- **Sabre Red Crossfire gel** (new gel) - for use within Police stations and custody areas.



Carrying and using OC spray

Carrying OC spray

Employees [issued](#) with O C spray must have a current:

- PITT defensive tactics certification;
- First aid certificate.

Employees issued with OC spray must carry it if undertaking duty that may involve personal contact with the public.

OC spray must **not** be carried:

- on a commercial aircraft in the cabin or as checked or carried on baggage
- by employees rostered for duty at demonstrations - unless a District Commander specifically authorises it
- if the employee's first aid certificate has expired.

Using force

All OC spray use must be lawful and reasonable, i.e. necessary, proportionate to the situation and with minimum risk to the public, Police and the subject.

Using OC spray is using force. Employees may be liable under section [62](#) of the Crimes Act 1961 for applying any excess force to a person in the course of Police duties.

Tactical options framework

OC spray is an option available to an employee when their perceived cumulative assessment of the situation is that the persons behaviour is within or beyond the **active resistance** range on the Tactical Options Framework and the situation cannot be resolved by less forceful means. See '[Tactical Options Framework](#)'.

Situations when OC spray may be used

Employees should only use OC spray when exercising any of their statutory powers and/or carrying out their lawful duties. See '[Legal authority to use force](#)' in the 'Use of force overview' chapter.

Consider other options

Before using OC spray, consider communication and other less serious tactical options (e.g. control and restraint techniques or empty handed tactics not needing equipment) for resolving and controlling an incident. You must be satisfied when using OC spray that the person is [resisting](#) (by more than passive resistance) or attempting to prevent Police from lawfully controlling or arresting them.

Person in custody or handcuffs

Unless there are exceptional circumstances, OC spray must not be used on a person:

- in custody in a Police custodial area, and/or
- secured in handcuffs.

Exceptional circumstances include situations when either:

- the person cannot be controlled by less forceful means
- timely assistance is not available
- there is a risk of injury to the person or another person
- the prisoner is in possession of a previously unknown weapon, or
- you need to take immediate action to resolve a situation or prevent a situation continuing.

Using O C spray in crowds

As a general rule, O C spray should not be used in crowded situations. However, it can be used against more than one person at a time, if circumstances justify this.

Using against armed people

If the person is armed with a blunt edged weapon or knife exercise caution and ensure a safe distance is maintained when using OC spray

Avoid using OC spray against a person armed or with access to a firearm. Using OC spray may be appropriate as a supplementary tactic if the person:

- has put their firearm on the ground and is covered by an armed Police constable, and
- [actively resists](#) control by Police.

Warn before using

Before using OC spray, unless impractical, you must:

- warn the person that non-compliance will result in them being sprayed
- give the person a reasonable opportunity to comply before being sprayed
- warn other people nearby that a spray may be used.

Effects of OC spray

On most people, OC spray causes:

- blood vessels to dilate rapidly
- bronchial passages to constrict
- mucous membranes to secrete freely and eyes to burn and close tightly.

Physical symptoms from OC spray can last from 10 to 45 minutes. There are no known long-term after effects. See '[Medical attention](#)'.

After using OC spray

Aftercare

If you use OC spray, afterwards you must:

minimise any residual [effects](#) caused by the spray by providing proper decontamination and proper aftercare as in the 'OC Spray Training Manual' See below:

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- ensure the person's face is not covered and they are not left lying face down with their hands constrained behind their back. This may lead to positional asphyxia, where the position of the body interferes with breathing. See '[Positional asphyxia](#)'
- accompany and monitor the person for at least 45 minutes or until the symptoms or effects are no longer apparent.

Medical attention

People with a severe asthma condition who are exposed to OC spray may suffer respiratory distress caused by their airways narrowing (bronchi-constriction). If this happens:

- use the salbutamol inhaler and spacing device to provide relief to the person (**Note: Police are only licensed to administer salbutamol, not to dispense it. It must remain in Police possession and control at all times, and is not to be given to, or left with, unsupervised persons**), and
- immediately seek medical attention.

Also provide medical attention immediately, if the person sprayed:

- does not recover within 45 minutes
- complains of, or appears to be, suffering from a medical condition
- asks for medical attention.

Caution on arrest

You must immediately caution the person if using OC spray leads to their arrest.

Courts might consider admissions made while the person is under OC spray's effect to be unfair and inadmissible. Repeat the caution when the arrested person has had time to sufficiently recover and is capable of understanding.

Report after use

Employees must follow this procedure after OC spray is used against a person, except during training.

Step	Action
1	Provide proper aftercare and if necessary, medical attention for the person sprayed.
2	Notify your supervisor as soon as practical to: <ul style="list-style-type: none">- attend the scene if requested by the attending officerensure the employee has provided proper aftercare and obtained medical attention when necessary
3	Complete a Tactical Options Report before going off duty. Note that if the spray was only used against an animal, use the ' Use of OC Spray on Animal Only ' report.

Issuing and managing OC spray

Employees' responsibilities when spray is issued

Employees must be personally responsible for the security of OC spray canisters issued that are to them. You must ensure canisters are:

- not carried off duty (unless authorised by the District Commander)
- secured at the end of duty in a locked cabinet at the station or in another secure place approved by the district commander.

Before starting duty you must check the canister visually and by shaking it, to ensure the:

- nozzle is unobstructed
- unit is not damaged
- contents are verified
- use by date has not expired.

Supervisors must regularly inspect the integrity of canisters issued to employees under their control.

OC spray register

There must be a robust system in place for controlling stock at all stations where OC spray is stored.

The Area Commander must ensure an OC spray register is operated in their area to record stock levels at each station and other details including:

- date spray is issued or received
- employees name and ID receiving or returning the canister
- employees name and ID issuing or receipting the canister
- the canister's serial number issued or received and the expiry date
- a running total of stock on hand both new and used
- disposal details of used canisters

Storing OC spray

Stocks of OC spray must be stored in a secure environment at normal temperature. They must not be exposed to sunlight.

Store enough stock to enable ready replacement and to issue in emergencies.

Internal control process

OC spray issue must be included as part of the internal control process. Internal control must:

- check to ensure canister use by dates are current and units are not damaged
- reconcile actual canisters held to the OC spray register
- sample check of issued units from the register against what employees actually hold

Internal audit will evaluate and report on the effectiveness of the internal control procedures as part of district audit.

Returning OC Spray on resignation/leaving Police

Employees resigning or leaving Police must ensure a POL217 is completed and their OC Spray canister and holster are returned to Lockheed Martin along with the other specified items.

OC spray coordinator's role

District commanders must appoint a district OC spray coordinator responsible for:

- reviewing and filing copies of Tactical Options Reports and associated papers
- internal control and internal audit of OC spray
- interviewing employees to obtain further information about the spray's effectiveness, medical effects or any training or policy modifications that may be necessary
- making recommendations on any necessary policy or training changes to the Director: Capability, PNHQ.

Used, lost, damaged or expired canisters

If your OC spray is lost or stolen, this must be recorded in the [Security and Privacy Incident Register](#) (SPIR). See 'Loss or theft of Tactical Equipment' in the '[Approved equipment](#)' part of this chapter.

Used, damaged or operationally unused expired canisters must be returned to the issuing office and kept until sufficient quantities are gathered for [disposal](#) (seal any damaged canisters in a plastic bag to prevent leakage). Any partially used canisters may be re-issued to an authorised OC spray trainer.

The approved employee:

- records details of all canisters received and replacements issued in the [OC spray register](#)
- files reports (POL 258) and replacement authorisations.

Disposing of used or damaged canisters

OC spray canisters must be disposed of using the following process.

Step	Action
1	If the OC spray can is damaged, wear appropriate safety apparel when handling - the minimum is rubber gloves and safety glasses.
2	Centralise OC spray for disposal, record the serial number on a spread sheet and place the can into the lockable container provided.
3	When the container is full, enclose a copy of the spread sheet and secure the container with the supplied combination lock.
4	Use the New Zealand Couriers Electronic ticketing system to dispatch the items to the destruction destination.
5	E mail the contracted service provider (steve@steveswholesale.nz): <ul style="list-style-type: none"> - a copy of the spreadsheet listing S/No of canisters to be supplied - the combination for the container.
6	The service provider will: <ul style="list-style-type: none"> - provide a certified copy of the serial numbers destroyed for local records - return an empty container and lock for future use.

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Oleoresin Capsicum Spray

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

Changes to this version were issued by the Director: Capability on 1 March 2022 in relation to the use of Mk9, a District Commander may authorise the carriage of OC spray at demonstrations, and the requirement to facilitate decontamination and aftercare where Police cannot physically provide it.

Policy statement and principles

What

OC spray or gel are one of a number of tactical options available for use by Police within the [Tactical Options Framework](#).

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 OC spray / gel is governed by sections [39](#), [40](#), [41](#), [42](#), [48](#), and [62](#) Crime Act 1961 - they set out the circumstances in which OC spray / gel or any use of force may be used.

How

Employees issued with O C spray must have a current:

- PITT defensive tactics certification;
- First aid certificate.

All OC spray use must be lawful and reasonable, i.e. necessary, proportionate to the situation and with minimum risk to the public, Police and the subject.

Employees should only use OC spray when exercising any of their statutory powers and/or carrying out their lawful duties. See '[Legal authority to use force](#)' in the 'Use of force overview' chapter.

Before using OC spray, employees will consider communication and other less serious tactical options (e.g. control and restraint techniques or empty handed tactics not needing equipment) for resolving and controlling an incident.

They will be satisfied when using OC spray that the person is resisting (by more than passive resistance) or attempting to prevent police from lawfully controlling or arresting them.

Overview

What is OC spray?

Oleoresin Capsicum spray (OC spray) is an intermediate tactical tool available to Police employees. For the purposes of this policy, OC spray includes a spray and a gel product.

OC spray is a naturally occurring biodegradable product consisting of oleoresin oil suspended in an alcohol and water based carrier. The solution is packaged in an aerosol canister with a propellant and a dye for identification purposes.

Note: In this chapter, Police employees include employees with constabulary powers and Police Integrated Tactical Training (PITT) instructors without constabulary powers that are authorised by the Commissioner to provide training to Police employees.

Approved OC spray

There are currently three types of approved OC Spray:

- **Sabre Red Crossfire** (new spray) - for use in general policing situations outside of custody areas.



- **Sabre Red Crossfire gel** (new gel) - for use within Police stations and custody areas.



- **Sabre Red Mk 9** - for use in crowd management situations



Carrying and using OC spray

Carrying OC spray

Employees [issued](#) with O C spray must have a current:

- PITT defensive tactics certification;
- First aid certificate.

Employees issued with OC spray must carry it if undertaking duty that may involve personal contact with the public.

OC spray must **not** be carried:

- on a commercial aircraft in the cabin or as checked or carried on baggage
- by employees rostered for duty at demonstrations - unless a District Commander specifically authorises it
- if the employee's first aid certificate has expired.

Using force

All OC spray use must be lawful and reasonable, i.e. necessary, proportionate to the situation and with minimum risk to the public, Police and the subject.

Using OC spray is using force. Employees may be liable under section [62](#) of the Crimes Act 1961 for applying any excess force to a person in the course of Police duties.

Tactical options framework

OC spray is an option available to an employee when their perceived cumulative assessment of the situation is that the persons behaviour is within or beyond the **active resistance** range on the Tactical Options Framework and the situation cannot be resolved by less forceful means. See '[Tactical Options Framework](#)'.

Situations when OC spray may be used

Employees should only use OC spray when exercising any of their statutory powers and/or carrying out their lawful duties See [Legal authority to use force](#) in the Use of force overview chapter

Consider other options

Before using OC spray, consider communication and other less serious tactical options (e.g. control and restraint techniques or empty handed tactics not needing equipment) for resolving and controlling an incident. You must be satisfied when using OC spray that the person is [resisting](#) (by more than passive resistance) or attempting to prevent Police from lawfully controlling or arresting them.

Person in custody or handcuffs

Unless there are exceptional circumstances OC spray must not be used on a person:

- in custody in a Police custodial area, and/or
- secured in handcuffs.

Exceptional circumstances include situations when either:

- the person cannot be controlled by less forceful means
- timely assistance is not available
- there is a risk of injury to the person or another person
- the prisoner is in possession of a previously unknown weapon, or
- you need to take immediate action to resolve a situation or prevent a situation continuing.

Using O C spray in crowds

Where the circumstances justify its deployment, OC spray can be utilised against more than one person at a time. The use OC spray in crowded situations should consider the potential for cross contamination of both subjects and staff due to overspray.

Using against armed people

If the person is armed with a blunt edged weapon or knife exercise caution and ensure a safe distance is maintained when using OC spray

Avoid using OC spray against a person armed or with access to a firearm. Using OC spray may be appropriate as a supplementary tactic if the person:

- has put their firearm on the ground and is covered by an armed Police constable, and
- [actively resists](#) control by Police.

Warn before using

Before using OC spray, unless impractical, you must:

- warn the person that non-compliance will result in them being sprayed
- give the person a reasonable opportunity to comply before being sprayed
- warn other people nearby that a spray may be used.

Effects of OC spray

On most people, OC spray causes:

- blood vessels to dilate rapidly
- bronchial passages to constrict
- mucous membranes to secrete freely and eyes to burn and close tightly.

Physical symptoms from OC spray can last from 10 to 45 minutes. There are no known long-term after effects. See '[Medical attention](#)'.

After using OC spray

Aftercare

If you use OC spray, afterwards you must if the circumstances allow:

plan to minimise any residual [effects](#) caused by the spray by providing proper decontamination and proper aftercare or access to decontamination and aftercare as in the 'OC Spray Training Manual' See below:

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- ensure the person's face is not covered and they are not left lying face down with their hands constrained behind their back. This may lead to positional asphyxia, where the position of the body interferes with breathing. See '[Positional asphyxia](#)'
- accompany and monitor the person for at least 45 minutes or until the symptoms or effects are no longer apparent.

Medical attention

People with a severe asthma condition who are exposed to OC spray may suffer respiratory distress caused by their airways narrowing (bronchi-constriction). If this happens to someone in your care:

- use the salbutamol inhaler and spacing device to provide relief to the person **(Note: Police are only licensed to administer salbutamol, not to dispense it. It must remain in Police possession and control at all times, and is not to be given to, or left with, unsupervised persons)**, and
- immediately seek medical attention.

Also provide medical attention immediately, if a person sprayed in your care:

- does not recover within 45 minutes
- complains of, or appears to be, suffering from a medical condition
- asks for medical attention.

Caution on arrest

You must immediately caution the person if using OC spray leads to their arrest.

Courts might consider admissions made while the person is under OC spray's effect to be unfair and inadmissible. Repeat the caution when the arrested person has had time to sufficiently recover and is capable of understanding.

Report after use

Employees must follow this procedure after OC spray is used against a person, except during training.

Step	Action
1	Provide proper aftercare or access to aftercare and if necessary, medical attention for the person sprayed.
2	Notify your supervisor as soon as practical to: <ul style="list-style-type: none">- attend the scene if requested by the attending officerensure the employee has provided proper aftercare and obtained medical attention when necessary
3	Complete a Tactical Options Report before going off duty. Note that if the spray was only used against an animal, use the 'Use of OC Spray on Animal Only' report.

Issuing and managing OC spray

Employees' responsibilities when spray is issued

Employees must be personally responsible for the security of OC spray canisters issued that are to them. You must ensure canisters are:

- not carried off duty (unless authorised by the District Commander)
- secured at the end of duty in a locked cabinet at the station or in another secure place approved by the district commander.

Before starting duty you must check the canister visually and by shaking it, to ensure the:

- nozzle is unobstructed
- unit is not damaged
- contents are verified
- use by date has not expired.

Supervisors must regularly inspect the integrity of canisters issued to employees under their control.

OC spray register

There must be a robust system in place for controlling stock at all stations where OC spray is stored.

