

Queensland Government response to the Crime and Misconduct Commission (CMC) report “Evaluating Taser reforms: A review of Queensland Police Service Policy and Practice”

| Report Recommendation | Position | Government response | Timeframe |
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| <p>Recommendation 1 That:</p> <ul style="list-style-type: none"> a. the QPS Taser policy (Section 14.23 of the OPM) be revised to include clear definitions of relevant terms, specifically including ‘use’, ‘deployment’ and ‘presentation’ b. these terms be used consistently throughout QPS policies, guidelines, training materials and review reports. | Supported | <p>The QPS will incorporate definitions of the following terms at the beginning of section 14.23 of the Service’s Operational Procedures Manual (OPM): use, deployment, presentation, probe mode, drive stun mode, single cycle, multiple cycle and prolonged cycle.</p> <p>The QPS will review its policies, guidelines and training materials to ensure consistent use of these terms.</p> | 30 January 2012 |
| <p>Recommendation 2 That the QPS consider incorporating scenarios in the revised 2012 Taser training courses that cover more of the ‘grey areas’ in relation to Taser use — that is, scenarios that challenge officers and help them to further develop their skills in decision making and conducting continual threat assessments.</p> | Supported | <p>The QPS Operation Skills and Tactics Unit (OST) is currently developing a training scenario which will require police to take action in a critical situation based on the circumstances, QPS policy and individual judgement.</p> <p>This training scenario will be compliant with the Australia New Zealand Policing Advisory Agency (ANZPAA) recommendation of fully integrated use of force scenarios.</p> | 31 May 2012 |
| <p>Recommendation 3 That the QPS:</p> <ul style="list-style-type: none"> a. develop a short trainee evaluation form that officers can complete at the end of each Taser training course; the form should include enough questions to allow the QPS to assess trainees’ views about the appropriateness and effectiveness of Taser training and to identify aspects of the training that might be improved, particularly in light of trainees’ operational experiences | Supported | <p>The QPS has re-commenced the distribution of the original Taser training feedback form. The form assesses trainees’ views about the appropriateness and effectiveness of Taser training and seeks to identify aspects of the training that might be improved. These forms are reviewed by the Officer in Charge of QPS Operational Skills and Tactics (OST) as part of a program of ongoing evaluation of Taser training to ensure training courses are current, relevant and consistent with best practice.</p> | Completed and ongoing |

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| <p>b. ensure that trainee feedback is included in part of a program of ongoing evaluation of Taser training designed to ensure that QPS Taser training courses are current, relevant and consistent with best practice.</p> | | | |
| <p>Recommendation 4 That the QPS Taser policy (Section 14.23 of the OPM) be amended to explicitly prohibit the deployment of Tasers in drive stun mode unless exceptional circumstances exist.</p> | <p>Supported in part</p> | <p>The QPS Taser policy (Section 14.23.3 of the OPM, under ‘Use of a Taser’) will be amended to include the following:</p> <p><i>A Taser should not be used in drive stun mode, except:</i></p> <p><i>(i).in extreme circumstances where there is no other reasonable option to avoid the imminent risk of serious injury, or</i></p> <p><i>(ii) when it is used in combination with the probe mode to complete an incapacitation circuit.</i></p> <p>The current QPS Taser policy clearly articulates the limitations of using a Taser in ‘drive stun’ mode (Section 14.23 of the OPM). The policy stipulates that the Taser is not used in ‘drive stun mode’ as a coercive tool. All officers are required to use the minimum force necessary to resolve situations and are to consider all the use of force options available to them in the circumstances of any incident.</p> <p>The QPS Taser training promotes the use of the Taser as per the manufacturer’s design (probe mode) and emphasises that ‘drive stun’ mode is not a lesser use of force option, does not immobilise a person and should only be used to complete an incapacitation circuit. The use of Taser in ‘drive stun’ as a backup mode is discussed as an alternative in situations where it is tactically sound; that is, if after use in ‘probe mode’, a miss or disconnection</p> | <p>30 January 2012</p> |

