

A Strategic Evaluation of the New Zealand Police Position Concerning the Use of Force When Responding to Potentially Violent Situations

A Review of Best Practice, Policy and Training

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EXECUTIVE SUMMARY

The current New Zealand Police approach to the application of both lethal and non lethal force has been compared to aspects of international best practice. An assessment of the training package was also undertaken against the “National Minimum Guidelines For Incident Management, Conflict Resolution and Use of Force” as prepared by the then called, National Police Research Unit in Australia.

Discussions with strategically placed personnel and a review of lesson plans, course outlines and other instructional material has determined that the content is consistent with the previously mentioned best practice for a progressive, professionally managed Police organisation. Written training guidelines assessed were all properly focused on the tactical options with emphasis on “Maximise Safety – Minimise Risk”. The future success and integrity of the programme, however, must be maintained through strict adherence to the training policy and certification of all members carrying batons, OC spray and firearms.

The reviewing officers believe that the proposed national staff safety data base will underpin and form the basis for New Zealand’s strategic direction in assessing and dealing with critical instances. It will be the intelligence system, feed-back loop and driving force behind future training, policy direction and equipment initiatives. Without this nationally based system the New Zealand Police cannot progress in an informed and meaningful manner.

Imperative to the development of safe and accepted practices, is adherence to the Staff Safety and Tactical Training (SSTT) programme by all operational personnel. It is also crucial that the training package is both maintained and evolving in nature and that there is District accountability for ensuring attendance is met in a timely manner. The programme would be enhanced by a more defined quality assurance regime initiated to include structured feedback from operational personnel and the accreditation and monitoring of trainers.

Attendance by Police at incidents requiring the use or potential use of lethal force requires skill and experience. The reviewing officers believe that a broader range of responsibilities by current Armed Offender Squads, coupled with a name change similar to ‘Tactical Response Groups’ would add another positive dimension and a greater capability between general uniform branch attendance and current AOS involvement to support front line attendance. The intention would be to increase their range of less than lethal options and enhance their resolution capacity.

Command and control issues will be very apparent in the event of lethal force being used by Police. To that end there needs to be a high level of accountability before, during and after critical incidents. Command and control needs to be concise, clear and unambiguous. The current Communications Centre role needs to be clearly defined in relation to its responsibilities in these situations.

Also central to this review, is the need to learn from all major operational incidents by

way of timely and comprehensive debriefs (separate from the Police Complaints Authority and criminal investigations), for the benefit of training personnel and for ultimate implementation by Districts.

The overall concept of the major recommendations is encapsulated at Appendix A where revised policy and procedures clarify the standards and the staff safety data base identifies current activities and trends. Ongoing training is directly responsive to operational needs and enhanced Tactical Response Groups complement operational members at critical incidents with the basic philosophy of “Maximise Safety – Minimise Risk”.

Other single issue recommendations on procedures, weapons and defensive tactics are also submitted for consideration.

The evaluation undertaken offers a strategic platform upon which to ensure alignment with international best practice and continuous improvement in both the training and operational environment.

RECOMMENDATIONS:

That full support be given to the introduction of a National Staff Safety Data Base system as is currently being developed by the Training Service Centre under the guidance of Inspector O'Leary and Inspector Hinds from the Office of the Commissioner. This will give rise to the implementation of one computer generated entry, recording all instances of use of force, use of firearms, use of dogs, OSH matters and related circumstances, in order to identify when Police Officers have used force or have had force used against them during the course of duty. This will ensure that national trends, training requirements and issues are identified in a timely manner. National oversight is imperative. (Refer P. 11)

That consideration be given to changing the name of Armed Offender Squads to Tactical Response Groups (or similar) and to increase the range of their potential deployment to emphasise the broad range of options available to Police personnel intent upon resolving conflict situations. (Refer P. 12)

That urgent decisions be made and formally announced to Districts concerning the command role (or otherwise) of the three Communication Centres during the course of operational deployments. There is also the need to confirm defined responsibilities for two separate commanders (ie an AOS Commander and an Operation Commander) whenever an AOS incident occurs, in keeping with the Manual of Best Practice. (Refer P. 14)

That consideration be given to implementing a policy where an instance of death or grievous bodily injury involving Police and any member of the public (excluding motor accidents) is immediately investigated by a nominated CIB Commissioned Officer from outside the relevant District, together with investigators who assist from another District if necessary. (Refer P. 16)

That any instance of lethal or potentially lethal force by Police against any member of the public and any instance where a staff member is injured or where there are any significant lessons in terms of staff safety, there should be a timely and formal debrief for the benefit of Districts via the Training Service Centre. This will determine what lessons can be learnt and if necessary what remedial action can be taken. (Refer P. 16)

That consideration be given to ensuring that District Commanders are accountable, by way of current performance measures, for attendance and certification of their personnel at Staff Safety Tactical Training within the required 18 month period. Further, that the Training Service Centre develops a structured quality assurance regime for trainer accreditation, monitoring and student acceptance. This will also determine the necessity or otherwise of a more frequent delivery schedule, for example 12 months. (Refer P. 17)

That consideration be given to ensuring that District Commanders are held accountable, by way of current performance measures, for confirming that all personnel under their jurisdiction carrying or using firearms, batons and OC Spray have received the appropriate training and certification before doing so. (Refer P. 21)

That recommendations arising from Project Lincoln be assessed expeditiously with a view to offering operational personnel additional or alternative resources if deemed appropriate. The concept of Project Lincoln should be the subject of regular reviews. (Refer P. 22)

That consideration be given to having policy procedures and guidelines for operational safety further reviewed to ensure consistency and simplicity of message. (Refer P. 23)

Other Matters For Consideration

That consideration be given to making District Commanders accountable for ensuring that all operational Police vehicles contain appropriate First Aid equipment and that First Aid training obligations are met. (Refer P. 24)

That consideration be given to undertaking breath and/or blood testing procedures in relation to Police officer/s involved in applying lethal or potentially lethal force against any member of the public and where serious injury has been sustained by members of the public during the course of that Police duty. (Refer P. 25)

That there be reinforcement of the principle that all operational staff within Districts carry 24 PR batons (in conjunction with ASP batons) as long as that carriage is accompanied by the appropriate certification and approved by District Commanders. (Refer P. 26)

That consideration be given to reviewing the application of the carotid hold policy and practice within the New Zealand Police to assess its continued suitability. (Refer P. 27)

14. That a policy of having .223 Remington rifles being deployed at the same time as and in support of Glock firearms, be reinforced at District level. In conjunction with this recommendation is the need to ensure that the national distribution of .223 Remingtons (in particular) is appropriate. (Refer P. 29)

INTRODUCTION

This review was requested by Deputy Commissioner S. E. Long on the basis that it was timely for the New Zealand Police to consider training, policy and practice issues surrounding the question of lethal force and Police response to critical incidents. It is recognised that our organisation needs to keep abreast of international best practice in the ever changing environment within which law enforcement agencies operate. The precise terms of reference can be found at Appendix B.

This review was also considered timely given the commencement of Project Lincoln (less than lethal force options) being undertaken by Inspector Duncan from the Office of the Commissioner and the annual review of the Staff Safety and Tactical Training (SSTT) programme that was initiated in July 2000.