The Area Commander must ensure an OC spray register is operated in their area to record stock levels at each station and other details including:

- date spray is issued or received
- employees name and ID receiving or returning the canister
- employees name and ID issuing or receipting the canister
- the canister's serial number issued or received and the expiry date
- a running total of stock on hand both new and used
- disposal details of used canisters.

Storing OC spray

Stocks of OC spray must be stored in a secure environment at normal temperature. They must not be exposed to sunlight.

Store enough stock to enable ready replacement and to issue in emergencies.

Internal control process

OC spray issue must be included as part of the internal control process. Internal control must:

- check to ensure canister use by dates are current and units are not damaged
- reconcile actual canisters held to the OC spray register
- sample check of issued units from the register against what employees actually hold.

Internal audit will evaluate and report on the effectiveness of the internal control procedures as part of district audit.

Returning OC Spray on resignation/leaving Police

Employees resigning or leaving Police must ensure a POL217 is completed and their OC Spray canister and holster are returned to Lockheed Martin along with the other specified items.

OC spray coordinator's role

District commanders must appoint a district OC spray coordinator responsible for:

- reviewing and filing copies of Tactical Options Reports and associated papers
- internal control and internal audit of OC spray
- interviewing employees to obtain further information about the spray's effectiveness, medical effects or any training or policy modifications that may be necessary
- making recommendations on any necessary policy or training changes to the Director: Capability, PNHQ.

Used, lost, damaged or expired canisters

If your OC spray is lost or stolen, this must be recorded in the [Security and Privacy Incident Register](#) (SPIR). See 'Loss or theft of Tactical Equipment' in the '[Approved equipment](#)' part of this chapter.

Used, damaged or operationally unused expired canisters must be returned to the issuing office and kept until sufficient quantities are gathered for [disposal](#) (seal any damaged canisters in a plastic bag to prevent leakage). Any partially used canisters may be re-issued to an authorised OC spray trainer.

The approved employee:

- records details of all canisters received and replacements issued in the [OC spray register](#)
- files reports (POL 258) and replacement authorisations.

Disposing of used or damaged canisters

OC spray canisters must be disposed of using the following process.

Step	Action
1	If the OC spray can is damaged, wear appropriate safety apparel when handling - the minimum is rubber gloves and safety glasses.
2	Centralise OC spray for disposal, record the serial number on a spread sheet and place the can into the lockable container provided.
3	When the container is full, enclose a copy of the spread sheet and secure the container with the supplied combination lock.
4	Use the New Zealand Couriers Electronic ticketing system to dispatch the items to the destruction destination.
5	E mail the contracted service provider (steve@steveswholesale.nz): <ul style="list-style-type: none">- a copy of the spreadsheet listing S/No of canisters to be supplied- the combination for the container.
6	The service provider will: <ul style="list-style-type: none">- provide a certified copy of the serial numbers destroyed for local records- return an empty container and lock for future use.

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Use of Force Overview

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

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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. (s62 Crimes Act 1961).

Excessive force is not reasonable force.

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

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

Act	Description
Prostitution Reform Act 2003	- Warrant for police to enter (s30(2)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Radiocommunications Act 1989	- Powers to obtain evidence (s120(4)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)
Resource Management Act 1991	- Application for warrant for entry for search (s334(2)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Sale and Supply of Alcohol Act 2012	- Constable may apply for search warrant (s270) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Sentencing Act 2002	- Enforcement of confiscation order (s132(3)) - Failure to comply with condition to dismantle and destroy (s137B(3))
Serious Fraud Office Act 1990	- Effect of warrant (s12(1))
Summary Proceedings Act 1957	- Seizure of property (s99(1))
Unsolicited Electronic Messages Act 2007	- Powers conferred by search warrant (s51(5)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)

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	- Power to inspect land, premises, and places and stationary vehicles, aircraft, and ships (s127(5))
Biosecurity Act 1993	- Disembarkation (s34)
Hazardous Substances and New Organisms Act 1996	- Search warrants (s119(3)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
International Terrorism (Emergency Powers) Act 1987	- Emergency powers (s10(2))
Land Transport Act 1998	- Powers of entry (s119) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Marine Mammals Protection Act 1978	- Powers of search (s13) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Resource Management Act 1991	- Compliance with excessive noise direction (s328(7)) not repealed

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

Act	Description
Crimes Act 1961	- Prevention of suicide or certain offences (s41)
Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003	- Warrant to enter and search places to retake escaped care recipients (s112(4)) - Entry of place without warrant (s113(3))
Mental Health (Compulsory Assessment and Treatment) Act 1992	- Use of force (s122B) 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. (2) The powers are: (a) a power to take or retake a person, proposed patient, or patient in any of sections 32(1) , 38(4)(d) , 40(2) , 41(4) , 41(5) , 41(6) , 50(4) , 51(3) , 53 , 109(1) , 109(4) , 110C(2) , 111(2) , or 113A : (b) a power to detain a person, proposed patient, or patient in any of sections 41(3) , 41(4) , 41(5) , 109(4) , 110C(2) , 111(2) , or 113 : (c) a power to enter premises in either of sections 41(2) or 110C(1) . (3) A person treating a patient to whom section 58 or 59 applies may use such force as is reasonably necessary in the circumstances. (4) If force has been used under this section,— (a) the circumstances in which the force was used must be recorded as soon as practicable; and (b) a copy of the record must be given to the Director of Area Mental Health Services as soon as practicable.
Mental Health (Compulsory Assessment and Treatment) Act 1992	- Absence without leave (s32) - Police assistance (i.e. powers to assist a Duly Authorised Officer) (s41) - Leave of special patients (s50) - Power to direct temporary return to hospital of special patients (s51) - Escape and absence without leave (s53) - Police may apprehend person appearing to be mentally disordered in public place (s109) - Powers of police when urgent assistance required (i.e. powers to assist a medical practitioner) (s110C)

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"> - Preventing removal of child or young person from New Zealand (s77(3)) - Warrant to enforce role of providing day-to-day care for child (s72(2)) - Warrant to enforce order for contact with child (s73(2)) - Execution of warrants (s75(1))
Oranga Tamariki Act 1989	<ul style="list-style-type: none"> - Place of safety warrants (s39(3)) - Warrant to remove child or young person (s40(4)) - Search without warrant (powers to remove child or young person) (s42(1)) - Unaccompanied children and young persons (s48(1)) - Effect of custody order (s104(3)) - Living arrangements where child or young person placed in custody of iwi social service, etc. (s106(1)) - Power of entry (s123) - Preventing removal of child or young person from New Zealand (s205(2)) - Execution of warrant under section 296c (warrant to have young person arrested and brought before the court) (s296D(3)) - Powers to detain and return, and arrest, young person breaching curfew condition (s296L(2)) - Effect of supervision with residence order (s312(2)) - Search without warrant (absconding by children and young persons) (s318(1)) - Search warrants (absconding by children and young persons) (s386(1))

Use of force - Civil Aviation

Act	Description
Civil Aviation Act 1990	<ul style="list-style-type: none"> - Persons who refuse to be screened or searched (s80E(5)) - Security areas and security enhanced areas (s84(5)) - Powers of arrest and seizure of items or substances (s85) <p>Note: Under section 87, 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"> - Functions, duties and powers of Chief Fire Officer (s28(4)) <p>Note: Under section 32, 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"> - Power to use reasonable force in exercise of certain powers (s205) <p>Note: Under section 196(2), 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"> - Entry and search under warrant under section 122 (s123) - Entry and search under warrant under section 128 (s129) - Power to seize evidence relevant to post-mortem (s131)

Use of force - Corrections

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

Use of force - Customs

Act	Description
Customs and Excise Act 1996	<p>Note: Police are authorised to use force under these sections:</p> <ul style="list-style-type: none"> - Searching vehicles (s144)* - Detention of persons committing or about to commit certain offences (s148B) - Searching of persons if reasonable cause to suspect items hidden (s149B)* - Searching of persons for dangerous items (s149BA)* - Search warrants s167(2))* - Procedure for seizure (s226(5)) <p>(For those sections marked with * above, use of force provisions in Part4 of the Search and Surveillance Act 2012 apply).</p>

Use of force - Immigration

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

Use of force - Maritime

Act	Description
Maritime Security Act 2004	<ul style="list-style-type: none"> - Restrictions with respect to port security areas (s46) - Persons who refuse to consent to be screened or searched (s54(2)) - No person, craft, or vessel may enter or leave exclusion zones without authorisation (s61(3))
Maritime Transport Act 1994	<ul style="list-style-type: none"> - Entry in respect of offences (s455) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p> <p>Note: 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"> - Issue of search warrants (s69(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
Animal Products Act 1999	<ul style="list-style-type: none"> - Powers of Police and animal product officers under warrant (s94(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
Antarctica (Environmental Protection) Act 1994	<ul style="list-style-type: none"> - Search and seizure by special inspectors with warrant (s42(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
Antarctic Marine Living Resources Act 1981	<ul style="list-style-type: none"> - Powers of search (s9(4)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
Anti-Personnel Mines Prohibition Act 1998	<ul style="list-style-type: none"> - Search warrants (s22) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
Chemical Weapons (Prohibition) Act 1996	<ul style="list-style-type: none"> - Search warrants (s23(4)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)</p>
Child Support Act 1991	<ul style="list-style-type: none"> - Warrant of distress (s183) <p>Note: The constable must first have been appointed as a bailiff under section 15 of the District Courts Act 1947.</p>
Climate Change Response Act 2002	<ul style="list-style-type: none"> - Applications for warrants (s40)
Commodity Levies Act 1990	<ul style="list-style-type: none"> - Power of search (s19(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)</p>
Court Martial Act 2007	<ul style="list-style-type: none"> - Issue of warrant to arrest person absconding or breaching bail condition (s53)
Court Martial Appeals Act 1953	<ul style="list-style-type: none"> - Issue of warrant to arrest appellant absconding or breaching bail condition (s20B)
Dairy Industry Restructuring Act 2001	<ul style="list-style-type: none"> - Issue of search warrant (s29(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply).</p>
District Courts Act 1947	<ul style="list-style-type: none"> - Warrant for recovery of land (s99(1))
Energy (Fuels, Levies and References Act) 1989	<ul style="list-style-type: none"> - Powers conferred by warrant (s37B)

Act	Description
Financial Transactions Reporting Act 1996	- Powers conferred by warrant (s44(2)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Habeas Corpus Act 2001	- Power of arrest of absconder etc (s12)
Health Act 1956	- Power of members of police to assist Medical Officer of Health in relation to infectious diseases (s71A)
Human Assisted Reproductive Technology Act 2004	- Powers of authorised persons (s68)
Human Tissue Act 2008	- Powers of authorised persons (s68) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)
Insolvency Act 2006	- Warrant to search for and seize bankrupt's property (s150)
International Crimes and International Criminal Court Act 2000	- Issue of search warrant (s102(2)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
International War Crimes Tribunals Act 1995	- Issue of search warrants (s48(3)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Lawyers and Conveyancers Act 2006	- Warrant to search premises (s172)
Motor Vehicle Sales Act 2003	- Issue of warrant (s130(2)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Mutual Assistance in Criminal Matters Act 1992	- Search warrants (s44(3)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Nuclear-Test-Ban Act 1999	- Search warrants (s17)
Overseas Investment Act 2005	- Search warrant (s56(5)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)
Ozone Layer Protection Act 1996	- Search warrants (s23) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)
Radiation Protection Act 1965	- Entry and inspection (s24(3)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Trade in Endangered Species Act 1989	- Powers of search (s38(4)) (Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply)
Trade Marks Act 2002	- Form and content of search warrant (s134I)
Tuberculosis Act 1948	- Provision for isolation, in certain cases, of persons likely to spread infection (s16)

Act	Description
Wild Animal Control Act 1977	<ul style="list-style-type: none">- Keeping of specified wild animals in captivity (s12(13)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)</p>
Wildlife Act 1953	<ul style="list-style-type: none">- Power of rangers (s39) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)</p>
Wine Act 2003	<ul style="list-style-type: none">- Issue of search warrants (s65(2)) <p>(Use of force provisions in Part 4 of the Search and Surveillance Act 2012 apply, except for section 118)</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](#).

Released pursuant to the Official Information Act (2014)

Tactical Options Framework



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.

- THREAT** The subjects 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

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.

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

Released pursuant to the Official Information Act (2000)

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**

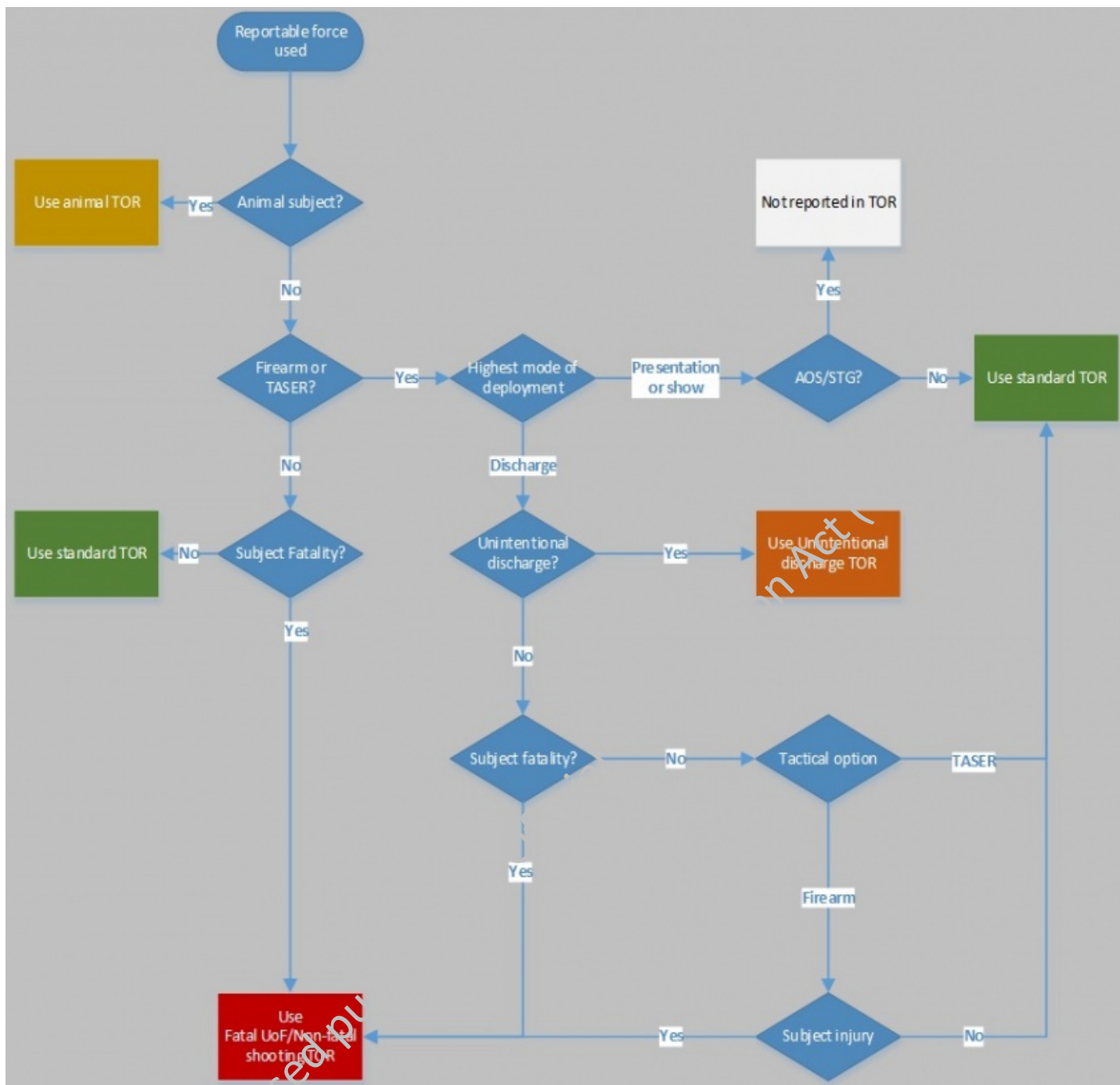
Supervisors must report

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	<p>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.</p> <p>A Fatalities and Shooting Injuries TOR must be submitted by a supervisor to the District Operations Manager within 72 hours of the incident.</p>
Resubmitting a TOR form amended following review	If, following the supervisor or Inspector review, a TOR form is sent back to the reporting constable for amendment, the constable must resubmit the form to their supervisor before the end of the shift in which they received it back, or with their supervisor's approval, within 3 days/72 hours of this shift and prior to any rostered days off or leave during this period.
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 Off-duty interventions .
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	before 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	before 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	<ul style="list-style-type: none">- 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	<ul style="list-style-type: none">- 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	<ul style="list-style-type: none">- 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.

