

IR-01-22-5983

13 May 2022

s.9(2)(a) OIA
s.9(2)(a) OIA

Dear s.9(2)(a) OIA

Request for information

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

- 1. I request the full name of every person who was given a warning or arrested in relation to the protest located at the Beehive in Wellington. Period 7 February to end of today, 2 March. Please include what they were warned/charged with.*
- 2. I also request the number of people who have gotten name suppression and a breakdown of what their charges were.*

Your request has been considered under the Official Information Act 1982 (OIA).

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 operational execution and the powers used to enforce the law.

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 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.

In the meantime, my responses to each part of your request can be found below.

I request the full name of every person who was given a warning or arrested in relation to the protest located at the Beehive in Wellington. Period 7 February to end of today, 2 March.

The names of individuals who received warnings or were arrested in relation to the protests at Parliament between 7 February and 2 March 2022 are withheld under s 9(2)(a) of the OIA, to protect the privacy of natural persons.

I also request the number of people who have gotten name suppression and a breakdown of what their charges were.

The information requested is not held by Police and there are no grounds for believing the information is either held by, or connected more closely with the functions of, another agency

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

referred to in section 18(g) of the OIA. Your request would require the creation of new information and there is no obligation under the OIA to create information in order to respond to a request.

Please include what they were warned/charged with.

Please find attached a spreadsheet listing the charges laid against individuals relating to the Protest, as of 22 April 2022. Please also note that each line represents the charges filed against a single individual. Police continues to actively investigate matters arising from the Protest, and further charges may be filed or warnings given.

Please note that as part of its commitment to openness and transparency, Police proactively release 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

Detainee Type/Offence/Incident

6111 - Wilful Trespass
6111 - Wilful Trespass3536 - Disorderly Behaviour S4 S/offences Act
6111- Trespass
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police6111 - Wilful Trespass
3511 - obstruct, 6111 - wilful trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
1714 - Threatens To Kill/Do GBH (Verbal)6111 - Wilful Trespass3531 - Disorderly Behaviour (Likely To Cause Vic
B111 - failed to remain stop
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
7141 - Fails/Refuses ID Particulars To Police 6111 - Wilful Trespass
3511 - Obstruct/Hinder Police6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass 6D - Bail Breach
3511 - Obstruct/Hinder Police
3511 - obstruct, 6111 - wilful trespass
3511 - Obstruct/Hinder Police
6D - Bail Breach
6111 - Wilful Trespass
1553 - assault Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
6111 - Wilful Trespass
6871 - Obstructs Police
6111 - Wilful Trespass
6111 - Wilful Trespass
6111 - Wilful Trespass
3531 - Disorderly Behaviour (Likely To Cause Violence)
3511 - Obstruct/Hinder Police

(2) 3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3536 - Disorderly Behaviour S4 S/offences Act
7112 - personating police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
7141 - Fails/Refuses ID Particulars To Police6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
6111 - Wilful Trespass
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
1756 - Possess offensive weapon1811 - Rioting
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3536 - Disorderly Behaviour S4 S/offences Act
6111 - Wilful Trespass
6111 - Wilful Trespass7141 - Fails/Refuses ID Particulars To Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
1811 - Rioting, 1493 - assault person with blunt instrument
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police, 6111 - Trespass
3511 - Obstruct/Hinder Police6111 - Wilful Trespass
1R - Breach Of The Peace
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3531- Disorder
6553 - Used Offensive Language/Suggestion
6111 - Wilful Trespass
5119 - Other Arson
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
6111 - Wilful Trespass
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police


3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
1553 - Assault Police(Crimes Act)manually
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
1613 - Assaults Police (Manually) 6111 - Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass7141 - Fails/Refuses ID Particulars To Police
6111 - Wilful Trespass
A518 - Breath Alcohol, D201 - drove motor vehicle, 1756 - Possess offensive
3536 - Disorderly Behaviour S4 S/offences Act
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - obstruct, 6111 - wilful trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police6111 - Wilful Trespass1613 - Assaults Police (Manually)
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder, 6111 - wilful trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police5127 - Wilful Damage
6111 - Wilful Trespass
6111 - Wilful Trespass
3514 - resist police, 1613 assault police
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
3531- Disorder
3511 - Obstruct/Hinder Police
5119 - Other Arson
6111 - Wilful Trespass