Assistant Commissioner Ray Shuey from the Victoria Police was specifically requested to assist, peer review and work with Detective Superintendent Peter Marshall. Assistant Commissioner Shuey brought a wealth of practical experience to the review with his current responsibility for the Traffic and Operations Support portfolios within his organisation. He has recently visited Canada, the United States of America and Europe where he considered best practice in those jurisdictions. He was also responsible for the implementation of Project Beacon which dealt with staff safety issues in Victoria. Project Beacon acted as the catalyst and formed the basis for New Zealand's SSTT programme.

The two reviewing officers were impressed with the amount of information available through detailed documentation and informed personnel. Considerable correspondence was referenced and details can be seen under the heading *Bibliography*. With that in mind, it was never the intention of the reviewing members to re-write extensive correspondence or 're-invent the wheel' concerning areas referred to in the terms of reference. Rather it was a practical approach to scrutinise current training, policy and practices, compare those to international developments and to highlight specific areas where changes or improvements could be considered. The intention is to provide a strategic platform to ensure continuous improvement in both the training and operational fields.

The reviewing members were very grateful for the time and contribution afforded them by a range of people who were spoken to during the relevant three week period. Without exception, those who participated did so in a highly constructive and positive manner. Those individuals are referred to under the heading *Acknowledgements*.

METHODOLOGY

Assistant Commissioner R Shuey and Detective Superintendent P Marshall commenced their review in Wellington on Wednesday 20 June. They initially spent three days speaking to strategically placed people and gathered relevant correspondence for research purposes.

The second phase of their review recommenced on Monday 2 July and concluded on Thursday 12 July. During that period they spoke to a number of well placed and experienced Police Officers from the Office of the Commissioner, Wellington Police District, Central Police District and the Royal New Zealand Police College. The invaluable advice from those officers has been incorporated into this document.

The Review Team considered in some detail the Staff Safety and Tactical Training package currently being presented throughout New Zealand. In doing so, they interacted with a number of personnel who were involved with training development, its implementation and those who were on the receiving end of the procedures. The two reviewing officers also viewed first hand Day 3 of SSTT training being undertaken for Wellington District personnel. They also spoke to Recruit instructors and observed some aspects of basic training in defensive tactics.

General Instructions, Manuals of Best Practice and other policy documents were studied in detail with assessments made. Best practice models from Canada, the Home Office, the United States and some Australian law enforcement jurisdictions were looked at by way of comparison.

The reviewing members also accessed and considered three recent files involving the use of lethal force by Police officers during the course of their duty where firearms were discharged.

A large amount of documentation was referred to during the three week process and that correspondence can be identified under the Bibliography heading.

The reviewing members consulted with four Commissioned Officers and presented each with a draft copy before the final document was completed. Their views and submissions were incorporated into this correspondence.

ENVIRONMENTAL SCAN

The basic philosophy of the New Zealand Police concerns a partnership between itself and the communities it serves. This sentiment is encapsulated with the phrase "*Safer Communities Together.*" The vision is further enhanced through the Police Mission which is "*to serve the community by reducing the incidence and effects of crime, detecting and apprehending offenders, maintaining law and order and enhancing public safety.*"

New Zealand is in a rather unique environment in terms of international policing policy and practice when it comes to the armed response of its members in responding to critical incidents. With the exception of the United Kingdom (excluding Northern Ireland) and some Pacific Island nations, members of the New Zealand Police are not armed in the normal course of their duties. The New Zealand Government, the New Zealand Police executive, members of the New Zealand Police and the public at large overwhelmingly support this stance.

Police organisations in Australia are routinely armed, whilst in the United Kingdom the policy of having Armed Response Vehicles as a standard first level response has been implemented. The New Zealand Police practice is a rather unusual 'one size fits all' approach, with Armed Offender Squads providing the back-stop in terms of formal expertise.

During the June 1998 Assault Review it was determined that where weapons were in evidence (involving 178 instances), firearms were used in 9 of them (5%), knives were used on 16 occasions (9%) and bottles were used on 19 occasions (10.5%). The single most common location for a Police officer to be assaulted was on the street (45%), followed by a private residence (21%), and Police premises (17%) which include Police Station (8%), Police vehicle (6%) and Police cells (3%). Both these aspects then raise the profile of the requirement to ensure adequate training in both defensive tactics and tactical communications to defuse aggressive behavior of offenders.

In recent years there has been an increased expectation that the New Zealand Police will act as a 'good employer' and adhere in all respects to its obligations under the Health and Safety in Employment Act 1992. Changes are underway which will result in the lifting of current Crown immunity from prosecution under this Act. Accountability in terms of the Accident Compensation Commission is also very pertinent in the current environment, potentially making the New Zealand Police liable for an unbudgeted \$8 million per annum if obligations are not met. It is against this background that the community and indeed the organisation's own members are becoming increasingly litigious in holding the New Zealand Police accountable for instances of non compliance.

What is important, however, is that the New Zealand Police policy is a measured and considered one, which is adhered to on a national basis. The propensity for violence within the community, perceived dangers by members and police resolution tactics bring in an added dimension. There is an increasing prevalence of firearms being seen and used in law enforcement situations. This raises the possibility of 'organisational creep' resulting in the New Zealand Police suddenly waking up to the fact that it is essentially

armed in the practical sense. This concern was addressed in some detail by Inspector Richard Shortt in preparation for his Master's thesis.

The United Nations Code of Conduct for Law Enforcement Officials, and the International Standards on the Use of Force were examined in terms of benchmarking and mandatory compliance. Issues covered include:

- Peaceful means before force is applied;
- That only minimum levels of force are to be applied;
- Use of force only by those qualified;
- Actions and sanctions for unlawful use of force; and,
- Supervision and accountability.

The review determined that New Zealand Police meets these standards to a high degree

International best practice in operational safety is something like the end of a rainbow. It is relevant to note that a library search undertaken in both Victoria and New Zealand failed to identify any specific international documentation where any criteria or guidance is outlined. Jurisdictions vary with the resourcing commitment to various aspects and intensity of training provided and in most cases are reactive to the critical risks in each individual environment. Sophisticated firearms ranges are evident in many countries, while others focus on “shoot, don't shoot” high quality, interactive computer training systems which realistically assess judgmental responses in firearms, batons, sprays or tactical communications. Some jurisdictions similar to NZ have mobile ranges and computerised judgmental based scenario facilities, which are taken to remote locations for training on site. Scenario villages with CCTV monitoring are highly beneficial compared with the “make do” environment. Some training establishments use professional or trainee actors in their scenarios.

With the actual training, there needs to be documented design and validated curriculum with detailed lesson plans and specified learning outcomes. Instructors must be accredited and have operational integrity. Quality assurance is essential to achieve operational feedback, assess members' confidence and competence in the field as well as instructor competence. Training and operational manuals should provide guidance with the overarching policy being clear, concise and unambiguous.

The curriculum must be integrated and balanced across all modules with *tactical* communications being a central theme. Progressive countries have adopted the ‘Tactical Options Model’ in some format as the simplest training media and best defensible response criteria in preference to the outmoded “Continuum of Force”. A philosophy of “Safety First” or “Maximise safety – Minimise Risk” is adopted to heighten officer awareness and safety.

The operational environment must provide a professional response to critical incidents, with a structured command and control, demonstrated leadership and rational decision making. Debriefing of incidents must be captured to provide direct feedback into both training and future operations.

Frequency of training for the refreshment of perishable skills is recommended to be every six months.