Released pursuant to the Official Information Act 1982

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: <ul style="list-style-type: none"> - 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 reportable 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>Note: only report subject injuries that resulted from force you used; do not report subject injuries that resulted from force used by other officers.</p>
<p>a non-reportable use of force incident</p> <p>Note: '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>	<p>a POL258 (not a TOR form), whether or not any treatment was received. This must be sent to your supervisor within the prescribed timeframe, who must forward it through the appropriate chain of command to an Inspector.</p> <p>(Note: 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 TOR form	<ul style="list-style-type: none"> - insert a comment outlining their view of the incident based on information in the form, and, if necessary, discussion with the constable - if required, attach any relevant documents to the TOR form. See 'attaching documents to a TOR form' - send the TOR form to an Inspector for further review.
notes that the TOR form is incomplete and/or that changes to it are required	<ul style="list-style-type: none"> - if necessary, discuss the changes required with the reporting constable - insert a comment outlining the additional information and/or changes required - send it back to the reporting constable to amend and resubmit to their supervisor again.
does not support the constable's actions, as outlined in the TOR form	<ul style="list-style-type: none"> - 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 - if required, attach any relevant documents to the TOR form - if relevant, note remedial training required.
if a supervisor receives a TOR form back from an Inspector because additional information and/or changes are required	<ul style="list-style-type: none"> - send the TOR form back to the reporting constable to amend as requested and resubmit to their supervisor again.
Once the supervisor has signed-off a TOR form, they must send it to a designated Inspector (or above) for further review and sign-off.	

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"> - insert a comment outlining their view of the incident based on information in the form and, if necessary, discussion with the constable - if required, attach any relevant documents to the TOR form. See 'Attaching documents to a TOR form' - approve the TOR form, completing the review and sign-off process.
notes that the TOR form is incomplete and/or that changes to it are required	<ul style="list-style-type: none"> - if necessary, discuss the changes required with the supervisor - insert a comment outlining the additional information and/or changes required, including where the supervisor is required to attach any relevant documents. See 'Attaching documents to a TOR form' - send it back to the supervisor they received it from. <p>In turn, the supervisor sends the TOR form back to the reporting constable to amend and resubmit to their supervisor again.</p> <p>Note: 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>
does not support the constable's actions, as outlined in the TOR form	<ul style="list-style-type: none"> - 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 - if required, attach any relevant documents to the TOR form. See 'Attaching documents to a TOR form' - if relevant, note remedial training required - if the matter concerns possible use of excessive force, deliberate misrepresentation of the incident, and/or other perceived inappropriate action, the Inspector must: <ul style="list-style-type: none"> - 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"> i) no breach of the Code of Conduct, i.e., no further action will be taken ii) performance shortfall iii) misconduct or serious misconduct iv) potential criminal offending. - 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 - 3) attach any documents relevant to categorisation to the TOR form. See 'Attaching documents to a TOR form'. <p>For more information on categorisation, see 'Categorisation' in the 'Disciplinary Policy' 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.

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

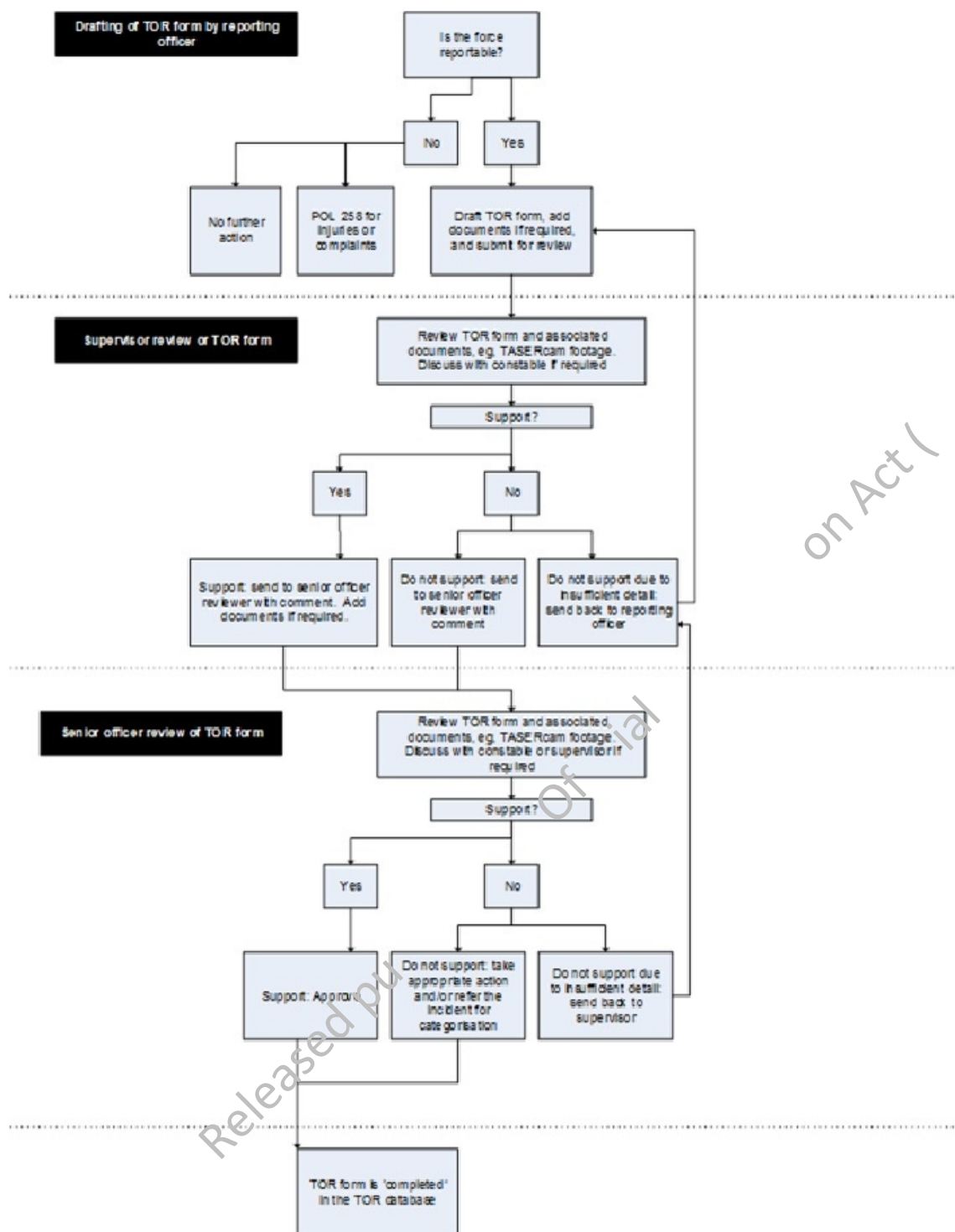
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Diagram: TOR form completion and sign-off process

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.

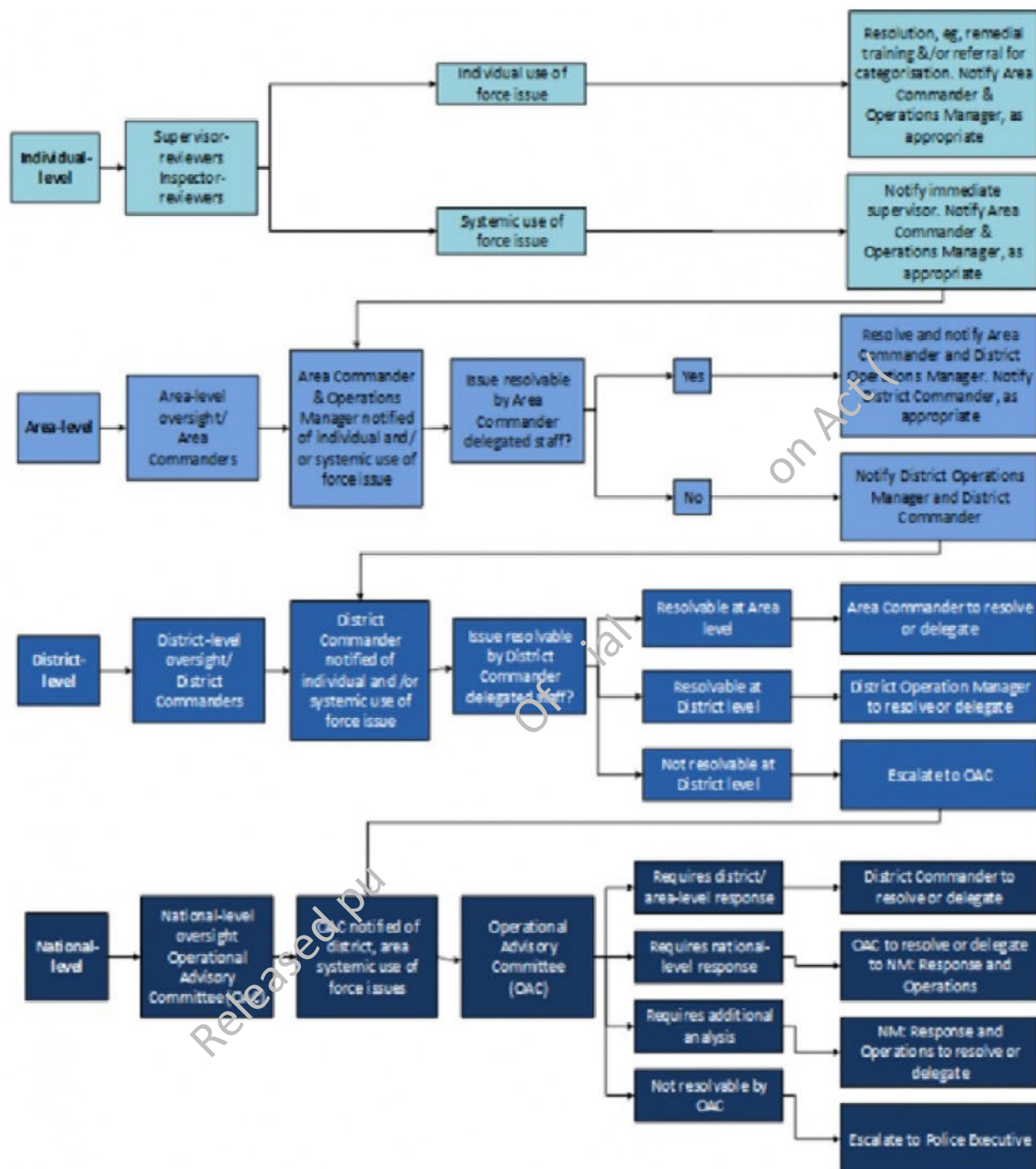
Categorisation of TOR events by Inspector reviewers of TOR events

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



CS gas

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

Using CS (chlorobenzalmalononitrile) gas

CS gas and allied equipment must only be used in these situations by Armed Offenders Squad members or other employees who have had specific training in its use.

Situation...	Must be authorised by...
<p>Against person(s) believed to be armed or otherwise potentially dangerous, when the situation and perceived risk (TENR) is serious enough to warrant its use. Examples are:</p> <ul style="list-style-type: none"> - Where an offender fails to comply with lawful instructions to leave an address, and they pose an unacceptable risk to staff (and others) by entering that address to arrest them. - Where there are reasonable grounds to believe an offender is in an address, but there is an unacceptable risk to staff (and others) in entering or approaching that address to search for that offender. - To facilitate either immediate or deliberate action against an offender(s) in a building/vehicle when necessary to prevent death or serious injury. <p>Note: When deploying CS gas into an address, and if the situation allows, consideration should be given to arranging attendance of the Fire Service and Ambulance or medical assistance prior to deployment.</p>	<p>The Incident Controller and</p> <ul style="list-style-type: none"> - O/C Armed Offenders Squad, or O/C STG.

Reporting the use of CS gas

Step	Action
1	<p>Include details of the use of CS gas in:</p> <ul style="list-style-type: none"> - the AOS operation report, or - if use was not part of an AOS operation, in a detailed report from the O/C Incident to the relevant District Commander.
2	<p>Send a copy of the report to the Director: Capability, Police National Headquarters, as soon as practicable.</p>

Issue, storage and security of CS gas

CS gas and equipment, including weaponry used for the discharge of CS gas, must only be issued to Armed Offenders Squads and sections, except for respirators which may be issued to stations on the approval of District Commanders.

District Commanders must arrange for the nearest O/C Armed Offenders Squad or Section to be delegated responsibility for the safe and secure storage of CS gas and allied equipment within districts where stocks are held.

Printed on : 23/05/2022

Printed from : <https://tenone.police.govt.nz/pi/cs-gas>

ESR Reference: 22ESR02046

Enquiries to: s9(2)(a)

17 March 2022

Johnsonville Police Station

Attention: Acting Detective Senior Sergeant Richard Orr, ROF950@police.govt.nz

Case name: Protest acid throwing
Client reference: 220222/6235

Please find enclosed my statement relating to the above case. A statement detailing some of the chemical analyses performed in this case has been forwarded previously. An additional statement detailing the remainder of that work will be forwarded in due course.

Please read the footnote to this letter in relation to the disposal of exhibits and samples. The vest will be returned by courier at the completion of the case.

If you have any further queries please contact me on the above number.

s9(2)(a)

Case Manager
Wellington Forensic Service Centre

FOR SCENE ATTENDANCE OR ADVICE ANYTIME
Telephone 0800 FORENSIC 0800 367 367

ESR EXHIBIT RETENTION AND DISPOSAL PROCEDURES

- Any reference bodily samples submitted to ESR will be dealt with according to agreed Police/ESR policy and in compliance with the Criminal Investigations (Bodily Samples) Act 1995.
- Due to the nature of some submitted exhibits these may be consumed during analysis. Other submitted exhibits will be returned, except for illicit drugs and biological exhibits. (Biological exhibits may include medical examination kits, toxicology exhibits, and exhibits submitted for DNA profiling). Land Transport Act exhibits will be destroyed 1 year from receipt date. Toxicology exhibits will be destroyed or returned upon authorisation from the Coroner. Illicit drugs will be destroyed 3 months from report date unless an authorised request is received to return the exhibits.
- Sub exhibits derived from submitted exhibits will be retained, except for illicit drugs, reference bodily samples and toxicology exhibits. The length of time they are retained follows Public Records Act guidelines for the retention of case files.

INSTITUTE OF ENVIRONMENTAL SCIENCE AND RESEARCH

Kenepuru Science Centre: 34 Kenepuru Drive, Kenepuru, Porirua 5022 | PO Box 50348, Porirua 5240, New Zealand
T: +64 4 914 0700 F: +64 4 914 0770

22ESR02046|94224|1503202 s9(2)(a)

www.esr.cri.nz

Formal Written Statement

s9(2)(a) states:

My full name is s9(2)(a) I am a forensic scientist employed by the Institute of Environmental Science and Research Limited, (ESR), situated at Kenepuru Drive, Porirua.

I hold a Master's degree in Chemistry from s9(2)(a) I am a Chartered Chemist of the Royal Society of Chemistry and a Chartered Scientist of the Science Council. I have worked as a forensic scientist since joining the Wellington Forensic Service Centre of ESR in s9(2)(a) My duties as a forensic scientist include the type carried out in this case.