3536 - Disorderly Behaviour S4 S/offences Act
3511 - Obstruct/Hinder Police
3536 - Disorderly Behaviour S4 S/offences Act
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3531 disorderly, 3514 resist, 1553 assault police
3511 - Obstruct/Hinder Police
7141 - Fails/Refuses ID Particulars To Police6111 - Wilful Trespass
3511 - Obstruct/Hinder Police1756 - Possess Offensive Weapon (Other)
6111 - Wilful Trespass7141 - Fails/Refuses ID Particulars To Police
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3536 - Disorderly Behaviour S4 S/offences Act
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
1553 - Assault Police(Crimes Act)manually6111 - Wilful Trespass7141 - Fails/Refuses ID Particulars To Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
6111 - Wilful Trespass
3511 - obstruct, 6111 - wilful trespass
3511 - Obstruct/Hinder Police
1756 - Possess offensive weapon1811 - Rioting
6111 - Wilful Trespass6D - Bail Breach3511 - Obstruct/Hinder Police
1756 - Possess offensive weapon, 3514 - Resist Police
3511 - Obstruct/Hinder Police3536 - Disorderly Behaviour S4 S/offences Act1613 - Assaults Police (Manually)
3511 - obstruct, 6111 - wilful trespass
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass
6111 - Wilful Trespass
3536 - Disorderly Behaviour S4 S/offences Act
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
5127 - Wilful Damage3511 - Obstruct/Hinder Police6111 - Wilful Trespass6851 - Unlawfully Carry/Possess Fire:
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police3514 - Resist Police
6111 - Wilful Trespass
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
6111 - Wilful Trespass

6111 - Wilful Trespass
6111 - Wilful Trespass
6111 - Wilful Trespass
6111 - Trespass
3511 - Obstruct/Hinder Police
1552 - assault police, 3514 resist police
1498 - Assault with weapon
3511 - obstruct, 6111 - wilful trespass
6111 - Wilful Trespass 3511 - Obstruct/Hinder Police
3536 - Disorderly Behaviour S4 S/offences Act
3511 - Obstruct/Hinder Police
3511 - Obstruct/Hinder Police
3531 - disorderly, 1612 - assault police, 1529 - other assault

19 May 2022

s.9(2)(a) OIA
s.9(2)(a) OIA

Dear ***Request for information***

Thank you for your Official Information Act 1982 (OIA) request of 4 March 2022, in which you asked for information regarding an event that occurred at the protest at Parliament.

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 powers used by Police and operational execution.

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.

In the meantime, my response to each part of your request can be found below.

1. *A copy of the Police Manual Chapter and/or other information provided to Officers covering 'Reasonable Force'.*

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

2. *A copy of any material such as a Police Manual Chapter or other material provided to Officers covering the use of ad hoc weaponry such as Fire Extinguishers in the exercise of their duty.*

Please refer to page 31 in the *Use of Force Overview* for information on the use of "weapons of opportunity." Prior to deploying any tactical option Police staff use the threat assessment methodology TENR (Threat, Exposure, Necessity, Response).

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

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

Police National Headquarters

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.
Telephone: 04 474 9499. Fax: 04 498 7400. www.police.govt.nz

3. *Please identify the Officer using the Fire Extinguisher in the video and have him document official information currently stored in his mind about how he arrived at the decision to use a Fire Extinguisher as a weapon against a member of the public and how this was compliant with documentation requested at [1] and [2] above.*

This part of your request seeks an explanation from the officer in question and would require the creation of new information. There is no obligation under the OIA to create information in order to respond to a request. The request is therefore refused under section 18(g) of the OIA as the information requested is not held by Police and there are no grounds for believing the information is either held by, or connected more closely with the functions of, another agency referred to in section 18(g) of the OIA.


Police is currently reviewing all complaints received regarding the behaviour of police officers during the protest at Parliament, in conjunction with the IPCA.