A “use of force” register capturing field incidents for trend analysis, management information and training benefits is identified as essential to meet international best practice. Information technology integrated support systems should also complement this data base.

An assessment of the training budget and relevant percentage of the total budget has also been considered in line with international best practice. There are so many variables to be considered that the information becomes somewhat subjective and therefore impotent even if a restricted comparison is made to the Australian environment. The Australian National Training Association does not provide definitive percentages. However, the National Competency Framework has recognised the Victorian OSTT as the desired model for the percentage of training commitment. The training budget in Victoria is 4.17% of the total with the OSTT component being 6.51% of that. This does not include some of the district operational training budget. By comparison New Zealand Police training budget is approximately 5%. (Victoria Police training on OSTT is 2 days every 6 months compared with New Zealand at 4 days every 18 months).

In providing this commentary, it is appreciated that to be judged against the international best practice, many impediments and natural restrictions will automatically arise. These will include budget and resource constraints, organisational size, response to operational imperatives overshadowing training requirements and the infrequency of critical incidents (reducing the demand and imperative). While organisations strive to meet some or all the above targets, the dynamics of operational policing and other competing priorities provide natural restrictions. It is therefore within this context that the following evaluation, comments and recommendations are submitted for consideration.

ISSUES PERTAINING TO RECOMMENDATIONS

National Staff Safety Data Base System

This review determined that a national register is imperative in order for the New Zealand Police to appreciate the implications of staff safety, how it responds to critical incidents and the use of lethal force or potentially lethal force involving its personnel. This is necessary in order to answer the key questions concerning what is happening now and what are the trends?

There is an absence of a coordinated and informed approach under current systems. The proliferation of forms to be completed for a range of circumstances (e.g. dog bites, exposing a firearm, injury on duty, use of force, OSH incidents) does little to advance collective understanding or knowledge. Information is often retained at District level, allowing little initiative in the strategic sense.

A national register will identify trends, training needs and the risks likely to be encountered by the Police organisation, for use both at executive level and for the benefit of its members in general. It will serve as the basis for future adjustments to Police policy, training and operational practice. Any data base must be supported by an appropriate number of analysts so that meaningful interpretation and follow up activity can occur.

The reviewers were impressed with the work currently being undertaken by Inspector S. Hinds (Office of the Commissioner) and Inspector M. O'Leary (Training Service Centre) on this subject. They are well advanced in developing a programme to cater for a proposed national data base and they are confident that it will be implemented during the first half of 2002. As this concept underpins the operational, training and management regime of operational safety, their efforts should be fully supported and encouraged by the Office of the Commissioner. Any opportunity for earlier delivery should also be encouraged.

The reviewers were keen to ensure that occasions such as the 'raking' of ASP batons, the presenting of OC Spray without its use and the presenting of firearms without discharge were also captured on the data base for future analysis. These events are important in assessing the impact that the Police Officer's actions had in reducing or ending a threat and provide an additional element to Police management for the resolution of incidents. Both Inspectors were made aware of our interest in this area and will accommodate the proposal.

During the course of their research, the reviewers heard from various commentators who raised the merits of a national data base as described. They were interested to learn that Superintendent Mark Lammas (District Commander : Central) had quite independently called for a report to assess the plethora of forms currently being used by the New Zealand Police, particularly with regards to the 'use of force'. His efforts were appreciated and documentation from his District has been forwarded to the Training Service Centre at the Royal New Zealand Police College.

Overseas Police experience with national registers have clearly illustrated trends relating to such areas as drunken behaviour, psychiatric patients or young offenders enabling informed comment, if need be, at the political level. Additionally a community's propensity for violence and an increase in the carriage of weapons such as firearms and knives becomes clear. Difficulties with specific Districts, specific Stations and indeed specific Police officers have also allowed for timely intervention. Protocols surrounding the use of this information (e.g. disciplinary action) may have to be formalised.

A quote from an Operation Beacon report is as follows:

Collectively, this information is used to monitor current operational practices. This provides the potential to tailor (training) to reflect current training needs. An opportunity to make recommendations also exists with respect to police recruitment, education, skills, fitness, other physical attributes and potentially any other issue which impacts upon policing.

By way of example, the Victoria Police was able to identify that a large number of their officers were injured whilst engaged in the use of force during the course of 'struggling on the ground.' This led to revised training so as to avoid those circumstances arising.

Likewise in New Zealand, there is information known which has not been converted directly into training i.e. 17% of officers injured by offenders are in Police premises, supposedly a safe environment for Police. A similar situation was identified in Victoria where training and supervision directly reduced assaults on Police and injuries to members.

It is submitted that a national register, added to by Police Officers completing one computer generated form, would enhance and support Staff Safety and Tactical Training initiatives currently being undertaken. In the implementation of this proposal, the key elements are management information, data and trend analysis. These outcomes must provide automatic feedback to training and management and therefore support for the analysis component must not be neglected. The recent appointment of additional strategic analysts to Districts may assist in this regard. *This however must be supplemented by national oversight for the interpretation of data.*

2. Role of Armed Offender Squads

After reviewing the operational response capability role to critical incidents, it is proposed that strong consideration be given to changing the role focus and the name of the Armed Offenders Squad (AOS) to something that more accurately reflects the wide ranging duties and tactical options available to those highly trained team members. The name "Tactical Response Group" is perhaps closer to the mark with the group better equipped and trained in a wider range of less than lethal options. Having said that, it is recognised and acknowledged that the AOS concept (formulated in the early 1960's) has clearly served the New Zealand Police well since that time.

The basis for this suggestion is the perception that there is a rather large step from normal operational Police attendance to the calling out of armed specialists, equipped and otherwise presented in military style. To be worthy of further deliberation, the new concept would have to involve more than a mere name change.

The future wider use of AOS members for deployment in the event of potential or demonstrated violence is definitely worthy of consideration. Training would potentially involve emphasis on a broader range of less than lethal options such as 'tasers'(stun guns), pepper rounds and a continued focus upon tactical and team training. It is appreciated that there are some differences in the availability of AOS units throughout New Zealand – dependent upon whether a metropolitan or rural area needs attention.

In any event, concentration upon training in less than lethal options (on a regular and structured basis) and a broader call out criteria, would likely result in more supervisors considering their deployment in circumstances where firearms are not necessarily evident. It appears that some supervisors have a natural reluctance to activate AOS members except in the most serious of circumstances involving firearms. Whilst Team Policing Units (which should be retained) offer a degree of comfort in these situations, they are limited to larger centres. AOS Squads are in a position to cover every area of the country.

Many AOS Squads are somewhat under utilised in the current environment, particularly with the noticeable decrease in the number of incidents being attended over recent years. This of course is very positive, although it does provide opportunities for further training and deployment. The potential use of AOS Squads in this manner would involve minimal costs. Each squad has its own base and each squad trains one day per month, as well as having an additional annual three day 'camp'. This review, as a result of informal discussions with strategically placed AOS members, has found considerable support for the proposal. Cost wise, it is not envisaged that there would be any substantial increase in call outs. It is more the knowledge that the call out can be activated depending on the circumstances. Each situation would be assessed separately and may not need a full turnout of the group. In keeping with this philosophy, even if there are additional costs, if lives are saved or if litigation is avoided through this process, then the objectives have been achieved.