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| | | <p>occurs.</p> <p>Analysis of QPS deployments indicates that there are occasions, in high risk situations, where an officer may miss the target person due to sudden movement, or a disconnection occurs after the Taser is deployed. It is believed that these situations by definition would not constitute 'exceptional circumstances', yet an officer may use the Taser in 'drive stun' mode to complete the circuit and obtain incapacitation.</p> | |
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| <p>Recommendation 5 That:</p> <p>a. the QPS Taser policy (Section 14.23.3 of the OPM, under ‘Deployment of a Taser’) be amended to include the following statement after ‘(v) a combination of these factors existed’: ‘Officers should be aware that Indigenous people are more likely to suffer from underlying health problems such as heart disease, lung disease and other illnesses that may increase their risk of experiencing adverse health effects when a Taser is deployed against them.’</p> <p>b. the QPS Taser training be amended to address the above policy change.</p> | <p>Supported</p> | <p>The QPS supports this recommendation. The health issues of Indigenous people are currently highlighted in compulsory training to all QPS officers (recruits).</p> <p>The QPS Taser policy (Section 14.23.3 of the OPM, under ‘Deployment of a Taser’) will be amended to include the following: <i>Officers should be aware that multiple or prolonged uses of a Taser have been linked to deaths, particularly where: ... (ii) subjects had underlying health problems. Some groups, for example, Indigenous and elderly persons and drug users, may suffer or be more prone to health problems such as heart disease, lung disease and other illnesses</i></p> <p>The QPS will also continue to address Indigenous health issues through;</p> <ul style="list-style-type: none"> • Police Recruit Operational Vocational Education (PROVE) program – Cultural awareness training (Mod 1, 4 hours); • Competency Acquisition Products (CAP) - Aboriginal and Torres Strait Islander Peoples in Australian Society QCI004 (Race relations), QCI005 (Government and the law), QCI007 (Social issues) and QCP009 (Custody issues); and • Specific Indigenous community profiles (Computer Based Training) which forms part of the essential selection criteria for any position in an Indigenous community. <p>The QPS considers it paramount to highlight all the potential health issues associated with a Taser deployment (regardless of a person’s race) both in policy and training. The QPS will continue to dedicate 1.5 hours during Taser</p> | <p>N/A</p> |
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| | | training to identify the potential issues and risks that officers should be aware of in regard to Tasers. The training will be amended so that officers are aware that some groups, for example, Indigenous, elderly and drug users, may suffer from underlying health problems (such as heart disease, lung disease and other illnesses) which may increase their risk of experiencing adverse health effects when a Taser is deployed against them. | |
| Recommendation 6 That the QPS Taser training specifically highlight for officers the risk of fall-related injuries to subjects who are standing on hard surfaces (such as concrete, gravel, roadways) when a Taser is deployed against them. | Supported | While the QPS currently addresses fall-related injuries in Taser policy and training, the Service will extend the training to specifically address the risk of fall-related injuries to subjects who are standing on hard surfaces (such as concrete, gravel, roadways). | 30 January 2012 |
| Recommendation 7 That the QPS amend the Taser policy (Section 14.23 of the OPM) to require officers to report instances where they draw their Taser from the holster in the presence of a person to demonstrate a capacity to deploy the Taser as a use of force option, even if the Taser is not pointed in the direction of a person. | Supported | The QPS define the term 'use' within Section 14.23 of the OPM. This definition will extend to, and require the reporting of, instances where an officer withdraws the Taser from their holster in an operational environment. | 30 January 2012 |
| Recommendation 8 That the QPS examine the feasibility of seeking a medical assessment by a qualified medical practitioner for any person who has a Taser deployed against them. | Supported | The QPS will examine the feasibility of seeking a medical assessment by a qualified medical practitioner for any person who has a Taser deployed against them. The QPS will provide advice to the CMC on the outcomes of this examination. | 30 April 2012 |
| Recommendation 9 That the QPS amend the OPM to require any person exposed to a Taser deployment to be assessed by an officer according to the Post Arrest Risk Assessment (PARA) Scale immediately after being restrained. | Supported in principle | The QPS is currently reviewing the application and terminology of the Post Arrest Risk Assessment Scale to capture broader 'in-custody' situations, not just when a person has been arrested. The QPS is committed to ensuring officers have appropriate tools for conducting assessments in relation to possible or potential health related issues when dealing with subjects in all in-custody/use of force situations. | 30 January 2012 |

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| | | The QPS will conduct analysis across all arrest or custody situations and develop a tool for use in broader 'in-custody' situations. Once finalised, this tool will be incorporated into the most appropriate QPS policy or guidelines. The QPS will provide advice to the CMC on the outcomes of the analysis. | |
| <p>Recommendation 10</p> <p>That the QPS develop an updated community engagement strategy for Tasers in light of the significant changes that have been made to policy, training and monitoring processes since the initial Taser rollout. The strategy should:</p> <ul style="list-style-type: none"> • target people who have underlying health conditions that may put them at greater risk of physical harm from a Taser deployment • be developed in consultation with peak bodies — including non-government organisations and advocacy groups such as the Queensland Alliance for Mental Health and the Aboriginal and Torres Strait Islander Legal Service (ATSILS) — to determine the most appropriate and effective ways of engaging with different parts of the community. | Supported | <p>The QPS will develop an updated community engagement strategy for Tasers in consultation with the Queensland Alliance for Mental Health (QAMG) and the Aboriginal and Torres Strait Islander Legal Service (ATSILS).</p> <p>The community engagement strategy will be finalised after the QPS has considered the findings to be handed down by Deputy State Coroner in the inquest into the death of Mr Antonio Galeano.</p> | 30 April 2012 |
| <p>Recommendation 11</p> <p>That Section 14.23.10 of the OPM be modified to allow any appropriate supervisor, preferably a Commissioned Officer, to fulfil the responsibilities currently allocated to OICs only.</p> | Supported in part | <p>Currently, after any Taser use, Section 14.23.10 of the OPM requires the Officer in Charge (OIC) to complete numerous tasks prior to the end of the shift. These include administrative tasks such as reviewing the incident, completing a Taser Usage Report, completing a Significant Event message and where practicable, conducting a face-to-face meeting with the subject officer.</p> <p>The requirements set out in this OPM can be completed by</p> | 30 January 2012 |