ESR is a Crown Research Institute and its functions include the provision of independent forensic testing and advice. The ESR forensic laboratories are accredited to an international standard in the field of Forensic Science Testing.¹

Exhibit Receipt

I am the ESR Case Owner for this case. The ESR Custody Record to date for this case is available on request.

Laboratory records show that on 22 February 2022, a Police high-vis vest, item 15001, was received at the Wellington Forensic Service Centre of ESR for examination.

Examinations, Results and Opinions

The results and conclusions provided in this statement form my expert opinion, which is based on my scientific knowledge, experience and training. The results apply to the item as received and relate only to the item tested.

The vest appeared in reasonable condition. No burn damage or fabric discolouration consistent in appearance with chemical damage was observed on the vest.

The front of the vest was screened using pH strips, which can indicate the presence of an acid or a base. The pH of the top of the vest was measured at approximately 9 – 10. I understand that the

¹ ANAB, the ANSI National Accreditation Board provides accreditation services to the forensic laboratories of ESR to the international standard of ISO/IEC 17025. ANAB provides accreditation services to public and private sector organisations and is a subsidiary of the American National Standards Institute (ANSI).

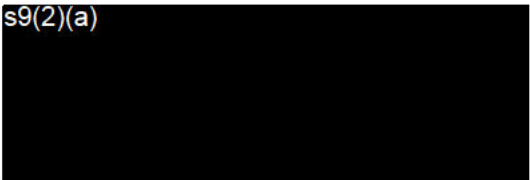
affected Police officers were decontaminated with a solution of sodium bicarbonate. The measured pH is consistent with this decontamination procedure. The lower half of the vest was measured at approximately 7 – 8, which is neutral.

The reflective strip across the right side of the shoulder and chest was swabbed, and three samples of fabric cut out from across the upper front of the vest. These four samples and additional control samples were transferred to the Forensic Toxicology laboratory of ESR in Porirua for analysis.

The vest was then forwarded to the Physical Evidence laboratory of ESR in Auckland for further sampling and analysis.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

s9(2)(a)



17 March 2022

ESR Reference: 22ESR02046

Enquiries to: s9(2)(a)

28 February 2022

Johnsonville Police Station

Attention: Detective Sergeant Richard Orr, ROF950@police.govt.nz

Case name: Protest acid throwing
Client reference: 220222/6235

Please find enclosed my statement relating to the above case.

Please read the footnote to this letter in relation to the disposal of exhibits and samples. Any remaining exhibits will be returned by courier at the completion of the case.

If you have any further queries, please contact me on the above number.

s9(2)(a)

Case Manager
Auckland Physical Evidence Laboratory

FOR SCENE ATTENDANCE OR ADVICE ANYTIME
Telephone 0800 FORENSIC 0800 367 367

ESR EXHIBIT RETENTION AND DISPOSAL PROCEDURES

- Any reference bodily samples submitted to ESR will be dealt with according to agreed Police/ESR policy and in compliance with the Criminal Investigations (Bodily Samples) Act 1995.
- Due to the nature of some submitted exhibits these may be consumed during analysis. Other submitted exhibits will be returned, except for illicit drugs and biological exhibits. (Biological exhibits may include medical examination kits, toxicology exhibits, and exhibits submitted for DNA profiling). Land Transport Act exhibits will be destroyed 1 year from receipt date. Toxicology exhibits will be destroyed or returned upon authorisation from the Coroner. Illicit drugs will be destroyed 3 months from report date unless an authorised request is received to return the exhibits.
- Sub exhibits derived from submitted exhibits will be retained, except for illicit drugs, reference bodily samples and toxicology exhibits. The length of time they are retained follows Public Records Act guidelines for the retention of case files.

INSTITUTE OF ENVIRONMENTAL SCIENCE AND RESEARCH

Mt Albert Science Centre: 120 Mt Albert Road, Sandringham, Auckland 1025 | Private Bag 92021, Auckland 1142, New Zealand

T: +64 9 815 3670 F: +64 9 849 6046

22ESR02046||93393||28022022||s9(2)(a)

www.esr.cri.nz

Formal Written Statement

s9(2)(a) states:

My full name is s9(2)(a) I have the degree of Doctor of Philosophy in Chemistry from s9(2)(a)
s9(2)(a) I am employed at the Mount Albert Science Centre of ESR.

I have been employed by ESR to carry out the analysis of items of forensic interest since s9(2)(a)
During this time, I have had specialist training and experience in determining the chemical composition of substances. I have passed practical and theoretical examinations on this subject and regularly undertake quality assurance trials in the interpretation and reporting of this type of forensic evidence.

ESR is a Crown Research Institute and its functions include the provision of independent forensic testing and advice. The ESR forensic laboratories are accredited to an international standard in the field of Forensic Science Testing.¹

The ESR Custody Record to date for this case is available on request from the ESR case owner s9(2)(a)
s9(2)(a)

Examinations, Results and Opinions

The results and conclusions provided in this statement form my expert opinion, which is based on my scientific knowledge, experience and training. The results apply to the item as received and relate only to the item tested.

Laboratory records show that a Police high vis vest (item 1LNQ9RN) was received in relation to this case. This vest had previously been examined by the ESR laboratory in Wellington. I was informed that it was alleged that a liquid had been sprayed on to the person wearing this vest and paramedics subsequently applied a baking soda solution to the person.

I was asked to examine the vest to determine whether or not any foreign substance was present. I was assisted in this examination by my colleague s9(2)(a) who has carried out the analyses. I have interpreted the results produced.

¹ ANAB, the ANSI National Accreditation Board provides accreditation services to the forensic laboratories of ESR to the international standard of ISO/IEC 17025. ANAB provides accreditation services to public and private sector organisations and is a subsidiary of the American National Standards Institute (ANSI).

No areas of chemical damage were visible on the vest.

A piece of fabric from the back of the vest was removed. A solution of hydrochloric acid was added to the fabric to determine whether the acid would cause any damage to the fabric. A slight discoloration of the fabric was observed, however the fabric remained intact and no other damage was visible after three days.

Pieces of fabric from the right and left side of the neck were removed. A control sample from the lower back was also removed. These pieces of fabric were extracted with ethanol and these extracts were analysed by GC-MS (gas chromatography – mass spectrometry).

Homosalate, octocrylene and 2-ethylhexyl salicylate were detected on the pieces of fabric from the sides of the neck. These three compounds are all sunscreen ingredients. The identification of these compounds is tentative as the relevant standards were not available.

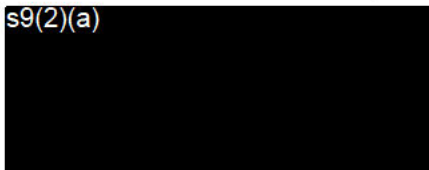
The pieces of fabric were also extracted with water. The pH of the water extracts was determined using universal indicator strips and was determined to be approximately 10, indicating these water extracts were basic. The extracts were also tested with chloride test strips. The extracts were evaporated to dryness and the residues were analysed by FTIR (Fourier transform infrared spectroscopy) to determine their chemical compositions.

The results from these tests showed that the water extracts from the pieces of fabric from the sides of the neck and the control sample from the back each contained a carbonate compound. Chloride was not detected. In my opinion, this carbonate compound could have come from the baking soda solution used by the paramedics.

In summary, the compounds detected on the vest are likely to have come from sunscreen and from the baking soda solution.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

s9(2)(a)



28 February 2022

31 May 2022

[REDACTED]

Dear [REDACTED]

Request for information

Thank you for your request of 6 May 2022, in which you requested the following:

I am seeking information relating to use of EMF in New Zealand. Please return following information under the Official Information Act.

- 1. Has the use of EMF been authorised for use in NZ?*
- 2. Was EMF used during the protest in Wellington?*
- 3. If used, for what duration was it used, and who authorised it?*

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

I understand an EMF (electromagnetic field) is a physical phenomenon rather than a device. EMFs exist as a result of natural processes, as well as being produced by some human created devices. For example, every device that utilises electricity will produce an EMF.

Police does not employ tactics utilising EMF.

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 website¹ 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.

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.

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.

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

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.

Nāku noa, nā



David Greig
Superintendent
New Zealand Police

31 May 2022

[REDACTED]

Tēnā koe [REDACTED]

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 10 March 2022, in which you asked for information relating to the protest at Parliament grounds. You requested the following:

In accordance with the Official Information Act 1982, I would like to request all information relating to the purchase of any MK-9 pepper spray, or it's equivalent or similar product, during the period 01/02/2022 and the current date of 10/03/2022.

In accordance with the Official Information Act 1982, I would like to request any information in relation to any judicial review, conducted in accordance with the Judicial Review Procedure Act 2016, of the proposed police actions, or operations, during the period 01/03/2022 and 04/03/2022 in regards to the "CONVOY 2022 NZ" protest in Wellington, New Zealand.

In accordance with the Official Information Act 1982, I would like to request any New Zealand Police intelligence assessments or summaries, or documents of similar intention, in relation to the "CONVOY 2022 NZ" protest in Wellington that were compiled during the period of 01/02/2022 to 03/03/2022.

As advised in our email to you on 30 March 2022, Police required an extension of time in which to respond to your request under section 15A of the OIA. We also notified you at that time of our intention to provide you with a partial response, addressing your first two questions (relating to purchase of MK-9 pepper spray and judicial reviews), ahead of the 27 May 2022 extension date. We are now able to respond to all three questions.

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 website¹ and you will note this scope includes Police management of intelligence, planning and preparation, operational execution, and equipment.

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

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:

In accordance with the Official Information Act 1982, I would like to request any New Zealand Police intelligence assessments or summaries, or documents of similar intention, in relation to the "CONVOY 2022 NZ" protest in Wellington that were compiled during the period of 01/02/2022 to 03/03/2022.

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.

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

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

In accordance with the Official Information Act 1982, I would like to request all information relating to the purchase of any MK-9 pepper spray, or it's equivalent or similar product, during the period 01/02/2022 and the current date of 10/03/2022.

Please refer to Attachment 1 for correspondence relating to the purchase of Oleoresin Capsicum Spray during the period 1 February and 10 March 2022.

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

- section 6(a) - the making available of the information is likely to prejudice the security or defence of New Zealand or the international relations of the government of New Zealand
- section 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural
- section 9(2)(b)(ii) – the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is subject of the information.

Where information has been withheld, Police does not consider the public interest in releasing the information outweighs the reasons for withholding it.

In accordance with the Official Information Act 1982, I would like to request any information in relation to any judicial review, conducted in accordance with the Judicial Review Procedure Act 2016, of the proposed police actions, or operations, during the period 01/03/2022 and 04/03/2022 in regards to the "CONVOY 2022 NZ" protest in Wellington, New Zealand.

Police is not aware of any judicial review proceedings having been commenced or notified to Police between 1 March 2022 and 4 March 2022 relating to the recent protest in Wellington. Accordingly, this aspect of your request is refused under section 18(e) as the information does not exist.

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.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'D Greig', is positioned above the printed name.

David Greig
Superintendent
New Zealand Police

HANNON, Patrick (Paddy)

From: Section 9(2)(a) Official Information Act 1982
Sent: Thursday, 10 March 2022 11:18 AM
To: HANNON, Patrick (Paddy)
Subject: RE: [EXTERNAL] Re: Air Freight
Attachments: MK-60 Fill and Pressurization Instructions v5.0.pdf

Paddy,

Sounds good. Attached are the MK-60 Instructions. If you have any questions here, please let me know.

Also, on the MK-60, I would suggest not pressurizing the unit until you suspect you may have to use it. That way you will get full pressure for maximum usage.

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982



From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Wednesday, March 9, 2022 3:13 PM
To: Section 9(2)(a) Official Information Act 1982
Subject: Re: [EXTERNAL] Re: Air Freight

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

s9(2)(a)

I understand it has landed in NZ I can't thank you enough for your assistance with this.

We will have to do some work on the MK60 pressure vessels and their importation to get approval retrospectively with our work safe so I may well be in touch for technical data. Let me get back to my desk as I am still operationally deployed and we are a little understrength as Covid takes hold over here.

Again thanks and take care I will be in touch.

Paddy

Sent from my iPhone

On 10/03/2022, at 10:03 AM, Section 9(2)(a) Official Information Act 1982 wrote:

Hi Paddy,

Circling back here. Any additional support needed from us here at the moment?

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982



From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Sent: Wednesday, March 2, 2022 5:19 PM

To: Section 9(2)(a) Official Information Act 1982

Subject: Re: [EXTERNAL] Re: Air Freight

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

s9(2)(a)

Thanks for the update, much appreciated.

Sent from my iPhone

On 3/03/2022, at 12:01 PM, Section 9(2)(a) Official Information Act 1982 wrote:

Paddy,

A quick update from the factory and our shipping department: "I just got the confirmation from Section forwarder that the shipment arrived to their warehouse. They will work on getting it tendered to the airline."

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982



From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Sunday, February 27, 2022 4:56 PM
To: Section 9(2)(a) Official Information Act 1982
Subject: RE: [EXTERNAL] Re: Air Freight

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

s9(2)(a)

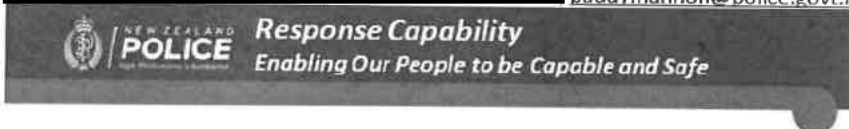
Thought I would update you, the bad news being apparently the freight was held up by security stateside and missed the flight.
Next available flight is a week away so it will not be in New Zealand until the 5th of March. 😞
Thanks for all you help to date.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHO | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



From: Section 9(2)(a) Official Information Act 1982
Sent: Monday, 28 February 2022 1:54 AM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Subject: RE: [EXTERNAL] Re: Air Freight

Paddy,

Sure thing. Operating pressure as follows on those items (specs attached):

MK-60 – 225 PSI (see attached please)
MK-9 – 140 PSI (see attached please)
MK-3 - 140 PSI (See attached please)

Minimum deployment distances as well:

MK-60 – 4 meters (12 ft)
MK-9 – 2 meters (6 ft)
MK-3 – 1 meter (3 ft)

Any additional questions or support you need at the moment?

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982



From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Friday, February 25, 2022 7:21 PM
To: Section 9(2)(a) Official Information Act 1982
Subject: RE: [EXTERNAL] Re: Air Freight

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Section 9(2)
(a) Official

I can not express my gratitude enough to you, your company and your employees who have been exceptional in providing assistance to the NZ Police achieve this requirement so diligently and quickly.
Yes here is hoping the transit plan goes without a hitch.
I have some small knowledge gaps around the newer products in particular are you able to advise the discharge pressure for

- Mk 60
- Mk 9
- Mk 3

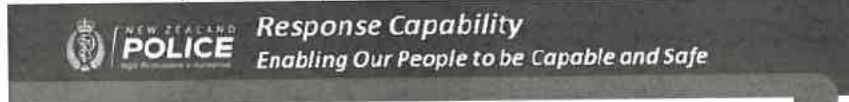
Do you have any recommendations on minimum distance for application for reasons of safety.

Regards

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



From: Section 9(2)(a) Official Information Act 1982

Sent: Saturday, 26 February 2022 6:49 AM

To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Subject: RE: [EXTERNAL] Re: Air Freight

Paddy,

An update here sir. The order is shipping to the forwarder today. Fingers crossed things run smoothly with the airline.

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982



From

Section 9(2)(a) Official Information Act 1982

Sent: Tuesday, February 22, 2022 2:55 PM

To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Subject: RE: [EXTERNAL] Re: Air Freight

Thanks Paddy. Happy to help.

The factory did tel **s9(2)(a)** this am that the order may not be completed until later this week/possibly early next week but we were able to get some other orders adjusted to bump this up.

I will have another update tomorrow for you.