It should also be noted that Inspector R Van Beynen (AOS Commander : Auckland) has been independently asked by Superintendent Matthews to consider the merits, or otherwise, of full time deployment by AOS members in the pan-Auckland environment. Inspector Richard Shortt, during the course of his research paper towards a Master of Public Management degree, considered similar overseas experiences. He noted that a full time armed response capability was available in some British jurisdictions and when not deployed with critical incidents they were deliberately engaged in traffic related duties.

The Victoria Police Special Operations Group (SOG) is fully deployed in dealing with the full range of tactical options needed to counter various degrees of threat (counter terrorist through to many incidents of responding with less than lethal options). An interesting point to note it that SOG members retain their weapons and uniforms at home addresses for immediate activation. An alarmed vehicle is taken to the home of a member who is

geographically located near other colleagues. He then uplifts colleagues in the event of a 'call-out' and drives to the safe assembly point. The Police meet all costs for storage at the member's private address and no difficulties have arisen. One would imagine that a similar process could work in the New Zealand environment, particularly in the large centres where unnecessary delays can occur. One only has to consider the time delays that occur in the Wellington environment when all AOS personnel initially respond to the one central base! This situation is replicated throughout New Zealand. The Victoria Police policy is based on the premise that immediate support for generalist personnel should be given as soon as possible.

The other psychological aspect is that if members know that a team of higher skilled operatives is available for deployment, they will be less likely to engage in a confrontational situation, as opposed to maintaining a containment function.

This concept does not over-ride the problem of many incidents which are by their very nature critical within the first two minutes of Police arrival. Training with general duties personnel is essential to deal with these.

In summary, consideration should be given to extending the overall availability, training and equipment options of current AOS Squads to cater for a range of violent/potentially violent situations – coupled with a name change. The AOS pride themselves upon the success of their outcomes. This would send a clear message to politicians, the media, the public at large and all Police personnel that this organisation is committed to the principle of less than lethal options being deployed whenever critical instances arise. It is further submitted that the current AOS structure within the twelve Police Districts lends itself to this policy and practice being implemented without too much re-organisation, given the infra-structures currently in place. The possibility of members having storage facilities at private addresses, with appropriate alarms, may also need to be considered.

3. Command Issues – Communication Centres

The three Communication Centres have been in place for over four years and the vexing question of their incident command/control role has yet to be resolved. Numerous Police Complaints Authority investigations have, through necessity, considered this area.

Many anecdotal incidents were also raised by those interviewed, sufficient to reinforce this concern.

A finite and well communicated policy has to be put in place. One option is for the Communication Centres to maintain functional command of an incident until such time as it is formally 'passed over' to the senior field supervisor (it is arguable that a Communication Centres will never have 'control' given a lack of proximity). The incident is then 'commanded and controlled' by the nominated senior field officer for the duration of the event. Having said that, the senior supervisor at the Communications Centre has an obligation to monitor and generally oversee proceedings to ensure matters are dealt with according to established policy. There may be occasions when the Communication Centre supervisor has concerns and re-establishes his/her 'command' of

the event in the formal sense. Those occasions will be the exception rather than the rule – an example being a dangerous vehicle pursuit where guidelines are not being adhered to. The area of pursuits is invariably dealt with effectively by the Communication Centres.

Concerns in this area are captured in the following statement:

The 'operation' that goes wrong usually precipitates questions from a wide range of 'interest groups' about the way in which it was managed. In the event of an inquest and other enquiries these questions become quite pointed as they search out the detail. This quest usually starts with the first telephone call or radio tasking and encompasses: leadership; thought processes of the members involved; the law; placement of vehicles and people; assistance sought; alternatives, options and reasons for the choice adopted; the action taken and its outcomes. In other words the way in which the incident was managed. (National Police Research Unit – National minimum guidelines for incident management, conflict resolution and use of force – P 23)

As a side issue, it is quite apparent that frustrations occur through members and units not 'logging on' at the commencement of each shift. This is an often repeated criticism emerging from the Communication Centres. Threats arising from critical incidents are often reduced through the mere presence of Police officers attending in numbers and the current lapses aggravate dangers to Police and the public at large. Command and control functions and structure should be uniform throughout the country.

Another point raised during this review concerned command and control issues during the course of Armed Offender Squad call-outs. It appears that all too often the AOS Commander becomes the overall operation commander as well. There must be a clear practice of having two separate and distinct commanders (i.e. the Operation Commander being in overall control and the AOS Commander having his/her own responsibilities) in this situation. These principles are clear in the Manual Of Best Practice, however, the practical application needs to be reinforced.

In any event, New Zealand Police is exposed to risk if the present unclear policy continues. Command and control issues will be prominent with any event involving the use of lethal or potentially lethal force by Police.

Criminal Liability Investigation

Instances of death or grievous bodily injury arising in response to critical incidents during the course of Police duty attracts the highest media, political and general comment. The New Zealand Police comes under the national ‘spotlight’ during such times and there is considerable risk to our organisation if an appropriate investigation is not instigated as expeditiously as possible. This organisation must be acutely sensitive to this situation.

It is imperative that investigations into these matters are undertaken in a timely, independent and highly professional manner. It is recommended that a CIB Commissioned Officer from outside the relevant District, as a matter of policy, conducts the enquiry at the first available opportunity. Consideration should also be given to using “out of District” investigators, particularly when dealing with Police officers who are centrally involved in the incident. A definite command structure needs to be activated immediately. The Commissioned Officer, in conjunction with the District Commander, will also have responsibility for ensuring that a media plan is implemented without delay.

The reviewers are quite clear that a well structured and timely media strategy is imperative in these types of investigations. It is recommended that national protocols for implementation in Districts be implemented without undue delay. Delays in this process can lead to an unnecessary vacuum, idle speculation, spurious and unanswered allegations and insecurity in the work place.

Critical Incident Review/Debriefing

Instances of lethal force occurring during the course of Police duty are invariably the subject of an intensive criminal and civil liability probe and a separate Police Complaints Authority investigation. These investigations are often involved and drawn out affairs and once completed the relevant correspondence becomes deposited in various official organisations for lengthy periods of time.

It is important that a debrief by operational supervisors occurs once formal decisions have been made. A debrief that focuses upon ‘lessons learned’ in the context of the Staff Safety and Tactical Training programme. There is little evidence to suggest (outside the Office of the Commissioner) that the circumstances surrounding the shooting events outside the Christchurch Police Station in 1998, the fatal shooting of Edwin Leo at Helensville in 1999 or the tragic circumstances of Constable Stretch’s death at Mangakino (to name but a few) have been formally debriefed for the benefit of staff immediately involved or for the wider Police audience. AOS / STG incidents are reported at national level as a matter of course – the same can not be said for all major general duties critical incidents.

Whilst our organisation would have to be careful not to personalise issues, valuable lessons need to be built upon during our overall training, with the philosophical support of staff directly affected. As one senior Police officer said during the course of this review... “ *If I was killed on duty, and it was apparent that I made some mistakes, I would lie a little more comfortably knowing that some training good had come from my*

demise!”

Quite apart from critical major incidents, there is high value in formally debriefing all incidents where officer safety is compromised or where some initiative was taken which averted potential injury and which should be shared with other Districts. It is noted that current policy exists for all significant accident investigations (which includes injuries) to be referred to the National Police Health and Safety Consultative Committee for analysis and remedial action as deemed appropriate.