It is not possible at this stage to confirm whether the alleged incident you refer to will undergo investigation following this review. If you wish to make a complaint you can find information on how to do so on the Police website: <https://www.police.govt.nz/contact-us/give-feedback-about-police>.

Please note that as part of its commitment to openness and transparency, Police proactively release 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.

Yours sincerely



Kylie Schaare
Acting Director – Integrity & Conduct
New Zealand Police

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 (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**

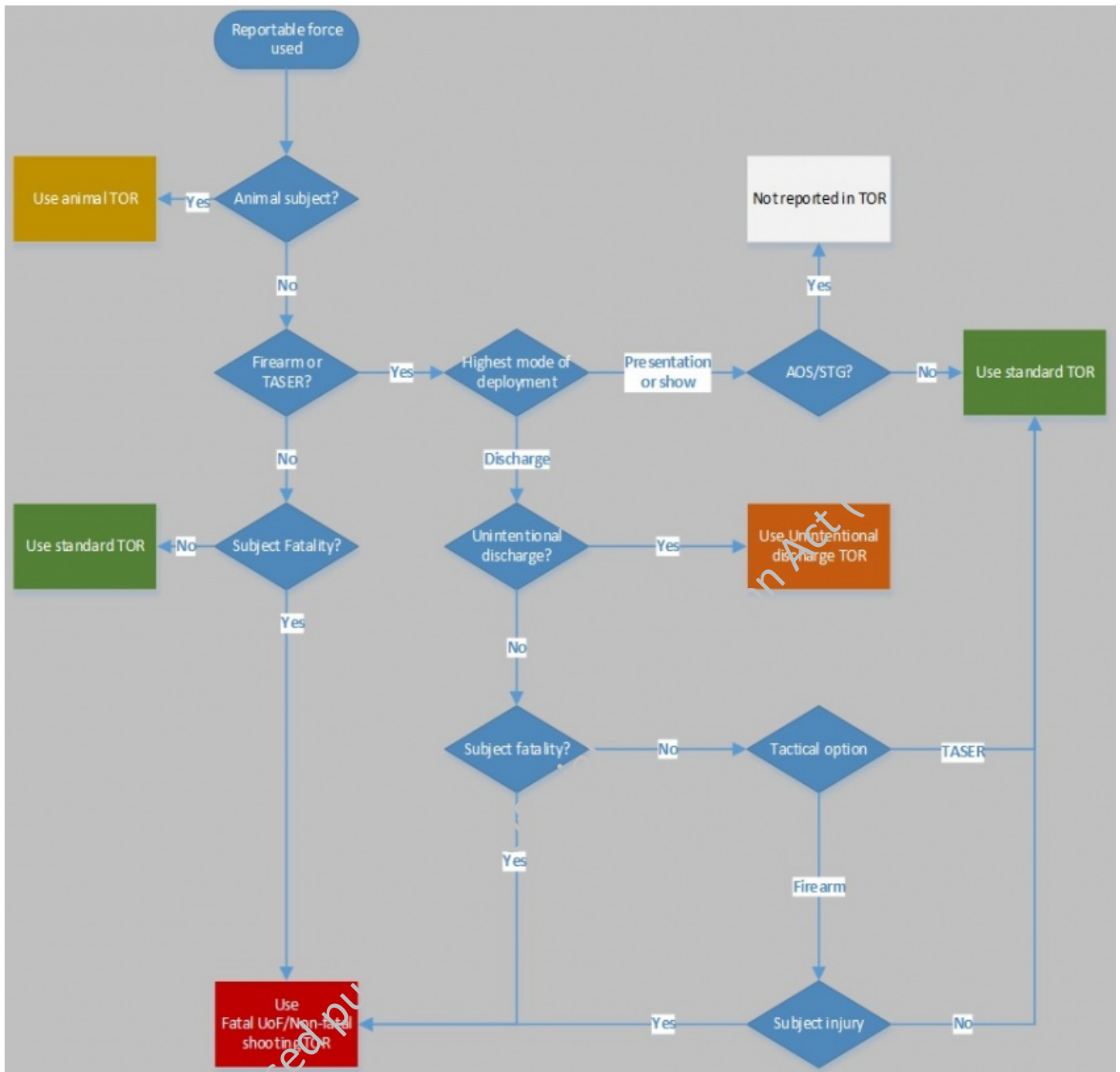
Supervisors must report