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982



From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Sent: Tuesday, February 22, 2022 2:36 PM

To: **Section 9(2)(a) Official Information Act 1982**

Subject: FW: [EXTERNAL] Re: Air Freight

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

s9(2)(a)

in response to your last update I am forwarding what I got from the supplier this morning after moving the planet to get an order through to secure an early flight for

s9(2)(b)(ii)

I will go back to the supplier and my question is what can we get on that flight. I appreciate the issues you are confronting and am grateful for anything you can do. Conversations to date with the supplier have left our executive in the belief that we can get this capability in time for it to be an operational consideration.

Kind Regards

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



From: Section 9(2)(a) Official Information Act 1982

Sent: Wednesday, 23 February 2022 6:43 AM

To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Subject: [EXTERNAL] Re: Air Freight

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Morning Paddy - Sorry Sabre are not production ready until early next week, I'm picking those extra 500 cans slowed it down... so it will fly sometime after the 1st March, I'll see what Orbis can tell me about flight options.

Section 9(2)(a)
Official

On Tue, 22 Feb 2022 at 17:51, Section 9(2)(a) Official Information Act 1982

Section 9(2)(a) Official Information Act 1982 wrote:

Hi Paddy

yep it arrived ok... The shipment is all paid for and I'm just waiting on Sabre to confirm it will be ready to make the flight...

cheers

Section 9(2)(a)
Official

On Tue, 22 Feb 2022 at 17:26, HANNON, Patrick (Paddy)

<Patrick.Hannon@police.govt.nz> wrote:

s9(2)(a)

The airfreight has been approved as per your quote.

The order should have arrived with you or expect it shortly as I have had electronic confirmation. Please let me know early if there are any issues.

Again appreciate your assistance with this, here's hoping we can secure the priority freight as indicated.

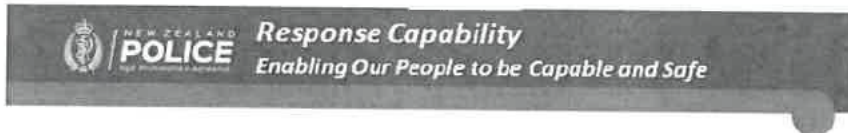
PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

Response and Operations | PNHO | P.O. Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



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WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents.

Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately

HANNON, Patrick (Paddy)

From: HANNON, Patrick (Paddy)
Sent: Thursday, 3 March 2022 4:41 PM
To: ROSS, Jason
Subject: Re: OC Spray

Yeah nah, I have previously responded to Dave on a question surrounding Gel for the op. That answer included district information.

PH

Sent from my iPhone

On 3/03/2022, at 3:05 PM, ROSS, Jason <Jason.Ross@police.govt.nz> wrote:

Thanks, I see you have already replied to Dave and Tusha re...

Jas

From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Thursday, 3 March 2022 2:57 PM
To: ROSS, Jason <Jason.Ross@police.govt.nz>
Subject: RE: OC Spray

Jason

Section 6(a) Official Information Act 1982



PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHO | P.O. Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982

paddy.hannon@police.govt.nz



NEW ZEALAND
POLICE
Te Kaitiaki a Matarua

Response Capability
Enabling Our People to be Capable and Safe

[SEEMAIL]

From: ROSS, Jason <Jason.Ross@police.govt.nz>
Sent: Thursday, 3 March 2022 2:50 PM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Subject: FW: OC Spray

Paddy....Can you please provide an update to me re the quantity, type and status of our current OC spray stocks, our orders coming by both air and sea freight and when they are expected to arrive.

Today if possible....

Thanks
Jason

From: PENNY, Tusha <Tusha.Penny@police.govt.nz>
Sent: Thursday, 3 March 2022 1:41 PM
To: ROSS, Jason <Jason.Ross@police.govt.nz>
Cc: GREIG, David (Dave) <David.Greig@police.govt.nz>
Subject: OC Spray

Hi Jase – can you please provide me with an update re the OC Spray. I was advised by Kelly in the handover **Section 6(a) Official Information Act 1982** But that more was on order and being air freighted?? Are we ok?? Have we ordered sufficient volume?? Is there any other pieces of critical operation equipment that you are concerned about?? Sorry to email bomb you!!

Kind regards
Tusha

HANNON, Patrick (Paddy)

From: HANNON, Patrick (Paddy)
Sent: Sunday, 27 February 2022 2:45 PM
To: RYAN, Kelly
Subject: Re: OC Spray

Last I heard Saturday morning it was due to land Auckland tomorrow.
I am working with supplier to confirm as soon as we can, it is priority freight so fingers crossed it got loaded and has not been bumped during the journey.

Paddy
Sent from my iPhone

On 27/02/2022, at 1:43 PM, RYAN, Kelly <Kelly.Ryan@police.govt.nz> wrote:

I realise you're all caught up in convoy but do you know who I can ask about an ETA on that big OC spray order from Overseas

Nga mihi aroha

Kelly Ryan
Assistant Commissioner (acting) Frontline Capability | New Zealand Police

HANNON, Patrick (Paddy)

From: HANNON, Patrick (Paddy)
Sent: Monday, 28 February 2022 4:37 PM
To: MCDERMOTT, Rosemary (Rose)
Subject: Re: Gel OC Spray tasking

Rose

Thanks for the response, gel has both its advantages and disadvantages in the given situation, just interested as this forms part of my teams core business that our area has not been consulted.

Paddy

Sent from my iPhone

On 28/02/2022, at 4:10 PM, MCDERMOTT, Rosemary (Rose)
<Rosemary.McDermott@police.govt.nz> wrote:

Thanks for the clarity, Paddy:

Section 6(a) Official Information Act 1982

As to why I am wanting to know this, a recommendation has been that any OC spray carriage and use by staff involved in Operation Oversight should be in the gel form.

Your information has been passed to the National Controller who requested the RIOD tasking in the first place. Wellington District's Supt Scott Fraser and Insp Scott Cooper are aware of the recommendation regarding staff using gel-spray.

Regards,

Rose

Senior Sergeant Rose McDermott
Practice Manager, Police Prosecution Service
Police National Headquarters, 180 Molesworth Street, Thorndon, Wellington

P Section 9(2)(a) Official Information Act 1982
M
E rose.mcdermott@police.govt.nz

From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Monday, 28 February 2022 3:43 PM
To: MCDERMOTT, Rosemary (Rose) <Rosemary.McDermott@police.govt.nz>
Subject: RE: Gel OC Spray tasking

Rose

Section 6(a) Official Information Act 1982

Section 6(a) Official Information Act 1982

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a)

paddy.hannon@police.govt.nz



[SEEMAIL]

From: MCDERMOTT, Rosemary (Rose) <Rosemary.McDermott@police.govt.nz>
Sent: Monday, 28 February 2022 3:41 PM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Subject: Gel OC Spray tasking

Hi Paddy,

Thanks for completing the tasking re supplies of gel-OC spray.

Section 6(a) Official Information Act 1982

Thanks,

Rose

Section 6(a) Official Information Act 1982

Senior Sergeant Rose McDermott
Practice Manager, Police Prosecution Service
Police National Headquarters, 180 Molesworth Street, Thorndon, Wellington

Section 9(2)(a) Official Information Act 1982

P
M

E rose.mcdermott@police.govt.nz

HANNON, Patrick (Paddy)

From: MCDERMOTT, Rosemary (Rose)
Sent: Monday, 28 February 2022 3:41 PM
To: HANNON, Patrick (Paddy)
Subject: Gel OC Spray tasking

Hi Paddy,

Thanks for completing the tasking re supplies of gel-OC spray.

Section 6(a) Official Information Act 1982



Thanks,

Rose

Section 6(a) Official Information Act 1982



Senior Sergeant Rose McDermott

Practice Manager, Police Prosecution Service

Police National Headquarters, 180 Molesworth Street, Thorndon, Wellington

P Section 9(2)(a) Official Information Act 1982

M

E rose.mcdermott@police.govt.nz

HANNON, Patrick (Paddy)

From: GREIG, David (Dave)
Sent: Monday, 28 February 2022 2:10 PM
To: HANNON, Patrick (Paddy); Oversight2022; IMT Op Convoy
Cc: LENIHAN, Braydon
Subject: RE: OC Spray holdings

IMT Op Convoy

Section 6(a) Official Information Act 1982

Direction please.

Kind regards
Dave

Dave Greig
Superintendent
Director: Capability
Commander: Major Operations Centre (Op Oversight)
Police National Headquarters

M **s9(2)(a)** | E david.greig@police.govt.nz
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From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Monday, 28 February 2022 11:52 AM
To: Oversight2022 <Oversight2022@police.govt.nz>
Cc: GREIG, David (Dave) <David.Greig@police.govt.nz>
Subject: OC Spray holdings

Dave

Reference the request for OC spray Gel

Section 6(a) Official Information Act 1982

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Ph: **Section 9(2)(a) Official Information Act 1982** paddy.hannon@police.govt.nz



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[SEEMAIL]

HANNON, Patrick (Paddy)

From: GREIG, David (Dave)
Sent: Sunday, 27 February 2022 3:52 PM
To: HANNON, Patrick (Paddy)
Cc: Oversight2022
Subject: FW: Checking supplies of Gel-form OC Spray

Paddy

Can you please provide a status update by midday tomorrow.

Gina, tasking please.

Thanks
Dave

Dave Greig
Superintendent
Director: Capability
Commander: Major Operations Centre (Op Oversight)
Police National Headquarters

Section 9(2)(a)  E david.greig@police.govt.nz
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From: MCDERMOTT, Rosemary (Rose) <Rosemary.McDermott@police.govt.nz>
Sent: Sunday, 27 February 2022 1:13 PM
To: GREIG, David (Dave) <David.Greig@police.govt.nz>
Subject: Checking supplies of Gel-form OC Spray

Hi Dave,

Task T0012762 has been entered for you to re-assign:

Check supplies of Gel-form OC Spray - T0012762

For Capability to assess supplies of Gel-form OC spray and ensure sufficient supplies for this week's activities ie so OC spray carriage and use can be in the gel form. Report findings back to MOC.

Rose

Senior Sergeant Rose McDermott
Practice Manager, Police Prosecution Service
Police National Headquarters, 180 Molesworth Street, Thorndon, Wellington

Section 9(2)(a) Official Information Act
1982

E rose.mcdermott@police.govt.nz

HANNON, Patrick (Paddy)

From: Section 9(2)(a) Official Information Act 1982
Sent: Wednesday, 23 February 2022 10:19 AM
To: HANNON, Patrick (Paddy)
Subject: Re: [EXTERNAL] Fwd: SABRE Update

Sure is --they want your phone number and contact for the Air Freight which is new? i'm providing it now
s9(2)(a)

On Wed, 23 Feb 2022 at 10:16, HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz> wrote:
Great news, here's hoping the weather gods play along with plan.

Sent from my iPhone

On 23/02/2022, at 10:11 AM, Section 9(2)(a) Official Information Act 1982 wrote:

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----- Forwarded message -----

From: Section 9(2)(a) Official Information Act 1982
Date: Wed, 23 Feb 2022 at 09:57
Subject: SABRE Update
Section 9(2)(a) Official Information Act 1982

s9(2)(a)

A quick update. Production is expecting to complete this order by end of day tomorrow. The boxes are to be marked for international transit on Thursday (We are expecting winter weather (ice) on Thursday though so this might not happen until Friday).

That said, the order should ship either Friday or Monday (it really depends on if the weather cooperates with us).

I will keep you posted though as I know more.

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982

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Section 9(2)(a) Official Information Act 1982

www.SabreRed.com



=====

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HANNON, Patrick (Paddy)

From: Section 9(2)(a) Official Information Act 1982
Sent: Wednesday, 23 February 2022 9:17 AM
To: HANNON, Patrick (Paddy)
Subject: RE: [EXTERNAL] SABRE - Follow Up & Thank You

Paddy,

A quick update sir. Production is expecting to complete this order by end of day tomorrow. The boxes are to be marked for international transit on Thursday (We are expecting winter weather (ice) on Thursday though so this might not happen until Friday).

That said, the order should ship either Friday or Monday (it really depends on if the weather cooperates with us).

I will keep you posted though as I know more.

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982



From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Monday, February 21, 2022 4:37 PM
To: Section 9(2)(a) Official Information Act 1982
Subject: RE: [EXTERNAL] SABRE - Follow Up & Thank You

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s9(2)(a)

Thanks for taking the time out of your day to talk last week, most appreciated.

I also am grateful for your oversight of the production of our order.

I am working with the supplier to try and get firm commitment on airlift capability, as discussed in confidence with you last week I had concerns about the impact about the approach to this, more so as increasing staff numbers are committed to a building national operation, pressure is coming on to sustain our operational capability within what is currently a limited resource.

Regards

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982

paddy.hannon@police.govt.nz



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From: Section 9(2)(a) Official Information Act 1982

Sent: Saturday, 19 February 2022 10:37 AM

To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Subject: [EXTERNAL] SABRE - Follow Up & Thank You

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Hi Paddy,

Thank you for taking my call a minute ago. Much appreciated. It was nice to chat with you.

Per our conversation, we have your order and are working to have it produced by end of next week. It should actually ship by early the following week at the latest.

Also, if you do come to the states in May, please let me know. We would be happy to host you and could even arrange a training.

If you have any questions or need any additional support in the meantime as well, please feel free to phone s9(2)(a) or email anytime.

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982

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SABRE





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HANNON, Patrick (Paddy)

From: SRM Workflow System <sharedservice.team@police.govt.nz>
Sent: Tuesday, 22 February 2022 5:04 PM
To: HANNON, Patrick (Paddy)
Subject: PRD Purchase order 9001453076 was Approved

This e-mail was generated automatically.
Please do not reply.

Purchase order no. 9001453076 was Approved From Kelly Ryan.

PO Description : PH7178 P Hannon freight
QID : Patrick Hannon
Requester **Section 9(2)(a) Official Information Act 1982**
Shopping Cart : 1002105227
Shopping Cart name : PH7178 P Hannon freight
Section 9(2)(b)(ii) Official Information Act 1982

Purchase Order Approval Notes:
freight for OC Spray
(JMB486 22.02.2022 13:37:13 NZST)

Purchase Order Lines:
Line Number : 0000000001
Description : Air freight of OC Spray as per quote
Quantity : 1.000 EA
Delivery Date : 22.02.2022

HANNON, Patrick (Paddy)

From: [REDACTED]
Sent: Saturday, 19 February 2022 8:04 AM
To: HANNON, Patrick (Paddy)
Subject: RE: Mk60 and Refills

Yes, that works.

Thanks.

[REDACTED]

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747 Sun Park Drive, Fenton, MO 63026 U.S.A.

[REDACTED]

www.SabreRed.com



From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Friday, February 18, 2022 1:02 PM
To: [REDACTED]
Subject: Re: Mk60 and Refills

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5pm CST if that's ok

Sent from my iPhone

On 19/02/2022, at 4:22 AM, [REDACTED] wrote:

Hello Paddy,

I am available at 1:00 CST or 5:00 CST. Please let me know which time works best for you.

Thanks.

[REDACTED]

s9(2)(a)

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From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Sent: Friday, February 18, 2022 12:57 AM

To: Section 9(2)(a) Official Information Act 1982

Subject: Re: Mk60 and Refills

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s9(2)(a)

I would like the opportunity to talk directly with you confidentially. If you are able could you please advise, availability given the time differences most likely 2 to 3 pm your time.
I look forward to your response.

Paddy

Sent from my iPhone

On 16/02/2022, at 9:33 AM, Section 9(2)(a) Official Information Act 1982 wrote:

Hello Paddy,

I CC'd s9(2)(a) on this email so he can get you a quote.

We could turn this around in a few days, but the freight might be an issue. I would recommend air, but that cost is extremely high right now. Ocean will take more than a month to get to you.

Please let me know what you need and we will get it shipped out right away.