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| | | <p>an appropriate supervising officer who is not necessarily a Commissioned Officer. However, it is acknowledged that the current policy is difficult in instances where the Officer in Charge uses a Taser.</p> <p>The QPS proposes to amend the policy to allow an appropriate supervisor to fulfil the responsibilities currently allocated to the Officer in Charge. This may include an Officer in Charge, Duty Officer, Regional Duty Officer or any Commissioned Officer. An appropriate supervisor may be of the rank of Sergeant or higher.</p> | |
| <p>Recommendation 12 That the QPS Taser policy (Section 14.23.20 of the OPM) be modified to state: 'All incidents involving the use of a Service Taser will be reviewed by the relevant Chief Superintendent, who is to consider any <i>use</i> of a Taser within 72 hours of the event.'</p> | Supported | The QPS will modify section 14.23.20 of the OPM to include the change requested in this recommendation. | 30 January 2012 |
| <p>Recommendation 13 That the QPS examine the feasibility of requiring all SERPs to include a standing representative who is a qualified Operational Skills and Tactics instructor.</p> | Supported | The QPS will examine the feasibility of requiring all Significant Event Review Panels (SERPs) to include a standing representative who is a qualified Operational Skills and Tactics instructor. The QPS will provide advice to the CMC on the outcomes of this examination. | 30 April 2012 |
| <p>Recommendation 14 That the QPS examine the feasibility of requiring all SERP members to be operationally trained in the use of Tasers.</p> | Supported | The QPS will examine the feasibility of requiring all SERP members to be operationally trained in the use of Tasers. The QPS will provide advice to the CMC on the outcomes of this examination. | 30 April 2012 |
| <p>Recommendation 15 That the QPS examine the feasibility of integrating alternative perspectives into SERP deliberations.</p> | Supported | The QPS will examine the feasibility of integrating alternative perspectives into SERP deliberations. The QPS will provide advice to the CMC on the outcomes of this examination. | 30 April 2012 |

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| <p>Recommendation 16</p> <p>That the SERP minutes template being developed by the QPS capture sufficient information about SERP processes and deliberations to allow the SERP Quality Control Committee to effectively monitor the SERPs' activities and decisions. At a minimum, the minutes should note for each matter considered by the SERP:</p> <ul style="list-style-type: none"> • the specific comments made by the Regional Education and Training Coordinator, Professional Practice Manager and Operational Skills and Tactics instructor (if applicable) • any other substantive comments from individual panel members noting concerns or good work • a conclusion and/or recommendation that highlights the substantive issues considered by the SERP and provides a specific assessment of the individual incident. | <p>Supported in principle</p> | <p>The QPS has recently established a Quality Control Committee (QCC) that overviews the SERP findings and disseminates trends identified by SERP on a state-wide basis. The QCC is currently trialling templates for SERP.</p> <p>The QPS has developed and is trialling a SERP minutes template for each matter considered by SERP. This template captures:</p> <ul style="list-style-type: none"> • dissenting comments from individual panel members • comments noting concerns or good work • a conclusion and/or recommendation <p>The CMC recommendation to record specific comments made by individuals, the substantive issues considered and a specific assessment of the individual incident during the SERP process, would have significant resource implications.</p> <p>The QPS is of the view SERP minutes should be consistent with other minutes as per QPS policy i.e. minutes should record outcomes and actions from agenda items. The outcomes and actions within the minutes will reflect members' comments, and that dissenting views only should be specifically acknowledged and recorded in the minutes.</p> | <p>30 June 2012</p> |
| <p>Recommendation 17</p> <p>That the QPS Taser policy (Section 14.23 of the OPM) be modified to require station OICs to ensure that data are downloaded from all station Tasers and a sample of the data is cross-checked against the Taser register and reported Taser deployments at least every six months, with a view to identifying any unreported deployments.</p> | <p>Supported</p> | <p>Currently, each station has implemented local risk management and compliance procedures for their Tasers based on the Taser risk and compliance guidelines implemented in 2009.</p> <p>These guidelines will be formalised in policy and included as an appendix within Section 15 ('Risk Management') of the OPM. The policy will require OICs to conduct an initial download of all station Tasers.</p> <p>Inclusion in the Risk Management policy will ensure each</p> | <p>30 January 2012</p> |