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	A constable must submit the TOR form or Unintentional/Unauthorised Discharge form, or Use of Tactical Options on an Animal(s) form to their supervisor before the end of the shift in which they used force, or with their supervisor's approval, within 3 days/72 hours of this shift and prior to any rostered days off or leave during this period. A Fatalities and Shooting Injuries TOR must be submitted by a supervisor to the District Operations Manager within 72 hours of the incident.
Resubmitting a TOR form amended 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: - 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.

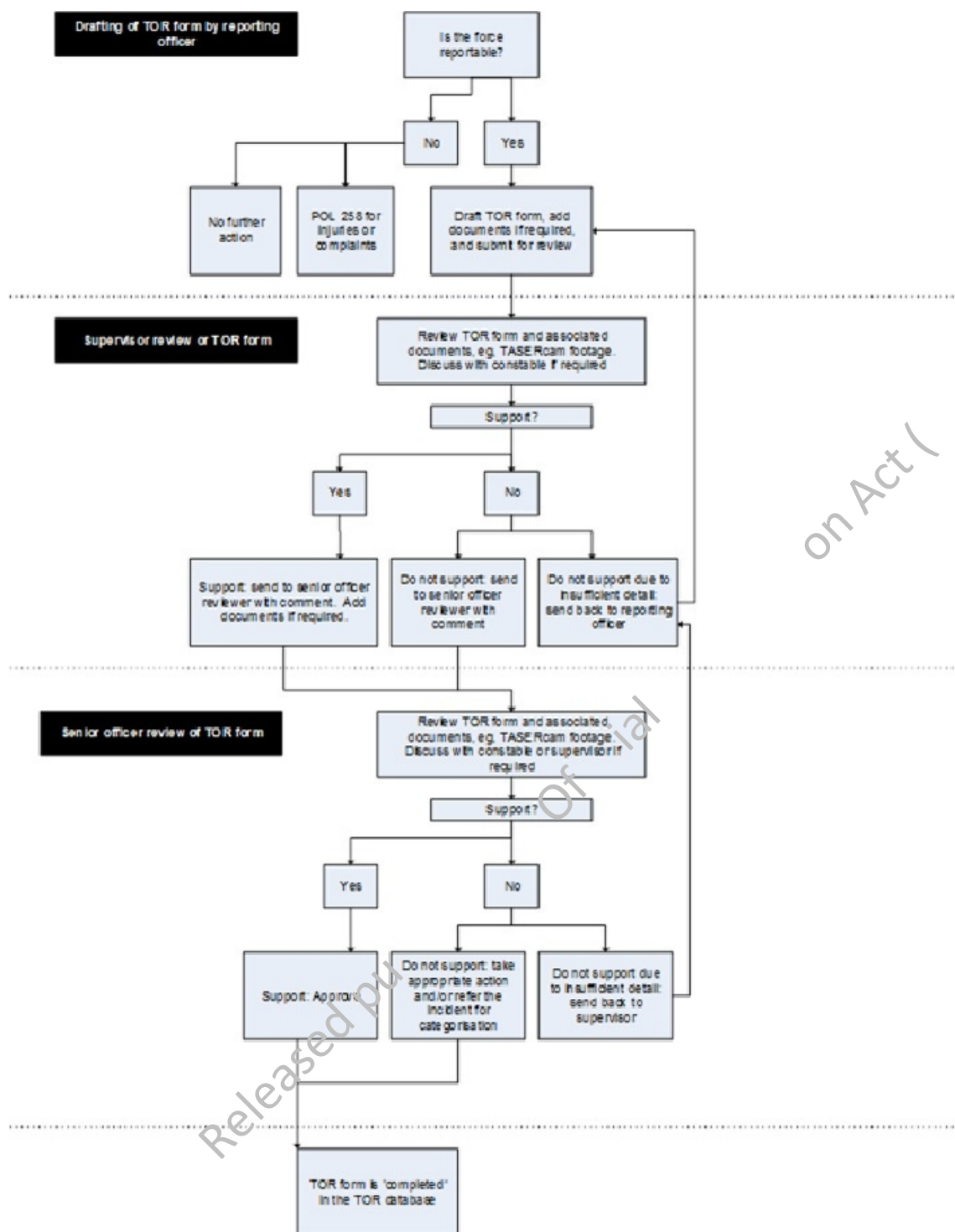
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Diagram: TOR form completion and sign-off process

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.