Apart from the above, there must be immediate feed-back from debriefs into the proposed National Safety Data Base. The reviewers have noted there is no current formal or structured process catering for these events. The Victoria Police debrief all operational safety incidents, with additional reference against the ‘Operational Safety Principles’ (refer Appendix C) and it is recommended that the New Zealand Police follow suit. To achieve this the Manual of Best Practice (Major Operations), at pages 18 and 19, would need to be modified and adapted to accomplish this ideal. This would give more precision and focus. It is a lost opportunity if this information is not captured in a timely manner.

It is noted that in the Assault Review of June 1998, the following comment was made: “*there is a need for better pre and post deployment briefings, and for better follow up with officers who have been assaulted.*” This recommendation has not been developed fully.

It is recommended that where any staff member is injured or where there are any lessons in terms of significant staff safety (as determined by relevant supervisors) then the matter should be the subject of a formal debriefing process with information relayed to the training environment. As mentioned, this information should potentially be captured by means of the electronic medium.

6. Staff Safety Tactical Training and District Accountability

Because the SSTT programme is fundamental in terms of operational safety and competent response to critical incidents, a complete appraisal was undertaken of the training documentation, frequency of delivery, quality of training, training in situ and future directions. It is relevant to note that the basis of the current training was implemented following examination and modification of the Project Beacon model from Victoria. SSTT should be considered as a five year strategic implementation strategy and not a one off training programme.

At the heart of the current program is the Tactical Options Model which is a reactive situational model to deal with any critical situation as it unfolds. The benefit of this model is its simplicity. As long as members follow the thought processes behind the model with assessment and reassessment, their decision making can withstand the ultimate scrutiny. Communication is the overarching consideration with the key message being “Maximise Safety, Minimise Risk”. If however, force is unavoidable, the model mandates that it is appropriate to escalate and de-escalate the choice of equipment or tactics in accord with the direction the incident is taking.

Various other models were considered including those from the Royal Canadian Mounted Police, Canada, California, the United Kingdom, Victoria, and New South Wales. The New Zealand model is consistent with international best practice and entirely appropriate for all operational situations. The marketing of this model and associated philosophy over the ensuing years will need constant reinforcement.

Training frequency invariably creates an organisational dilemma in balancing the time commitments in the delivery and retention of perishable skills and the operational needs for front line law enforcement and community services. Other considerations are the occupational health and safety, and vicarious liability of the organisation in not providing the quality or frequency of training to meet operational needs.

The Health and Safety in Employment Act 1992 places obligations on employers to provide safe working environments for employees. The NSW Police Service is currently the subject of prosecution by the Industrial Relations Commission following the fatal shooting of two police at Crescent Head in 1995. One of the charges against that Police Service relates to failing to provide training which adequately addressed those tactics to be employed in high risk situations, failing to ensure mandatory training in the use and reloading of weapons, defensive tactics and communications. It appears that civil action from Workcover authorities, aggrieved members or their families is an emerging trend.

The increasing propensity of the public to take legal action against both individual police and Police organisations in Australia is well known and was again highlighted in Victoria in the Herald Sun on 5th June 2001 in a front page article titled "Unfair Cop". In 1999 and 2000 for allegations of assault alone, Victoria Police paid out a total in excess of A\$1.M. Failure to ensure a rigid training regime which promotes resolution of incidents with minimal use of force would come at the risk of further escalation in civil action.

Best advice in the international environment is that "hard skills" such as firearms training and defensive tactics need to be delivered every four to six months. However, individual jurisdictions, for a variety of reasons, adopt different frequency schedules. Examples in Australia include Victoria where 2 days of refresher training has been ongoing every six months and New South Wales undertaking a 2 day training programme every twelve months supplemented with additional training in OC Spray and an 8 hour programme on "Spontaneous Knife Defences". The 3-day Glock Semiautomatic pistol transition programme was also separate in NSW.

In reviewing the training delivery in New Zealand, it is noted that a conscious decision was made to extend the current staff training programme from the initial 12 month cycle to 18 months. It is noted that 12 months into the programme, the percentage of operational members trained is Day 1= 84%, Day 2= 76%, Day 3= 19%, Day 4= 23%. *There is a high risk to the organisation that the 100% training schedule will not be met.*

One area of concern expressed from both the operational and training environment is the necessity to have 100% of sworn employees trained across the full four day programme. It is considered at least that all identified sworn employees need to undertake Days 1 and 3 (conflict resolution etc) and that the District Commanders should decide which

members should have the full firearms training. However, those undertaking the firearms training should at minimum receive that training on two occasions within a 12 month cycle in keeping with General Instructions. It is the view of Assistant Commissioner Shuey that training should be more frequent than either the 12 or 18 month cycle. However, if the quality controls are established properly, this will more accurately determine the real training requirements.

Another registration of concern is because the delivery is split into separate days over 18 months, there is a danger in not maintaining the balance especially with the communication and negotiation skills. When members are placed in a position of critical risk, they will invariably resort to the skills/equipment of greatest training, security or comfort. *Hence the balance is paramount.*

Training delivery has a resource implication to the Training Service Centre in its capability to meet training demands in the field. At present there are 27 SSTT trainers deployed nationally. It is noted that this is considerably less than that originally recommended and there needs to be an ongoing assessment as to the appropriateness of that allocation especially with higher training demands.

The attendance records of District personnel at Staff Safety and Tactical Training sessions is a risk to the New Zealand Police, with variances throughout the country. It is current policy for a 4 day training package to be administered in a sequential manner to all relevant personnel within the 18 month period without unnecessary slippage. There is evidence that some members are presenting for day three without first having completed day one. The whole training programme was designed to be sequential and added unnecessary burdens and risks are placed on the system when members miss sessions.

As previously mentioned there are signs that these commitments may not be met in certain areas. The percentage of “no shows” of members in the training schedule has averaged +20% across the four days. Issues raised at District level include competing operational priorities, workload, sickness and perceived relevance. This concern was highlighted when the reviewers visited an SSTT training day, having been told there would be in excess of 20 in attendance. Actual attendance was 6! This was comparatively unproductive use of the two training members’ time.

One of the members responsible for SSTT implementation expressed the view that non attendance in terms of training obligations could lead to a \$600,000 under-spend by the New Zealand Police.

It should also be noted that Police have an ACC Partnership Programme with ongoing membership determined by an annual independent audit of health and safety management practices. Maintaining a robust hazard reporting system is a significant part of the membership criteria and staff safety is seen as being critical to ensure Police continued membership of the programme.

Concern was expressed that many trainers were identified because of their expertise with previous firearms training and were then expected to cover the whole range of operational

safety issues, including defensive tactics and conflict resolution matters. There must be a balanced delivery of all aspects of the training package and deficiencies or variances in approach throughout the Districts detracts from training. Trainers should be multi-skilled to be able to deliver all components. Communication skills are imperative. Some trainers have no formal qualification or experience in formal delivery. As a strategic measure they should, as a basic criteria, have attended the Instructors Course at the Royal New Zealand Police College.

It is also apparent that there is a definite need for front-line supervisors to reinforce SSTT training principles with their personnel as a matter of course during line-ups and other similar occasions.

As this issue has corporate significance with an exposed risk, it may be considered appropriate to link the training attendance requirement to the performance base of District Commanders. It is recommended that District Commanders be held accountable, through performance measures, for ensuring that SSTT staff attendance obligations are met within their specified area. At present there is no formal contractual obligation ensuring they are held accountable for such delivery.