Thanks.

s9(2)(a)

s9(2)(a)

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From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Sent: Tuesday, February 15, 2022 2:24 PM

To: Section 9(2)(a) Official Information Act 1982

Subject: Mk60 and Refills

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Section 9(2)

I sincerely hope the new year finds you healthy and well.

I have been asked to investigate the possibility of sourcing Mk60 units and refills at short notice.

If required would you be able to supply an initial 10 live units and 60 refills. If so how quickly do you think you could move them internationally.

Just so you are aware of the reasoning, we are currently dealing with an evolving protest activity at our parliament buildings and our executive are seeking advice on the availability of such resource.

Look forward to your response.

Paddy

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHO | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982

paddy.hannon@police.govt.nz



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HANNON, Patrick (Paddy)

From: SRM Workflow System <sharedservice.team@police.govt.nz>
Sent: Friday, 18 February 2022 1:02 PM
To: HANNON, Patrick (Paddy)
Subject: PRD Purchase order 9001452227 was Approved

This e-mail was generated automatically.
Please do not reply.

Purchase order no. 9001452227 was Approved From Tusha Penny.

PO Description : PH7178 OC spray & holsters

QID : Patrick Hannon

Requester Section 9(2)(a) Official Information Act 1982

Shopping Cart : 1002103942

Shopping Cart name : PH7178 OC spray & holsters

Section 9(2)(b)(ii) Official Information Act 1982



Purchase Order Approval Notes:

Section 9(2)(b)(ii) Official Information Act 1982



HANNON, Patrick (Paddy)

From: Section 9(2)(a) Official Information Act 1982
Sent: Friday, 18 February 2022 2:11 PM
To: HANNON, Patrick (Paddy)
Subject: Re: [EXTERNAL] NZP Police Spray

100% I agree. Thank you for that.

I just let the Logistics coordinator (Air Freight) know as well we are going ahead we need those charges.

Let's see as soon as Sabre finish the production like they said +- 1week and 2x days labeling.

Then we target the first available DG flight into NZ. Theres one every week out of USA to NZ.

Thank you very much.

Section
9(2)

On Fri, 18 Feb 2022 at 13:59, HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz> wrote:

Section 9(2)(a)
Official Information
Act 1982

You are 100% correct, once you have that let us know and we will raise a separate purchase order.

We still need to understand what is available in terms of freight and delays so we make the right selection and decision.

You can contact at anytime on my cell.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

Response and Operations | PNHO | P.O. Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



From: Section 9(2)(a) Official Information Act 1982
Sent: Friday, 18 February 2022 1:37 PM

To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Subject: Re: [EXTERNAL] NZP Police Spray

Hi Paddy.

Got the order will send it through now to Sabre.

I'm still waiting for the final air freight charges but it will be in the ballpark we discussed and I emailed.

Do you want to do another purchase order for the freight by itself when we receive the charges?

Thank you.

s9(2)(a)

On Fri, 18 Feb 2022 at 09:23, Section 9(2)(a) Official Information Act 1982 wrote:

100% I wait for your final instructions.

s9(2)(a)

On Fri, 18 Feb 2022 at 09:16, HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz> wrote:

s9(2)(a)

Thanks for the update and keep me informed of the response.

I am chasing the required approvals for the order, to be safe do not push the go button until the order has been approved and delivered.

PH

Paddy Hannon
Senior Sergeant | Coordinator Deployable Assets | New Zealand Police



From: Section 9(2)(a) Official Information Act 1982
Sent: Friday, 18 February 2022 8:38 AM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Subject: Re: [EXTERNAL] NZP Police Spray

Good morning.

Requested the add of the s9(2)(b)(ii)

Just waiting for the reply and ill hit the go button.

Thank you very much.

Secti

On Thu, 17 Feb 2022 at 14:43, Section 9(2)(a) Official Information Act 1982 wrote:

Hi Paddy.

Hope all is well.

Section 9(2)(b)(ii) Official Information Act 1982

Thank you very much.

s9(2)(a)

On Thu, 17 Feb 2022 at 14:32, HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz> wrote:

s9(2)(a)

Direct to us.

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



From Section 9(2)(a) Official Information Act 1982

Sent: Thursday, 17 February 2022 2:02 PM

To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Subject: Re: [EXTERNAL] NZP Police Spray

Hi Paddy

s9(2)(a) here... is this not going via s9(2)(b)(ii) We have a set price for them..

Cheers

s9(2)(a)

On Thu, 17 Feb 2022, 1:54 pm HANNON, Patrick (Paddy), <Patrick.Hannon@police.govt.nz> wrote:

s9(2)(a)

Can you get back to me with a price for s9(2)(b)(ii) on the same load as well.

I will get the paperwork underway.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

Response and Operations | PNHO LP O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz

From **Section 9(2)(a) Official Information Act 1982**

Sent: Thursday, 17 February 2022 10:40 AM

To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>; LENIHAN, Braydon
<Braydon.Lenihan@police.govt.nz>

Subject: [EXTERNAL] NZP Police Spray

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Hi there Paddy.

Hope all is well.

Section 9(2)(b)(ii) Official Information Act 1982

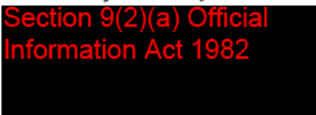


Section 9(2)(b)(ii) Official Information Act 1982



Thank you very much.

Section 9(2)(a) Official
Information Act 1982



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HANNON, Patrick (Paddy)

From: HANNON, Patrick (Paddy)
Sent: Thursday, 17 February 2022 2:50 PM
To: MULLIGAN, Jacqueline (Jackie)
Subject: FW: [EXTERNAL] NZP Police Spray

Jackie

The final line item.

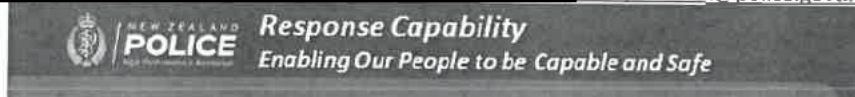
PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

Response and Operations | PNHQ | P.O. Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



[SEEMAIL]

From: Section 9(2)(a) Official Information Act 1982
Sent: Thursday, 17 February 2022 2:44 PM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Subject: Re: [EXTERNAL] NZP Police Spray

Hi Paddy.

Hope all is well.

Section 9(2)(b)(ii) Official Information Act 1982

Thank you very much.

s9(2)(a)

On Thu, 17 Feb 2022 at 14:32, HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz> wrote:

s9(2)(a)

Direct to us.

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

Response and Operations | PNHQ | P.O. Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



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From: [REDACTED]
Sent: Thursday, 17 February 2022 2:02 PM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Subject: Re: [EXTERNAL] NZP Police Spray

Hi Paddy

[REDACTED] here... is this not going via s9(2)(b)(ii) [REDACTED] We have a set price for them..

Cheers

On Thu, 17 Feb 2022, 1:54 pm HANNON, Patrick (Paddy), <Patrick.Hannon@police.govt.nz> wrote:

[REDACTED]

Can you get back to me with a price for s9(2)(b)(ii) [REDACTED] on the same load as well.

I will get the paperwork underway.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 [REDACTED] paddy.hannon@police.govt.nz

From: **Section 9(2)(a) Official Information Act 1982**

Sent: Thursday, 17 February 2022 10:40 AM

To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>; LENIHAN, Braydon
<Braydon.Lenihan@police.govt.nz>

Subject: [EXTERNAL] NZP Police Spray

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Hi there Paddy.

Hope all is well.

Section 9(2)(b)(ii) Official Information Act 1982



Thank you very much.

s9(2)(a)

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HANNON, Patrick (Paddy)

From: HANNON, Patrick (Paddy)
Sent: Thursday, 17 February 2022 2:35 PM
To: MULLIGAN, Jacqueline (Jackie)
Subject: FW: [EXTERNAL] NZP Police Spray

Jackie

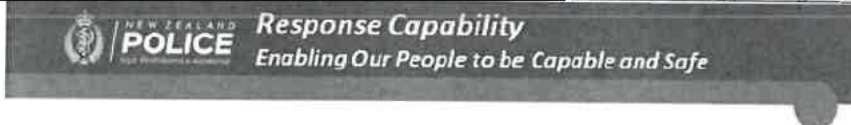
Can you please raise an order for the below items against **Section 9(2)(a) Official Information**
I understand they are in the system.
I have one further line I am awaiting a price for 500 cans Mk3 stream and I will pass that to you as soon as I have it.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



[SEEMAIL]

From: **Section 9(2)(a) Official Information Act 1982**
Sent: Thursday, 17 February 2022 10:40 AM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>; LENIHAN, Braydon
<Braydon.Lenihan@police.govt.nz>
Subject: [EXTERNAL] NZP Police Spray

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Hi there Paddy.

Hope all is well.

Section 9(2)(b)(ii) Official Information Act 1982



Section 9(2)(b)(ii) Official Information Act 1982

Thank you very much.

s9(2)(a)

Section 9(2)(b)(ii) Official Information Act 1982

Shopping cart

Number : 1002103891

Name : Section 6(a) Official Information Act 1982

Date : 17.02.2022

Goods recipient:

PNHQ

Police National Headquarters

Mr. Craig Schomaker

180 MOLESWORTH STREET

WELLINGTON

Delivery point:

POLICE NATIONAL HEADQUARTERS

New Zealand Police

Craig Schomaker

PO Box 6011

WELLINGTON 6011

Section 9(2)(b)(ii) Official Information Act 1982

Shopping cart

Number : 1002103891

Name : Section 9(2)(a) Official Information Act 1982

Date : 17.02.2022

Location

Police National Headquarters
PO Box 3017
WELLINGTON
NEW ZEALAND

Requester:

PNHQ
Police National Headquarters
Mr. Craig Schomaker
180 MOLESWORTH STREET
WELLINGTON
NEW ZEALAND

for item 2

Account assignment**Percent**

100.00

Assigned to**G/L account****Business area****Location**

Police National Headquarters
PO Box 3017
WELLINGTON
NEW ZEALAND

Requester:

PNHQ
Police National Headquarters
Mr. Craig Schomaker
180 MOLESWORTH STREET
WELLINGTON
NEW ZEALAND

HANNON, Patrick (Paddy)

From: SCHOMAKER, Craig
Sent: Thursday, 17 February 2022 2:18 PM
To: HANNON, Patrick (Paddy)
Subject: OC Spray
Attachments: Shopping_Cart (3).pdf

Sergeant Craig Schomaker

Team Leader – Response Capability

Capability Group | New Zealand Police | PNHQ | PO Box 3017 | Wellington, NZ

Section 9(2)(a) Official Information Act 1982 email: craig.schomaker@police.govt.nz



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MOC REQUEST

Section 6(a) Official Information Act 1982

Date/Time: 16/2/22

Decision/ Request Title: Request for Supply of OC Spray

Background / Reasoning:	
Decision / Action Requested:	<p>Requestors Name: S/Sgt Richard PONTON Functional Lead Approver: Dion BENNETT Item/Service Required: OC Spray (foam / gel type) # of items required: As many as possible due to significant number of staff deployed. When required: ASAP Priority: High Is it essential?: Yes</p>
Key Considerations:	
MOC Comments:	
Officer making decision: Date / time: Decision: Signature:	

HANNON, Patrick (Paddy)

From: ROSS, Jason
Sent: Thursday, 17 February 2022 11:08 AM
To: HANNON, Patrick (Paddy)
Subject: FW: MOC REQUEST OC Spray
Attachments: MOC REQUEST OC Spray.docx

Importance: High

Hi Paddy....

Can we talk urgently about this please.

Regards
Jason

Inspector Jason Ross

Acting Director: Capability

New Zealand Police | PMHQ | PO Box 3017 | Wellington, NZ

Section 6(2)(a) Official Information Act 1982 email: jason.ross@police.govt.nz

From: Oversight2022 <Oversight2022@police.govt.nz>
Sent: Thursday, 17 February 2022 11:03 AM
To: ROSS, Jason <Jason.Ross@police.govt.nz>
Subject: FW: MOC REQUEST OC Spray
Importance: High

Hi Jason,

As requested can we please look at sourcing Section 6(a) Official Information Act 1982 for Wellington District
To provide to the Out Of District staff for their time in Wellington.

POC – S/Sgt Richard Ponton at Wellington District

Thanks

Rupert Friend

Senior Sergeant

Logistics

s6(a)
s9(2)(a) Rupert.Friend@police.govt.nz



From: LogisticsConvoy <LogisticsConvoy@police.govt.nz>
Sent: Wednesday, 16 February 2022 5:09 PM
To: Oversight2022 <Oversight2022@police.govt.nz>
Subject: MOC REQUEST OC Spray
Importance: High

Requested to send through to MOC by Craig Rendel/Wade Jennings as required for all staff deployed to the operation.

HANNON, Patrick (Paddy)

From: HANNON, Patrick (Paddy)
Sent: Wednesday, 16 February 2022 5:44 PM
To: [REDACTED]
Subject: RE: Mk60 and Refills

Thank [REDACTED]
[REDACTED]

Much obliged.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHO | P.O. Box 3017 | Wellington | New Zealand

[REDACTED] paddy.hannon@police.govt.nz



From: [REDACTED]
Sent: Wednesday, 16 February 2022 5:42 PM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Cc: LENIHAN, Braydon <Braydon.Lenihan@police.govt.nz>
Subject: Re: Mk60 and Refills

Hi there Paddy.

I sent the questions through to the guys at Sabre. As well as Logistics companies re freight options.

[REDACTED]

We will have the answers soon enough to your questions.

Thank you very much.

[REDACTED]

On Wed, 16 Feb 2022 at 17:19, HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz> wrote:

Hey [REDACTED]

Thanks for sorting that you are correct.

A robust conversation with [REDACTED] and I value your assistance in helping us sort this.

Regards

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



From: Section 9(2)(a) Official Information Act 1982
Sent: Wednesday, 16 February 2022 5:08 PM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Subject: Re: Mk60 and Refills

Hi Paddy.

Re you and s9(2)(a) conversation. The correct code you are after from Sabre is the s9(2)(b)(ii).

It's the s9(2)(b)(ii)

Section 9(2)(b)(ii) Official Information Act 1982



Section 9(2)(b)(ii) Official Information Act 1982



Thank you very much.

s9(2)(a)

On Wed, 16 Feb 2022 at 14:44, HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz> wrote:

s9(2)(a)

Thanks for the update. I knew the boats had sailed but had no confirmation like you normally get that your items had been loaded.

That's the problem I have been having with other items the loads getting bumped.

Unfortunately today of all days I don't have my cell having left it behind this morning.

I am available on the **s9(2)(a)** until around 3-30 and should be back on cell by 5.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHQ | P.O. Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



From: **Section 9(2)(a) Official Information Act 1982**

Sent: Wednesday, 16 February 2022 2:38 PM

To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Subject: Re: Mk60 and Refills

Hi Paddy.

Hope all is well.

Yes, the Philadelphia and California ships have sailed that I can confirm. Both should be in the port later this month.

I gave **Section 9(2)(a)** your number **s9(2)(a)** he is trying to get hold of you on the cell.

Thank you very much.
s9(2)(a)

On Wed, 16 Feb 2022 at 13:32, HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz> wrote:

s9(2)(a)

I appreciate what you are saying, the request so we can inform the executive around options is

Section 9(2)(b)(ii) Official Information Act 1982

That way they can make a decision as to whether or not it is a realisable option.

As well as that supply a price for standard shipping at least I can pitch that as being an investment in the future so we have the capability on hand.

Finally have you had confirmation that either of the orders from Philadelphia or California have been uplifted and are on the boats. Indications I have been told is that the boats have sailed, just seeking confirmation that the orders were in fact loaded.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHO | P.O. Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



Response Capability
Enabling Our People to be Capable and Safe

From: Section 9(2)(a) Official Information Act 1982

Sent: Wednesday, 16 February 2022 1:22 PM

To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Subject: Re: Mk60 and Refills

Hi guys

I've just seen these emails..on half way to gisborne from Napier..

It's unlikely these could be supplied in a short time such as a week or so..