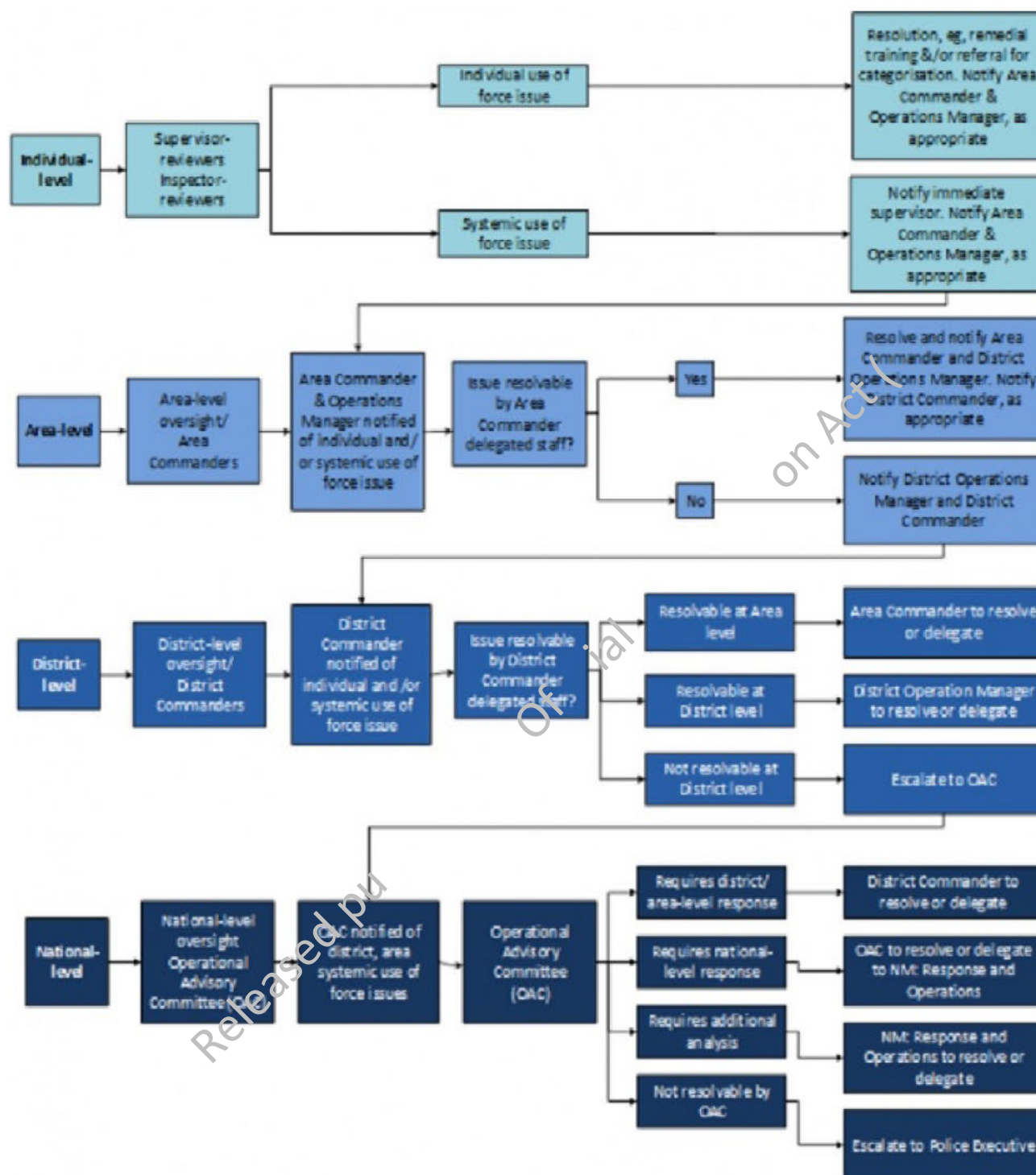
Categorisation of TOR events by Inspector reviewers of TOR events