Quality assurance must be a critical component of this operational staff safety training package. In order to ensure this is enshrined in practice and maintained at the highest level, trainers must be accredited and receive the same training package so that they can present a consistent message in training delivery across the country. It is noted that a training re-accreditation session is scheduled at the Royal New Zealand Police College towards the end of 2001. It is essential that all trainers attend this session as opposed to a decentralised approach which can occur in practice.

The three coordinating supervisors have a responsibility to constantly assess the quality of training being delivered and obtain feed-back from students at the time of delivery. It is also noted that there is some risk to quality assurance arising from the need of the three co-ordinators to become involved with actual training owing to an obvious shortage of training staff. *Quality assurance is not seen to be as robust as was originally intended and is an identified risk to the continued success of the programme.*

Additionally, structured feed-back should be sought from focus group discussions at various times (6 months after delivery) to assess the retention rate of skills and current level of confidence and competence. Full use of the current best practice groups will also ensure the feed-back loop on the quality of training as well as the use of periodic surveys in the field.

This recommendation includes a specific requirement for the Training Service Centre to develop a structured quality assurance regime to cover all aspects of feed-back from members, trainer accreditation and course quality

7. Training and Certification

There is some disquiet being expressed at the number of Police personnel who have not

received training and who accordingly are not certified to carry such equipment as OC Spray, PR 24 batons, ASP batons and firearms.

Overseas law enforcement agencies are becoming acutely aware of the need for appropriate and all encompassing certification of officers.

Officer-involved shootings are currently scrutinised by police agencies, the public and the courts. Some associations are arguing for police services to begin issuing a personal record for certified firearms officers, identifying the extent of training received and the competency levels achieved. Such documentation for officers and instructors could assist in the reduction of both individual and departmental liabilities. (National Police Research Unit : National minimum guidelines for incident management, conflict resolution and use of force – P 102). The issues surrounding certification were also addressed in the Ten One dated 2 October 1998 under the heading “Best Practice – Certification of Officers (P11)

The issue of tracking training delivery, scheduling at District level and registering of individual certification could be enhanced by a higher level of coordination. One programme which may be considered beneficial is the Smart Rostering system undertaken under the Star Project in New South Wales. That programme has the capacity to identify business risk, service delivery, response times, minimum staffing levels, training requirements and early warning on non-compliant areas. (refer Appendix D) It is noted that Inspector S. Hinds has proposed an assessment of this programme.

Whilst Police General Instructions and policy documents are subservient to the provisions of the Crimes Act (Sections 39, 40 and 48) in the case of lethal force, the New Zealand Police is open to criticism if the criteria is not met in serious situations. The Health and Safety in Employment Act 1992 provisions also apply.

The competency and certification of staff in terms of applying First Aid also falls into this category. Of particular relevance is the need for general duties personnel to be capable of dealing with gun-shot wounds and other life threatening injuries in the first instance. Comment has been made that gun-shot injuries, in particular, should be able to be attended to from an immediate first aid perspective. This knowledge is fundamental and is the subject of considerable discussion during the course of AOS training. Simply put, this specific training should be extended.

As with SSTT obligations, it is recommended that District Commanders be contractually accountable for ensuring that appropriate certification occurs, involving relevant operational personnel under their jurisdiction.

8. Less Than Lethal Options/Project Lincoln

It is clear that less than lethal alternatives are not going to be the panacea in all circumstances but law enforcement agencies have an obligation to be aware of developments and to ensure international best practice in this area is realised. This review has been briefed on the work being undertaken by Inspector Lindsay Duncan and

commends the initiative. It goes without saying that international developments and the general evolving nature of equipment available to Police organisations should always be taken into account.

Internationally, many items of equipment, while having some initial attractiveness have been tested and rejected e.g. nets, rubber projectiles and sticky foam. However, of particular note and interest is the potential for consideration of the 'taser' stun gun. Extensive testing and widespread implementation has been undertaken in Europe, Canada and the United States. Police in Western Australia and Tasmania already have operational deployment of this resource and Victoria has established an Expert Group under Government direction to examine its potential.

Air tasers potentially provide another tactical option in addition to OC spray. It has a greater range and does not rely on pain compliance, therefore pain tolerance is not an issue. Additionally, contamination with over spray is not relevant and rehabilitation is almost immediate. Best advice is that there are no adverse medical considerations, even those suffering heart conditions are unaffected in terms of their general health.

Other products worthy of serious consideration include the long range kinetic impact weapons such as baton rounds fired from a 12 gauge shotgun. Another relatively new product is a pepper ball system to shoot hard, breakable projectiles filled with OC powder at distances up to 30 feet.

A larger "fire extinguisher" of OC spray (Pratt Device), has been successfully used by the Special Operations Group in Victoria for many years. OC foam has a specific application for cell extractions and some air-conditioned environments (no overspray). Further, the question of body armour will be a reoccurring theme for discussion in the context of standards, policy and private purchase. This subject is alluded to as a matter of general interest.

As the range of less than lethal options has a very valuable place in both the immediate and strategic direction, the New Zealand Police should consider the ultimate recommendations of Project Lincoln in an expeditious manner.

9. Policies, Procedures and Guidelines

From an Australian perspective, Assistant Commissioner Shuey has reviewed the relevant policies, procedures and support documentation. It is apparent that the New Zealand training environment has embraced the principle of *maximise safety - minimise risk* and the associated philosophical context. However, it is suggested that other documentation in the hierarchical structure of policy and procedures needs to promote a consistency in message. In addition, all operational safety policy statements and General Instructions must be concise and simple.

The Victoria Police Project Beacon was founded on the philosophy that *“the success of an operation will primarily be judged by the extent to which the use of force is avoided or minimised.”*

It is submitted that in New Zealand the justification for the use of firearms could be simplified and as specific as a “defence of life” philosophy and then “only as a last resort”. As a matter of principle, firearms use, because of the lethal consequences should, in the main, be REACTIVE rather than being aggressive. Consequently, all policy should be deliberately modified and structured to convey that sentiment.

Additionally, a broad policy statement on “Critical Incident Management” could be developed to include something similar to: *“In dealing with armed or potentially dangerous situations, the primary consideration must be the safety of yourself, the public and the offender or suspect. In all instances, the minimum use of force is to be applied for resolution of any incident. The ultimate assessment of any actions undertaken will be ‘were the actions taken reasonable considering all the circumstances which existed at the time’ MAXIMISE SAFETY, MINIMISE RISK.’*

Some areas of concern can be highlighted by reference to the “Best Practice Manual” under the topic “Use of Firearms by Police” where there appears to be a mixture of guidance, training, orders and policy. As a matter of course, members are expected to know what is documented in the policy regime. If this is not recorded in a simple manner, then the dangers at the critical incident stage when stress factors are high is that confusion can cause hesitation in decision making with consequential adverse results. It is noted that the AOS responsibilities in this Manual are currently being subjected to a rewrite by designated AOS Commanders under the guidance of Superintendent Matthews. In this context, it is stressed that a clarification of charter, incorporation of “maximise safety, minimise risk” philosophy be considered of paramount importance. Further, any tactical considerations and information, should be confined to separate training manuals. (Which should be developed for each area of AOS training).