Cheers

Section
9(2)(a)

On Wed, 16 Feb 2022, 12:08 pm HANNON, Patrick (Paddy), <Patrick.Hannon@police.govt.nz> wrote:

Section 9(2)(a)
Official Information
Act 1982

Thanks for that, unfortunately Section 9(2) seems to be on the road at present and I am having difficulty contacting him.

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz

From Section 9(2)(a) Official Information Act 1982

Sent: Wednesday, 16 February 2022 11:56 AM

To: Section 9(2)(a) Official Information Act HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>; Section 9(2)(a) Official Information Act 1982

Subject: RE: Mk60 and Refills

Senior Sgt Hannon,

Looping in Section 9(2)(a) Official Information Act 1982 He will be able to get you a quote.

s9(2)(a) – Sgt needs pricing on the following:

Section 9(2)(b)(ii) Official Information Act 1982

Section 9(2)(b)(ii) Official Information Act 1982

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982

From: Section 9(2)(a) Official Information Act 1982
Sent: Tuesday, February 15, 2022 2:33 PM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Cc: Section 9(2)(a) Official Information Act 1982
Subject: RE: Mk60 and Refills

Hello Paddy,

I CC'd s9(2)(a) on this email so he can get you a quote.

We could turn this around in a few days, but the freight might be an issue. I would recommend air, but that cost is extremely high right now. Ocean will take more than a month to get to you.

Please let me know what you need and we will get it shipped out right away.

Thanks.

s9(2)(a)

SECURITY EQUIPMENT CORPORATION
An ISO 9001:2015 Certified Company
747 Sun Park Drive, Fenton, MO 63026 U.S.A

Section 9(2)(a) Official Information Act 1982

www.SabreRed.com

From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Tuesday, February 15, 2022 2:24 PM
To: [REDACTED] Section 9(2)(a) Official Information Act 1982
Subject: Mk60 and Refills

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

s9(2)(a) [REDACTED]

I sincerely hope the new year finds you healthy and well.

I have been asked to investigate the possibility of sourcing Mk60 units and refills at short notice.

If required would you be able to supply s9(2)(b)(ii) [REDACTED] If so how quickly do you think you could move them internationally.

Just so you are aware of the reasoning, we are currently dealing with an evolving protest activity at our parliament buildings and our executive are seeking advice on the availability of such resource.

Look forward to your response.

Paddy

Paddy Hannon
Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

=====

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Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately

HANNON, Patrick (Paddy)

From: Section 9(2)(a) Official Information Act 1982
Sent: Wednesday, 16 February 2022 3:51 PM
To: HANNON, Patrick (Paddy) Section 9(2)(a) Official Information Act 1982
Cc: Section 9(2)(a) Official Information Act 1982
Subject: RE: Mk60 and Refills

Sgt,

I am in touch with Section 9(2)(a) Official Information Act 1982 More to follow sir.

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982



From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Tuesday, February 15, 2022 5:08 PM
Subject: RE: Mk60 and Refills

Section 9(2)(a) Official Information Act 1982

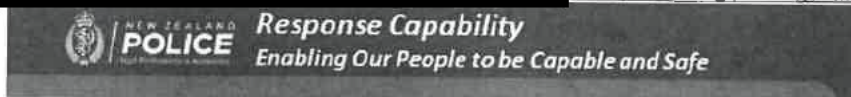
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

s9(2)(a)

Thanks for that, unfortunately s9(2) () seems to be on the road at present and I am having difficulty contacting him.

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHO | P.O. Box 3017 | Wellington | New Zealand
Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



From: Section 9(2)(a) Official Information Act 1982
Sent: Wednesday, 16 February 2022 11:56 AM

To: Section 9(2)(a) Official Information Act 1982 HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz> s9(2)
Section 9(2)(a) Official Information Act 1982

Subject: RE: Mk60 and Refills

Senior Sgt Hannon,

Looping in Section 9(2)(a) Official Information Act 1982 He will be able to get you a quote.

s9(2)(a) - Sgt needs pricing on the following:

Section 9(2)(b)(ii) Official Information Act 1982

Thanks,

[CLICK HERE](#) to learn SABRE's Biggest Advantage

Section 9(2)(a) Official Information Act 1982



From: Section 9(2)(a) Official Information Act 1982
Sent: Tuesday, February 15, 2022 2:33 PM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Cc: Section 9(2)(a) Official Information Act 1982
Subject: RE: Mk60 and Refills

Hello Paddy,

I CC'd s9(2)(a) on this email so he can get you a quote.

We could turn this around in a few days, but the freight might be an issue. I would recommend air, but that cost is extremely high right now. Ocean will take more than a month to get to you.

Please let me know what you need and we will get it shipped out right away.

Thanks.

Section 9(2)(a) Official Information Act 1982

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747 Sun Park Drive, Fenton, MO 63026 U.S.A.

Section 9(2)(a) Official Information Act 1982

www.SabreRed.com



From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Sent: Tuesday, February 15, 2022 2:24 PM

To: [REDACTED] **Section 9(2)(a) Official Information Act 1982**

Subject: Mk60 and Refills

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s9(2)(a)

I sincerely hope the new year finds you healthy and well.

I have been asked to investigate the possibility of sourcing Mk60 units and refills at short notice.

If required would you be able to supply [REDACTED] **Section 9(2)(b)(ii) Official Information Act 1982** If so how quickly do you think you could move them internationally.

Just so you are aware of the reasoning, we are currently dealing with an evolving protest activity at our parliament buildings and our executive are seeking advice on the availability of such resource.

Look forward to your response.

Paddy

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

Response and Operations | PNHO | P.O. Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 [REDACTED] paddy.hannon@police.govt.nz



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HANNON, Patrick (Paddy)

From: HANNON, Patrick (Paddy)
Sent: Wednesday, 16 February 2022 11:11 AM
To: s9(2)(a)
Subject: RE: Mk60 and Refills

Bob

Thanks for the reply and I look forward to the detail.

Air freight is the option we are considering.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

Response and Operations | PNHQ | P.O. Box 2017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



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[SEEMAIL]

From: Section 9(2)(a) Official Information Act 1982
Sent: Wednesday, 16 February 2022 9:33 AM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Cc: Section 9(2)(a) Official Information Act 1982
Subject: RE: Mk60 and Refills

Hello Paddy,

I CC'd s9(2)(a) on this email so he can get you a quote.

We could turn this around in a few days, but the freight might be an issue. I would recommend air, but that cost is extremely high right now. Ocean will take more than a month to get to you.

Please let me know what you need and we will get it shipped out right away.

Thanks.

s9(2)(a)

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Section 9(2)(a) Official Information Act 1982

www.SabreRed.com



From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>

Sent: Tuesday, February 15, 2022 2:24 PM

To: [REDACTED] Section 9(2)(a) Official Information Act 1982

Subject: Mk60 and Refills

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[REDACTED] s9(2)(a)

I sincerely hope the new year finds you healthy and well.

I have been asked to investigate the possibility of sourcing Mk60 units and refills at short notice.

If required would you be able to supply [REDACTED] s9(2)(b)(ii) If so how quickly do you think you could move them internationally.

Just so you are aware of the reasoning, we are currently dealing with an evolving protest activity at our parliament buildings and our executive are seeking advice on the availability of such resource.

Look forward to your response.

Paddy

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police

Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

[REDACTED] Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



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HANNON, Patrick (Paddy)

From: HANNON, Patrick (Paddy)
Sent: Tuesday, 15 February 2022 2:51 PM
To: LENIHAN, Braydon
Subject: RE:

Braydon

Section 6(a) Official Information Act 1982



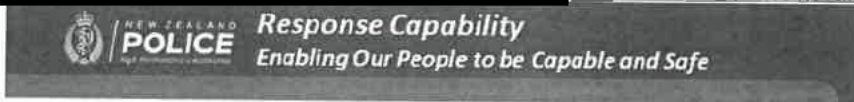
I will enquire with the supplier.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHO | P.O. Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982
paddy.hannon@police.govt.nz



[SEEMAIL]

From: LENIHAN, Braydon <Braydon.Lenihan@police.govt.nz>
Sent: Tuesday, 15 February 2022 9:39 AM
To: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Subject: RE:

Morning

Yes Yes and Yes

Can I ask the following

How many units doe we have (including the one I now have)

How much operational spray

How many refill canisters do we have

What is the ability to order and time frame on delivery on each item if required (unit, spray, gas)

How much work did we do? Have we got any training/risk/instruction documentation on these and had we sought any legal or governance guidance

Thanks mate

Inspector Braydon Lenihan
Manager: Tactical Equipment



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From: HANNON, Patrick (Paddy) <Patrick.Hannon@police.govt.nz>
Sent: Monday, 14 February 2022 13:58
To: LENIHAN, Braydon <Braydon.Lenihan@police.govt.nz>
Subject:

Section 6(a) Official Information Act 1982

We have two of these units currently.

I have left one on your desk with an inert fill if you want to demonstrate.

If you have used a soda stream you can use one of these.

I will have to go to the armoury to check what operational spray I have.

Do you want me to check with the states on availability of product.

PH

Paddy Hannon

Senior Sergeant | Coordinator Deployable Assets | New Zealand Police
Response and Operations | PNHQ | P O Box 3017 | Wellington | New Zealand

Section 9(2)(a) Official Information Act 1982 paddy.hannon@police.govt.nz



[SEEMAIL]

27 May 2022

[REDACTED]

Dear [REDACTED]

Request for information

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

1. any information detailing any policy or operating procedure changes that were implemented on the 01/03/2022. I would also like to request any drafting documents outlining these changes implemented on the 01/03/2022

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 website¹ and you will note this scope includes Police planning and preparation including operational guidance, Police decision-making processes, and operational execution.

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

In the meantime, we have identified the following policy change which is within the scope of your request. On 1 March 2022, as the Director Capability, I issued changes to the Police Instructions regarding the use of Oleoresin Capsicum Spray.

For your information, I have attached a copy of the previous Police Instructions which were in place directly prior to 1 March 2022, and a copy of the current Police Instructions which were in effect from 1 March 2022.

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

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

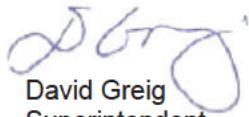
TENR is a decision-making process to support a timely and accurate assessment to the safety of police and others. The Police response to any given situation must be considered timely, proportionate, and appropriate.

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 likely 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.

Nāku noa, nā



David Greig
Superintendent
New Zealand Police

Oleoresin Capsicum spray.doc

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

Policy statement and principles

What

OC spray or gel are one of a number of tactical options available for use by Police within the [Tactical Options Framework](#).

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 OC spray / gel is governed by sections [39](#), [40](#), [41](#), [42](#), [48](#), and [62](#) Crime Act 1961 - they set out the circumstances in which OC spray / gel or any use of force may be used.

How

Employees issued with O C spray must have a current:

- PITT defensive tactics certification;
- First aid certificate.

All OC spray use must be lawful and reasonable, i.e. necessary, proportionate to the situation and with minimum risk to the public, Police and the subject.

Employees should only use OC spray when exercising any of their statutory powers and/or carrying out their lawful duties. See '[Legal authority to use force](#)' in the 'Use of force overview' chapter.

Before using OC spray, employees will consider communication and other less serious tactical options (e.g. control and restraint techniques or empty handed tactics not needing equipment) for resolving and controlling an incident.

They will be satisfied when using OC spray that the person is resisting (by more than passive resistance) or attempting to prevent police from lawfully controlling or arresting them.

Overview

What is OC spray?

Oleoresin Capsicum spray (OC spray) is an intermediate tactical tool available to Police employees. For the purposes of this policy, OC spray includes a spray and a gel product.

OC spray is a naturally occurring biodegradable product consisting of oleoresin oil suspended in an alcohol and water based carrier. The solution is packaged in an aerosol canister with a propellant and a dye for identification purposes.

Note: In this chapter, Police employees include employees with constabulary powers and Police Integrated Tactical Training (PITT) instructors without constabulary powers that are authorised by the Commissioner to provide training to Police employees.

Approved OC spray

There are currently two types of approved OC Spray:

- **Sabre Red Crossfire stream** (new spray) - for use in general policing situations outside of custody areas.



- **Sabre Red Crossfire gel** (new gel) - for use within Police stations and custody areas.



Carrying and using OC spray

Carrying OC spray

Employees [issued](#) with O C spray must have a current:

- PITT defensive tactics certification;
- First aid certificate.

Employees issued with OC spray must carry it if undertaking duty that may involve personal contact with the public.

OC spray must **not** be carried:

- on a commercial aircraft in the cabin or as checked or carried on baggage
- by employees rostered for duty at demonstrations - unless a District Commander specifically authorises it
- if the employee's first aid certificate has expired.

Using force

All OC spray use must be lawful and reasonable, i.e. necessary, proportionate to the situation and with minimum risk to the public, Police and the subject.

Using OC spray is using force. Employees may be liable under section [62](#) of the Crimes Act 1961 for applying any excess force to a person in the course of Police duties.

Tactical options framework

OC spray is an option available to an employee when their perceived cumulative assessment of the situation is that the persons behaviour is within or beyond the **active resistance** range on the Tactical Options Framework and the situation cannot be resolved by less forceful means. See '[Tactical Options Framework](#)'.

Situations when OC spray may be used

Employees should only use OC spray when exercising any of their statutory powers and/or carrying out their lawful duties. See '[Legal authority to use force](#)' in the 'Use of force overview' chapter.

Consider other options

Before using OC spray, consider communication and other less serious tactical options (e.g. control and restraint techniques or empty handed tactics not needing equipment) for resolving and controlling an incident. You must be satisfied when using OC spray that the person is [resisting](#) (by more than passive resistance) or attempting to prevent Police from lawfully controlling or arresting them.

Person in custody or handcuffs

Unless there are exceptional circumstances, OC spray must not be used on a person:

- in custody in a Police custodial area, and/or
- secured in handcuffs.

Exceptional circumstances include situations when either:

- the person cannot be controlled by less forceful means
- timely assistance is not available
- there is a risk of injury to the person or another person
- the prisoner is in possession of a previously unknown weapon, or
- you need to take immediate action to resolve a situation or prevent a situation continuing.

Using O C spray in crowds

As a general rule, O C spray should not be used in crowded situations. However, it can be used against more than one person at a time, if circumstances justify this.

Using against armed people

If the person is armed with a blunt edged weapon or knife exercise caution and ensure a safe distance is maintained when using OC spray

Avoid using OC spray against a person armed or with access to a firearm. Using OC spray may be appropriate as a supplementary tactic if the person:

- has put their firearm on the ground and is covered by an armed Police constable, and
- [actively resists](#) control by Police.

Warn before using

Before using OC spray, unless impractical, you must:

- warn the person that non-compliance will result in them being sprayed
- give the person a reasonable opportunity to comply before being sprayed
- warn other people nearby that a spray may be used.

Effects of OC spray

On most people, OC spray causes:

- blood vessels to dilate rapidly
- bronchial passages to constrict
- mucous membranes to secrete freely and eyes to burn and close tightly.

Physical symptoms from OC spray can last from 10 to 45 minutes. There are no known long-term after effects. See '[Medical attention](#)'.

After using OC spray

Aftercare

If you use OC spray, afterwards you must:

minimise any residual [effects](#) caused by the spray by providing proper decontamination and proper aftercare as in the 'OC Spray Training Manual' See below:

-

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- ensure the person's face is not covered and they are not left lying face down with their hands constrained behind their back. This may lead to positional asphyxia, where the position of the body interferes with breathing. See '[Positional asphyxia](#)'
- accompany and monitor the person for at least 45 minutes or until the symptoms or effects are no longer apparent.

Medical attention

People with a severe asthma condition who are exposed to OC spray may suffer respiratory distress caused by their airways narrowing (bronchi-constriction). If this happens:

- use the salbutamol inhaler and spacing device to provide relief to the person (**Note: Police are only licensed to administer salbutamol, not to dispense it. It must remain in Police possession and control at all times, and is not to be given to, or left with, unsupervised persons**), and
- immediately seek medical attention.