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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17 May 2022

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s.9(2)(a) OIA

Tēnā koe

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 8 March 2022 in which you asked the following:

I'm working on a story about changes made to OC Spray on March 1 2022 days before the police operation to end the parliament occupation.

I understand the changes were issued to allow a district commander to authorise the carriage of OC spray at demonstrations and the requirement to facilitate decontamination and aftercare where police could not.

Can I please have some comment on why the changes were made, what the previous rules around OC spray were and whether the changes will be reversed following the operation?

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 equipment provided, decision-making processes, 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.

We consider that commenting on our decision-making regarding Oleoresin Capsicum (OC) spray in respect of the Protest 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.

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

Police National Headquarters

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However, I can confirm that 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.

During the operation to restore order to Parliament's ground and surrounding areas prior to deploying any tactical option Police staff used the threat assessment methodology TENR (Threat, Exposure, Necessity, Response).

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.

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 release 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

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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.

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:

-

 OC ay Ma ua V3 (PDF)

693.65 KB

- 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
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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.

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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 : 02/05/2022

Printed from : <https://tenone.police.govt.nz/pi/review/oleoresin-capsicum-spraydoc>

Step	Action
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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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IR-01-22-9158

3 May 2022

s.9(2)(a) OIA
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Dear s.9(2)(a) OIA

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 30 March 2022, in which you asked for information regarding Police use of long-range acoustic device (LRAD) units.

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

Details of the scope of the Review are available on the IPCA's website¹ and you will note this scope includes equipment and operational execution.

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.

In the meantime, my response to each of your questions can be found below.

- 1. The reason for my request is because I believe my hearing has been partially damaged by what I believe to be an LRAD unit that was used on protesters in Wellington during our occupation, can you please provide the following information for our perusal. How many LRAD units procured and when?*

Police have 17 LRAD units. These have been incrementally purchased since 2016.

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

2. *How many LRAD units were deployed on March 2nd at the Wellington occupation*

Two LRAD units were deployed at Parliament on 2 March 2022. One unit was deployed in Aitken Street, the other on the roof of Parliament building.

3. *Staff details and badge numbers of those trained in using the LRAD units*
4. *Staff details and badge numbers of officers operating the LRAD units in Wellington during to parliament protests (on the grounds and surrounding streets)*

All members of the Police Negotiation Team (PNT) are trained to use LRAD units, and I can confirm the staff operating the LRAD units were members of the PNT.

Your request for staff details and badge numbers is refused pursuant to the following sections of the OIA:

- section 6(d), as the making available of that information would be likely to endanger the safety of any person
- section 9(2)(g)(ii), to maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment.

Police considers the interests requiring protection by withholding the information are not outweighed by any public interest in release of the information.

5. *Instances - date and time and officers/technicians (badge number/ name) in charge of units being used in alert mode*

There is no 'alert mode' setting for LRAD units. Therefore, this part of your request is refused pursuant to section 18(e) of the OIA, as the information requested does not exist.

6. *Instances - date and times and officers/ technicians (badge number/ name) in charge of using the units in modes other than alert mode (audible or sub audible range of frequencies)*

As stated above, the LRAD does not have an 'alert mode'. The LRAD is a portable long range communication device for targeted communication. The LRAD also has the ability to produce an aversion tone.

The two LRAD units were only deployed on 2 March 2022.

The staff operating the LRAD units were members of the PNT. Your request for staff names and badge numbers is refused as above in questions 3 and 4.

7. *Details types of records in its use that the staff need to file in as they would firearms or other weapons/equipment*

A Tactical Options Report (TOR) is completed to record use of an LRAD.