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| | | device will be downloaded at least once every three months and a sample of download data cross-checked against the Taser register and Taser deployments. | |
| <p>Recommendation 18 That the SERP Quality Control Committee to be established by the QPS disseminate findings and trends from SERPs across the service where relevant so that individual regions and commands are aware of important usage trends, innovations and activities emerging in other areas.</p> | Supported | The QPS established a permanent Quality Control Committee (QCC) under the Service's Ethical Standards Command in January 2011. The terms of reference for this committee include the dissemination of findings and trends from SERPs across the Service to other QPS regions and commands. | Completed and ongoing |
| <p>Recommendation 19 That, subject to independent testing to ensure the accuracy of the device, the QPS purchase CEW Electrical Testing Units. Once acquired, the QPS should ensure that electrical output testing is conducted:</p> <ul style="list-style-type: none"> • on every Taser before it is put into training or operational use • annually on a sample (at least 10%) of all Tasers in the QPS's inventory (ensuring geographical representation) • where a person has died or suffered serious injury after being exposed to the effects of a Taser. <p>The purpose of these tests should be to ensure that the weapons are operating within the technical parameters specified by the manufacturer.</p> | Supported | <p>The QPS has identified a Conducted Energy Weapon (CEW) electrical output testing device manufactured in Canada. These devices are new to the market and as such may require independent testing.</p> <p>The QPS will investigate the suitability and accuracy of these testing devices with a view to purchase. If the testing devices are found to be suitable and accurate, the QPS will purchase the devices and use them to conduct electrical output tests on Tasers as per this recommendation.</p> <p>The QPS will advise the CMC of the outcomes of the independent testing.</p> | 30 April 2012 |
| <p>Recommendation 20 That the QPS's Operational Research and Advisory Unit be tasked to maintain a watching brief for future developments in CEW technology, with a particular emphasis on ensuring that the QPS uses the most operationally effective, safe and accountable technology. In particular, the QPS</p> | Supported | The QPS has assigned the responsibility of the watching brief to the Taser Project within the QPS Education and Training command. The Taser Project will monitor future developments in CEW technology as per this recommendation. | Complete and ongoing |

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| <p>should continue to seek a weapon that has the ability to record trigger pulls, limits the length of cycles and restricts the number of times that the weapon can be cycled during an individual incident.</p> | | | |
| <p>Recommendation 21 That the QPS: a. provide annual monitoring reports on Taser usage by QPS officers to the CMC; the monitoring reports should at least include analysis of:</p> <ul style="list-style-type: none"> • aspects related to mission creep: <ul style="list-style-type: none"> – the number of operational Taser uses, both in total and according to the nature of the use (that is, presentation, probe deployment, drive stun deployment, probe and drive stun deployment) – the percentage of Taser uses that involve a subject who reportedly posed a risk of serious injury – the kinds of situations and subject behaviours that Tasers are used in response to – the percentage of Taser uses that are judged appropriate by the SERP • aspects related to the use of Tasers in ways that may increase the risk of subjects experiencing adverse health effects: <ul style="list-style-type: none"> – the percentage of subjects against whom a Taser is deployed who are the target of multiple and/or prolonged discharges – the percentage of Taser uses that involve a subject who was previously sprayed with OC spray – the percentage of subjects with a suspected underlying mental and/or physical health condition – the percentage of subjects suspected to be under the influence of alcohol and/or drugs – the percentage of subjects who are Indigenous | <p>Supported</p> | <p>The QPS currently does not publicly report on Taser use and will only have the capacity to provide annual monitoring reports and public reports with the commencement of the QPRIME ‘use of force’ capability in 2012-13.</p> <p>In the interim, the QPS will continue to provide the CMC an electronic copy of every Taser Usage Report submitted by QPS officers. All of the data (except SERP decisions) required by the CMC is contained in these reports.</p> <p>The QPS will continue to provide copies of Taser related documents requested by the CMC, including SERP minutes.</p> | <p>March 2014</p> |

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| <ul style="list-style-type: none"> • the percentage of subjects against whom a Taser is deployed who sustain a possible Taser-related injury or complication • the number of accidental Taser deployments. <p>Each of the above areas should be examined with a view to identifying any trends over time.</p> <p>b. report the number of Taser uses (in total and according to the nature of the use) each year in the QPS Annual Statistical Review.</p> | | | |
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