Also provide medical attention immediately, if the person sprayed:

- does not recover within 45 minutes
- complains of, or appears to be, suffering from a medical condition
- asks for medical attention.

Caution on arrest

You must immediately caution the person if using OC spray leads to their arrest.

Courts might consider admissions made while the person is under OC spray's effect to be unfair and inadmissible. Repeat the caution when the arrested person has had time to sufficiently recover and is capable of understanding.

Report after use

Employees must follow this procedure after OC spray is used against a person, except during training.

Step	Action
1	Provide proper aftercare and if necessary, medical attention for the person sprayed.
2	Notify your supervisor as soon as practical to: <ul style="list-style-type: none">- attend the scene if requested by the attending officerensure the employee has provided proper aftercare and obtained medical attention when necessary
3	Complete a Tactical Options Report before going off duty. Note that if the spray was only used against an animal, use the ' Use of OC Spray on Animal Only ' report.

Issuing and managing OC spray

Employees' responsibilities when spray is issued

Employees must be personally responsible for the security of OC spray canisters issued that are to them. You must ensure canisters are:

- not carried off duty (unless authorised by the District Commander)
- secured at the end of duty in a locked cabinet at the station or in another secure place approved by the district commander.

Before starting duty you must check the canister visually and by shaking it, to ensure the:

- nozzle is unobstructed
- unit is not damaged
- contents are verified
- use by date has not expired.

Supervisors must regularly inspect the integrity of canisters issued to employees under their control.

OC spray register

There must be a robust system in place for controlling stock at all stations where OC spray is stored.

The Area Commander must ensure an OC spray register is operated in their area to record stock levels at each station and other details including:

- date spray is issued or received
- employees name and ID receiving or returning the canister
- employees name and ID issuing or receipting the canister
- the canister's serial number issued or received and the expiry date
- a running total of stock on hand both new and used
- disposal details of used canisters

Storing OC spray

Stocks of OC spray must be stored in a secure environment at normal temperature. They must not be exposed to sunlight.

Store enough stock to enable ready replacement and to issue in emergencies.

Internal control process

OC spray issue must be included as part of the internal control process. Internal control must:

- check to ensure canister use by dates are current and units are not damaged
- reconcile actual canisters held to the OC spray register
- sample check of issued units from the register against what employees actually hold

Internal audit will evaluate and report on the effectiveness of the internal control procedures as part of district audit.

Returning OC Spray on resignation/leaving Police

Employees resigning or leaving Police must ensure a POL217 is completed and their OC Spray canister and holster are returned to Lockheed Martin along with the other specified items.

OC spray coordinator's role

District commanders must appoint a district OC spray coordinator responsible for:

- reviewing and filing copies of Tactical Options Reports and associated papers
- internal control and internal audit of OC spray
- interviewing employees to obtain further information about the spray's effectiveness, medical effects or any training or policy modifications that may be necessary
- making recommendations on any necessary policy or training changes to the Director: Capability, PNHQ.

Used, lost, damaged or expired canisters

If your OC spray is lost or stolen, this must be recorded in the [Security and Privacy Incident Register](#) (SPIR). See 'Loss or theft of Tactical Equipment' in the '[Approved equipment](#)' part of this chapter.

Used, damaged or operationally unused expired canisters must be returned to the issuing office and kept until sufficient quantities are gathered for [disposal](#) (seal any damaged canisters in a plastic bag to prevent leakage). Any partially used canisters may be re-issued to an authorised OC spray trainer.

The approved employee:

- records details of all canisters received and replacements issued in the [OC spray register](#)
- files reports (POL 258) and replacement authorisations.

Disposing of used or damaged canisters

OC spray canisters must be disposed of using the following process.

Oleoresin Capsicum Spray

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

Changes to this version were issued by the Director: Capability on 1 March 2022 in relation to the use of Mk9, a District Commander may authorise the carriage of OC spray at demonstrations, and the requirement to facilitate decontamination and aftercare where Police cannot physically provide it.

Policy statement and principles

What

OC spray or gel are one of a number of tactical options available for use by Police within the [Tactical Options Framework](#).

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 OC spray / gel is governed by sections [39](#), [40](#), [41](#), [42](#), [48](#), and [62](#) Crime Act 1961 - they set out the circumstances in which OC spray / gel or any use of force may be used.

How

Employees issued with O C spray must have a current:

- PITT defensive tactics certification;
- First aid certificate.

All OC spray use must be lawful and reasonable, i.e. necessary, proportionate to the situation and with minimum risk to the public, Police and the subject.

Employees should only use OC spray when exercising any of their statutory powers and/or carrying out their lawful duties. See '[Legal authority to use force](#)' in the 'Use of force overview' chapter.

Before using OC spray, employees will consider communication and other less serious tactical options (e.g. control and restraint techniques or empty handed tactics not needing equipment) for resolving and controlling an incident.

They will be satisfied when using OC spray that the person is resisting (by more than passive resistance) or attempting to prevent police from lawfully controlling or arresting them.

Overview

What is OC spray?

Oleoresin Capsicum spray (OC spray) is an intermediate tactical tool available to Police employees. For the purposes of this policy, OC spray includes a spray and a gel product.

OC spray is a naturally occurring biodegradable product consisting of oleoresin oil suspended in an alcohol and water based carrier. The solution is packaged in an aerosol canister with a propellant and a dye for identification purposes.

Note: In this chapter, Police employees include employees with constabulary powers and Police Integrated Tactical Training (PITT) instructors without constabulary powers that are authorised by the Commissioner to provide training to Police employees.

Approved OC spray

There are currently three types of approved OC Spray:

- **Sabre Red Crossfire** (new spray) - for use in general policing situations outside of custody areas.



- **Sabre Red Crossfire gel** (new gel) - for use within Police stations and custody areas.



- **Sabre Red Mk 9** - for use in crowd management situations



Carrying and using OC spray

Carrying OC spray

Employees [issued](#) with O C spray must have a current:

- PITT defensive tactics certification;
- First aid certificate.

Employees issued with OC spray must carry it if undertaking duty that may involve personal contact with the public.

OC spray must **not** be carried:

- on a commercial aircraft in the cabin or as checked or carried on baggage
- by employees rostered for duty at demonstrations - unless a District Commander specifically authorises it
- if the employee's first aid certificate has expired.

Using force

All OC spray use must be lawful and reasonable, i.e. necessary, proportionate to the situation and with minimum risk to the public, Police and the subject.

Using OC spray is using force. Employees may be liable under section [62](#) of the Crimes Act 1961 for applying any excess force to a person in the course of Police duties.

Tactical options framework

OC spray is an option available to an employee when their perceived cumulative assessment of the situation is that the persons behaviour is within or beyond the **active resistance** range on the Tactical Options Framework and the situation cannot be resolved by less forceful means. See '[Tactical Options Framework](#)'.

Situations when OC spray may be used

Employees should only use OC spray when exercising any of their statutory powers and/or carrying out their lawful duties See [Legal authority to use force](#) in the Use of force overview chapter

Consider other options

Before using OC spray, consider communication and other less serious tactical options (e.g. control and restraint techniques or empty handed tactics not needing equipment) for resolving and controlling an incident. You must be satisfied when using OC spray that the person is [resisting](#) (by more than passive resistance) or attempting to prevent Police from lawfully controlling or arresting them.

Person in custody or handcuffs

Unless there are exceptional circumstances OC spray must not be used on a person:

- in custody in a Police custodial area, and/or
- secured in handcuffs.

Exceptional circumstances include situations when either:

- the person cannot be controlled by less forceful means
- timely assistance is not available
- there is a risk of injury to the person or another person
- the prisoner is in possession of a previously unknown weapon, or
- you need to take immediate action to resolve a situation or prevent a situation continuing.

Using O C spray in crowds

Where the circumstances justify its deployment, OC spray can be utilised against more than one person at a time. The use OC spray in crowded situations should consider the potential for cross contamination of both subjects and staff due to overspray.

Using against armed people

If the person is armed with a blunt edged weapon or knife exercise caution and ensure a safe distance is maintained when using OC spray

Avoid using OC spray against a person armed or with access to a firearm. Using OC spray may be appropriate as a supplementary tactic if the person:

- has put their firearm on the ground and is covered by an armed Police constable, and
- [actively resists](#) control by Police.

Warn before using

Before using OC spray, unless impractical, you must:

- warn the person that non-compliance will result in them being sprayed
- give the person a reasonable opportunity to comply before being sprayed
- warn other people nearby that a spray may be used.

Effects of OC spray

On most people, OC spray causes:

- blood vessels to dilate rapidly
- bronchial passages to constrict
- mucous membranes to secrete freely and eyes to burn and close tightly.

Physical symptoms from OC spray can last from 10 to 45 minutes. There are no known long-term after effects. See '[Medical attention](#)'.

After using OC spray

Aftercare

If you use OC spray, afterwards you must if the circumstances allow:

plan to minimise any residual [effects](#) caused by the spray by providing proper decontamination and proper aftercare or access to decontamination and aftercare as in the 'OC Spray Training Manual' See below:

-

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- ensure the person's face is not covered and they are not left lying face down with their hands constrained behind their back. This may lead to positional asphyxia, where the position of the body interferes with breathing. See '[Positional asphyxia](#)'
- accompany and monitor the person for at least 45 minutes or until the symptoms or effects are no longer apparent.

Medical attention

People with a severe asthma condition who are exposed to OC spray may suffer respiratory distress caused by their airways narrowing (bronchi-constriction). If this happens to someone in your care:

- use the salbutamol inhaler and spacing device to provide relief to the person **(Note: Police are only licensed to administer salbutamol, not to dispense it. It must remain in Police possession and control at all times, and is not to be given to, or left with, unsupervised persons)**, and
- immediately seek medical attention.

Also provide medical attention immediately, if a person sprayed in your care:

- does not recover within 45 minutes
- complains of, or appears to be, suffering from a medical condition
- asks for medical attention.

Caution on arrest

You must immediately caution the person if using OC spray leads to their arrest.

Courts might consider admissions made while the person is under OC spray's effect to be unfair and inadmissible. Repeat the caution when the arrested person has had time to sufficiently recover and is capable of understanding.

Report after use

Employees must follow this procedure after OC spray is used against a person, except during training.

Step	Action
1	Provide proper aftercare or access to aftercare and if necessary, medical attention for the person sprayed.
2	Notify your supervisor as soon as practical to: <ul style="list-style-type: none">- attend the scene if requested by the attending officerensure the employee has provided proper aftercare and obtained medical attention when necessary
3	Complete a Tactical Options Report before going off duty. Note that if the spray was only used against an animal, use the 'Use of OC Spray on Animal Only' report.

Issuing and managing OC spray

Employees' responsibilities when spray is issued

Employees must be personally responsible for the security of OC spray canisters issued that are to them. You must ensure canisters are:

- not carried off duty (unless authorised by the District Commander)
- secured at the end of duty in a locked cabinet at the station or in another secure place approved by the district commander.

Before starting duty you must check the canister visually and by shaking it, to ensure the:

- nozzle is unobstructed
- unit is not damaged
- contents are verified
- use by date has not expired.

Supervisors must regularly inspect the integrity of canisters issued to employees under their control.

OC spray register

There must be a robust system in place for controlling stock at all stations where OC spray is stored.

The Area Commander must ensure an OC spray register is operated in their area to record stock levels at each station and other details including:

- date spray is issued or received
- employees name and ID receiving or returning the canister
- employees name and ID issuing or receipting the canister
- the canister's serial number issued or received and the expiry date
- a running total of stock on hand both new and used
- disposal details of used canisters.

Storing OC spray

Stocks of OC spray must be stored in a secure environment at normal temperature. They must not be exposed to sunlight.

Store enough stock to enable ready replacement and to issue in emergencies.

Internal control process

OC spray issue must be included as part of the internal control process. Internal control must:

- check to ensure canister use by dates are current and units are not damaged
- reconcile actual canisters held to the OC spray register
- sample check of issued units from the register against what employees actually hold.

Internal audit will evaluate and report on the effectiveness of the internal control procedures as part of district audit.

Returning OC Spray on resignation/leaving Police

Employees resigning or leaving Police must ensure a POL217 is completed and their OC Spray canister and holster are returned to Lockheed Martin along with the other specified items.

OC spray coordinator's role

District commanders must appoint a district OC spray coordinator responsible for:

- reviewing and filing copies of Tactical Options Reports and associated papers
- internal control and internal audit of OC spray
- interviewing employees to obtain further information about the spray's effectiveness, medical effects or any training or policy modifications that may be necessary
- making recommendations on any necessary policy or training changes to the Director: Capability, PNHQ.

Used, lost, damaged or expired canisters

If your OC spray is lost or stolen, this must be recorded in the [Security and Privacy Incident Register](#) (SPIR). See 'Loss or theft of Tactical Equipment' in the '[Approved equipment](#)' part of this chapter.

Used, damaged or operationally unused expired canisters must be returned to the issuing office and kept until sufficient quantities are gathered for [disposal](#) (seal any damaged canisters in a plastic bag to prevent leakage). Any partially used canisters may be re-issued to an authorised OC spray trainer.

The approved employee:

- records details of all canisters received and replacements issued in the [OC spray register](#)
- files reports (POL 258) and replacement authorisations.

Disposing of used or damaged canisters

OC spray canisters must be disposed of using the following process.

Step	Action
1	If the OC spray can is damaged, wear appropriate safety apparel when handling - the minimum is rubber gloves and safety glasses.
2	Centralise OC spray for disposal, record the serial number on a spread sheet and place the can into the lockable container provided.
3	When the container is full, enclose a copy of the spread sheet and secure the container with the supplied combination lock.
4	Use the New Zealand Couriers Electronic ticketing system to dispatch the items to the destruction destination.
5	E mail the contracted service provider (steve@steveswholesale.nz): <ul style="list-style-type: none">- a copy of the spreadsheet listing S/No of canisters to be supplied- the combination for the container.
6	The service provider will: <ul style="list-style-type: none">- provide a certified copy of the serial numbers destroyed for local records- return an empty container and lock for future use.

Printed on : 29/04/2022

Printed from : <https://tenone.police.govt.nz/pi/oleoresin-capsicum-spray>

Step	Action
1	If the OC spray can is damaged, wear appropriate safety apparel when handling - the minimum is rubber gloves and safety glasses.
2	Centralise OC spray for disposal, record the serial number on a spread sheet and place the can into the lockable container provided.
3	When the container is full, enclose a copy of the spread sheet and secure the container with the supplied combination lock.
4	Use the New Zealand Couriers Electronic ticketing system to dispatch the items to the destruction destination.
5	E mail the contracted service provider (steve@steveswholesale.nz): <ul style="list-style-type: none"> - a copy of the spreadsheet listing S/No of canisters to be supplied - the combination for the container.
6	The service provider will: <ul style="list-style-type: none"> - provide a certified copy of the serial numbers destroyed for local records - return an empty container and lock for future use.

Printed on : 02/05/2022

Printed from : <https://tenone.police.govt.nz/pi/review/oleoresin-capsicum-spraydoc>

IR-01-22-10061

24 May 2022

[REDACTED]

Kia ora

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 6 April, in which you asked for information regarding the protests in Wellington on 2 and 3 March 2022. You requested the following:

In accordance with the Official Information Act 1982, I would like to request the Tactical Operations Reports submitted at the end of shift on the 02/03/2022 or 03/03/2022 for or by those officers that used the following items at the Wellington protest:

- 1) Batons
- 2) OC Spray
- 3) Tear Gas

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 website¹ and you will note this scope includes Police planning and preparation, equipment provided, and operational execution including tactics used.

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.

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

We consider that the information you have 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.

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

However, I can confirm Police did not use 'tear gas' at any time during the protest and therefore that part of your request is refused pursuant to section 18(e) of the OIA as the information requested does not exist.

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.

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.

Nāku noa, nā



David Greig
Superintendent
New Zealand Police