Another minor consideration is in General Instruction F64(1) with the policy statement “as a **general** rule, warning shots should **never** be fired”. If the organisation sees fit to condone warning shots as having a legitimate place in policy documentation, then there are inherent dangers in the decree at para 3 (c) “The shot can be clearly aimed as a warning shot, ie vertically in the air....”. Any vertical shot must by necessity come straight down! The more pertinent aspect is that if the basic philosophy is “defence of

life and last resort”, then it stands to reason that if you fire a warning shot, you have not used your firearm as a last resort. In a similar vein, stringent adherence to “last resort” means the target area must be “centre body mass” with resultant consequences. Acknowledging the very rare occasion when a warning shot may be appropriate, as recognised by the Australian National Guidelines; Police Use Of Lethal Force (1992), an appropriate terminology may be “warning shots should not be fired”.

It is also noted that, following an incident, policy places a strong emphasis upon scene preservation and evidence collection. There may need to be renewed emphasis upon the ‘preservation of life’ doctrine being paramount.

Any reference to “Fire Orders” is considered to be old military terminology as in F62 and the Best Practice Manual. “Firearms discipline” or “Safety Precautions” are seen to be better terms. Further, terms such as “**shooting a suspect**” and “an offender is not to be **shot** unless...” recorded in many areas are not seen to be appropriate statements in police documentation. Police should invariably be reactive in the use of firearms and only as a defensive action. (If an individual is only a suspect, what can be the justification in shooting?)

The maxim “*Defence of Life – Last Resort*” is worthy of reinforcement and would serve to clarify matters for operational Police officers.

As these areas cause some concern, the Office of the Commissioner may deem it appropriate to have the policy, procedures and guidelines for operational safety further reviewed to ensure consistency and simplicity of message (whilst not seen as the panacea, the Victoria Police Manual Operating Procedures have been left with Superintendent D. Kerr for future consideration if deemed appropriate).

In summary international best practice advises that policies should be clear and simple, with detail, explanation or micro management being placed in training manuals.

Other Issues For Consideration

10. First Aid Kits

New Zealand Police operational members have been found wanting on several occasions where the public has sustained serious injury and no first aid provisions have been available to attending Police Officers. Whilst Police are often not the first responder, it is submitted that they have an obligation to administer first aid without delay if required.

It goes without saying that the lives of Police officers and civilians could be compromised if these procedures are not put in place. The question of appropriate first aid experience is another issue and has been dealt with under the training component.

It is important that operational Police vehicles are issued with kits and secondly that audit processes are put in place by District Commanders to ensure that the items are fully stocked.

11. Lethal Force – Breath/Blood Testing Procedures

It is submitted that Police Officers who have occasion to respond to lethal or potentially lethal force during the course of their duty and who cause serious injury to any member of the public (including motor accidents) should, as a matter of course, be the subject of a routine breath and/or blood test procedure.

Many overseas law enforcement jurisdictions administer a breath test as a matter of policy to negate latter assertions by interested parties that the Police officer or officers in question were affected by alcohol at the time of the incident. Such allegations are very difficult to disprove after the event and can lead to unwarranted media speculation if not negated early.

It is accepted that under normal circumstances, not involving a motor vehicle, no authority to demand such testing occurs. An intensive period of education, requiring the support of the Police Association and Guild would be needed if matters are to be advanced in this area.

There is extensive correspondence available from experiences arising in the Australian environment. In 1996, the Wood Royal Commission found that the abuse of alcohol and other drugs by Police was a significant problem. The Commission recommended the immediate introduction of drug and alcohol testing of Police officers. It stated:

Excessive use of alcohol has been identified as a serious problem for police services within Australia. Hearings conducted by the Royal Commission have identified the use of illicit drugs as a further problem.

It is acknowledged and accepted that those comments do not reflect the current New Zealand Policing environment. There have been very few instances where Police have been involved in critical incidents with allegations made that Police officers were under the influence of alcohol or drugs. The reviewing officers posed their own question as to whether they should seriously consider the issue of drink/drug testing for its members? It is a pity that most jurisdictions have introduced mandatory testing with a negative connotation of compromising members rather than as a positive and proactive measure to ensure community confidence in their Police.

If no problem exists in New Zealand, then the risk arises with compliance or non compliance (given the voluntary nature of this proposal) becoming a highlighted issue for defence counsel, the media and other interested groups.

By way of example, it may be that a rural based Police officer consumes the smallest amount of alcohol, is not impaired and becomes involved, through call- back obligations, in a critical incident. The mere presence of alcohol on his/her breath could become a matter of national interest and detract from central issues! Is the New Zealand Police merely creating a 'rod for its own back' by embarking on this potential course of action?

There is also the risk that Police officers (particularly in small stations) may routinely not make themselves available for call-out duties on the basis that they have consumed alcohol and take certain advantages. Having made this comment, the reviewers do not believe this will be a significant issue.

It is against this background that this review recommends that developments within the organisation be monitored. The New Zealand Police is in a rather unique position at the moment, particularly when compared to Australia and indeed many overseas situations. In any event there can be no complacency.

The reviewers raise the subject of breath and/or blood testing as being worthy of consideration, if not immediately, then in the not too distant future. It is noted that these issues have been discussed in the past by various interested Police parties, including the New Zealand Police Association.

12. PR 24 and ASP Batons

Commentators have expressed concern at the policy of withdrawing the PR 24 batons from general operational use. Coupled with this concern is knowledge that some members are still carrying that baton without the appropriate certification.

It is acknowledged that there are considerable training implications for those members who require certification in both the ASP and PR 24 batons. Those training implications also have a ongoing financial cost factor aligned to them. Ongoing PR 24 supply costs, however, should be minimal given that they are now mostly aligned to stations as opposed to being the subject of personal issue.

It is fully appreciated that comprehensive research went into the merits (or otherwise) of all batons in 1999 and that the decisions were the subject of considerable deliberation before the Police Executive. The reviewers have read the extensive Staff Safety correspondence on this subject (Review of Batons – October 1999)

What is apparent is that there is considerable risk to the New Zealand Police if some incident occurs involving serious injury involving the use of a baton, where the member concerned is not fully trained and certified. That risk extends to the obligations under the Health and Safety in Employment Act 1992, it being incumbent upon Police to ensure that training and certification occurs.

Some Districts have decided to allow continued use of the PR 24's (e.g. Auckland City and Christchurch) whereas others (e.g. Wellington) have withdrawn their use for general staff.

Different approaches amongst Districts is not consistent with good policy and is very difficult to enforce. Many members around the country are dissatisfied and believe the batons should be operationally available as and when deemed appropriate.

Removal has difficulties, given that the PR 24 baton has a very legitimate place on many

occasions, such as in demonstrations and wide scale violence. To have this equipment stored in various Police Stations until needed still requires ongoing training to ensure that deployment can occur at short notice. The recent Invercargill waterfront violence an incident that required immediate PR 24 deployment. It is noted that most Districts rely upon trained Team Policing personnel (or equivalents) to be available if necessary. This is more difficult in smaller centres and there is always the risk that officers will access the baton without the certified skill base.

It needs to be reinforced that Districts can authorise continued use of the PR 24 baton, with the consent of District Commanders, *so long as certification has occurred.*

Further, as a strategic measure, staff training in operational safety should be balanced and integrated with consistency of delivery with the “communication” links. It is therefore timely to consider any ongoing PR 24 baton training to be under the umbrella of future SSTT training packages. If this is put into effect there is a need for the Training Service Centre to be resourced accordingly.

13. Carotid Hold

Concern is expressed by Assistant Commissioner Shuey in the use and training of the Carotid Hold as a legitimate “use of force” option. It is appreciated that a full report was presented to the Police Executive Conference in September 1998 resulting in its continued use. Advice at the time included medical opinion from Dr. H. MacDonald, Chief Medical Adviser and Dr. Peter Leslie, Cardiology Department, Wellington Hospital. “Both are of the opinion that, while there are risks in the use of the carotid hold, there are risks in any exercise of force. Prior to using the hold, officers must undertake a risk assessment to determine whether it is actually needed. *It should only be used as a last resort*”.

Current policy decrees;

“The carotid hold (sleeper hold) is a neck restraint involving incapacitation of an individual by applying pressure to the carotid arteries in the neck and thereby restricting blood supply to the brain”

“Staff must be aware that even when correctly applied the carotid hold is potentially lethal and must not be used where a lesser level of force would be effective in achieving control of a violent person”.

The reviewers note that training is only delivered by accredited trainers and training documentation has appropriate cautions. However, the training documentation which includes an explanation of General Instruction A262 misses some critical elements of policy (e.g. omits the warning as in the previous paragraph).

The issues raised are:

The NPRU guidelines of 1998 concluding “In view of the increasing evidence of the

dangers associated with the use of neck holds, it is recommended that they be classified as lethal force in all jurisdictions”

- The fact that “even properly used, the carotid restraint is potentially lethal” (Creighton, B. W (1983), P 104). Carotid restraint; Useful tool or deadly weapon?
- The hold is deliberate and aggressive rather than reactionary to a definite threat (it is easier to justify a counteraction to threat)
- From a tactical and officer safety perspective, any form of close quarter interaction poses a risk of serious injury to members and should be avoided.
- Although the organisation mandates that a use of force report be submitted, compliance in reporting cannot be determined, nor can the full extent of use be realistically ascertained across New Zealand.
- Training documentation and delivery for the recovery mode does not appear to provide the balance that should be exhibited.
- The risks involved should the use of the hold result in an adverse outcome i.e. the policy statements and advice as above and the legitimate training regime places any culpability clearly at a corporate level.
- In view of the above information the use of the hold must clearly be “in defence of life” and then only as a last resort. However, anecdotal evidence suggests widespread operational use and not as a last resort.

As a result of speaking to a range of police personnel, from the operational and training perspective, it was put in the strongest terms that withdrawal of the technique would be met with a great deal of resistance. It is the technique of choice in close quarter contact and it is most effective in overcoming resistance. The other aspect proffered is even if withdrawn, it would still be used in the field (This however clearly places the onus on the individual rather than the organisation).

In the overall circumstances, it is submitted by Assistant Commissioner Shuey that in the event of an adverse outcome, New Zealand Police would be highly exposed because of the documented policy, the legitimisation of the hold in training and the widespread operational use. Conversely, a number of law enforcement agencies within the United States still maintain it for operational use in a similar manner to New Zealand.

From an executive perspective, the dilemma is that the hold has and is still being used successfully. It was previously assessed in 1998 and sanctioned. Therefore withdrawal of the policy would have some internal ramifications. Notwithstanding this aspect, it is considered important to further review the current policy and practice with advice from a number of sources including Legal Section, Training, Internal Affairs and Policy personnel.

14. Glock Pistols

There seems to be a perception within Districts that the Glock is the primary weapon when critical incidents arise. Whether this occurs as a matter of convenience, the perceived lack of .223 Remington rifles or a lack of confidence with the rifle is not clear.

What is clear is that the events of Waitara in April 2000, the shooting of Edwin Leo at Helensville in 1999 and the series of shots fired outside the Christchurch Police Station in 1998 (to name but a few) seriously question the appropriateness of the Glock pistol as a primary weapon for Police in emergency situations. To put it bluntly, its 9 mm 'stopping power' in dire circumstances is questionable on occasions.

Police Officers are routinely given the Glock in circumstances where it is unsuitable to achieve required results. It is essentially a close quarter defensive weapon and has limited capability in many situations where defence of life is required. The Glock appears to be the favoured weapon of first resort and staff instinctively tend to arm themselves with that weapon.

From a Health and Safety in Employment Act 1992 perspective, the organisation may find itself somewhat vulnerable if an officer's safety is compromised in some future incident. An informed view is that the 10mm Glock would be a more appropriate weapon in terms of effectiveness and accuracy. These issues were the subject of considerable deliberation and research by the Victoria Police Special Operations Group in 1997 and 2000. The debate concerning the 10mm Glock is supported in principle by Superintendent Neville Matthews from the Office of the Commissioner. There are obvious costs associated with any potential change.

Whilst there would be considerable savings for Police not having to train all personnel in both the Glock and the rifle this should not be allowed to dictate future firearms policy within the New Zealand Police. Difficulties would also occur if non specialist General Duties personnel were only given rifles for deployment.

They include recognition:

- that the pistol is necessary in some close quarter type situations such as 'house clearances' or during the course of search warrants.
- that the use of a rifle alone commits the Police officer to using both hands and restricts his/her ability to use or choose less than lethal options (potentially committing the member to a definitive course of action)
- that the use of a rifle may bring into question the immediacy of a threat if a shot is fired from a distance and may commit a Police Officer to that course of action under circumstances when other options could have been deployed.
- that the public would perceive the carrying of rifles (to the exclusion of Glockes) as reflecting a hardening of attitude by Police.
- that considerable dual training would still be required to cater for specialised squads, including CIB personnel.
- that any potential move in this direction would be at complete odds with other international law enforcement policy.

In all the circumstances, Police use firearms on occasions to protect themselves or others from the threat of death or serious injury where other options are not appropriate. It is a last resort. It is submitted that the issuing of Glocks is still a very necessary option, if supported by other personnel in possession of the .223 rifle and accordingly giving the appropriate 'cover'. The Glock adds another dimension to the 'tool-box', allowing carriage of a weapon that can be holstered and allowing (if appropriate) the officer to negotiate from a closer position. It gives another option to responding Police.

Another report commissioned by the Victoria Police Special Operations Group in July 2000 confirmed the .223 Remington rifle as being highly recommended for operational deployment.

It is also noted that AOS personnel regard the rifle as the primary weapon – the Glock being very much a secondary form of self defence. Some commentators referred to the inequity amongst Districts in terms of .223 Remington and Glock availability.

It is **recommended** that:

- there be a national audit as to the availability of all firearms in order to confirm an appropriate distribution of weapons (in number and type) throughout the country.
- further research be undertaken to determine whether the 10mm Glock should be secured for future deployment by the New Zealand Police.
- a strong message be sent to Districts reinforcing the need for .223 Remington rifles to be deployed in conjunction with and in support of Glocks at the first available opportunity, whenever there is a need to respond to critical events.

CONCLUSIONS / FUTURE DIRECTIONS

This review has intentionally focussed on an evaluation of policies, training and guidelines from a strategic perspective. It is acknowledged that training in operational safety is by its very nature dynamic and must evolve in accord with society and the environment in which enforcement and community services are delivered. If implemented, the more important recommendations will provide a solid framework for problem identification through the National Staff Safety Data Base System, direct feedback into the training environment and modification of training to keep pace with operational “on the job” requirements. A quality assurance regime will ensure accreditation of trainers, accreditation of all operational members and appropriate monitoring mechanisms to ensure compliance.

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